

# MINTZ LEVIN

Michael T. Renaud | 617 348 1870 | mtrenaud@mintz.com

One Financial Center  
Boston, MA 02111  
617-542-6000  
617-542-2241 fax  
www.mintz.com

August 1, 2013

## VIA HAND DELIVERY & EDIS

The Honorable Lisa R. Barton  
Acting Secretary to the Commission  
U.S. International Trade Commission  
500 E Street, S.W.  
Washington, D.C. 20436

Re: Certain Point-to-Point Network Communication Devices and Products Containing  
Same, Inv. No 337-TA-\_\_

Dear Secretary Barton:

I enclose for filing on behalf of Straight Path IP Group, Inc. ("SPIG") the following documents in support of SPIG's request that the Commission commence an investigation pursuant to the provisions of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. §1337. Please note that Confidential Exhibits 1, 1A, 1B, 1C, 46 and 46A to the Complaint contain Confidential Business Information, and pursuant to the Commission's Rules of Practice and Procedure, a request for confidential treatment of the information in those exhibits accompanies this filing. Accordingly, SPIG submits the following:

1. One (1) original and eight (8) copies of Complainant's Verified Complaint and the Public Interest Statement (originals unbound); one (1) CD of the Non-Confidential Exhibits and one (1) CD of the Confidential Exhibits (Commission Rules 201.6(c), 210.4(f)(2) and 210.8(a)(1)(i) and 210.8(b));
2. Twenty-two (22) additional copies of the Complaint, the Public Interest Statement and twenty-two (22) CDs of the non-confidential and confidential exhibits (on separate CDs), for service upon the following respondents: AmTran Logistics, Inc.; AmTran Technology Co., Ltd.; LG Electronics Inc.; LG Electronics U.S.A., Inc.; LG Electronics MobileComm U.S.A, Inc.; Panasonic Corporation; Panasonic Corporation of North America; Sony Computer Entertainment, Inc.; Sony Computer Entertainment America LLC; Sony Computer Entertainment America Inc.; Sony Corporation; Sony Corporation of America; Sony Electronics Inc.; Sony Mobile Communications AB; Sony Mobile Communications (USA) Inc.; Sony Ericsson Mobile Communications (USA) Inc.; Sharp Corporation, Sharp Electronics Corporation, Toshiba Corporation; Toshiba America Inc.; Toshiba America Information Systems, Inc.; Vizio, Inc. (Commission Rules 201.6(c), 210.4(f)(2), 210.8(a)(1)(i) and 201.8(b));
3. Four (4) additional copies of the Complaint for service upon the embassies of Taiwan, Japan, Sweden and Republic of Korea (Commission Rules 210.8(a)(1)(iii) and 210.11(a));

**Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.**

RECEIVED  
OFC OF THE SECRETARY  
US INTL TRADE COMM  
2013 AUG - 1 AM 9:10

**Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.**

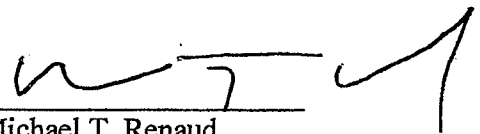
Honorable Lisa R. Barton

August 1, 2013

Page 2

4. One (1) certified copy and four (4) additional copies of each of the following asserted United States Patents: U.S. Patent No 6,009,469, U.S. Patent No. 6,108,704 and U.S. Patent No. 6,131,121, included with the Complaint as Exhibits 2, 6 and 8 (Commission Rule 210.12(a)(9)(i));
5. One (1) certified copy and four (4) additional copies, on CDs, of the U.S. Patent and Trademark Office prosecution histories for each of the asserted United States Patents: 6,009,469, No. 6,108,704, and. 6,131,121, included with the Complaint as Appendices A, C, and E (Commission Rule 210.12(c)(1));
6. One (1) certified copy of the Assignment Records for asserted United States Patents 6,009,469, No. 6,108,704, and. 6,131,121 included with the Complaint as Exhibits 3, 7 and 9 (Commission Rule 210.12(a)(9)(ii));
7. Four (4) copies, on CD, of each patent and each technical reference mentioned in the prosecution histories for each of the asserted U.S. Patent Nos. 6,009,469, No. 6,108,704, and. 6,131,121 included with the Complaint as Appendices B, D, and F (Rule 210.12(c)(2));
8. A letter and certification pursuant to Commission Rules 201.6(b) and 210.5(d) requesting confidential treatment of information appearing in Confidential Exhibits 1, 1A, 1B, 1C, 46 and 46A to Straight Path's verified Complaint;

Respectfully submitted,



Michael T. Renaud  
Counsel for Complainant  
Straight Path IP Group, Inc.

# MINTZ LEVIN

Michael T. Renaud | 617 348 1870 | mtrenaud@mintz.com

One Financial Center  
Boston, MA 02111  
617-542-6000  
617-542-2241 fax  
www.mintz.com

August 1, 2013

## VIA HAND DELIVERY & EDIS

The Honorable Lisa R. Barton  
Acting Secretary to the Commission  
U.S. International Trade Commission  
500 E Street, S.W.  
Washington, D.C. 20436

Re: Complaint of Certain Point-to-Point Network Communication Devices and  
Products Containing Same

Dear Acting Secretary Barton:

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. represents behalf of Straight Path IP Group, Inc. ("SPIG") in the matter of the above referenced Complaint, which is being filed pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U. S. C. § 1337.

Pursuant to Commission Rules 201.6(b) and 210.5(d), SPIG respectfully requests confidential treatment of the information contained in Confidential Exhibits 1, 1A, 1B, 1C, 46 and 46A. The information contained in these exhibits qualifies as confidential information pursuant to 19 C.F.R. § 201.6 in that it discloses proprietary commercial information, proprietary commercial relationships, and/or proprietary business information that are not otherwise publicly available, and because the disclosure of such information would cause substantial harm to Straight Path, and would also impair the Commission's ability in the future to obtain such types of information in performance of its statutory function.

I certify that the proprietary confidential commercial information, proprietary commercial relationships, and/ or proprietary business information are not reasonably available to the public, and thus warrant confidential treatment.

**Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.**

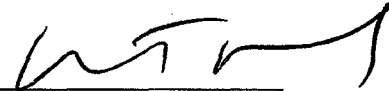
BOSTON | LONDON | LOS ANGELES | NEW YORK | SAN DIEGO | SAN FRANCISCO | STAMFORD | WASHINGTON

LG v. Straight Path, IPR2015-00198  
Straight Path - Ex. 2005 - Page 3

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.


Honorable Lisa R. Barton  
August 1, 2013  
Page 2

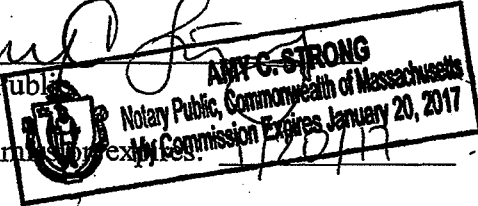
Respectfully submitted,



Michael T. Renaud  
Counsel for Complainant  
Straight Path IP Group, Inc.

Subscribed and sworn before me

  
Notary Public  
My commission expires: 1/20/17





**UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, DC**

In the Matter of

CERTAIN POINT-TO-POINT NETWORK  
COMMUNICATION DEVICES AND  
PRODUCTS CONTAINING SAME

Investigation No. 337-TA-\_\_\_\_

**COMPLAINANT STRAIGHT PATH IP GROUP, INC.'S  
STATEMENT ON THE PUBLIC INTEREST**

Pursuant to International Trade Commission ("Commission") Rule § 210.8(b),

Complainant Straight Path IP Group, Inc. ("Straight Path") submits this Statement on the Public Interest with respect to the remedial orders it seeks against the respondents named in the complaint (collectively, "Respondents").<sup>1</sup>

Straight Path seeks a limited exclusion order pursuant to 19 U.S.C. § 1337(d) specifically directed to each named Respondent barring from entry into the United States certain point-to-point network communications devices and products containing same that infringe one or more of the claims of United States Patent Nos. 6,009,469, 6,108,704, and/or 6,131,121 (collectively, the "Asserted Patents"). Straight Path also seeks a cease and desist order pursuant to 19 U.S.C. § 1337(f) prohibiting each domestic Respondent from engaging in the importation into the United States and/or sale within the United States after importation of certain point-to-point network communications devices and products containing same, that infringe, either directly or indirectly, one or more claims of the Asserted Patents.

---

<sup>1</sup> The Respondents are: AmTran Logistics, Inc., AmTran Technology Co., Ltd., LG Electronics Inc., LG Electronics U.S.A., Inc., LG Electronics MobileComm U.S.A, Inc., Panasonic Corporation, Panasonic Corporation of North America, Sony Computer Entertainment, Inc., Sharp Corporation, Sharp Electronics Corporation, Sony Computer Entertainment America LLC, Sony Computer Entertainment America Inc., Sony Corporation, Sony Corporation of America, Sony Electronics Inc., Sony Mobile Communications AB, Sony Mobile Communications (USA) Inc., Sony Ericsson Mobile Communications (USA) Inc., Toshiba Corporation, Toshiba America Inc., Toshiba America Information Systems, Inc., and Vizio, Inc.

The issuance of the requested relief will not adversely impact the public health, safety or welfare conditions in the United States, competitive conditions in the United States economy or the production of like or directly competitive articles in the United States. The requested relief will, however, have the beneficial effect on the public interest of promoting and defending intellectual property rights in the United States.

**I. THE REQUESTED REMEDIAL ORDERS ARE IN ACCORD WITH THE PUBLIC INTEREST**

The Commission has recognized a strong public interest in enforcing intellectual property rights. *See Certain Baseband Processor Chips and Chipsets*, Inv. No. 337-TA-543, Comm'n Op., 2007 ITC LEXIS 621 at \*240 (June 19, 2007) (“[I]n assessing public interest factors when granting relief, the Commission relies on the strong public interest in enforcing intellectual property rights, and . . . has denied relief on public interest grounds only three times in the history of Section 337.”) (internal footnote omitted). Indeed, the Commission observed:

The Senate report [accompanying the 1988 statutory changes to Section 337] makes clear that there is a public interest in the enforcement of intellectual property:

The owner of intellectual property has been granted a temporary statutory right to exclude others from making, using, or selling the protected property. . . . The importation of any infringing merchandise derogates from the statutory right, diminishes the value of the intellectual property, and thus indirectly harms the public interest.

*Id.* at \*219 (quoting S. Rep. 100-71 at 128-29 (1987)).

In the three instances in which the Commission found the public interest to be outweighed by other factors, “the exclusion order was denied because inadequate supply within the United States—by both the patentee and domestic licensees—meant that an exclusion order would deprive the public of products necessary for some important health or welfare need: energy efficient automobiles, basic scientific research, or hospital equipment.” *Spansion, Inc. v. ITC*, 629 F.3d 1331, 1360 (Fed. Cir. 2010). No such considerations are present here.

**A. The Targeted Articles Are Used in the United States for Communication, General Connectivity, and Entertainment.**

The products accused in this investigation are certain point-to-point network communication devices and products containing same. They include smartphone handsets, tablet computers, eReaders, smart TVs, gaming consoles, Blu-ray players, set-top boxes, and VoIP telephone systems. They establish point-to-point network communications used, *inter alia*, to place and receive telephone calls, play games, listen to music, watch videos, and read books.

**B. There Are No Public Health, Safety, or Welfare Concerns Relating to the Requested Remedial Orders.**

The accused products are useful and they provide entertainment, but they do not implicate any health, safety, or welfare concerns. Excluding the accused products would not leave medical needs unfilled, impede scientific research, interfere with important national interests, or affect any other health, safety, or welfare concerns. As described below, there are numerous licensed sources of smartphone handsets, tablet computers, eReaders, smart TVs, gaming consoles, Blu-ray players, set-top boxes, and VoIP telephone systems, and, these licensed sources are capable of providing sufficient quantities of the products to ensure that consumer demand is met. And, to the extent accused products are used by the U.S. Government, government sales are exempted from exclusion orders by statute. *See* 19 U.S.C. § 1337(1).

**C. Like or Directly Competitive Articles Made by Complainant, Its Licensees, or Third Parties Could Replace the Subject Articles if They Were Excluded.**

There is intense competition among the manufacturers of smartphone handsets, tablet computers, eReaders, smart TVs, gaming consoles, Blu-ray players, set-top boxes, and VoIP telephone systems. Indeed, a number of third parties manufacture products that are like and/or directly competitive with those accused in this investigation, but that are not accused in this investigation, and would therefore not be the subject of the requested remedial orders. For

example, third parties Apple Inc. (“Apple”), and Samsung Electronics Co., Ltd. (“Samsung”), together make well over 60% of the smartphone handsets and tablet computers sold in the United States. Their products directly compete with the accused smartphone and tablet computer products, and could easily replace the accused products if they were excluded. Similarly, third party Amazon.com Inc. makes nearly 50% of the e-readers sold in the United States, third parties Samsung make over 50% of the smart TVs sold in the United States, Samsung also makes over 50% of the Blu-ray players sold in the United States, third party and Straight Path licensee Microsoft Corporation (“Microsoft”), together with third party Nintendo Co., Ltd make over 50% of the gaming consoles sold in the United States, Apple and Samsung make at least 40% of the set-top boxes sold in the United States, and various third parties, including, RTX America, Inc., and Cisco Systems, Inc. make at least 40% of the VoIP telephone systems sold in the United States. These third parties’ products compete directly with the accused Blu-ray players, smart TVs, e-readers, gaming consoles, set-top boxes, and VoIP telephone systems, and could easily replace the accused products if they were excluded. Thus, even if the Commission were to issue all of Straight Path’s requested remedial orders, many non-accused alternatives to the accused products, including those made by the third parties identified above, would still be available to consumers.

**D. Straight Path’s Licensees, and/or Third Parties Have the Capacity to Replace the Volume of Articles Subject to the Requested Remedial Orders in a Commercially Reasonable Time in the United States.**

Due to the crowded and intensely competitive market for the types of products at issue in this investigation, third parties manufacturing non-accused versions could quickly fill any void if the Commission were to issue the requested remedial orders. The manufacturers of the kinds of products accused in this investigation are extremely nimble in responding to dynamic shifts in consumer demand for quantity and for different product features because they rely heavily on

outsourced components and on relationships with manufacturing partners who are able to provide them with ever greater flexibility and speed in securing additional production and distribution capacity. Thus, various third parties, including Apple, Samsung, and Straight Path licensee Microsoft, would be in a position to fill any void created by the issuance of the requested remedial orders in a commercially reasonable time—in some cases in a matter of days.

**E. The Requested Remedial Orders Would Minimally Impact Consumers.**

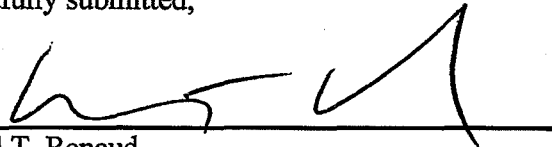
The requested remedial orders may have some effect on consumer choice, but even if they do, this is not a sufficient basis for denying relief. *See Certain Personal Data and Mobile Communications Devices and Related Software*, Inv. No. 337-TA-710, Comm'n Op., 2011 ITC LEXIS 2874 at \*111 (Dec. 29, 2011) (“The right to exclude under a patent, 35 U.S.C. § 154, is the right to exclude a competitor's products; such exclusion necessarily affects consumer choice. Accordingly, the mere constriction of choice cannot be a sufficient basis for denying the issuance of an exclusion order.”). Nor is a price increase sufficient to warrant preclusion of a remedial order. *See Certain Digital Televisions and Certain Products Containing Same*, Inv. No. 336-TA-617, Comm'n Op., U.S.I.T.C. at 16 (Apr. 23, 2009) (“[T]he Commission has consistently held that the benefit of lower prices to consumers does not outweigh the benefit of providing complainants with an effective remedy for an intellectual property-based section 337 violation.”).

**II. CONCLUSION**

The Commission's issuance of the requested remedial orders will serve the strong public interest in protecting intellectual property rights, while at the same time having no adverse impact on the public interest. Although they are useful and entertaining, the accused products are not necessary to, or even implicated in, the public health or welfare, and, should the requested orders issue, an adequate supply of substitute devices will readily be available from third-party manufacturers in a commercially reasonable time.

Dated: August 1, 2013

Respectfully submitted,



---

Michael T. Renaud  
James M. Wodarski  
Michael J. McNamara  
Michael C. Newman  
Sandra J. Badin  
Stephen P. Cole  
Robert J. L. Moore  
MINTZ LEVIN COHN FERRIS  
GLOVSKY AND POPEO PC  
Boston, MA 02111  
Tel: 617-542-6000  
Fax: 617-542-2241

*Counsel to Complainant  
Straight Path IP Group, Inc.*

UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, DC

In the Matter of

CERTAIN POINT-TO-POINT NETWORK  
COMMUNICATION DEVICES AND  
PRODUCTS CONTAINING SAME

Investigation No. 337-TA-\_\_\_\_

VERIFIED COMPLAINT UNDER SECTION 337  
OF THE TARIFF ACT OF 1930, AS AMENDED

COMPLAINANT:

**Straight Path IP Group, Inc.**  
5300 Hickory Park Dr., Suite 218  
Glen Allen, VA 23059  
Tel: (804) 433-1522

COUNSEL FOR COMPLAINANT

Michael T. Renaud  
James M. Wodarski  
Michael J. McNamara  
Michael C. Newman  
Sandra J. Badin  
Stephen P. Cole  
Robert J. L. Moore  
Mintz Levin Cohn Ferris  
Glovsky and Popeo PC  
Boston, MA 02111  
Tel: 617-542-6000  
Fax: 617-542-2241  
www.mintz.com

RESPONDENTS:

**AmTran Logistics, Inc.**  
9 Goddard  
Irvine, California 92618  
Tel: (949) 336-6633  
Tel2: (949) 453-8808

**AmTran Technology Co., Ltd.**  
17f, 268, Lien Cheng Rd.  
23553 New Taipei City  
Taiwan  
Phone: +886-282280505

**LG Electronics Inc.**  
LG Twin Towers  
20, Yoido-dong, Youngdungpo-gu,  
Seoul, 157-721, Republic of Korea  
Tel: 82 2-3777-1114  
Fax: 82 2-3777-3428

**LG Electronics U.S.A., Inc.**  
1000 Sylvan Ave.  
Englewood Cliffs, NJ 07632  
Tel: (201) 816-2000  
Fax: (201) 816-2188

**LG Electronics MobileComm U.S.A, Inc.**  
10101 Old Grove Road  
San Diego, CA 92131  
Tel: (858) 635-5300  
Fax: (858) 635-5225

**Panasonic Corporation**

1006, Oaza Kadoma  
Kadoma-shi  
Osaka 571-8501, Japan  
Tel: 81 6 6908 1121  
Fax: 81 6 6908 2351

**Panasonic Corporation of North America**

One Panasonic Way  
Secaucus, New Jersey 07094  
United States  
Tel: (201) 348-7000  
Other Tel: (800) 742-8086  
Fax: (201) 348-7016

**Sharp Corporation**

22-22 Nagaike-cho  
Abenko-Ku, Osaka 545-8522  
Japan  
Tel: 81-6-6621-1221

**Sharp Electronics Corporation**

1 Sharp Plaza  
Mahwah, NJ 07495  
Tel: (201) 529-8200  
Fax: (201) 529-8425

**Sony Computer Entertainment, Inc.**

1-7-1 Konan  
Minato-ku,  
Tokyo 108-0075, Japan  
Tel: 81-3-6748-2111

**Sony Computer Entertainment America Inc.**

919 East Hillsdale Boulevard  
2nd Floor  
Foster City, CA 94404  
Tel: (650) 655-8000  
Fax: (650) 655-8001

**Sony Computer Entertainment America LLC**

919 East Hillsdale Boulevard  
2nd Floor  
Foster City, CA 94404  
Tel: (650) 655-8000  
Fax: (650) 655-8001



**Sony Corporation**  
1-7-1 Konan  
Minato-ku,  
Tokyo 108-0075, Japan  
Tel: 81-3-6748-2111

**Sony Corporation of America**  
550 Madison Avenue  
New York, NY 10022-3211  
Tel: (212) 833-6800

**Sony Electronics Inc.**  
16530 Via Esprillo  
San Diego, CA 92127  
Tel: (858) 942-2400

**Sony Mobile Communications AB**  
Nya Vattentornet  
Lund, 221 88 Sweden  
Tel : +46-208-762-5800  
Fax : +46-208-762-5887

**Sony Mobile Communications (USA) Inc.**  
7001 Development Drive  
Research Triangle Park, NC 27709  
Tel: (919) 472-7000  
Fax: (919) 472-745

**Sony Ericsson Mobile Communications  
(USA) Inc.**  
333 Piedmont Road NE, Ste. 600  
Atlanta, GA 30305-1811  
Tel: (404) 443-7000  
Fax: (919) 472-7457

**Toshiba Corporation**  
1-1, Shibaura 1-chome  
Minato-ku  
Tokyo 105-8001, Japan  
Tel: 81 3 3457 4511  
Other Tel: 81 3 3457 2096  
Fax: 81 3 3456 1631

**Toshiba America Inc.**  
1251 Avenue Of The Americas

New York, NY, 10020 United States  
Tel: (212) 596-0600

**Toshiba America Information Systems, Inc.**  
9740 Irvine Boulevard  
Irvine, CA 92618-1697  
Tel: (949) 583-3000

**Vizio, Inc.**  
39 Tesla  
Irvine, California 92618  
Tel: (949) 428-2525  
Other Tel: (877) 698-4946  
Fax: (949) 585-9563

