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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

SOUTHERN DIVISION

PROXYCONN, INC.,
 	
     Plaintiff
 	
vs.
 	
MICROSOFT CORPORATION;
HEWLETT-PACKARD COMPANY;
ACER AMERICA CORPORATION;
and DELL INC.,
 	
     Defendants.
	Case No. SA CV 16-1102
	
	COMPLAINT FOR PATENT INFRINGEMENT
	
	JURY TRIAL DEMANDED

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Plaintiff Proxyconn, Inc. ("Proxyconn") alleges as follows:

PARTIES

1.   Plaintiff Proxyconn is a California corporation with its principal place of business located at 3211 S. Shannon Street, Santa Ana, California 92704.

2.   Defendant Microsoft Corporation ("Microsoft") is a Washington corporation with is principal place of business at One Microsoft Way, Redmond, Washington 98052. Microsoft has appointed Corporation Service Company, 2730 Gateway Oaks Drive, Suite 100, Sacramento, California 95833, as its agent for service of process.

3.   Defendant Hewlett-Packard Company ("HP") is a Delaware corporation with its principal place of business at 3000 Hanover Street, Palo Alto, California 94304. HP has appointed CT Corporation System, CT Corporation System, 818 West 7th Street, Los Angeles, California 90017, as its agent for service of process.

4.   Defendant Acer America Corporation ("Acer") is a California corporation with its principal place of business at 333 West San Carlos Street, Suite 1500, San Jose, California 95110. Acer has appointed CT Corporation System, 818 West 7th Street, Los Angeles, California 90017, as its agent for service of process.

5.   Defendant Dell Inc. ("Dell") is a Delaware corporation with its principal place of business at 1 Dell Way, Round Rock, Texas 78682. Dell has appointed Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808, as its agent for service of process.

6.   Microsoft, HP, Acer and Dell shall be referred to collectively as "Defendants."

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JURISDICTION AND VENUE

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

8.   Venue is proper in this District under 28 U.S.C. §§ 1391 (b)-(d) and 1400(b) because each defendant is subject to personal jurisdiction in this District, has committed acts of patent infringement in this District, or has a regular and established place of business in this District.

9.   Joinder is appropriate in this case pursuant to 35 U.S.C. § 299. On information and belief, Microsoft has agreed to indemnify and defend HP, Acer, and Dell because of the relation of Proxyconn's claims to Microsoft's products, and questions of fact common to all defendants will arise in these actions.

FACTUAL BACKGROUND

10.   Proxyconn was founded in 2001 in Santa Ana, California. It remains based in Santa Ana today.

11.   Proxyconn was started to address the problem of demands by users of networks, such as the Internet, to instantly receive content over the network. While other solutions simply relied on increasing available bandwidth, Proxyconn sought a more intelligent solution that could be used with existing technology and bandwidth.

12.   As a result, Proxyconn created a technology that used existing technological limitations while making the use of networks effectively many times faster than previously possible. Proxyconn filed a patent application on its novel technology. As a result of that patent application, Proxyconn was awarded United States Patent No. 6,757,717 ("the '717 patent").

13.   Proxyconn's technology and method were used by hundreds of ISPs and hundreds of thousands of users in the United States and throughout the world.

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14.   Proxyconn is the owner by assignment of the '717 patent. The '717 patent is entitled "System and Method for Data Access." The '717 patent issued on June 29, 2004. A true and correct copy of the '717 patent is attached hereto as Exhibit A.

15.   On September 18, 2012, and January 11, 2013, Microsoft filed petitions for *Inter Partes* Review (IPR2012-00026 and IPR2013-00109), challenging certain claims of the '717 patent. The challenged claims were claims 1, 3, 6, 7, 9-12, 14, and 22-24. On February 19, 2014, the Patent Trial and Appeal Board ("PTAB") issued a final decision invalidating certain claims but confirming the patentability of claim 24. On appeal, the Federal Circuit affirmed the PTAB's determination that claim 24 is patentable.

