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*Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SKYHIGH NETWORKS, INC., a Delaware corporation,	)	CASE NO.: 2:14-cv-
	)	
Plaintiff,	)	
	)	<b>COMPLAINT FOR DECLATORY</b>
vs.	)	<b>JUDGMENT OF PATENT NON-</b>
	)	<b>INFRINGEMENT</b>
PROTEGRITY CORPORATION, a foreign corporation,	)	<b>DEMAND FOR JURY TRIAL</b>
	)	
Defendant.	)	

Plaintiff SKYHIGH NETWORKS, INC. (“Skyhigh”), for its Complaint against Defendant PROTEGRITY CORPORATION (“Defendant”), alleges as follows:

**I. JURISDICTION AND VENUE**

1. This is an action for a declaratory judgment of patent non-infringement arising under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 et seq., and under the patent laws of the United States, Title 35, United States Code. This Court has subject matter jurisdiction pursuant to 35 U.S.C. §§ 271 et seq., and 28 U.S.C. §§ 1331, 1338(a), 2201 and 2202.

2. Defendant is subject to personal jurisdiction in this judicial district pursuant to Rule 4(k)(2) of the Federal Rules of Civil Procedure. Defendant is a Cayman Islands corporation, and is not subject to jurisdiction in any state’s courts of general jurisdiction. Exercising jurisdiction over Defendant in this case is consistent with the United States Constitution and laws.



1 2014, Defendant has sued at least 18 companies for alleged patent infringement. Defendant has  
2 asserted the '201 Patent and/or the '281 Patent when bringing several of the at least 18 different  
3 lawsuits.

4 12. Defendant has asserted that Skyhigh's Cloud Security Manager infringes the '201  
5 Patent and the '281 Patent.

6 13. Skyhigh does not believe that its Cloud Security Manager infringes any claim of the  
7 '201 Patent or the '281 Patent.

8 14. By reason of the foregoing, an actual, immediate and justiciable controversy exists  
9 between Skyhigh and Defendant regarding whether Skyhigh's products and services infringe the  
10 '201 Patent and the '281 Patent.

#### 11 **IV. FIRST CLAIM FOR RELIEF**

##### 12 **(Declaratory Judgment of Non-infringement of the '201 Patent)**

13 15. Skyhigh hereby repeats and realleges the allegations contained in paragraphs 1  
14 through 14 of this Complaint as though fully set forth herein.

15 16. Skyhigh has not infringed and does not presently infringe any claim of the '201  
16 Patent.

17 17. Skyhigh is entitled to offer its products and services without interference by  
18 Defendant. Defendant's allegations and activities warrant judicial relief from this Court in the  
19 form of a declaration that Skyhigh does not infringe the '201 Patent.

#### 20 **V. SECOND CLAIM FOR RELIEF**

##### 21 **(Declaratory Judgment of Non-infringement of the '281 Patent)**

22 18. Skyhigh hereby repeats and realleges the allegations contained in paragraphs 1  
23 through 17 of this Complaint as though fully set forth herein.

24 19. Skyhigh has not infringed and does not presently infringe any claim of the '281  
25 Patent.

26 20. Skyhigh is entitled to offer its products and services without interference by  
27 Defendant. Defendant's allegations and activities warrant judicial relief from this Court in the  
28 form of a declaration that Skyhigh does not infringe the '281 Patent.

**VI. PRAYER FOR RELIEF**

WHEREFORE, Skyhigh requests that:

1. This Court enter a judgment declaring that Skyhigh has not infringed and is not infringing, contributorily infringing or inducing infringement of the '201 Patent or the '281 Patent;
2. This Court enter a judgment declaring that Skyhigh has the lawful right to continue to make, use, sell, offer for sale, import, manufacture and market its products and services without threat of any interference by Defendant;
3. Defendant and its agents, representatives, attorneys and those persons in active concert or participation with them who received actual notice hereof, be preliminarily and permanently enjoined from threatening or initiating infringement litigation against Skyhigh or any of its customers, distributors, dealers or suppliers, or any prospective customers, distributors, dealers or suppliers of Skyhigh, or charging any of them with infringement of the '201 Patent or the '281 Patent;
4. This Court enter a judgment declaring this action to be an exceptional case under 35 U.S.C. § 285;
5. Skyhigh be awarded its costs, expenses and attorneys' fees;
6. Skyhigh be awarded relief under 28 U.S.C. § 2202; and
7. Skyhigh be awarded such other and further relief as this Court deems just and proper.

**VII. DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Skyhigh demands a trial by jury of all issues raised by the pleadings which are triable by jury.

DATED this July 11, 2014

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