

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

FIRENET TECHNOLOGIES, LLC,

Plaintiff,

-against-

FUJITSU LTD. AND
FUJITSU AMERICA, INC.,

Defendants.

Case No.: 2:18-cv-270

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff FireNet Technologies, LLC (“FireNet” or “Plaintiff”), by way of this Complaint against Defendants Fujitsu Ltd. and Fujitsu America, Inc. (“collectively, “Fujitsu” or “Defendants”), alleges as follows:

PARTIES

1. Plaintiff FireNet is a limited liability company organized and existing under the laws of the State of Georgia, having its principal place of business at The Forum, Suite 140, 3930 E. Jones Bridge Road, Peachtree Corners, GA 30092.
2. On information and belief, Defendant Fujitsu Ltd. is a corporation organized and existing under the laws of Japan, with its principal place of business located at Shidome City Center, 1-5-2 Higashi-Shimbashi, Minato-ku Tokyo 105-7123, Japan.
3. On information and belief, Defendant Fujitsu America, Inc. is a corporation organized and existing under the laws of the State of California with a regular and established place of business in Colin County, Texas at 2791 Telecom Parkway, Richardson, Texas 75082.

JURISDICTION AND VENUE

4. This is an action under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.*, for infringement by Fujitsu of U.S. Patent No's. 6,317,837; 7,739,302; 8,306,994; and 8,892,600 ("Patents-in-Suit").

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Fujitsu Ltd. is subject to the personal jurisdiction of this Court because, *inter alia*, on information and belief, (i) Fujitsu Ltd. has committed and continues to commit acts of patent infringement in the State of Texas, including by making, using, offering to sell, and/or selling accused products and services in the State of Texas, and/or importing accused products and services into the State of Texas; (ii) Fujitsu Ltd is the ultimate parent of Fujitsu America, Inc.; and (iii) Fujitsu Ltd. exercises control and direction over the actions of Fujitsu America, Inc. in the State of Texas. In addition, or in the alternative, the Court has personal jurisdiction over Fujitsu Ltd. pursuant to Fed. R. Civ. P. 4(k)(2).

7. Fujitsu America, Inc. is subject to personal jurisdiction of this Court because, *inter alia*, on information and belief, (i) Fujitsu America, Inc. resides in the State of Texas; (ii) Fujitsu America, Inc. has an established place of business in the State of Texas; (iii) Fujitsu America, Inc. is registered to transact business in the State of Texas; and (vi) Fujitsu America, Inc. has committed and continues to commit acts of patent infringement in the State of Texas, including by making, using, offering to sell, and/or selling accused products and services in Texas.

8. Venue is proper as to Fujitsu Ltd. in this district under 28 U.S.C. § 1391(c) because, *inter alia*, Fujitsu Ltd. is a foreign corporation.

9. Venue is proper as to Fujitsu America, Inc. in this district under 28 U.S.C. § 1400(b) because, *inter alia*, on information and belief, Fujitsu America, Inc. has a regular and established place of business in this district and has committed and continues to commit acts of patent

infringement in the State of Texas, including by making, using, offering to sell, and/or selling accused products and services in Texas.

BACKGROUND

10. On November 13, 2001, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 6,317,837, entitled “Internal Network Node With Dedicated Firewall” (the “’837 Patent”).

11. On June 15, 2010, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 7,739,302, entitled “Network Attached Device With Dedicated Firewall Security” (the “’302 Patent”).

12. On November 6, 2012, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 8,306,994, entitled “Network Attached Device With Dedicated Firewall Security” (the “’994 Patent”).

13. On November 18, 2014, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 8,892,600, entitled “Network Attached Device With Dedicated Firewall Security” (the “’600 Patent”).

14. FireNet is the assignee and owner of the right, title, and interest in and to the Patents-in-Suit, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement.

NOTICE OF THE PATENTS-IN-SUIT

15. Fujitsu has notice of the Patents-in-Suit at least as of the date of this Complaint.

COUNT I: INFRINGEMENT OF THE ’837 PATENT

16. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

17. On information and belief, Fujitsu has infringed, and continues to infringe, the ’837 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making,

using, offering to sell, selling in the United States or importing into the United States Fujitsu networking products and services with firewall security, including, but not limited to, implementations comprising Fujitsu servers (such as PRIMERGY servers), Fujitsu storage equipment (such as ETERNUS servers), and incorporating Fujitsu network security solutions, such as NS Appliance and/or NS Options, including their dedicated, hardware, and cloud implementations (“Accused Products”).

