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14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**

18 PROVEN NETWORKS, LLC
 19 *Plaintiff,*
 20 *v.*
 21 BARRACUDA NETWORKS, INC.,
 22 *Defendant.*

Case No. 5:21-cv-02185
COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

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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 Barracuda Networks, Inc.
4 (“Defendant”):

5 **INTRODUCTION**

6 1. This complaint arises from Defendant’s unlawful infringement of the following
7 United States patents owned by Proven Networks, each of which generally relate to data
8 networking technology: United States Patent 8,165,024 (“’024 Patent”) and 7,877,786 (“’786
9 Patent”) (collectively, the “Asserted 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
28

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 '024 Patent teaches the use of a "deep packet inspection" device,
5 especially in wireless networks, to examine the characteristics of data packets passing through the
6 network in order to provide classification data to the data packets for downstream application-
7 specific processing. The '786 Patent teaches isolating a client device to a sub-network if it is
8 detected to not be in compliance with the network's security policies.
9

10 **PARTIES**

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

14 6. On information and belief, Defendant Barracuda Networks, Inc. is a corporation
15 organized under the laws of the State of Delaware, with its principal place of business at 3175
16 Winchester Blvd., Campbell, California 95008.
17

18 **JURISDICTION AND VENUE**

19 7. This action arises under the patent laws of the United States, Title 35 of the United
20 States Code. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and
21 1338(a).

22 8. This Court has personal jurisdiction over Defendant in this action because
23 Defendant has committed acts within this District giving rise to this action, and has established
24 minimum contacts with this forum such that the exercise of jurisdiction over Defendant would not
25 offend traditional notions of fair play and substantial justice. Defendant, directly and through
26 subsidiaries or intermediaries, has committed and continues to commit acts of infringement in this
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28

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 3175 Winchester Blvd., Campbell, California 95008.¹

COUNT I

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

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. 8,165,024, titled “Use of DPI to Extract and Forward Application Characteristics.” The ’024 Patent was duly and legally issued by the United States Patent and Trademark Office on April 24, 2012. A true and correct copy of the ’024 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 Barracuda Network Access Client, CloudGen Firewall, CloudGen Firewall Vx, NextGen Firewall, Barracuda X100, X200, X300, X400, and X600, F10, F100, F200, F280, F300, F380, F400, F600, F800, F900 appliances, that directly infringe, literally and/or under the doctrine of equivalents, claims 1–25 of the ’024 Patent.

13. Defendant also knowingly and intentionally induces infringement of claims 1–25 of the ’024 Patent in violation of 35 U.S.C. § 271(b). At least through the filing and service of this

¹ See, e.g., <https://www.barracuda.com/company/contact>.

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1 Complaint, Defendant has knowledge of the '024 Patent and the infringing nature of the Accused
2 Products. Despite this knowledge of the '024 Patent, Defendant continues to actively encourage
3 and instruct its customers and end users (for example, through user manuals and online instruction
4 materials on its website) to use the Accused Products in ways that directly infringe the '024 Patent.
5 Defendant does so knowing and intending that its customers and end users will commit these
6 infringing acts. Defendant also continues to make, use, offer for sale, sell, and/or import the
7 Accused Products, despite its knowledge of the '024 Patent, thereby specifically intending for and
8 inducing its customers to infringe the '024 Patent through the customers' normal and customary
9 use of the Accused Products.
10

11 14. The Accused Products satisfy all claim limitations of claims 1–25 of the '024
12 Patent. A claim chart comparing independent claim 1 of the '024 Patent to the representative
13 Accused Product, the Barracuda CloudGen Firewall (“CloudGen Firewall”), is attached as Exhibit
14 2.
15

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

19 16. As a result of Defendant’s infringement of the '024 Patent, Plaintiff is entitled to
20 monetary damages in an amount adequate to compensate for Defendant’s infringement, but in no
21 event less than a reasonable royalty for the use made of the invention by Defendant, together with
22 interest and costs as fixed by the Court.
23

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

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

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

5 19. Plaintiff owns by assignment all rights, title, and interest in U.S. Patent No.
6 7,877,786, titled “Method, Apparatus and Network Architecture for Enforcing Security Policies
7 Using an Isolated Subnet.” The ’786 Patent was duly and legally issued by the United States Patent
8 and Trademark Office on January 25, 2011. A true and correct copy of the ’786 Patent is attached
9 as Exhibit 3.
10

11 20. On information and belief, Defendant makes, uses, offers for sale, sells, and/or
12 imports certain products (“Accused Products”), such as the Barracuda Network Access Client,
13 CloudGen Firewall, CloudGen Firewall Vx, NextGen Firewall, Barracuda X100, X200, X300,
14 X400, and X600, F10, F100, F200, F280, F300, F380, F400, F600, F800, F900 appliances, that
15 directly infringe, literally and/or under the doctrine of equivalents, claims 1–18 of the ’786 Patent.
16

17 21. Defendant also knowingly and intentionally induces infringement of claims 1–18
18 of the ’786 Patent in violation of 35 U.S.C. § 271(b). At least through the filing and service of this
19 Complaint, Defendant has knowledge of the ’786 Patent and the infringing nature of the Accused
20 Products. Despite this knowledge of the ’786 Patent, Defendant continues to actively encourage
21 and instruct its customers and end users (for example, through user manuals and online instruction
22 materials on its website) to use the Accused Products in ways that directly infringe the ’786 Patent.
23 Defendant does so knowing and intending that its customers and end users will commit these
24 infringing acts. Defendant also continues to make, use, offer for sale, sell, and/or import the
25 Accused Products, despite its knowledge of the ’786 Patent, thereby specifically intending for and
26 inducing its customers to infringe the ’786 Patent through the customers’ normal and customary
27 use of the Accused Products.
28

of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys’ fees against Defendant; and

e. Any and all other relief as the Court may deem appropriate and just under the circumstances.

DEMAND FOR JURY TRIAL

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

Dated: March 29, 2021

Respectfully submitted,

/s/ Reza Mirzaie

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