UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

DATACLOUD TECHNOLOGIES, LLC, Plaintiff, v. ALLIED TELESIS, INC., Defendant.	Civil Action No. _____ **JURY TRIAL DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff DataCloud Technologies, LLC (hereinafter, "Plaintiff" or "DataCloud") files this Complaint for patent infringement against Defendant Allied Telesis, Inc. (hereinafter, "Defendant" or "Allied Telesis") alleging, based on its own knowledge as to itself and its own actions, and based on information and belief as to all other matters, as follows:

NATURE OF THE ACTION

1.   This is a patent infringement action to stop Defendant's infringement of the following United States Patents (collectively, the "Asserted Patents") issued by the United States Patent and Trademark Office ("USPTO"):

	U.S. Patent No.	Title
1.	7,139,780	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7139780 https://patents.google.com/patent/US7139780B2/en?oq=https:%2f%2fimage-ppubs.uspto.gov%2fdirsearch-public%2fprint%2fdownloadPdf%2f7139780
2.	7,209,959	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7209959 https://patents.google.com/patent/US7209959B1/en?oq=7%2c209%2c959
3.	7,398,298	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7398298 https://patents.google.com/patent/US7398298B2/en?oq=7398298
4.	8,156,499	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/8156499 https://patents.google.com/patent/US8156499B2/en?oq=8%2c156%2c499
5.	8,370,457	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/8370457 https://patents.google.com/patent/US8370457B2/en?oq=8%2c370%2c457

2.   Plaintiff seeks monetary damages and injunctive relief.

PARTIES

3.   DataCloud is a limited liability company organized and existing under the laws of the State of Georgia and maintains its principal place of business at 44 Milton Avenue, Suite 254, Alpharetta, Georgia, 30009 (Fulton County).

4.   Based upon public information, Allied Telesis is a corporation organized under the laws of the state of Delaware.

5.   Based upon public information, Allied Telesis has its principal place of business at 10521 19th Avenue SE, Suite 200, Everett, Washington, 98208-4283.

6.   Based upon public information, Allied Telesis has an office at 3041 Orchard Parkway, San Jose, California, 95134-2017.

7.   Based upon public information, Allied Telesis may be served through its registered agent, The Prentice-Hall Corporation System, Inc. at 251 Little Falls Drive, Wilmington, Delaware, 19808.

JURISDICTION AND VENUE

8.   Plaintiff repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

9.   This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

10.   Allied Telesis is subject to this Court's specific and general personal jurisdiction under due process because of its substantial business in this Judicial District, in the State of Delaware, and in the United States, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, or deriving substantial revenue from goods and services provided to individuals in this state, in this District, and in the United States.

11.   Specifically, Allied Telesis intends to do and does business in, has committed acts of infringement in, and continues to commit acts of infringement in this District, in the State of Delaware, and in the United States, directly, through intermediaries, by contributing to and through

the inducement of third parties, and offers and sends its products and services, including those accused of infringement here, to customers and potential customers located in this state, including in this District, and in the United States.

12.   More specifically, Allied Telesis directly and/or through its intermediaries, ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises its products and services in the United States, the State of Delaware, and in this District.

13.   Specifically, Allied Telesis intends to do and does business in, has committed acts of infringement in this District directly, and offers its services, including those accused of infringement here, to customers and potential customers located in the State of Delaware, including in this District.

14.   On information and belief, ESE Allied Telesis T has significant ties to, and presence in, the State of Delaware and this District, making venue in this Judicial District both proper and convenient for this action.

15.   Therefore, venue is proper in this District pursuant to 28 U.S.C. §1400(b).

THE ACCUSED PRODUCTS

16.   Based upon public information, Defendant owns, operates, advertises, and/or controls the website www.alliedtelesis.com through which it advertises, sells, offers to sell, provides and/or educates customers about its website hosting platforms.[1]

17.   Defendant offers at least the following products (hereinafter, the "Accused Products") that infringe one or more claims of the Asserted Patents:[2]

   o   Allied Telesis' Autonomous Management Framework (AMF);

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[1] *See* https://www.alliedtelesis.com/us/en and https://www.alliedtelesis.com/us/en/library/search (last visited December 15, 2023)
[2] *See* https://www.alliedtelesis.com/us/en/products and https://www.alliedtelesis.com/us/en/services (last visited November 28, 2023)

o   Allied Telesis' Website infrastructure supporting multiple domains;

o   Allied Telesis' Vista Manager;

o   AlliedView Cloud remote management of radio schedules for access points; and

o   Allied Telesis' AlliedWare firewalls.

