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

LONGHORN HD LLC.,	§ § § § § § § § § § § §	
Plaintiff,		Case No.
v.		**JURY TRIAL DEMANDED**
TREND MICRO INC.,		
Defendant.		

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Longhorn HD LLC. ("LHD" or "Plaintiff") for its Complaint against Defendant

Trend Micro Inc ("Trend Micro" or "Defendant") alleges as follows:

THE PARTIES

1.   LHD is a limited liability company organized and existing under the laws of the

State of Texas, with its principal place of business located at 203 East Travis Street, Marshall,

Texas 75670.

2.   Upon information and belief, Defendant Trend Micro Inc is corporation organized

under the laws of the State of Delaware with a regular and established place of business in this

Judicial District. For example, the Collin County tax records indicate that Trend Micro maintains

inventory at 909 Central Parkway, Plano, Texas 75075. Trend Micro also maintains an office

nearby at 225 East John Carpenter Freeway, Suite 1500, Irving, Texas 75062. Upon information

and belief, Trend Micro does business in Texas and in the Eastern District of Texas, directly or

through intermediaries.

JURISDICTION

3.   This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq*. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4.   This Court has personal jurisdiction over Defendant. Defendant regularly conducts business and has committed acts of patent infringement and/or has induced acts of patent infringement by others in this Judicial District and/or has contributed to patent infringement by others in this Judicial District, the State of Texas, and elsewhere in the United States.

5.   Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1400(b) and 1391(b) and (c) because the Defendant is subject to personal jurisdiction in this Judicial District, has committed acts of patent infringement in this Judicial District, and has a regular and established place of business in this Judicial District. The Defendant, through its own acts, makes, uses, sells, and/or offers to sell infringing products within this Judicial District, regularly does and solicits business in this Judicial District, and has the requisite minimum contacts with the Judicial District such that this venue is a fair and reasonable one.

6.   Defendant is subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to its substantial business in this State and Judicial District, including (a) at least part of its past infringing activities, (b) regularly doing or soliciting business in Texas, and/or (c) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas.

PATENTS-IN-SUIT

7.   On October 11, 2005, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,954,790 (the "'790 Patent") entitled "Network-Based Mobile

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Workgroup System."   A true and correct copy of the '790 Patent is available at http://pdfpiw.uspto.gov/.piw?PageNum=0&docid=6954790.

8.   On August 21, 2007, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,260,846 (the "'846 Patent") entitled "Intrusion Detection System." A   true   and   correct   copy   of   the   '846   Patent   is   available   at http://pdfpiw.uspto.gov/.piw?PageNum=0&docid=7260846.

9.   LHD is the sole and exclusive owner of all right, title, and interest in the'790 Patent and the '846 Patent, (collectively, the "Patents-in-Suit"), and holds the exclusive right to take all actions necessary to enforce its rights to the Patents-in-Suit, including the filing of this patent infringement lawsuit. LHD also has the right to recover all damages for past, present, and future infringement of the Patents-in-Suit and to seek injunctive relief as appropriate under the law.

FACTUAL ALLEGATIONS

10.   The Patents-in-Suit generally cover systems and methods for computer and network security.

11.   The '790 Patent generally relates to technology for mobile workgroups' VPN and firewall systems. The technology further implements these mappings as the basis for secure gateways. The technology described in the '790 Patent was developed by Jan Forslöw at Interactive People Unplugged AB. By way of example, this technology is implemented today in VPNs that allow for mobile participation, further implementing network firewalls and gateways that allow for the VPNs to share resources with mobile devices.

12.   The '846 Patent generally relates to technology for intrusion detection systems. The technology described in the '846 Patent was developed by Christopher Day at Steelcloud, Inc. By way of example, this technology is implemented today in intrusion detection systems ("IDS")

and intrusion prevention systems ("IPS") that utilize machine-learning techniques to detect and prevent intrusions.

13.   Trend Micro has infringed and is continuing to infringe one or more of the Patents-in-Suit by making, using, selling, offering to sell, and/or importing, and by actively inducing others to make, use, sell, offer to sell, and/or importing, products that include security gateways, routers, control system security appliance, clouds, and components and software that provide or utilize firewall, VPN, IPSec, DNS, IDS/IPS, mobile security, and threat protection, as well as network-based mobile workgroup systems. Such products include at least the Advanced Threat Detection, Apex, Cloud App, Cloud Edge, Cloud One, Deep, Endpoint, XDR, Server Protect, TippingPoint, and Worry-Free products and associated software which utilize functionality that infringes the Patents-in-Suit ("Accused Products").

COUNT I
### (Infringement of the '790 Patent)

14.   Paragraphs 1 through 13 are incorporated by reference as if fully set forth herein.

15.   LHD has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the '790 Patent.

16.   Defendant has and continues to directly infringe the '790 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '790 Patent. Such products include at least the Deep Edge products and associated software.

