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8 Attorneys for Plaintiff  
9 QUANTUM CORPORATION

10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

12 QUANTUM CORPORATION,

13 Plaintiff,

14 v.

15 OVERLAND STORAGE, INC.,

16 Defendant.

Case No. '13CV0893 DMS BLM

**PLAINTIFF QUANTUM  
CORPORATION'S COMPLAINT FOR  
PATENT INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

1 Plaintiff Quantum Corporation (“Quantum”), by and through its attorneys, states as  
2 follows:

3 **NATURE OF THE ACTION**

4 1. This is an action brought by Quantum against Overland Storage, Inc.  
5 (“Overland”) for infringement of United States Patent No. 7,263,596 (the “’596 patent”).

6 **THE PARTIES**

7 2. Quantum is a Delaware corporation with its headquarters and principal place  
8 of business at 1650 Technology Drive, Suite 700, San Jose, CA 95110.

9 3. Overland is a California corporation with its headquarters and principal place  
10 of business at 9112 Spectrum Center Boulevard, San Diego, CA 92123.

11 **JURISDICTION AND VENUE**

12 4. This is an action for patent infringement arising under the Patent Laws of the  
13 United States. Accordingly, this Court has subject matter jurisdiction pursuant to 28  
14 U.S.C. §§ 1331 and 1338(a).

15 5. This Court has personal jurisdiction over Overland because Overland has  
16 continuous and systematic business within the State of California and the Southern  
17 District of California, and Overland has transacted business in this District, supplied  
18 goods or services in this District, purposefully availed itself of the privileges and benefits  
19 of the laws of this state, and committed acts of patent infringement during the course of its  
20 business in this District. Personal jurisdiction and venue are therefore proper in this  
21 District pursuant to 28 U.S.C. sections 1391 and 1400.

22 **BACKGROUND**

23 6. Quantum is the global leader in backup, recovery, and archive technologies  
24 and provides its customers with advice and integrated solutions to better manage their  
25 short- and long-term data storage requirements.

26 7. Quantum is a key innovator in the field of data storage technology and has  
27 developed and patented many products and methods for storing, backing up, and  
28 recovering data. To maintain its position as an innovator and industry leader, Quantum

1 has invested, and continues to invest, tens of millions of dollars in the design and  
2 development of enterprise storage solutions every year.

3 **COUNT ONE**

4 **(Infringement of U.S. Patent No. 7,263,596)**

5 8. Quantum incorporates by reference each of the allegations set forth above.

6 9. Quantum owns by assignment the entire right, title, and interest in and to the  
7 '596 patent.

8 10. The '596 patent issued on August 28, 2007 and is entitled "Logical library  
9 architecture for data storage applications and methods of use." A true and correct copy of  
10 the '596 patent is attached hereto as Exhibit A.

11 11. The '596 patent is valid and enforceable under the laws of the United States.

12 12. Overland has directly and indirectly infringed, and is directly and indirectly  
13 infringing at least claim 34 of the '596 patent, in violation of 35 U.S.C. Section 271 *et*  
14 *seq.*, by making, using, offering for sale, selling in the United States and/or importing into  
15 the United States without authority, products including at least its SnapScale X2.

16 Overland directly infringes claim 34 by, for example, performing testing, configuration, or  
17 research using the SnapScale X2.

18 13. Upon service of these counterclaims, if not earlier, Overland will have  
19 knowledge of the '596 patent and knowledge that products including at least its SnapScale  
20 X2 are specially made and adapted for infringing the '596 patent, that they are not staple  
21 articles or commodities of commerce, and that they have no substantial suitable non-  
22 infringing uses. Overland contributorily infringes at least claim 34 of the '596 patent by  
23 selling, offering for sale, and/or importing into the United States at least is SnapScale X2.

24 14. Claim 34 of the '596 patent claims a method of "utilizing multiple data  
25 storage devices among at least first and second computers or first and second logical users  
26 of the first computer." The method comprises several steps, including dedicating multiple  
27 storage drives to a pool, and selecting one of multiple storage drives in the pool to balance  
28 load across the multiple drives. Overland induces its customers to infringe at least claim

1 34 by encouraging them, as it does in its SnapScale Administrator's Guide,  
2 [http://www.overlandstorage.com/pdfs/support/SnapScale\\_Admin\\_Guide\\_for](http://www.overlandstorage.com/pdfs/support/SnapScale_Admin_Guide_for)  
3 [ROS\\_3.0.pdf](http://www.overlandstorage.com/pdfs/support/SnapScale_Admin_Guide_for), to use the SnapScale X2 to dedicate multiple storage drives to a pool and  
4 to balance load across the multiple drives in a pool while performing file replication.

5 15. Quantum is and will continue to be irreparably harmed by Overland's  
6 infringement of the '596 patent.

7 16. Overland's infringement will continue unless enjoined by this Court.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Quantum prays for judgment:

10 1. That this Court enter an order that Overland has infringed and is infringing  
11 the '596 patent;

12 2. That this Court enter an order enjoining Overland, its officers, agents,  
13 employees, and those persons in active concert or participation with any of them, and  
14 Overland's successors and assigns, from infringing the '596 patent;

15 3. That this Court award Quantum its damages for Overland's infringement of  
16 the '596 patent pursuant to 35 U.S.C. § 284;

17 4. That this Court find that Overland's infringement of the '596 patent has been  
18 willful and increase the damages awarded to Quantum to three times the amount assessed  
19 pursuant to 35 U.S.C. § 284;

20 5. That this Court find Overland's infringement of the '596 patent to be an  
21 exceptional case within the meaning of 35 U.S.C. § 285 and that Quantum be awarded  
22 attorneys' fees;

23 6. That this Court award Quantum prejudgment and post-judgment interest on  
24 its damages;

25 7. That this Court award Quantum its costs; and

26 8. That this Court award Quantum such other and further relief as the Court  
27 deems proper.  
28

1 **DEMAND FOR JURY TRIAL**

2 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Quantum demands  
3 a trial by jury for all issues so triable.

4 Dated: April 12, 2013

DURIE TANGRI LLP

6 By:           /s/ Clement S. Roberts          

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