

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**SABLE NETWORKS, INC. AND
SABLE IP, LLC,**

Plaintiffs,

v.

JUNIPER NETWORKS, INC.,

Defendant.

Civil Action No. 6:20-cv-00524-ADA

JURY TRIAL DEMANDED

**SABLE NETWORKS, INC. AND SABLE IP, LLC'S
AMENDED PRELIMINARY INFRINGEMENT CONTENTIONS**

In accordance with the Footnote 4 of the Court's September 2, 2020 Order Governing Proceedings, Plaintiffs Sable Networks, Inc. and Sable IP, LLC (collectively, "Sable" or "Plaintiffs") provide the following Amended Disclosures and Preliminary Infringement Contentions relative to Defendant Juniper Networks, Inc. ("Juniper" or "Defendant"). This disclosure is made solely for the purpose of this action.

Discovery in this matter is at an early stage and is ongoing. Defendant has not yet produced any documents and things, or provided any deposition testimony or other discovery in this action. Sable's investigation regarding these and other potential grounds of infringement is ongoing. This disclosure is therefore based upon information that Sable has been able to obtain publicly, together with Sable's current good faith beliefs regarding the Accused Products and is given without prejudice to Sable's right to obtain leave to supplement or amend its disclosure as additional facts are ascertained, analyses are made, research is completed and claims are construed.

These disclosures are based at least in part upon Sable’s present understanding of the meaning and scope of the claims of U.S. Patent Nos. 6,954,431 (the “’431 patent”); 6,977,932 (the “’932 patent”); 7,630,358 (the “’358 patent”); 8,085,775 (the “’775 patent”); 8,243,593 (the “’593 patent”); and 8,817,790 (the “’790 patent”) (collectively, the “patents-in-suit”) in the absence of claim construction proceedings or discovery. Sable reserves the right to amend these preliminary infringement contentions pursuant to Footnote 4 of the Court’s Order Governing Proceedings to supplement or amend these disclosures when additional materials relating to the Accused Products are identified, as well as if Sable’s understanding of the claims changes, including if the Court construes them.

I. PRELIMINARY INFRINGEMENT CONTENTIONS

Sable provides the charts enclosed herewith showing that Juniper’s products infringe the patents-in-suit. Sable alleges that the following products: Juniper ACX Universal Metro Router Model Nos. ACX500, ACX500-O, ACX500-P-POE, ACX710, ACX1000, ACX1100, ACX2100, ACX2200, ACX4000, ACX5448, ACX5448-D, ACX5448-M, ACX6160, and ACX6360 (collectively, the “Juniper ‘431 Products”) infringe at least claims 1-21, 23-24, and 26-29 of the ‘431 patent. The chart enclosed as Exhibit A explains how the Juniper ‘431 Products satisfy each element of the asserted claims of the ‘431 patent.

Sable alleges that the following products: the Juniper NFX150 Network Services Platform; NFX250 Network Services Platform; and NFX350 Network Services Platform (collectively, the “Juniper ‘932 Products”) infringe at least claims 1-3, 6-10, 16-17, 20-24, 28 of the ‘932 patent. The chart enclosed as Exhibit B explains how the Juniper ‘932 Products satisfy each element of the asserted claims of the ‘932 patent.

Sable alleges that the following products: Juniper Contrail Networking Versions 2005 and 2005.1; Juniper PTX1000 Packet Transport Router; Juniper PTX3000 Packet Transport

Router; Juniper PTX5000 Packet Transport Router; Juniper PTX10008 Packet Transport Router; and Juniper PTX10016 Packet Transport Router (collectively, the “Juniper ‘358 Products”) infringe at least claims 1-12, 14-17, 23-25, 43-51, and 61 of the ‘358 patent. The chart enclosed as Exhibit C explains how the Juniper ‘358 Products satisfy each element of the asserted claims of the ‘358 patent.

Sable alleges that the following products: Junos Space Security Director versions 17.2R1 and later; NFX150 Network Services Platform; NFX250 Network Services Platform; and NFX350 Network Services Platform (collectively, the “Juniper ‘775 Products”) infringe at least claims 1-3 of the ‘775 patent. The chart enclosed as Exhibit D explains how the Juniper ‘775 Products satisfy each element of the asserted claims of the ‘775 patent.