COUNT 1

(Infringement of U.S. Patent No. 6,757,717 Against Microsoft)

16.   Microsoft has been and still is directly (literally and under the doctrine of equivalents) infringing at least claims 15–17, 20, and 24–26 of the '717 patent by making, using, selling, offering to sell, or importing, without license or authority, software that creates, transmits, receives, or compares digital digests on data, including, but not limited to, its use of Remote Differential Compression ("RDC") technology used in at least its Windows Server 2003 R2, Windows Server 2008, Windows Server 2012, Windows Server 2016 beta, Windows Small Business Server 2003, Windows Small Business Server 2008, Windows Small Business Server 2011, Windows XP with Service Pack 3, Windows Vista, Windows 7, Windows 8 and Windows 10 operating systems, its SharePoint 2010, SharePoint 2013, SharePoint 2016, Office 2010, Office 2013, Office 2016, Office for Mac 2011, Office for Mac 2016, and Office 365 products, and its use of BranchCache technology, including all variations, versions, editions, and applications of the same. For example, on information and belief, Microsoft uses its Distributed File System ("DFS") Replication product, which uses RDC, on its

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servers. *See, e.g.,* http://msdn.microsoft.com/enus/Hbrary/windows/desktop/ bb540025%28v=vs.85%29.aspx. As another example, on information and belief, Microsoft uses the MS-FSSHTTP protocol, which uses RDC, on its computers running Office and/or SharePoint. *See, e.g.,* https://msdn.microsoft.com/en-us/library/hh228036(v=office.12).aspx. As another example, on information and belief, Microsoft uses the RDC and/or BranchCache technologies in products including but not limited to Azure cloud service, Windows as a Service, and Surface devices. *See, e.g.,* https://technet.microsoft.com/en-us/library/dd42df5028 .aspx. Attached as Exhibit B to this complaint is an exemplary chart illustrating how Microsoft's making, using, selling, offering to sell, or importing, without license or authority, RDC and/or BranchCache technologies infringes at least claims 15–17, 20, and 24–26 of the '717 patent.[1]

17. Since at least November 3, 2011, Microsoft has been and still is indirectly infringing, by way of inducing infringement by others of the '717 patent, by, among other things, making, using, importing, offering for sale, and/or selling, without license or authority, software for use in systems that thereby fall within the scope of at least claims 15–17, 20, and 24–26 of the '717 patent. Such software includes, but is not limited to, the RDC technology used in at least its Windows Server 2003 R2, Windows Server 2008, Windows Server 2012, Windows Server 2016 beta, Windows Small Business Server 2003, Windows Small Business Server 2008, Windows Small Business Server 2011, Windows XP with Service Pack 3, Windows Vista, Windows 7, Windows 8 and Windows 10 operating systems, its SharePoint 2010, SharePoint 2013, SharePoint 2016, Office 2010, Office 2013, Office 2016, Office for Mac 2011, Office for Mac 2016, and Office 365 products,

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[1] Proxyconn reserves the right to assert additional claims of the '717 Patent against Defendants as the litigation proceeds and to accuse additional products of Defendants. For example, Proxyconn expressly reserves the right to assert additional claims and/or accuse additional products in its Disclosure of Asserted Claims and Infringement Contentions to be served during the discovery process.

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1   and its use of BranchCache technology, including all variations, versions, editions,

2   and applications of the same. This software is used in infringing computer systems

3   made, used, imported, offered for sale, and/or sold by direct infringers of the '717

4   patent in the United States, such as computer manufacturers (for example, HP,

5   Dell, and Acer) and end-users (for example, customers that purchase Microsoft's

6   software and use it in their computer systems). The systems using Microsoft's

7   software include a sender computer and a receiver computer communicating,

8   through a network, with each computer equipped with a method for creating digital

9   digests on data and the receiving computer including a means for comparing digital

10   digests. Microsoft induces others to directly infringe by inducing or encouraging

11   the use of its infringing RDC and BranchCache technologies. *See, e.g.,* http://

12   technet.microsoft.com/enus/library/cc754372.aspx;   http://msdn.microsoft.com/

13   enus/library/windows/desktop/aa372963%28v=VS.85%29.aspx;   https://technet.