**TABLE OF CONTENTS**

**I. INTRODUCTION .....1**

**II. THE PARTIES.....3**

**A. Complainant ..... 3**

**B. Respondents ..... 3**

**III. THE ASSERTED ‘469 PATENT .....13**

**A. Ownership and Asserted Claims of the ‘469 Patent..... 13**

**B. Licenses Relating to the ‘469 Patent ..... 14**

**C. Foreign Counterparts to the ‘469 Patent ..... 15**

**IV. THE ASSERTED ‘704 PATENT .....15**

**A. Ownership and Asserted Claims of the ‘704 Patent..... 15**

**B. Licenses Relating to the ‘704 Patent ..... 16**

**C. Foreign Counterparts to the ‘704 Patent ..... 16**

**V. THE ASSERTED ‘121 PATENT .....16**

**A. Ownership and Asserted Claims of the ‘121 Patent..... 16**

**B. Licenses Relating to the ‘121 Patent ..... 17**

**C. Foreign Counterparts to the ‘121 Patent ..... 17**

**VI. NON-TECHNICAL DESCRIPTION OF THE PATENTED TECHNOLOGY .....18**

**VII. STATEMENT OF FACTS CONSTITUTING UNFAIR ACTS OF  
RESPONDENTS – PATENT INFRINGEMENT .....19**

**A. Infringement of the ‘469 Patent ..... 19**

**B. Infringement of the ‘704 Patent ..... 33**

**C. Infringement of the ‘121 Patent ..... 46**

**VIII. SPECIFIC INSTANCES OF SALE AND IMPORTATION .....58**

**IX. HARMONIZED TARIFF SCHEDULE INFORMATION .....59**

**X. RELATED LITIGATION .....60**

**XI. DOMESTIC INDUSTRY RELATING TO THE ASSERTED PATENTS .....61**

**A. Technical Prong..... 61**

**B. Economic Prong ..... 62**

**XII. REQUESTED RELIEF .....71**

## EXHIBIT LIST

1. **Confidential** Declaration of Davidi Jonas
  - a. **Confidential** License Agreement between Straight Path and IDT Telecom Inc., and Net2Phone, Inc., dated September 20, 2011
  - b. **Confidential** Amendment to License Agreement between Straight Path and IDT Telecom Inc., and Net2Phone, Inc., dated July 10, 2013
  - c. **Confidential** License Agreement between Skype and IDT - Confidential
2. United States Patent No. 6,009,469
3. United States Patent No. 6,009,469 Assignment Record
4. United States Patent No. 6,009,469 File History
5. United States Patent No. 6,108,704 File History
6. United States Patent No. 6,108,704
7. United States Patent No. 6,108,704 Assignment Record
8. United States Patent No. 6,131,121
9. United States Patent No. 6,131,121 Assignment Record
  - a. United States Patent No. 6,131,121 File History
10. Claim Chart Comparing '469 and LG Optimus G
11. Receipt for LG Optimus G, Blu-Ray Player and LED TV
12. Photograph of LG Optimus G
13. Claim Chart Comparing '469 and Panasonic Viera TV
14. Receipt for Panasonic Smart Viera
15. Photograph of Panasonic Smart Viera
16. Claim Chart Comparing '469 and Sony Xperia
17. Receipt for Sony Xperia, Xperia S, LED TV, Blu-Ray Player and PS3
18. Photograph for Sony Xperia ZL
19. Chart Comparing '469 Patent and Toshiba Excite Tablet
20. Receipt for Toshiba 10 SE Tablet
21. Photograph of Toshiba Excite 10 SE
22. Chart Comparing '469 Patent and Vizio TV
23. Receipt for Vizio E420i-A1 LED Smart TV
24. Photograph of Vizio E420i-A1 LED Smart TV
25. Chart Comparing '704 Patent and LG Optimus G
26. Chart Comparing '704 Patent and Panasonic Viera TV
27. Chart Comparing '704 Patent and Sony Playstation 3
28. Photograph for Sony Playstation 3
29. Chart Comparing '704 Patent and Toshiba Excite Tablet
30. Chart Comparing '704 Patent and Vizio TV
31. Chart Comparing '121 Patent and LG Optimus G
32. Chart Comparing '121 Patent and Panasonic Viera TV
33. Chart Comparing '121 Patent and Sony Xperia ZL
34. Chart Comparing '121 Patent and Toshiba Excite Tablet
35. Chart Comparing '121 Patent and Vizio TV
36. Chart Comparing '469 Patent and Voiceline Softphone
37. Chart Comparing '704 Patent and Voiceline Softphone
38. Chart Comparing '121 Patent and Voiceline Softphone

39. Foreign Counterpart Table
40. Reserved
41. Reserved
42. Chart Comparing '469 Patent and Skype
43. Chart Comparing '704 Patent and Skype
44. Chart Comparing '121 Patent and Skype
45. Reserved
46. **Confidential** - Ashish Parikh Declaration
  - a. **Confidential** - IDT Telecom Financials
  - b. IDT 10-k
  - c. IDT Q1 SEC Filing
  - d. IDT Q2 SEC Filing
  - e. IDT Q3 SEC Filing
47. Slide Deck: Microsoft Third Quarter Fiscal Year 2013 Results
48. Microsoft 10-K
49. Reserved
50. Reserved
51. Article: Microsoft to Acquire Skype May 10, 2011
52. Xbox One: Meet Xbox One, <http://www.xbox.com/en-US/xboxone/meet-xbox-one>
53. Xbox One: What It Does, <http://www.xbox.com/en-US/xboxone/what-it-does>
54. Microsoft Segment Revenue and Operating Income, Q1-Q3 2013
55. Microsoft KPI Quarter 3 2013
56. Article: Will Consumer Want One? Fox News.
57. Article: After Months of Speculation, Microsoft Officially Reveals TechCrunch
58. Article: Microsoft announces Skype integration for Xbox One, Will Consumers Want One? New Xbox is elegant but questions remain
59. Reserved
60. Article: Microsoft Unveils Xbox One Home Entertainment System
61. Chart Comparing '469 Patent and Sharp Aquos LED TV
62. Receipt for Sharp Aquos LED TV and Sharp FX Plus Phone
63. Photograph of Sharp Aquos LED TV
64. Chart Comparing '704 Patent and Sharp FX Plus Phone
65. Photograph of Sharp FX Plus Phone
66. Chart Comparing '121 Patent and Sharp Aquos LED TV

## **APPENDICES**

- A. One certified copy and four additional copies of the U.S. Patent and Trademark Office prosecution history for U.S. Patent No. 6,009,469
- B. Copies of each patent and each technical reference mentioned in the prosecution history for U.S. Patent No. 6,009,469
- C. One certified copy and four additional copies of the U.S. Patent and Trademark Office prosecution history for U.S. Patent No. 6,108,704
- D. Copies of each patent and each technical reference mentioned in the prosecution history for U.S. Patent No. 6,108,704
- E. One certified copy and four additional copies of the U.S. Patent and Trademark Office prosecution history for U.S. Patent No 6,131,121
- F. Copies of each patent and each technical reference mentioned in the prosecution history for U.S. Patent No. 6,131,121

## I. INTRODUCTION

1. This Complaint is filed by Complainant Straight Path IP Group, Inc. (“Straight Path” or “Complainant”) pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”).

2. Straight Path brings this action to remedy violations of Section 337 arising from the unlawful and unauthorized importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of certain point-to-point network communications devices and products containing same (“Accused Products”) that directly infringe, contributorily infringe, and/or induce the infringement of one or more claims of U.S. Patent Nos. 6,009,469; 6,108,704; and 6,131,121 (together, the “Asserted Patents”). Examples of these point-to-point network communications devices include, without limitation, smartphone handsets, tablet computers, eReaders, smart TVs, gaming consoles, Blu-ray players, VoIP phones, and set-top boxes.

3. The Respondents are AmTran Logistics, Inc., AmTran Technology Co., Ltd., LG Electronics Inc.; LG Electronics U.S.A., Inc.; LG Electronics MobileComm U.S.A., Inc. (together, “LG”); Panasonic Corporation, Panasonic Corporation of North America (together, “Panasonic”); Sharp Corporation, Sharp Electronics Corporation (together “Sharp”), Sony Corporation, Sony Corporation of America, Sony Electronics Inc., Sony Mobile Communications AB, Sony Mobile Communications (USA) Inc., Sony Ericsson Mobile Communications (USA) Inc., Sony Computer Entertainment Inc., Sony Computer Entertainment America Inc., and Sony Computer Entertainment America LLC (together, “Sony”); Toshiba Corporation, Toshiba America Inc., Toshiba America Information Systems, Inc. (together “Toshiba”); and Vizio, Inc. (together with AmTran Logistics, Inc. and AmTran Technology Co., Ltd., “Vizio”) (collectively “Respondents”).

4. On information and belief, each of the Respondents currently imports into the United States, sells for importation into the United States, and/or sells in the United States after importation certain point-to-point network communications devices and products containing the same that incorporate, without license, many inventions protected by one or more of the Asserted Patents.

5. Complainant asserts that each Respondent practices at least the following claims of the Asserted Patents:

PATENT	ASSERTED CLAIMS
6,009,469	1, 2, 3, 9, 10, 17 and 18
6,108,704	1, 11, 12, 19, 22, 23 and 30
6,131,121	6 and 13

6. To remedy Respondents' continuing and unlawful violation of Section 337, Complainant seeks as permanent relief a limited exclusion order pursuant to 19 U.S.C. § 1337(d) barring from entry into the United States all Respondents' point-to-point network communications devices and products containing same, including for example but without limitation smartphone handsets, tablet computers, eReaders, smart TVs, gaming consoles, Blu-ray players, VoIP phones, and set-top boxes, that infringe one or more of the claims of the '469 Patent, the '704 Patent, and/or the '121 Patent. Complainant also seeks cease and desist orders pursuant to 19 U.S.C. § 1337(f) prohibiting each domestic Respondent from engaging in the importation into the United States and/or the sale within the United States after importation certain point-to-point network communications devices and products containing same, that infringe, either directly or indirectly, one or more claims of the '469 Patent, the '704 Patent, and/or the '121 Patent.

7. Further, Complainant requests that the Commission impose a bond upon Respondents' importation of infringing point-to-point network communications devices and



products containing same during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j) to prevent further injury to Complainant's domestic industry relating to each of the Asserted Patents.

## II. THE PARTIES

### A. Complainant

8. Complainant Straight Path IP Group, Inc. ("Straight Path") is an American corporation organized under the laws of Delaware, with offices located at 5300 Hickory Park Dr. Suite 218, Glen Allen, VA 23059. (See Declaration of David Jonas, (attached as Exhibit 1) ("Jonas Decl.") at ¶ 3.)

9. Straight Path was formerly known as Innovative Communications Technologies, Inc., ("ICTI") and was divested and renamed as the Straight Path IP Group in May of 2013. (Jonas Decl. at ¶ 2.) ICTI, was formed in March of 2011. (Jonas Decl. at ¶ 4.)

10. Straight Path is the sole owner by assignment of all right, title, and interest in each Asserted Patent. (Jonas Decl. at ¶ 5.) The Asserted Patents are expressly assigned to ICTI, which was renamed to Straight Path IP Group in May of 2013.

### B. Respondents

11. With regard to the Respondents, Complainant alleges the following on information and belief:

#### LG Electronics Inc.

12. Respondent LG Electronics Inc. is located at LG Twin Towers, 20 Yeouido-dong, Yeongdeungpo-gu Seoul 150-721, South Korea. LG Electronics Inc. is in the business of developing, manufacturing, selling, and selling for importation into the United States point-to-point network communications devices and products containing same. Such devices include, but are not limited to, smartphone handsets, tablet computers, computers, smart TVs,

Blu-ray players, and set-top boxes. LG Electronics Inc. maintains operations in many countries throughout the world, with production locations in many of those countries. On information and belief, no production plants are located within the United States. LG Electronics Inc. is the parent corporation of Respondents LG Electronics U.S.A., Inc. and LG Electronics MobileComm U.S.A., Inc.

LG Electronics U.S.A., Inc.

13. Respondent LG Electronics U.S.A., Inc. is a wholly-owned subsidiary of Respondent LG Electronics Inc. LG Electronics U.S.A., Inc. is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 1000 Sylvan Ave., Englewood Cliffs, NJ 07632. Respondent LG Electronics U.S.A., Inc. manages the North American operations of Respondent LG Electronics MobileComm U.S.A., Inc., and the two entities provide sales and marketing support for point-to-point network communications devices in North America for their ultimate parent, LG Electronics Inc.

LG Electronics MobileComm U.S.A., Inc

14. Respondent LG Electronics MobileComm U.S.A., Inc. (d/b/a LG Mobile Phones) is a wholly-owned subsidiary of Respondent LG Electronics U.S.A., Inc. LG Electronics MobileComm U.S.A., Inc. is a corporation organized and existing under the laws of the state of California with its principal place of business located at 10101 Old Grove Road, San Diego, CA 92131, and is managed by its parent LG Electronics U.S.A., Inc. Respondent LG Electronics MobileComm U.S.A., Inc. provides a variety of point-to-point communications devices, including without limitation mobile telephone handsets and tablet computers, to customers throughout North America. LG Electronics MobileComm U.S.A., Inc. has imported such goods manufactured by LG Electronics Inc. from South Korea into the United States.

### Panasonic Corporation

15. Respondent Panasonic Corporation is a foreign company organized and existing under the laws of Japan, with its principal place of business located at 1006 Oaza Kadoma-shi, Kadoma 571-8501, Osaka, Japan. Panasonic Corporation is in the business of developing, manufacturing, and/or selling point-to-point network communications devices and products containing same. Such devices include, without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, set-top boxes, multimedia systems, and VoIP phone systems. Panasonic Corporation is the entity at the top of the Panasonic corporate structure, and maintains manufacturing facilities in at least Japan, India, China, and Indonesia. Panasonic Corporation identifies the United States as a key to success overseas. Accordingly, Panasonic Corporation established a subsidiary in the United States, Panasonic Corporation of North America.

### Panasonic Corporation of North America

16. Respondent Panasonic Corporation of North America is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 1 Panasonic Way, Secaucus, New Jersey 07094. Panasonic Corporation of North America is a wholly owned subsidiary of Panasonic Corporation, and as such oversees the North American operations of Panasonic Corporation. Panasonic Corporation of North America is in the business of developing, manufacturing, importing into the United States and selling in the United States after importation point-to-point communication devices. Such devices include, but are not limited to, television and video monitors, Blu-ray players, and multimedia systems, and VoIP telephone systems.

Sharp Corporation

17. Respondent Sharp Corporation is a foreign company organized and existing under the laws of Japan, with its principal place of business located at 22-22 Nagaike-cho, Abenku-ku, Osaka 545-8522. Sharp Corporation is in the business of developing, manufacturing, importing into the United States and/or selling after importation into the United States point-to-point network communications devices and products containing same. Such devices include, but are not limited to televisions, computers, tablets, mobile phones, and Blu-ray players.

Sharp Electronics Corporation

18. Respondent Sharp Electronics Corporation is a New York corporation with its principal place of business located in Mahway, New Jersey. Sharp Electronics Corporation is in the business of importing into the United States and/or selling after importation into the United States point-to-point network communications devices and products containing same. Such devices include, but are not limited to televisions, computers, tablets, mobile phones, and Blu-ray players.

Sony Corporation

19. Respondent Sony Corporation is a foreign company organized and existing under the laws of Japan, with its principal place of business located at 1-7-1 Konan Minato-ku, Tokyo 108-0075, Japan. Sony Corporation is in the business of developing, manufacturing, importing into the United States, and/or selling in the United States after importation point-to-point network communications devices and products containing same. Such devices include, but are not limited to, televisions, gaming consoles, handheld gaming

devices, computers, tablets, mobile phones, e-readers, Blu-ray players, home audio and theater systems, internet players, and VoIP phone systems.

Sony Corporation of America

20. Respondent Sony Corporation of America is a wholly-owned subsidiary of Sony Corporation and is a corporation organized and existing under the law of the State of New York, with its principal place of business located at 550 Madison Avenue, 27th Floor, New York, NY 10022-3211. Sony Corporation of America's registered agents for service of process are Corporation Service Company, 2730 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833. It is the umbrella company under which all Sony companies operate in the United States. Sony's principal U.S. businesses include Sony Electronics Inc., Sony Pictures Entertainment Inc., Sony Computer Entertainment Inc., Sony Music Entertainment Inc., Sony/ATV Music Publishing, and Sony Electronics Inc., which imports into the United States, sells for importation into the United States, and/or sells within the United States after importation certain point-to-point communication devices. Such devices include, but are not limited to, televisions, gaming consoles, handheld gaming devices, computers, tablets, mobile phones, e-readers, Blu-ray players, home audio and theater systems, internet players, and VoIP phone systems.

Sony Electronics Inc.

21. Sony Electronics Inc. ("Sony Electronics"), headquartered in San Diego, California, is the largest component of Sony Corporation of America, the U.S. holding company for Sony's U.S.-based electronics and entertainment businesses. Sony Electronics is the U.S. sales and marketing arm of Sony's global electronics business, providing audio/video electronics and information technology products for the consumer and professional markets. Sony Electronics's operations include research and development, design, engineering, sales,

marketing, distribution, and customer service. Sony Electronics imports into the United States, sells for importation into the United States, and/or sells after importation a wide range of consumer products, including point-to-point network communications devices and products containing same.

Sony Mobile Communications AB

22. Sony Mobile Communications AB (formerly Sony Ericsson Mobile Communications AB) is a multinational mobile phone manufacturing company headquartered in Tokyo, Japan, and a wholly owned subsidiary of Sony Corporation. It was founded on October 1, 2001 as a joint venture between Sony and the Swedish telecommunications equipment company Ericsson, under the name Sony Ericsson. Sony acquired Ericsson's share in the venture on February 16, 2012. Sony Mobile Communications is the world's 10th-largest mobile phone manufacturer by market share in the first quarter of 2012. It is the world's third-largest smartphone manufacturer by market share in the third quarter of 2012. Sony Mobile Communications AB is in the business of selling point-to-point network communications devices and products containing same, such as smartphones, wireless systems, and wireless voice devices that have been imported into the United States.

Sony Ericsson Mobile Communications (USA) Inc.

23. Sony Ericsson Mobile Communications (USA) Inc. ("Sony Ericsson Mobile USA") is a wholly-owned subsidiary of Sony Mobile Communications AB. Sony Ericsson Mobile USA is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 3333 Piedmont Road NE, Ste. 600, Atlanta, GA 30305. Its registered agent is Capitol Corporate Services, Inc., 120 Penmarc Drive, Suite 118, Raleigh, NC 27603. On information and belief, Sony Ericsson Mobile USA manages

some North American operations of Sony Mobile Communications AB. Sony Ericsson Mobile USA's parent maintains manufacturing facilities in China, which produces products sold in the United States after importation by Sony Ericsson Mobile USA.

Sony Computer Entertainment, Inc.

24. Sony Computer Entertainment, Inc. ("SCE") is a foreign company organized and existing under the laws of Japan, with its principal place of business located at 1-7-1 Konan Minato-ku, Tokyo 108-0075, Japan. It is a major video game company specializing in a variety of areas in the video game industry, and is a wholly owned subsidiary and part of the Consumer Products & Services Group of Sony Corporation. Sony Computer Entertainment handles the production and sales of both hardware and software of the PlayStation and PS one game console, PlayStation 2, PlayStation 3, and PlayStation 4 computer entertainment systems. SCE currently has headquarters in Minami-Aoyama, Minato, Tokyo, Japan (Sony Computer Entertainment Japan & Sony Computer Entertainment Asia) which control operations in Asia; and Foster City, California, US (Sony Computer Entertainment America) which controls operations in North America. SCE also has smaller offices and distribution centers in Los Angeles.

Sony Computer Entertainment America LLC

25. Sony Computer Entertainment America LLC ("SCEA") is a limited liability company organized and existing under the laws of Delaware with its principal place of business located at 919 East Hillsdale Boulevard, 2nd Floor, Foster City, CA 94404. SCEA is a wholly-owned subsidiary of Respondent Sony Corporation. SCEA develops and markets video games consoles in the United States and serves as headquarters for all Sony operations in North America involving gaming devices and related products. SCEA is in the business of importing

into the United States, selling for importation into the United States, and selling after importation into the United States point-to-point network communications devices and products containing same, including but not limited to gaming devices such as the PlayStation and PS one game console, PlayStation 2, PlayStation 3, and PlayStation 4 computer entertainment systems, and online and network services, such as PlayStation Network and PlayStation Store.

Sony Computer Entertainment America Inc.

26. Sony Computer Entertainment America Inc. ("SCEA Inc.") is a corporation organized and existing under the laws of Delaware with its principal place of business located at 919 East Hillsdale Boulevard, 2nd Floor, Foster City, CA 94404. SCEA Inc. is a wholly-owned subsidiary of Respondent Sony Corporation. SCEA Inc. develops and markets video games consoles in the United States. SCEA Inc. is in the business of importing into the United States, selling for importation into the United States, and selling after importation into the United States point-to-point network communications devices and products containing same, including but not limited to gaming devices such as the PlayStation and PS one game console, PlayStation 2, PlayStation 3, and PlayStation 4 computer entertainment systems, and online and network services, such as PlayStation Network and PlayStation Store.

Sony Mobile Communications (USA) Inc.

27. Respondent Sony Mobile Communications (USA) Inc. is a wholly-owned subsidiary of Respondent Sony Mobile Communications AB. Sony Mobile Communications (USA) Inc. is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 7001 Development Drive, Research Triangle Park, North Carolina 27709. On information and belief, Respondent Sony Mobile Communications (USA) Inc. manages the North American operations of Respondent Sony Mobile



Communications AB. Sony Mobile Communications (USA) Inc.'s parent maintains manufacturing facilities in China, which produces products imported into the United States, sold for importation into the United States, and sold after importation into the United States by Sony Mobile Communications (USA) Inc. Sony Corporation, Sony Corporation of America, Sony Electronics, Inc., Sony Mobile Communications AB, Sony Mobile Communications (USA) Inc., Sony Computer Entertainment Inc., and Sony Computer Entertainment America LLC are referred to collectively as "Sony."

Toshiba Corporation

28. Respondent Toshiba Corporation is a foreign company organized and existing under the laws of Japan, with its principal place of business located at 1-1, Shibaura 1-Chrome, Minato-Ku Tokyo 105-8001, Japan. Toshiba Corporation is the entity at the top of the Toshiba corporate structure, and maintains more than 92% of its plant and equipment outside of North America. Toshiba Corporation generates more than 18% of its revenue from North America. Recognizing the importance of the United States market, Toshiba Corporation established a subsidiary in the United States, Toshiba America, Inc. Toshiba Corporation is in the business of selling point-to-point network communications devices and products containing same for importation into the United States. Such devices include, but are not limited to smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, gaming devices, set-top boxes, and VoIP phone systems.

Toshiba America, Inc.

29. Respondent Toshiba America, Inc. is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 1251 Avenue of the Americas, Suite 4110, New York, New York 10020. Toshiba America, Inc. is a

wholly owned subsidiary of Toshiba Corporation, and as such oversees the North American operations of Toshiba Corporation. Toshiba America, Inc. is the immediate parent of Toshiba America Information Systems, Inc. and is in the business of selling point-to-point communication devices that have been imported into the United States. Such devices include, but are not limited to smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, gaming devices, set-top boxes, and VoIP phone systems.

Toshiba America Information Systems, Inc.

30. Toshiba America Information Systems, Inc. is a corporation organized and existing under the laws of the state of California, with its principal place of business located at 9740 Irvine Blvd, Irvine, California 92618. Toshiba America Information Systems, Inc. is a consolidated subsidiary of Toshiba America, Inc., with an ultimate parent of Toshiba Corporation and is in the business of selling point-to-point communication devices that have been imported into the United States. The company's point-to-point communication devices include, without limitation, internet protocol-based surveillance equipment, televisions, Blu-ray players, portable computers, notebooks, tablets, and VoIP telephone systems. Toshiba Corporation; Toshiba America, Inc.; and Toshiba America Information Systems, Inc. are collectively referred to as "Toshiba."

Vizio, Inc.

31. Vizio, Inc. is a private corporation organized and existing under the laws of the state of California, with its principal place of business located at 39 Tesla, Irvine, California 92618. Vizio, Inc. has most of its products manufactured by AmTran Technology Co., Ltd. in China and/or Taiwan. Vizio is in the business of importing into the United States, selling for importation into the United States, and selling in the United States after importation

certain point-to-point communication devices for importation into the United States. Such devices include, but are not limited to, televisions and laptop and tablet computers.

AmTran Technology Co., Ltd.

32. AmTran Technology Co., Ltd. (“AmTran Technology”) is a corporation organized and existing under the laws of Taiwan, with its principle place of business at 17f, 268, Lien Cheng Rd., 23553 New Taipei City, Taiwan. AmTran Technology is in the business of manufacturing, importing into the United States, selling for importation into the United States, offering for sale after importation into the United States certain consumer point-to-point communication devices on behalf of Vizio. AmTran Technology maintains manufacturing facilities in at least China and Taiwan. AmTran Technology owns approximately 23% of Vizio, Inc.

AmTran Logistics, Inc.