18.   By letter dated December 8, 2022, Defendant was informed of DataCloud's patent portfolio, including the Asserted Patents.

<p style="text-align:center">COUNT I: <u>INFRINGEMENT OF U.S. PATENT NO. 7,139,780</u></p>

19.   Plaintiff re-alleges and incorporates by reference each of the paragraphs above as though fully set forth in their entirety.

20.   U.S. Patent No. 7,139,780 (the "'780 patent") was issued on November 21, 2006 after full and fair examination by the USPTO of Application No. 10/335,516 which was filed on December 30, 2002. *See* '780 patent at p. 1. The '780 patent is entitled "System And Method For Synchronizing Files In Multiple Nodes."

21.   The claims of the '780 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve how computerized communications systems synchronize files across multiple nodes.

22.   The written description of the '780 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

23.   DataCloud owns all substantial rights, interest, and title in and to the '780 patent,

including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

24.   DataCloud or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '780 patent.

25.   Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '780 patent, either literally or under the doctrine of equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises its Autonomous Management Framework's AMF Backups ("AMF Backups") with ability to initiate and control backups.[3]

26.   Upon information and belief, AMF Backups meet each and every step of at least Claim 1 of the '780 Patent, either literally or equivalently.

27.   Based upon public information, AMF Backups have infringed and continues to infringe one or more claims of the '780 patent, including Claim 1, because it provides a method for synchronizing files between a central node (*e.g.*, master/controller nodes) and local nodes (*e.g.*, member nodes), each of which consists of a file server with a database and an application to allow for automatic updates using AMF Backups, which method includes (a) storing one copy of each file (*e.g.,* files on a node, its configuration, AlliedWare Plus images, license files, and/or others) that is shared between the local nodes (*e.g.,* the nodes on the network); (b) creating a first table in each of the local databases to store information on copies of files in its respective local device (*e.g.,* the on the backup nodes); (c) creating a second table in the central database to record all

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[3] *See* https://www.alliedtelesis.com/sites/default/files/documents/configuration-guides/amf_feature_overview_guide.pdf (visited December 15, 2023)

update information on copies of files in all the devices (*e.g.*, on the master/controller node); (d)

updating a copy of a file in one of the devices (*e.g.,* the member nodes using AMF Backups); (e)

adding a new item of update information on the file in the second table; (f) downloading the

updated copy of the file from said one of the local file servers (*e.g.,* the files from one member

node), and uploading the updated copy of the file to the central file server as the latest edition of

the file (*e.g.,* latest version of the files); (g) determining whether a required copy of the file in

another of the local file servers needs to be updated (*e.g.*, by communicating with the

master/controller nodes); and (h) downloading the latest edition of the file from the central file

server to update said another of the local file servers if the required copy of the file needs to be

updated (*e.g.,* updating the other member node).

28.   Based upon public information, Defendant's customers use its AMF Backups in

such a way that infringes one or more claims of the '780 patent.

29.   Based upon public information, Defendant has intentionally induced and continues

to induce infringement of one or more claims of the '780 patent in this District and elsewhere in

the United States, by its intentional acts which have successfully, among other things, encouraged,

instructed, enabled, and otherwise caused Defendant's customers to use AMF Backups in an

infringing manner.

30.   To the extent that Defendant is not the only direct infringer of one or more claims

of the '780 Patent, it instructs its customers on how to use AMF Backups in ways that infringe one

or more claims of the '780 patent through its support and sales activities.[4]

31.   Despite knowledge of the '780 patent on December 8, 2022[5] (or at the latest, upon

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[4] *See* pp. 65-84 at https://www.alliedtelesis.com/sites/default/files/documents/configuration-guides/amf_feature_overview_guide.pdf (visited December 15, 2023)
[5] *See* Paragraph 18.

service of the Complaint), Defendant, based upon public information, continues to encourage, instruct, enable, and otherwise cause its customers to use its products and services, in a manner which infringes one or more claims of the '780 patent. Based upon public information, the provision of and sale of AMF is a source of revenue and a business focus for Defendant.

