

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

PARITY NETWORKS LLC,

Plaintiff,

v.

JUNIPER NETWORKS, INC.,

Defendant.

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CIVIL ACTION NO. 6:17-cv-00495

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT

Plaintiff Parity Networks LLC (“Plaintiff” or “Parity Networks”), by and through its attorneys, for its Original Complaint against Juniper Networks, Inc. (“Defendant” or “Juniper”), and demanding trial by jury, hereby alleges as follows:

I. NATURE OF THE ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, *et seq.*, to enjoin and obtain damages resulting from Defendant’s unauthorized use, sale, and offer to sell in the United States of products, methods, processes, services and/or systems that infringe Parity Networks’ United States patents, as described herein.

2. Juniper manufactures, provides, uses, sells, offers for sale, imports, and/or distributes infringing products and services; and encourages others to use its products and services in an infringing manner, including their customers, as set forth herein.

3. Parity Networks seeks past and future damages and prejudgment and post judgment interest for Juniper’s past infringement of the Patents-in-Suit, as defined below.

II. PARTIES

4. Plaintiff Parity Networks is a limited liability company organized and existing under the laws of the State of Texas. Parity Networks' registered agent for service of process in Texas is InCorp Services, Inc., 815 Brazos Street, Suite 500, Austin, Texas 78701.

5. On information and belief, Defendant Juniper is a corporation organized under the laws of Delaware, having an established place of business in this District at 5830 Granite Parkway, Suite 850, Plano, Texas 75024. Juniper's registered agent for service of process in Texas is CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

III. JURISDICTION AND VENUE

6. This is an action for patent infringement which arises under the Patent Laws of the United States, in particular, 35 U.S.C. §§ 271, 281, 283, 284 and 285.

7. This Court has exclusive jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

8. On information and belief, venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b) because Defendant has a regular and established place of business in this district, transacted business in this District, and has committed and/or induced acts of patent infringement in this district.

9. On information and belief, Defendant Juniper is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

IV. FACTUAL ALLEGATIONS

PATENTS-IN-SUIT

10. Parity Networks is the owner of all right, title and interest in and to U.S. Patent No. 6,252,848 (the “848 Patent”), entitled “System Performance in a Data Network Through Queue Management Based on Ingress Rate Monitoring,” issued on June 26, 2001.

11. Parity Networks is the owner of all right, title and interest in and to U.S. Patent No. 6,553,005 (the “005 patent”), entitled “Method and Apparatus for Load Apportionment among Physical Interfaces in Data Routers,” issued on April 22, 2003.

12. Parity Networks is the owner of all right, title and interest in and to U.S. Patent No. 6,738,378 (the “378 Patent”), entitled “Method and Apparatus for Intelligent Sorting and Process Determination of Data Packets Destined to a Central Processing Unit of a Router or Server on a Data Packet Network,” issued on May 18, 2004.

13. Parity Networks is the owner of all right, title and interest in and to U.S. Patent No. 6,763,394 (the “394 Patent”), entitled “Virtual Egress Packet Classification at Ingress,” issued on July 13, 2004.

14. Parity Networks is the owner of all right, title and interest in and to U.S. Patent No. 6,831,891 (the “891 Patent”), entitled “System for Fabric Patent Control,” issued on December 14, 2004.

15. Parity Networks is the owner of all right, title and interest in and to U.S. Patent No. 7,002,958 (the “958 Patent”), entitled “Method for Load-Balancing With FIFO Guarantees in Multipath Networks,” issued on February 21, 2006.

16. Parity Networks is the owner of all right, title and interest in and to U.S. Patent No. 7,103,046 (the “046 patent”), entitled “Method and Apparatus for Intelligent Sorting and Process

Determination of Data Packets Destined to a Central Processing Unit of a Router or Server on a Data Packet Network,” issued on September 5, 2006.

17. Parity Networks is the owner of all right, title and interest in and to U.S. Patent No. 7,107,352 (the “’352 Patent”), entitled “Virtual Egress Packet Classification at Ingress,” issued on September 12, 2006.