18. For example, on information and belief, Fujitsu has infringed at least claim 37 of the ’837 Patent by performing a method of managing access to a network attached device (NAD) in a network arrangement including a first group of nodes defining an internal network and a second group of nodes defining an external network. A network arrangement that uses Accused Products to manage access to nodes (“Fujitsu Network”) has a first group of nodes, such as, for example, an Application Server and a Database server (internal network), and a second group of nodes, such as client computers accessing the above servers over the Internet (external network). Ex. A (Introduction to FUJITSU Software ServerView Resource Orchestrator NS OptionV3, May 2015, Slide 9). In the network arrangement, the external network is connected in communication with the internal network by an intermediate node including a bastion firewall, such as a Fujitsu NS Appliance, for protecting the nodes of the internal network from unauthorized communication originating at external nodes. *See* Ex. C (ServerView Resource Orchestrator Cloud Edition V3.0.0 Setup Guide J2X1-7610-01ENZ0(05) April 2012, p. 88). In the Fujitsu Network, the external network is connected to, and establishes communications with, the internal network through a firewall in the perimeter network. *Id.* The internal network includes the NAD, such as an Application Server or a Database Server. *Id.* The Accused Products, such as a NS Appliance, determine for each and every request for network access to

the NAD whether each request for network access to said NAD is authorized. The Accused Products, using, for example, an Access Control function, determine for each packet (request for network access) destined to the NAD (such as an Application Server or Database Server) whether it is authorized. *See Id. See also* Ex. B (Introduction to FUJITSU Software ServerView Resource Orchestrator NS OptionV3, May 2015, slide 11). The Accused Products, such as a Fujitsu NS Appliance, provide network access to said NAD when a request is authorized. *Id.* The Accused Products, such as a Fujitsu NS Appliance, deny network access to said NAD when a request is not authorized. *Id.* In the above Fujitsu Network arrangement, the NAD is protected by a dedicated NAD firewall, such as one of the Accused Products, from unauthorized network access requests originating at the intermediate (for example, a Web Server) and internal (for example, an Application Server or a Database Server) and external (for example, clients on the Internet) nodes of the network arrangement. Ex. A. Fujitsu's Access Control functionality of the Accused Products protects the NAD (such as an Application Server and a Database server) from requests originating at internal, intermediate and external nodes.

19. Fujitsu has induced, and continues to induce, infringement of the '837 Patent pursuant to 35 U.S.C. § 271(b), by actively and knowingly inducing, directing, causing, and encouraging others, including, but not limited to, its partners, software developers, customers, and end users, to make, use, sell, and/or offer to sell in the United States, and/or import into the United States, the Accused Products by, among other things, providing instructions, manuals, and technical assistance relating to the installation, set up, use, operation, and maintenance of said products available at the Fujitsu website.

20. On information and belief, Fujitsu has committed and continues to commit the foregoing infringing activities without a license.

21. On information and belief, Fujitsu's infringing activities commenced at least six years prior to the filing of this complaint, entitling FireNet to past damages.

22. Fujitsu is on notice of the '837 Patent's existence while continuing to commit the foregoing infringing acts, thereby willfully, wantonly and deliberately infringing the '837 Patent.

COUNT II: INFRINGEMENT OF THE '302 PATENT

23. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

24. On information and belief, Fujitsu has infringed, and continues to infringe, the '302 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, offering to sell, selling in the United States or importing into the United States the Accused Products.

25. For example, on information and belief, Fujitsu has infringed at least claim 1 of the '302 Patent by making, using, offering to sell, selling in the United States or importing into the United States a network arrangement comprising a network client and at least one network attached device (NAD) residing on a same network. A network arrangement that uses Accused Products to manage access to nodes ("Fujitsu Network") has, for example, at least one Application Server or Database Server (NAD) residing on it. Ex. A. In the Fujitsu Network, a NAD server is disposed between the network client and the NAD. For example, a Fujitsu NS Appliance is disposed between a client and the Application Server and/or Database Server (NAD), residing on the same local area network (LAN). *Id.* In the Fujitsu Network, the NAD server is configured to electronically communicate with the NAD over a connection. For example, the Fujitsu NS Appliance is configured to communicate with the Application Server and the Database Server. *Id.* The NAD server is further configured to receive a request contained in a data packet for network access to the NAD. In the Fujitsu Network, the Fujitsu NS Appliance is configured to receive a request, contained in, for example, a TCP/IP packet, to access the Application Server

