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21 **UNITED STATES DISTRICT COURT**

22 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

23 PALO ALTO NETWORKS, INC.,

Case No. 3:19-cv-02471-WHO

24 Plaintiff,

**PACKET INTELLIGENCE LLC'S
FIRST AMENDED DISCLOSURE OF
ASSERTED CLAIMS AND
INFRINGEMENT CONTENTIONS TO
PALO ALTO NETWORKS, INC.**

25 v.

26 PACKET INTELLIGENCE LLC,

27 Defendant.
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PACKET INTELLIGENCE LLC (“Packet Intelligence”) hereby provides its first amended disclosure of asserted claims and infringement contentions. Packet Intelligence expressly reserves the right to supplement its contentions based on additional information obtained in discovery and/or the Court’s claim construction.

1. 3-1 Disclosure of Asserted Claims and Infringement Contentions

(a) **Each claim of each patent in suit that is allegedly infringed by each opposing party, including for each claim the applicable statutory subsections of 35 U.S.C. §271 asserted;**

Based on presently available information, Packet Intelligence contends that PAN directly infringes under 35 U.S.C. §271(a) at least the following claims:

- Claims 1 and 2 of U.S. Patent No. 6,651,099;
- Claims 10, 12, 16, and 17 of U.S. Patent No. 6,665,725;
- Claims 1, 2, 3, 7, 16, and 18 of U.S. Patent No. 6,771,646;
- Claims 1, 2, 5, 10, 14, and 15 of U.S. Patent No. 6,839,751;
- Claims 1, 2, 13, 14, 15, 16, 17, 19, 20, 33, 34, 42, 44, 48, and 49 of U.S. Patent No. 6,954,789;

Based on presently available information, Packet Intelligence contends that PAN induces and/or has induced its customers to directly infringe 35 U.S.C. §271(b) at least the following claims:

- Claims 1 and 2 of U.S. Patent No. 6,651,099;
- Claims 10, 12, 16, and 17 of U.S. Patent No. 6,665,725;
- Claims 1, 2, 3, 7, 16, and 18 of U.S. Patent No. 6,771,646;
- Claims 1, 2, 5, 10, 14, and 15 of U.S. Patent No. 6,839,751;
- Claims 1, 2, 13, 14, 15, 16, 17, 19, 20, 33, 34, 42, 44, 48, and 49 of U.S. Patent No. 6,954,789;

1 (b) Separately for each asserted claim, each accused apparatus, product, device,
2 process, method, act, or other instrumentality (“Accused Instrumentality”) of
3 each opposing party of which the party is aware. This identification shall be as
4 specific as possible. Each product, device, and apparatus shall be identified by
5 name or model number, if known. Each method or process shall be identified
6 by name, if known, or by any product, device, or apparatus which, when used,
7 allegedly results in the practice of the claimed method or process;

8 Based on presently available information, Packet Intelligence accuses the following products
9 of infringing the Asserted Claims listed in section 3-1(a) above:

10 The “Accused Products” include all PAN products, such as firewall products, that include
11 the App-ID feature, as well as any other PAN products with the same or similar functionality.
12 These products include, but are not limited to: PA-Series Firewall products (PA-200, PA-220, PA-
13 220R, PA-500, PA-820, PA-850, PA-2020, PA-2050, PA-3020, PA-3050, PA-3060, PA-3220,
14 PA-3250, PA-3260, PA-4020, PA-4050, PA-4060, PA-5020, PA-5050, PA-5060, PA-5220, PA-
15 5250, PA-5260, PA-5280, PA-7050, and PA-7080); VM-Series Firewall products (VM-50, VM-
16 100, VM-200, VM-300, VM-500, VM-700, VM-1000-HV, and VM-1000-NSX) and K2-Series
17 Firewall Products, and any other PAN products with similar packet-based traffic classification and
18 processing technology or other products classifying and relating packet-based traffic flows with
19 each other, including using information from one or more of layers 5-7 (session, presentation,
20 and/or application layers) of the OSI model to do so.

21 (c) A chart identifying specifically where and how each limitation of each asserted
22 claim is found within each Accused Instrumentality, including for each
23 limitation that such party contends is governed by 35 U.S.C. § 112(6), the
24 identity of the structure(s), act(s), or material(s) in the Accused Instrumentality
25 that performs the claimed function.

26 The Accused Products practice the Asserted Claims as shown in the claim charts attached
27 hereto as Exhibits A-O. Any citations to publicly available documentation in the attached claim
28 charts are exemplary and not exhaustive, as are the examples provided of the ways in which the
Accused Products satisfy the elements of each of the Asserted Claims. Moreover, any and all
citations or references to publicly available documentation should be understood to encompass any
and all prior versions that incorporate the same or similar functionality, as well as any similar or
derivative products which Packet Intelligence has been unable to discover from publicly available
information to this point.