18. Parity Networks is the owner of all right, title and interest in and to U.S. Patent No. 7,719,963 (the “’963 Patent”), entitled “System for Fabric Patent Control,” issued on May 18, 2010.

19. Together, the foregoing patents are referred to herein as the “Patents-in-Suit.” Parity Networks is the assignee of the Patents-in-Suit, and has all rights to sue for infringement and collect past and future damages for the infringement thereof.

DEFENDANT’S ACTS

20. Juniper provides software and services directed to detection, analysis and monitoring of data flow in a data network environment, including products incorporating the Junos Operating System (“Junos OS”).

21. Junos OS is the single operating system that powers Juniper’s broad portfolio of physical and virtual networking and security products.

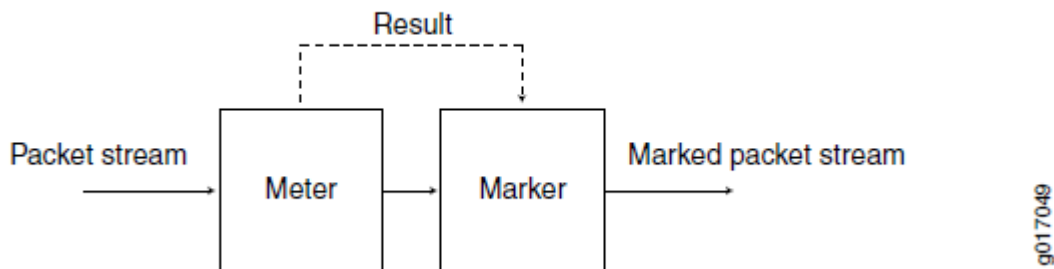
22. As an example, Juniper provides Junos OS class of service (CoS) to divide traffic into classes and set various levels of throughput and packet loss when congestion occurs.

Junos OS CoS works by examining traffic entering the edge of your network. The switch classifies traffic into defined service groups to provide the special treatment of traffic across the network. For example, you can send voice traffic across certain links and data traffic across other links. In addition, the data traffic streams can be serviced differently along the network path to ensure that higher-paying customers receive better service. As the traffic leaves the network at the far edge, you can reclassify the traffic to meet the policies of the targeted peer by rewriting the DSCP or IEEE 802.1 code-point bits.

Juniper Traffic Management Feature Guide (July 11, 2017) at 5.

23. Juniper also implements traffic policing, whereby limits are applied to traffic flow and consequences established for packets that exceed these limits—usually applying a higher loss priority—so that if packets encounter downstream congestion, they can be discarded first. A high level depiction is set forth below.

Figure 4: Flow of Tricolor Marking Policer Operation



Juniper Traffic Management Feature Guide (July 11, 2017) at 32.

24. The Juniper routers running Junos OS implement Quality of Service (“QoS”) mechanisms. In that regard, the ingress ports receive packets from a plurality of flows or services. Differentiated Services code points (DCSPs) are added to the headers. Packets are directed to output queues upon application of one or more policies.

25. Juniper, through Juniper OS, groups packets into service classes that are marked by source/destination IP address, source/destination port, protocol, application, ingress/egress interface, and ingress/egress interface group. *See* Juniper Networks J-Series Services Routers Quality of Service (QoS) at 4.

26. Juniper instructs its customers regarding the implementation and operation of the accused instrumentalities, including at http://www.juniper.net/documentation/en_US/release-independent/junos/information-products/pathway-pages/junos/product/.

27. On information of belief, Defendant Juniper also implements contractual protections in the form of license and use restrictions with its customers to preclude the unauthorized reproduction, distribution and modification of its software.

28. Moreover, on information and belief, Defendant Juniper implements technical precautions to attempt to thwart customers who would circumvent the intended operation of Juniper's products.

PRIOR KNOWLEDGE OF THE PATENTS-IN-SUIT

29. By letters dated October 5, 2016 and November 18, 2016, Juniper was provided and actually received notice of the Patents-in-Suit, and consequently has actual or constructive knowledge of each of them.