Sable alleges that the following products: the MX2000 Universal Routing Platform (Models Nos: MX2020, MX2010, and MX2008) with DDoS Protection Flow Detection for Enhanced Subscriber Management Functionality and the Juniper MX10003 Universal Routing Platform with DDoS Protection Flow Detection for Enhanced Subscriber Management Functionality (collectively, the “Juniper ‘593 Products”) infringe at least claims 1, 3-12, 14, 16-18 of the ‘593 patent. The chart enclosed as Exhibit E explains how the Juniper ‘593 Products satisfy each element of the asserted claims of the ‘593 patent.

Sable alleges that the following products: Junos Space Security Director versions 17.2R1 and later; NFX150 Network Services Platform; NFX250 Network Services Platform; and NFX350 Network Services Platform (collectively, the “Juniper ‘790 Products”) infringe at least claims 1-12, 15-17, 19-20, and 25-27 of the ‘790 patent. The chart enclosed as Exhibit F explains how the Juniper ‘790 Products satisfy each element of the asserted claims of the ‘790 patent.

Sable anticipates that events in the litigation, such as substantive review of documents produced by Defendant, further discovery to be provided by Defendant and/or by third parties, and the Court's claim construction may impact the patent claims it will allege Defendant infringes. Sable reserves the right to add to or otherwise modify its identification of claims it contends are infringed, and/or modify the identification of the accused products. Sable additionally reserves the right to add to or otherwise modify its identification of the manner in which the claims are infringed.

Sable reserves the right to amend and/or supplement this disclosure as it obtains information through discovery in this case. Sable also reserves the right to amend or supplement this disclosure for any of the following reasons:

(i) The asserted claims may include elements that involve features that are implemented by hardware and software structures and logic and Sable's current positions on infringement are set forth without the benefit of acquiring the source code or other proprietary specifications or information, which cannot be obtained through publicly available information, for the accused products. Therefore, it may be necessary for Sable to supplement its position on infringement after a complete production of source code or other proprietary specifications or information by Defendant;

(ii) Sable's position on infringement of specific claims will depend on the claim construction adopted by the Court. Because said construction has not yet occurred, Sable cannot take a final position on the bases for infringement of the asserted claims; and

(iii) Sable's investigation and analysis of Defendant's accused products is based upon information made publicly available by Defendant and by Sable's own investigations.

Sable reserves the right to amend these contentions based upon discovery of non-public information that Sable anticipates receiving from Defendant during discovery.

II. THE PRIORITY DATE OF THE ASSERTED CLAIMS

The asserted claims of the '431 patent claim priority to U.S. Application Serial No. 10/006,054, which was filed on December 6, 2001, and which claims priority to U.S. Application Serial No. 09/552,278, which was filed on April 19, 2000. Upon information and belief, each asserted claim of the '431 patent is entitled, via its earliest effective filing date, at least to the priority date of April 19, 2000.

The asserted claims of the '932 patent claim priority to U.S. Application Serial No. 10/051,864, which was filed on January 16, 2002. Upon information and belief, each asserted claim of the '932 patent is entitled, via its earliest effective filing date, at least to the priority date of January 16, 2002.

The asserted claims of the '358 patent claim priority to U.S. Application Serial No. 10/192,766, which was filed on July 9, 2002, and which claims priority to U.S. Provisional Application Serial No. 60/304,259, which was filed on July 9, 2001. Upon information and belief, each asserted claim of the '358 patent is entitled, via its earliest effective filing date, at least to the priority date of July 9, 2001.

The asserted claims of the '775 patent claim priority to U.S. Application Serial No. 11/497,002, which was filed on July 31, 2006. Upon information and belief, each asserted claim of the '775 patent is entitled, via its earliest effective filing date, at least to the priority date of July 31, 2006.

The asserted claims of the '593 patent claim priority to U.S. Application Serial No. 11/022,599, which was filed on December 22, 2004. Upon information and belief, each asserted

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