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ATTORNEYS FOR
PARITY NETWORKS, LLC

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

SOUTHERN DIVISION

PARITY NETWORKS, LLC, Plaintiff, v. MOXA INC. and MOXA AMERICAS INC., Defendants.	Case No. 8:20-cv-00698-JVS-KES **FOURTH AMENDED COMPLAINT OF PATENT INFRINGEMENT** **DEMAND FOR JURY TRIAL**

Plaintiff Parity Networks LLC ("Plaintiff" or "Parity Networks"), by and through its attorneys, for its Fourth Amended Complaint against Moxa Inc. and Moxa Americas Inc. (collectively, "Defendant" or "Moxa"), 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.   Moxa 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 Moxa'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.

5.   On information and belief, Defendant Moxa Inc. is a corporation organized under the laws of Taiwan, with a place of business at Fl. 4, No. 135, Lane 235, Baoqiao Rd. Xindian Dist., New Taipei City, 23145 Taiwan, R.O.C.

6.   On information and belief, Defendant Moxa Americas Inc. is a corporation organized under the laws of California, with a place of business at Moxa Corporate Plaza 601 Valencia Ave, Suite 100, Brea, CA 92823. Moxa Americas Inc.'s registered agent for service of process in California is Yi-Feng Lee, 601 Valencia Ave, Suite 100, Brea, CA 92823.

III.   JURISDICTION AND VENUE

7.   This is an action for patent infringement arising under the Patent Laws of the United States, in particular 35 U.S.C. §271, 281, 283, 284, and 285. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §1331 and 1338(a).

8.   Upon information and belief, Defendant transacts substantial business in the State of California and the Central District of California. Defendant, directly in its office in Irvine, California, and through subsidiaries or intermediaries (including distributors, retailers, resellers, and others), has purposefully and voluntarily placed one or more of their infringing products, as described below, into the stream of commerce with the expectation that these infringing products will be purchased and used by customers in the District. Defendant has committed acts of patent infringement within the District.

9.   Defendant has also placed downstream products containing infringing components into the stream of commerce by shipping infringing products into California, knowing that they would be shipped into California, and/or knowing that these infringing products would be incorporated into other products that would be shipped into California.

10.   On information and belief, Defendant interacts with distributors and customers who sell the infringing products into California, knowing that these customers will sell the infringing products into California, either directly or through intermediaries.

11.   This Court has personal jurisdiction over Defendant because it has committed acts giving rise to this action within California and within this District. The Court's exercise of jurisdiction over Defendant would not offend traditional notions of fair play and substantial justice because Defendant has established minimum contacts with the forum with respect to both general and specific jurisdiction.

1   12.   Venue is further proper as to Defendant Moxa Inc., which is organized

2   under the laws of Taiwan, in light of 28 U.S.C. § 1391(c)(3) which provides that

3   "a defendant not resident in the United States may be sued in any judicial district,

4   and the joinder of such a defendant shall be disregarded in determining where the

5   action may be brought with respect to other defendants."

6   **IV.   FACTUAL ALLEGATIONS**

7   PATENTS-IN-SUIT

8   13.   Parity Networks is the owner of all right, title and interest in and to

9   U.S. Patent No. 6,870,844 (the "'844 Patent"), entitled "Apparatus and Methods

10   for Efficient Multicasting of Data Packets," issued on March 22, 2005.

11   14.   Parity Networks is the owner of all right, title and interest in and to

12   U.S. Patent No. 7,103,046 (the "'046 Patent"), entitled "Method and Apparatus for

13   Intelligent Sorting and Process Determination of Data Packets Destined to a

14   Central Processing Unit of a Router or Server on a Data Packet Network," issued

15   on September 5, 2006.

16   15.   Together, the foregoing patents are referred to herein as the "Patents-

17   in-Suit." Parity Networks is the assignee of the Patents-in-Suit and has all rights to

18   sue for infringement and collect past and future damages for the infringement

19   thereof.

20   DEFENDANT'S ACTS

21   16.   On information and belief, Moxa Inc. is the Taiwanese parent of, and

22   wholly owns, Moxa Americas Inc.