33. AmTran Logistics, Inc. (“AmTran Logistics”) is a corporation organized and existing under the laws of the state of California, with its principle place of business at 9 Goddard, Irvine, California, 92618. AmTran Logistics is a wholly owned subsidiary of AmTran Technology. AmTran Logistics is in the business importing into the United States, selling for importation into the United States, offering for sale after importation into the United States certain consumer point-to-point communication devices on behalf of Vizio by AmTran Technology on behalf of Vizio. Vizio, AmTran Technology, and AmTran Logistics are collectively referred to as “Vizio.”

**III. THE ASSERTED ‘469 PATENT**

**A. Ownership and Asserted Claims of the ‘469 Patent**

34. United States Patent No. 6,009,469 (the “‘469 Patent”) is entitled “Graphic User Interface for Internet Telephony Application” and issued December 28, 1999 to

inventors Shane D. Mattaway, Glenn W. Hutton, and Craig B. Strickland. The '469 Patent issued from United States Patent Application No. 08/721,316 filed on September 25, 1996.

35. By way of assignment, Straight Path owns all rights, title, and interest to the '469 Patent. As required by Commission Rules 210.12(a)(9)(i)-(ii), a certified copy of the '469 Patent, its assignment record, and its file history are attached as Exhibit 2, Exhibit 3, and Exhibit 4 respectively. In accordance with Commission Rules 210.12(c)(1)-(2), Appendix A to this Complaint includes one certified and three additional copies of the United States Patent and Trademark Office prosecution history for the '469 Patent. Appendix B includes four copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '469 Patent.

36. All maintenance fees for the '469 Patent have been timely paid, and there are no fees currently due.

37. The '469 Patent has 17 claims, including 3 independent claims (1, 5, and 9), and 14 dependent claims. Complainant is asserting at least the following claims of the '469 Patent against the listed Respondents: Claims 1, 2, 3, 9, 10, 17, and 18.

**B. Licenses Relating to the '469 Patent**

38. Certain licensees exist to the '469 Patent. Exhibit 1, Confidential Declaration of Davidi Jonas at ¶6 sets forth details regarding the '469 Patent's licensees, including domestic industry licensees IDT Corporation and Microsoft Corporation/Skype.

39. Pursuant to Commission Rule 210.12(a)(9)(iv), Complainant has attached as Confidential Exhibits 1A-C, which comprise copies of each license agreement relating to the '469 Patent to establish Straight Path's contention that a domestic industry as defined in Section 337(a)(3) exists and/or is in the process of being established as the result of the domestic activities of one or more licensees. *See infra* Section XI.

**C. Foreign Counterparts to the '469 Patent**

40. In accordance with Commission Rule 210.12(a)(9)(v), Complainant identifies the foreign counterparts to the '469 Patent in Exhibit 39. In accordance with Commission Rule 210.12(a)(9)(v), Complainant states that it is aware of no other foreign counterparts issued, filed, abandoned, withdrawn, or rejected relating to the asserted '469 Patent.

**IV. THE ASSERTED '704 PATENT**

**A. Ownership and Asserted Claims of the '704 Patent**

41. United States Patent No. 6,108,704 (the "'704 Patent") is entitled "Point-To-Point Internet Protocol," and issued August 22, 2000 to inventors Glenn W. Hutton, Shane D. Mattaway, and Craig B. Strickland. The '704 Patent issued from United States Patent Application No. 08/533,115 filed on September 25, 1995.

42. By way of assignment, Straight Path owns all rights, title, and interest to the '704 Patent. As required by Commission Rules 210.12(a)(9)(i)-(ii), certified copies of the file history of the '704 Patent, the '704 Patent, and the '704 Patent's assignment record are attached as Exhibits 5, 6 and 7 respectively.

43. In accordance with Commission Rules 210.12(c)(1)-(2), Appendix C to this Complaint includes one certified and three additional copies of the United States Patent and Trademark Office prosecution history for the '704 Patent. Appendix D includes four copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '704 Patent.

44. All maintenance fees for the '704 Patent have been timely paid, and there are no fees currently due.

45. The '704 Patent has 40 claims, including 8 independent claims (Claims 1, 2, 4, 11, 22, 32, 33, and 38), and 32 dependent claims. Complainant is asserting at least the

following claims of the '704 Patent against each of the Respondents: Claims 1, 11, 12, 19, 22, 23, and 30.

**B. Licenses Relating to the '704 Patent**

46. Certain licensees exist to the '704 Patent. Exhibit 1, Confidential Declaration of Davidi Jonas at ¶6 sets forth details regarding the '704 Patent's licensees, including domestic industry licensees IDT Corporation and Microsoft Corporation/Skype.

47. Pursuant to Commission Rule 210.12(a)(9)(iv), Complainant has attached as Confidential Exhibits 1A-C, which comprise copies of each license agreement relating to the '704 Patent to establish its contention that a domestic industry as defined in Section 337(a)(3) exists as the result of the domestic activities of one or more licensees. *See infra* Section XI.

**C. Foreign Counterparts to the '704 Patent**

48. In accordance with Commission Rule 210.12(a)(9)(v), Complainant identifies the foreign counterparts to the '704 Patent in Exhibit 39.

49. In accordance with Commission Rule 210.12(a)(9)(v), Complainant states that it is aware of no other foreign counterparts issued, filed, abandoned, withdrawn, or rejected relating to the asserted '704 Patent.

**V. THE ASSERTED '121 PATENT**

**A. Ownership and Asserted Claims of the '121 Patent**

50. United States Patent No. 6,131,121 (the "'121 Patent") is entitled "Point-To-Point Computer Network Communication Utility Utilizing Dynamically Assigned Network Protocol Address," and issued October 10, 2000 to inventors Shane D. Mattaway, Glenn W. Hutton, and Craig B. Strickland. The '121 Patent issued from United States Patent Application No. 08/719,554 filed on September 25, 1996.

51. By way of assignment, Complainant owns all rights, title, and interest to the '121 Patent. As required by Commission Rules 210.12(a)(9)(i)-(ii), certified copies of the '121 Patent, its assignment record, and file history are attached as Exhibits 8, 9, and 9A.

52. Further, in accordance with Commission Rules 210.12(c)(1)-(2), Appendix E to this Complaint includes one certified and three additional copies of the United States Patent and Trademark Office prosecution history for the '121 Patent. Appendix F includes four copies of each patent and applicable pages of each technical reference mentioned in the prosecution history of the '121 Patent.

53. All maintenance fees for the '121 Patent have been timely paid, and there are no fees currently due.

54. The '121 Patent has 14 claims, including 12 independent claims (Claims 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, and 14), and 2 dependent claims. Complainant is asserting at least the following claims of the '121 Patent against each of the Respondents: Claims 6 and 13.

**B. Licenses Relating to the '121 Patent**

55. Certain licensees exist to the '121 Patent. Exhibit 1, Confidential Declaration of Davidi Jonas at ¶6 sets forth details regarding the '121 Patent's licensees, including domestic industry licensees IDT Corporation and Microsoft Corporation/Skype.

56. Pursuant to Commission Rule 210.12(a)(9)(iv), Complainant has attached as Confidential Exhibits 1A-C, which comprise copies of each license agreement relating to the '121 Patent to establish its contention that a domestic industry as defined in Section 337(a)(3) exists as the result of the domestic activities of one or more licensees. *See infra* Section XI.

**C. Foreign Counterparts to the '121 Patent**

57. In accordance with Commission Rule 210.12(a)(9)(v), Complainant identifies the foreign counterparts to the '121 Patent in Exhibit 39.

58. In accordance with Commission Rule 210.12(a)(9)(v), Complainant states that it is aware of no other foreign counterparts issued, filed, abandoned, withdrawn, or rejected relating to the asserted '121 Patent.

## **VI. NON-TECHNICAL DESCRIPTION OF THE PATENTED TECHNOLOGY**

59. The asserted patents disclose the following inventions related generally to point-to-point network communications. All asserted patents are related to the '704 Patent, and all share the '704 Patent's specification. The following non-technical descriptions of the patented technology are not intended to limit, define or otherwise affect the construction and/or application of each patent's claim language:

### **The '704 Patent**

60. The '704 Patent discloses computer programs and methods for establishing point-to-point communication links over a network. A server helps create a point-to-point communication link between two processes. For example, these two processes could be, but are not limited to, smartphone video chat clients or media streaming devices. Upon connecting to the network, the first process receives a network protocol address. Next, it sends this network protocol address to the server. It then queries the server about a second process. It receives a response from the server with the network protocol address of the second process, when the second process is connected to the network. The first process and second process then establish a point-to-point communication link.

### **The '469 Patent**

61. The '469 Patent is a child of the '704 Patent. Similar to the '704 Patent, the '469 Patent discloses computer programs and methods for establishing point-to-point communication links over a network. The '469 Patent also discloses user-interfaces to help form point-to-point communication links.



### **The '121 Patent**

62. The '121 Patent is a child of the '704 Patent. Similar to the '704 Patent, the '121 Patent discloses computer programs and methods for establishing point-to-point communication links over a network. The '121 Patent also discloses the use of dynamically assigned network protocol addresses when forming point-to-point communication links.

### **VII. STATEMENT OF FACTS CONSTITUTING UNFAIR ACTS OF RESPONDENTS – PATENT INFRINGEMENT**

63. The unfair acts of the Respondents include the manufacture for importation into the United States, the importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of certain point-to-point network communications devices and products containing same, including, without limitation, smartphone handsets, tablet computers, eReaders, smart TVs, gaming consoles, Blu-ray players, set-top boxes, and VoIP phone systems. Because providing physical exhibits of each of the large number of accused products is impracticable, Complainant is providing charts comparing claims of the Asserted Patents to representative products and photographs of the representative infringing devices.

#### **A. Infringement of the '469 Patent**

##### **LG**

##### **a. Infringement**

64. On information and belief, Respondent LG is engaged in the manufacture for importation into the United States, the importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of certain point-to-point network communications devices, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, and

set-top boxes, that infringe literally or by equivalence at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent.

65. Complainant has obtained smartphone handset devices, smart TV devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, LG imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent. On information and belief, at the time of importation of these devices, LG is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '469 Patent.

66. On information and belief, LG has imported into the United States and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '469 Patent. LG knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by LG. At least as of the filing of this Complaint, LG has actual knowledge of the '469 Patent. In addition to actual knowledge of the '469 Patent, at least as of the date of this Complaint, LG also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '469 Patent. On information and belief, LG continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '469 Patent. Thus, on information and belief, LG induces infringement of the '469 Patent.

67. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 10 includes a chart comparing independent claims 1 and 9 of the '469 Patent to LG's Optimus G device.

Exhibit 10 shows that the Optimus G device is covered by at least claims 1 and 9 of the '469 Patent. LG's Optimus G device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '469 Patent in a similar manner as other LG devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1 and 9 of the '469 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent LG. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 10 contains photographs of LG's Optimus G device.

b. Specific Instance of Sale and Importation

68. On information and belief, Respondent LG manufactures for importation into the United States, imports into the United States, sells for importation into the United States, and/or sells within the United States after importation certain point-to-point network communications devices including, but not limited to the Optimus G device depicted in Exhibit 10. Pursuant to Commission Rule 210.12(a)(3), Exhibit 11 is a receipt from Amazon.com showing a sale of LG's Optimus G device within the United States. The LG Optimus G device is marked as "Made in Korea" as shown in the photograph contained in Exhibit 12. Thus, LG is violating Section 337 of the Tariff Act of 1930 by directly infringing the '469 Patent by importing, and/or selling within the United States after importation the Optimus G device.

**Panasonic**

a. Infringement

69. On information and belief, Respondent Panasonic is engaged in the manufacture for importation into the United States, importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation

of certain point-to-point network communications devices, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, set-top boxes, and VoIP phone systems that infringe literally or by equivalence at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent.

70. Complainant has obtained smart TV devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, Panasonic imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent. On information and belief, at the time of importation of these devices, Panasonic is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '469 Patent.

71. On information and belief, Panasonic has imported into the United States and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '469 Patent. Panasonic knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Panasonic. At least as of the filing of this Complaint, Panasonic has actual knowledge of the '469 Patent. In addition to actual knowledge of the '469 Patent, at least as of the date of this Complaint, Panasonic also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '469 Patent. On information and belief, Panasonic continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which

infringes the '469 Patent. Thus, on information and belief, Panasonic induces the infringement of the '469 Patent.

72. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 13 includes a chart comparing independent claims 1 and 9 of the '469 Patent to Panasonic's 42" Viera TV device. Exhibit 13 shows that the Viera TV device is covered by at least claims 1 and 9 of the '469 Patent. Panasonic's Viera TV device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '469 Patent in a similar manner as other Panasonic devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1 and 9 of the '469 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Panasonic. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 13 contains photographs of Panasonic's Viera TV device.

b. Specific Instance of Sale and Importation

73. On information and belief, Respondent Panasonic manufactures for importation into the United States, imports into the United States, sells for importation into the United States, and/or sells within the United States after importation the Viera TV device depicted in Exhibit 13. Pursuant to Commission Rule 210.12(a)(3), Exhibit 14 is a receipt from Amazon.com showing a sale of Panasonic's Viera TV device within the United States. The Panasonic Viera TV device is marked as "Assembled in Mexico" as shown in the photograph contained in Exhibit 15. Thus, Panasonic is violating Section 337 of the Tariff Act of 1930 by directly infringing, contributorily infringing and/or inducing infringement of claims the '469 Patent by importing, and/or selling within the United States after importation the Viera TV device.

**Sharp**

a. Infringement

74. On information and belief, Respondent Sharp is engaged in the manufacture for importation into the United States, importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of certain point-to-point network communications devices, including for example but without limitation, shartphone handsets, televisions, computers, tablets, mobile phones, and Blu-ray players that infringe literally or by equivalence at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent.

75. Complainant has obtained smartphone handset devices and smart TV devices that, on information and belief, Sharp imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent. On information and belief, at the time of importation of these devices,

Sharp is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '469 Patent.

76. On information and belief, Sharp has imported into the United States and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '469 Patent. Sharp knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Sharp. At least as of the filing of this Complaint, Sharp has actual knowledge of the '469 Patent. In addition to actual knowledge of the '469 Patent, at least as of the date of this Complaint, Sharp also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '469 Patent. On information and belief, Sharp continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '469 Patent. Thus, on information and belief, Sharp induces the infringement of the '469 Patent.

77. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 61 includes a chart comparing independent claims 1 and 9 of the '469 Patent to Sharp's LC-60LE650U Aquos LED TV 42" device ("Aquos LED TV"). Exhibit 61 shows that the Aquos LED TV device is covered by at least claims 1 and 9 of the '469 Patent. Sharp's Aquos LED TV device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '469 Patent in a similar manner as other Sharp devices. Complainant believes that numerous other point-to-point network communication devices that are covered by

at least claims 1 and 9 of the '469 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Sharp. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 61 contains photographs of Sharp's Aquos LED TV device.

b. Specific Instance of Sale and Importation

78. On information and belief, Respondent Sharp manufactures for importation into the United States, imports into the United States, sells for importation into the United States, and/or sells within the United States after importation the Aquos LED TV device depicted in Exhibit 61. Pursuant to Commission Rule 210.12(a)(3), Exhibit 62 is a receipt from Amazon.com showing a sale of Sharp's Aquos LED TV device within the United States. The Sharp Aquos LED TV device is marked as "Made in Mexico" as shown in the photograph contained in Exhibit 63. Thus, Sharp is violating Section 337 of the Tariff Act of 1930 by directly infringing, contributorily infringing and/or inducing infringement of claims the '469 Patent by importing, and/or selling within the United States after importation the Aquos LED TV device.

**Sony**

a. Infringement

79. On information and belief, Respondent Sony is engaged in the manufacture for importation into the United States, the importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain point-to-point network communications devices, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, gaming devices, set-top boxes, and VoIP phone systems that infringe literally or by equivalence at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent.



80. Complainant has obtained smartphone handset devices, tablet devices, smart TV devices, gaming console devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, Sony imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent. On information and belief, at the time of importation of these devices, Sony is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '469 Patent.

81. On information and belief, Sony has imported into the United States, and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '469 Patent. Sony knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Sony. At least as of the filing of this Complaint, Sony has actual knowledge of the '469 Patent. In addition to actual knowledge of the '469 Patent, at least as of the date of this Complaint, Sony also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '469 Patent. On information and belief, Sony continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '469 Patent. Thus, on information and belief, Sony is inducing infringement of the '469 Patent.

82. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 16 includes a chart comparing independent claims 1 and 9 of the '469 Patent to Sony's Xperia ZL device.

Exhibit 16 shows that the Xperia ZL device is covered by at least claims 1 and 9 of the '469 Patent. Sony's Xperia ZL device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '469 Patent in a similar manner as other Sony devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1 and 9 of the '469 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Sony. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 16 contains photographs of Sony's Xperia ZL device.

b. Specific Instance of Sale and Importation

83. On information and belief, Respondent Sony manufactures for importation into the United State, imports into the United States, sells for importation into the United States, and/or sells within the United States after importation the Xperia ZL device depicted in Exhibit 16. Pursuant to Commission Rule 210.12(a)(3), Exhibit 17 is a receipt from Amazon.com showing a sale of Sony's Xperia ZL device within the United States. The Sony Xperia ZL device is marked as "Made in China" as shown in the photograph contained in Exhibit 18. Thus, Sony is violating Section 337 of the Tariff Act of 1930 by directly infringing, contributorily infringing and/or inducing infringement of the claims the '469 Patent by importing into, and/or selling within the United States after importation the Xperia ZL device.

**Toshiba**

a. Infringement

84. On information and belief, Respondent Toshiba is engaged in the manufacture for importation into the United States, the importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain point-to-point network communications devices, including for example but without limitation,

smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, set-top boxes, and VoIP phone systems that infringe literally or by equivalence at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent.

85. Complainant has obtained tablet devices, smart TV devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, Toshiba imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent. On information and belief, at the time of importation of these devices, Toshiba is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '469 Patent.

86. On information and belief, Toshiba has imported into the United States and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '469 Patent. Toshiba knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Toshiba. At least as of the filing of this Complaint, Toshiba has actual knowledge of the '469 Patent. In addition to actual knowledge of the '469 Patent, at least as of the date of this Complaint, Toshiba also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '469 Patent. On information and belief, Toshiba continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '469 Patent. Thus, on information and belief, Toshiba is inducing the infringement of the '469 Patent.

87. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 19 includes a chart comparing independent claims 1 and 9 of the '469 Patent to Toshiba's Excite 10 SE Tablet device. Exhibit 19 shows that the Excite 10 SE Tablet device is covered by at least claims 1 and 9 of the '469 Patent. Toshiba's Excite 10 SE Tablet device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '469 Patent in a similar manner as other Toshiba devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1 and 9 of the '469 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Toshiba. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 19 contains photographs of Toshiba's Excite 10 SE Tablet device.

b. Specific Instance of Sale and Importation

88. On information and belief, Respondent Toshiba imports into and/or sells within the United States after importation the Excite 10 SE Tablet device depicted in Exhibit 19. Pursuant to Commission Rule 210.12(a)(3), Exhibit 20 is a receipt from ToshibaDirect.com showing a sale of Toshiba's Excite 10 SE Tablet device within the United States. The Toshiba Excite 10 SE Tablet device is marked as "Made in China" as shown in the photograph contained in Exhibit 21. Thus, Toshiba is violating Section 337 of the Tariff Act of 1930 by directly infringing, contributorily infringing and/or inducing infringement of these claims the '469 Patent by importing, and/or selling within the United States after importation the Excite 10 SE Tablet device.

**Vizio**

a. Infringement

89. On information and belief, Respondent Vizio is engaged in the manufacture for importation into the United States, the importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain point-to-point network communications devices, including for example but without limitation, smartphone handsets, tablet computers, smart TVs, Blu-ray players and set-top boxes that infringe literally or by equivalence at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent.

90. Complainant has obtained smart TV devices, and streaming set-top box devices that, on information and belief, Vizio imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 2, 3, 9, 10, 17 and 18 of the '469 Patent. On information and belief, at the time of importation of these devices, Vizio is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '469 Patent.

91. On information and belief, Vizio has imported into the United States, and extensively sold within the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '469 Patent. Vizio knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Vizio. At least as of the filing of this Complaint, Vizio has actual knowledge of the '469 Patent. In addition to actual knowledge of the '469 Patent, at least as of the date of this Complaint, Vizio also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '469 Patent. On information and belief, Vizio continues to import products into the United States and distribute product literature and website materials

inducing consumers to use its products in the customary and intended manner which infringes the '469 Patent. Thus, on information and belief, Vizio is inducing the infringement of the '469 Patent.

92. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 22 includes a chart comparing independent claims 1 and 9 of the '469 Patent to Vizio's E-Series Smart TV device. Exhibit 22 shows that the E-Series Smart TV device is covered by at least claims 1 and 9 of the '469 Patent. Vizio's E-Series Smart TV device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '469 Patent in a similar manner as other Vizio devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1 and 9 of the '469 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Vizio. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 22 contains photographs of Vizio's E-Series Smart TV device.

b. Specific Instance of Sale and Importation

93. On information and belief, Respondent Vizio imports into and/or sells within the United States after importation the E-Series Smart TV device depicted in Exhibit 22. Pursuant to Commission Rule 210.12(a)(3), Exhibit 23 is a receipt from Amazon.com showing a sale of Vizio's E420i-A1 LED Smart TV device within the United States. The Vizio E-Series Smart TV device is marked as "Assembled in Mexico" as shown in the photograph contained in Exhibit 24. Thus, Vizio is violating Section 337 of the Tariff Act of 1930 by directly infringing, contributorily infringing and/or inducing infringement of these claims the '469 Patent by importing, and/or selling within the United States after importation the E-Series Smart TV device.

B. Infringement of the '704 Patent

LG

a. Infringement

94. On information and belief, Respondent LG is engaged in the manufacture for importation into the United States, importation into the United States, and/or the sale within the United States after importation of certain point-to-point network communications devices and products containing same, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, set-top boxes that infringe literally or by equivalence at least claims 1, 11, 12, 19, 22, 23, and 30 of the '704 Patent.

95. Complainant has obtained smartphone handset devices, smart TV devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, LG imported into the United States and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 11, 12, 19, 22, 23, and 30 of the '704 Patent. On information

and belief, at the time of importation of these devices, LG is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '704 Patent.

96. On information and belief, LG has imported into the United States and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '704 Patent. LG knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by LG. At least as of the filing of this Complaint, LG has actual knowledge of the '704 Patent. In addition to actual knowledge of the '704 Patent, at least as of the date of this Complaint, LG also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '704 Patent. On information and belief, LG continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '704 Patent. Thus, on information and belief, LG is inducing the infringement of the '704 Patent.

97. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 25 includes a chart comparing independent claims 1, 11 and 22 of the '704 Patent to LG's Optimus G device. Exhibit 25 shows that the Optimus G device is covered by at least claims 1, 11, and 22 of the '704 Patent. LG's Optimus G device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '704 Patent in a similar manner as other LG devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1, 11 and 22 of the '704 Patent have been imported into the United States, sold for importation into the United States, or sold within



the United States after importation by Respondent LG. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 25 contains photographs of LG's Optimus G device.

b. Specific Instance of Sale and Importation

98. On information and belief, Respondent LG manufactures for importation into the United States, imports into the United States, sells for importation into the United States, and/or sells within the United States after importation the Optimus G device depicted in Exhibit 25. Pursuant to Commission Rule 210.12(a)(3), Exhibit 11 is a receipt from Amazon.com showing a sale of LG's Optimus G device within the United States. The LG Optimus G device is marked as "Made in Korea" as shown in the photograph contained in Exhibit 12. Thus, LG is violating Section 337 of the Tariff Act of 1930 by directly infringing the '704 Patent by importing, and/or selling within the United States after importation the Optimus G device.