30. In addition, during the course of its own prosecution activities, Juniper and its affiliates have been apprised and gained prior knowledge of at least some of the Patents-in-Suit, including by way of family members.

31. Juniper was made aware of the '848 Patent by the Examiner of the U.S. Patent & Trademark Office ("USPTO") and/or raised it as relevant prior art in connection with its own applications giving rise to: (1) U.S. Patent Nos. 7,055,028; 7,231,446; 7,283,470; 7,369,500; 7,746,776; 7,990,868; 8,335,158; 8,441,925; 8,654,645; 8,948,011; 9,106,577; and (2) U.S. Patent Publication No. 20100220590.

32. Juniper was made aware of the '005 Patent by the USPTO and/or raised it as relevant prior art in connection with its own applications giving rise to: (1) U.S. Patent Nos. 7,277,386; 7,633,871; 8,004,990; 8,218,553; and 8,259,585; and (2) U.S. Patent Publication No. 20100214913.

V. COUNTS OF PATENT INFRINGEMENT

COUNT ONE INFRINGEMENT OF U.S. PATENT NO. 6,252,848

33. Parity Networks incorporates by reference its allegations in Paragraphs 1-32 as if fully restated in this paragraph.

34. Parity Networks is the assignee and owner of all right, title and interest to the '848 Patent. Parity Networks has the legal right to enforce the patent, sue for infringement, and seek equitable relief and damages.

35. On information and belief, Defendant Juniper, without authorization or license from Parity Networks, has been and is presently directly infringing at least claim 15 of the '848 Patent, as infringement is defined by 35 U.S.C. § 271(a), including through making, using (including for testing purposes), selling and offering for sale methods and articles infringing one or more claims of the '848 Patent. Defendant Juniper is thus liable for direct infringement of the '848 Patent pursuant to 35 U.S.C. § 271(a). Exemplary infringing products include the EX Series Switches, including the EX4600, which includes multiple ingress ports with output queues and wherein the ingress ports are configured to receive packets from multiple ingress flows and monitor their characteristics. Each packet is marked with a marking based on criteria including the ingress flow rate and the flow profile.

36. On information and belief, at least since the filing of the Original Complaint, Defendant Juniper, without authorization or license from Parity Networks, has been and is presently indirectly infringing at least claim 1 of the '848 Patent, including actively inducing infringement of the '848 Patent under 35 U.S.C. § 271(b). Such inducements include without limitation, with specific intent to encourage the infringement, knowingly inducing consumers to use infringing articles and methods that Juniper knows or should know infringe one or more claims

of the '848 Patent. Juniper instructs its customers to make and use the patented inventions of the '848 Patent by operating Juniper's products in accordance with Juniper's specifications. Juniper specifically intends its customers to infringe by implementing its Junos OS to configure class-of-service (CoS) components to classify, police, shape and mark traffic in an infringing manner.

37. As a result of Juniper's infringement of the '848 Patent, Parity Networks has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement under 35 U.S.C. § 284, but in no event, less than a reasonable royalty.

COUNT TWO
INFRINGEMENT OF U.S. PATENT NO. 6,553,005

38. Parity Networks incorporates by reference its allegations in Paragraphs 1-37 as if fully restated in this paragraph.

39. Parity Networks is the assignee and owner of all right, title and interest to the '005 Patent. Parity Networks has the legal right to enforce the patent, sue for infringement, and seek equitable relief and damages.

40. On information and belief, Defendant Juniper, without authorization or license from Parity Networks, has been and is presently directly infringing at least claim 1 of the '005 Patent, as infringement is defined by 35 U.S.C. § 271(a), including through making, using (including for testing purposes), selling and offering for sale methods and articles infringing one or more claims of the '005 Patent. Defendant Juniper is thus liable for direct infringement of the '005 Patent pursuant to 35 U.S.C. § 271(a). Exemplary infringing products include the MX Series 3D Universal Edge Routers, which includes multiple ports with output queues and wherein the ingress ports are configured to receive packets from multiple ingress flows. The MX Series 3D Universal Edge Routes packets having a plurality of candidate egress ports, including identifying a set of egress ports based on a source IP address.