23   17.   Moxa Inc. operates a website targeting the U.S. market, including at

24   https://www.moxa.com/en/ and https://www.moxa.com/en/contact-us.   That

25   website bears the footer "© 2020 Moxa Inc."

26   18.   On information and belief, Moxa designs, develops, supports and

27   coordinates the importation into the United States of the exemplary accused

28   products set forth below, including: EDS-505A Series, EDS-508A Series, EDS-

510A Series, EDS-510E Series, EDS-516A Series, EDS-518A Series, EDS-518E Series, EDS-528E Series, EDS-608 Series, EDS-611 Series, EDS-616 Series, EDS-619 Series, EDS-728 Series, EDS-828 Series Ethernet Switches, EDS-G508E Series, EDS-G509 Series, EDS-G512E Series, EDS-G512E Series Switch, EDS-G516E Series, EDS-P506E Series, EDS-P506E Series Switch, EDS-P510 Series, EDS-P510 Series Switch, EDS-P510A Series, EDS-P510A Series Switch, ICS-G7526A Series, ICS-G7526A Series Switch, ICS-G7528A Series, ICS-G7748A Series, ICS-G7748A Series Switch, ICS-G7750A Series, ICS-G7750A Series Switch, ICS-G7752A Series, ICS-G7752A Series Switch, ICS-G7826A Series Switch, ICS-G7828A Series, ICS-G7828A Series Switch, ICS-G7848A Series, ICS-G7848A Series Switch, ICS-G7850A Series Switch, ICS-G7852A Series Switch, ICS-G7852A Series Switch, IKS- 6727A Series Switch, IKS-6728A Series Switch, IKS- 6824A Series Switch, IKS-6726A Series, IKS-6728A Series, IKS-6728A Series Switch, IKS-G6524A Series, IKS-G6524A Series Switch, PT-508 Series, PT-510 Series, PT-7528 Series, and PT-7528 Series Switch, PT-7710 Series, PT-7728 Series, PT-7828 Series, PT-7828 Series Switch, PT-G7509 Series, PT-G7728 Series, and PT-G7828 Series switches, PT-G7828/G7728 Series Switch, TN Series Managed Ethernet Switch, TN-4500A Series, TN-5500A Series, TN-5800A Series, TN-5800A Series Switch (collectively, the "Exemplary Accused Products").

19.   Parity served Moxa with its preliminary infringement contentions on July 20,2020. These infringement contentions comprise two claim charts, one for each Patent-in-Suit, each of which provides an element-by-element statement of the theories of infringement and exemplary evidence of Moxa's infringing hardware, software, and acts, including extensive citations to Moxa's publicly available technical and marketing materials. True and correct copies of the two claim charts are attached hereto as **Exhibit 1** (infringement of the '844 Patent) and **Exhibit 2** (infringement of the '046 Patent).

1   20.   On information and belief, Moxa Americas Inc. is wholly owned by

2 Moxa Inc. Moxa Inc. has the legal right to control Moxa Americas Inc.'s conduct

3 in the U.S. market.

4   21.   On information and belief, Moxa Americas Inc. operates as a sales

5 arm of Moxa Inc. within the United States, using, selling, offering for sale and

6 practicing patented methods of the Patents-in-Suit.   Moxa Americas Inc.

7 coordinates with Moxa Inc. the importation of the Exemplary Accused Products

8 into the United States, either directly or through one or more intermediaries. Moxa

9 Inc. and Moxa Americas Inc. provide technical support to customers in the United

10 States.

11   22.   Moxa Inc. has filed several applications to the FCC for approval of its

12 products for the U.S. market, including for the Exemplary Accused Products.

13 Moxa Inc. does this to target the U.S. market for selling the Exemplary Accused

14 Products.

15   23.   For example, a brochure for EDS-828 Series touts FCC approval and

16 bears   the   designation   Moxa   Inc.