**Panasonic**

a. Infringement

99. On information and belief, Respondent Panasonic is engaged in the manufacture for importation into the United States, the importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation into the United States of certain point-to-point network communications devices, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, set-top boxes, and VoIP phone systems that infringe literally or by equivalence at least claims 1, 11, 12, 19, 22, 23, and 30 of the '704 Patent.

100. Complainant has obtained smart TV devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, Panasonic imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 11,

12, 19, 22, 23, and 30 of the '704 Patent. On information and belief, at the time of importation of these devices, Panasonic is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '704 Patent.

101. On information and belief, Panasonic has imported into the United States, and extensively sold within the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '704 Patent. Panasonic knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Panasonic. At least as of the filing of this Complaint, Panasonic has actual knowledge of the '704 Patent. In addition to actual knowledge of the '704 Patent, at least as of the date of this Complaint, Panasonic also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '704 Patent. On information and belief, Panasonic continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '704 Patent. Thus, on information and belief, Panasonic is inducing infringement of the '704 Patent.

102. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 26 includes a chart comparing independent claims 1, 11 and 22 of the '704 Patent to Panasonic's 42" Viera TV device. Exhibit 26 shows that the Viera TV device is covered by at least claims 1, 11 and 22 of the '704 Patent. Panasonic's Viera TV device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '704 Patent in a similar manner as other Panasonic devices. Complainant believes that numerous other point-

to-point network communication devices that are covered by at least claims 1, 11 and 22 of the '704 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Panasonic. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 26 contains photographs of Panasonic's Viera TV device.

b. Specific Instance of Sale and Importation

**103.** On information and belief, Respondent Panasonic manufactures for importation into the United States, imports into the United States, and/or sells within the United States after importation the Viera TV device depicted in Exhibit 26. Pursuant to Commission Rule 210.12(a)(3), Exhibit 14 is a receipt from Amazon.com showing a sale of Panasonic's Viera TV device within the United States. The Panasonic Viera TV device is marked as "Assembled in Mexico" as shown in the photograph contained in Exhibit 15. Thus, Panasonic is violating Section 337 of the Tariff Act of 1930 by directly infringing the '704 Patent by importing, and/or selling within the United States after importation the Viera TV device.

**Sharp**

a. Infringement

**104.** On information and belief, Respondent Sharp is engaged in the manufacture for importation into the United States, the importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation into the United States of certain point-to-point network communications devices, including for example but without limitation, smartphone handsets, televisions, computers, tablets, mobile phones, and Blu-ray players that infringe literally or by equivalence at least claims 1, 11, 12, 19, 22, 23, and 30 of the '704 Patent.

**105.** Complainant has obtained smartphone handsets and smart TV devices that, on information and belief, Sharp imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 11, 12, 19, 22, 23, and 30 of the '704 Patent. On information and belief, at the time of importation of these devices, Sharp is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '704 Patent.

**106.** On information and belief, Sharp has imported into the United States, and extensively sold within the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '704 Patent. Sharp knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Sharp. At least as of the filing of this Complaint, Sharp has actual knowledge of the '704 Patent. In addition to actual knowledge of the '704 Patent, at least as of the date of this Complaint, Sharp also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '704 Patent. On information and belief, Sharp continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '704 Patent. Thus, on information and belief, Sharp is inducing infringement of the '704 Patent.

**107.** Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 64 includes a chart comparing independent claims 1, 11 and 22 of the '704 Patent to Sharp's FX Plus smartphone ("FX Plus") device. Exhibit 64 shows that the FX Plus device is covered by at least

claims 1, 11 and 22 of the '704 Patent. Sharp's FX Plus device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '704 Patent in a similar manner as other Sharp devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1, 11 and 22 of the '704 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Sharp. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 64 contains photographs of Sharp's FX Plus device.

b. Specific Instance of Sale and Importation

**108.** On information and belief, Respondent Sharp manufactures for importation into the United States, imports into the United States, and/or sells within the United States after importation the FX Plus device depicted in Exhibit 64. Pursuant to Commission Rule 210.12(a)(3), Exhibit 62 is a receipt from Amazon.com showing a sale of Sharp's FX Plus device within the United States. The Sharp FX Plus device is marked as "Made in China" as shown in the photograph contained in Exhibit 65. Thus, Sharp is violating Section 337 of the Tariff Act of 1930 by directly infringing the '704 Patent by importing, and/or selling within the United States after importation the FX Plus device.

**Sony**

a. Infringement

**109.** On information and belief, Respondent Sony is engaged in the manufacture for importation into the United States, the importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of certain point-to-point network communications devices, including for example

but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, gaming devices, set-top boxes, and VoIP phone systems that infringe literally or by equivalence at least claims 1, 11, 12, 19, 22, 23, and 30 of the '704 Patent.

**110.** Complainant has obtained smartphone handset devices, tablet devices, smart TV devices, gaming console devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, Sony imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 11, 12, 19, 22, 23, and 30 of the '704 Patent. On information and belief, at the time of importation of these devices, Sony is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '704 Patent.

**111.** On information and belief, Sony has imported into the United States, and extensively sold one or more products after importation into the United States which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '704 Patent. Sony knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Sony. At least as of the filing of this Complaint, Sony has actual knowledge of the '704 Patent. In addition to actual knowledge of the '704 Patent, at least as of the date of this Complaint, Sony also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '704 Patent. On information and belief, Sony continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes

the '704 Patent. Thus, on information and belief, Sony is inducing the infringement of the '704 Patent.

112. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 27 includes a chart comparing independent claims 1, 11 and 22 of the '704 Patent to Sony's PlayStation3 device. Exhibit 27 shows that the PlayStation3 device is covered by at least claims 1, 11 and 22 of the '704 Patent. Sony's PlayStation3 device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '704 Patent in a similar manner as other Sony devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1, 11 and 22 of the '704 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Sony. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 27 contains photographs of Sony's PlayStation3 device.

b. Specific Instance of Sale and Importation

113. On information and belief, Respondent Sony manufactures for importation into the United States, imports into the United States, and/or sells within the United States after importation the PlayStation3 device depicted in Exhibit 27. Pursuant to Commission Rule 210.12(a)(3), Exhibit 17 is a receipt from Amazon.com showing a sale of Sony's PlayStation3 device within the United States. The Sony PlayStation3 device is marked as "Made in China" as shown in the photograph contained in Exhibit 28. Thus, Sony is violating Section 337 of the Tariff Act of 1930 by directly infringing the '704 Patent by importing, and/or selling within the United States after importation the PlayStation3 device.

**Toshiba**

a. Infringement

114. On information and belief, Respondent Toshiba is engaged in the manufacture for importation into the United States, the importation, and/or the sale within the United States after importation, of certain point-to-point network communications devices and products containing same, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, set-top boxes, and VoIP phone systems that infringe literally or by equivalence at least claims 1, 11, 12, 19, 22, 23, and 30 of the '704 Patent.

115. Complainant has obtained tablet devices, smart TV devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, Toshiba imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 11, 12, 19, 22, 23, and 30 of the '704 Patent. On information and belief, at the time of importation of these devices, Toshiba is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '704 Patent.

116. On information and belief, Toshiba has imported into the United States, and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '704 Patent. Toshiba knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Toshiba. At least as of the filing of this Complaint, Toshiba has actual knowledge of the '704 Patent. In addition to actual knowledge of the '704 Patent, at least as of the date of this Complaint, Toshiba also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '704 Patent. On information and belief, Toshiba



continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '704 Patent. Thus, on information and belief, Toshiba is inducing the infringement of the '704 Patent.

117. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 29 includes a chart comparing independent claims 1, 11 and 22 of the '704 Patent to Toshiba's Excite 10 SE Tablet device. Exhibit 29 shows that the Excite 10 SE Tablet device is covered by at least claims 1, 11 and 22 of the '704 Patent. Toshiba's 10 SE Tablet device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '704 Patent in a similar manner as other Toshiba devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1, 11 and 22 of the '704 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Toshiba. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 29 contains photographs of Toshiba's Excite 10 SE Tablet device.

b. Specific Instance of Sale and Importation

118. On information and belief, Respondent Toshiba imports into and/or sells within the United States after importation the Excite 10 SE Tablet device depicted in Exhibit 29. Pursuant to Commission Rule 210.12(a)(3), Exhibit 20 is a receipt from ToshibaDirect.com showing a sale of Toshiba's Excite 10 SE Tablet device within the United States. The Toshiba Excite 10 SE Tablet device is marked as "Made in China" as shown in the photograph contained in Exhibit 21. Thus, Toshiba is violating Section 337 of the Tariff Act of 1930 by directly

infringing the '704 Patent by importing, and/or selling within the United States after importation the Excite 10 SE Tablet device.

**Vizio**

a. Infringement

**119.** On information and belief, Respondent Vizio is engaged in the manufacture for importation into the United States, the importation into the United States, and/or the sale within the United States after importation, of certain point-to-point network communications devices and products containing same, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, and set-top boxes that infringe literally or by equivalence at least claims 1, 11, 12, 19, 22, 23, and 30 of the '704 Patent.

**120.** Complainant has obtained smart TV devices, and streaming set-top box devices that, on information and belief, Vizio imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 1, 11, 12, 19, 22, 23, and 30 of the '704 Patent. On information and belief, at the time of importation of these devices, Vizio is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '704 Patent.

**121.** On information and belief, Vizio has imported into the United States, and extensively sold within the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '704 Patent. Vizio knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Vizio. At least as of the filing of this Complaint, Vizio has actual knowledge of the '704

Patent. In addition to actual knowledge of the '704 Patent, at least as of the date of this Complaint, Vizio also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '704 Patent. On information and belief, Vizio continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '704 Patent. Thus, on information and belief, Vizio is inducing the infringement of the '704 Patent.

122. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 30 includes a chart comparing independent claims 1, 11 and 22 of the '704 Patent to Vizio's E-Series Smart TV device. Exhibit 30 shows that the E-Series Smart TV device is covered by at least claims 1, 11 and 22 of the '704 Patent. Vizio's E-Series Smart TV device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '704 Patent in a similar manner as other Vizio devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 1, 11 and 22 of the '704 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Vizio. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 30 contains photographs of Vizio's E-Series Smart TV device.

b. Specific Instance of Sale and Importation

123. On information and belief, Respondent Vizio imports into the United States and/or sells within the United States after importation the E-Series Smart TV device depicted in Exhibit 30. Pursuant to Commission Rule 210.12(a)(3), Exhibit 23 is a receipt from Amazon.com showing a sale of Vizio's LED Smart TV device within the United States. The

Vizio E-Series Smart TV device is marked as “Assembled in Mexico” as shown in the photograph contained in Exhibit 24. Thus, Vizio is violating Section 337 of the Tariff Act of 1930 by directly infringing the ‘704 Patent by importing, and/or selling within the United States after importation the E-Series Smart TV device.

C. Infringement of the ‘121 Patent

LG

a. Infringement

124. On information and belief, Respondent LG is engaged in the manufacture for importation into the United States, the importation into the United States, and/or the sale within the United States after importation, of certain point-to-point network communications devices and products containing same, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, and set-top boxes that infringe literally or by equivalence at least claims 6 and 13 of the ‘121 Patent.

125. Complainant has obtained smartphone handset devices, smart TV devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, LG imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 6 and 13 of the ‘121 Patent. On information and belief, at the time of importation of these devices, LG is directly infringing, contributorily infringing and/or inducing infringement of these claims of the ‘121 Patent.

126. On information and belief, LG has imported into the United States and extensively sold within the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the ‘121 Patent. LG knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network

communications, as evidenced by at least product literature distributed with the imported devices by LG. At least as of the filing of this Complaint, 2013, LG has actual knowledge of the '121 Patent. In addition to actual knowledge of the '121 Patent, at least as of the date of this Complaint, LG also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '121 Patent. On information and belief, LG continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '121 Patent. Thus, on information and belief, LG is inducting the infringement of the '121 Patent.

127. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 31 includes a chart comparing independent claims 6 and 13 of the '121 Patent to LG's Optimus G device. Exhibit 31 shows that the Optimus G device is covered by at least claims 6 and 13 of the '121 Patent. LG's Optimus G device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '121 Patent in a similar manner as other LG devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 6 and 13 of the '121 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent LG. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 31 contains photographs of LG's Optimus G device.

b. Specific Instance of Sale and Importation

128. On information and belief, Respondent LG imports into and/or sells within the United States after importation the Optimus G device depicted in Exhibit 31. Pursuant to Commission Rule 210.12(a)(3), Exhibit 11 is a receipt from Amazon.com showing a sale of

LG's Optimus G device within the United States. The LG Optimus G device is marked as "Made in Korea" as shown in the photograph contained in Exhibit 12. Thus, LG is violating Section 337 of the Tariff Act of 1930 by directly infringing the '121 Patent by importing, and/or selling within the United States after importation the Optimus G device.

**Panasonic**

a. Infringement

**129.** On information and belief, Respondent Panasonic is engaged in the manufacture for importation into the United States, the importation into the United States, and/or the sale within the United States after importation, of certain point-to-point network communications devices and products containing same, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, set-top boxes, and VoIP phone systems that infringe literally or by equivalence at least claims 6 and 13 of the '121 Patent.

**130.** Complainant has obtained smart TV devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, Panasonic imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 6 and 13 of the '121 Patent. On information and belief, at the time of importation of these devices, Panasonic is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '121 Patent.

**131.** On information and belief, Panasonic has imported into the United States and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '121 Patent. Panasonic knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network

communications, as evidenced by at least product literature distributed with the imported devices by Panasonic. At least as of the filing of this Complaint, Panasonic has actual knowledge of the '121 Patent. In addition to actual knowledge of the '121 Patent, at least as of the date of this Complaint, Panasonic also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '121 Patent. On information and belief, Panasonic continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '121 Patent. Thus, on information and belief, Panasonic induces the infringement the '121 Patent.

132. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 32 includes a chart comparing independent claims 6 and 13 of the '121 Patent to Panasonic's 42" Viera TV device. Exhibit 32 shows that the Viera TV device is covered by at least claims 6 and 13 of the '121 Patent. Panasonic's Viera TV device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '121 Patent in a similar manner as other Panasonic devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 6 and 13 of the '121 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Panasonic. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 32 contains photographs of Panasonic's Viera TV device.

b. Specific Instance of Sale and Importation

133. On information and belief, Respondent Panasonic imports into and/or sells within the United States after importation the Viera TV device depicted in Exhibit 32. Pursuant to Commission Rule 210.12(a)(3), Exhibit 14 is a receipt from Amazon.com showing a sale of

Panasonic's Viera TV device within the United States. The Panasonic Viera TV device is marked as "Assembled in Mexico" as shown in the photograph contained in Exhibit 15. Thus, Panasonic is violating Section 337 of the Tariff Act of 1930 by directly infringing the '121 Patent by importing, and/or selling within the United States after importation the Viera TV device.

**Sharp**

a. Infringement

**134.** On information and belief, Respondent Sharp is engaged in the manufacture for importation into the United States, the importation into the United States, and/or the sale within the United States after importation, of certain point-to-point network communications devices and products containing same, including for example but without limitation, smartphone handsets, televisions, computers, tablets, mobile phones, and Blu-ray players that infringe literally or by equivalence at least claims 6 and 13 of the '121 Patent.

**135.** Complainant has obtained smartphone handsets and smart TV devices, that, on information and belief, Sharp imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 6 and 13 of the '121 Patent. On information and belief, at the time of importation of these devices, Sharp is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '121 Patent.

**136.** On information and belief, Sharp has imported into the United States and extensively sold in the United States after importation into the United States one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '121 Patent. Sharp knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point



network communications, as evidenced by at least product literature distributed with the imported devices by Sharp. At least as of the filing of this Complaint, Sharp has actual knowledge of the '121 Patent. In addition to actual knowledge of the '121 Patent, at least as of the date of this Complaint, Sharp also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '121 Patent. On information and belief, Sharp continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '121 Patent. Thus, on information and belief, Sharp induces the infringement the '121 Patent.

137. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 66 includes a chart comparing independent claims 6 and 13 of the '121 Patent to Sharp's LC-60LE650U Aquos LED TV 42" device ("Aquos LED TV"). Exhibit 66 shows that the Aquos LED TV device is covered by at least claims 6 and 13 of the '121 Patent. Sharp's Aquos LED TV device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '121 Patent in a similar manner as other Sharp devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 6 and 13 of the '121 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Sharp. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 66 contains photographs of Sharp's Aquos LED TV device.

b. Specific Instance of Sale and Importation

138. On information and belief, Respondent Sharp imports into and/or sells within the United States after importation the Aquos LED TV device depicted in Exhibit 66.

Pursuant to Commission Rule 210.12(a)(3), Exhibit 62 is a receipt from Amazon.com showing a sale of Sharp's Aquos LED TV device within the United States. The Sharps Aquos LED TV device is marked as "Made in Mexico" as shown in the photograph contained in Exhibit 63. Thus, Sharp is violating Section 337 of the Tariff Act of 1930 by directly infringing the '121 Patent by importing, and/or selling within the United States after importation the Aquos LED TV device.

**Sony**

a. Infringement

139. On information and belief, Respondent Sony is engaged in the manufacture for importation into the United States, the importation into the United States, and/or the sale within the United States after importation, of certain point-to-point network communications devices and products containing same, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, gaming devices, set-top boxes, and VoIP phone systems that infringe literally or by equivalence at least claims 6 and 13 of the '121 Patent.

140. Complainant has obtained smartphone handset devices, tablet devices, smart TV devices, gaming console devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, Sony imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 6 and 13 of the '121 Patent. On information and belief, at the time of importation of these devices, Sony is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '121 Patent.

141. On information and belief, Sony has imported and extensively sold one or more products which, if used for their normal and intended purpose, lead to direct infringement

by end users of the invention claimed in the '121 Patent. Sony knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Sony. At least as of the filing of this Complaint, Sony has actual knowledge of the '121 Patent. In addition to actual knowledge of the '121 Patent, at least as of the date of this Complaint, Sony also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '121 Patent. On information and belief, Sony continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '121 Patent. Thus, on information and belief, Sony is inducing the infringement of the '121 Patent.

142. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 33 includes a chart comparing independent claims 6 and 13 of the '121 Patent to Sony's Xperia ZL device. Exhibit 33 shows that the Xperia ZL device is covered by at least claims 6 and 13 of the '121 Patent. Sony's Xperia ZL device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '121 Patent in a similar manner as other Sony devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 6 and 13 of the '121 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Sony. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 33 contains photographs of Sony's Xperia ZL device.

b. Specific Instance of Sale and Importation

143. On information and belief, Respondent Sony manufactures for importation into the United States, imports into and/or sells within the United States after importation the Xperia ZL device depicted in Exhibit 33. Pursuant to Commission Rule 210.12(a)(3), Exhibit 17 is a receipt from Amazon.com showing a sale of Sony's Xperia ZL device within the United States. The Sony Xperia ZL device is marked as "Made in China" as shown in the photograph contained in Exhibit 18. Thus, Sony is violating Section 337 of the Tariff Act of 1930 by directly infringing the '121 Patent by importing, and/or selling within the United States after importation the Xperia ZL device.

**Toshiba**

a. Infringement

144. On information and belief, Respondent Toshiba is engaged in the manufacture for importation into the United States, the importation into the United States, and/or the sale within the United States after importation, of certain point-to-point network communications devices and products containing same, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, set-top boxes, and VoIP phone systems that infringe literally or by equivalence at least claims 6 and 13 of the '121 Patent.

145. Complainant has obtained tablet devices, smart TV devices, and Wi-Fi enabled Blu-ray player devices that, on information and belief, Toshiba imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 6 and 13 of the '121 Patent. On information and belief, at the time of importation of these devices, Toshiba is directly infringing, contributorily infringing and/or inducing infringement of these claims of the '121 Patent.

146. On information and belief, Toshiba has imported into the United States and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '121 Patent. Toshiba knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Toshiba. At least as of the filing of this Complaint, Toshiba has actual knowledge of the '121 Patent. In addition to actual knowledge of the '121 Patent, at least as of the date of this Complaint, Toshiba also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '121 Patent. On information and belief, Toshiba continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '121 Patent. Thus, on information and belief, Toshiba is inducing infringement of the '121 Patent.

147. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 34 includes a chart comparing independent claims 6 and 13 of the '121 Patent to Toshiba's Excite 10 SE Tablet device. Exhibit 34 shows that the Excite 10 SE Tablet device is covered by at least claims 6 and 13 of the '121 Patent. Toshiba's Excite 10 SE Tablet device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '121 Patent in a similar manner as other Toshiba devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 6 and 13 of the '121 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Toshiba. Pursuant to

Commission Rule 210.12(a)(9)(x), Exhibit 34 contains photographs of Toshiba's Excite 10 SE Tablet device.

b. Specific Instance of Sale and Importation

148. On information and belief, Respondent Toshiba imports into and/or sells within the United States after importation the Excite 10 SE Tablet device depicted in Exhibit 34. Pursuant to Commission Rule 210.12(a)(3), Exhibit 20 is a receipt from ToshibaDirect.com showing a sale of Toshiba's Excite 10 SE Tablet device within the United States. The Toshiba Excite 10 SE Tablet device is marked as "Made in China" as shown in the photograph contained in Exhibit 21. Thus, Toshiba is violating Section 337 of the Tariff Act of 1930 by directly infringing the '121 Patent by importing, and/or selling within the United States after importation the Excite 10 SE Tablet device.

**Vizio**

a. Infringement

149. On information and belief, Respondent Vizio is engaged in the manufacture for importation into the United States, the importation into the United States, and/or the sale within the United States after importation, of certain point-to-point network communications devices and products containing same, including for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players, and set-top boxes that infringe literally or by equivalence at least claims 6 and 13 of the '121 Patent.

150. Complainant has obtained smart TV devices, and streaming set-top box devices that, on information and belief, Vizio imported into and/or sold within the United States after importation, and that directly and/or indirectly infringe at least claims 6 and 13 of the '121 Patent. On information and belief, at the time of importation of these devices, Vizio is directly

infringing, contributorily infringing and/or inducing infringement of these claims of the '121 Patent.

151. On information and belief, Vizio has imported into the United States and extensively sold in the United States after importation one or more products which, if used for their normal and intended purpose, lead to direct infringement by end users of the invention claimed in the '121 Patent. Vizio knows and intends that the products will be used in their ordinary and customary manner for their intended purpose, namely point-to-point network communications, as evidenced by at least product literature distributed with the imported devices by Vizio. At least as of the filing of this Complaint Vizio has actual knowledge of the '121 Patent. In addition to actual knowledge of the '121 Patent, at least as of the date of this Complaint, Vizio also has knowledge that use of its devices by consumers in the customary and intended manner is likely to infringe the '121 Patent. On information and belief, Vizio continues to import products into the United States and distribute product literature and website materials inducing consumers to use its products in the customary and intended manner which infringes the '121 Patent. Thus, on information and belief, Vizio is inducing infringement of the '121 Patent.

