



### **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 Juniper Networks in that, upon information and belief, it has committed acts within Texas and this judicial district giving rise to this action and it has established minimum contacts with the forum such that the exercise of jurisdiction over Juniper Networks would not offend traditional notions of fair play and substantial justice.

### **VENUE**

4. Upon information and belief, Juniper Networks has committed acts within this judicial district giving rise to this action and does business in this district, including offering for sale, making sales and providing information, services and support to its customers and the general public in this district. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) (c) and 1400(b).

### **INFRINGEMENT OF U.S. PATENT NO. 5,842,224**

5. On November 24, 1998, United States Patent No. 5,842,224 (the '224 Patent) was duly and legally issued for an invention entitled "Method and Apparatus for Source Filtering Data Packets Between Networks of Differing Media." Fenner was assigned the '224 Patent, and Fenner continues to hold all rights, title and interest in the '224 Patent. A true and correct copy of the '224 Patent is attached hereto as Exhibit 1.

6. Upon information and belief, Juniper Networks makes, uses, sells, offers for sale and imports into the United States EX Series Switches, BX Series Multi-Access Gateways, CPT Series Circuit to Packet Platforms, E Series Broadband Services Routers, J Series Services

Routers, JCS 1200 Control Systems, M Series Multiservice Edge Routers, MX Series Ethernet Services Routers, T Series Core Routers and SCX-300 Service Deployment System (collectively “Accused Products”).

7. Upon information and belief, Juniper Networks makes, uses, sells, offers for sale and imports into the United States Juniper Networks Operating System Internet Software (“JUNOS”).

8. Upon information and belief, Juniper Networks combines the Accused Products with its JUNOS software and makes, uses, sells, offers for sale and imports into the United States the combination of Accused Products and JUNOS software (collectively “Infringing Products”).

9. Upon information and belief, the normal operation of the Infringing Products practices the method described in at least Claim 3 of the ‘224 Patent.

10. Upon information and belief, Juniper Networks makes, uses, sales, offers for sale, and imports into the United States Infringing Products that practice the method described in at least Claim 3 of the ‘224 Patent. Juniper Networks’ actions constitute direct infringement of the ‘224 Patent in direct violation of 35 U.S.C. § 271(a).

11. Upon information and belief, Juniper Networks, having knowledge of the ‘224 Patent and knowledge that the normal operation of the Infringing Products would practice the method described in at least Claim 3 of the ‘224 Patent, provides its customers and the general public with information and directions on how to use the Infringing Products in a way that induces its customers and the general public to practice the method described in at least Claim 3 of the ‘224 Patent. Juniper Networks’ actions constitute inducement of infringement in direct violation of 35 U.S.C. § 271(b).

12. Upon information and belief, Juniper Networks offers to sell and sells within the

United States, and imports into the United States components of Infringing Products that constitute a material part of the Infringing Products. Also upon information and belief, Juniper Networks knows those components to be especially made or especially adapted for use in the Infringing Products, and those components are not a staple article or commodity of commerce suitable for substantial non-infringing use. Juniper Networks' actions, in providing those components with the knowledge that they constitute a material component of the Infringing Products, without substantial non-infringing use, contributes to the manufacture, use, sale, offer for sale and importation into the United States of such products and services by others that practice the method described in at least Claim 3 of the '224 Patent. Juniper Networks' actions constitute contributory infringement in direct violation of 35 U.S.C. § 271 (c).

13. Juniper Networks' acts of direct infringement, inducement of infringement and contributory infringement have caused damage to Fenner, and Fenner is entitled to recover from Juniper Networks the damages sustained by Fenner as a result of Juniper Networks' wrongful acts in an amount subject to proof at trial. Juniper Networks' infringement of Fenner's exclusive rights under the '224 Patent will continue to damage Fenner's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

14. Juniper Networks' infringement of the '224 Patent is willful and deliberate, entitling Fenner 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.

15. Fenner demands a trial by jury.

#### **PRAYER FOR RELIEF**

WHEREFORE, Fenner prays for judgment and seeks relief against Juniper Networks as follows:

- (a) For judgment that the '224 Patent has been and continues to be infringed by Juniper Networks;
- (b) For an accounting of all damages sustained by Fenner as the result of the acts of infringement by Juniper Networks;
- (c) For preliminary and permanent injunctions enjoining the aforesaid acts of infringement by Juniper Networks, its officers, agents, servants, employees, subsidiaries and attorneys, and those persons acting in concert with them, including related individuals and entities, customers, representatives, OEMS, dealers, and distributors;
- (d) For actual damages together with prejudgment interest;
- (e) For enhanced damages pursuant to 35 U.S.C. § 284;
- (f) For an award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;
- (g) For all costs of suit; and
- (h) For such other and further relief as the Court may deem just and proper.

Respectfully submitted this 12<sup>th</sup> day of October, 2010,

/s/ Robert M. Chiaviello, Jr.  
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