32. Based upon public information, Defendant specifically intends its customers to use its products and services in such a way that infringes one or more claims of the '780 patent by, at a minimum, providing and supporting AMF Backups and instructing its customers on how to use them in an infringing manner, at least through information available on Defendant's website including information brochures, promotional material, and contact information.[6]

33. Based upon public information, Defendant knew that its actions, including, but not limited to any of the aforementioned products and services, would induce, have induced, and will continue to induce infringement by its customers by continuing to sell, support, and instruct its customers on using AMF Backups.

34. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

35. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT II: INFRINGEMENT OF U.S. PATENT NO. 7,209,959

36. Plaintiff re-alleges and incorporates by reference each of the paragraphs above as though fully set forth in their entirety.

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[6] *See* pp. 65-84 at https://www.alliedtelesis.com/sites/default/files/documents/configuration-guides/amf_feature_overview_guide.pdf (visited December 15, 2023)

37.   U.S. Patent No. 7,209,959 (the "'959 patent") was issued on April 24, 2007 after full and fair examination by the USPTO of Application No. 09/542,858 which was filed on April 4, 2000. *See* '959 patent at p. 1. The '959 patent is entitled "Apparatus, System, And Method For Communicating To A Network Through A Virtual Domain Providing Anonymity To A Client Communicating On The Network."

38.   The claims of the '959 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve networks and network systems by anonymizing network activity for individual clients and groups of clients for, among other reasons, security, traffic management, and routing purposes.

39.   The written description of the '959 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

40.   DataCloud owns all substantial rights, interest, and title in and to the '959 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

41.   DataCloud or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '959 patent.

42.   Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '959 Patent, either literally or under the doctrine of

equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises Allied Telesis website infrastructure supporting multiple domains ("Allied Telesis website infrastructure").[7]

43.   Upon information and belief, Allied Telesis website infrastructure meets each and every step of at least Claim 1 of the '959 Patent, either literally or equivalently.

44.   Based upon public information, Defendant has infringed one or more claims of the '959 Patent, including Claim 1, because Allied Telesis website infrastructure provides a method of, in response to a request (*e.g.,* "Client Hello") by a client to initiate communication with a destination website (*e.g.,* alliedtelesis.com, www.alliedtelesis.com, assets.alliedtelesis.com, usmail.alliedtelesis.com, go.alliedtelesis.com, start.alliedtelesis.com, *etc.*), setting up a forwarding session (*e.g.,* from the internet to a WWW server) between the client (*e.g.,* internet device) and a destination server corresponding to the destination website (*e.g.,* WWW server), the forwarding session employing a forwarder disposed between (*e.g.,* a front-end server switch) the client and the destination server to forward packets sent from the client to the destination server and to forward packets sent from the destination server to the client (*e.g.,* bilateral communications); employing the forwarder (*e.g.,* front-end server switch), to transfer packets (*e.g.,* ethernet or others) between the client (*e.g.,* internet device) and the destination server (*e.g.,* WWW server) during the forwarding session, wherein the forwarding session is set up and implemented such that neither the client or the destination server is aware of the employment of the forwarder (*e.g.,* the WWW server has a direct TCP connection between a local IP address and a client IP address, each being different; thus, neither the client or the destination server is aware of the employment of the forwarder); employing a controller configured to communicate (*e.g.,* firewall) with the forwarder

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[7] *See* https://www.alliedtelesis.com/us/en (last visited December 15, 2023)

(*e.g.*, front-end server switch) and a domain name server (*e.g.*, a DNS), wherein the controller queries the domain name server to resolve the name of the destination website (*e.g.*, www.alliedtelesis.com, assets.alliedtelesis.com, usmail.alliedtelesis.com, go.alliedtelesis.com, start.alliedtelesis.com) associated with the destination server (*e.g.*, WWW server) and initiates communication (*e.g.*, between the firewall and front-end server switch) with the forwarder in response to an answer from the domain name server to resolve the name of the destination website associated with the destination server; employing a deceiver (*e.g.*, router) configured to communicate with the controller (*e.g.*, firewall) and the client (*e.g.*, internet device), wherein the deceiver receives the request by the client to initiate communication (*e.g.*, from the internet to the router) with the destination website (*e.g.*, www.alliedtelesis.com, assets.alliedtelesis.com, usmail.alliedtelesis.com, go.alliedtelesis.com, start.alliedtelesis.com on a WWW server) and initiates the controller to query the domain name server to resolve the name of the destination website associated with the destination server (*e.g.*, the router both (i) receives the request and (ii) sends the data from the WWW server in a manner that makes the router appear to be the source of the data, when the source of the data is actually the WWW server); and in response to the controller (*e.g.*, router) receiving the answer from the domain name server and initiating communication with the forwarder initiating the forwarding session.