152. Pursuant to Commission Rule 210.12(a)(9)(viii), Exhibit 35 includes a chart comparing independent claims 6 and 13 of the '121 Patent to Vizio's E-Series Smart TV device. Exhibit 35 shows that the E-Series Smart TV device is covered by at least claims 6 and 13 of the '121 Patent. Vizio's E-Series Smart TV device is a representative involved article under Commission Rule 210.12(a)(9)(viii) because it practices the invention claimed in the '121 Patent in a similar manner as other Vizio devices. Complainant believes that numerous other point-to-point network communication devices that are covered by at least claims 6 and 13 of the

'121 Patent have been imported into the United States, sold for importation into the United States, or sold within the United States after importation by Respondent Vizio. Pursuant to Commission Rule 210.12(a)(9)(x), Exhibit 35 contains photographs of Vizio's E-Series Smart TV device.

b. Specific Instance of Sale and Importation

153. On information and belief, Respondent Vizio imports into and/or sells within the United States after importation the E-Series Smart TV device depicted in Exhibit 35. Pursuant to Commission Rule 210.12(a)(3), Exhibit 23 is a receipt from Amazon.com showing a sale of Vizio's LED Smart TV device within the United States. The Vizio E-Series Smart TV device is marked as "Assembled in Mexico" as shown in the photograph contained in Exhibit 24. Thus, Vizio is violating Section 337 of the Tariff Act of 1930 by directly infringing the '121 Patent by importing into the United States, and/or selling within the United States after importation the E-Series Smart TV device.

**VIII. SPECIFIC INSTANCES OF SALE AND IMPORTATION**

154. As set forth above, each of the Respondents have manufactured for importation into the United States, imported into the United States, and/or sold within the United States after importation, certain point-to-point network communications devices and products containing same that infringe literally or by equivalence each of the Asserted Patents.

155. Specifically, as to the '469 Patent, specific instances of sale and importation are set forth above in paragraph 68 (LG), paragraph 73 (Panasonic), paragraph 78 (Sharp), paragraph 83 (Sony), paragraph 88 (Toshiba), and paragraph 93 (Vizio) above. *See* Exhibits 11, 12 (LG), 14, 15, (Panasonic) 17, 18, (Sony) 20, 21, (Toshiba) 23, 24 (Vizio), 62,63 (Sharp).



156. As to the '704 Patent, specific instances of sale and importation are set forth above in paragraph 98 (LG), paragraph 103 (Panasonic), paragraph 108 (Sharp), paragraph 113 (Sony), paragraph 118 (Toshiba), and paragraph 123 (Vizio). *See* Exhibits 11, 12 (LG), 14, 15, (Panasonic) 17, 28 (Sony) 20, 21, (Toshiba) 23, 24 (Vizio), 62, 65 (Sharp).

157. Specifically, as to the '121 Patent, specific instances of sale and importation are set forth above in paragraph 128 (LG), paragraph 133 (Panasonic), paragraph 138 (Sharp), paragraph 143 (Sony), paragraph 148 (Toshiba), and paragraph 153 (Vizio). *See* Exhibits 11, 12 (LG), 14, 15, (Panasonic) 18, 17 (Sony) 20, 21, (Toshiba) 23, 24 (Vizio), 62, 63 (Sharp).

#### **IX. HARMONIZED TARIFF SCHEDULE INFORMATION**

158. On information and belief, the articles subject to this Complaint are classifiable under at least the following headings and subheadings of the Harmonized Tariff Schedule ("HTS") of the United States: (A) 8517.12.0050 (Other Radio Telephones Designed for the Public Cellular Radio Telecommunication Service); (B) 8471.30.01 (portable automatic data processing machines, weighing not more than 10 kg, consisting of at least a central processing unit, a keyboard and a display); (C) 8471.41.01 (other automatic data processing machines comprising in the same housing at least a central processing unit and an input and output unit, whether or not combined); (D) 8471.49.00 (other automatic data processing machines, entered in the form of systems); (E) 8471.50.01 (processing units other than those of subheading 8471.41 or 8471.49, whether or not containing in the same housing one or two of the following types of unit: storage units, input units, output units); (F) 8528.72.7250 (Monitors and Projectors of LCD-type); and (G) 8528.51.00, 8528.41, 8528.61 (Display Units).

159. These HTS identifications are for illustrative purposes only and are not intended to restrict the scope of the investigation.

#### X. RELATED LITIGATION

160. Concurrent with filing this Complaint, Complainant is also asserting each of the '469 Patent, the '704 Patent, the '121 Patent against the Respondents in co-pending actions in the United States District Courts.

161. The Asserted Patents were previously asserted in *Net2Phone, Inc. v. eBay Inc., Skype Inc., et al.*, Civil Action No. 06-2469 (D. N. J.) (the "Skype litigation") This litigation has concluded, and did not involve any of the named Respondents.

162. The Asserted Patents were also asserted in *Innovative Communications Technologies, Inc. v. Stalker Software, Inc.*, Civil Action No. 2:12-cv-00009-RGD-TEM (E.D. Va.); *Innovative Communications Technologies, Inc. v. ooVoo, LLC*, Civil Action No. 2:12-cv-00008-RGD-DEM (E.D. Va.); and *Innovative Communications Technologies, Inc. v. Vivox, Inc.*, Civil Action No. 2:12-cv-00007-RGD-LRL (E. D. Va.) (collectively the "Stalker Litigation"). This litigation has concluded, and did not involve any of the named Respondents.

163. In 2009, Skype Inc. ("Skype"), one of the defendants in the Skype Litigation, requested that certain claims of the Asserted Patents be reexamined by the United States Patent and Trademark Office. During the reexamination, the Examiner considered over one thousand cited references, as well as Skype's submissions, including its brief in support of its request for *ex parte* reexamination, a supporting declaration, claim charts, its comments on the opinion of Net2Phone's validity expert, and the parties' claim construction briefing from the prior Skype litigation. The Examiner confirmed the validity of numerous claims of the Asserted Patents, many without any amendments, over all of the cited references and over all of Skype's submissions

164. Also, Sipnet EU S.R.O. filed a petition for *inter partes* review of the '704 Patent with the Patent Trial and Appeal Board on April 11, 2013 (Case No. IPR2013-00246). As of today, the PTO has not granted Sipnet's request to institute *inter partes* review proceedings.

165. Other than the litigations specified above, to Complainant's knowledge the Asserted Patents are not and have not been the subject of any current or prior litigation or PTO proceedings.

## **XI. DOMESTIC INDUSTRY RELATING TO THE ASSERTED PATENTS**

### **A. Technical Prong**

#### **i. Domestic Licensee IDT's VoiceLine SoftPhone**

166. There are several domestic licensees to the Asserted Patents. Exhibit 1, Confidential Declaration of Davidi Jonas at ¶6 sets forth details regarding the Asserted Patents' licensees, including domestic industry licensees IDT Corporation and Microsoft Corporation/Skype.

167. Pursuant to Commission Rule 210.12(a)(9)(iv), Complainant has attached as Confidential Exhibits 1A-C, copies of each license agreement relating to the Asserted Patents to establish its contention that a domestic industry as defined in Section 337(a)(3) exists, and/or is in the process of being established as the result of the domestic activities of one or more licensees.

168. Exhibit 36 is a chart comparing claims of the '469 Patent to IDT's VoiceLine SoftPhone point-to-point network communication system ("VoiceLine") technology. Exhibit 36 shows that the VoiceLine technology practices at least one claim of the '469 Patent.

169. Exhibit 37 is a chart comparing claims of the '704 Patent to the IDT's VoiceLine technology. Exhibit 37 shows that the VoiceLine technology practices at least one claim of the '704 Patent.

**170.** Exhibit 38 is a chart comparing claims of the '121 Patent to the IDT's VoiceLine technology. Exhibit 38 shows that the VoiceLine technology practices at least one claim of the '121 Patent.

ii. Domestic Licensee Microsoft's use of Skype in the Xbox One

**171.** On information and belief, Microsoft's Xbox One Gaming Console, which will be commercially released later this year, will incorporate technology that is protected by one or more of the Asserted Patents. Specifically, on information and belief, the Xbox One device will incorporate Skype technology that is protected by at least the '469 Patent, the '704 Patent and the '121 Patents.

**172.** Exhibit 42 are charts comparing claims of the '469 Patent to Skype. Exhibit 42 shows that Microsoft's Skype practices at least one claim of the '469 Patent.

**173.** Exhibit 43 are charts comparing claims of the '704 Patent to Skype. Exhibit 44 shows that Microsoft's Skype practices at least one claim of the '704 Patent.

**174.** Exhibit 45 are charts comparing claims of the '121 Patent to Skype. Exhibit 45 shows that Microsoft's Skype practices at least one claim of the '121 Patent.

**B. Economic Prong**

i. Domestic Licensee IDT Corporation

**175.** On information and belief, Complainant's domestic licensee IDT Corporation ("IDT") has expended substantial sums within the United States in connection with protected articles that practice the Asserted Patents. With respect to the Asserted Patents, a domestic industry in the United States exists as defined under Section 337(a)(3) by virtue of IDT's (1) significant investments in plant and equipment, (2) significant investment in labor and capital, and (3) substantial investments in engineering and research and development, in the United States devoted to developing, manufacturing, testing, and providing support for the IDT

VoiceLine technology. (See Declaration of Ashish Parikh and Exhibits thereto, (attached as Exhibit 46) (“Parikh Decl.”).)

176. Specifically, IDT conducts a substantial portion of its domestic research, development, testing, configuration, and technical support in connection with VoiceLine at IDT’s New Jersey facilities. (See Exhibit 46, Parikh Decl. at ¶¶ 7, 8 and 11.)

177. IDT incurs significant costs in connection with these domestic activities. For example, IDT employs numerous full time, or full time equivalent, personnel involved in such activities, and incurs significant personnel costs in the form of, among other expenses, employee salary and benefits. In addition, IDT makes capital improvements to the telecommunications networks relevant to VoiceLine, and also rents and maintains four commercial facilities in New Jersey, comprising approximately 28,433 square feet, where the vast majority of its relevant domestic activities occur. (See Exhibit 46, Parikh Decl. at ¶¶7, 8, 12-40.)

#### Plant & Equipment

178. More specifically, IDT has made significant investments in its facilities and equipment in the United States. Much of IDT’s domestic activities allocable to VoiceLine, such as product development and implementation, and planning, design, and installation of network infrastructure to support the same, occur at IDT’s New Jersey facilities. Further details regarding the expenses incurred by IDT in connection with such facilities, and of the activities undertaken there, are set forth in Exhibit 46, Parikh Decl. at ¶¶ 8-18.

179. IDT has expended, and continues to expend, significant and substantial resources in connection with these facilities, including expenses for rent, utilities, maintenance, and other operational costs. IDT expects to occupy this space, and incur similar expenses in connection with such space, for the foreseeable future. (See Exhibit 46, Parikh Decl. at ¶¶8-18.)

### Labor & Capital

**180.** IDT also employs significant labor and capital in connection with VoiceLine within the United States. For example, IDT employs a number of full-time, or full-time equivalent, employees who perform various tasks relating to VoiceLine. For example, IDT currently employs personnel involved in product development and implementation, and network maintenance, upgrade, technical support and monitoring. These activities occur at IDT's facilities in New Jersey. IDT expends substantial sums in salary, benefits and related labor expenses for these employees. In addition, IDT makes substantial capital outlays in connection with VoiceLine, including, for example, expenses for connectivity, licenses, maintenance, documentation, and other related operational costs. Further details regarding the nature and scope of IDT's personnel and capital expenditures are set forth in Exhibit 46, Parikh Decl. at ¶¶ 19-35.

### Research & Development

**181.** IDT currently makes, and has made, substantial investments in research and development in the United States related to VoiceLine. For example, IDT currently employs a number of engineers, designers and other technical personnel dedicated to development, testing and implementation related to VoiceLine, and IDT incurs substantial expense in connection with these personnel allocable to VoiceLine. Further details regarding the nature and scope of IDT's investments related to research and development are set forth in Exhibit 46, Parikh Decl. at ¶¶ 20, 23-25, 27-29, 31-33, 36-40.

ii. Domestic Licensee Microsoft Corporation/Skype

**182.** On information and belief, Complainant's domestic licensee Microsoft Corporation ("Microsoft") has made substantial investments within the United States sufficient to establish a domestic industry under Section 337(a)(3)(A), Section 337(a)(3)(B), and Section 337(a)(3)(C). On information and belief, Microsoft's Xbox One incorporates Microsoft's Skype

technology, and allows users to, among other things, make and receive voice and video calls through an internet connection. Microsoft recently noted that in the third quarter of fiscal year 2013 alone, Skype users made 161 billion minutes of calls. (See Slide Deck, *Microsoft Third Quarter Fiscal Year 2013 Results*, at slide 11, attached as Exhibit 47.)

a. Microsoft Corporation's Xbox One Gaming Console

**183.** Microsoft acquired Skype Global S.a.r.l. in 2011 for \$8.5 billion, and announced that Skype's VOIP product, also called Skype, would be deployed on, among other products, Microsoft's Xbox 360 gaming console. (See Microsoft Press Release "Microsoft to Acquire Skype," dated May 10, 2011, attached as Exhibit 51.)

**184.** On May 21, 2013, Microsoft announced the successor to the Xbox 360 product, the next generation Xbox One gaming console. As a major part of this new product announcement, Microsoft emphasized the seamless integration of Skype with the Xbox One console. (See Xbox One: Meet Xbox One, <http://www.xbox.com/en-US/xboxone/meet-xbox-one>, attached as Exhibit 52; Xbox One: What It Does, <http://www.xbox.com/en-US/xboxone/what-it-does>, attached as Exhibit 53.)

**185.** Microsoft has expended substantial sums within the United States in connection with the Xbox One gaming console, which took four years to develop. (See Article, Microsoft unveils Xbox One home entertainment system, attached as Exhibit 60.)

**186.** As already noted, Microsoft makes significant investments in research and development of its existing products as well as future products. (See Exhibit 48, Microsoft 2012 10-K, at 8-9 and 18.) On information and belief, this includes the Xbox One console, and research and development focusing on the integration of the Skype technology into the console.

**187.** Microsoft dedicates an entire business division, the Entertainment & Devices Division (“ED Division”), to its Xbox products and related products, namely the Entertainment & Devices Division (“ED Division”), which include, among others, the Xbox gaming consoles and Skype. (See Exhibit 48, Microsoft 2012 10-K, at 7-8.) On information and belief, Microsoft has also invested substantial sums in plant and equipment, and in labor and capital, in connection with the Xbox products and related products. (See Exhibit 48, Microsoft 2012 10-K, at 18, 25-26.)

**188.** As already noted, in fiscal year 2012, Microsoft’s domestic revenues (\$38.8 billion) constituted 52.6% of the company’s total revenues (\$73.7 billion); in fiscal year 2011, this domestic percentage was 54.3% (\$38.0 billion of \$69.9 billion worldwide); and in fiscal year 2010, this domestic percentage was 57.9% (\$36.2 billion of \$62.5 billion). (See Exhibit 48, Microsoft 2012 10-K at 81.)

**189.** Through the first three quarters of fiscal year 2013, Microsoft posted total revenues of \$57.9 billion. Applying the average domestic percentage of total revenues from the fiscal years 2010-2012 to this amount (54.9%), approximately \$31.78 billion of Microsoft’s Q1 through Q3 2013 revenues were domestic revenues. (See Microsoft Segment Revenue and Operating Income, Q1-Q3 2013, attached as Exhibit 54.)

**190.** Applying these domestic percentages to Microsoft’s reported global revenues for its ED Division, in the first three quarters of fiscal year 2013 domestic ED Division revenues were approximately \$4.53 billion (of \$8.25 billion worldwide), or approximately 14.3% of the company’s approximate domestic revenue during that time period. (See Microsoft Segment Revenue and Operating Income, Q1-Q3 2013, attached as Exhibit 54.)



191. The ED Division is of great importance to Microsoft's business and, on information and belief, the Xbox gaming console devices are of central importance to the ED Division. (See Exhibit 48, Microsoft 2012 10-K at 29, 80-81.) The current iteration of the Xbox, the Xbox 360 device, has sold over 72 million units since its launch in 2005. (See Microsoft Q3 2013 Key Performance Indicators, attached as Exhibit 55.) On information and belief, the Xbox 360 device is a driving force behind Microsoft ED Division's revenues which constitute a substantial portion of the company's total business.

192. Microsoft recently announced the successor to the Xbox 360 gaming console, Microsoft's next generation Xbox One gaming console. On information and belief, the Xbox One development effort is four years in the making, and will be launched commercially later this year. (See Article, *Will Consumers Want One? New Xbox is elegant but questions remain*, attached as Exhibit 56.)

193. Notably, Microsoft's announcement of the new Xbox One gaming console emphasized the fact that Skype functionality will be closely integrated into the new iteration of company's important Xbox product line. (See Xbox One: Meet Xbox One, <http://www.xbox.com/en-US/xboxone/meet-xbox-one>, attached as Exhibit 52; Xbox One: What It Does, <http://www.xbox.com/en-US/xboxone/what-it-does>, attached as Exhibit 53.) Industry commentators also focused on the integration of Skype into the Xbox One. (See, e.g., Article, *After Months of Speculation, Microsoft Officially Reveals Skype For the Xbox One*, [techcrunch.com/2013/05/21/after-months-of-speculation-microsoft-officially-reveals-skype-for-the-xbox-one/](http://techcrunch.com/2013/05/21/after-months-of-speculation-microsoft-officially-reveals-skype-for-the-xbox-one/), attached as Exhibit 57; Article, *Microsoft announces Skype integration for Xbox One*, <http://www.engadget.com/2013/05/21/microsoft-announces-skype-integration-for-xbox-one-leverages-ki/>, attached as Exhibit 58.)

194. On information and belief, Microsoft has made significant and substantial domestic investment in connection with its Xbox One development effort, including the incorporation of the Skype technology into the Xbox:

Plant and Equipment

195. Pursuant to Commission Rule 210.12(a)(6)(i)(A), on information and belief the relevant operations of Microsoft are as follows:

196. Microsoft invests substantial sums in domestic plant and equipment. As already stated, in fiscal year 2012 Microsoft expended \$2.30 billion in "Additions to property and equipment." And in each of fiscal years 2011 and 2010, Microsoft expended \$2.35 billion and \$1.97 billion, respectively, in property and equipment. (See Exhibit 48, Microsoft 2012 10-K at 46.) Moreover, Microsoft maintains approximately 37 million square feet of commercial space within the United States. (See Exhibit 48, Microsoft 2012 10-K at 20.) As of June 30, 2012, Microsoft had total assets of over \$121 billion. Of these assets, \$8.3 billion were attributed by Microsoft to property and equipment. (See Exhibit 48, Microsoft 2012 10-K at 45.)

197. Based on the relative importance of the Xbox One to Microsoft as the next generation of the backbone of the Xbox platform, and due to the fact that the ED Division has recognized a rough average of 11.4% percent of Microsoft's domestic revenue over the last several years, a conservative estimate is that at least two percent (5%) of Microsoft's investment in property and equipment, in the square footage of these properties and in these assets can be apportioned to the Xbox One device.

198. Thus, it is estimated that Microsoft has dedicated at least \$166 million in additions to property and equipment, and at least 740,000 square feet of commercial space, to the Xbox One gaming console.

### Labor and Capital

199. Pursuant to Commission Rule 210.12(a)(6)(i)(B), on information and belief the relevant operations of Microsoft are as follows:

200. As of June 2012, Microsoft employed approximately 94,000 people on a full-time basis, 59,000 of which were employed within the United States. (See Exhibit 48, Microsoft 2012 10-K at 12.) Of these employees, over 36,000 are dedicated to research and development. (See *id.*) On information and belief, based on the relative importance of the development of the Xbox One device to Microsoft, a conservative estimate is that approximately five percent (5%) of these employees, or 2,950 total personnel and 1,800 research and development personnel, are dedicated to the Xbox One device.

### Research & Development

201. Pursuant to Commission Rule 210.12(a)(6)(i)(C), on information and belief the relevant operations of Microsoft are as follows:

202. In each of the last three fiscal years, 2012, 2011 and 2010, Microsoft has invested \$9.81 billion, \$9.04 billion, and \$8.71 billion, respectively, in research and development. And in the first three quarters of fiscal year 2013, Microsoft expended \$8.25 billion in research and development. These sums represent 13% of Microsoft's total revenue for each of fiscal years 2012 and 2011; 14% of its total revenue for fiscal 2010; and 14% of Microsoft's total revenue for Q1 through Q3 of fiscal 2013. (See Exhibit 48, Microsoft 2012 10-K at 8 and 30; Exhibit 54, Microsoft Segment Revenue and Operating Income, Q1-Q3 2013.) Given the importance of the development of the Xbox One device to the company, on information and belief a very conservative estimate of the percentage of total research and

development dollars invested in the Xbox One by Microsoft has equaled at least five to seven percent (5%) of Microsoft's total research and development expense over the last several years.

203. As an example of the research and development outlays necessary to bring a product like the Xbox One to market, a CNN Money video, (<http://money.cnn.com/video/technology/innovation/2013/05/21/t-microsoft-xbox-behind-the-scenes.cnnmoney/index.html>), depicts some portions of the research labs where Microsoft has developed the Xbox One. As depicted in this video, Microsoft has, among other things, complex robotic testing devices, three dimensional printers, dedicated lab technicians and development project managers, and related research and development infrastructure dedicated to the Xbox One project.

204. If just 5% of Microsoft's overall investment in research and development in fiscal 2012 were dedicated to the Xbox One device, such investment would equal approximately \$490 million dollars. If just 5% of Microsoft's research and development expenditures in fiscal 2011 and 2010 were likewise dedicated to the Xbox One project, such investment would equal approximately \$452 million in 2011 and \$435 million in 2010. Using the same percentage of total expenditures, Microsoft dedicated \$412 million to the Xbox One project in the first three quarters of 2013 alone.

205. Also, because Xbox One is scheduled to be released later this year, Microsoft's investments in labor and capital, plant and equipment, and research and development constitute a domestic industry under 337(a)(3)(A), (B), and (C) that is in the process of being established. Microsoft has demonstrated that it is taking the necessary tangible steps to establish an industry in the United States in the Xbox One, and there is a significant likelihood that the domestic industry requirement will be satisfied in the future by the Xbox One.

206. Also, Microsoft's investment in labor and capital, plant and equipment, and research and development that are related to integrating Skype into the Xbox One constitutes an existing domestic industry under 337(a)(3). The Skype product has already been released, and investments relating to the existing Skype product's integration into the Xbox One constitute an existing domestic industry under 337(a)(3)(A), (B), and (C).

207. Finally, Microsoft's domestic investment in research and development in the Xbox One constitutes an existing domestic industry in the Asserted Patents under 337(a)(3)(C), because the research and development relates to the Asserted Patents inasmuch as the Xbox One will practice the Asserted Patents when it has been completed. The Xbox One research and development project is devoted to the exploitation of the asserted patents through its anticipated use of Skype.

