

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

REALTIME ADAPTIVE STREAMING
LLC,

Plaintiff,

v.

POLYCOM, INC.,

Defendant.

Case No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. § 1 *et seq.* in which Plaintiff Realtime Adaptive Streaming LLC (“Plaintiff” or “Realtime”) makes the following allegations against Defendant Polycom, Inc. (“Polycom” or “Defendant”).

PARTIES

1. Realtime is a Texas limited liability company. Realtime has a place of business at 1828 E.S.E. Loop 323, Tyler, Texas 75701. Realtime has researched and developed specific solutions for data compression, including, for example, those that increase the speeds at which data can be stored and accessed. As recognition of its innovations rooted in this technological field, Realtime holds multiple United States patents and pending patent applications.

2. On information and belief, Polycom is a Delaware corporation with its principal place of business at 6001 America Center Drive, San Jose, California 95002. Polycom offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Colorado and in this District. For example,

Polycom has an Office in Westminster, Colorado at Primecenter at Northridge, Building B, First Floor, 1765 West 121st Avenue, Westminster, Colorado 80234-2301. Polycom may also be served with process through its registered agent for service, The Corporation Company at 7700 East Arapahoe Road, Suite 220, Centennial, Colorado 80112-1268.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Polycom in this action because Polycom has committed acts within the District of Colorado giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Polycom would not offend traditional notions of fair play and substantial justice. Polycom has also committed and continues to commit acts of infringement in this District by, among other things, offering to sell and selling products and/or services that infringe the asserted patents.

5. Venue is proper in this district, e.g., under 28 U.S.C. § 1400(b). Polycom has a regular and established place of business in this District at Primecenter at Northridge, Building B, First Floor, 1765 West 121st Avenue, Westminster, Colorado 80234-2301. Furthermore, upon information and belief, Polycom has transacted business in the District of Colorado and has committed acts of direct and indirect infringement in the District of Colorado.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 7,386,046

6. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs, as if fully set forth herein.

7. Plaintiff Realtime is the owner by assignment of United States Patent No. 7,386,046 (“the ’046 patent”) entitled “Bandwidth Sensitive Data Compression and Decompression.” The ’046 patent was duly and legally issued by the United States Patent and Trademark Office on June 10, 2008. A true and correct copy of the ’046 patent is included as Exhibit A.

8. On information and belief, Polycom has made, used, offered for sale, sold and/or imported into the United States products that infringe the ’046 patent, and continues to do so. By way of illustrative example, these infringing products include, without limitation, Polycom’s telepresence, videoconferencing as well as video and voice communication solutions utilizing H.264 High Profile, such as, for example, the Polycom RealPresence Experience High Definition (RPX HD 200 & 400 Series) including the Polycom RPX HD 204M, RPX HD 208M, RPX HD 210M, RPX HD 218M, RPX HD 408M, RPX HD 418M, RPX HD 428M; the Polycom HDX Series including the Polycom HDX 9000, Polycom HDX 8000, Polycom HDX 7000, Polycom HDX 6000, Polycom HDX 4000, Polycom HDX 4500, Polycom HDX 4002, Polycom HDX 4001, Polycom HDX Packaged Solutions, Polycom HDX Executive Collection, Polycom HDX Media Center, Polycom EagleEye Director, Polycom Eagle Eye IV, Polycom Touch Control interface, Polycom VisualBoard Technology; the Polycom Open Telepresence Experience (OTX) including the Polycom OTX 100 and Polycom OTX 300; the Polycom

RealPresence Series including the Polycom RealPresence Desktop, Polycom RealPresence Mobile for Android, Polycom RealPresence Medialign, Polycom RealPresence Immersive Studio, Polycom RealPresence Immersive Studio Flex, Polycom RealPresence Clarity, Polycom RealPresence Group 310, Polycom RealPresence Group 500, Polycom RealPresence Group 700; the Polycom RMX Media Platforms including the Polycom RMX v7.0 with MPMx modules, Polycom RMX 1000 platform, Polycom RMX 1500 platform, Polycom RMX 2000 platform and Polycom RMX 4000 platform; the Polycom ATX Series including the Polycom ATX 300; the Polycom TPX Series including the Polycom TPX HD 306M (3-screens); the Polycom QDX Series including the Polycom QDX 6000; the Polycom CX Series including the Polycom CX5000 and Polycom CX7000; the Polycom VVX Series including the Polycom VVX 1500D; the Polycom load balancers e.g. the Polycom DMA 7000; the Polycom desktop video infrastructure or servers e.g. the Polycom CMA 4000 and Polycom CMA 5000; the Polycom firewall traversal infrastructure including the Polycom VBP ST and E models including the Polycom VBP 200 E, Polycom VBP 200EW, Polycom VBP 4300 Series (including the Polycom VBP 4350E and Polycom VBP 4350E-3), the Polycom 5300 Series (including the Polycom 5300E, Polycom 5300ST, Polycom VBP T5300-E10, Polycom VBP T3500-E25, Polycom VBP T5300-ST10 and Polycom VBP T5300-ST25), the Polycom 6400 Series (including the Polycom 6400E, Polycom 6400ST, Polycom VBP 6400-E85 and Polycom VBP 6400-ST85); and other Polycom infrastructure e.g. the Polycom RSS 2000 and Polycom RSS 4000, the Polycom VVX Business Media Phones and the Polycom VVX Camera, the Polycom Trio Family of conference phones including

the Polycom Trio 8500 and Polycom Trio 8800, and all versions and variations thereof since the issuance of the '046 patent (“Accused Instrumentalities”).

9. For example, the Accused Instrumentalities utilize the H.264 video compression standard, or H.264 High Profile. According to an official press release from Polycom on the Polycom website dated February 16, 2010, Polycom “the global leader in telepresence, video and voice communication solutions, today announced support for a breakthrough, standards-based video compression technology, **H.264 High profile**, that will reduce the bandwidth requirements for high-definition (HD) telepresence and standard definition (SD) video conferencing by as much as 50 percent, representing substantial network bandwidth cost savings for customers...Support for **H.264 High Profile** on Polycom HDX room and personal telepresence systems is planned for April. Polycom also plans to support **H.264 High Profile** across its visual communication infrastructure and recording and streaming solutions, and across its immersive telepresence solutions in the coming months.” See “Polycom Delivers Breakthrough Video Quality Innovation That Cuts Telepresence Bandwidth Requirements in Half,” Feb. 16, 2010, <http://www.polycom.com/company/news/press-releases/2010/20100216.html> (emphasis added).

10. Furthermore, this website from the official Polycom site advertising their “Polycom HDX Series” states under “Overview”: “Flexible, cost-effective, high-definition communications from low bandwidths using standards-based H.264 High Profile Technology” and under “Technical Overview”: H.264 High Profile support.” See <http://www.polycom.com/products-services/hd-telepresence-video-conferencing/realpresence-room/realpresence-room-hdx-series.html>:

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