

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ALCATEL-LUCENT USA INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. _____
)	
SOPHOS INC. and CYBEROAM INC.,)	JURY TRIAL DEMANDED
)	
Defendants.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Alcatel-Lucent USA Inc. (“Alcatel-Lucent USA”) demands a trial by jury on all issues so triable, files this Complaint for patent infringement against Sophos Inc. and Cyberoam Inc. (collectively, “Sophos”), and alleges as follows:

I. PARTIES

1. Alcatel-Lucent USA, formerly known as Lucent Technologies, Inc., is a corporation organized under the laws of the State of Delaware and maintains a principal place of business at 600-700 Mountain Avenue, Murray Hill, New Jersey 07974.

2. Upon information and belief, Sophos Inc. is a corporation organized and existing under the laws of the State of Massachusetts and maintains its corporate headquarters and principal place of business at 3 Van de Graaff Drive, 2nd Floor, Burlington, MA 01803. Upon information and belief, Sophos Inc. is a wholly-owned subsidiary of Sophos Ltd. Upon information and belief, Sophos Inc. sells network security appliances, software, and services to consumers in the United States and, more particularly, in the District of Delaware.

3. Upon information and belief, Cyberoam Inc. is a corporation organized and existing under the laws of the State of New Jersey and maintains a principal place of business at

505 Thornall Street, Suite # 304, Edison, NJ 08837. Upon information and belief, Cyberoam Inc. is a wholly-owned subsidiary of Sophos Ltd. Upon information and belief, Cyberoam Inc. sells network security appliances, software, and services to consumers in the United States and, more particularly, in the District of Delaware.

II. JURISDICTION AND VENUE

4. This action is one for patent infringement arising under the laws of the United States relating to patents, including 35 U.S.C. § 271, 281, and 284-85, among others.

5. The Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. The Court has personal jurisdiction over Sophos because, upon information and belief: Sophos is present or within or has minimum contact with the State of Delaware and the District of Delaware; Sophos has purposefully availed itself of the privileges of conducting business in the State of Delaware and in the District of Delaware; Sophos has sought protection and benefit from the laws of the State of Delaware; Sophos regularly conducts business within the State of Delaware and within the District of Delaware; and Alcatel-Lucent USA's cause of action arises directly from Sophos's business contacts and other activities in the State of Delaware and in the District of Delaware.

7. More specifically, upon information and belief, Sophos, directly and/or through authorized intermediaries, ships, distributes, offers for sale, sells, and/or advertises products and services in the United States, State of Delaware, and the District of Delaware including but not limited to Sophos Unified Threat Management ("UTM") appliances as detailed below. Upon information and belief, Sophos has paying customers who are residents of the State of Delaware and the District of Delaware and who use Sophos's products and services in the State of Delaware and in the District of Delaware. Upon information and belief, Sophos derives

substantial revenue from goods and services provided to individuals in Delaware and in this district.

8. Venue is proper in the District of Delaware pursuant to 28 U.S.C. §§ 1391(b), (c), and 1400 (b). On information and belief, Sophos has transacted business in this district, and has directly and/or indirectly committed and/or induced acts of patent infringement in this district.

III. THE PATENTS-IN-SUIT

9. U.S. Patent No. 6,286,050 (“the ’050 patent”) entitled “SYSTEM AND METHOD FOR MONITORING AND MANAGEMENT OF TELECOMMUNICATIONS EQUIPMENT USING ENHANCED INTERNET ACCESS” was lawfully and duly issued on September 4, 2001. Alcatel-Lucent USA is the owner of all right, title, and interest in the ’050 patent, including the right to sue, recover damages for infringement, and obtain a preliminary or permanent injunction. A true and correct copy of the ’050 patent is attached hereto as Exhibit 1.

10. U.S. Patent No. 6,347,087 (“the ’087 patent”) entitled “CONTENT-BASED FORWARDING/FILTERING IN A NETWORK SWITCHING DEVICE” was lawfully and duly issued on February 12, 2002. Alcatel-Lucent USA is the owner of all right, title, and interest in the ’087 patent, including the right to sue, recover damages for infringement, and obtain a preliminary or permanent injunction. A true and correct copy of the ’087 patent is attached hereto as Exhibit 2.

