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

PARITY NETWORKS LLC,	§	
	§	
Plaintiff,	§	
	§	CIVIL ACTION NO. 6:17-cv-00495
v.	§	
	§	**JURY TRIAL DEMANDED**
JUNIPER NETWORKS, INC.,	§	
	§	
Defendant.	§	

ORIGINAL COMPLAINT

Plaintiff Parity Networks LLC ("Plaintiff" or "Parity Networks"), by and through its attorneys, for its Original Complaint against Juniper Networks, Inc. ("Defendant" or "Juniper"), and demanding trial by jury, hereby alleges as follows:

I. NATURE OF THE ACTION

1.   This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, *et seq.*, to enjoin and obtain damages resulting from Defendant's unauthorized use, sale, and offer to sell in the United States of products, methods, processes, services and/or systems that infringe Parity Networks' United States patents, as described herein.

2.   Juniper manufactures, provides, uses, sells, offers for sale, imports, and/or distributes infringing products and services; and encourages others to use its products and services in an infringing manner, including their customers, as set forth herein.

3.   Parity Networks seeks past and future damages and prejudgment and post judgment interest for Juniper's past infringement of the Patents-in-Suit, as defined below.

II. PARTIES

4.   Plaintiff Parity Networks is a limited liability company organized and existing under the laws of the State of Texas. Parity Networks' registered agent for service of process in Texas is InCorp Services, Inc., 815 Brazos Street, Suite 500, Austin, Texas 78701.

5.   On information and belief, Defendant Juniper is a corporation organized under the laws of Delaware, having an established place of business in this District at 5830 Granite Parkway, Suite 850, Plano, Texas 75024. Juniper's registered agent for service of process in Texas is CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

III.   JURISDICTION AND VENUE

6.   This is an action for patent infringement which arises under the Patent Laws of the United States, in particular, 35 U.S.C. §§ 271, 281, 283, 284 and 285.

7.   This Court has exclusive jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

8.   On information and belief, venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b) because Defendant has a regular and established place of business in this district, transacted business in this District, and has committed and/or induced acts of patent infringement in this district.

9.   On information and belief, Defendant Juniper is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

IV.   FACTUAL ALLEGATIONS

<u>PATENTS-IN-SUIT</u>

10.   Parity Networks is the owner of all right, title and interest in and to U.S. Patent No. 6,252,848 (the "'848 Patent"), entitled "System Performance in a Data Network Through Queue Management Based on Ingress Rate Monitoring," issued on June 26, 2001.

11.   Parity Networks is the owner of all right, title and interest in and to U.S. Patent No. 6,553,005 (the "'005 patent"), entitled "Method and Apparatus for Load Apportionment among Physical Interfaces in Data Routers," issued on April 22, 2003.

12.   Parity Networks is the owner of all right, title and interest in and to U.S. Patent No. 6,738,378 (the "'378 Patent"), entitled "Method and Apparatus for Intelligent Sorting and Process Determination of Data Packets Destined to a Central Processing Unit of a Router or Server on a Data Packet Network," issued on May 18, 2004.

13.   Parity Networks is the owner of all right, title and interest in and to U.S. Patent No. 6,763,394 (the "'394 Patent"), entitled "Virtual Egress Packet Classification at Ingress," issued on July 13, 2004.

14.   Parity Networks is the owner of all right, title and interest in and to U.S. Patent No. 6,831,891 (the "'891 Patent"), entitled "System for Fabric Patent Control," issued on December 14, 2004.

15.   Parity Networks is the owner of all right, title and interest in and to U.S. Patent No. 7,002,958 (the "'958 Patent"), entitled "Method for Load-Balancing With FIFO Guarantees in Multipath Networks," issued on February 21, 2006.

16.   Parity Networks is the owner of all right, title and interest in and to U.S. Patent No. 7,103,046 (the "'046 patent"), entitled "Method and Apparatus for Intelligent Sorting and Process

Determination of Data Packets Destined to a Central Processing Unit of a Router or Server on a Data Packet Network," issued on September 5, 2006.

17.   Parity Networks is the owner of all right, title and interest in and to U.S. Patent No. 7,107,352 (the "'352 Patent"), entitled "Virtual Egress Packet Classification at Ingress," issued on September 12, 2006.

18.   Parity Networks is the owner of all right, title and interest in and to U.S. Patent No. 7,719,963 (the "'963 Patent"), entitled "System for Fabric Patent Control," issued on May 18, 2010.

19.   Together, the foregoing patents are referred to herein as the "Patents-in-Suit." Parity Networks is the assignee of the Patents-in-Suit, and has all rights to sue for infringement and collect past and future damages for the infringement thereof.

DEFENDANT'S ACTS

20.   Juniper provides software and services directed to detection, analysis and monitoring of data flow in a data network environment, including products incorporating the Junos Operating System ("Junos OS").

21.   Junos OS is the single operating system that powers Juniper's broad portfolio of physical and virtual networking and security products.
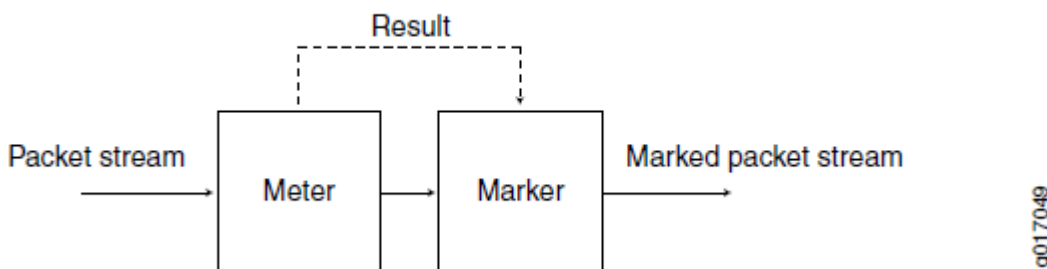
22.   As an example, Juniper provides Junos OS class of service (CoS) to divide traffic into classes and set various levels of throughput and packet loss when congestion occurs.

> Junos OS CoS works by examining traffic entering the edge of your network. The switch classifies traffic into defined service groups to provide the special treatment of traffic across the network. For example, you can send voice traffic across certain links and data traffic across other links. In addition, the data traffic streams can be serviced differently along the network path to ensure that higher-paying customers receive better service. As the traffic leaves the network at the far edge, you can reclassify the traffic to meet the policies of the targeted peer by rewriting the DSCP or IEEE 802.1 code-point bits.

Juniper Traffic Management Feature Guide (July 11, 2017) at 5.

23.   Juniper also implements traffic policing, whereby limits are applied to traffic flow and consequences established for packets that exceed these limits—usually applying a higher loss priority—so that if packets encounter downstream congestion, they can be discarded first. A high level depiction is set forth below.

Figure 4: Flow of Tricolor Marking Policer Operation

Juniper Traffic Management Feature Guide (July 11, 2017) at 32.

24.   The Juniper routers running Junos OS implement Quality of Service ("QoS") mechanisms. In that regard, the ingress ports receive packets from a plurality of flows or services. Differentiated Services code points (DCSPs) are added to the headers. Packets are directed to output queues upon application of one or more policies.

25.   Juniper, through Juniper OS, groups packets into service classes that are marked by source/destination IP address, source/destination port, protocol, application, ingress/egress interface, and ingress/egress interface group. *See* Juniper Networks J-Series Services Routers Quality of Service (QoS) at 4.

26.   Juniper instructs its customers regarding the implementation and operation of the accused instrumentalities, including at http://www.juniper.net/documentation/en_US/release-independent/junos/information-products/pathway-pages/junos/product/.

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