17 https://www.moxa.com/Moxa/media/PDIM/S100000121/moxa-eds-828-series-

18 datasheet-v1.0.pdf

19   24.   Generally, Moxa is a global provider of high-performance Ethernet

20 switches for industrial applications, which it provides to its customers in the United

21 States, including in this District.

22   25.   Moxa provides a variety of network switches, including by way of

23 example the EDS-828 high-performance Layer 3 Ethernet switch designed for

24 network routing, including the Exemplary Accused Products. Moxa Inc. and Moxa

25 Americas Inc. work together to make, sell, offer for sale, import and otherwise

26 infringe the Patents-in-Suit in the United States.

27   26.   Moxa infringes the '844 Patent through its provision of the Exemplary

28 Accused Products set forth in Count 1. More specifically, certain of Moxa's

switches, including the EDS-828, support multicasting by its implementation and promotion of multicast-specific protocols, *e.g.*, Protocol Independent Multicasting (PIM) and Internet Group Management Protocol (IGMP).
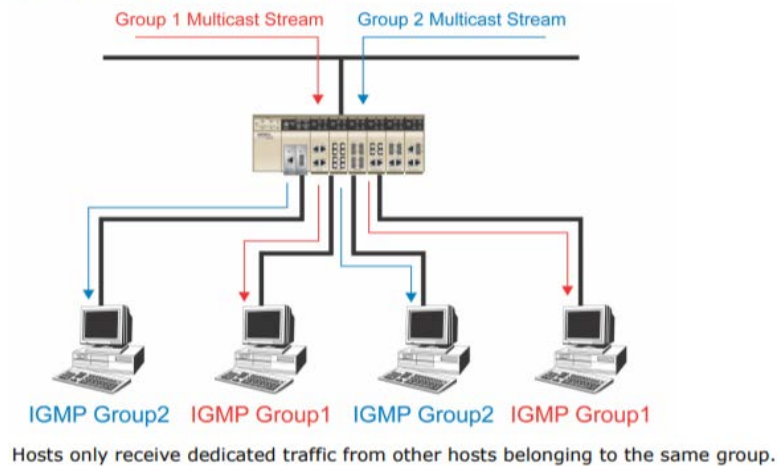
Ethernet Software Features	
Filter	GMRP, GVRP, IGMP v1/v2, QinQ VLAN
Industrial Protocols	EtherNet/IP, Modbus TCP
Management	Back Pressure Flow Control, BOOTP, DDM, DHCP Option 66/67/82, DHCP Server/Client, Flow control, IPv4, LLDP, Port Mirror, RARP, RMON, SMTP, SNMP Inform, SNMPv1/v2c/v3, Syslog, Telnet, TFTP
MIB	Bridge MIB, Ethernet-like MIB, MIB-II, P-BRIDGE MIB, Q-BRIDGE MIB, RMON MIB Groups 1, 2, 3, 9, RSTP MIB
Multicast Routing	DVMRP, PIM-DM

EDS-828 Series, p. 2 (emphasis added) (https://www.moxa.com/Moxa/media/PDIM/S100000121/moxa-eds-828-series-datasheet-v1.0.pdf).

27. Moxa also implements multicast filtering, whereby network devices only forward multicast traffic to the ports that are connected to registered end-stations.

Network with multicast filtering

Group 1 Multicast Stream   Group 2 Multicast Stream

IGMP Group2   IGMP Group1   IGMP Group2   IGMP Group1

Hosts only receive dedicated traffic from other hosts belonging to the same group.

EDS-828 Series User's Manual, p. 59 (https://media.hpsindustrial.eftwee.nl/Manuals/Moxa/EDS-828.pdf).

28. In addition, Moxa infringes the '046 Patent through its provision of the Exemplary Accused Products set forth in Count 2. Moxa's networking

1   switches support quality of service ("QoS") classification for queuing packets into

2   specific categories.

