

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**SCIENTIFIC TELECOMMUNICATIONS
LLC**

Plaintiff,

v.

JUNIPER NETWORKS, INC.

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Scientific Telecommunications LLC, files this complaint for patent infringement against Defendant Juniper Networks, Inc. (“Juniper”):

THE PARTIES

1. Plaintiff Scientific Telecommunications LLC (“SciTel”) is a Delaware limited liability company with its principal place of business located at 913 N. Market St., Suite 200, Wilmington, Delaware 19801.

2. On information and belief, Defendant Juniper Networks, Inc. (“Juniper”) is a Delaware corporation with its principal place of business located at 1194 North Mathilda Avenue, Sunnyvale, CA 94089.

JURISDICTION

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

4. On information and belief, Juniper is subject to this Court's jurisdiction because Juniper has, upon information and belief, transacted business in the District and in the State of Delaware. Specifically, Juniper either directly and/or through intermediaries, upon information and belief, ships, distributes, offers for sale, and/or sells products and services in this District. Additionally, Juniper is a corporation organized and existing under the laws of the State of Delaware. Juniper thus has, upon information and belief, minimum contacts with this District and State, has purposefully availed itself of the privileges of conducting business in this District and State, regularly conducts and solicits business within the State of Delaware, and has committed acts of patent infringement in this District and State.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c), and 1400(b).

COUNT I

(Infringement of U.S. Patent No. 6,058,429)

6. SciTel incorporates and realleges the allegations of paragraphs 1-5 as if fully set forth herein.

7. On May 2, 2000, the United States Patent and Trademark Office (“USPTO”) duly and legally issued U.S. Patent No. 6,058,429 (“the ’429 patent”), entitled “Method and Apparatus for Forwarding Traffic Between Locality Attached Networks Using Level 3 Addressing Information,” to Steve Ames, Jan Bialkowski, Donal Byrne, and Dennis Cave, who assigned their rights and interests in the ’429 patent to Bay Networks, Inc. A true and correct copy of the ’429 patent is attached as Exhibit A.

8. SciTel is the assignee of the ’429 patent and has the legal right to enforce rights under the ’429 patent, sue for infringement, and seek all available relief and damages.

9. Upon information and belief, Juniper is infringing and has infringed (literally and/or under the doctrine of equivalents) the '429 patent in this District and throughout the United States by, among other things, making, using, importing, offering for sale and/or selling infringing products, including network switches. Juniper's network switches includes a first set of ports for connecting to a set of virtual local area networks and a second set of ports for connecting to a router. The devices that belong to the virtual local area networks in the set of virtual local area networks communicate with the router by transmitting packets through Juniper's network switches. Juniper's network switches include a learning mechanism that inspects control packets sent between the router and the devices. The learning mechanism of Juniper's network switches store association data that indicates a correspondence between data link layer addresses, network layer addresses, and the first set of ports based on information contained in the control packets. Juniper's network switches use the association data to forward traffic between locally attached virtual local area networks. Juniper's network switches thus operate according to the limitations of one or more claims of the '429 patent. Juniper's infringing devices include, without limitation, its EX Series switches.

10. Juniper has knowledge of the '429 patent due to, among other facts, the fact that Juniper was notified of the '429 patent by plaintiff before the filing of this action.

11. Upon information and belief, Juniper takes active steps to induce its customers to infringe the '429 patent by taking affirmative steps to encourage and facilitate direct infringement by others with knowledge of that infringement, including, upon information and belief, by, among other things, instructing, directing, or otherwise encouraging its customers to use Juniper's network switches in an infringing manner. For example, on information and belief, Juniper provides instructions, design guides, and similar directions to its customers, including

without limitation information provided at its Internet site, www.go.juniper.net, to operate and configure Juniper's products to infringe the '429 patent.

12. Juniper committed these acts of infringement without license or authorization.

13. Juniper undertook its actions of, *inter alia*, making, using, offering for sale, and/or selling unlicensed systems, and products and/or services related thereto despite an objectively high likelihood that such activities infringed the '429 patent, which has been duly issued by the United States Patent and Trademark Office, and is presumed valid. Since at least the time of being notified of the patent, Juniper has been aware of an objectively high likelihood that its actions constituted, and continue to constitute, infringement of the '429 patent and that the '429 patent is valid. Despite that knowledge, on information and belief, Juniper has continued its infringing activities. As such, Juniper willfully infringed the '429 patent.

14. As a result of Juniper's infringement of the '429 patent, SciTel has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Juniper's infringing activities are enjoined by this Court.