14   microsoft.com/en-us/library/dd425028.aspx. Since November 3, 2011, when the

15   original complaint in *Proxyconn, Inc.* v. *Microsoft Corp. et al.,* Case No. 11-cv-

16   1681-DOC was filed, Microsoft has had knowledge of the '717 patent and, by

17   continuing the actions described above, has had the specific intent to, or was

18   willfully blind to the fact that its actions would, induce infringement of the '717

19   patent. *See, e.g.,* http://technet.microsoft.com/enus/library/cc754372.aspx; http://

20   msdn.microsoft.com/enus/library/windows/desktop/aa372963%28v=VS.85%29.as

21   px;   https://technet.microsoft.com/en-us/library/dd425028.aspx;   https://msdn

22   .microsoft.com/en-us/library/hh228036(v=office.12).aspx. Indeed, Microsoft has

23   been aware of Proxyconn and its products since at least the summer of 2003, when

24   Microsoft reviewed Proxyconn's technology. On information and belief, as a result

25   of its awareness of Proxyconn and its technology, Microsoft has been aware of the

26   patent since it issued on June 29, 2004. Thus, by making, using, importing,

27   offering for sale, and/or selling such software, Microsoft has injured Proxyconn

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1   and is thus liable to Proxyconn for infringement of the '717 patent under 35 U.S.C.

2   § 271(b) after November 3, 2011.

3   18.   To the extent that facts learned in discovery show that Microsoft's

4   infringement of the '717 patent is or has been willful, Proxyconn reserves the right

5   to request such a finding at time of trial.

6   19.   To the extent necessary, Proxyconn has marked its products pursuant

7   to 35 U.S.C. § 287(a).

8   20.   As a result of Microsoft's infringement of the '717 patent, Proxyconn

9   has suffered monetary damages in an amount adequate to compensate for

10 Microsoft's infringement, but in no event less than a reasonable royalty for the use

11 made of the invention by Microsoft, together with interest and costs as fixed by the

12 Court, and Proxyconn will continue to suffer damages in the future unless

13 Microsoft's infringing activities are enjoined by this Court.

14   21.   Unless a permanent injunction is issued enjoining Microsoft and its

15 agents, servants, employees, representatives, affiliates, and all others acting or in

16 active concert therewith from infringing the '717 patent, Proxyconn will be greatly

17 and irreparably harmed.

COUNT II

(Infringement of U.S. Patent No. 6,757,717 Against HP)

20   22.   HP has been and still is directly (literally and under the doctrine of

21 equivalents) infringing at least claims 15–17, 20, and 24–26 of the '717 patent by

22 making, using, selling, offering to sell, or importing, without license or authority,

23 computer systems that include a sender computer and a receiver computer

24 communicating through a network, with each computer equipped with a method

25 for creating digital digests on data and the receiving computer including a means

26 for comparing digital digests. In particular, these computer systems contain

27 software including, but not limited to, the RDC technology used in at least

28 Microsoft's Windows Server 2003 R2, Windows Server 2008, Windows Server

2012, Windows Server 2016 beta, Windows Small Business Server 2003, Windows Small Business Server 2008, Windows Small Business Server 2011, Windows XP with Service Pack 3, Windows Vista, Windows 7, Windows 8 and Windows 10 operating systems, its SharePoint 2010, SharePoint 2013, SharePoint 2016, Office 2010, Office 2013, Office 2016, Office for Mac 2011, Office for Mac 2016, and Office 365 products, and the BranchCache technology, including all variations, versions, editions, and applications of the same.

23.　For example, on information and belief, HP directly infringes at least claims 15–17, 20, and 24–26 by using Microsoft's DFS Replication product, the MS-FSSHTTP protocol, and the BranchCache technology on its internal servers and computers, thereby practicing the claimed methods.

