

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DATA CLOUD TECHNOLOGIES, LLC,

Plaintiff,

v.

PALO ALTO NETWORKS, INC.,

Defendant.

Civil Action No. 2:24-cv-00482

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff DataCloud Technologies, LLC (hereinafter, “Plaintiff” or “DataCloud”) files this Complaint for patent infringement against Defendant Palo Alto Networks, Inc. (hereinafter, “Defendant” or “Palo Alto”) alleging, based on its own knowledge as to itself and its own actions, and based on information and belief as to all other matters, as follows:

NATURE OF THE ACTION

1. This is a patent infringement action to stop Defendant's infringement of the following United States Patents (collectively, the "Asserted Patents") issued by the United States Patent and Trademark Office ("USPTO"):

	U.S. Patent No.	Title
1.	6,560,613	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/6560613 https://patents.google.com/patent/US6560613B1/en?q=6%2c560%2c613
2.	6,651,063	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/6651063 https://patents.google.com/patent/US6651063B1/en?q=6%2c651%2c063
3.	7,209,959	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7209959 https://patents.google.com/patent/US7209959B1/en?q=7%2c209%2c959
4.	7,398,298	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7398298 https://patents.google.com/patent/US7398298B2/en?q=7398298
5.	8,156,499	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/8156499 https://patents.google.com/patent/US8156499B2/en?q=8%2c156%2c499
6.	8,370,457	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/8370457 https://patents.google.com/patent/US8370457B2/en?q=8%2c370%2c457

2. Plaintiff seeks monetary damages.

PARTIES

3. DataCloud is a limited liability company organized and existing under the laws of

the State of Georgia and maintains its principal place of business at 44 Milton Avenue, Suite 254, Alpharetta, Georgia, 30009 (Fulton County).

4. Based upon public information, Palo Alto is a corporation organized under the laws of the state of Delaware.

5. Based upon public information, Palo Alto has its principal place of business at 3000 Tannery Way, Santa Clara, California 95054.¹

6. Based upon public information, Palo Alto has an office at 3901 North Dallas Parkway, Plano, Texas 75093.²

7. Based upon public information, Palo Alto may be served through its registered agent, Corporation Service Company d/b/a CSC-Lawyers Inco, located at 211 E. 7th Street, Suite 620, Austin, Texas 78701.

8. Based upon public information, Palo Alto may also be served through its registered agent, Corporation Service Company, located at 251 Little Falls Drive, Wilmington, Delaware 19808.

JURISDICTION AND VENUE

9. Plaintiff repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

10. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

11. Palo Alto is subject to this Court's specific and general personal jurisdiction under

¹ See https://www.paloaltonetworks.com/about-us/locations#UnitedStates_locations (last visited June 25, 2024)

² See FN 1.

due process because of its substantial business in this Judicial District, in the State of Texas, and in the United States, 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, or deriving substantial revenue from goods and services provided to individuals in this state, in this District, and in the United States.

12. Specifically, Palo Alto intends to do and does business in, has committed acts of infringement in, and continues to commit acts of infringement in this District, in the State of Texas, and in the United States, directly, through intermediaries, by contributing to and through the inducement of third parties, and offers and sends its products and services, including those accused of infringement here, to customers and potential customers located in this state, including in this District, and in the United States.

13. More specifically, Palo Alto directly and/or through its intermediaries, ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises its products and services in the United States, the State of Texas, and in this District.

14. Specifically, Palo Alto intends to do and does business in, has committed acts of infringement in this District directly, and offers its services, including those accused of infringement here, to customers and potential customers located in the State of Texas, including in this District.

15. On information and belief, Palo Alto has significant ties to, and presence in, the State of Texas and this District, making venue in this Judicial District both proper and convenient for this action.

