

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

CROGA INNOVATIONS LTD.,

Plaintiff,

v.

FORTINET, INC.,

Defendant.

Case No. 2:24-cv-206

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT
AGAINST FORTINET, INC.**

This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. § 1 *et seq.*, in which Plaintiff Croga Innovations Limited (“Plaintiff” or “Croga”) makes the following allegations against Defendant Fortinet, Inc. (“Defendant” or “Fortinet”):

INTRODUCTION

1. This complaint arises from Fortinet’s unlawful infringement of the following United States patents owned by Plaintiff, which relate to improvements in secure computing systems: United States Patent Nos. 10,601,780 (“the ’780 Patent” or the “Asserted Patent”).

PARTIES

2. Plaintiff Croga Innovations Limited is a private company limited by shares organized and existing under the laws of Ireland, with its principal place of business at The Hyde Building, Suite 23, The Park, Carrickmines, Dublin 18, Ireland. Croga is the sole owner by assignment of all rights, title, and interest in the Asserted Patent, including the right to recover damages for past, present, and future infringement.

3. On information and belief, Defendant Fortinet, Inc. is a Delaware corporation with its principal place of business at 899 Kifer Road, Sunnyvale California 94086. Defendant may be served through its registered agent Corporation Service Company dba CSC – Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701. Defendant is registered to do business in the State of Texas and has been since at least November 24, 2009.

JURISDICTION AND VENUE

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

5. This Court has personal jurisdiction over Fortinet in this action because Fortinet has committed acts within this District giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Fortinet would not offend traditional notions of fair play and substantial justice. Fortinet maintains a place of business within the State, including at 6111 W. Plano Parkway, Plano, Texas 75093. Fortinet, directly and through subsidiaries or intermediaries, has committed and continues to commit acts of infringement in this District by, among other things, importing, offering to sell, and selling products that infringe the Asserted Patent. Fortinet is registered to do business in the State of Texas, and has appointed as their registered agent, Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701, for service of process.

6. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b). Fortinet is registered to do business in Texas, and upon information and belief, Fortinet has transacted business in this District and has committed acts of direct and indirect infringement in this District by, among other things, making, using, offering to sell, selling, and importing products that

infringe the Asserted Patent. Fortinet has regular and established places of business in this District, including at 6111 W. Plano Parkway, Plano, Texas 75093.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 10,601,780

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

8. Plaintiff owns by assignment all rights, title, and interest, including the right to recover damages for past, present, and future infringement, in U.S. Patent No. 10,601,780, titled “Internet isolation for avoiding internet security threats.” The ’780 Patent was duly and legally issued by the United States Patent and Trademark Office on March 24, 2020. The ’780 Patent is valid and enforceable. A true and correct copy of the ’780 Patent is attached hereto as Exhibit 1.

9. Fortinet makes, uses, offers for sale, sells, and/or imports certain products, including without limitation Fortinet’s FortiSandbox 500G, FortiSandbox 1500G, FortiSandbox 1000F, FortiSandbox 3000F, FortiSandbox 3000E, FortiSandbox 2000E, FortiSandbox 500F, FortiSandbox 1000D, FortiSandbox 3500D, FortiSandbox 3000D, and FortiSandbox VM, when used in conjunction with any FortiGate or FortiProxy device, as well as FortiSandbox SaaS, FortiSandbox PaaS, FortiSandbox Public Cloud used either in conjunction with FortiGate or FortiProxy device or independently (the “Accused Products”), that directly infringe, literally and/or under the doctrine of equivalents, one or more claims of the ’780 Patent. Identification of the accused products will be provided in Plaintiff’s infringement contentions pursuant to the Court’s scheduling order.

10. The Accused Products satisfy all claim limitations of one or more claims of the '780 Patent. A claim chart comparing exemplary independent claim 11 of the '780 Patent to representative Accused Products is attached as Exhibit 2.

11. By making, using, offering for sale, selling and/or importing into the United States the Accused Products, Fortinet has injured Plaintiff and is liable for infringement of the '780 Patent pursuant to 35 U.S.C. § 271(a).

12. Fortinet also knowingly and intentionally induces infringement of one or more claims of the '780 Patent in violation of 35 U.S.C. § 271(b).

13. At a minimum, as of at least as of the filing and service of this complaint, Fortinet has knowledge of the '780 Patent and the infringing nature of the Accused Products through, for example, the '780 Patent claim chart served therewith. Despite this knowledge of the '780 Patent, Fortinet continues to actively encourage and instruct its customers and end users (for example, through user manuals and online instruction materials on its website and materials cited in Exhibit 2) to use the Accused Products in ways that directly infringe the '780 Patent. For example, Fortinet advertises the security capabilities of FortiSandbox, including its “full virtual environment” functionality:

Next Generation AI Powered Sandbox

FortiSandbox is a high-performance security solution that utilizes AI/machine learning technology to identify and isolate advanced threats in real-time. FortiSandbox inspects files, websites, URLs and network traffic for malicious activity, including zero-day threats, and uses sandboxing technology to analyze suspicious files in a secure virtual environment.

Ex. 3 (<https://www.fortinet.com/content/dam/fortinet/assets/data-sheets/FortiSandbox.pdf>).

Key features of FortiSandbox include:

- **Dynamic Anti-malware updates/Cloud query:** Receives updates from FortiGuard Labs and send queries to the FortiSandbox Community Cloud in real time, helping to intelligently and immediately detect existing and emerging threats.
- **Code emulation:** Performs lightweight sandbox inspection in real time for best performance, including certain malware that uses sandbox evasion techniques and/or only executes with specific software versions.
- **Full virtual environment:** Provides a contained runtime environment to analyze high risk or suspicious code and explore the full threat life cycle.

See Ex. 4 (https://fortinetweb.s3.amazonaws.com/docs.fortinet.com/v2/attachments/4ff083be-83f2-11ee-a142-fa163e15d75b/FortiSandbox-4.4.3-Administration_Guide.pdf) at 12. Further,

Fortinet provides prospective customers with instructions on how to install, configure, and administer the FortiSandbox. See Ex. 5

(<https://docs.fortinet.com/document/fortisandbox/4.4.3/administration-guide/523699/introduction>). Fortinet provides these instructions, user manuals, and other materials knowing and intending (or with willful blindness to the fact) that its customers and end users will commit these infringing acts. Fortinet also continues to make, use, offer for sale, sell, and/or import the Accused Products, despite its knowledge of the '780 Patent, thereby specifically

intending for and inducing its customers to infringe the '780 Patent through the customers' normal and customary use of the Accused Products.

14. Fortinet has also infringed, and continues to infringe, one or more claims of the '780 Patent by selling, offering for sale, or importing into the United States, the Accused Products, knowing that the Accused Products constitute a material part of the inventions claimed in the '780 Patent, are especially made or adapted to infringe the '780 Patent, and are not staple articles or commodities of commerce suitable for non-infringing use. At least as of the filing and service of this complaint, Fortinet has knowledge of the '780 Patent and the infringing nature of the Accused Products through, for example, the '780 Patent claim chart served therewith. Fortinet has been, and currently is, contributorily infringing the '780 Patent in violation of 35 U.S.C. §§ 271(c) and/or (f). For example, the accused functionality in Fortinet's FortiSandbox 500G, FortiSandbox 1500G, FortiSandbox 1000F, FortiSandbox 3000F, FortiSandbox 3000E, FortiSandbox 2000E, FortiSandbox 500F, FortiSandbox 1000D, FortiSandbox 3500D, FortiSandbox 3000D, and FortiSandbox VM, when used in conjunction with any FortiGate or FortiProxy device, as well as FortiSandbox SaaS, FortiSandbox PaaS, FortiSandbox Public Cloud used either in conjunction with FortiGate or FortiProxy device or independently constitute a material part of the inventions claimed in the '780 Patent, are especially made or adapted to infringe the '780 Patent, and are not staple articles or commodities of commerce suitable for non-infringing use, as demonstrated by the evidence in Exhibit 2.

15. On information and belief, Plaintiff (including its predecessors and any licensees) complied with 35 U.S.C. § 287 during the relevant time period because Plaintiff, any predecessor assignees to the '780 Patent, and any licensees did not make, offer for sale, or sell products that

practice(d) the '780 Patent during the relevant time period or were not required to mark during the relevant time period.

16. As a result of Fortinet's direct infringement of the '780 Patent, Plaintiff is entitled to monetary damages (past, present, and future) in an amount adequate to compensate for Fortinet's infringement, but in no event less than a reasonable royalty for the use made of the invention by Fortinet, together with interest and costs as fixed by the Court.

17. As a result of Fortinet's indirect infringement of the '780 Patent, Plaintiff is entitled to monetary damages (present and future) in an amount adequate to compensate for Fortinet's infringement, but in no event less than a reasonable royalty for the use made of the invention by Fortinet, together with interest and costs as fixed by the Court, accruing as of the time Fortinet obtained knowledge of the '780 Patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

- a. A judgment in favor of Plaintiff that Fortinet has infringed, either literally and/or under the doctrine of equivalents, the '780 Patent;
- b. A judgment and order requiring Fortinet to pay Plaintiff its damages (past, present, and future), costs, expenses, and pre-judgment and post-judgment interest for Fortinet's infringement of the '780 Patent;
- c. A judgment and order requiring Fortinet to pay Plaintiff compulsory ongoing licensing fees, as determined by the Court in equity;
- d. A judgment and order requiring Fortinet to provide an accounting and to pay supplemental damages to Plaintiff, including without limitation, pre-judgment and post-judgment interest and compensation for infringing products released after the filing of this case that are not

colorably different from the accused products;

e. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees against Fortinet; and

f. 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 22, 2024

Respectfully submitted,

By: /s/ Brett E. Cooper
Brett E. Cooper (NY SBN 4011011)
bcooper@bclgpc.com
Seth Hasenour (TX SBN 24059910)
shasenour@bclgpc.com
Jonathan Yim (TX SBN 24066317)
jyim@bclgpc.com
Drew B. Hollander (NY SBN 5378096)
dhollander@bclgpc.com

BC LAW GROUP, P.C.
200 Madison Avenue, 24th Floor
New York, NY 10016
Tel.: (212) 951-0100
Fax: (646) 293-2201

*Attorneys for Plaintiff Croga Innovations
Limited*