## **XII. REQUESTED RELIEF**

WHEREFORE, by reason of the foregoing, Complainant requests that the United States International Trade Commission:

a. Institute an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to the Respondents' violations of Section 337 based on the manufacture for importation into the United States, importation into the United States, the sale for importation into the United States, and/or the sale within the United States after importation of any articles that infringe one or more claims of one or more of the '469 Patent, the '704 Patent, and the '121 Patent;

**b.** Schedule and conduct a hearing on permanent relief pursuant to 19 U.S.C. § 1337(d) and (f) of the Tariff Act of 1930, as amended;

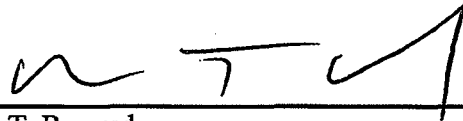
**c.** Issue a Limited Exclusion Order specifically directed to each named Respondent, pursuant to 19 U.S.C. § 1337(d), excluding from entry into the United States any articles that infringe one or more of the '469 Patent, the '704 Patent, and the '121 Patent;

**d.** Issue a permanent cease and desist order pursuant to 19 U.S.C. § 1337(f) prohibiting domestic Respondents from importing, selling, offering for sale (including via the Internet or electronic mail), advertising (including via the Internet or electronic mail), distributing, or soliciting any articles that infringe one or more claims of one or more of the '469 Patent, the '704 Patent, and the '121 Patent;

**e.** Impose a bond upon Respondents who continue to import infringing articles during the 60-day-Presidential review period per 19 U.S.C. § 1337(j); and issue such other and further relief as the Commission deems just and proper under the law, based upon the facts determined by the investigation and the authority of the Commission.

Dated: August 1, 2013

Respectfully submitted,



---

Michael T. Renaud  
James M. Wodarski  
Michael J. McNamara  
Michael C. Newman  
Sandra J. Badin  
Stephen P. Cole  
Robert J. L. Moore  
MINTZ LEVIN COHN FERRIS  
GLOVSKY AND POPEO PC  
Boston, MA 02111  
Tel: 617-542-6000  
Fax: 617-542-2241

*Counsel to Complainant  
Straight Path IP Group, Inc.*

---

## VERIFICATION OF COMPLAINT

I, David Jonas declare, in accordance with 19 C.F.R. § 210.12(a)(1), as follows:

1. I am CEO of Straight Path and I am duly authorized to sign this Complaint;
2. I have read the Complaint and I am aware of its contents;
3. The Complaint is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of the investigation or related proceeding;
4. To the best of my knowledge, information and belief founded upon reasonable inquiry, claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
5. The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

  
\_\_\_\_\_  
David Jonas



# **EXHIBIT 10**

**U.S. Patent No. 6,009,469**

**LG Optimus G Phone**

**(GTalk)**

U.S. Patent No. 6,009,469: Claim 1

“1. A computer program product for use with a computer system having a display and an audio transducer, the computer system capable of executing a first process and connecting to other processes and a server process over a computer network, the computer program product comprising a computer usable medium having computer readable code means embodied in the medium comprising:”

<p>1. A computer program product for use with a computer system having a display and an audio transducer, the computer system capable of executing a first process and connecting to other processes and a server process over a computer network, the computer program product comprising a computer usable medium having computer readable code means embodied in the medium comprising:</p>	<p>LG Optimus G Smartphone (hereinafter, “the LG Smartphone”, which encompasses all LG smartphones, including but not limited to model numbers LG LUCID2 (VS870), LG SPIRIT 4G (MS870), LGE960 (Nexus 4), LG OPTIMUS REGARD (LW770), LG MACH (LS860), LG OPTIMUS G (LS970), LG OPTIMUS L9 (P769), LG OPTIMUS G (E970), LG VENICE (LG730), LG ESCAPE (P870), LG SPECTRUM 2 (VS930), LG SPLENDOR (US730), LG INTUITION (VS950), LG MOTION 4G (MS770), LG OPTIMUS PLUS (AS695), LG ELITE (LS696), LG VIPER (LS840), LG OPTIMUS M+ (MS695), LG LUCID (VS840), LG NITRO (P930), LG SPECTRUM (VS920), LG MARQUEE (LG855), LG CONNECT 4G (MS840), LG OPTIMUS Q (LGL55C), LG OPTIMUS 2 (AS680), LG IGNITE (AS855), LG MYTOUCH Q (LGC800DG), LG MYTOUCH Q (LGC800VL), LG OPTIMUS ONE (P504), LG MYTOUCH (LGE739BK), LG DOUBLEPLAY (C729), LG OPTIMUS SLIDER (VM701), LG ESTEEM (MS910), LG ENLIGHTEN (VS700), LG MARQUEE (LS855), LG THRILL (P925), LG REVOLUTION (VS910), LG GENESIS (US760), LG G2X (P999), LG THRIVE (P506), LG PHOENIX (P505), LG OPTIMUS C (LW690), LG OPTIMUS V (VM670), LG VORTEX (VS660)) is a computer system, including program code.</p>
--	--

U.S. Patent No. 6,009,469: Claim 1

“1. A computer program product for use with a computer system having a display and an audio transducer, the computer system capable of executing a first process and connecting to other processes and a server process over a computer network, the computer program product comprising a computer usable medium having computer readable code means embodied in the medium comprising:”



Source: <http://www.lg.com/us/cell-phones/lg-LS970-optimus-g>.

“a. program code for generating a user-interface enabling control of a first process executing on the computer system;”

a. program code for generating a user-interface enabling control of a first process executing on the computer system;

The LG Smartphone has program code for generating a user-interface enabling control of a first process executing on the computer system.



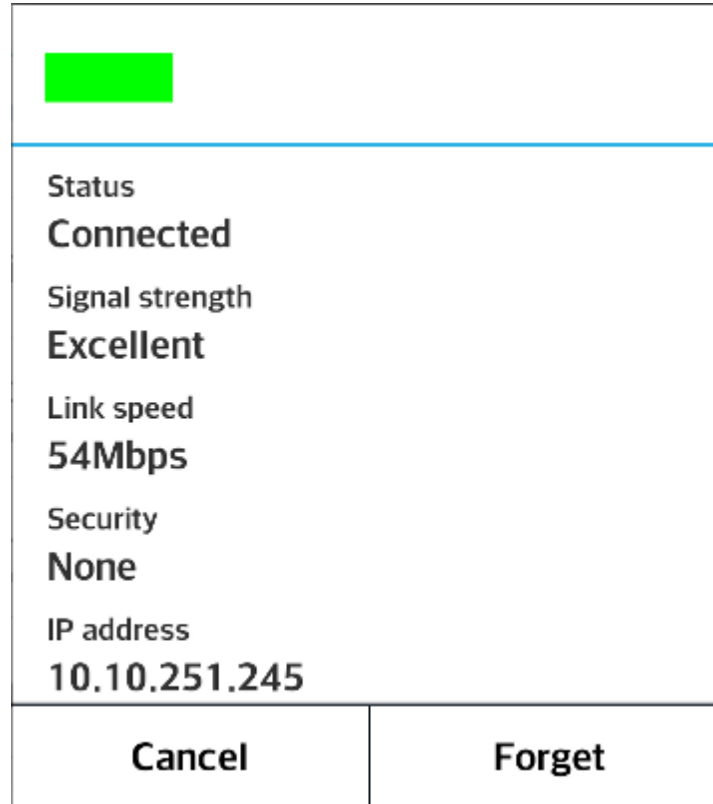
Source: Test screenshot.

“b. program code for determining the currently assigned network protocol address of the first process upon connection to the computer network;”

b. program code for determining the currently assigned network protocol address of the first process upon connection to the computer network;

The LG Smartphone has program code for determining the currently assigned network protocol address of the first process upon connection to the computer network.

For example, following connection to the computer network, the LG Smartphone receives a network protocol address, at least partially represented by 10.10.251.245.



Source: Test screenshot.

U.S. Patent No. 6,009,469: Claim 1

“c. program code responsive to the currently assigned network protocol address of the first process, for establishing a communication connection with the server process and for forwarding the assigned network protocol address of the first process and a unique identifier of the first process to the server process upon establishing a communication connection with the server process; and”

c. program code responsive to the currently assigned network protocol address of the first process, for establishing a communication connection with the server process and for forwarding the assigned network protocol address of the first process and a unique identifier of the first process to the server process upon establishing a communication connection with the server process; and

The LG Smartphone has program code responsive to the currently assigned network protocol address of the first process, for establishing a communication connection with the server process and for forwarding the assigned network protocol address of the first process and a unique identifier of the first process to the server process upon establishing a communication connection with the server process.

For example, the LG Smartphone forwards to the server the assigned network protocol address of the first process and a unique identifier of the first process; for example, the TCP SYN is in packet 368, highlighted in orange.

No.	Time	Source	Src Port	Destination	Dst Port	Protocol
368	2.326280000	10.10.251.245	39428	74.125.228.96	80	TCP
369	2.326874000	10.10.251.245	39428	74.125.228.96	80	TCP
372	2.330840000	10.10.251.245	39428	74.125.228.96	80	TCP

▶ Frame 368: 124 bytes on wire (992 bits), 124 bytes captured (992 bits)

▶ Radiotap Header v0, Length 26

▶ IEEE 802.11 QoS Data, Flags: .....TC

▶ Logical-Link Control

▶ Internet Protocol Version 4, Src: 10.10.251.245 (10.10.251.245), Dst: 74.125.228.96 (74.125.228.96)

▼ Transmission Control Protocol, Src Port: 39428 (39428), Dst Port: http (80), Seq: 0, Len: 40

Source port: 39428 (39428)

Destination port: http (80)

[Stream index: 34]

Sequence number: 0 (relative sequence number)

Header length: 40 bytes

▶ Flags: 0x002 (SYN)

Window size value: 14600

[Calculated window size: 14600]

▶ Checksum: 0x91fc [validation disabled]

▶ Options: (20 bytes)

U.S. Patent No. 6,009,469: Claim 1

“c. program code responsive to the currently assigned network protocol address of the first process, for establishing a communication connection with the server process and for forwarding the assigned network protocol address of the first process and a unique identifier of the first process to the server process upon establishing a communication connection with the server process; and”

	<i>Source:</i> Test screenshot.
--	---------------------------------



“d. program code means, responsive to user input commands, for establishing a point-to-point communications with another process over the computer network.”

d. program code means, responsive to user input commands, for establishing a point-to-point communications with another process over the computer network.

The LG Smartphone has program code means, responsive to user input commands, for establishing a point-to-point communications with another process over the computer network.

For example, the LG Smartphone and the second process then go on to establish a point-to-point communication link.

For example, packet 3605, highlighted in orange below, contains an SSL “Client Hello” from the LG Smartphone to the second process.

No.	Time	Source	Src Port	Destination	Dst Port	Protocol
3605	11.474485000	10.10.251.245	52580	173.194.68.127	443	TCP
3605	11.475692000	10.10.251.245	52580	173.194.68.127	443	SSLv2
3606	11.476341000	10.10.251.245	52580	173.194.68.127	443	SSLv2

▶ Frame 3605: 188 bytes on wire (1504 bits), 188 bytes captured (1504 bits)  
 ▶ Radiotap Header v0, Length 26  
 ▶ IEEE 802.11 QoS Data, Flags: .....TC  
 ▶ Logical-Link Control  
 ▶ Internet Protocol Version 4, Src: 10.10.251.245 (10.10.251.245), Dst: 173.194.68.127  
 ▶ Transmission Control Protocol, Src Port: 52580 (52580), Dst Port: https (443), Seq: 1  
 ▼ Secure Sockets Layer  
   ▼ SSLv2 Record Layer: Client Hello  
     [Version: SSL 2.0 (0x0002)]  
     Length: 70  
     Handshake Message Type: Client Hello (1)  
     Version: TLS 1.0 (0x0301)  
     Cipher Spec Length: 45  
     Session ID Length: 0  
     Challenge Length: 16  
     ▶ Cipher Specs (15 specs)  
       Challenge

Source: Test screenshot.

Packet 3622, highlighted in orange below, contains the SSL “Server Hello” response

U.S. Patent No. 6,009,469: Claim 1

“d. program code means, responsive to user input commands, for establishing a point-to-point communications with another process over the computer network.”

from the second process.

The screenshot shows a network traffic analysis tool interface. At the top is a table of captured packets. Below the table is a detailed view of packet 3622, showing its structure across various protocol layers.

No.	Time	Source	Src Port	Destination	Dst Port	Protocol
3621	11.499313000	173.194.68.127	443	10.10.251.245	52580	TCP
3622	11.499739800	173.194.68.127	443	10.10.251.245	52580	TLSv1
3626	11.502866000	173.194.68.127	443	10.10.251.245	52580	TCP

Below the table, the details for packet 3622 are shown:

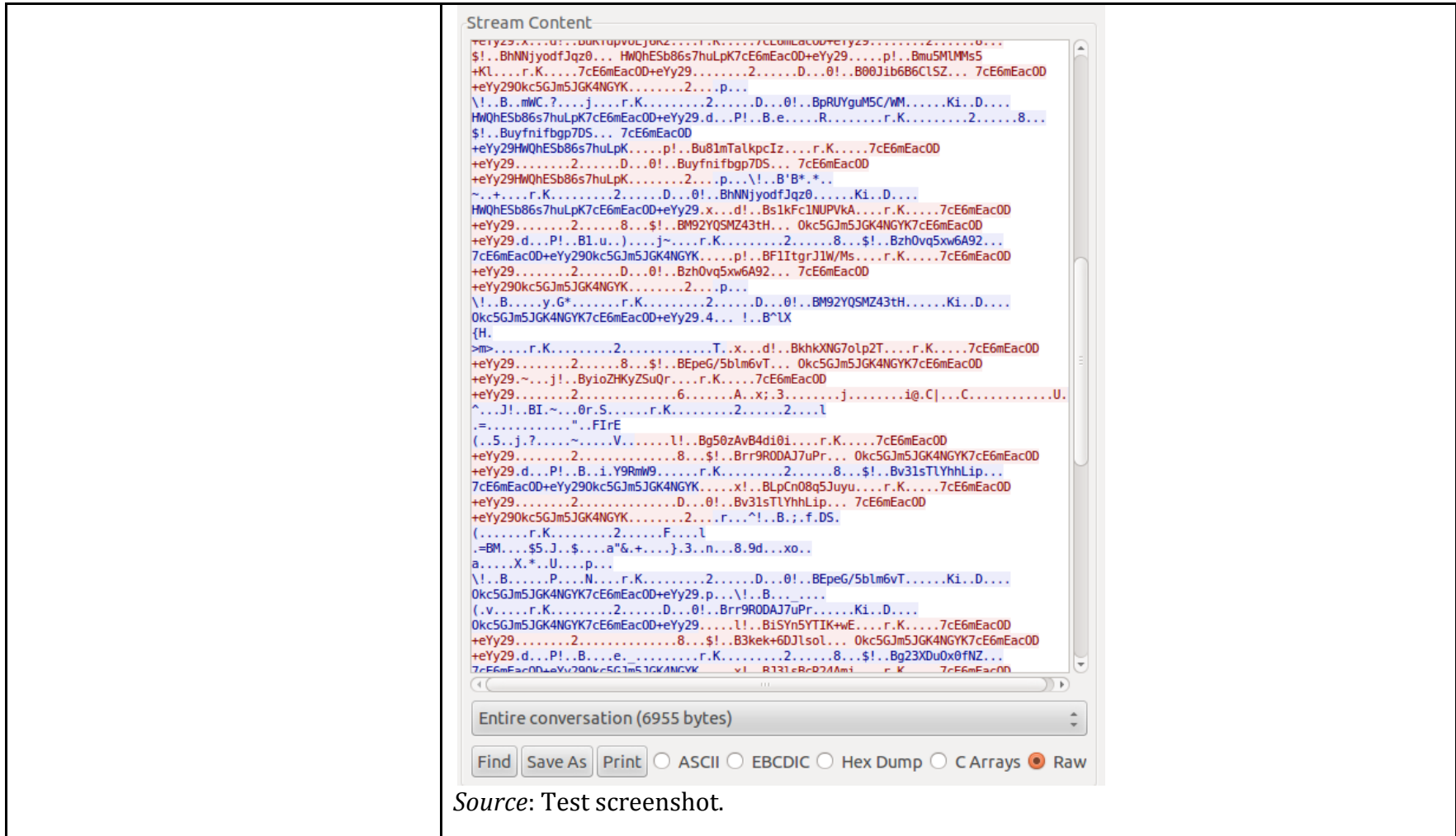
- ▶ Frame 3622: 175 bytes on wire (1400 bits), 175 bytes captured (1400 bits)
- ▶ Radiotap Header v0, Length 12
- ▶ IEEE 802.11 Data, Flags: .....F.
- ▶ Logical-Link Control
- ▶ Internet Protocol Version 4, Src: 173.194.68.127 (173.194.68.127), Dst: 10.10.251.245 (10.10.251.245)
- ▶ Transmission Control Protocol, Src Port: https (443), Dst Port: 52580 (52580), Seq: 1, A
- ▼ Secure Sockets Layer
  - ▼ TLSv1 Record Layer: Handshake Protocol: Server Hello
    - Content Type: Handshake (22)
    - Version: TLS 1.0 (0x0301)
    - Length: 74
    - ▶ Handshake Protocol: Server Hello

Source: Test screenshot.

The following shows an excerpt of data exchanged between the LG Smartphone and the second process. Data from the LG Smartphone is shown in red. Data from the second process is shown in blue. Nonprintable characters have been replaced with a period (“.”).

U.S. Patent No. 6,009,469: Claim 1

“d. program code means, responsive to user input commands, for establishing a point-to-point communications with another process over the computer network.”



U.S. Patent No. 6,009,469: Claim 9

“9. In a computer system having a display and capable of executing a process, a method for establishing a point-to-point communication from a caller process to a callee process over a computer network, the caller process capable of generating a user interface and being operatively connected to the callee process and a server process over the computer network, the method comprising the steps of:”

<p>9. In a computer system having a display and capable of executing a process, a method for establishing a point-to-point communication from a caller process to a callee process over a computer network, the caller process capable of generating a user interface and being operatively connected to the callee process and a server process over the computer network, the method comprising the steps of:</p>	<p>LG Optimus G Smartphone (hereinafter, “the LG Smartphone”, which encompasses all LG smartphones, including but not limited to model numbers LG LUCID2 (VS870), LG SPIRIT 4G (MS870), LGE960 (Nexus 4), LG OPTIMUS REGARD (LW770), LG MACH (LS860), LG OPTIMUS G (LS970), LG OPTIMUS L9 (P769), LG OPTIMUS G (E970), LG VENICE (LG730), LG ESCAPE (P870), LG SPECTRUM 2 (VS930), LG SPLENDOR (US730), LG INTUITION (VS950), LG MOTION 4G (MS770), LG OPTIMUS PLUS (AS695), LG ELITE (LS696), LG VIPER (LS840), LG OPTIMUS M+ (MS695), LG LUCID (VS840), LG NITRO (P930), LG SPECTRUM (VS920), LG MARQUEE (LG855), LG CONNECT 4G (MS840), LG OPTIMUS Q (LGL55C), LG OPTIMUS 2 (AS680), LG IGNITE (AS855), LG MYTOUCH Q (LGC800DG), LG MYTOUCH Q (LGC800VL), LG OPTIMUS ONE (P504), LG MYTOUCH (LGE739BK), LG DOUBLEPLAY (C729), LG OPTIMUS SLIDER (VM701), LG ESTEEM (MS910), LG ENLIGHTEN (VS700), LG MARQUEE (LS855), LG THRILL (P925), LG REVOLUTION (VS910), LG GENESIS (US760), LG G2X (P999), LG THRIVE (P506), LG PHOENIX (P505), LG OPTIMUS C (LW690), LG OPTIMUS V (VM670), LG VORTEX (VS660)) is a computer system.</p>
---	--

U.S. Patent No. 6,009,469: Claim 9

“9. In a computer system having a display and capable of executing a process, a method for establishing a point-to-point communication from a caller process to a callee process over a computer network, the caller process capable of generating a user interface and being operatively connected to the callee process and a server process over the computer network, the method comprising the steps of:”



Source: <http://www.lg.com/us/cell-phones/lg-LS970-optimus-g>.

U.S. Patent No. 6,009,469: Claim 9

“A. generating a user-interface element representing a first communication line;”

A. generating a user-interface element representing a first communication line;

LG actively induces its users to directly practice this claim element, knowing that when a user uses the LG Smartphone, the LG Smartphone generates a user-interface element representing a first communication line.

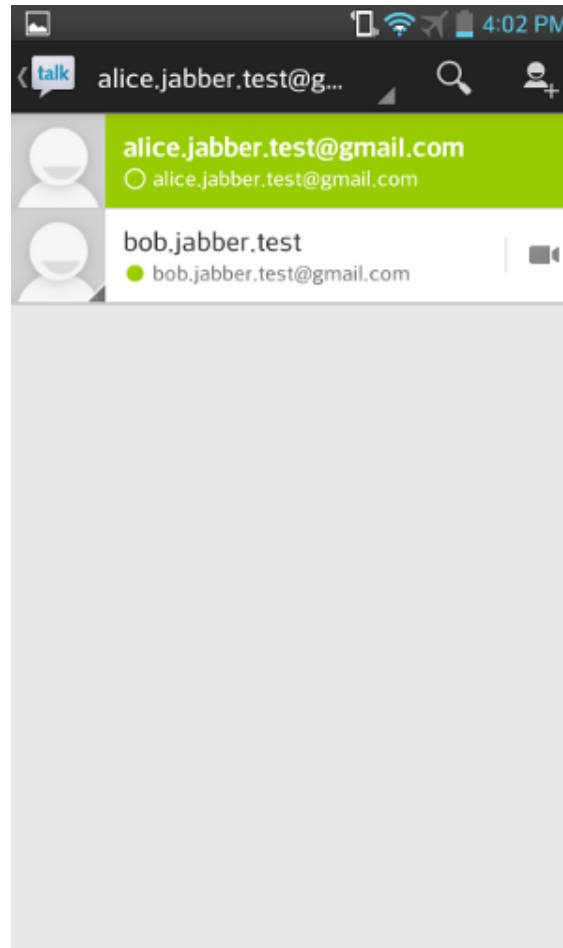


Source: Test screenshot.

“B. generating a user interface element representing a first callee process;”

B. generating a user interface element representing a first callee process;

When a user uses the LG Smartphone, the LG Smartphone generates a user interface element representing a first callee process.



Source: Test screenshot.

“C. querying the server process to determine if the first callee process is accessible; and”

C. querying the server process to determine if the first callee process is accessible; and

When a user uses the LG Smartphone, the LG Smartphone queries the server process to determine if the first callee process is accessible.

For example, the LG Smartphone transmits to the server a query, at least in the form of a GET request, as to whether the second process is connected to the computer network in packet 418, highlighted in orange.