11. U.S. Patent No. 6,888,797 (“the ’797 patent”) entitled “HASHING-BASED NETWORK LOAD BALANCING” was lawfully and duly issued on May 3, 2005. Alcatel-Lucent USA is the owner of all right, title, and interest in the ’797 patent, including the right to sue, recover damages for infringement, and obtain a preliminary or permanent injunction. A true and correct copy of the ’797 patent is attached hereto as Exhibit 3.

12. U.S. Patent No. 6,944,183 (“the ’183 patent”) entitled “OBJECT MODEL FOR NETWORK POLICY MANAGEMENT” was lawfully and duly issued on September 13, 2005. Alcatel-Lucent USA is the owner of all right, title, and interest in the ’183 patent, including the right to sue, recover damages for infringement, and obtain a preliminary or permanent injunction. A true and correct copy of the ’183 patent is attached hereto as Exhibit 4.

13. U.S. Patent No. 7,143,438 (“the ’438 patent”) entitled “METHODS AND APPARATUS FOR A COMPUTER NETWORK FIREWALL WITH MULTIPLE DOMAIN SUPPORT” was lawfully and duly issued on November 28, 2006. Alcatel-Lucent USA is the owner of all right, title, and interest in the ’438 patent, including the right to sue, recover damages for infringement, and obtain a preliminary or permanent injunction. A true and correct copy of the ’438 patent is attached hereto as Exhibit 5.

IV. COUNT I - INFRINGEMENT OF U.S. PATENT 6,286,050

14. Alcatel-Lucent USA re-alleges and reincorporates the allegations set forth in Paragraphs 1 through 13 above.

15. Sophos owns, operates, advertises, controls, sells, and/or otherwise provides systems that infringe the ’050 patent literally and/or under the doctrine of equivalents. The ’050 patent provides, among other things, a “method for monitoring and management of telecommunications equipment in a telecommunications network via the internet, comprising the steps of: connecting a plurality of user devices to the internet, each user device executing a web browser; connecting the telecommunications equipment by an intranet to the internet; accessing a telecommunications equipment by specifying an internet address associated therewith through a web server residing on the telecommunications equipment; downloading a plurality of web pages from the web server to at least one user device via the internet and intranet, the web pages being

adapted to display monitor and management information associated with the telecommunications equipment, each user device operable to directly connect with a particular telecommunications equipment using its internet address in order to access its associated web pages; receiving user input at the web server from the at least one user device; and modifying operations of telecommunications equipment associated with the web server in response to the user input.”

16. Sophos, directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale, products, systems, and/or methods for monitoring telecommunications network via the internet through a web server that infringe one or more claims of the '050 patent in this district and elsewhere in the United States. Particularly, Sophos makes, uses, provides, offers for sale, and/or sells Cyberoam Central Console and Cyberoam NG Series UTM appliances, which directly and/or indirectly infringe the '050 patent.

17. Sophos was notified by a letter dated May 15, 2014 of the existence of the '050 patent.

18. Sophos is also liable for infringement under 35 U.S.C. § 271(b) for inducing infringement of the '050 patent in this judicial district, in the State of Delaware, and in the United States, by, among other things, providing products capable of performing infringing methods and/or capable of being combined or configured into infringing systems and advising, encouraging, contributing, or otherwise inducing others to use, combine, and/or configure these products such that they embody and/or practice one or more claims of the '050 patent to the injury of Alcatel-Lucent USA. Since at least May 15, 2014, and again since the filing of this Complaint, Sophos has had knowledge of the '050 patent and, by continuing the actions

described above, has had specific intent to induce infringement of the '050 patent pursuant to 35 U.S.C. § 271(b).

19. Sophos is also liable for contributory infringement under 35 U.S.C. § 271(c) as it had knowledge, since at least May 15, 2014, and again since the filing date of this Complaint, that its products, including at least Cyberoam Central Console and Cyberoam NG Series UTM appliances, are components that are especially made or adapted for use in infringement of one or more claims of the '050 patent. Sophos's products are material components for use in practicing the '050 patent. Sophos's products are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

20. Sophos is willfully and intentionally infringing the '050 patent since at least May 15, 2014, and again since the filing of this Complaint.

