

HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

F5 NETWORKS, INC., a Washington
corporation,

Plaintiff,

v.

A10 NETWORKS, INC., a California
corporation,

Defendant.

No. 2:10-cv-00654 (MJP)

SECOND AMENDED COMPLAINT FOR
PATENT INFRINGEMENT,
MISAPPROPRIATION OF TRADE
SECRETS, AND UNFAIR COMPETITION

Plaintiff F5 Networks, Inc. ("F5") for its Complaint against defendant A10 Networks, Inc.,
alleges as follows:

THE PARTIES

1. Plaintiff F5 is a Washington corporation with its principal place of business at 401
Elliott Avenue West in Seattle, Washington, 98119.

2. Upon information and belief, defendant A10 Networks, Inc. ("A10") is a California
corporation, with its principal place of business at 2309 Bering Drive, San Jose, California 95131.

JURISDICTION AND VENUE

3. This is an action for patent infringement, misappropriation of trade secrets, and unfair
competition under the patent laws of the United States, 35 U.S.C. § 271 et seq., and the laws of the
State of Washington. This Court has jurisdiction under 28 U.S.C. §§ 1331 (federal question), 1332
(diversity), 1338(a) (patent case), and 1338(b) (related unfair competition claim).

4. Venue is proper within this judicial district under 28 U.S.C. §§ 1391(b) and (c)
because a substantial part of the events or omissions giving rise to the claim occurred in this district,
and defendant is subject to personal jurisdiction here.

PLAINTIFF AND ITS RIGHTS

5. F5 is a leading innovator in the design and distribution of products and services that manage message traffic over computer-mediated networks, such as the Internet. F5's traffic management products, for example, allow customers to manage traffic flow to and from their web servers.

6. The United States Patent and Trademark Office has acknowledged F5's innovations by awarding F5 patents.

7. On September 5, 2006, the United States Patent and Trademark Office issued United States Patent No. 7,102,996 ("the '996 patent") entitled, "Method and System for Scaling Network Traffic Managers," a copy of which is attached hereto as Exhibit A. The '996 patent is directed generally at methods and systems for routing packets and messages between client computers and servers.

8. F5 is the owner of the '996 patent, and has the right to sue for infringement of the patent.

9. On July 1, 2008, the United States Patent and Trademark Office issued United States Patent No. 7,395,349 ("the '349 patent"), also entitled "Method and System for Scaling Network Traffic Managers," a copy of which is attached hereto as Exhibit B. The '349 patent is based on a continuation-in-part of the application that led to the '996 patent. As with the '996 patent, the '349 patent is directed at innovations in the routing of messages and packets over a network.

10. F5 is the owner of the '349 patent, and has the right to sue for infringement of the patent.

11. On April 13, 2010, the United States Patent and Trademark Office issued United States Patent No. 7,697,427 ("the '427 patent"), also entitled "Method and System for Scaling Network Traffic Managers," a copy of which is attached hereto as Exhibit C. The '427 patent is based on a continuation of application that led to the '996 patent. As with the patents above, the '427 patent is directed at innovations in the routing of messages and packets over a network.

1 12. F5 is the owner of the '427 patent, and has the right to sue for infringement of the
2 patent.
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4 13. On April 20, 2010, the United States Patent and Trademark Office issued United
5 States Patent No. 7,702,809 ("the '809 patent"), also entitled "Method and System for Scaling
6 Network Traffic Managers," a copy of which is attached hereto as Exhibit D. The '809 patent is
7 based on a continuation of the application that led to the '349 patent. As with the patents above, the
8 '809 patent is directed at innovations in the routing of messages and packets over a network.
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10 14. F5 is the owner of the '809 patent, and has the right to sue for infringement of the
11 patent.
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13 CLAIM FOR PATENT INFRINGEMENT

14 15. F5 realleges and incorporates by reference the allegations in paragraphs 1-14 above as
15 if fully set forth herein.
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17 16. On information and belief, defendant A10 adopted the name "A10 Networks" as a
18 play on, or allusion to, F5's corporate name.
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20 17. A10 has repeatedly attempted to emulate the products and services of F5, to the point
21 of having in the past, directed customers to F5's website for information as to how to use A10
22 products.
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24 18. Defendant A10 has been and is infringing the '996 patent directly and indirectly by
25 making, using, and/or selling products, including at least its AX series products, that practice or
26 enable the practice of inventions claimed in one or more of the claims of the '996 patent.
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28 19. Defendant A10 has been and is infringing the '349 patent directly and indirectly by
29 making, using, and/or selling products, including at least its AX series products, that practice or
30 enable the practice of inventions claimed in one or more of the claims of the '349 patent.
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32 20. Defendant A10 has been and is infringing the '427 patent directly and indirectly by
33 making, using, and/or selling products, including at least its AX series products, that practice or
34 enable the practice of inventions claimed in one or more of the claims of the '427 patent.
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1 21. Defendant A10 has been and is infringing the '809 patent directly and indirectly by
2 making, using, and/or selling products, including at least its AX series products, that practice or
3 enable the practice of inventions claimed in one or more of the claims of the '809 patent.
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6 22. A10's acts of infringement have caused, and will continue to cause, substantial and
7 irreparable injury to F5 and its rights.
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10 23. On information and belief, an opportunity for discovery will establish defendant A10's
11 acts of infringement were deliberate and willful because defendant knew or should have known of
12 one or more of the asserted patents, and its acts of infringement were committed recklessly.
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15 **CLAIM FOR MISAPPROPRIATION OF TRADE SECRETS**