No.	Time	Source	Src Port	Destination	Dst Port	Protocol
417	2.379506000	10.10.251.245	39428	74.125.228.96	80	TCP
418	2.380044000	10.10.251.245	39428	74.125.228.96	80	HTTP
420	2.380527000	10.10.251.245	39428	74.125.228.96	80	HTTP

```

▶ Radiotap Header v0, Length 26
▶ IEEE 802.11 QoS Data, Flags: .....TC
▶ Logical-Link Control
▶ Internet Protocol Version 4, Src: 10.10.251.245 (10.10.251.245), Dst: 74.125.228.96 (74.125.228.96)
▶ Transmission Control Protocol, Src Port: 39428 (39428), Dst Port: http (80), Seq: 1, Win: 0, Len: 0
▼ Hypertext Transfer Protocol
  ▶ GET /create_session HTTP/1.1\r\n
    Connection: Keep-Alive\r\n
    Content-Length: 0\r\n
    Host: relay.google.com\r\n
    User-Agent: pcp_agent\r\n
    X-Google-Relay-Auth: CAESJAobYWxpY2UuamFiYmVyLnRlc3RAZ21haWwY29tEK3em7HqJxoQp/os3Wl\r\n
    X-Session-Type: urn:xmpp:jingle:apps:rtp:1\r\n
    X-Stream-Type: video_rtcp\r\n
    X-Talk-Google-Relay-Auth: CAESJAobYWxpY2UuamFiYmVyLnRlc3RAZ21haWwY29tEK3em7HqJxoQp,\r\n
    \r\n
    [Full request URI: http://relay.google.com/create_session]
    
```

Source: Test screenshot.

### 9.3 GET

The GET method means retrieve whatever information (in the form of an entity) is identified by the Request-URI. If the Request-URI refers to a data-producing process, it is the produced data which shall be returned as the entity in the response and not the source text of the process, unless that text happens to be the output of the process.



“C. querying the server process to determine if the first callee process is accessible; and”

*Source:* <http://www.w3.org/Protocols/rfc2616/rfc2616-sec9.html#sec9.3>.

A server's response to a GET request is indicative of, among other things, online status. For example, a 200 OK response to the query both indicates that a requested resource is online and has been successfully delivered, while a 404 Not Found response indicates that the queried resource is offline or otherwise unavailable.

For example, selected potential responses to a GET request are reproduced below, from the Hypertext Transfer Protocol specification:

“C. querying the server process to determine if the first callee process is accessible; and”

### **10.2.1 200 OK**

The request has succeeded. The information returned with the response is dependent on the method used in the request, for example:

GET an entity corresponding to the requested resource is sent in the response;

### **10.3.3 302 Found**

The requested resource resides temporarily under a different URI. Since the redirection might be altered on occasion, the client SHOULD continue to use the Request-URI for future requests. This response is only cacheable if indicated by a Cache-Control or Expires header field.

The temporary URI SHOULD be given by the Location field in the response. Unless the request method was HEAD, the entity of the response SHOULD contain a short hypertext note with a hyperlink to the new URI(s).

### **10.4.5 404 Not Found**

The server has not found anything matching the Request-URI. No indication is given of whether the condition is temporary or permanent. The 410 (Gone) status code SHOULD be used if the server knows, through some internally configurable mechanism, that an old resource is permanently unavailable and has no forwarding address. This status code is commonly used when the server does not wish to reveal exactly why the request has been refused, or when no other response is applicable.

*Source:* <http://www.w3.org/Protocols/rfc2616/rfc2616-sec10.html>.

For example, packet 452, highlighted in orange below, contains an HTTP 200 response from the server to the LG Smartphone. The response contains a network protocol address of a second process, at least partially represented by 173.194.68.127.

U.S. Patent No. 6,009,469: Claim 9

“C. querying the server process to determine if the first callee process is accessible; and”

No.	Time	Source	Src Port	Destination	Dst Port	Protocol	Length	Info
452	2.417825000	74.125.228.96	80	10.10.251.245	39428	HTTP	579	HTTP/1.1 200 OK
453	2.418231000			Alfa_50:e5:5a (RA)		802.11	40	Acknowledgement, F
454	2.418760000	74.125.228.103	80	10.10.251.245	35155	TCP	96	http > 35155 [ACK]

▶ Frame 452: 579 bytes on wire (4632 bits), 579 bytes captured (4632 bits)  
 ▶ Radiotap Header v0, Length 12  
 ▶ IEEE 802.11 Data, Flags: .....F.  
 ▶ Logical-Link Control  
 ▶ Internet Protocol Version 4, Src: 74.125.228.96 (74.125.228.96), Dst: 10.10.251.245 (10.10.251.245)  
 ▶ Transmission Control Protocol, Src Port: http (80), Dst Port: 39428 (39428), Seq: 1, Ack: 405, Len: 483  
 ▶ **Hypertext Transfer Protocol**  
 ▼ Line-based text data: text/plain  
 username=zw0mi39fF8r89s+p\n  
 password=AqbIN0EL2geLV216\n  
 relay.ip=173.194.68.127\n  
 relay.udp\_port=19305\n  
 relay.tcp\_port=19305\n  
 relay.ssltcp\_port=443\n  
 stun.ip=173.194.68.127\n  
 stun.port=19302\n

*Source: Test screenshot.*

U.S. Patent No. 6,009,469: Claim 9

“D. establishing a point-to-point communication link from the caller process to the first callee process, in response to a user associating the element representing the first callee process with the element representing the first communication line, wherein step C further comprises the steps of:”

D. establishing a point-to-point communication link from the caller process to the first callee process, in response to a user associating the element representing the first callee process with the element representing the first communication line, wherein step C further comprises the steps of:

When a user uses the LG Smartphone, the LG Smartphone establishes a point-to-point communication link from the caller process to the first callee process, in response to a user associating the element representing the first callee process with the element representing the first communication line.

For example, the LG Smartphone and the second process then go on to establish a point-to-point communication link.

For example, packet 3605, highlighted in orange below, contains an SSL “Client Hello” from the LG Smartphone to the second process.

No.	Time	Source	Src Port	Destination	Dst Port	Protocol
3605	11.474485000	10.10.251.245	52580	173.194.68.127	443	TCP
3605	11.475692000	10.10.251.245	52580	173.194.68.127	443	SSLv2
3606	11.476341000	10.10.251.245	52580	173.194.68.127	443	SSLv2

▶ Frame 3605: 188 bytes on wire (1504 bits), 188 bytes captured (1504 bits)  
 ▶ Radiotap Header v0, Length 26  
 ▶ IEEE 802.11 QoS Data, Flags: .....TC  
 ▶ Logical-Link Control  
 ▶ Internet Protocol Version 4, Src: 10.10.251.245 (10.10.251.245), Dst: 173.194.68.127  
 ▶ Transmission Control Protocol, Src Port: 52580 (52580), Dst Port: https (443), Seq: 1  
 ▼ Secure Sockets Layer  
   ▼ SSLv2 Record Layer: Client Hello  
     [Version: SSL 2.0 (0x0002)]  
     Length: 70  
     Handshake Message Type: Client Hello (1)  
     Version: TLS 1.0 (0x0301)  
     Cipher Spec Length: 45  
     Session ID Length: 0  
     Challenge Length: 16  
     ▶ Cipher Specs (15 specs)  
       Challenge

U.S. Patent No. 6,009,469: Claim 9

“D. establishing a point-to-point communication link from the caller process to the first callee process, in response to a user associating the element representing the first callee process with the element representing the first communication line, wherein step C further comprises the steps of:”

*Source:* Test screenshot.

Packet 3622, highlighted in orange below, contains the SSL “Server Hello” response from the second process.

No.	Time	Source	Src Port	Destination	Dst Port	Protocol
3621	11.499313000	173.194.68.127	443	10.10.251.245	52580	TCP
3622	11.499739000	173.194.68.127	443	10.10.251.245	52580	TLSv1
3626	11.502866000	173.194.68.127	443	10.10.251.245	52580	TCP

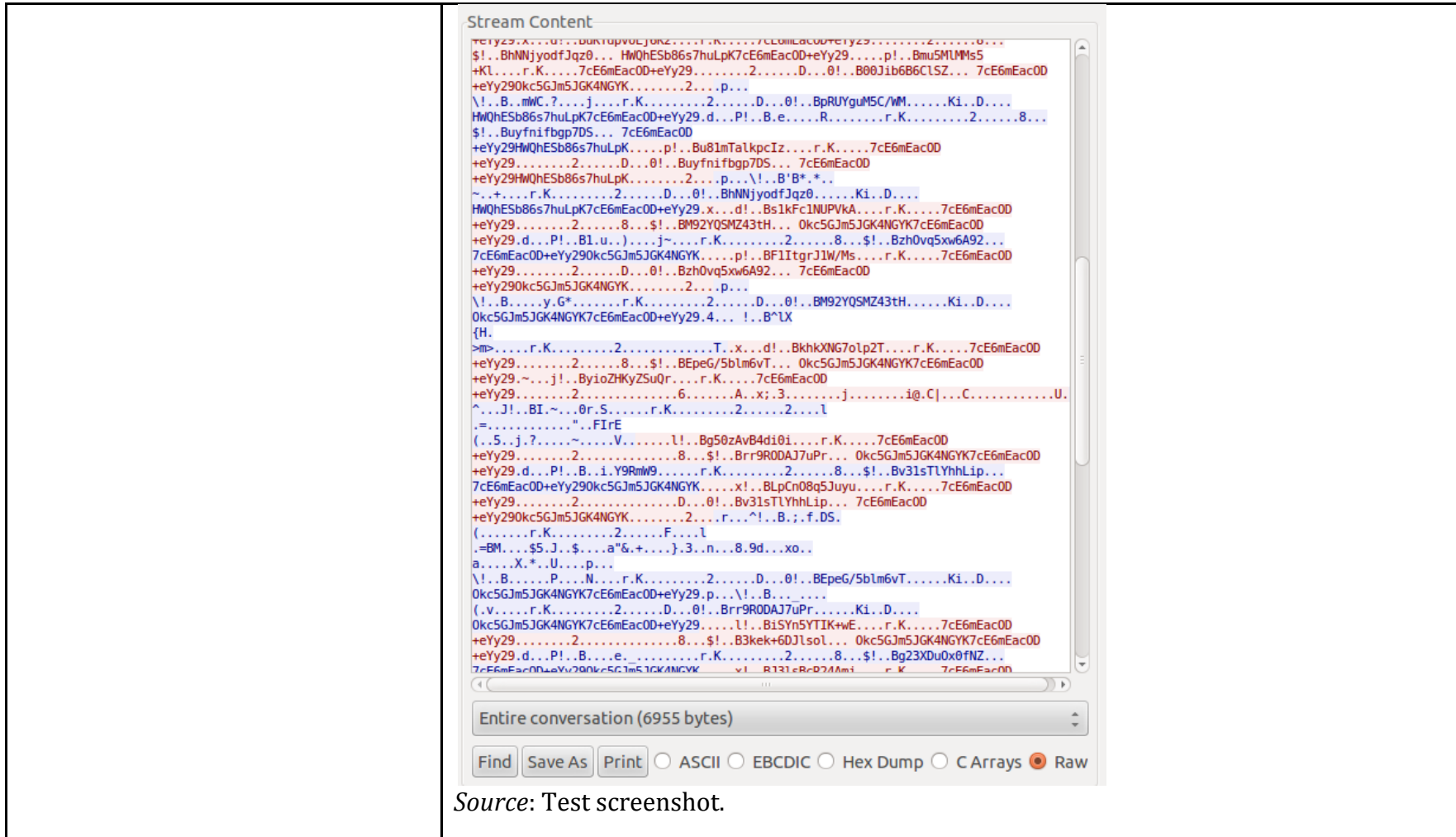
- ▶ Frame 3622: 175 bytes on wire (1400 bits), 175 bytes captured (1400 bits)
- ▶ Radiotap Header v0, Length 12
- ▶ IEEE 802.11 Data, Flags: .....F.
- ▶ Logical-Link Control
- ▶ Internet Protocol Version 4, Src: 173.194.68.127 (173.194.68.127), Dst: 10.10.251.245 (10.10.251.245)
- ▶ Transmission Control Protocol, Src Port: https (443), Dst Port: 52580 (52580), Seq: 1, A
- ▼ Secure Sockets Layer
  - ▼ TLSv1 Record Layer: Handshake Protocol: Server Hello
    - Content Type: Handshake (22)
    - Version: TLS 1.0 (0x0301)
    - Length: 74
    - ▶ Handshake Protocol: Server Hello

*Source:* Test screenshot.

The following shows an excerpt of data exchanged between the LG Smartphone and the second process. Data from the LG Smartphone is shown in red. Data from the second process is shown in blue. Nonprintable characters have been replaced with a period (“.”).

U.S. Patent No. 6,009,469: Claim 9

“D. establishing a point-to-point communication link from the caller process to the first callee process, in response to a user associating the element representing the first callee process with the element representing the first communication line, wherein step C further comprises the steps of:”



Source: Test screenshot.

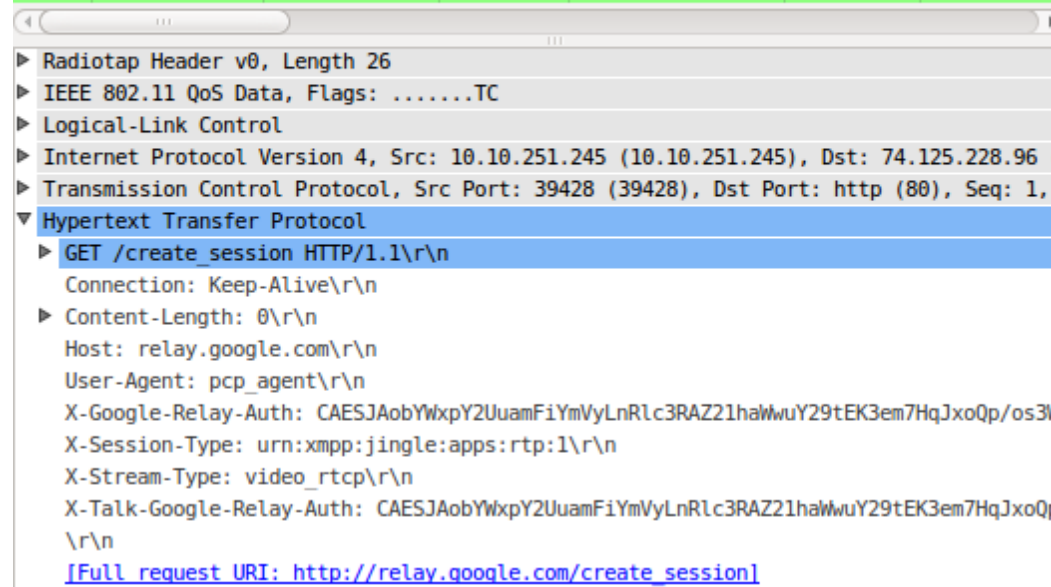
“C.1 querying the server process as to the on-line status of the first callee process; and”

C.1 querying the server process as to the on-line status of the first callee process; and

When a user uses the LG Smartphone, the LG Smartphone queries the server process as to the on-line status of the first callee process.

For example, the LG Smartphone transmits to the server a query, at least in the form of a GET request, as to whether the second process is connected to the computer network in packet 418, highlighted in orange.

No.	Time	Source	Src Port	Destination	Dst Port	Protocol
417	2.379506000	10.10.251.245	39428	74.125.228.96	80	TCP
418	2.380044000	10.10.251.245	39428	74.125.228.96	80	HTTP
420	2.380527000	10.10.251.245	39428	74.125.228.96	80	HTTP



Source: Test screenshot.

### 9.3 GET

The GET method means retrieve whatever information (in the form of an entity) is identified by the Request-URI. If the Request-URI refers to a data-producing process, it is the produced data which shall be returned as the entity in the response and not the source text of the process, unless that text happens to be the output of the process.

“C.1 querying the server process as to the on-line status of the first callee process; and”

*Source:* <http://www.w3.org/Protocols/rfc2616/rfc2616-sec9.html#sec9.3>.

A server's response to a GET request is indicative of, among other things, online status. For example, a 200 OK response to the query both indicates that a requested resource is online and has been successfully delivered, while a 404 Not Found response indicates that the queried resource is offline or otherwise unavailable.

For example, selected potential responses to a GET request are reproduced below, from the Hypertext Transfer Protocol specification:



“C.1 querying the server process as to the on-line status of the first callee process; and”

#### **10.2.1 200 OK**

The request has succeeded. The information returned with the response is dependent on the method used in the request, for example:

GET an entity corresponding to the requested resource is sent in the response;

#### **10.3.3 302 Found**

The requested resource resides temporarily under a different URI. Since the redirection might be altered on occasion, the client SHOULD continue to use the Request-URI for future requests. This response is only cacheable if indicated by a Cache-Control or Expires header field.

The temporary URI SHOULD be given by the Location field in the response. Unless the request method was HEAD, the entity of the response SHOULD contain a short hypertext note with a hyperlink to the new URI(s).

#### **10.4.5 404 Not Found**

The server has not found anything matching the Request-URI. No indication is given of whether the condition is temporary or permanent. The 410 (Gone) status code SHOULD be used if the server knows, through some internally configurable mechanism, that an old resource is permanently unavailable and has no forwarding address. This status code is commonly used when the server does not wish to reveal exactly why the request has been refused, or when no other response is applicable.

*Source:* <http://www.w3.org/Protocols/rfc2616/rfc2616-sec10.html>.

“C.2 receiving a network protocol address of the first callee process over the computer network from the server process.”

C.2 receiving a network protocol address of the first callee process over the computer network from the server process.

When a user uses the LG Smartphone, the LG Smartphone receives a network protocol address of the first callee process over the computer network from the server process.

For example, packet 452, highlighted in orange below, contains an HTTP 200 response from the server to the LG Smartphone. The response contains a network protocol address of a second process, at least partially represented by 173.194.68.127.

No.	Time	Source	Src Port	Destination	Dst Port	Protocol	Length	Info
452	2.417825000	74.125.228.96	80	10.10.251.245	39428	HTTP	579	HTTP/1.1 200 OK
453	2.418231000			Alfa 50:e5:5a (RA		802.11	40	Acknowledgement, F
454	2.418760000	74.125.228.103	80	10.10.251.245	35155	TCP	96	http > 35155 [ACK]

▶ Frame 452: 579 bytes on wire (4632 bits), 579 bytes captured (4632 bits)  
 ▶ Radiotap Header v0, Length 12  
 ▶ IEEE 802.11 Data, Flags: .....F.  
 ▶ Logical-Link Control  
 ▶ Internet Protocol Version 4, Src: 74.125.228.96 (74.125.228.96), Dst: 10.10.251.245 (10.10.251.245)  
 ▶ Transmission Control Protocol, Src Port: http (80), Dst Port: 39428 (39428), Seq: 1, Ack: 405, Len: 483  
 ▶ **Hypertext Transfer Protocol**  
 ▼ Line-based text data: text/plain  
 username=zw0mi39ff8r89s+p\n  
 password=AqbIN0EL2geLV216\n  
 relay.ip=173.194.68.127\n  
 relay.udp\_port=19305\n  
 relay.tcp\_port=19305\n  
 relay.ssltcp\_port=443\n  
 stun.ip=173.194.68.127\n  
 stun.port=19302\n

Source: Test screenshot.

# EXHIBIT 19

**U.S. Patent No. 6,009,469**

**Toshiba Excite Tablet**

**(GTalk)**

U.S. Patent No. 6,009,469: Claim 1

“1. A computer program product for use with a computer system having a display and an audio transducer, the computer system capable of executing a first process and connecting to other processes and a server process over a computer network, the computer program product comprising a computer usable medium having computer readable code means embodied in the medium comprising:”

1. A computer program product for use with a computer system having a display and an audio transducer, the computer system capable of executing a first process and connecting to other processes and a server process over a computer network, the computer program product comprising a computer usable medium having computer readable code means embodied in the medium comprising:

Toshiba Excite 10se Tablet (hereinafter, “the Toshiba Tablet”, which encompasses all Toshiba tablets, including but not limited to model numbers AT305SE-T16 and AT305SE-T32) is a computer system, including program code.



Source: <http://us.toshiba.com/tablets/excite/10SE/16gb/>.

U.S. Patent No. 6,009,469: Claim 1

“a. program code for generating a user-interface enabling control of a first process executing on the computer system;”

a. program code for generating a user-interface enabling control of a first process executing on the computer system;

The Toshiba Tablet has program code for generating a user-interface enabling control of a first process executing on the computer system.



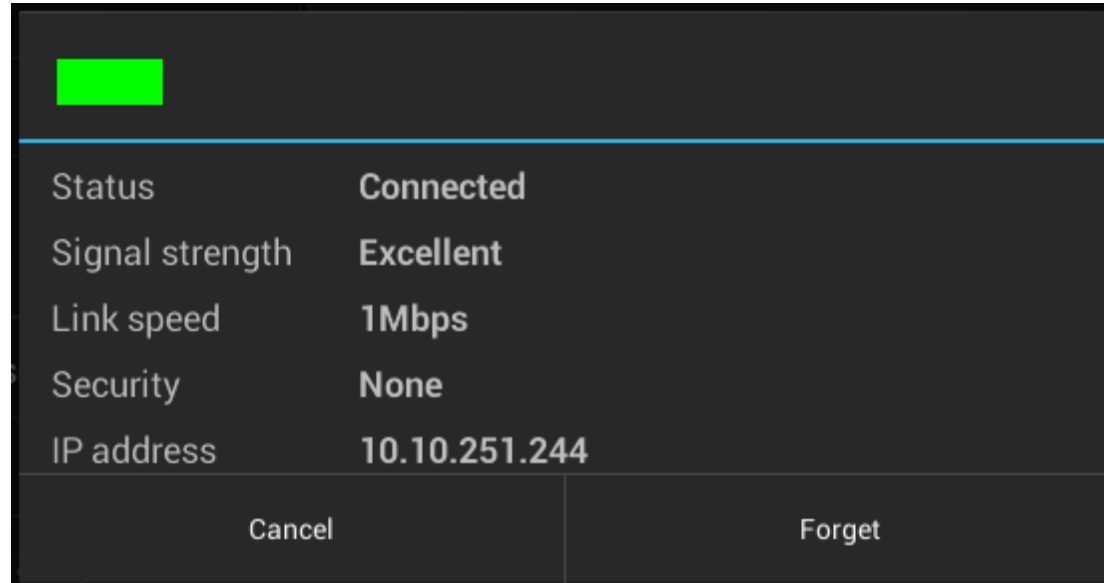
Source: Test screenshot.

“b. program code for determining the currently assigned network protocol address of the first process upon connection to the computer network;”

b. program code for determining the currently assigned network protocol address of the first process upon connection to the computer network;

The Toshiba Tablet has program code for determining the currently assigned network protocol address of the first process upon connection to the computer network.

For example, following connection to the computer network, the Toshiba Tablet receives a network protocol address, at least partially represented by 10.10.251.244.



Source: Test screenshot.

U.S. Patent No. 6,009,469: Claim 1

“c. program code responsive to the currently assigned network protocol address of the first process, for establishing a communication connection with the server process and for forwarding the assigned network protocol address of the first process and a unique identifier of the first process to the server process upon establishing a communication connection with the server process; and”

c. program code responsive to the currently assigned network protocol address of the first process, for establishing a communication connection with the server process and for forwarding the assigned network protocol address of the first process and a unique identifier of the first process to the server process upon establishing a communication connection with the server process; and

The Toshiba Tablet has program code responsive to the currently assigned network protocol address of the first process, for establishing a communication connection with the server process and for forwarding the assigned network protocol address of the first process and a unique identifier of the first process to the server process upon establishing a communication connection with the server process.

For example, the Toshiba Tablet forwards to the server the assigned network protocol address of the first process and a unique identifier of the first process; for example, the TCP SYN is in packet 661, highlighted in orange.