24.　Attached as Exhibit B to this complaint is an exemplary chart illustrating how HP's making, using, selling, offering to sell, or importing, without license or authority, of its computer systems and software described above infringes at least claims 15–17, 20, and 24–26 of the '717 patent.[2]

25.　Since at least November 3, 2011, HP has been and still is indirectly infringing, by way of inducing infringement by others of the '717 patent, by, among other things, making, using, importing, offering for sale, and/or selling, without license or authority, personal computers and servers for use in systems that thereby fall within the scope of at least claims 15–17, 20, and 24–26 of the '717 patent. Such personal computers and servers include a sender computer and a receiver computer communicating through a network, with each computer equipped with a method for creating digital digests on data and the receiving computer including a means for comparing digital digests. In particular, these

[2] Proxyconn reserves the right to assert additional claims of the '717 Patent against Defendants as the litigation proceeds and to accuse additional products of Defendants. For example, Proxyconn expressly reserves the right to assert additional claims and/or accuse additional products in its Disclosure of Asserted Claims and Infringement Contentions to be served during the discovery process.

computer systems contain software including, but not limited to, the RDC technology used in at least Microsoft's Windows Server 2003 R2, Windows Server 2008, Windows Server 2012, Windows Server 2016 beta, Windows Small Business Server 2003, Windows Small Business Server 2008, Windows Small Business Server 2011, Windows XP with Service Pack 3, Windows Vista, Windows 7, Windows 8 and Windows 10 operating systems, its SharePoint 2010, SharePoint 2013, SharePoint 2016, Office 2010, Office 2013, Office 2016, Office for Mac 2011, Office for Mac 2016, and Office 365 products, and the BranchCache technology, including all variations, versions, editions, and applications of the same. HP induces its customers and end users to directly infringe by inducing or encouraging the use of the infringing RDC and BranchCache technologies. *See, e.g.,* http://www.hp.com/education/courses/ hf847s.html?jumpid=reg_r1002_useni; http://www.hp.com/hpinfo/newsroom/ press_kits/2012/SMBrespond/SMB_StoreEasy_Fact_Sheet.pdf. Since November 3, 2011, when the original complaint in *Proxyconn, Inc.* v. *Hewlett-Packard Company,* Case No. 11-cv-1682-DOC was filed, HP has had knowledge of the '717 patent and, by continuing the actions described above, has had the specific intent to, or was willfully blind to the fact that its actions would, induce infringement of the '717 patent. *See, e.g.,* http://www.hp.com/education/courses/ hf847s.html?jumpid=reg_r1002_useni; http://www.hp.com/hpinfo/newsroom/ press_kits/2012/SMBrespond/SMB_StoreEasy_Fact_Sheet.pdf. Thus, by making, using, importing, offering for sale, and/or selling such personal computers and servers, HP has injured Proxyconn and is thus liable to Proxyconn for infringement of the '717 patent under 35 U.S.C. § 271(b) after November 3, 2011.

26. To the extent that facts learned in discovery show that HP's infringement of the '717 patent is or has been willful, Proxyconn reserves the right to request such a finding at time of trial.

27. To the extent necessary, Proxyconn has marked its products pursuant

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1   to 35 U.S.C. § 287(a).

2   28.   As a result of HP's infringement of the '717 patent, Proxyconn has

3   suffered monetary damages in an amount adequate to compensate for HP's

4   infringement, but in no event less than a reasonable royalty for the use made of the

5   invention by HP, together with interest and costs as fixed by the Court, and

6   Proxyconn will continue to suffer damages in the future unless HP's infringing

7   activities are enjoined by this Court.

8   29.   Unless a permanent injunction is issued enjoining HP and its agents,

9   servants, employees, representatives, affiliates, and all others acting or in active

10   concert therewith from infringing the '717 patent, Proxyconn will be greatly and

11   irreparably harmed.