21. Sophos's aforesaid activities have been without authority and/or license from Alcatel-Lucent USA.

22. As a consequence of Sophos's infringement of the '050 patent, Alcatel-Lucent USA has suffered and will continue to suffer harm and injury, including monetary damages in an amount to be determined.

V. COUNT II - INFRINGEMENT OF U.S. PATENT 6,347,087

23. Alcatel-Lucent USA re-alleges and reincorporates the allegations set forth in Paragraphs 1 through 13 above.

24. Sophos owns, operates, advertises, controls, sells, and/or otherwise provides systems that infringe the '087 patent literally and/or under the doctrine of equivalents. The '087 patent provides, among other things, a "switching device supporting content-based forwarding of data packets, the switching device comprising: an input for receiving the data packet; a filter for

identifying a position within either a header or payload portion of the data packet, the filter further comparing information located in the identified position with a comparator value and returning a filter outcome; and an output for forwarding the data packet or not based on the filter outcome.”

25. Sophos, directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale, products, systems, and/or methods for content-based forwarding/filtering in a network switching device that infringe one or more claims of the '087 patent in this district and elsewhere in the United States. Particularly, Sophos makes, uses, provides, offers for sale, and/or sells Sophos UTM appliances, which directly and/or indirectly infringe the '087 patent.

26. Sophos was notified by a letter dated May 15, 2014 of the existence of the '087 patent.

27. Sophos is also liable for infringement under 35 U.S.C. § 271(b) for inducing infringement of the '087 patent in this judicial district, in the State of Delaware and in the United States, by, among other things, providing products capable of performing infringing methods and/or capable of being combined or configured into infringing systems and advising, encouraging, contributing, or otherwise inducing others to use, combine, and/or configure these products such that they embody and/or practice one or more claims of the '087 patent to the injury of Alcatel-Lucent USA. Since at least May 15, 2014, and again since the filing of this Complaint, Sophos has had knowledge of the '087 patent and, by continuing the actions described above, has had specific intent to induce infringement of the '087 patent pursuant to 35 U.S.C. § 271(b).

28. Sophos is also liable for contributory infringement under 35 U.S.C. § 271(c) as it had knowledge, since at least May 15, 2014, and again since the filing date of this Complaint, that its products, including at least Sophos UTM appliances, are components that are especially made or adapted for use in infringement of one or more claims of the '087 patent. Sophos's products are material components for use in practicing the '087 patent. Sophos's products are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

29. Sophos is willfully and intentionally infringing the '087 patent since at least May 15, 2014, and again since the date of the filing of this Complaint.

30. Sophos's aforesaid activities have been without authority and/or license from Alcatel-Lucent USA.

31. As a consequence of Sophos's infringement of the '087 patent, Alcatel-Lucent USA has suffered and will continue to suffer harm and injury, including monetary damages in an amount to be determined.

VI. COUNT III - INFRINGEMENT OF U.S. PATENT 6,888,797

32. Alcatel-Lucent USA re-alleges and reincorporates the allegations set forth in Paragraphs 1 through 13 above.

33. Sophos owns, operates, advertises, controls, sells, and/or otherwise provides systems that infringe the '797 patent literally and/or under the doctrine of equivalents. The '797 patent provides, among other things, a "router including input links for receiving incoming packets, a routing element for directing incoming packets to outgoing links, and a controller, the improvement comprising: a many-to-few mapping element for obtaining a value from data contained in headers of incoming packets, applying said value to said controller, and said

controller modified to be responsive to said value and to desired loading of said outgoing links, and to route incoming packets that may be routed to any of a plurality of output links in accordance with said value and said desired loading of said output links.”

34. Sophos, directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale, products, systems, and/or methods for hashing-based network load balancing that infringe one or more claims of the '797 patent in this district and elsewhere in the United States. Particularly, Sophos makes, uses, provides, offers for sale, and/or sells Sophos UTM appliances and Sophos Astaro Gateway, which directly and/or indirectly infringe the '797 patent.