45.   Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

46.   Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT III: <u>INFRINGEMENT OF U.S. PATENT NO. 7,398,298</u>

47.   Plaintiff re-alleges and incorporates by reference each of the paragraphs above as though fully set forth in their entirety.

48.   U.S. Patent No. 7,398,298 (the "'298 patent") was issued on July 8, 2008 after full and fair examination by the USPTO of Application No. 11/690,803 which was filed on March 23, 2007. *See* '298 patent at p. 1. The '298 patent is entitled "Remote Access And Retrieval Of Electronic Files."

49.   The claims of the '298 Patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve the retrieval and transmission of data from and/or to a remote server.

50.   The written description of the '298 Patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

51.   DataCloud owns all substantial rights, interest, and title in and to the '298 Patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

52.   DataCloud or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '298 Patent.

53.   Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '298 Patent, either literally or under the doctrine of

equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises Vista Manager.[8]

54.   Upon information and belief, the Vista Manager meets each and every step of at least Claim 13 of the '298 Patent, either literally or equivalently.

55.   Based upon public information, Defendant's provision of the Vista Manager has infringed and one or more claims of the '298 Patent, including Claim 13, because the it provides a method for remotely controlling data directory structures (*e.g.*, webpages and functions accessible to discrete users through the User Management module) across at least one communications network (*e.g.*, Internet) that has a computer server (*e.g.*, WWW server), the computer server coupled to the communications network (*e.g.*, Internet); a remote data directory structure management computing application (*e.g.*, the Vista Manager dashboard) operating on the computer server (*e.g.*, WWW server) to process received requests for remote data directory management (*e.g.*, adding users, etc.) of desired data residing in directory structures by participating users (*e.g.*, users that have been assigned to network permissions, management/security/administration access, *etc.*); and a profile data store (*e.g.*, a secure SQL server/database) comprising information relating to the data and data directory structures (*e.g.*, information on permissions/abilities/activations available to users) accessible to each of the participating users (*e.g.*, of a system/organization) wherein the profile data store is queried for the data directory structures accessible to each of the participating users (*e.g.*, role definitions indicate directory structure for each role to determine the user's permissions/abilities/ activations), wherein further a single directory structure (*e.g.*, abilities/permissions/activations for users must be

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[8] *See* https://www.alliedtelesis.com/sites/default/files/documents/configuration-guides/vista_manager_ex_user_guide_36x.pdf (visited December 15, 2023)

selected in the user/account settings) from among a plurality of the data directory structures associated with the profile data store (*e.g.*, the available permissions/abilities/ activations settings for users) is selected by each of the participating users for modification (the invited user can accept the invitation or access).

56.   Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

57.   Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT IV: <u>INFRINGEMENT OF U.S. PATENT NO. 8,156,499</u>

58.   Plaintiff re-alleges and incorporates by reference each of the paragraphs above as though fully set forth in their entirety.

59.   U.S. Patent No. 8,156,499 (the "'499 patent") was issued on April 10, 2012 after full and fair examination by the USPTO of Application No. 12/331,980 which was filed on December 10, 2008. *See* '499 patent at p.1. A Certificate of Correction was issued on September 25, 2012. *See id.* at pp. 18-19. The '499 patent is entitled "Methods, Systems And Articles Of Manufacture For Scheduling Execution Of Programs On Computers Having Different Operating Systems."

60.   The claims of the '499 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve the retrieval and transmission of data from and/or to a remote server.