17.   For example, Defendant has and continues to directly infringe at least claim 1 of the '790 Patent by making, using, offering to sell, selling, and/or importing into the United States products that include gateway devices that provide mobile user workgroups. The infringing

systems include a network-based mobile workgroup system comprising a plurality of mobile client nodes, each mobile client node providing an interface for user interaction by a mobile user, for example, Deep Edge products running on mobile devices, including but not limited to Android devices.
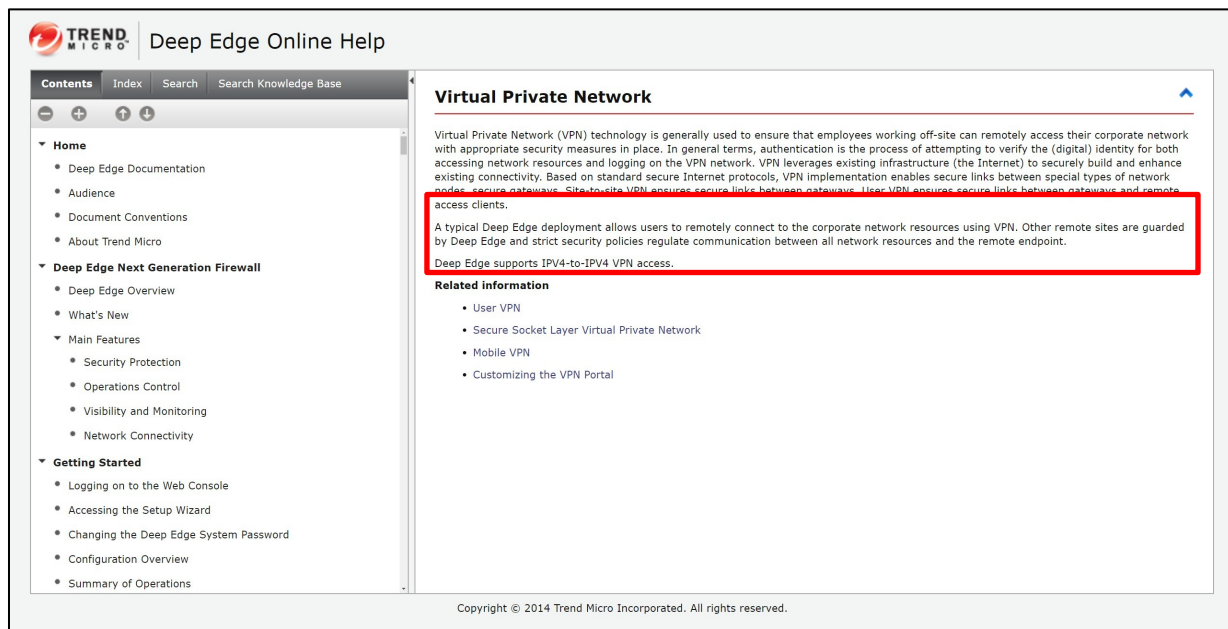
18.   The Accused Products include a plurality of mobile service router nodes, each mobile service router node providing a mobile Virtual Private Network (VPN), or the functional equivalent thereof, to the mobile client nodes spanning multiple router hops and sites. Upon information and belief, the Accused Products further include a network address identifier (NAI) with which a user of a mobile client is uniquely identified to the mobile VPN system, for example, a device Media Access Control ("MAC") address.

19.   Additionally, the Accused Products include a set of firewall filters and route policies with which the workgroup is protected. Additionally, the mobile VPN provides each mobile client secure data access to the VPN and provides secure data access to each mobile client

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[1] chrome-extension://mlalmgcpkbkmallcicmnjidjjjmfehak/screenshot.html?id=1603723708086

from within the mobile VPN, wherein a point of attachment of any mobile client node to the mobile VPN may change without affecting that mobile client node's participation in the mobile VPN.

20.   Defendant has and continues to indirectly infringe one or more claims of the '790 Patent by knowingly and intentionally inducing others, including Trend Micro customers and end-users, to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling and/or importing into the United States products that include infringing technology, such as Trend Micro client for mobile devices.

21.   Defendant, with knowledge that these products, or the use thereof, infringe the '790 Patent at least as of the date of this Complaint, knowingly and intentionally induced, and continues to knowingly and intentionally induce, direct infringement of the '790 Patent by providing these products to end users for use in an infringing manner.

22.   Defendant induced infringement by others, including end users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end users, infringe the '790 Patent, but while remaining willfully blind to the infringement.

23.   LHD has suffered damages as a result of Defendant's direct and indirect infringement of the '790 Patent in an amount to be proved at trial.

24.   LHD has suffered, and will continue to suffer, irreparable harm as a result of Defendant's infringement of the '790 Patent, for which there is no adequate remedy at law, unless Defendant's infringement is enjoined by this Court.

COUNT II
(Infringement of the '846 Patent)

25.   Paragraphs 1 through 13 are incorporated by reference as if fully set forth herein.

26.   LHD has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the '846 Patent.

27.   Defendant has and continues to directly infringe the '846 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '846 Patent. Such products include intrusion detection systems and intrusion prevention systems including the TippingPoint and Deep Products and associated software.