41. On information and belief, at least since the filing of the Original Complaint, Defendant Juniper, without authorization or license from Parity Networks, has been and is presently indirectly infringing at least claim 1 of the '005 Patent, including actively inducing infringement of the '005 Patent under 35 U.S.C. § 271(b). Such inducements include without limitation, with specific intent to encourage the infringement, knowingly inducing consumers to use infringing articles and methods that Juniper knows or should know infringe one or more claims of the '005 Patent. Juniper instructs its customers to make and use the patented inventions of the '005 patent by operating Juniper's products in accordance with Juniper's specifications. Juniper specifically intends its customers to infringe by implementing its routers to implement link aggregation group (LAG), hashing and to choose a set of egress ports in an infringing manner, as set forth above.

42. As a result of Juniper's infringement of the '005 Patent, Parity Networks has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement under 35 U.S.C. § 284, but in no event, less than a reasonable royalty.

COUNT THREE
INFRINGEMENT OF U.S. PATENT NO. 6,738,378

43. Parity Networks incorporates by reference its allegations in Paragraphs 1-42 as if fully restated in this paragraph.

44. Parity Networks is the assignee and owner of all right, title and interest to the '378 Patent. Parity Networks has the legal right to enforce the patent, sue for infringement, and seek equitable relief and damages.

45. On information and belief, Defendant Juniper, without authorization or license from Parity Networks, has been and is presently directly infringing at least claim 1 of the '378 Patent, as infringement is defined by 35 U.S.C. § 271(a), including through making, using

(including for testing purposes), selling and offering for sale methods and articles infringing one or more claims of the '378 Patent. Defendant Juniper is thus liable for direct infringement of the '378 Patent pursuant to 35 U.S.C. § 271(a). Exemplary infringing products include the SRX Series devices, including as implemented in the SRX5000, which includes multiple processors for parallel packet processing and hardware queues of a network access controller (NAC) for queuing the packets according to category

46. On information and belief, at least since the filing of the Original Complaint, Defendant Juniper, without authorization or license from Parity Networks, has been and is presently indirectly infringing at least claim 1 of the '378 Patent, including actively inducing infringement of the '378 Patent under 35 U.S.C. § 271(b). Such inducements include without limitation, with specific intent to encourage the infringement, knowingly inducing consumers to use infringing articles and methods that Juniper knows or should know infringe one or more claims of the '378 Patent. Juniper instructs its customers to make and use the patented inventions of the '378 Patent by operating Juniper's products in accordance with Juniper's specifications. Juniper specifically intends its customers to infringe by implementing its Junos OS to sort and process data packets into two or more categories of different priority for processing and a queue for queuing sorted packets destined for the CPU.

47. As a result of Juniper's infringement of the '378 Patent, Parity Networks has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement under 35 U.S.C. § 284, but in no event, less than a reasonable royalty.

COUNT FOUR
INFRINGEMENT OF U.S. PATENT NO. 6,763,394

48. Parity Networks incorporates by reference its allegations in Paragraphs 1-47 as if fully restated in this paragraph.

49. Parity Networks is the assignee and owner of all right, title and interest to the '394 Patent. Parity Networks has the legal right to enforce the patent, sue for infringement, and seek equitable relief and damages.

50. On information and belief, Defendant Juniper, without authorization or license from Parity Networks, has been and is presently directly infringing at least claim 13 of the '394 Patent, as infringement is defined by 35 U.S.C. § 271(a), including through making, using (including for testing purposes), selling and offering for sale methods and articles infringing one or more claims of the '394 Patent. Defendant Juniper is thus liable for direct infringement of the '394 Patent pursuant to 35 U.S.C. § 271(a). Exemplary infringing products include the EX Series Switches, including the EX9200 Switch, which includes ACLs for filtering and dropping of packets implemented at the ingress port for egress pass/drop determination.