3   29.   Moxa also implements traffic prioritization, whereby packets and

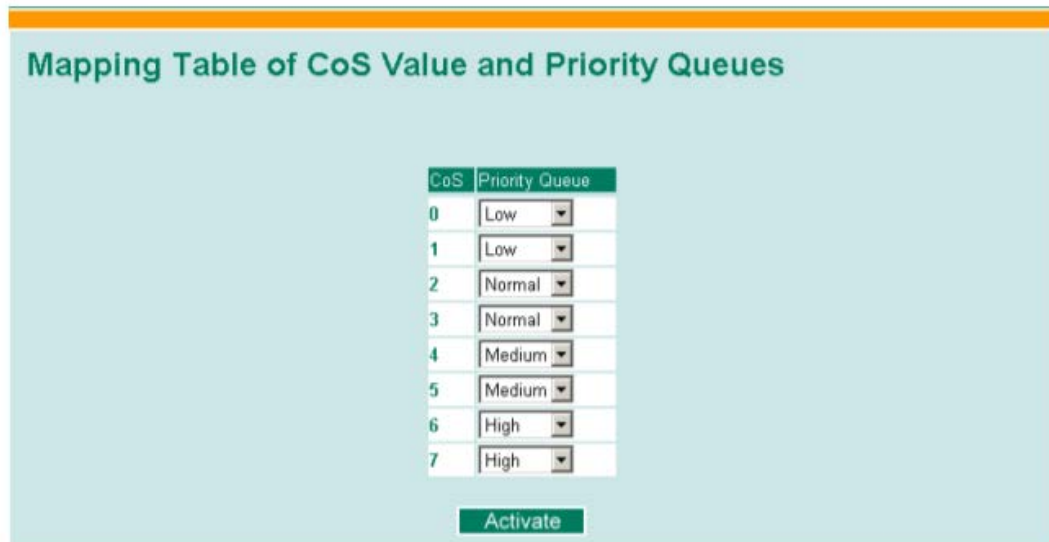4   flows initiated at trusted sources are given priority.

Using Traffic Prioritization

The EDS-828's traffic prioritization capability provides Quality of Service (QoS) to your network by making data delivery more reliable. You can prioritize traffic on your network to ensure that high priority data is transmitted with minimum delay. Traffic can be controlled by a set of rules to obtain the required Quality of Service for your network. The rules define different types of traffic and specify how each type should be treated as it passes through the switch. The EDS-828 can inspect both IEEE 802.1p/1Q layer 2 CoS tags, and even layer 3 TOS information to provide consistent classification of the entire network. The EDS-828's QoS capability improves the performance and determinism of industrial networks for mission critical applications.

Moxa   EDS-828   Series   Switches   User's   Manual,   p.   49   (accessible   at https://www.moxa.com/getmedia/a34d368f-5756-4198-97c5-01d1ab1e660c/moxa-eds-828-series-manual-v3.1.pdf).

        30.   Moxa applies different priority queues to different classes of service, which can be associated with different sources, ports and/or interfaces.

CoS Mapping

Mapping Table of CoS Value and Priority Queues

CoS	Priority Queue
0	Low
1	Low
2	Normal
3	Normal
4	Medium
5	Medium
6	High
7	High

Activate

Moxa EDS-828 Series Switches User's Manual, p. 53.

31.   In addition, Moxa instructs its customers regarding the implementation and operation of the accused instrumentalities, including at https://www.moxa.com/en/support.

32.   On information of belief, Defendant Moxa 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.

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

<div align="center">Prior Communications</div>

34.   By letters dated October 5, 2016 and November 28, 2016, Moxa was provided an identification of the Patents owned by Parity, including the Patents-in-Suit. True and correct copies of these letters are attached as **Exhibit 3** and **Exhibit 4** (the "Letters").   The Letters were actually received by Moxa.

35.   By way of Exhibit 3, on October 5, 2016, Moxa was provided with electronic copies of the '844 Patent and '046 Patent, including an identification of Parity's patents. The Letters identified Moxa's routers and switches as relevant to Parity's patents.

36.   By way of Exhibit 4, Parity apprised Moxa that litigation regarding its patents was underway, and that Moxa's routing and switching technology was within the scope of Parity's patents. Parity reminded Moxa that it sought a licensing dialog and asked for a response within 30 days.

37.   On information and belief, Moxa never responded to either of the Letters, took no steps to investigate infringement and prepared no legal opinion regarding noninfringement or invalidity of the Patents-in-Suit.

38.   Additionally, Defendant had knowledge of the Patents-in-Suit and the infringing conduct as early as the date when Parity effected service of the

1 Complaint. On information and belief, Moxa has taken no steps to modify its

2 infringing behavior, and is engaging in knowing conduct in violation of Parity's

3 subsisting and presumptively valid patents.

V. COUNTS OF PATENT INFRINGEMENT

COUNT ONE

INFRINGEMENT OF U.S. PATENT NO. 6,870,844

7 39. Parity Networks incorporates by reference its allegations in the

8 preceding paragraphs and Exhibit 1 as if fully restated in this paragraph.

9 40. Parity Networks is the assignee and owner of all right, title and

10 interest to the '844 Patent. Parity Networks has the legal right to enforce the patent,

11 sue for infringement, and seek equitable relief and damages.

12 41. On information and belief, at least since its receipt of notice and/or

13 the filing of the Original Complaint, Defendant Moxa, without authorization or

14 license from Parity Networks, has been and is presently directly infringing each

15 and every element of at least claim 1 of the '844 Patent, either literally or

16 equivalently, as infringement is defined by 35 U.S.C. § 271(a), including through

17 making, using (including for testing purposes), selling and offering for sale

18 methods and articles infringing one or more claims of the '844 Patent. Defendant

19 Moxa is thus liable for direct infringement of the '844 Patent pursuant to 35 U.S.C.

20 § 271(a).

21 42. Exemplary infringing products include Moxa's EDS-828 Series

22 Ethernet Switches, IKS-G6524A Series Switch, ICS-G7826A Series Switch, ICS-

23 G7828A Series Switch, ICS-G7848A Series Switch, ICS-G7850A Series Switch,

24 ICS-G7852A Series Switch, PT-7828 Series Switch, PT-G7828/G7728 Series

25 Switch, TN-5800A Series Switch, EDS-P510 Series Switch, EDS-P510A Series

26 Switch, EDS-P506E Series Switch, EDS-G512E Series Switch, IKS-6728A Series

27 Switch, ICS-G7748A Series Switch, ICS-G7750A Series Switch, ICS-G7752A

28 Series Switch, ICS-G7852A Series Switch, TN Series Managed Ethernet Switch,

1   IKS- 6727A Series Switch, IKS- 6728A Series Switch, IKS- 6824A Series Switch,

2   ICS-G7526A Series Switch, and PT-7528 Series Switch. These products

3   implement multicast protocols such as Protocol Independent Multicasting (PIM)

4   and Internet Group Management Protocol (IGMP) in the manner claimed.

5   43.   On information and belief, at least since its receipt of notice and/or

6   the filing of the Original Complaint, Defendant Moxa, without authorization or

7   license from Parity Networks, has been and is presently indirectly infringing each

8   and every element of at least claim 1 of the '844 Patent, either literally or

9   equivalently, including actively and knowingly inducing infringement of the '844

10   Patent under 35 U.S.C. § 271(b). Such inducements include without limitation,

11   with specific intent to encourage the infringement, knowingly inducing consumers

12   to use infringing articles and methods that Moxa knows or should know infringe

13   one or more claims of the '844 Patent. Moxa instructs its customers to make and

14   use the patented inventions of the '844 Patent by operating Moxa's products in

15   accordance with Moxa's instructions and specifications, as reflected in the excerpts

16   from Moxa's technical and customer-support materials cited in Exhibit 1. Moxa

17   specifically intends its customers to infringe by implementing multicast protocols

18   such as Protocol Independent Multicasting (PIM) and Internet Group Management

19   Protocol (IGMP) in the manner claimed, as set forth above and in Exhibit 1.

20   44.   On information and belief, at least since its receipt of notice and/or

21   the filing of the Original Complaint, Defendant, without authorization or license

22   from Parity, has been and is presently indirectly infringing each and every element

23   of at least claim 1 of the '844 Patent, including contributorily infringing the '844

24   Patent under 35 U.S.C. § 271(c). Defendant's contributory infringement includes

25   without limitation, Defendant's offer to sell, a component of a product or apparatus

26   for use in a process, that (i) is material to practicing the invention claimed by claim

27   1 of the '844 Patent, (ii) is not a staple article or commodity of commerce suitable

28   for substantial non-infringing use, and (iii) Defendant is aware or knows to be

1   especially made or especially adapted for use in infringement of the '844 Patent.

