

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

WINTERSPRING DIGITAL LLC,

Plaintiff,

v.

PALO ALTO NETWORKS, INC.,

Defendant.

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Case No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Winterspring Digital LLC (“Winterspring” or “Plaintiff”) for its Complaint against Defendant Palo Alto Networks, Inc. (“PAN” or “Defendant”) alleges as follows:

THE PARTIES

1. Winterspring is a limited liability company organized and existing under the laws of the State of Texas, with its principal place of business located at 104 East Houston Street, Marshall, Texas 75670

2. Upon information and belief, Defendant Palo Alto Networks, Inc. is corporation organized under the laws of the state of Delaware, with a regular and established place of business in this Judicial District at 3901 North Dallas Parkway, Plano, Texas 75093. Upon information and belief, PAN 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, among other things, Defendant is subject to personal jurisdiction in this Judicial District, has a regular and established place of business in this Judicial District, has purposely transacted business involving the accused products in this Judicial District, including sales to one or more customers in Texas, and certain of the acts complained of herein, including acts of patent infringement, occurred in this Judicial District.

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 January 16, 2007, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,164,692 (the "'692 Patent") entitled "Apparatus and Method for

Transmitting 10 Gigabit Ethernet LAN Signals Over a Transport System.” A true and correct copy of the ’692 Patent is available at <http://pdfpiw.uspto.gov/.piw?docid=7164692>.

8. On September 2, 2008, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,420,975 (the “’975 Patent”) entitled “Method and Apparatus For High-Speed Frame Tagger.” A true and correct copy of the ’975 Patent is available at <http://pdfpiw.uspto.gov/.piw?docid=7420975>.

9. On October 4, 2011, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,032,646 (the “’646 Patent”) entitled “Administering a Communication Network.” A true and correct copy of the ’646 Patent is available at <http://pdfpiw.uspto.gov/.piw?docid=8032646>.

10. Winterspring is the sole and exclusive owner of all right, title, and interest in the ’692, ’975, and ’646, Patents (the “Patents-in-Suit”) and holds the exclusive right to take all actions necessary to enforce its rights to the Patent-in-Suit, including the filing of this patent infringement lawsuit. Winterspring 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

11. The Patents-in-Suit generally cover systems and methods for routing data over a network.

12. The ’692 Patent generally discloses an apparatus and method for transmitting LAN signals over a transport system. A system sends or receivers a signal to or from a transport system, converts the signal to an intermediate form, re-clocks the intermediate signal, reconverts and then transmits the signal. The technology described in the ’692 Patent was developed by Jeffrey Lloyd

Cox and Samir Satish Seth. By way of example, this technology is implemented today in transceivers and switches that detect and convert 10-Gigabit LAN signals.

13. The '975 Patent discloses an apparatus and methods for examining a packet, determining a protocol type, and tagging the packet. The technology described in the '975 Patent was developed by Velamur Krishnamachari and Dinesh Annayya from Cypress Semiconductor Corporation. By way of example, this technology is implemented today in network switches which implement VLAN tagging.

14. The '646 Patent discloses systems and methods for routing traffic through a network with the use of a GUI. The technology described in the '646 Patent was developed by Siddhartha Nag, Alfred D'Souza, Naveed Alam, and Rakesh Patel of Prom KS Limited Liability Company. By way of example, this technology is implemented today in hardware and software which allow a user with a GUI to optimize routing decisions.

15. PAN has infringed and is continuing to infringe the Patents-in-Suit by making, using, offering to sell, selling, and/or importing network switches, routers, and software which implement the technology disclosed in the above patents-in-suit.