28.   For example, Defendant has and continues to directly infringe at least claim 7 of the '846 Patent by making, using, offering to sell, selling, and/or importing into the United States products that include systems that practice the claimed method alone, or in combination with other Trend Micro products or services.

29.   The Accused Products are systems that perform an intrusion detection method comprising the steps of monitoring network traffic passing across a network communications path. For example, the TippingPoint product monitors network traffic. Additionally, upon information and belief, the TippingPoint System performs network traffic parsing:

Trend Micro™ TippingPoint™ Threat Protection System (TPS) is a powerful network security platform that offers comprehensive threat protection against known and undisclosed vulnerabilities with high accuracy. TippingPoint TPS provides industry-leading coverage across different threat vectors from advanced threats, like malware and phishing, with extreme flexibility and high performance. The TippingPoint TPS uses a combination of technologies, including deep packet inspection, threat reputation, URL reputation, and advanced malware analysis on a flow-by-flow basis—to detect and prevent attacks on the network. The TippingPoint TPS enables enterprises to take a proactive approach to security, providing comprehensive contextual awareness and deeper analysis of network traffic. This complete contextual awareness, combined with the threat intelligence from Trend Micro™ TippingPoint™ Digital Vaccine® Labs (DVLabs) provides the visibility and agility necessary to keep pace with today's dynamic, evolving enterprise and data center networks. [2]

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[2] "TippingPoint Datasheet" at 1: https://www.trendmicro.com/en_us/business/products/network/intrusion-prevention/tipping-point-threat-protection-system.html.

30.   Additionally, upon information and belief, the Accused Products store individual components of said network packets in a database and construct multi-dimensional vectors from at least two of said stored individual components and applying at least one multi-variate analysis to said constructed multi-dimensional vectors, said at least one multi-variate analysis producing a corresponding output set.   Additionally, the Accused Products establish a correlation between individual output sets based upon a selected metric to identify anomalous behavior.

Trend Micro™ TippingPoint™ Threat Protection System (TPS) is a powerful network security platform that offers comprehensive threat protection against known and undisclosed vulnerabilities with high accuracy. TippingPoint TPS provides industry-leading coverage across different threat vectors from advanced threats, like malware and phishing, with extreme flexibility and high performance. The TippingPoint TPS uses a combination of technologies, including deep packet inspection, threat reputation, URL reputation, and advanced malware analysis on a flow-by-flow basis−to detect and prevent attacks on the network. The TippingPoint TPS enables enterprises to take a proactive approach to security, providing comprehensive contextual awareness and deeper analysis of network traffic. This complete contextual awareness, combined with the threat intelligence from Trend Micro™ TippingPoint™ Digital Vaccine® Labs (DVLabs) provides the visibility and agility necessary to keep pace with today's dynamic, evolving enterprise and data center networks. [3]

31.   The Accused Products classify the anomalous behavior as an event selected from the group consisting of a network fault, a change in network performance, and a network attack.

32.   Defendant has and continues to indirectly infringe one or more claims of the '846 Patent by knowingly and intentionally inducing others, including Trend Micro customers and end-users, to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling and/or importing into the United States products that include infringing technology, such as IDS and IPS systems.

33.   Defendant, with knowledge that these products, or the use thereof, infringe the '846 Patent at least as of the date of this Complaint, knowingly and intentionally induced, and continues to knowingly and intentionally induce, direct infringement of the '846 Patent by providing these products to end users for use in an infringing manner.

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[3] "TippingPoint Datasheet" at 1: https://www.trendmicro.com/en_us/business/products/network/intrusion-prevention/tipping-point-threat-protection-system.html.

34.   Defendant induced infringement by others, including end users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end users, infringe the '846 Patent, but while remaining willfully blind to the infringement.

35.   LHD has suffered damages as a result of Defendant's direct and indirect infringement of the '846 Patent in an amount to be proved at trial.

36.   LHD has suffered, and will continue to suffer, irreparable harm as a result of Defendant's infringement of the '846 Patent, for which there is no adequate remedy at law, unless Defendant's infringement is enjoined by this Court.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury for all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, LHD prays for relief against Defendant as follows:

a.   Entry of judgment declaring that Defendant has directly and/or indirectly infringed one or more claims of each of the Patents-in-Suit;

b.   An order pursuant to 35 U.S.C. § 283 permanently enjoining Defendant, its officers, agents, servants, employees, attorneys, and those persons in active concert or participation with it, from further acts of infringement of the Patents-in-Suit;

c.   An order awarding damages sufficient to compensate LHD for Defendant's infringement of the Patents-in-Suit, but in no event less than a reasonable royalty, together with interest and costs;

d.   Entry of judgment declaring that this case is exceptional and awarding LHD its costs and reasonable attorney fees under 35 U.S.C. § 285; and,

e.   Such other and further relief as the Court deems just and proper.

Dated: November 5, 2020   Respectfully submitted,

                                      /s/ *Vincent J. Rubino, III*

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**ATTORNEYS FOR PLAINTIFF
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