and/or the Database Server. The NAD server includes computer executable instructions that, upon execution, cause the NAD server to determine whether the header of a received data packet containing the request for network access includes at least one of an IP address of a network source, an IP address of a network destination, and a route of the data packet. The Fujitsu NS Appliance includes executable instructions that process incoming packets to determine, among others, the presence of an IP Source Address field. Ex. B. The NAD is further configured to filter the data packet based at least on an IP address in a header of the data packet. The Application Server and Database Server are configured to use, for example, access control functionality to filter the data packets based on, for example, the IP Source Address field in the packet header. Upon execution, the computer executable instructions further cause the NAD server to determine whether the received request for network access to the NAD is authorized. For example, the executable instructions cause the Fujitsu NS Appliance to reference Access Control functionality, to determine whether the request for the Application Server or Database Server contained in the TCP/IP packet is authorized. Ex. B. Upon execution, the computer executable instructions provide the network client with network access to the NAD only if the request for network access is authorized, such that the NAD is protected from unauthorized access requests from the network client and other devices in a manner that is in addition to any protection afforded by a firewall. In addition to the protection afforded by a firewall, as shown in Ex. C, the instructions executing on the Fujitsu NS Appliance provide the network client, and other network devices, such as Internet clients, with access to Application Server and/or Database Server only if the requests are authorized. Ex. B.

26. Fujitsu has induced, and continues to induce, infringement of the '302 Patent pursuant to 35 U.S.C. § 271(b), by actively and knowingly inducing, directing, causing, and encouraging

others, including, but not limited to, its partners, software developers, customers, and end users, to make, use, sell, and/or offer to sell in the United States, and/or import into the United States, the Accused Products by, among other things, providing instructions, manuals, and technical assistance relating to the installation, set up, use, operation, and maintenance of said products, such as instructions and installation guides available at the Fujitsu website.

27. On information and belief, Fujitsu has committed and continues to commit the foregoing infringing activities without a license.

28. On information and belief, Fujitsu infringing activities commenced at least six years prior to the filing of this complaint, entitling FireNet to past damages.

29. On information and belief, Fujitsu knew the '302 Patent existed while committing the foregoing infringing acts, thereby willfully, wantonly and deliberately infringing the '302 Patent.

COUNT III: INFRINGEMENT OF THE '994 PATENT

30. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

31. On information and belief, Fujitsu has infringed, and continues to infringe, the '994 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, offering to sell, selling in the United States or importing into the United States the Accused Products.

32. For example, on information and belief, Fujitsu has infringed at least claim 10 of the '994 Patent by performing a method comprising processing, by a network attached device (NAD) server coupled to an internal network, a request for network access to a NAD device. An Accused Product, such as a Fujitsu NS Appliance, is coupled to a local area network (LAN). Ex. A. The Fujitsu NS Appliance processes a request for network access to, for example, an Application Server or a Database Server (NAD). *Id.* The NAD device coupled to the NAD server and configured to receive communication from an internal network only by way of the

NAD server. The Application Server and/or Database Server are coupled to the Accused Product (Fujitsu NA Appliance) and the Application Server and/or Database Server are configured to receive communications only through the Fujitsu NS Appliance. The request for network access includes a data packet that includes at least an IP header. In the Fujitsu Network, the request for network access is a TCP/IP packet that includes an IP header. Ex. B. The NAD server comprises a NAD server firewall. The Fujitsu NS Appliance includes the firewall functionality, such as Access Control functionality, which protects the Application Server or Database Server (NAD) from undesirable requests. *Id.* Fujitsu determines, by the NAD server firewall, whether the request for network access to the NAD should be authorized or denied based on filtering of at least the IP header of the data packet of the received request for network access to the NAD. *Id.* By using the firewall functionality in the Accused Product, such as the Fujitsu NS Appliance, Fujitsu determines whether the request for accessing the Application Server or Database Server should be authorized or denied, such as based on a filtering of the IP header of the data packet with the request. *Id.* Fujitsu processes, by the NAD server, the data packet for communication with the NAD and enabling access to the NAD upon determining that the requested network access to the NAD should be authorized. The Accused Product, such as the Fujitsu NS Appliance, processes the data packet for communication with the Application Server or Database Server and enables access to the Application Server or Database Server when a request is determined as authorized. *Id.* Fujitsu blocks, by the NAD server, access to the NAD upon determining that the request for network access to the NAD should be denied. For example, the Accused Product, such as the Fujitsu NS Appliance, blocks the request for accessing the Application Server or Database Server, if the Fujitsu NS Appliance determines that the request should be denied. *Id.*

33. Fujitsu has induced, and continues to induce, infringement of the '994 Patent pursuant to 35 U.S.C. § 271(b), by actively and knowingly inducing, directing, causing, and encouraging others, including, but not limited to, its partners, software developers, customers, and end users, to make, use, sell, and/or offer to sell in the United States, and/or import into the United States, the Accused Products by, among other things, providing instructions, manuals, and technical assistance relating to the installation, set up, use, operation, and maintenance of said products, such as instructions and installation guides available at the Fujitsu website.

34. On information and belief, Fujitsu has committed and continues to commit the foregoing infringing activities without a license.