COUNT I
(Infringement of the '692 Patent)

16. Paragraphs 1 through 15 are incorporated by reference as if fully set forth herein.

17. Winterspring has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the '692 Patent.

18. Defendant has and continues to directly infringe the '692 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 '692 Patent. Such products include network

switches and transceivers that receive, convert, monitor, and send 10GE LAN signals, including but not limited to the PAN Transceivers, such as the PAN-SFP-PLUS-10GBASE-T, PAN-SFP-PLUS-ER, PAN-SFP-PLUS-LR, PAN-T-S-PLUS-LR, PAN-SFP-PLUS-SR, PAN-T-S-PLUS-SR transceivers as well as PAN network switches, firewalls, gateways, IDS, and IPS systems which convert 10G LAN signals, such as the PA-3200 Series Front Panel Firewall:

PA-3200 Series Front Panel

PREVIOUS NEXT

The following image shows the front panel of the PA-3200 Series firewall and the table describes each front panel component. The only differences between the PA-3220, PA-3250, and PA-3260 (shown) front panels are the model name and the Ethernet ports, as described in the table.

ITEM	COMPONENT	DESCRIPTION
1	Ethernet ports 1 through 12	Twelve RJ-45 10Mbps/100Mbps/1Gbps ports for network traffic. The link speed and link duplex are auto-negotiate only.
2	SFP ports 13 through 20	These ports vary depending on your firewall model: <ul style="list-style-type: none"> • PA-3220 firewall—Ports 13 through 16 are SFP (1Gbps) and ports 17 through 20 are SFP or SFP+ (10Gbps) based on the installed transceiver. • PA-3250 and PA-3260 firewalls—Ports 13 through 20 are SFP (1Gbps) or SFP+ (10Gbps) based on the installed transceiver.

¹ <https://docs.paloaltonetworks.com/hardware/pa-3200-hardware-reference/pa-3220-series-overview/front-panel-3200-series>.

19. For example, Defendant has and continues to directly infringe at least claim 10 of the '692 Patent by making, using, offering to sell, selling, and/or importing into the United States products that receive, convert, and monitor 10GE LAN signals.

20. For example, the PA-3200 Series Front Panel Firewall, performs a method transferring 10GE LAN client signals from a transport system to a client system comprising receiving the 10GE LAN client signal transmitted over the transport system, converting the 10GE LAN client signal to an intermediate signal, recovering clock data from the intermediate signal, recovering a data stream from the intermediate signal, reconvertng the intermediate signal to the 10GE LAN client signal; transferring the 10GE LAN client signal to a client system; and monitoring the intermediate form with a monitoring device wherein the monitoring device is a 10GE LAN media access controller.

21. Defendant has and continues to indirectly infringe one or more claims of the '692 Patent by knowingly and intentionally inducing others, including PAN 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 inventory tracking systems, such as products that that receive, convert, monitor, and send 10GE LAN signals.

22. Defendant, with knowledge that these products, or the use thereof, infringe the '692 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 '692 Patent by providing these products to end users for use in an infringing manner.

23. 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 '692 Patent, but while remaining willfully blind to the infringement.

24. Winterspring has suffered damages as a result of Defendant's direct and indirect infringement of the '692 Patent in an amount to be proved at trial.

25. Winterspring has suffered, and will continue to suffer, irreparable harm as a result of Defendant's infringement of the '692 Patent, for which there is no adequate remedy at law, unless Defendant's infringement is enjoined by this Court.

COUNT II
(Infringement of the '975 Patent)

26. Paragraphs 1 through 15 are incorporated by reference as if fully set forth herein.

27. Winterspring has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the '975 Patent.

28. Defendant has directly infringed the '975 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 '975 Patent. Such products include network switches which implement VLAN tagging, including but not limited PAN network switches, firewalls, gateways, IDS, and IPS systems which run alone or in combination with the PAN-OS operating system which allow for VLAN tagging, such as the PAN PA-5400 NGFW.

29. For example, Defendant has directly infringed at least claim 5 of the '975 Patent by making, using, offering to sell, selling, and/or importing into the United States products that perform VLAN tagging:

Document: PAN-OS® Administrator's Guide

VLAN-Tagged Traffic

PREVIOUS NEXT

Virtual wire interfaces by default allow all untagged traffic. You can, however, use a virtual wire to connect two interfaces and configure either interface to block or allow traffic based on the virtual LAN (VLAN) tags. VLAN tag 0 indicates untagged traffic.