51. On information and belief, at least since the filing of the Original Complaint, Defendant Juniper, without authorization or license from Parity Networks, has been and is presently indirectly infringing at least claim 13 of the '394 Patent, including actively inducing infringement of the '394 Patent under 35 U.S.C. § 271(b). Such inducements include without limitation, with specific intent to encourage the infringement, knowingly inducing consumers to use infringing articles and methods that Juniper knows or should know infringe one or more claims of the '394 Patent. Juniper instructs its customers to make and use the patented inventions of the '394 Patent by operating Juniper's products in accordance with Juniper's specifications. Juniper specifically intends its customers to infringe by implementing its routers perform traffic policing using ACL rules to create multiple LUTs, as set forth above.

52. As a result of Juniper's infringement of the '394 Patent, Parity Networks has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement under 35 U.S.C. § 284, but in no event, less than a reasonable royalty.

COUNT FIVE
INFRINGEMENT OF U.S. PATENT NO. 6,831,891

53. Parity Networks incorporates by reference its allegations in Paragraphs 1-52 as if fully restated in this paragraph.

54. Parity Networks is the assignee and owner of all right, title and interest to the '891 Patent. Parity Networks has the legal right to enforce the patent, sue for infringement, and seek equitable relief and damages.

55. On information and belief, Defendant Juniper, without authorization or license from Parity Networks, has been and is presently directly infringing at least claim 1 of the '891 Patent, as infringement is defined by 35 U.S.C. § 271(a), including through making, using (including for testing purposes), selling and offering for sale methods and articles infringing one or more claims of the '891 Patent. Defendant Juniper is thus liable for direct infringement of the '891 Patent pursuant to 35 U.S.C. § 271(a). Exemplary infringing products include the PTX Series Routers, which have an internal fabric network and a VOQ selection process for random early detection.

56. On information and belief, at least since the filing of the Original Complaint, Defendant Juniper, without authorization or license from Parity Networks, has been and is presently indirectly infringing at least claim 1 of the '891 Patent, including actively inducing infringement of the '891 Patent under 35 U.S.C. § 271(b). Such inducements include without limitation, with specific intent to encourage the infringement, knowingly inducing consumers to use infringing articles and methods that Juniper knows or should know infringe one or more claims

of the '891 Patent. Juniper instructs its customers to make and use the patented inventions of the '891 Patent by operating Juniper's products in accordance with Juniper's specifications. Juniper specifically intends its customers to infringe by implementing its VOQ so that each virtual output queue at each individual input port is dedicated to an individual output port and stores only packets destined for the associated output port for managing incoming data traffic.

57. As a result of Juniper's infringement of the '891 Patent, Parity Networks has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement under 35 U.S.C. § 284, but in no event, less than a reasonable royalty.

COUNT SIX
INFRINGEMENT OF U.S. PATENT NO. 7,002,958

58. Parity Networks incorporates by reference its allegations in Paragraphs 1-57 as if fully restated in this paragraph.

59. Parity Networks is the assignee and owner of all right, title and interest to the '958 Patent. Parity Networks has the legal right to enforce the patent, sue for infringement, and seek equitable relief and damages.

60. On information and belief, Defendant Juniper, without authorization or license from Parity Networks, has been and is presently directly infringing at least claim 1 of the '958 Patent, as infringement is defined by 35 U.S.C. § 271(a), including through making, using (including for testing purposes), selling and offering for sale methods and articles infringing one or more claims of the '958 Patent. Defendant Juniper is thus liable for direct infringement of the '958 Patent pursuant to 35 U.S.C. § 271(a). Exemplary infringing products include the MX Series Routers, which support Multipath Label Switching (MPLS), allocates labels to packets and accesses routing bias tables to establish a label switched path (LSP).