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17 24. F5 realleges and incorporates by reference the allegations in paragraphs 1-23 above as
18 if fully set forth herein.
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21 25. In the course of its business, F5 develops and takes reasonable precautions to protect
22 substantial amounts of confidential, competitively-sensitive information. Such information includes,
23 among other things, lists of F5 customers, the nature of the F5 products they have purchased, and the
24 date that their maintenance or support agreements will come up for renewal. Such information is
25 collectively referred to herein as F5 "Confidential Information."
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28 26. F5's Confidential Information is not generally known, or readily ascertainable, and is a
29 subject of reasonable efforts by F5 to maintain such information as confidential. F5's Confidential
30 Information is also valuable, insofar as it provides F5 a competitive advantage.
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33 27. F5's Confidential Information constitutes protectable trade secrets under the
34 Washington Trade Secrets Act, R.C.W. 19.108.101 et seq.
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37 28. On information and belief, A10 has misappropriated and improperly used F5
38 Confidential Information, including lists of F5 customers with an identification of such customers
39 and the dates for renewal of their maintenance or support agreements. On information and belief,
40 A10 has made use of such information for, at the least, competitive activities in Europe.
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29. A10's conduct has caused injuries and damage to F5, and constitutes tortious misappropriation of trade secrets.

30. F5 has suffered and will continue to suffer significant and irreparable injury from such acts of misappropriation, and A10 has enjoyed and will continue to enjoy unjust enrichment, unless A10 is enjoined from using F5's Confidential Information.

CLAIM FOR UNFAIR COMPETITION

31. F5 realleges and incorporates by reference the allegations in paragraphs 1-30 above as if fully set forth herein.

32. A10's conduct and acts alleged above violates general principles of law and equity, and constitute unfair competition under the common law of the State of Washington.

33. F5 has suffered and will continue to suffer significant and irreparable injury from such acts of unfair competition, and A10 has enjoyed and will continue to enjoy unjust enrichment from such unfair competition unless A10 is enjoined from unfairly competing with F5.

REQUEST FOR RELIEF

WHEREFORE, F5 seeks judgment against defendant A10 as follows:

1. A preliminary and permanent injunction, enjoining defendant and its agents, servants, employees and all those in privity with defendant from making, using, selling or offering for sale any product that infringes or enables the infringement of the '996 patent, from contributing to infringement of the patent, or inducing others to infringe the patent;

2. A preliminary and permanent injunction, enjoining defendant and its agents, servants, employees and all those in privity with defendant from making, using, selling or offering for sale any product that infringes or enables the infringement of the '349 patent, from contributing to infringement of the patent, or inducing others to infringe the patent;

3. A preliminary and permanent injunction, enjoining defendant and its agents, servants, employees and all those in privity with defendant from making, using, selling or offering for sale any

1 product that infringes or enables the infringement of the '427 patent, from contributing to
2 infringement of the patent, or inducing others to infringe the patent;
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4 4. A preliminary and permanent injunction, enjoining defendant and its agents, servants,
5 employees and all those in privity with defendant from making, using, selling or offering for sale any
6 product that infringes or enables the infringement of the '809 patent, from contributing to
7 infringement of the patent, or inducing others to infringe the patent;
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9 5. A preliminary and permanent injunction, enjoining defendant and its agents, servants,
10 employees and all those in privity with defendant from: (a) misappropriating or using F5's
11 Confidential Information; and (b) competing unfairly with F5 in any manner;
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13 6. An award of damages to compensate F5 for A10's unlawful activities, pursuant to 35
14 U.S.C. § 284, R.C.W. 19.108.030 or as otherwise permitted by law;
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16 7. An award of the unjust enrichment that A10 has enjoyed, pursuant to R.C.W.
17 19.108.030, or as otherwise permitted by law;
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19 8. An award of enhanced damages in accordance with 35 U.S.C. § 284, R.C.W.
20 19.108.030, or as otherwise permitted by law;
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22 9. An award of F5's costs of suit, including F5's reasonable attorneys' fees, pursuant to
23 35 U.S.C. § 285, R.C.W. 19.108.040 or as otherwise permitted by law;
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25 10. An assessment of interest, both pre-judgment and post-judgment, on the damages so
26 computed; and
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28 11. Such other and further relief as the Court deems just and proper.
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40 **DEMAND FOR JURY TRIAL**

41 Pursuant to Federal Rules of Civil Procedure 38(b), plaintiff F5 hereby demands trial by jury
42 of all issues so triable that are raised herein or which hereinafter may be raised in this action.
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2 DATED: June 18, 2010.
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/s/ Ramsey M. Al-Salam

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Attorneys for Plaintiff F5 Networks, Inc.

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CERTIFICATE OF SERVICE

I certify that on June 18, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorney(s) of record:

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Attorneys for Defendant A10 Networks, Inc.

I certify under penalty of perjury that the foregoing is true and correct.

DATED this 18th day of June, 2010.

s/ Ramsey M. Al-Salam
Ramsey M. Al-Salam