12   **COUNT III**

13   **(Infringement of U.S. Patent No. 6,757,717 Against Acer)**

14   30.   Acer has been and still is directly (literally and under the doctrine of

15   equivalents) infringing at least claims 15–17, 20, and 24–26 of the '717 patent,

16   literally and under the doctrine of equivalents, by making, using, selling, offering

17   to sell, or importing, without license or authority, computer systems that include a

18   sender computer and a receiver computer communicating through a network, with

19   each computer equipped with a method for creating digital digests on data and the

20   receiving computer including a means for comparing digital digests. In particular,

21   these computer systems contain software including, but not limited to, the RDC

22   technology used in at least Microsoft's Windows Server 2003 R2, Windows Server

23   2008, Windows Server 2012, Windows Server 2016 beta, Windows Small

24   Business Server 2003, Windows Small Business Server 2008, Windows Small

25   Business Server 2011, Windows XP with Service Pack 3, Windows Vista,

26   Windows 7, Windows 8 and Windows 10 operating systems, its SharePoint 2010,

27   SharePoint 2013, SharePoint 2016, Office 2010, Office 2013, Office 2016, Office

28   for Mac 2011, Office for Mac 2016, and Office 365 products, and the

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BranchCache technology, including all variations, versions, editions, and applications of the same.

31.   For example, on information and belief, Acer directly infringes at least claims 15–17, 20, and 24–26 by using Microsoft's DFS Replication product, the MS-FSSHTTP protocol, and the BranchCache technology on its internal servers and computers, thereby practicing the claimed methods.

32.   Attached as Exhibit B to this complaint is an exemplary chart illustrating how Acer's making, using, selling, offering to sell, or importing, without license or authority, of its computer systems and software described above infringes at least claims 15–17, 20, and 24–26 of the '717 patent.[3]

33.   Since at least November 3, 2011, Acer has been and still is indirectly infringing, by way of inducing infringement by others of the '717 patent, by, among other things, making, using, importing, offering for sale, and/or selling, without license or authority, personal computers and servers for use in systems that thereby fall within the scope of at least claims 15–17, 20, and 24–26 of the '717 patent. Such personal computers and servers include a sender computer and a receiver computer communicating through a network, with each computer equipped with a method for creating digital digests on data and the receiving computer including a means for comparing digital digests. In particular, these computer systems contain software including, but not limited to, the RDC technology used in at least Microsoft's Windows Server 2003 R2, Windows Server 2008, Windows Server 2012, Windows Server 2016 beta, Windows Small Business Server 2003, Windows Small Business Server 2008, Windows Small Business Server 2011, Windows XP with Service Pack 3, Windows Vista,

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[3] Proxyconn reserves the right to assert additional claims of the '717 Patent against Defendants as the litigation proceeds and to accuse additional products of Defendants. For example, Proxyconn expressly reserves the right to assert additional claims and/or accuse additional products in its Disclosure of Asserted Claims and Infringement Contentions to be served during the discovery process.

Windows 7, Windows 8 and Windows 10 operating systems, its SharePoint 2010, SharePoint 2013, SharePoint 2016, Office 2010, Office 2013, Office 2016, Office for Mac 2011, Office for Mac 2016, and Office 365 products, and the BranchCache technology, including all variations, versions, editions, and applications of the same. Acer induces its customers and end users to directly infringe by inducing or encouraging the use of the infringing RDC and BranchCache technologies. *See, e.g.,* http://static.acer.com/up/Resource/Acer/ Storage/SAN/AN1600_F1/Docs/20110408/AN1600%20F1%20Longspecs%20US %2004_11_11.pdf, at 2-4. Since November 3, 2011, when the original complaint in *Proxyconn, Inc.* v. *Acer America Corporation,* Case No. 11-cv-1684-DOC was filed, Acer has had knowledge of the '717 patent and, by continuing the actions described above, has had the specific intent to, or was willfully blind to the fact that its actions would, induce infringement of the '717 patent. *See, e.g.,* http://static.acer.com/up/Resource/Acer/Storage/SAN/AN1600_F1/Docs/20110408 /AN1600%20F1%20Longspecs%20US%2004_11_11.pdf, at 2-4. Thus, by making, using, importing, offering for sale, and/or selling such personal computers and servers, Acer has injured Proxyconn and is thus liable to Proxyconn for infringement of the '717 patent under 35 U.S.C. § 271(b) after November 3,2011.