15. SciTel has also suffered and will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting Juniper, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '429 patent.

COUNT II

(Infringement of U.S. Patent No. 7,222,188)

16. SciTel incorporates and realleges the allegations of paragraphs 1-15 as if fully set forth herein.

17. On May 22, 2007, the USPTO duly and legally issued U.S. Patent No. 7,222,188 (“the ’188 patent”), entitled “Method and Apparatus for Forwarding Traffic Between Locality Attached Networks Using Level 3 Addressing Information,” to Steve Ames, Jan Bialkowski, Donal Byrne, and Dennis Cave, who assigned their rights and interests in the ’188 patent to Nortel Networks Limited. A true and correct copy of the ’188 patent is attached as Exhibit B.

18. SciTel is the assignee of the ’188 patent and has the legal right to enforce rights under the ’188 patent, sue for infringement, and seek all available relief and damages.

19. Upon information and belief, Juniper is infringing and has infringed (literally and/or under the doctrine of equivalents) the ’188 patent in this District and throughout the United States by, among other things, making, using, importing, offering for sale and/or selling infringing products, including network switches. Juniper’s network switches include a plurality of ports for coupling at least three virtual local area networks. At least one at least one of the plurality of ports is for directly coupling to a router so that there are no interceding devices or local area networks between the network switches and the router. Juniper’s network switches include a mechanism to analyze information transferred from a source device of a first virtual local area network to a destination device of a second virtual local area network and store information identifying a port coupled to the second virtual local area network, a layer two (L2) address of the destination device and a layer three (L3) address of the destination device corresponding to the L2 address. Juniper’s network switches use the information to forward data between the plurality of virtual local area networks. The stored information in Juniper’s network switches form a table that is populated based on prior communications with the router. Juniper’s network switches thus operate according to the limitations of one or more claims the ’188 patent. Juniper’s infringing devices include, without limitation, its EX Series switches.

20. Juniper has knowledge of the '188 patent due to, among other facts, the fact that Juniper was notified of the '188 patent by plaintiff before the filing of this action

21. Upon information and belief, Juniper takes active steps to induce its customers to infringe the '188 patent by taking affirmative steps to encourage and facilitate direct infringement by others with knowledge of that infringement, including, upon information and belief, by, among other things, instructing, directing, or otherwise encouraging its customers to use Juniper's network switches in an infringing manner. For example, on information and belief, Juniper provides instructions, design guides, and similar directions to its customers, including without limitation information provided at its Internet site, www.go.juniper.net, to operate and configure Juniper's products to infringe the '188 patent.

22. Juniper committed these acts of infringement without license or authorization.

23. Juniper undertook its actions of, *inter alia*, making, using, offering for sale, and/or selling unlicensed systems, and products and/or services related thereto despite an objectively high likelihood that such activities infringed the '188 patent, which has been duly issued by the United States Patent and Trademark Office, and is presumed valid. Since at least the time of being notified of the patent, Juniper has been aware of an objectively high likelihood that its actions constituted, and continue to constitute, infringement of the '188 patent and that the '188 patent is valid. Despite that knowledge, on information and belief, Juniper has continued its infringing activities. As such, Juniper willfully infringed the '188 patent.

24. As a result of Juniper's infringement of the '188 patent, SciTel has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Juniper's infringing activities are enjoined by this Court.

25. SciTel has also suffered and will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting Juniper, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '188 patent.

DEMAND FOR JURY TRIAL

Plaintiff SciTel, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

PRAYER FOR RELIEF

For the above reasons, SciTel respectfully requests that this Court grant the following relief in favor of SciTel and against Brocade:

(a) A judgment in favor of SciTel that Juniper has directly infringed (either literally or under the doctrine of equivalents) one or more claims of the '429 patent and the '188 patent (collectively, "the Asserted Patents");

(b) A judgment in favor of SciTel that Juniper has induced infringement (either literally or under the doctrine of equivalents) of one or more claims of the Asserted Patents;

(c) A judgment in favor of SciTel that Juniper has willfully infringed the Asserted Patents;

(d) A permanent injunction enjoining Juniper and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with Juniper, from infringing the Asserted Patents;

(e) A judgment and order requiring Juniper to pay SciTel its damages, costs, expenses, and pre-judgment and post-judgment interest for Juniper's infringement of the Asserted Patents;

- (f) A judgment and order for treble damages pursuant to 35 U.S.C. § 284;
- (g) A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding SciTel its reasonable attorneys' fees; and
- (h) Any and all such other relief as the Court deems just and proper.

Dated: December 5, 2014

STAMOULIS & WEINBLATT LLC

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