16. Therefore, venue is proper in this District pursuant to 28 U.S.C. §1400(b).

THE ACCUSED PRODUCTS

17. Based upon public information, Defendant owns, operates, advertises, and/or

controls the website www.paloaltonetworks.com through which it advertises, sells, offers to sell, provides and/or educates customers about its website hosting platforms and networking solutions.³

18. Defendant offers at least the following products (hereinafter, the “Accused Products”) that infringe one or more claims of the Asserted Patents:

- VM-Series Virtualized Next-Generation Firewalls that use KVM virtualization technology (“VM-Series gateways”);
- Palo Alto Networks Android app ;
- Palo Alto Networks systems for supporting multiple domain names on the same website infrastructure (“Palo Alto Networks website infrastructure”)
- Palo Alto Networks web-based creation and configuration of user accounts including roles and authentication methods (“Palo Alto configuration tools”),
- Palo Alto Networks web-based scheduling of firewall software updates (“Palo Alto update scheduler”); and
- Palo Alto firewalls solutions.

19. By letter dated December 8 2022, Defendant was informed of DataCloud’s patent portfolio, including the Asserted Patents.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 6,560,613

20. Plaintiff re-alleges and incorporates by reference each of the paragraphs 1-19 above as though fully set forth in their entirety.

21. U.S. Patent No. 6,560,613 (the “’613 patent”) was issued on May 6, 2003 after full and fair examination by the USPTO of Application No. 09/500,212 which was filed on February 8, 2000. The ’613 patent is entitled “Data organization and management system and method.” *See* ’613 patent at p.1. A Certificate of Correction was issued on August 26, 2003.

22. The claims of the ’613 patent are not directed to an abstract idea and are not limited

³ See <https://www.paloaltonetworks.com/network-security> (last visited June 25, 2024)

to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve networks and network systems by anonymizing network activity for individual clients and groups of clients.

23. The written description of the '613 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

24. DataCloud owns all substantial rights, interest, and title in and to the '613 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

25. DataCloud or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '613 patent.

26. Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '613 patent, either literally or under the doctrine of equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises its VM-Series Virtualized Next-Generation Firewalls that use KVM virtualization technology (“VM-Series gateways”).⁴

27. Based upon public information, VM-Series gateways meet each and every step of at least Claim 12 of the '613 Patent, either literally or equivalently.

⁴ See, e.g., <https://www.paloaltonetworks.com/network-security/vm-series-virtual-next-generation-firewall> (last visited June 25, 2024)

Internet Gateway: Protect Production Workloads

As your IBM Cloud deployment expands to include public-facing workloads, you can use the VM-Series as an internet gateway to protect web-facing applications from known and unknown threats. Additionally, you can enable direct access to web-based developer resources, tools, and software updates, thereby minimizing the traffic that flows back to corporate and out to the web.

Source: <https://www.paloaltonetworks.com/resources/datasheets/vm-series-ibm-cloud>
(last visited June 25, 2024)

28. Based upon public information⁵, VM-Series gateways' use of KVM virtualization technology meets each and every element of at least Claim 12 of the '613 patent, either literally or equivalently. Through its use of KVM virtualization technology, Defendant has infringed one or more claims of the '613 patent because it provides a method for disambiguating file descriptors in a computer system through a process which intercepts the system calls that store files on media, stores one or more file type indicators for each file descriptor in a table, and determines what file type is associated with the file descriptor based on a review of the stored file type indicators. KVM virtualization technology, used in Defendant's VM-Series gateways, employs disambiguation of file descriptors (files/sockets/pipes) that are used in shadowed I/O system call routines by intercepting them, storing related indicators (*e.g.*, reference to images), and examining those stored indicators to determine the associated file type.

29. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

30. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35

⁵ See <https://www.paloaltonetworks.com/resources/datasheets/vm-series-specsheet> and <https://knowledgebase.paloaltonetworks.com/KCSArticleDetail?id=kA10g000000Cm21CAC> (last visited June 25, 2024)

U.S.C. § 284.

COUNT II: INFRINGEMENT OF U.S. PATENT NO. 6,651,063

31. Plaintiff re-alleges and incorporates by reference each of paragraphs 1-19 above as though fully set forth in their entirety.