You can also create multiple subinterfaces, add them into different zones, and then classify traffic according to a VLAN tag or a combination of a VLAN tag with IP classifiers (address, range, or subnet) to apply granular policy control for specific VLAN tags or for VLAN tags from a specific source IP address, range, or subnet.

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30. For example, the PAN PA-5400 NGFW includes an apparatus comprising a network processor interface suitable for coupling to a network processor and a central processor interface suitable for coupling to a central processor. Upon information and belief, the PAN PA-5400 NGFW further includes a protocol determination logic block to determine a protocol type of data in a packet, wherein the protocol determination logic compares the protocol information in a first pass to predetermined values to procedure a first result and, if the first result is positive, compares the protocol information in a second pass to predetermined values to produce a second result, the first and second results forming a set of results. Upon information and belief, the PAN PA-5400 NGFW further comprises a tag select logic block to apply a tag to the packet indicating that the packet has an unknown protocol type if the first result is negative and if the first result is positive, the packet should be sent to either the central processor interface or the network processor interface based on the set of results.

31. Defendant has indirectly infringed one or more claims of the '975 Patent by knowingly and intentionally inducing others, including PAN 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.

² <https://docs.paloaltonetworks.com/pan-os/9-1/pan-os-admin/networking/configure-interfaces/virtual-wire-interfaces/vlan-tagged-traffic>.

32. Defendant, with knowledge that these products, or the use thereof, infringed the '975 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 '975 Patent by providing these products to end users for use in an infringing manner.

33. 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 '975 Patent, but while remaining willfully blind to the infringement.

34. Winterspring has suffered damages as a result of Defendant's direct and indirect infringement of the '975 Patent in an amount to be proved at trial.

35. Winterspring has suffered, and will continue to suffer, irreparable harm as a result of Defendant's infringement of the '975 Patent, for which there is no adequate remedy at law, unless Defendant's infringement is enjoined by this Court.

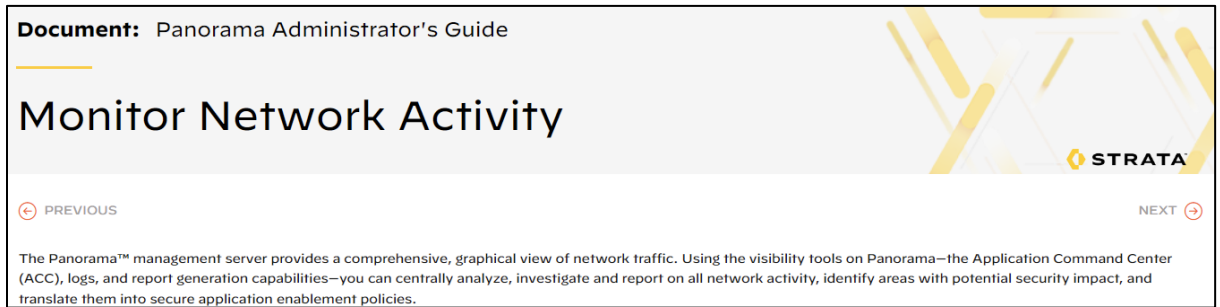
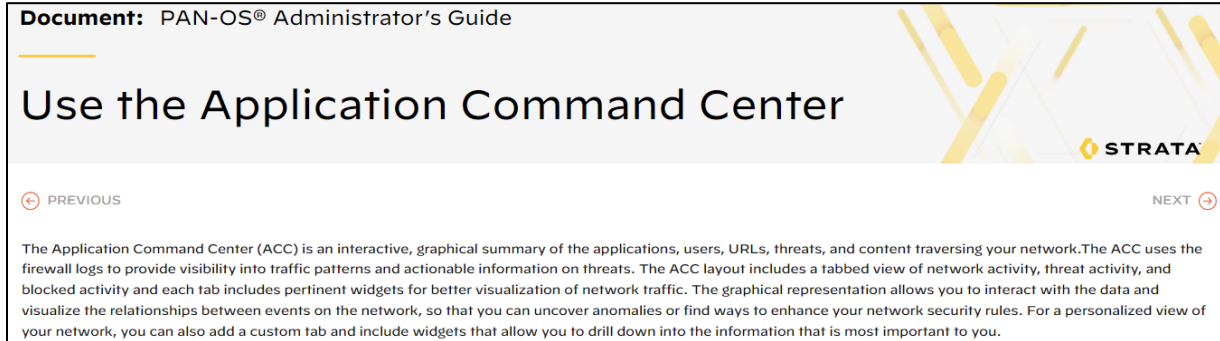
COUNT III
(Infringement of the '646 Patent)

