

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

<hr/>	
GRAPHON CORPORATION, a Delaware)
corporation,)
)
Plaintiff,)
)
v.) Civil Action No. 2:07-CV-373-TJW-CE
)
JUNIPER NETWORKS, INC., a Delaware)
corporation, and JUNIPER NETWORKS (US),)
INC., a California corporation,)
)
Defendants.)
<hr/>	

**SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT
AND DEMAND FOR JURY TRIAL**

Plaintiff, GraphOn Corporation, alleges the following in support of its Complaint for Patent Infringement and Demand for Jury Trial (“Complaint”) against Defendants Juniper Networks, Inc. and Juniper Networks (US), Inc. (collectively “Juniper”).

PARTIES

1. Plaintiff GraphOn Corporation (“GraphOn”) is a corporation organized and existing under the laws of the State of Delaware, and has its principal place of business at 5400 Soquel Avenue, Suite A2, Santa Cruz, California.

2. Upon information and belief, Defendant Juniper Networks, Inc. is a corporation duly organized and existing under the laws of the State of Delaware, having a principal place of

business at 1194 North Mathilda Avenue, Sunnyvale, CA 94089. Upon information and belief, Defendant Juniper Networks (US), Inc. is a corporation organized and existing under the laws of the State of California, having a principal place of business at 1194 North Mathilda Avenue, Sunnyvale, CA 94089.

JURISDICTION

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 *et seq.* The Court has personal jurisdiction over Defendants because they have committed acts within Texas and this judicial district giving rise to this action and have established minimum contacts with the forum such that the exercise of jurisdictions over Defendants would not offend traditional notions of fair play and substantial justice.

VENUE

4. Defendants have committed acts within this judicial district giving rise to this action and do business in this district, including one or more of the infringing acts of offering for sale, making sales, using infringing products and providing service and support to their respective customers in this district. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) & (c) and 1400(b).

COUNT 1

(Patent Infringement)

5. Paragraphs 1-4 of the Complaint set forth above are incorporated herein by reference.

6. On October 20, 1998, United States Patent No. 5,826,014 (“the ‘014 Patent”) entitled “Firewall System For Protecting Network Elements Connected To A Public Network”

was duly and legally issued to Christopher D. Coley and Ralph E. Wesinger, Jr. All rights and interest in the '014 Patent were assigned to GraphOn on August 27, 2007. A true and correct copy of the '014 Patent is attached hereto as Exhibit A.

7. On May 9, 2000, United States Patent No. 6,061,798 ("the '798 Patent") entitled "Firewall System For Protecting Network Elements Connected To A Public Network" was duly and legally issued to Christopher D. Coley and Ralph E. Wesinger, Jr. All rights and interest in the '798 Patent were assigned to GraphOn on August 27, 2007. A true and correct copy of the '798 Patent is attached hereto as Exhibit B.

8. Juniper makes, uses, offers to sell and sells products which use their ScreenOS, JUNOS, JUNOSe, or IDP software, including their Hardware Security Client, their NetScreen, SSG and ISG series of firewall products, and their E-Series, M-Series, J-Series, T-Series and IDP products.

9. Upon information and belief, Juniper has infringed and continues to infringe under 35 U.S.C. § 271 the '014 Patent and the '798 Patent ("the patents-in-suit"). The infringing acts include, but are not limited to, making, using, offering to sell and selling certain of the above-identified firewall products that are covered by one or more claims of the patents-in-suit.

10. Juniper's acts of infringement have caused damage to GraphOn. Under 35 U.S.C. § 284, GraphOn is entitled to recover from Juniper the damages sustained by GraphOn as a result of their infringement of the patents-in-suit. Juniper's infringement of GraphOn's exclusive rights under the patents-in-suit will continue to damage GraphOn's business, causing irreparable harm, for which there is no adequate remedy of law, unless enjoined by this Court under 35 U.S.C. § 283.

11. Upon information and belief, Juniper's infringement of the patents-in-suit has been willful and deliberate, and entitles GraphOn to increased damages under 35 U.S.C. § 284 and attorney fees and costs under 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, GraphOn respectfully requests that this Court enter judgment against Juniper as follows:

(a) For judgment that Juniper has infringed and continues to infringe the patents-in-suit.

(b) For preliminary and permanent injunctions under 35 U.S.C. § 283 against Juniper and their directors, officers, employees, agents, subsidiaries, parents, attorneys, and all persons acting in concert, on behalf of, in joint venture, or in partnership with Juniper from further acts of infringement;

(c) For damages to be paid by Juniper adequate to compensate GraphOn for their infringement, including interests, costs and disbursements as the Court may deem appropriate under 35 U.S.C. § 284;

(d) For judgment finding that Juniper's infringement was willful and deliberate, entitling GraphOn to increased damages under 35 U.S.C. § 284.

(e) For judgment finding this to be an exceptional case, and awarding GraphOn attorney fees under 35 U.S.C. § 285; and

(f) For such other and further relief at law and in equity as the Court may deem just and proper.

///

///

DEMAND FOR JURY TRIAL

Pursuant to the Federal Rules of Civil Procedure Rule 38, Plaintiff GraphOn Corporation hereby demands a jury trial on all issues triable by jury.

DATED: September 5, 2008

Respectfully submitted,

/s/ Padma Choudry
S. Calvin Capshaw
State Bar No. 03783900
Elizabeth L. DeRieux
State Bar No. 05770585
CAPSHAW DERIEUX, L.L.P.
P.O. Box 3999
Longview, Texas 75606
Tel: (903) 236-9800
Fax: (903) 236-8787
E-mail: ccapshaw@capshawlaw.com
E-mail: ederieux@capshawlaw.com

Micahel D. Rounds
Padma Choudry
WATSON ROUNDS
5371 Kietzke Lane
Reno, Nevada 89511
Tel: (775) 324-4100
Fax: (775) 333-8171
Email: mrounds@watsonrounds.com
Email: pchoudry@watsonrounds.com

Joseph M. Vanek
Jeffrey R. Moran
VANEK, VICKERS & MASINI
111 S. Wacker Drive, Suite 4050
Chicago, Illinois 60606
Tel: (312) 224-1500
Fax: (312) 224-1510
Email: jvanek@vaneklaw.com
Email: jmoran@vaneklaw.com

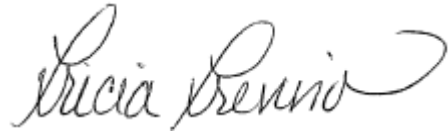
Eugene M. Cummings
Konrad V. Sherinian
COOK ALEX
One North Wacker Drive, Suite 4130
Chicago, Illinois 60606
Tel: (312) 984-0144
Fax: (312) 984-0146
Email: ecummings@emcpc.com
Email: ksherinian@emcpc.com

ATTORNEYS FOR PLAINTIFF,
GRAPHON CORPORATION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served on today's date with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by first-class mail on this same date:

Dated: September 5, 2008

A handwritten signature in cursive script that reads "Tricia Trevino". The signature is written in black ink and is positioned above a horizontal line.

Tricia Trevino