35. On information and belief, Fujitsu's infringing activities commenced at least six years prior to the filing of this complaint, entitling FireNet to past damages.

36. On information and belief, Fujitsu knew the '994 Patent existed while committing the foregoing infringing acts, thereby willfully, wantonly and deliberately infringing the '994 Patent.

COUNT IV: INFRINGEMENT OF THE '600 PATENT

37. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

38. On information and belief, Fujitsu has infringed, and continues to infringe, the '600 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, offering to sell, selling in the United States or importing into the United States the Accused Products.

39. For example, on information and belief, Fujitsu has infringed at least claim 8 of the '600 Patent by performing a computer-implemented method as set forth in the claim. Specifically, Fujitsu receives, by a first computing device coupled to an internal network, data packets over the internal network. Ex. A. In the Fujitsu Network, an Accused Product such as a Fujitsu NS Appliance connected to a local area network (LAN) receives data packets over the LAN. *Id.* At

least some of the data packets are sent to the internal network from an external network. *Id.* At least some of these packets are sent by an external network, such as devices outside the Fujitsu Network connected to the Internet. *Id.*, *see also* Ex. B. Fujitsu examines, by the first computing device, the data packets to determine whether the data packets contain an IP address associated with an attached device coupled to a second computing device. *Id.* The Accused Product, such as the Fujitsu NS Appliance, examines the data packets to determine whether they contain an IP address associated with an attached device, such as a hard disk or other memory, coupled to a second attached device, such as an Application Server or a Database Server. In the Fujitsu Network, the second computing device is in communication with the first computing device and the second computing device is isolated from the internal network. The Application Server and/or Database Server are in communication with the Fujitsu NS Appliance and the Application Server and/or the Database Server are not accessible to other devices, except through the Fujitsu NS Appliance. Ex. A. Fujitsu filters, by the first computing device, data packets by determining whether the IP address in a header of the data packets is valid to determine whether to authorize data packets containing information indicative of a request for access to the attached device. The Accused Products, such as the Fujitsu NS Appliance, using Access Control functionality, filter data packets by determining based on the IP address in the packet header, whether to authorize information indicative of the request in the packet for access of the hard drive or other memory of the Application Server or Database Server. Ex. B. Fujitsu reformulates, by the first computing device, the data packets for communication to the second computing device coupled to the attached device in response to authorizing the data packets containing the information indicative of the request for access to the attached device. In response to authorizing the data packets containing information indicative of the request for access of the Application Server's or

Database Server's hard drive or other memory, the Accused Product reformulates the data packets by changing the fields in the header, decrypting, and/or re-encapsulating the packet into another frame, for communication with the Application Server or the Database Server that is coupled to the hard drive or the other memory.

40. Fujitsu has induced, and continues to induce, infringement of the '600 Patent pursuant to 35 U.S.C. § 271(b), by actively and knowingly inducing, directing, causing, and encouraging others, including, but not limited to, its partners, software developers, customers, and end users, to make, use, sell, and/or offer to sell in the United States, and/or import into the United States, the Accused Products by, among other things, providing instructions, manuals, and technical assistance relating to the installation, set up, use, operation, and maintenance of said products, such as instructions and installation guides available at the Fujitsu website.

41. On information and belief, Fujitsu has committed and continues to commit the foregoing infringing activities without a license.

42. On information and belief, Fujitsu's infringing activities commenced at least six years prior to the filing of this complaint, entitling FireNet to past damages.

43. On information and belief, Fujitsu knew the '600 Patent existed while committing the foregoing infringing acts, thereby willfully, wantonly and deliberately infringing the '600 Patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff FireNet prays for the judgment in its favor against Fujitsu, and specifically, for the following relief:

- A. Entry of judgment in favor of FireNet against Fujitsu on all counts;
- B. Entry of judgment that Fujitsu has infringed the Patents-in-Suit;
- C. Entry of judgment that Fujitsu's infringement of the Patents-in-Suit has been willful;

D. Award of compensatory damages adequate to compensate FireNet for Fujitsu's infringement of the Patent-in-Suit, in no event less than a reasonable royalty trebled as provided by 35 U.S.C. § 284;

E. Declaration and finding that Fujitsu's conduct in this case is exceptional under 35 U.S.C. § 285;

F. Award of reasonable attorneys' fees and expenses against Fujitsu pursuant to 35 U.S.C. § 285;

G. Award of FireNet's costs;

H. Pre-judgment and post-judgment interest on FireNet's award; and

I. All such other and further relief as the Court deems just or equitable.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Fed. R. Civ. Proc., Plaintiff hereby demands trial by jury in this action of all claims so triable.

Dated: July __, 2018

Respectfully submitted,

/s/ Dmitry Kheyfits

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