35. Sophos was notified by a letter dated May 15, 2014 of the existence of the '797 patent.

36. Sophos is also liable for infringement under 35 U.S.C. § 271(b) for inducing infringement of the '797 patent in this judicial district, in the State of Delaware and in the United States, by, among other things, providing products capable of performing infringing methods and/or capable of being combined or configured into infringing systems and advising, encouraging, contributing, or otherwise inducing others to use, combine, and/or configure these products such that they embody and/or practice one or more claims of the '797 patent to the injury of Alcatel-Lucent USA. Since at least May 15, 2014, and again since the filing date of this Complaint, Sophos has had knowledge of the '797 patent and, by continuing the actions described above, has had specific intent to induce infringement of the '797 patent pursuant to 35 U.S.C. § 271(b).

37. Sophos is also liable for contributory infringement under 35 U.S.C. § 271(c) as it had knowledge, since at least May 15, 2014, and again since the filing date of this Complaint,

that its products, including at least Sophos UTM appliances and Sophos Astaro Gateway, are components that are especially made or adapted for use in infringement of one or more claims of the '797 patent. Sophos's products are material components for use in practicing the '797 patent. Sophos's products are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

38. Sophos is willfully and intentionally infringing the '797 patent since at least May 15, 2014, and again since the date of the filing of this Complaint.

39. Sophos's aforesaid activities have been without authority and/or license from Alcatel-Lucent USA.

40. As a consequence of Sophos's infringement of the '797 patent, Alcatel-Lucent USA has suffered and will continue to suffer harm and injury, including monetary damages in an amount to be determined.

VII. COUNT IV - INFRINGEMENT OF U.S. PATENT 6,944,183

41. Alcatel-Lucent USA re-alleges and reincorporates the allegations set forth in Paragraphs 1 through 13 above.

42. Sophos owns, operates, advertises, controls, sells, and/or otherwise provides systems that infringe the '183 patent literally and/or under the doctrine of equivalents. The '183 patent provides, among other things, a "system for managing policy services in an organization, the organization including a first network having a first set of resources and a second network remote from the first network having a second set of resources, the system comprising: a first edge device associated with the first network, the first edge device configured to manage policies for the first network and the first set of resources in accordance with first policy settings stored in a first database; a second edge device associated with the second network, the second edge

device configured to manage policies for the second network and the second set of resources in accordance with second policy settings stored in a second database; and a central policy server defining the first and second policy settings and managing the first and second edge devices from a single location, the central policy server being associated with a central database storing configuration information of the first and second edge devices, wherein the central database is organized according to a hierarchical object oriented structure; wherein; the central policy server is configured to transmit, in response to a user command, a first policy settings update to the first edge device for storing in the first database and a second policy settings update to the second edge device for storing in the second database.”

43. Sophos, directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale, products, systems, and/or methods for an object model for network policy management that infringe one or more claims of the ’183 patent in this district and elsewhere in the United States. Particularly, Sophos makes, uses, provides, offers for sale, and/or sells Sophos UTM Manager and Sophos UTM appliances, which directly and/or indirectly infringe the ’183 patent.

44. Sophos was notified by a letter dated May 15, 2014 of the existence of the ’183 patent.

45. Sophos is also liable for infringement under 35 U.S.C. § 271(b) for inducing infringement of the ’183 patent in this judicial district, in the State of Delaware and in the United States, by, among other things, providing products capable of performing infringing methods and/or capable of being combined or configured into infringing systems and advising, encouraging, contributing, or otherwise inducing others to use, combine, and/or configure these products such that they embody and/or practice one or more claims of the ’183 patent to the

injury of Alcatel-Lucent USA. Since at least May 15, 2014, and again since the filing date of this Complaint, Sophos has had knowledge of the '183 patent and, by continuing the actions described above, has had specific intent to induce infringement of the '183 patent pursuant to 35 U.S.C. § 271(b).

46. Sophos is also liable for contributory infringement under 35 U.S.C. § 271(c) as it had knowledge, since at least May 15, 2014, and again since the filing date of this Complaint, that its products, including at least Sophos UTM Manager and Sophos UTM appliances, are components that are especially made or adapted for use in infringement of one or more claims of the '183 patent. Sophos's products are material components for use in practicing the '183 patent. Sophos's products are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

47. Sophos is willfully and intentionally infringing the '183 patent since at least May 15, 2014, and again since the date of the filing of this Complaint.

48. Sophos's aforesaid activities have been without authority and/or license from Alcatel-Lucent USA.

49. As a consequence of Sophos's infringement of the '183 patent, Alcatel-Lucent USA has suffered and will continue to suffer harm and injury, including monetary damages in an amount to be determined.

VIII. COUNT V - INFRINGEMENT OF U.S. PATENT 7,143,438

50. Alcatel-Lucent USA re-alleges and reincorporates the allegations set forth in Paragraphs 1 through 13 above.

51. Sophos owns, operates, advertises, controls, sells, and/or otherwise provides systems that infringe the '438 patent literally and/or under the doctrine of equivalents. The '438

patent provides, among other things, “a method of providing a firewall in a computer network, comprising the steps of: segmenting a plurality of security policies into a plurality of domains, wherein a domain comprises at least one security policy and a security policy comprises multiple rules, and further wherein a plurality of administrators are associated with the plurality of domains; and administering the multiple rules such that only an administrator for a given domain is permitted to modify rules of a security policy for that domain.”

52. Sophos, directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale, products, systems, and/or methods for a computer network firewall with multiple domain support that infringe one or more claims of the '438 patent in this district and elsewhere in the United States. Particularly, Sophos makes, uses, provides, offers for sale, and/or sells Cyberoam UTM appliances, which directly and/or indirectly infringe the '438 patent.

53. Sophos was notified by a letter dated May 15, 2014 of the existence of the '438 patent.

54. Sophos is also liable for infringement under 35 U.S.C. § 271(b) for inducing infringement of the '438 patent in this judicial district, in the State of Delaware and in the United States, by, among other things, providing products capable of performing infringing methods and/or capable of being combined or configured into infringing systems and advising, encouraging, contributing, or otherwise inducing others to use, combine, and/or configure these products such that they embody and/or practice one or more claims of the '438 patent to the injury of Alcatel-Lucent USA. Since at least May 15, 2014, and again since the filing of this Complaint, Sophos has had knowledge of the '438 patent and, by continuing the actions

described above, has had specific intent to induce infringement of the '438 patent pursuant to 35 U.S.C. § 271(b).

55. Sophos is also liable for contributory infringement under 35 U.S.C. § 271(c) as it had knowledge, since at least May 15, 2014, and again since the filing date of this Complaint that its products, including at least Cyberoam UTM appliances, are components that are especially made or adapted for use in infringement of one or more claims of the '438 patent. Sophos's products are material components for use in practicing the '438 patent. Sophos's products are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

56. Sophos has been willfully and intentionally infringing the '438 patent since at least May 15, 2014, and again since the filing of this Complaint.

57. Sophos's aforesaid activities have been without authority and/or license from Alcatel-Lucent USA.

58. As a consequence of Sophos's infringement of the '438 patent, Alcatel-Lucent USA has suffered and will continue to suffer harm and injury, including monetary damages in an amount to be determined.

PRAYER FOR JUDGMENT AND RELIEF

WHEREFORE, Alcatel-Lucent USA prays for the following relief:

A. enter judgment that Sophos, its officers, agents, servants, employees and attorneys, and those persons in active concert or participation with them, infringe and have infringed the patents asserted above;

B. award Alcatel-Lucent USA damages from Sophos adequate to compensate for its infringement, including interest and costs;

C. award Alcatel-Lucent USA treble damages as a result of Sophos's willful infringement of the '050, '087, '797, '183, and '438 patents;

D. declare this case to be exceptional and award Alcatel-Lucent USA its reasonable attorneys fees and costs;

E. grant Alcatel-Lucent USA such other relief as this Court deems just and proper.

JURY DEMAND

Alcatel-Lucent USA requests a jury trial for those issues so triable herein.

Respectfully submitted,

/s/ John W. Shaw

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Dated: May 19, 2014