34.   To the extent that facts learned in discovery show that Acer's infringement of the '717 patent is or has been willful, Proxyconn reserves the right to request such a finding at time of trial.

35.   To the extent necessary, Proxyconn has marked its products pursuant to 35 U.S.C. § 287(a).

36.   As a result of Acer's infringement of the '717 patent, Proxyconn has suffered monetary damages in an amount adequate to compensate for Acer's infringement, but in no event less than a reasonable royalty for the use made of the invention by Acer, together with interest and costs as fixed by the Court, and Proxyconn will continue to suffer damages in the future unless Acer's infringing

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1   activities are enjoined by this Court.

2   37.   Unless a permanent injunction is issued enjoining Acer and its agents,

3   servants, employees, representatives, affiliates, and all others acting or in active

4   concert therewith from infringing the '717 patent, Proxyconn will be greatly and

5   irreparably harmed.

6   **COUNT IV**

7   **(Infringement of U.S. Patent No. 6,757,717 Against Dell)**

8   38.   Dell has been and still is directly (literally and under the doctrine of

9   equivalents) infringing at least claims 15–17, 20, and 24–26 of the '717 patent,

10   literally and under the doctrine of equivalents, by making, using, selling, offering

11   to sell, or importing, without license or authority, computer systems that include a

12   sender computer and a receiver computer communicating through a network, with

13   each computer equipped with a method for creating digital digests on data and the

14   receiving computer including a means for comparing digital digests. In particular,

15   these computer systems contain software including, but not limited to, the RDC

16   technology used in at least Microsoft's Windows Server 2003 R2, Windows Server

17   2008, Windows Server 2012, Windows Server 2016 beta, Windows Small

18   Business Server 2003, Windows Small Business Server 2008, Windows Small

19   Business Server 2011, Windows XP with Service Pack 3, Windows Vista,

20   Windows 7, Windows 8 and Windows 10 operating systems, its SharePoint 2010,

21   SharePoint 2013, SharePoint 2016, Office 2010, Office 2013, Office 2016, Office

22   for Mac 2011, Office for Mac 2016, and Office 365 products, and the

23   BranchCache technology, including all variations, versions, editions, and

24   applications of the same.

25   39.   For example, on information and belief, Dell directly infringes at least

26   claims 15–17, 20, and 24–26 by using Microsoft's DFS Replication product, the

27   MS-FSSHTTP protocol, and the BranchCache technology on its internal servers

28   and computers, thereby practicing the claimed methods.

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40.   Attached as Exhibit B to this complaint is an exemplary chart illustrating how Dell's making, using, selling, offering to sell, or importing, without license or authority, of its computer systems and software described above infringes at least claims 15–17, 20, and 24–26 of the '717 patent.[4]

41.   Since at least November 3, 2011, Dell has been and still is indirectly infringing, by way of inducing infringement by others of the '717 patent, by, among other things, making, using, importing, offering for sale, and/or selling, without license or authority, personal computers and servers for use in systems that thereby fall within the scope of at least claims 15–17, 20, and 24–26 of the '717 patent. Such personal computers and servers include a sender computer and a receiver computer communicating through a network, with each computer equipped with a method for creating digital digests on data and the receiving computer including a means for comparing digital digests. In particular, these computer systems contain software including, but not limited to, the RDC technology used in at least Microsoft's Windows Server 2003 R2, Windows Server 2008, Windows Server 2012, Windows Server 2016 beta, Windows Small Business Server 2003, Windows Small Business Server 2008, Windows Small Business Server 2011, Windows XP with Service Pack 3, Windows Vista, Windows 7, Windows 8 and Windows 10 operating systems, its SharePoint 2010, SharePoint 2013, SharePoint 2016, Office 2010, Office 2013, Office 2016, Office for Mac 2011, Office for Mac 2016, and Office 365 products, and the BranchCache technology, including all variations, versions, editions, and applications of the same. Dell induces its customers and end users to directly infringe by inducing or encouraging the use of the infringing RDC and