61. On information and belief, at least since the filing of the Original Complaint, Defendant Juniper, without authorization or license from Parity Networks, has been and is presently indirectly infringing at least claim 1 of the '958 Patent, including actively inducing infringement of the '958 Patent under 35 U.S.C. § 271(b). Such inducements include without limitation, with specific intent to encourage the infringement, knowingly inducing consumers to use infringing articles and methods that Juniper knows or should know infringe one or more claims of the '958 Patent. Juniper instructs its customers to make and use the patented inventions of the '958 Patent by operating Juniper's products in accordance with Juniper's specifications. Juniper specifically intends its customers to infringe by implementing its routers to perform MPLS in an infringing manner, as set forth above.

62. As a result of Juniper's infringement of the '958 Patent, Parity Networks has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement under 35 U.S.C. § 284, but in no event, less than a reasonable royalty.

COUNT SEVEN
INFRINGEMENT OF U.S. PATENT NO. 7,103,046

63. Parity Networks incorporates by reference its allegations in Paragraphs 1-62 as if fully restated in this paragraph.

64. Parity Networks is the assignee and owner of all right, title and interest to the '046 Patent. Parity Networks has the legal right to enforce the patent, sue for infringement, and seek equitable relief and damages.

65. On information and belief, Defendant Juniper, without authorization or license from Parity Networks, has been and is presently directly infringing at least claim 1 of the '046 Patent, as infringement is defined by 35 U.S.C. § 271(a), including through making, using (including for testing purposes), selling and offering for sale methods and articles infringing one

or more claims of the '046 Patent. Defendant Juniper is thus liable for direct infringement of the '046 Patent pursuant to 35 U.S.C. § 271(a). Exemplary infringing products include the SRX Series devices, including as implemented in the SRX5000, which includes multiple processors for parallel packet processing and hardware queues of a network access controller (NAC) for queuing the packets according to category

66. On information and belief, at least since the filing of the Original Complaint, Defendant Juniper, without authorization or license from Parity Networks, has been and is presently indirectly infringing at least claim 15 of the '046 Patent, including actively inducing infringement of the '046 Patent under 35 U.S.C. § 271(b). Such inducements include without limitation, with specific intent to encourage the infringement, knowingly inducing consumers to use infringing articles and methods that Juniper knows or should know infringe one or more claims of the '046 Patent. Juniper instructs its customers to make and use the patented inventions of the '046 Patent by operating Juniper's products in accordance with Juniper's specifications. Juniper specifically intends its customers to infringe by implementing its Junos OS to sort and process data packets into two or more categories of different priority for processing and a queue for queuing sorted packets destined for the CPU.

67. As a result of Juniper's infringement of the '046 Patent, Parity Networks has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement under 35 U.S.C. § 284, but in no event, less than a reasonable royalty.

COUNT EIGHT
INFRINGEMENT OF U.S. PATENT NO. 7,107,352

68. Parity Networks incorporates by reference its allegations in Paragraphs 1-67 as if fully restated in this paragraph.

69. Parity Networks is the assignee and owner of all right, title and interest to the '352 Patent. Parity Networks has the legal right to enforce the patent, sue for infringement, and seek equitable relief and damages.

70. On information and belief, Defendant Juniper, without authorization or license from Parity Networks, has been and is presently directly infringing at least claim 1 of the '352 Patent, as infringement is defined by 35 U.S.C. § 271(a), including through making, using (including for testing purposes), selling and offering for sale methods and articles infringing one or more claims of the '352 Patent. Defendant Juniper is thus liable for direct infringement of the '352 Patent pursuant to 35 U.S.C. § 271(a). Exemplary infringing products include the EX Series Switches, including the EX9200 Switch, which includes ACLs for filtering and dropping of packets implemented at the ingress port for egress pass/drop determination.

71. On information and belief, at least since the filing of the Original Complaint, Defendant Juniper, without authorization or license from Parity Networks, has been and is presently indirectly infringing at least claim 1 of the '352 Patent, including actively inducing infringement of the '352 Patent under 35 U.S.C. § 271(b). Such inducements include without limitation, with specific intent to encourage the infringement, knowingly inducing consumers to use infringing articles and methods that Juniper knows or should know infringe one or more claims of the '352 Patent. Juniper instructs its customers to make and use the patented inventions of the '352 Patent by operating Juniper's products in accordance with Juniper's specifications. Juniper specifically intends its customers to infringe by implementing its routers perform traffic policing using ACL rules to create multiple LUTs, as set forth above.

72. As a result of Juniper's infringement of the '352 Patent, Parity Networks has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement under 35 U.S.C. § 284, but in no event, less than a reasonable royalty.

COUNT NINE
INFRINGEMENT OF U.S. PATENT NO. 7,719,963

73. Parity Networks incorporates by reference its allegations in Paragraphs 1-72 as if fully restated in this paragraph.

74. Parity Networks is the assignee and owner of all right, title and interest to the '963 Patent. Parity Networks has the legal right to enforce the patent, sue for infringement, and seek equitable relief and damages.

75. On information and belief, Defendant Juniper, without authorization or license from Parity Networks, has been and is presently directly infringing at least claim 3 of the '963 Patent, as infringement is defined by 35 U.S.C. § 271(a), including through making, using (including for testing purposes), selling and offering for sale methods and articles infringing one or more claims of the '963 Patent. Defendant Juniper is thus liable for direct infringement of the '963 Patent pursuant to 35 U.S.C. § 271(a). Exemplary infringing products include the PTX Series Routers, which have an internal fabric network and a VOQ selection process for random early detection.

76. On information and belief, at least since the filing of the Original Complaint, Defendant Juniper, without authorization or license from Parity Networks, has been and is presently indirectly infringing at least claim 1 of the '963 Patent, including actively inducing infringement of the '963 Patent under 35 U.S.C. § 271(b). Such inducements include without limitation, with specific intent to encourage the infringement, knowingly inducing consumers to use infringing articles and methods that Juniper knows or should know infringe one or more claims

of the '963 Patent. Juniper instructs its customers to make and use the patented inventions of the '963 Patent by operating Juniper's products in accordance with Juniper's specifications. Juniper specifically intends its customers to infringe by implementing its VOQ so that a queue manager increases the rate of discarding data above a preset threshold.

77. As a result of Juniper's infringement of the '963 Patent, Parity Networks has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement under 35 U.S.C. § 284, but in no event, less than a reasonable royalty.

VI. WILLFUL INFRINGEMENT

78. Plaintiff alleges upon information and belief that, in connection with the knowledge it gained in connection with its own prosecution activities, Defendant has been made aware of at least the '848 Patent and the '005 Patent.

79. Notwithstanding this knowledge, Defendant has knowingly or with reckless disregard willfully infringed one or more of the foregoing Patents-in-Suit. Defendant has thus had actual notice of infringement of one or more of the Patents-in-Suit and acted despite an objectively high likelihood that its actions constituted infringement of Plaintiff's valid patent rights.

80. This objective risk was either known or so obvious that it should have been known to Defendant. Accordingly, Plaintiff seeks enhanced damages pursuant to 35 U.S.C. § 284.

VII. JURY DEMAND

81. Plaintiff Parity Networks demands a trial by jury of all matters to which it is entitled to trial by jury, pursuant to FED. R. CIV. P. 38.

VIII. PRAYER FOR RELIEF

WHEREFORE, Parity Networks prays for judgment and seeks relief against Defendant as follows:

- A. That the Court determine that one or more claims of the Patents-in-Suit is infringed by Defendant Juniper, either literally or under the doctrine of equivalents;
- B. That the Court award damages adequate to compensate Parity Networks for the patent infringement that has occurred, together with prejudgment and post-judgment interest and costs, and an ongoing royalty for continued infringement;
- C. That the Court permanently enjoin Defendant pursuant to 35 U.S.C. § 283;
- D. That the Court award enhanced damages with respect to the '848 Patent and the '005 Patent pursuant to 35 U.S.C. §284; and
- E. That the Court award such other relief to Parity Networks as the Court deems just and proper.

DATED: August 31, 2017

Respectfully submitted,

/s/ Andrew G. DiNovo

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