32. U.S. Patent No. 6,651,063 (the “’063 patent”) was issued on November 18, 2003 after full and fair examination by the USPTO of Application No. 09/493,911 which was filed on January 28, 2000. The ’063 patent is entitled “Data Organization And Management System And Method.” *See* ’063 patent at p.1. A Certificate of Correction was issued on February 3, 2004.

33. The claims of the ’063 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve networks and network systems by providing an organization scheme to streamline the process for storage and retrieval of information through a combination of automatic categorization and user influence.

34. The written description of the ’063 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

35. DataCloud owns all substantial rights, interest, and title in and to the ’063 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

36. DataCloud or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the ’063 patent.

37. Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '063 patent, either literally or under the doctrine of equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises the Palo Alto Networks Android app.⁶

38. Based upon public information, the Palo Alto Networks Android app meets each and every step of at least Claim 4 of the '063 Patent, either literally or equivalently. Using the Palo Alto Networks Android app, Defendant performs a method for providing information to one or more users of a system comprising the steps of: storing information to be provided in an information pack; associating with said information pack at least a user destination address associated with one of a multiplicity of user data repositories each of said user data repositories associated with at least one of said users and a category identifier; associating with said information pack a provider identifier; communicating said information pack by means of a network to said user data repository associated with the user destination address; locating said information pack in a location of said user data repository associated with the user destination address reserved for information corresponding to a category to which said category identifier corresponds; and further comprising, after said step of communicating the information pack to said user data repository associated with the user destination address, the steps of: creating a custom location in said user data repository; placing said information pack in said custom location; associating a custom category identifier with said information pack; sending a custom category signal to a processing station uniquely associated with said user data repository including a data storage means and a data processing means, said data storage means storing together said custom

⁶ See <https://play.google.com/store/apps/details?id=com.paloaltonetworks.globalprotect> (last visited July 2, 2024)

category identifier and said provider identifier, and said data processing means analyzing the provider identifier of subsequent of said information packs, comparing said provider identifier of said subsequent information packs with said provider identifier stored in said storage means and in the event of a match between the provider identifier of one of said subsequent information packs and the provider identifier stored in said storage means, placing said one of the subsequent information packs in said custom location.

39. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

40. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT III: INFRINGEMENT OF U.S. PATENT NO. 7,209,959

41. Plaintiff re-alleges and incorporates by reference each of the paragraphs 1-19 above as though fully set forth in their entirety.

42. U.S. Patent No. 7,209,959 (the "'959 patent") was issued on April 24, 2007 after full and fair examination by the USPTO of Application No. 09/542,858 which was filed on April 4, 2000. *See* '959 patent at p. 1. The '959 patent is entitled "Apparatus, System, And Method For Communicating To A Network Through A Virtual Domain Providing Anonymity To A Client Communicating On The Network."

43. The claims of the '959 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve networks and network systems by anonymizing network activity for individual clients and groups of clients for, among other reasons, security, traffic

management, and routing purposes.

44. The written description of the '959 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

45. DataCloud owns all substantial rights, interest, and title in and to the '959 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

46. DataCloud or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '959 patent.

47. Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '959 Patent, either literally or under the doctrine of equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises Palo Alto Networks systems for supporting multiple domain names on the same website infrastructure ("Palo Alto Networks website infrastructure").⁷

48. Based upon public information, Palo Alto Networks website infrastructure meets each and every step of at least Claim 1 of the '959 Patent, either literally or equivalently. Defendant has infringed one or more claims of the '959 Patent because Palo Alto Networks website infrastructure a method of, in response to a request (*e.g.*, "Client Hello") by a client to initiate

⁷ See, *e.g.*, <https://www.paloaltonetworks.com/network-security/next-generation-firewall> (last visited July 2, 2024)

communication with a destination website (*e.g.*, paloaltonetworks.com, www.paloaltonetworks.com, academy.paloaltonetworks.com, actionservice.paloaltonetworks.com, sso.paloaltonetworks.com, certificate.paloaltonetworks.com, *etc.*), setting up a forwarding session (*e.g.*, from the internet to a WWW server) between the client (*e.g.*, internet device) and a destination server corresponding to the destination website (*e.g.*, WWW server), the forwarding session employing a forwarder disposed between (*e.g.*, a front-end server switch) the client and the destination server to forward packets sent from the client to the destination server and to forward packets sent from the destination server to the client (*e.g.*, bilateral communications); employing the forwarder (*e.g.*, front-end server switch), to transfer packets (*e.g.*, ethernet or others) between the client (*e.g.*, internet device) and the destination server (*e.g.*, WWW server) during the forwarding session, wherein the forwarding session is set up and implemented such that neither the client or the destination server is aware of the employment of the forwarder (*e.g.*, the WWW server has a direct TCP connection between a local IP address and a client IP address, each being different; thus, neither the client or the destination server is aware of the employment of the forwarder); employing a controller configured to communicate (*e.g.*, firewall) with the forwarder (*e.g.*, front-end server switch) and a domain name server (*e.g.*, a DNS), wherein the controller queries the domain name server to resolve the name of the destination website (*e.g.*, paloaltonetworks.com, www.paloaltonetworks.com, academy.paloaltonetworks.com, actionservice.paloaltonetworks.com, sso.paloaltonetworks.com, certificate.paloaltonetworks.com, *etc.*), associated with the destination server (*e.g.*, WWW server) and initiates communication (*e.g.*, between the firewall and front-end server switch) with the forwarder in response to an answer from the domain name server to resolve the name of the

destination website associated with the destination server; employing a deceiver (*e.g.*, router) configured to communicate with the controller (*e.g.*, firewall) and the client (*e.g.*, internet device), wherein the deceiver receives the request by the client to initiate communication (*e.g.*, from the internet to the router) with the destination website (*e.g.*, paloaltonetworks.com, www.paloaltonetworks.com, academy.paloaltonetworks.com, actionservice.paloaltonetworks.com, sso.paloaltonetworks.com, certificate.paloaltonetworks.com on a WWW server) and initiates the controller to query the domain name server to resolve the name of the destination website associated with the destination server (*e.g.*, the router both (i) receives the request and (ii) sends the data from the WWW server in a manner that makes the router appear to be the source of the data, when the source of the data is actually the WWW server); and in response to the controller (*e.g.*, router) receiving the answer from the domain name server and initiating communication with the forwarder initiating the forwarding session.

49. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

50. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT IV: INFRINGEMENT OF U.S. PATENT NO. 7,398,298

51. Plaintiff re-alleges and incorporates by reference each of the paragraphs 1-19 above as though fully set forth in their entirety.

52. U.S. Patent No. 7,398,298 (the "'298 patent") was issued on July 8, 2008 after full and fair examination by the USPTO of Application No. 11/690,803 which was filed on March 23, 2007. *See* '298 patent at p. 1. The '298 patent is entitled "Remote Access And Retrieval Of

Electronic Files.”

53. The claims of the '298 Patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve the retrieval and transmission of data from and/or to a remote server.

54. The written description of the '298 Patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

55. DataCloud owns all substantial rights, interest, and title in and to the '298 Patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

56. DataCloud or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '298 Patent.

57. Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '298 Patent, either literally or under the doctrine of equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises Palo Alto Networks web-based creation and configuration of user accounts including roles and authentication methods (“Palo Alto configuration tools”).⁸

⁸ See <https://docs.paloaltonetworks.com/pan-os/10-2/pan-os-admin/firewall-administration/manage-firewall-administrators/configure-administrative-accounts-and-authentication> (last visited July 2, 2014)