2   Defendant instructs its customers to make and use the patented inventions of the

3   '844 Patent by operating the "multicast filtering" software components of its

4   products in accordance with its instructions and specifications. Defendant

5   specifically intends its customers to infringe by implementing "multicast filtering"

6   software modules in its switches that implement multicast protocols such as

7   Protocol Independent Multicasting (PIM) and Internet Group Management

8   Protocol (IGMP) with a multicast-capable component coupled to the egress and

9   ingress paths of the port in the manner claimed, as set forth above and in the

10   excerpts from Defendant's technical manuals describing its "multicast filtering"

11   software (attached as **Exhibit 1**).

12   45.   Defendant's technical manuals explain that the "multicast filtering"

13   software components "ensure[] that only end-stations that have joined certain

14   groups receive multicast traffic" because "[w]ith multicast filtering, network

15   devices only forward multicast traffic to the ports that are connected to registered

16   end-stations." EDS-828 Series User's Manual, page 59, available at:

17   https://media.hpsindustrial.eftwee.nl/Manuals/Moxa/EDS-828.pdf.   Defendant

18   further instructs its customers to "[u]se the **mcast-filter** interface configuration

19   command on the switch to activate the multicast filter." Moxa Command Line

20   Interface, page 49, available at: https://www.allied-automation.com/wp-

21   content/uploads/2015/02/Moxa_Command_Line_Interface_4e.pdf.

22   46.   On information and belief, Defendant's customers deploy the accused

23   products on networks in combination with other products. The specific code

24   portions and modules directed to the infringing functionality will be identified as

25   those systems are made available for inspection and review by Parity Networks.

26   47.   As a result of Moxa's infringement of the '844 Patent, Parity

27   Networks has suffered monetary damages, and is entitled to an award of damages

28

1 adequate to compensate it for such infringement under 35 U.S.C. § 284, but in no

2 event, less than a reasonable royalty.

3 <div align="center">COUNT TWO</div>

4 <div align="center">INFRINGEMENT OF U.S. PATENT NO. 7,103,046</div>

5   48. Parity Networks incorporates by reference its allegations in the

6 preceding paragraphs and Exhibit 2 as if fully restated in this paragraph.

7   49. Parity Networks is the assignee and owner of all right, title and

8 interest to the '046 Patent. Parity Networks has the legal right to enforce the patent,

9 sue for infringement, and seek equitable relief and damages.

10   50. On information and belief, at least since its receipt of notice and/or

11 the filing of the Original Complaint, Defendant Moxa, without authorization or

12 license from Parity Networks, has been and is presently directly infringing each

13 and every element of at least claim 1 of the '046 Patent, either literally or

14 equivalently, as infringement is defined by 35 U.S.C. § 271(a), including through

15 making, using (including for testing purposes), selling and offering for sale

16 methods and articles infringing one or more claims of the '046 Patent. Defendant

17 Moxa is thus liable for direct infringement of the '046 Patent pursuant to 35 U.S.C.

18 § 271(a).

