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Civil Action No. 2 - 09 CV - 158

## JURY TRIAL DEMANDED

**Defendant.**

## §

## THE PARTIES

- ## JURISDICTION AND VENUE

3. The 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, 35 U.S.C. §1 *et seq*. Venue is proper in this federal district pursuant to 28 U.S.C. §§1391(b)-(c) and 1400(b) in that Juniper has done business in this District, has committed acts of infringement in this District, and continues to commit acts of infringement in this District, entitling ESR to relief.

**COUNT I — INFRINGEMENT OF U.S. PATENT NO. 6,119,236**

4. On September 12, 2000, United States Patent No. 6,119, 236 (“the ’236 Patent”) was duly and legally issued for inventions entitled “Intelligent Network Security Device and Method.” ESR holds all rights and interest in the ’236 Patent. A true and correct copy of the ’236 Patent is attached hereto as Exhibit A.

5. Upon information and belief, Juniper has infringed, contributed to infringement, induced infringement, and continues to infringe the ’236 Patent. The infringing acts include, but are not limited to, the manufacture, use, sale, importation, and/or offer of sale of past, present, and future versions of Juniper Networks’ IDP appliances, software, updates, and related offerings including but not limited to IDP 50/200/600/1100, IDP 10/100/500/1000, and IDP 4 0; and inducement of others to manufacture, use, sell, import, and/or offer for sale of such products. Juniper is liable for infringement for the ’236 Patent pursuant to 35 U.S.C. §§ 271(a), 271 (b), 271 (c), 271 (f), and/or 271 (g).

6. Juniper’s acts of infringement have caused damage to ESR and ESR is entitled to recover from Juniper the damages sustained by ESR as a result of Juniper’s wrongful acts in an amount subject to proof at trial. Juniper’s infringement of ESR’s exclusive rights under the ’236 Patent will continue to damage ESR, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

7. Upon information and belief, Juniper has knowledge of its infringement of the ’236 Patent, yet Juniper continues to infringe the ’236 Patent. Juniper’s infringement of the ’236 Patent is willful and deliberate, entitling ESR to increased damages under 35 U.S.C. § 284 and to attorneys’ fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

**COUNT II — INFRINGEMENT OF U.S. PATENT NO. 6,304,975 B1**

8. On October 16, 2001, United States Patent No 6, 304,975 B1 (“the ’975 Patent”) was duly and legally issued for inventions entitled “Intelligent Network Security Device and Method.” ESR holds all rights and interest in the ’975 Patent. A true and correct copy of the ’975 Patent is attached hereto as Exhibit B.

9 Upon information and belief, Juniper has infringed, contributed to infringement, induced infringement, and continues to infringe the ’975 Patent. The infringing acts include, but are not limited to, the manufacture, use, sale, importation, and/or offer of sale of past, present, and future versions of Juniper Networks’ IDP appliances, software, updates, and related offerings including but not limited to IDP 50/200/600/1100, IDP 10/100/500/1000, and IDP 4.0; and inducement of others to manufacture, use, sell, import, and/or offer for sale of such products. Juniper is liable for infringement for the ’975 Patent pursuant to 35 U.S.C. §§ 271(a), 271 (b), 271 (c), 271 (f), and/or 271 (g)

10. Juniper’s acts of infringement have caused damage to ESR and ESR is entitled to recover from Juniper the damages sustained by ESR as a result of Juniper’s wrongful acts in an amount subject to proof at trial. Juniper’s infringement of ESR’s exclusive rights under the ’975 Patent will continue to damage ESR, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

11. Upon information and belief, Juniper has knowledge of its infringement of the ’975 patent, yet Juniper continues to infringe ’975 Patent. Juniper’s infringement of the ’975 Patent is willful and deliberate, entitling ESR to increased damages under 35 U.S.C. § 284 and to attorneys’ fees and costs incurred in prosecuting this action under 35 U.S.C. § 285

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff ESR requests entry of judgment in its favor and against Juniper as follows:

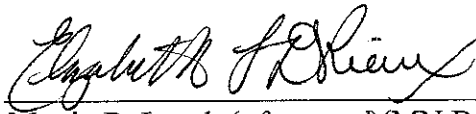
- a) Declaration that Juniper has infringed U.S. Patent Nos. 6,119,236 and 6,304,975 B1 under 35 U.S.C. §§ 271(a), 271 (b), 271 (c), 271 (f), and/or 271 (g);
- b) Permanently enjoining Juniper, its officers, agents, employees, and those acting in privity with them, from further infringement, contributory infringement and/or inducing infringement of U.S. Patent Nos. 6,119,236 and 6,304,975 B1;
- c) Awarding the damages arising out of Juniper's infringement of U.S. Patent Nos. 6,119,236 and 6,304,975 B1, including enhanced damages pursuant to 35 U.S.C. § 284, to ESR, together with prejudgment and post-judgment interest, in an amount according to proof;
- d) An award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and
- e) For such other costs and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

ESR hereby demands a trial by jury on all issues.

DATED: May 18, 2009

Respectfully submitted,



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