58. Based upon public information, the Palo Alto configuration tools meet each and every step of at least Claim 13 of the '298 Patent, either literally or equivalently. Defendant's provision of the Palo Alto configuration tools has infringed and one or more claims of the '298 Patent because the it has provided a method for remotely controlling data directory structures (*e.g.*, methods and functions accessible to discrete users through the Firewall Administrator Account) across at least one communications network (*e.g.*, Internet) that has a computer server (*e.g.*, WWW server), the computer server coupled to the communications network (*e.g.*, Internet); a remote data directory structure management computing application (*e.g.*, the Firewall Administrator Account dashboard) operating on the computer server (*e.g.*, WWW server) to process received requests for remote data directory management (*e.g.*, adding users, roles, etc.) of desired data residing in directory structures by participating users (*e.g.*, users that have been assigned to network permissions, management/security/administration access through, *e.g.*, roles, *etc.*); and a profile data store (*e.g.*, a secure SQL server/database) comprising information relating to the data and data directory structures (*e.g.*, information on permissions/abilities/activations through, *e.g.*, roles, available to users) accessible to each of the participating users (*e.g.*, of a system/organization) wherein the profile data store is queried for the data directory structures accessible to each of the participating users (*e.g.*, role definitions indicate directory structure for each role to determine the user's permissions/abilities/ activations), wherein further a single directory structure (*e.g.*, abilities/permissions/activations for users must be selected in the user/role settings) from among a plurality of the data directory structures associated with the profile data store (*e.g.*, the available permissions/abilities/activations settings for users and/or roles) is selected by each of the participating users for modification (the invited user can accept the invitation or access).

59. Defendant's aforesaid activities have been without authority and/or license from

Plaintiff.

60. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT V: INFRINGEMENT OF U.S. PATENT NO. 8,156,499

61. Plaintiff re-alleges and incorporates by reference each of the paragraphs 1-19 above as though fully set forth in their entirety.

62. U.S. Patent No. 8,156,499 (the "'499 patent") was issued on April 10, 2012 after full and fair examination by the USPTO of Application No. 12/331,980 which was filed on December 10, 2008. *See* '499 patent at p.1. A Certificate of Correction was issued on September 25, 2012. *See id.* at pp. 18-19. The '499 patent is entitled "Methods, Systems And Articles Of Manufacture For Scheduling Execution Of Programs On Computers Having Different Operating Systems."

63. The claims of the '499 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve the retrieval and transmission of data from and/or to a remote server.

64. The written description of the '499 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

65. DataCloud owns all substantial rights, interest, and title in and to the '499 patent,

including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

66. DataCloud or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '499 patent.

67. Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '499 patent, either literally or under the doctrine of equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises Palo Alto Networks web-based scheduling of firewall software updates (“Palo Alto update scheduler”).⁹

68. Based upon public information, the Palo Alto update scheduler meet each and every step of at least Claim 1 of the '499 Patent, either literally or equivalently. Palo Alto update scheduler's provision of schedules through, *e.g.*, software update grouping rules has infringed one or more claims of the '499 Patent because it provides a method scheduling a first computer (*e.g.*, a NGFW and/or VM-Series device) communicatively coupled with the scheduling computer (*e.g.*, Strata Cloud Manager) to execute a first program (*e.g.*, a schedule to turn on/off software updates on a NGFW and/or VM-Series device) wherein the first computer has a first operating system (*e.g.*, on NGFW and/or VM-Series device); receiving at the scheduling computer a result from the first computer (*e.g.*, whether PAN-OS should be updated or not), wherein the result from the first computer is based at least in part upon the execution of the first program by the first computer (*e.g.*, a software update schedule); and scheduling a second computer (*e.g.*, a software update)

⁹ See <https://docs.paloaltonetworks.com/ngfw/administration/update-firewalls/schedule-a-software-update> (last visited July 2, 20-24)

communicatively coupled with the scheduling computer to execute a second program in response to a determination that the result from the first computer meets a criterion (*e.g.*, the PAN-OS needs to be updated) wherein the second computer has a second operating system and the second operating system is different from the first operating system (*e.g.*, the operating system on the second NGFW and/or VM-Series device if different).

69. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

70. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT VI: INFRINGEMENT OF U.S. PATENT NO. 8,370,457

71. Plaintiff re-alleges and incorporates by reference each of the paragraphs 11-19 above as though fully set forth in their entirety.

72. U.S. Patent No. 8,370,457 (The "'457 patent") was issued on February 5, 2013 after full and fair examination by the USPTO of Application No. 11/717,911 which was filed on March 13, 2007. *See* '457 patent at p. 1. A Certificate of Correction was issued on March 18, 2014. *See id.* at p. 11. The '457 patent is entitled "Network Communication Through A Virtual Domain."

73. The claims of the '457 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve networks and network systems by anonymizing network activity for individual clients and groups of clients.

74. The written description of the '457 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how

the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

75. DataCloud owns all substantial rights, interest, and title in and to the '457 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

76. DataCloud or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '457 patent.

77. Based upon public information, Plaintiff is informed and believes that Defendant has infringed one or more claims of the '457 patent, either literally or under the doctrine of equivalents, because it ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises Palo Alto firewalls solutions.¹⁰

78. Based upon public information, Palo Alto firewalls solutions meet each and every step of at least Claim 9 of the '457 patent, either literally or equivalently. Palo Alto firewalls solutions has infringed one or more claims of the '457 patent through advanced firewall settings in the gateway because it establishes a forwarding internet protocol (IP) address (translated IP address) for a pre-defined combination of a client IP address (*e.g.*, 10.XX.XX.XX) and a destination IP address (*e.g.*, 168.XX.XX.XX), it identifies, in a data request received from the client IP address, the pre-defined combination, and in response to the identifying of the pre-defined combination, forward (*e.g.*, from "Host A" to the NAT Router) the data request via (*e.g.*,

¹⁰ See <https://www.paloaltonetworks.com/network-security/next-generation-firewall-hardware> (last visited July 2, 2024)

commands are configured to translate source addresses to the destination IP address for all packets with IP destination addresses in the 168.XX.XX.XX/24 subnet) the forwarding IP address to the destination IP address (e.g., on “Host B”).

79. Defendant’s aforesaid activities have been without authority and/or license from Plaintiff.

80. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant’s wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

81. Plaintiff demands a trial by jury on all issues so triable by right.

PRAYER FOR RELIEF

82. Plaintiff respectfully requests the following relief:

- A. An adjudication that one or more claims of the Asserted Patents has been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- B. An award of damages to be paid by Defendant adequate to compensate Plaintiff Defendant’s past infringement, including interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary to adequately compensate Plaintiff for Defendant’s infringement, an accounting of all infringing sales including, but not limited to, those sales not presented at trial;
- C. Pre-judgment and post-judgment interest on the damages caused by Defendant’s infringing activities and other conduct complained of herein;
- D. That this Court declare this to be an exceptional case and award Plaintiff its

reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and,

E. Any further relief that this Court deems just and proper.

Dated: July 2, 2024

Respectfully submitted,

/s/ James F. McDonough, III

James F. McDonough, III (GA 117088)*

Jonathan R. Miller (GA 507179)*

ROZIER HARDT MCDONOUGH PLLC

659 Auburn Avenue NE, Unit 254

Atlanta, Georgia 30312

Telephone: (404) 564-1866, -1863

Email: jim@rhmtrial.com

Email: miller@rhmtrial.com

Jonathan L. Hardt (TX 24039906) *

ROZIER HARDT MCDONOUGH PLLC

712 W. 14th Street, Suite A

Austin, Texas 78701

Telephone: (737) 295-0876

Email: hardt@rhmtrial.com

Attorneys for Plaintiff DATA CLOUD TECHNOLOGIES, LLC

* admitted to the Eastern District of Texas

Attachments

- Civil Cover Sheet
- Proposed Summons