19   51. Exemplary infringing products include Moxa's EDS-510A Series,

20 EDS-505A Series, EDS-508A Series, EDS-518A Series, EDS-516A Series, EDS-

21 G509 Series, EDS-P510 Series, EDS-P510A Series, EDS-608 Series, EDS-611

22 Series, EDS-616 Series, EDS-619 Series, EDS-728 Series, PT-510 Series, PT-508

23 Series, PT-7710 Series, PT-G7509 Series, PT-7828 Series, EDS-518E Series,

24 EDS-510E Series, EDS-528E Series, EDS-G508E Series, EDS-G512E Series,

25 EDS-G516E Series, EDS-P506E Series, IKS-G6524A Series, IKS-6728A Series,

26 IKS-6726A Series, ICS-G7526A Series, ICS-G7752A Series, ICS-G7750A Series,

27 ICS-G7748A Series, ICS-G7528A Series, ICS-G7848A Series, ICS-G7828A

28 Series, PT-7528 Series, PT-7728 Series, TN-5500A Series, TN-4500A Series, TN-

1   5800A Series, PT-G7728 Series, and PT-G7828 Series switches. These products

2   include one or more packet processors that categorize packets into categories based

3   on the source of the packet and the packets are placed in a queue and processed by

4   a CPU based on a priority of those categories.

5   52.   On information and belief, at least since its receipt of notice and/or

6   the filing of the Original Complaint, Defendant Moxa, without authorization or

7   license from Parity Networks, has been and is presently indirectly infringing each

8   and every element of at least claim 1 of the '046 Patent, either literally or

9   equivalently, including actively and knowingly inducing infringement of the '046

10 Patent under 35 U.S.C. § 271(b). Such inducements include without limitation,

11 with specific intent to encourage the infringement, knowingly inducing consumers

12 to use infringing articles and methods that Moxa knows or should know infringe

13 one or more claims of the '046 Patent. Moxa instructs its customers to make and

14 use the patented inventions of the '046 Patent by operating Moxa's products in

15 accordance with Moxa's instructions and specifications, as reflected in the excerpts

16 from Moxa's technical and customer-support materials cited in Exhibit 2. Moxa

17 specifically intends its customers to infringe by, among others, designing and

18 fabricating its switches to utilize one or more packet processors that categorize

19 packets into categories based on the source of the packet, place the packets into

20 queues, and process the packets via a CPU based on a priority of those categories,

21 as set forth above and in Exhibit 2.

22 53.   On information and belief, at least since its receipt of notice and/or

23 the filing of the Original Complaint, Defendant, without authorization or license

24 from Parity, has been and is presently indirectly infringing each and every element

25 of at least claim 1 of the '046 Patent, including contributorily infringing the '046

26 Patent under 35 U.S.C. § 271(c). Defendant's contributory infringement includes

27 without limitation, Defendant's offer to sell, a component of a product or apparatus

28 for use in a process, that (i) is material to practicing the invention claimed by claim

1 of the '046 Patent, (ii) is not a staple article or commodity of commerce suitable for substantial non-infringing use, and (iii) Defendant is aware or knows to be especially made or especially adapted for use in infringement of the '046 Patent. Defendant instructs its customers to make and use the patented inventions of the '046 Patent by operating the "traffic prioritization" and "traffic queue" software components of its products in accordance with its instructions and specifications. Defendant specifically intends its customers to infringe by implementing the "traffic prioritization" and "traffic queue" software modules in its switches to utilize one or more packet processors that categorize packets into categories based on the source of the packet, place the packets into queues, and process the packets via a CPU based on a priority of those categories, as set forth above and in the excerpts from Defendant's technical manuals describing this "traffic prioritization" software functionality (attached as **Exhibit 2).**

> 54. Defendant's technical manuals explain that:
>
> [T]raffic prioritization capability provides Quality of Service (QoS) to your network by making data delivery more reliable. You can prioritize traffic on your network to ensure that high priority data is transmitted with minimum delay. Traffic can be controlled by a set of rules to obtain the required Quality of Service for your network. The rules define different types of traffic and specify how each type should be treated as it passes through the switch.