1 (d) For each claim which is alleged to have been indirectly infringed, an
2 identification of any direct infringement and a description of the acts of the
3 alleged indirect infringer that contribute to or are inducing that direct
4 infringement. Insofar as alleged direct infringement is based on joint acts of
5 multiple parties, the role of each such party in the direct infringement must be
6 described.

7 Packet Intelligence contends that PAN has induced infringement of each of the Asserted
8 Claims by instructing, causing, urging, and/or encouraging its customers to make, use, sell, offer for
9 sale and/or import the Accused Products. For example, PAN's customers of the Accused Products
10 in the United States include at least:

11 Ada County, Idaho.

12 See: <https://www.paloaltonetworks.com/customers/ada-county>

13 Fisher-Titus Medical Center.

14 See: <https://www.paloaltonetworks.com/customers/fisher-titus-medical-center>

15 See also:

16 <https://www.paloaltonetworks.com/customers>

17 <https://www.paloaltonetworks.com/customers/customer-successes>

18 PAN has induced infringement by acts including but not limited to (1) selling such products
19 including features that—when used or resold—infringe, either literally or under the doctrine of
20 equivalents, the Patents-in-Suit; (2) marketing the infringing capabilities of such products; and (3)
21 providing instructions, technical support, and other support and encouragement for the use of such
22 products.

23 PAN provides documentation to its customers describing how to install, implement, and use
24 the PAN-OS operating system and App-ID feature in an infringing manner on the Accused products
25 which is specific evidence of PAN's intent to encourage infringement of the Patents-in-Suit. For
26 example, PAN provides the following documents: PAN-OS New Features Guide, PAN-OS
27 Administrator's Guide, PAN-OS Release Notes, PAN-OS Web Interface Reference, and the PAN-
28 OS CLI Quick Start.

See: <https://docs.paloaltonetworks.com/pan-os.html>

See also the following documents PAN provides to its customers describing the

1 implementation of its App-ID feature and how it is to be used in a manner that would infringe the
2 Patents-in-Suit: PAN-OS Administrator's Guide, version 8.0, at pgs. 533-554; and App-ID
3 Technology Brief. See:

4 <https://docs.paloaltonetworks.com/pan-os/8-0/pan-os-admin>

5 and

6 <https://media.paloaltonetworks.com/documents/techbrief-app-id.pdf>

7 In addition, PAN provides technical support for the Accused Products that further instructs
8 customers to use the Accused Products and the App-ID feature in an infringing manner. See PAN
9 support documentation at:

10 <https://support.paloaltonetworks.com/search#q=app->

11 [id&firstQueryCause=omniboxFromLink&firstQueryMeta={%22partialQueries%22:%22a%3Bap](https://support.paloaltonetworks.com/search#q=app-id&firstQueryCause=omniboxFromLink&firstQueryMeta={%22partialQueries%22:%22a%3Bap)

12 [%3Bapp%22%20,%20%22suggestionRanking%22:4%20,%20%22suggestions%22:%22globalpro](https://support.paloaltonetworks.com/search#q=app-id&firstQueryCause=omniboxFromLink&firstQueryMeta={%22partialQueries%22:%22a%3Bap)

13 [tect%20app%20for%20linux%3Bapplication%20incomplete%3Bapplication%20override%3Bapp](https://support.paloaltonetworks.com/search#q=app-id&firstQueryCause=omniboxFromLink&firstQueryMeta={%22partialQueries%22:%22a%3Bap)

14 [lication%20dependency%20warning%3Bapp-](https://support.paloaltonetworks.com/search#q=app-id&firstQueryCause=omniboxFromLink&firstQueryMeta={%22partialQueries%22:%22a%3Bap)

15 [id%22%20,%20%22partialQuery%22:%22app%22%20,%20%22JSUIVersion%22:%222.3679.4](https://support.paloaltonetworks.com/search#q=app-id&firstQueryCause=omniboxFromLink&firstQueryMeta={%22partialQueries%22:%22a%3Bap)

16 [%3B2.3679.4%22}](https://support.paloaltonetworks.com/search#q=app-id&firstQueryCause=omniboxFromLink&firstQueryMeta={%22partialQueries%22:%22a%3Bap)

17 PAN has had knowledge of the Patents-in-Suit and Packet Intelligence's infringement
18 allegations related to the accused products since at least as early as January 18, 2019. As of the time
19 PAN first had notice of the Packet Intelligence's infringement allegations, PAN has continued with
20 its infringement despite an objectively high likelihood that its actions constitute infringement and
21 PAN's subjective knowledge and willful blindness of this obvious risk.

22 (e) **Whether each limitation of each asserted claim is alleged to be literally present**
23 **or present under the doctrine of equivalents in the Accused Instrumentality;**

24 At this time, and except as otherwise expressly noted in the claim chart, Packet Intelligence
25 contends and reasonably believes that all limitations of the Asserted Claims are present literally. To
26 the extent that any specific limitation of the Asserted Claims is found to not be present literally, then
27 Packet Intelligence contends that, if there are any differences between the claim elements and the
28 Accused Products, the charts attached as Exhibits A-O identify illustrative support for where the

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