61.   The written description of the '499 patent describes in technical detail each

limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

62.   DataCloud owns all substantial rights, interest, and title in and to the '499 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

63.   DataCloud or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '499 patent.

64.   Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '499 patent, either literally or under the doctrine of equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises AlliedView Cloud™ remote management of radio schedules for access points ("AlliedView Cloud™").[9]

65.   Based upon public information, AlliedView Cloud™'s provision of radio schedules has infringed one or more claims of the '499 Patent, including Claim 1, because it provides a method scheduling a first computer (*e.g.*, an access point) communicatively coupled with the scheduling computer (*e.g.*, AlliedView Cloud™ Radio Schedules) to execute a first program (*e.g.*, a schedule to turn on/off a radios on access points) wherein the first computer has a first operating system (*e.g.*, on a first access point); receiving at the scheduling computer a result from the first

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[9] *See* https://www.alliedtelesis.com/sites/default/files/alliedview_cloud_user_guide_reva_0.pdf (visited December 15, 2023)

computer (*e.g.*, whether a radio should be on or off), wherein the result from the first computer is based at least in part upon the execution of the first program by the first computer (*e.g.*, a radio schedule); and scheduling a second computer (*e.g.*, an updated radio schedule) communicatively coupled with the scheduling computer to execute a second program in response to a determination that the result from the first computer meets a criterion (*e.g.*, radio schedule needs to be updated) wherein the second computer has a second operating system and the second operating system is different from the first operating system (*e.g.*, the operating system on the second access point is different from the first).

66.   Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

67.   Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT V: <u>INFRINGEMENT OF U.S. PATENT NO. 8,370,457</u>

68.   Plaintiff re-alleges and incorporates by reference each of the paragraphs above as though fully set forth in their entirety.

69.   U.S. Patent No. 8,370,457 (The "'457 patent") was issued on February 5, 2013 after full and fair examination by the USPTO of Application No. 11/717,911 which was filed on March 13, 2007. *See* '457 patent at p. 1. A Certificate of Correction was issued on March 18, 2014. *See id.* at p. 11. The '457 patent is entitled "Network Communication Through A Virtual Domain."

70.   The claims of the '457 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve networks and network systems by anonymizing network

activity for individual clients and groups of clients.

71.   The written description of the '457 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

72.   DataCloud owns all substantial rights, interest, and title in and to the '457 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

73.   DataCloud or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '457 patent.

74.   Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '457 patent, either literally or under the doctrine of equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises Allied Telesis' AlliedWare firewalls.[10]

75.   Upon information and belief, Allied Telesis AlliedWare meets each and every step of at least Claim 9 of the '457 patent, either literally or equivalently.

76.   Based upon public information, AlliedWare firewalls has infringed one or more claims of the '457 patent, including Claim 9, through its advanced firewall settings in the gateway because it establishes a forwarding internet protocol (IP) address (translated IP address) for a pre-

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[10] *See* https://www.alliedtelesis.com/sites/default/files/firewall_feature_config_guide_revb.pdf (visited December 15, 2023)

defined combination of a client IP address (*e.g.,* 10.XX.XX.XX) and a destination IP address (*e.g.,* 168.XX.XX.XX), it identifies, in a data request received from the client IP address, the pre-defined combination, and in response to the identifying of the pre-defined combination, forward (*e.g.,* from "Host A" to the NAT Router) the data request via (*e.g.,* commands are configured to translate source addresses to the destination IP address for all packets with IP destination addresses in the 168.XX.XX.XX/24 subnet) the forwarding IP address to the destination IP address (*e.g.,* on "Host B").

77.   Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

78.   Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

79.   Plaintiff demands a trial by jury on all issues so triable by right.

PRAYER FOR RELIEF

80.   Plaintiff respectfully requests the following relief:

A.   An adjudication that one or more claims of the Asserted Patents has been infringed, either literally and/or under the doctrine of equivalents, by Defendant;

B.   An award of damages to be paid by Defendant adequate to compensate Plaintiff Defendant's past infringement, including interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary to adequately compensate Plaintiff for Defendant's infringement, an accounting of all infringing sales

including, but not limited to, those sales not presented at trial;

C.   A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert therewith from infringement of the '780 patent; or, in the alternative, an award of a reasonable ongoing royalty for future infringement of said patent by such entities;

D.   Judgment that Defendant's infringements be found willful as to '780 patent; and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;

E.   Pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;

F.   That this Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and,

G.   Any further relief that this Court deems just and proper.

Dated: <u>December 20, 2023</u>

Respectfully submitted,

STAMOULIS & WEINBLATT, LLC

<u>*/s/ Stamatios Stamoulis*</u>

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* admission *pro hac vice* anticipated