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[4] Proxyconn reserves the right to assert additional claims of the '717 Patent against Defendants as the litigation proceeds and to accuse additional products of Defendants. For example, Proxyconn expressly reserves the right to assert additional claims and/or accuse additional products in its Disclosure of Asserted Claims and Infringement Contentions to be served during the discovery process.

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BranchCache technologies. *See, e.g.,* http://i.dell.com/sites/doccontent/shared-content/data-sheets/en/Documents/SouthernCompany_Final.pdf; http://www.dell.com/downloads/global/power/ps4q09-20100125-Rojas.pdf. Since November 3, 2011, when the original complaint in *Proxyconn, Inc.* v. *Dell Inc.,* Case No. 11-cv-1683-DOC was filed, Dell has had knowledge of the '717 patent and, by continuing the actions described above, has had the specific intent to, or was willfully blind to the fact that its actions would, induce infringement of the '717 patent. *See, e.g.,* http://i.dell.com/sites/doccontent/shared-content/data-sheets/en/Documents/SouthernCompany_Final.pdf; http://www.dell.com/downloads/global/power/ps4q09-20100125-Rojas.pdf. Thus, by making, using, importing, offering for sale, and/or selling such personal computers and servers, Dell has injured Proxyconn and is thus liable to Proxyconn for infringement of the '717 patent under 35 U.S.C. § (b) after November 3, 2011.

42. To the extent that facts learned in discovery show that Dell's infringement of the '717 patent is or has been willful, Proxyconn reserves the right to request such a finding at time of trial.

43. To the extent necessary, Proxyconn has marked its products pursuant to 35 U.S.C. § 287(a).

44. As a result of Dell's infringement of the '717 patent, Proxyconn has suffered monetary damages in an amount adequate to compensate for Dell's infringement, but in no event less than a reasonable royalty for the use made of the invention by Dell, together with interest and costs as fixed by the Court, and Proxyconn will continue to suffer damages in the future unless Dell's infringing activities are enjoined by this Court.

45. Unless a permanent injunction is issued enjoining Dell and its agents, servants, employees, representatives, affiliates, and all others acting or in active concert therewith from infringing the '717 patent, Proxyconn will be greatly and irreparably harmed.

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PRAYER FOR RELIEF

Proxyconn prays for the following relief:

1. A judgment that each of the Defendants has directly infringed (either literally or under the doctrine of equivalents) the '717 patent;

2. A judgment that each of the Defendants has indirectly infringed (either literally or under the doctrine of equivalents) the '717 patent since November 3, 20ll;

3. A permanent injunction enjoining each of the Defendants and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with it, from directly or indirectly infringing the '717 patent;

4. An award of damages resulting from each Defendant's acts of direct infringement (either literal or under the doctrine of equivalents) in accordance with 35 U.S.C. § 284;

5. An award of damages resulting from each Defendant's acts of indirect infringement (either literal or under the doctrine of equivalents) in accordance with 35 U.S.C. § 284, beginning at least from the date of the filing of the original complaint against each Defendant;

6. A judgment and order requiring each of the Defendants to provide an accounting and to pay supplemental damages to Proxyconn, including, without limitation, prejudgment and post-judgment interest; and

7. Any and all other relief to which Proxyconn may show itself to be entitled.

JURY TRIAL DEMANDED

Proxyconn hereby demands a trial by jury of all issues so triable.

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Dated: June 14, 2016

Respectfully submitted,

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