No.	Time	Source	Src Port	Destination	Dst Port	Protocol
661	4.475282000	10.10.251.244	46707	74.125.228.101	80	TCP
662	4.475977000	10.10.251.244	46707	74.125.228.101	80	TCP
663	4.476351000	10.10.251.244	55229	74.125.228.99	80	TCP

Frame 661: 124 bytes on wire (992 bits), 124 bytes captured (992 bits)

- ▶ Radiotap Header v0, Length 26
- ▶ IEEE 802.11 QoS Data, Flags: .....TC
- ▶ Logical-Link Control
- ▶ Internet Protocol Version 4, Src: 10.10.251.244 (10.10.251.244), Dst: 74.125.228.101 (74.125.228.101)
- ▼ Transmission Control Protocol, Src Port: 46707 (46707), Dst Port: http (80), Seq: 0, Len 80
  - Source port: 46707 (46707)
  - Destination port: http (80)
  - [Stream index: 65]
  - Sequence number: 0 (relative sequence number)
  - Header length: 40 bytes
  - ▶ Flags: 0x002 (SYN)
  - Window size value: 14600
  - [Calculated window size: 14600]
  - ▶ Checksum: 0x7862 [validation disabled]
  - ▶ Options: (20 bytes)

Source: Test screenshot.



“d. program code means, responsive to user input commands, for establishing a point-to-point communications with another process over the computer network.”

d. program code means, responsive to user input commands, for establishing a point-to-point communications with another process over the computer network.

The Toshiba Tablet has program code means, responsive to user input commands, for establishing a point-to-point communications with another process over the computer network.

For example, the Toshiba Tablet and the second process then go on to establish a point-to-point communication link.

For example, packet 3824, highlighted in orange below, contains an SSL “Client Hello” from the Toshiba Tablet to the second process.

No.	Time	Source	Src Port	Destination	Dst Port	Protocol
3822	15.739171000	10.10.251.244	42554	173.194.68.127	443	TCP
3823	15.739603000	10.10.251.244	42554	173.194.68.127	443	TCP
3824	15.741163000	10.10.251.244	42554	173.194.68.127	443	SSLv2
3825	15.741303000	10.10.251.244	42554	173.194.68.127	443	TCP

▶ Frame 3824: 188 bytes on wire (1504 bits), 188 bytes captured (1504 bits)

- ▶ Radiotap Header v0, Length 26
- ▶ IEEE 802.11 QoS Data, Flags: ...R..TC
- ▶ Logical-Link Control
- ▶ Internet Protocol Version 4, Src: 10.10.251.244 (10.10.251.244), Dst: 173.194.68.127 (173.194.68.127)
- ▶ Transmission Control Protocol, Src Port: 42554 (42554), Dst Port: https (443), Seq: 1, Win: 0, Len: 0
- ▼ Secure Sockets Layer
  - ▼ SSLv2 Record Layer: Client Hello
    - [Version: SSL 2.0 (0x0002)]
    - Length: 70
    - Handshake Message Type: Client Hello (1)
    - Version: TLS 1.0 (0x0301)
    - Cipher Spec Length: 45
    - Session ID Length: 0
    - Challenge Length: 16
    - ▶ Cipher Specs (15 specs)
    - Challenge

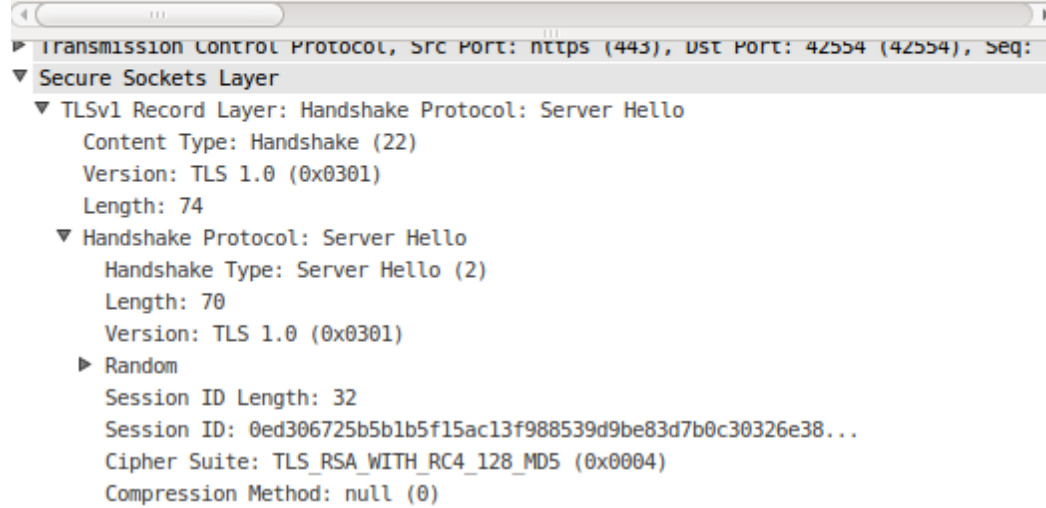
Source: Test screenshot.

Packet 3966, highlighted in orange below, contains the SSL “Server Hello” response

“d. program code means, responsive to user input commands, for establishing a point-to-point communications with another process over the computer network.”

from the second process.

No.	Time	Source	Src Port	Destination	Dst Port	Protocol
3964	16.020893000	173.194.68.188	5228	10.10.251.244	56150	TCP
3965	16.023443000			Alfa 50:e5:5a (RA)		802.11
3966	16.025158000	173.194.68.127	443	10.10.251.244	42554	TLSv1
3967	16.025473000	10.10.251.244	43435	10.0.2.1	62036	STUN
3968	16.025958000	10.10.251.244	43435	10.0.2.1	62036	STUN

Source: Test screenshot.

The following shows an excerpt of data exchanged between the Toshiba Tablet and the second process. Data from the Toshiba Tablet is shown in red. Data from the second process is shown in blue. Nonprintable characters have been replaced with a period (“.”).

U.S. Patent No. 6,009,469: Claim 1

“d. program code means, responsive to user input commands, for establishing a point-to-point communications with another process over the computer network.”



Source: Test screenshot.

U.S. Patent No. 6,009,469: Claim 9

“9. In a computer system having a display and capable of executing a process, a method for establishing a point-to-point communication from a caller process to a callee process over a computer network, the caller process capable of generating a user interface and being operatively connected to the callee process and a server process over the computer network, the method comprising the steps of:”

9. In a computer system having a display and capable of executing a process, a method for establishing a point-to-point communication from a caller process to a callee process over a computer network, the caller process capable of generating a user interface and being operatively connected to the callee process and a server process over the computer network, the method comprising the steps of:

Toshiba Excite 10se Tablet (hereinafter, “the Toshiba Tablet”, which encompasses all Toshiba tablets, including but not limited to model numbers AT305SE-T16 and AT305SE-T32) is a computer system.



Source: <http://us.toshiba.com/tablets/excite/10SE/16gb/>.

U.S. Patent No. 6,009,469: Claim 9

“A. generating a user-interface element representing a first communication line;”

A. generating a user-interface element representing a first communication line;

Toshiba actively induces its users to directly practice this claim element, knowing that when a user uses the Toshiba Tablet, the Toshiba Tablet generates a user-interface element representing a first communication line.

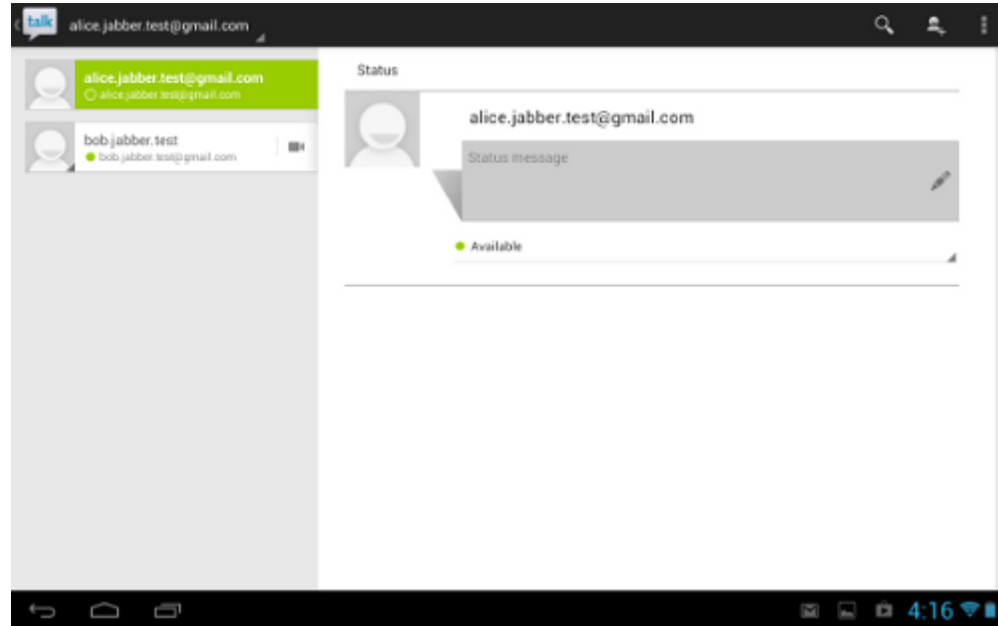


Source: Test screenshot.

“B. generating a user interface element representing a first callee process;”

B. generating a user interface element representing a first callee process;

When a user uses the Toshiba Tablet, the Toshiba Tablet generates a user interface element representing a first callee process.



Source: Test screenshot.

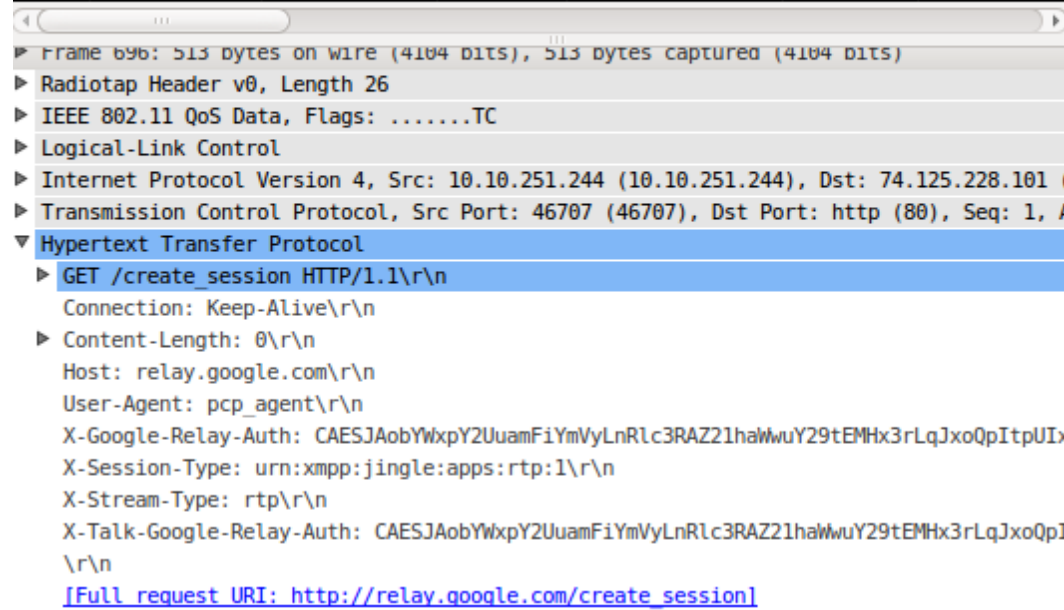
“C. querying the server process to determine if the first callee process is accessible; and”

C. querying the server process to determine if the first callee process is accessible; and

When a user uses the Toshiba Tablet, the Toshiba Tablet queries the server process to determine if the first callee process is accessible.

For example, the Toshiba Tablet transmits to the server a query, at least in the form of a GET request, as to whether the second process is connected to the computer network in packet 696, highlighted in orange.

No.	Time	Source	Src Port	Destination	Dst Port	Protocol
695	4.508726000	10.10.251.244	46707	74.125.228.101	80	TCP
696	4.509262000	10.10.251.244	46707	74.125.228.101	80	HTTP
697	4.509888000	10.10.251.244	46707	74.125.228.101	80	HTTP



Source: Test screenshot.

### 9.3 GET

The GET method means retrieve whatever information (in the form of an entity) is identified by the Request-URI. If the Request-URI refers to a data-producing process, it is the produced data which shall be returned as the entity in the response and not the source text of the process, unless that text happens to be the output of the process.

“C. querying the server process to determine if the first callee process is accessible; and”

*Source:* <http://www.w3.org/Protocols/rfc2616/rfc2616-sec9.html#sec9.3>.

A server's response to a GET request is indicative of, among other things, online status. For example, a 200 OK response to the query both indicates that a requested resource is online and has been successfully delivered, while a 404 Not Found response indicates that the queried resource is offline or otherwise unavailable.

For example, selected potential responses to a GET request are reproduced below, from the Hypertext Transfer Protocol specification:



“C. querying the server process to determine if the first callee process is accessible; and”

### **10.2.1 200 OK**

The request has succeeded. The information returned with the response is dependent on the method used in the request, for example:

GET an entity corresponding to the requested resource is sent in the response;

### **10.3.3 302 Found**

The requested resource resides temporarily under a different URI. Since the redirection might be altered on occasion, the client SHOULD continue to use the Request-URI for future requests. This response is only cacheable if indicated by a Cache-Control or Expires header field.

The temporary URI SHOULD be given by the Location field in the response. Unless the request method was HEAD, the entity of the response SHOULD contain a short hypertext note with a hyperlink to the new URI(s).

### **10.4.5 404 Not Found**

The server has not found anything matching the Request-URI. No indication is given of whether the condition is temporary or permanent. The 410 (Gone) status code SHOULD be used if the server knows, through some internally configurable mechanism, that an old resource is permanently unavailable and has no forwarding address. This status code is commonly used when the server does not wish to reveal exactly why the request has been refused, or when no other response is applicable.

*Source:* <http://www.w3.org/Protocols/rfc2616/rfc2616-sec10.html>.

For example, packet 780, highlighted in orange below, contains an HTTP 200 response from the server to the Toshiba Tablet. The response contains a network protocol address of a second process, at least partially represented by 173.194.68.127.

U.S. Patent No. 6,009,469: Claim 9

“C. querying the server process to determine if the first callee process is accessible; and”

No.	Time	Source	Src Port	Destination	Dst Port	Protocol	Length	Info
779	4.635249000	10.10.251.244	55229	74.125.228.99	80	TCP	90	55229 → http [FIN]
780	4.635846000	74.125.228.101	80	10.10.251.244	46707	HTTP	579	HTTP/1.1 200 OK
781	4.636965000	10.10.251.244	55229	74.125.228.99	80	TCP	99	[TCP Keep-Alive]
782	4.637070000	10.10.251.244	55229	74.125.228.99	80	TCP	99	[TCP Keep-Alive]

▶ Frame 780: 579 bytes on wire (4632 bits), 579 bytes captured (4632 bits)  
 ▶ Radiotap Header v0, Length 12  
 ▶ IEEE 802.11 Data, Flags: .....F.  
 ▶ Logical-Link Control  
 ▶ Internet Protocol Version 4, Src: 74.125.228.101 (74.125.228.101), Dst: 10.10.251.244 (10.10.251.244)  
 ▶ Transmission Control Protocol, Src Port: http (80), Dst Port: 46707 (46707), Seq: 1, Ack: 398, Len: 483  
 ▶ **Hypertext Transfer Protocol**  
 ▼ Line-based text data: text/plain  
 username=GVHAEfsYiRITSZff\n  
 password=ax0Jo8GY8eUeiibr\n  
 relay.ip=173.194.68.127\n  
 relay.udp\_port=19305\n  
 relay.tcp\_port=19305\n  
 relay.ssltcp\_port=443\n  
 stun.ip=173.194.68.127\n  
 stun.port=19302\n

Source: Test screenshot.

U.S. Patent No. 6,009,469: Claim 9

“D. establishing a point-to-point communication link from the caller process to the first callee process, in response to a user associating the element representing the first callee process with the element representing the first communication line, wherein step C further comprises the steps of:”

D. establishing a point-to-point communication link from the caller process to the first callee process, in response to a user associating the element representing the first callee process with the element representing the first communication line, wherein step C further comprises the steps of:

When a user uses the Toshiba Tablet, the Toshiba Tablet establishes a point-to-point communication link from the caller process to the first callee process, in response to a user associating the element representing the first callee process with the element representing the first communication line.

For example, the Toshiba Tablet and the second process then go on to establish a point-to-point communication link.

For example, packet 3824, highlighted in orange below, contains an SSL “Client Hello” from the Toshiba Tablet to the second process.

No.	Time	Source	Src Port	Destination	Dst Port	Protocol
3022	15.739171000	10.10.251.244	42554	173.194.68.127	443	TCP
3823	15.739603000	10.10.251.244	42554	173.194.68.127	443	TCP
3824	15.741163000	10.10.251.244	42554	173.194.68.127	443	SSLv2
3825	15.741203000	10.10.251.244	42554	173.194.68.127	443	TCP

- ▶ Frame 3824: 188 bytes on wire (1504 bits), 188 bytes captured (1504 bits)
- ▶ Radiotap Header v0, Length 26
- ▶ IEEE 802.11 QoS Data, Flags: ...R..TC
- ▶ Logical-Link Control
- ▶ Internet Protocol Version 4, Src: 10.10.251.244 (10.10.251.244), Dst: 173.194.68.127 (173.194.68.127)
- ▶ Transmission Control Protocol, Src Port: 42554 (42554), Dst Port: https (443), Seq: 1, Win: 0, Len: 0
- ▼ Secure Sockets Layer
  - ▼ SSLv2 Record Layer: Client Hello
    - [Version: SSL 2.0 (0x0002)]
    - Length: 70
    - Handshake Message Type: Client Hello (1)
    - Version: TLS 1.0 (0x0301)
    - Cipher Spec Length: 45
    - Session ID Length: 0
    - Challenge Length: 16
    - ▶ Cipher Specs (15 specs)
    - Challenge

“D. establishing a point-to-point communication link from the caller process to the first callee process, in response to a user associating the element representing the first callee process with the element representing the first communication line, wherein step C further comprises the steps of:”

Source: Test screenshot.

Packet 3966, highlighted in orange below, contains the SSL “Server Hello” response from the second process.

No.	Time	Source	Src Port	Destination	Dst Port	Protocol
3964	16.020893000	173.194.68.188	5228	10.10.251.244	56150	TCP
3965	16.023443000			Alfa_50:e5:5a (RA)		802.11
3966	16.025158000	173.194.68.127	443	10.10.251.244	42554	TLSv1
3967	16.025473000	10.10.251.244	43435	10.0.2.1	62036	STUN
3968	16.025958000	10.10.251.244	43435	10.0.2.1	62036	STUN

Transmission Control Protocol, Src Port: https (443), Dst Port: 42554 (42554), Seq: 1

Secure Sockets Layer

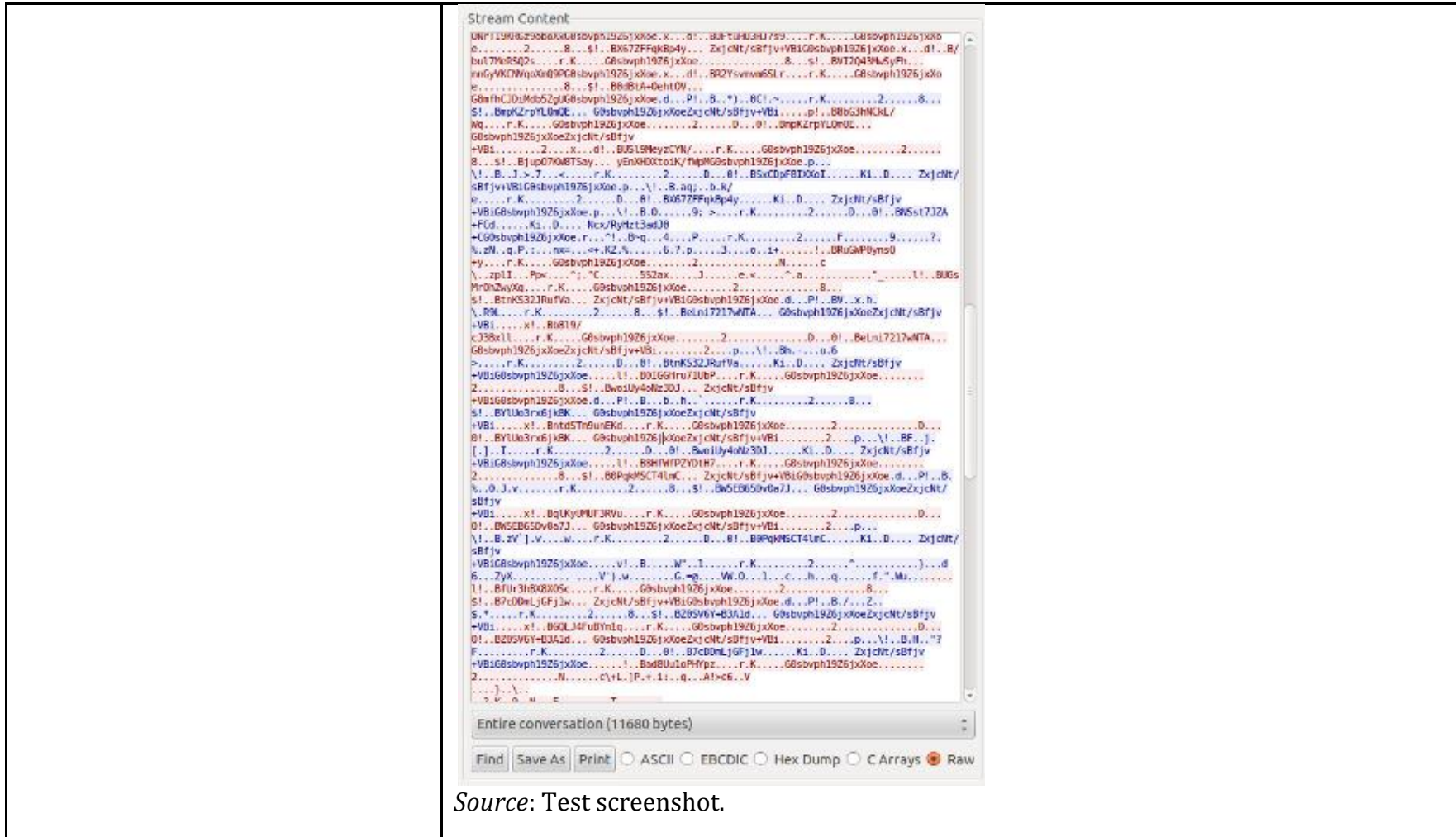
- TLsv1 Record Layer: Handshake Protocol: Server Hello
  - Content Type: Handshake (22)
  - Version: TLS 1.0 (0x0301)
  - Length: 74
  - Handshake Protocol: Server Hello
    - Handshake Type: Server Hello (2)
    - Length: 70
    - Version: TLS 1.0 (0x0301)
    - Random
      - Session ID Length: 32
      - Session ID: 0ed306725b5b1b5f15ac13f988539d9be83d7b0c30326e38...
      - Cipher Suite: TLS\_RSA\_WITH\_RC4\_128\_MD5 (0x0004)
      - Compression Method: null (0)

Source: Test screenshot.

The following shows an excerpt of data exchanged between the Toshiba Tablet and the second process. Data from the Toshiba Tablet is shown in red. Data from the second process is shown in blue. Nonprintable characters have been replaced with a period (“.”).

U.S. