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 12 PROVEN NETWORKS, LLC

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 14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**
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 18 PROVEN NETWORKS, LLC

19 *Plaintiff,*

20 *v.*

21 F5 NETWORKS, INC.,

22
 23 *Defendant.*
 24

Case No. 5:20-cv-02521

**COMPLAINT FOR
 PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 This is an action for patent infringement arising under the Patent Laws of the United States
2 of America, 35 U.S.C. § 1 *et seq.*, in which Plaintiff Proven Networks, LLC (“Plaintiff” or “Proven
3 Networks”) makes the following allegations against Defendant F5 Networks, Inc. (“Defendant”):

4 **INTRODUCTION**

5 1. This complaint arises from Defendant’s unlawful infringement of the following
6 United States patents owned by Proven Networks, each of which generally relate to data
7 networking technology: United States Patent Nos. 8,018,852 (“852 Patent”); 8,165,024 (“024
8 Patent”); 7,877,786 (“786 Patent”); and 7,450,507 (“507 Patent”) (collectively, the “Asserted
9 Patents”).
10

11 2. The management and optimization of data flow in networking systems is essential
12 in modern society. Not only do computers, smartphones, and home automation devices operating
13 via the Internet generate data traffic, but basic technology such as voice services and file transfers
14 do as well. The enormous increase in multimedia content, such as videos, has greatly increased
15 data traffic without proportional increases in data bandwidth. One problem caused by the large
16 consumption of high-bandwidth multimedia content is that more important data, including
17 relatively low-bandwidth services such as voice services and data transfers (e.g., financial data),
18 can suffer due to lack of bandwidth, resulting in dropped calls and incomplete file transfers.
19 Optimization of data traffic in data networks has become even more important in order to navigate
20 the bandwidth limitations. A related issue concerns protecting data networks from computer
21 viruses residing on unauthorized devices by limiting access to the data network and implementing
22 a security policy on the device.
23

24 3. The Asserted Patents address the general problem of network congestion and
25 bandwidth limitations by providing specific techniques to optimize and manage data traffic. The
26 Asserted Patents originated from telecommunications and wireless networking research from
27 Alcatel-Lucent. The inventors were keenly aware of the increase of high-bandwidth applications
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1 such as video, especially in wireless and mobile networks, and sought to develop technology to
2 maintain acceptable performance for as many users, for as long as possible, under varying and
3 adverse data traffic conditions.

4 4. For example, the '852 Patent teaches methods to augment routing decisions in
5 networking equipment by using techniques based on "equal cost" paths to optimize data traffic.
6 The '024 Patent teaches the use of a "deep packet inspection" device, especially in wireless
7 networks, to examine the characteristics of data packets passing through the network in order to
8 provide classification data to the data packets for downstream application-specific processing. The
9 '786 Patent teaches isolating a client device to a sub-network if it is detected to not be in
10 compliance with the network's security policies. The '507 Patent teaches a rate-limiting hierarchy
11 method to control the bandwidth usage of different classifications of data traffic with provisions
12 for exceeding the designated bandwidth by borrowing excess bandwidth from other classifications
13 of data traffic under configurable conditions.
14

15 **PARTIES**

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17 5. Plaintiff Proven Networks, LLC is a company organized under the laws of the State
18 of California. Proven Networks is the sole owner by assignment of all right, title, and interest in
19 each Asserted Patent.

20 6. On information and belief, Defendant F5 Networks, Inc. is a corporation organized
21 under the laws of the State of Washington, with its principal place of business at 801 5th Avenue,
22 Seattle Washington 98104.

23 **JURISDICTION AND VENUE**

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25 7. This action arises under the patent laws of the United States, Title 35 of the United
26 States Code. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and
27 1338(a).
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8. This Court has personal jurisdiction over Defendant in this action because Defendant has committed acts within this District giving rise to this action, and has established minimum contacts with this forum such that the exercise of jurisdiction over Defendant would not offend traditional notions of fair play and substantial justice. Defendant, directly and through subsidiaries or intermediaries, has committed and continues to commit acts of infringement in this District by, among other things, making, using, importing, offering to sell, and selling products that infringe the Asserted Patents.

9. Venue is proper in this District under 28 U.S.C. § 1400(b). Defendant is registered to do business in California, and upon information and belief, Defendant has transacted business in this District and has committed acts of direct and indirect infringement in this District by, among other things, importing, offering to sell, and selling products that infringe the asserted patents. Defendant has a regular and established place of business in the District, including corporate offices at 3545 North 1st Street, San Jose, California 95134.¹

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 8,018,852

10. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

11. Plaintiff owns by assignment all rights, title, and interest in U.S. Patent No. 8,018,852, titled “Equal-Cost Source-Resolved Routing System and Method.” The ’852 Patent was duly and legally issued by the United States Patent and Trademark Office on September 13, 2011. A true and correct copy of the ’852 Patent is attached as Exhibit 1.

12. On information and belief, Defendant makes, uses, offers for sale, sells, and/or imports certain products (“Accused Products”), such as the F5 Networks BIG-IP devices and the

¹ See, e.g., <https://www.f5.com/company/contact/regional-offices>.

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1 BIG-IP software solution, that directly infringe, literally and/or under the doctrine of equivalents,
2 claims 1–18 of the '852 Patent.

3 13. Defendant also knowingly and intentionally induces infringement of claims 1–18
4 of the '852 Patent in violation of 35 U.S.C. § 271(b). At least through the filing and service of this
5 Complaint, Defendant has knowledge of the '852 Patent and the infringing nature of the Accused
6 Products. Despite this knowledge of the '852 Patent, Defendant continues to actively encourage
7 and instruct its customers and end users (for example, through user manuals and online instruction
8 materials on their website) to use the Accused Products in ways that directly infringe the '852
9 Patent. Defendant does so knowing and intending that its customers and end users will commit
10 these infringing acts. Defendant also continues to make, use, offer for sale, sell, and/or import the
11 Accused Products, despite its knowledge of the '852 Patent, thereby specifically intending for and
12 inducing its customers to infringe the '852 Patent through the customers' normal and customary
13 use of the Accused Products.
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15 14. The Accused Products satisfy all claim limitations of claims 1–18 of the '852
16 Patent. A claim chart comparing independent claim 1 of the '852 Patent to the representative
17 Accused Product, the F5 Networks BIG-IP solution, is attached as Exhibit 2.
18

19 15. By making, using, offering for sale, selling and/or importing into the United States
20 the Accused Products, Defendant has injured Plaintiff and is liable for infringement of the '852
21 Patent pursuant to 35 U.S.C. § 271.
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23 16. As a result of Defendant's infringement of the '852 Patent, Plaintiff is entitled to
24 monetary damages in an amount adequate to compensate for Defendant's infringement, but in no
25 event less than a reasonable royalty for the use made of the invention by Defendant, together with
26 interest and costs as fixed by the Court.

27 17. Defendant's infringing activities have injured and will continue to injure Plaintiff
28 unless and until this Court enters an injunction prohibiting further infringement of the '852 Patent,

1 and, specifically, enjoining further manufacture, use, sale, importation, and/or offers for sale that
2 come within the scope of the patent claims.

3 **COUNT II**

4 **INFRINGEMENT OF U.S. PATENT NO. 8,165,024**

5 18. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully
6 set forth herein.

7
8 19. Plaintiff owns by assignment all rights, title, and interest in U.S. Patent No.
9 8,165,024, titled “Use of DPI to Extract and Forward Application Characteristics.” The ’024 Patent
10 was duly and legally issued by the United States Patent and Trademark Office on April 24, 2012.
11 A true and correct copy of the ’024 Patent is attached as Exhibit 3.

12 20. On information and belief, Defendant makes, uses, offers for sale, sells, and/or
13 imports certain products (“Accused Products”), such as the F5 Networks BIG-IP Policy
14 Enforcement Manager (PEM) and BIG-IP platforms running BIG-IP Policy Enforcement Manager
15 such as VIPRION C2400, C4800, C4480, iSeries i5x00, i7x00, i10x00, and BIG-IP Virtual
16 Editions (vPCEF/vTDF), that directly infringe, literally and/or under the doctrine of equivalents,
17 claims 1–25 of the ’024 Patent.
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19 21. Defendant also knowingly and intentionally induces infringement of claims 1–25
20 of the ’024 Patent in violation of 35 U.S.C. § 271(b). At least through the filing and service of this
21 Complaint, Defendant has knowledge of the ’024 Patent and the infringing nature of the Accused
22 Products. Despite this knowledge of the ’024 Patent, Defendant continues to actively encourage
23 and instruct its customers and end users (for example, through user manuals and online instruction
24 materials on its website) to use the Accused Products in ways that directly infringe the ’024 Patent.
25 Defendant does so knowing and intending that its customers and end users will commit these
26 infringing acts. Defendant also continues to make, use, offer for sale, sell, and/or import the
27 Accused Products, despite its knowledge of the ’024 Patent, thereby specifically intending for and
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1 inducing its customers to infringe the '024 Patent through the customers' normal and customary
2 use of the Accused Products.

3 22. The Accused Products satisfy all claim limitations of claims 1–25 of the '024
4 Patent. A claim chart comparing independent claim 1 of the '024 Patent to the representative
5 Accused Product, the F5 Networks BIG-IP Policy Enforcement Manager, is attached as Exhibit 4.

6 23. By making, using, offering for sale, selling and/or importing into the United States
7 the Accused Products, Defendant has injured Plaintiff and is liable for infringement of the '024
8 Patent pursuant to 35 U.S.C. § 271.

9 24. As a result of Defendant's infringement of the '024 Patent, Plaintiff is entitled to
10 monetary damages in an amount adequate to compensate for Defendant's infringement, but in no
11 event less than a reasonable royalty for the use made of the invention by Defendant, together with
12 interest and costs as fixed by the Court.

13 25. Defendant's infringing activities have injured and will continue to injure Plaintiff
14 unless and until this Court enters an injunction prohibiting further infringement of the '024 Patent,
15 and, specifically, enjoining further manufacture, use, sale, importation, and/or offers for sale that
16 come within the scope of the patent claims.

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19 **COUNT III**

20 **INFRINGEMENT OF U.S. PATENT NO. 7,877,786**

21 26. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully
22 set forth herein.

23 27. Plaintiff owns by assignment all rights, title, and interest in U.S. Patent No.
24 7,877,786, titled "Method, Apparatus and Network Architecture for Enforcing Security Policies
25 Using an Isolated Subnet." The '786 Patent was duly and legally issued by the United States Patent
26 and Trademark Office on January 25, 2011. A true and correct copy of the '786 Patent is attached
27 as Exhibit 5.
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1 28. On information and belief, Defendant makes, uses, offers for sale, sells, and/or
2 imports certain products (“Accused Products”), such as the F5 Networks BIG-IP Access Policy
3 Manager (APM), that directly infringe, literally and/or under the doctrine of equivalents, claims
4 1–18 of the ’786 Patent.

5 29. Defendant also knowingly and intentionally induces infringement of claims 1–18
6 of the ’786 Patent in violation of 35 U.S.C. § 271(b). At least through the filing and service of this
7 Complaint, Defendant has knowledge of the ’786 Patent and the infringing nature of the Accused
8 Products. Despite this knowledge of the ’786 Patent, Defendant continues to actively encourage
9 and instruct its customers and end users (for example, through user manuals and online instruction
10 materials on its website) to use the Accused Products in ways that directly infringe the ’786 Patent.
11 Defendant does so knowing and intending that its customers and end users will commit these
12 infringing acts. Defendant also continues to make, use, offer for sale, sell, and/or import the
13 Accused Products, despite its knowledge of the ’786 Patent, thereby specifically intending for and
14 inducing its customers to infringe the ’786 Patent through the customers’ normal and customary
15 use of the Accused Products.
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18 30. The Accused Products satisfy all claim limitations of claims 1–18 of the ’786
19 Patent. A claim chart comparing independent claim 1 of the ’786 Patent to the representative
20 Accused Product, F5 Networks BIG-IP Access Policy Manager (APM), is attached as Exhibit 6.

21 31. By making, using, offering for sale, selling and/or importing into the United States
22 the Accused Products, Defendant has injured Plaintiff and is liable for infringement of the ’786
23 Patent pursuant to 35 U.S.C. § 271.
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25 32. As a result of Defendant’s infringement of the ’786 Patent, Plaintiff is entitled to
26 monetary damages in an amount adequate to compensate for Defendant’s infringement, but in no
27 event less than a reasonable royalty for the use made of the invention by Defendant, together with
28 interest and costs as fixed by the Court.

1 33. Defendant’s infringing activities have injured and will continue to injure Plaintiff
2 unless and until this Court enters an injunction prohibiting further infringement of the ’786 Patent,
3 and, specifically, enjoining further manufacture, use, sale, importation, and/or offers for sale that
4 come within the scope of the patent claims.

5 **COUNT IV**

6 **INFRINGEMENT OF U.S. PATENT NO. 7,450,507**

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8 34. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully
9 set forth herein.

10 35. Plaintiff owns by assignment all rights, title, and interest in U.S. Patent No.
11 7,450,507 titled “Hierarchal Rate-Limiting at a Network Node that Utilizes an Infinity Rate-Limit
12 Check.” The ’507 Patent was duly and legally issued by the United States Patent and Trademark
13 Office on November 11, 2008. A true and correct copy of the ’507 Patent is attached as Exhibit 7.

14 36. On information and belief, Defendant makes, uses, offers for sale, sells, and/or
15 imports certain products (“Accused Products”), such as the F5 Network BIG-IP Policy
16 Enforcement Manager (PEM), that directly infringe, literally and/or under the doctrine of
17 equivalents, claims 1–20 of the ’507 Patent.

18
19 37. Defendant also knowingly and intentionally induces infringement of claims 1–20
20 of the ’507 Patent in violation of 35 U.S.C. § 271(b). At least through the filing and service of this
21 Complaint, Defendant has knowledge of the ’507 Patent and the infringing nature of the Accused
22 Products. Despite this knowledge of the ’507 Patent, Defendant continues to actively encourage
23 and instruct its customers and end users (for example, through user manuals and online instruction
24 materials on its website) to use the Accused Products in ways that directly infringe the ’507 Patent.
25 Defendant does so knowing and intending that its customers and end users will commit these
26 infringing acts. Defendant also continues to make, use, offer for sale, sell, and/or import the
27 Accused Products, despite its knowledge of the ’507 Patent, thereby specifically intending for and
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1 inducing its customers to infringe the '507 Patent through the customers' normal and customary
2 use of the Accused Products.

3 38. The Accused Products satisfy all claim limitations of claims 1–20 of the '507
4 Patent. A claim chart comparing independent claim 1 of the '507 Patent to the representative
5 Accused Product, the F5 Network BIG-IP Policy Enforcement Manager (PEM), is attached as
6 Exhibit 8.

7 39. By making, using, offering for sale, selling and/or importing into the United States
8 the Accused Products, Defendant has injured Plaintiff and is liable for infringement of the '507
9 Patent pursuant to 35 U.S.C. § 271.

10 40. As a result of Defendant's infringement of the '507 Patent, Plaintiff is entitled to
11 monetary damages in an amount adequate to compensate for Defendant's infringement, but in no
12 event less than a reasonable royalty for the use made of the invention by Defendant, together with
13 interest and costs as fixed by the Court.

14 41. Defendant's infringing activities have injured and will continue to injure Plaintiff
15 unless and until this Court enters an injunction prohibiting further infringement of the '507 Patent,
16 and, specifically, enjoining further manufacture, use, sale, importation, and/or offers for sale that
17 come within the scope of the patent claims.

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20 **PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiff respectfully requests that this Court enter:

22 a. A judgment in favor of Plaintiff that Defendant has infringed, either literally and/or
23 under the doctrine of equivalents, the '852 Patent, '024 Patent, '786 Patent, and '507 Patent;

24 b. A permanent injunction prohibiting Defendant from further acts of infringement
25 of '852 Patent, '024 Patent, '786 Patent, and '507 Patent;

26 c. A judgment and order requiring Defendant to pay Plaintiff its damages, costs,
27 expenses, and pre-judgment and post-judgment interest for Defendant' infringement of the '852
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1 Patent, '024 Patent, '786 Patent, and '507 Patent; and

2 d. A judgment and order requiring Defendant to provide an accounting and to pay
3 supplemental damages to Plaintiff, including without limitation, pre-judgment and post-judgment
4 interest;

5 e. A judgment and order finding that this is an exceptional case within the meaning
6 of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees against Defendant; and

7 f. Any and all other relief as the Court may deem appropriate and just under the
8 circumstances.
9

10 **DEMAND FOR JURY TRIAL**

11 Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of
12 any issues so triable by right.
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14

15 Dated: April 13, 2020

Respectfully submitted,

16 /s/ Reza Mirzaie

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