36. Paragraphs 1 through 15 are incorporated by reference as if fully set forth herein.

37. Winterspring has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the '646 Patent.

38. Defendant has and continues to directly infringe the '646 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 '646 Patent. Such products include hardware and software which allow a user with a GUI to optimize routing decisions, including but not limited

to PAN-OS Application Command Center and PAN-OS Panorama functionality, alone or in combination with PAN network routers, switches and NGFW, and IDS and IPS products:



39. For example, Defendant has and continues to directly infringe at least claim 1 of the '646 Patent by making, using, offering to sell, selling, and/or importing into the United States products that hardware and software which allow provide a user with a GUI to optimize routing decisions, including but not limited to the PAN-OS Application Command Center and PAN-OS Panorama functionality, alone or in combination with PAN network routers, switches and NGFW IDS and IPS products.

40. For example, the PAN-OS Application Command Center, upon information and belief, performs the method of displaying, via a graphical user interface (GUI) on a display, a graphical representation of a plurality of nodes available in a network, wherein the plurality of

³ <https://docs.paloaltonetworks.com/pan-os/9-1/pan-os-admin/monitoring/use-the-application-command-center#ide0d84bc6-949a-4636-90b8-6629f796a127>.

⁴ <https://docs.paloaltonetworks.com/panorama/9-1/panorama-admin/monitor-network-activity>.

nodes comprises a first edge node and a second edge node, wherein the plurality of nodes further comprises a plurality of router nodes located between the first edge node and the second edge node. Upon information and belief, the PAN-OS Application Command Center performs the step of displaying, via a GUI, a graphical representation of a plurality of paths available on the network between the first edge node and the second edge node on the network, wherein each of the plurality of paths passes through at least a subset of the plurality of router nodes, wherein the plurality of paths are displayed in a prioritized fashion in accordance with a difference in a number of nodes in each path of the plurality of paths through which traffic between the first edge node and the second edge node will pass if selected. Upon information and belief, the PAN-OS Application Command Center further performs the step of selecting a path from the plurality of paths in response to a first user input received via the GUI, wherein the selected path passes through two or more router nodes of the plurality of router nodes. Upon information and belief, the PAN-OS Application Command Center performs the step of initiating configuration of the two or more router nodes for communication between the first edge node and the second edge node in response to selecting the path.

41. Defendant has and continues to indirectly infringe one or more claims of the '646 Patent by knowingly and intentionally inducing others, including PAN 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 a GUI to optimize routing decisions, including but not limited to PAN-OS Application Command Center and PAN-OS Panorama Functionality, alone or in combination with PAN network routers, switches and NGFW, and IDS and IPS products.

42. Defendant, with knowledge that these products, or the use thereof, infringe the '646 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 '646 Patent by providing these products to end users for use in an infringing manner.

43. 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 '646 Patent, but while remaining willfully blind to the infringement.

44. Winterspring has suffered damages as a result of Defendant's direct and indirect infringement of the '646 Patent in an amount to be proved at trial.

45. Winterspring has suffered, and will continue to suffer, irreparable harm as a result of Defendant's infringement of the '646 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, Winterspring 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 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 one or more of the Patents-in-Suit;
- c. An order awarding damages sufficient to compensate Winterspring 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 Winterspring 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: July 5, 2022

Respectfully submitted,

/s/ Vincent J. Rubino, III

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