Moxa EDS-828 Series Switches User's Manual, page 49, available at: https://www.moxa.com/getmedia/a34d368f-5756-4198-97c5-01d1ab1e660c/moxa-eds-828-series-manual-v3.1.pdf. In particular, Defendant instructs its customers how to use the class of service ("CoS") mapping feature of the "traffic prioritization" and "traffic queue" software components to assign three different levels of priority to different types of queued packets:
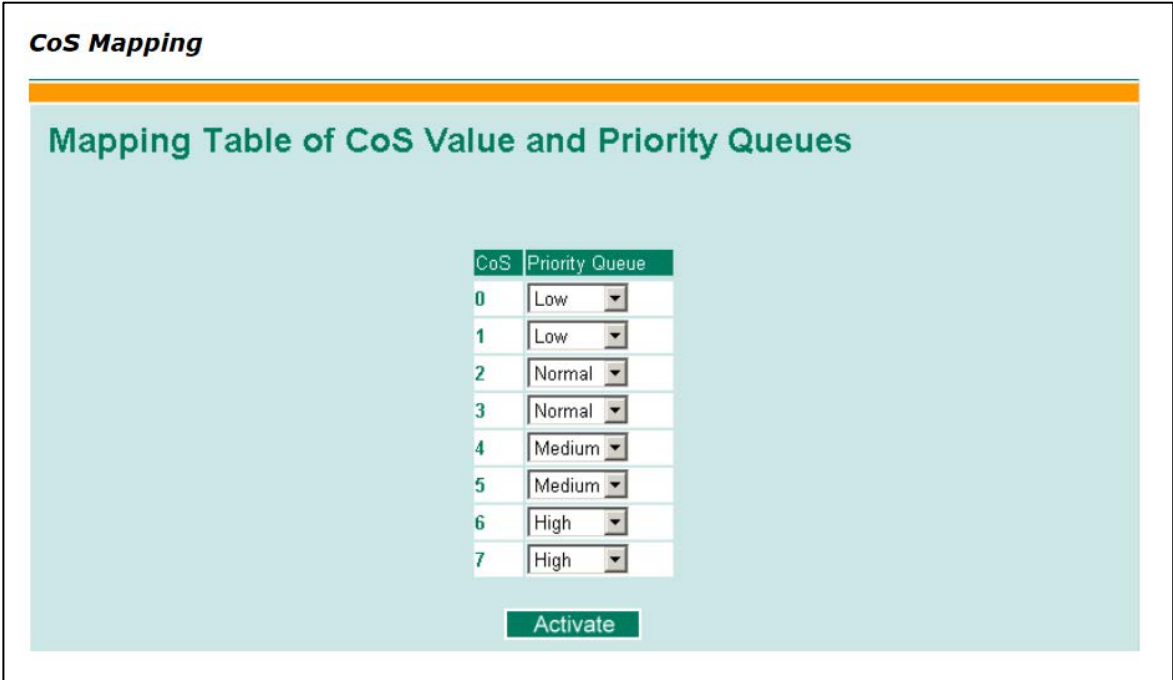
Id. at 53.

55.   On information and belief, Defendant's customers deploy the accused products on networks in combination with other products. The specific code portions and modules directed to the infringing functionality will be identified as those systems are made available for inspection and review by Parity Networks.

56.   As a result of Moxa'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.

VI.   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 Moxa, either literally or under the doctrine of equivalents;

1   B.   That the Court award damages adequate to compensate Parity

2   Networks for the patent infringement that has occurred, together with

3   prejudgment and post-judgment interest and costs, and an ongoing

4   royalty for continued infringement; and

5   C.   That the Court award such other relief to Parity Networks as the Court

6   deems just and proper.

7

8   DATED: January 18, 2021   DINOVO PRICE LLP

9   By: */s/ Andrew G. DiNovo*

10   DINOVO PRICE LLP
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19   ATTORNEYS FOR PLAINTIFF
                             PARITY NETWORKS, LLC

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DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and Local Rule 38-1, Plaintiff Parity Networks, LLC hereby demands a trial by jury on all issues raised by the Fourth Amended Complaint.

DATED: January 18, 2021   DINOVO PRICE LLP

By: */s/ Andrew G. DiNovo*
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    ATTORNEYS FOR PLAINTIFF
    PARITY NETWORKS, LLC

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on this date to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

Dated: January 18, 2021   */s/ Andrew G. DiNovo*
                                                    Andrew G. DiNovo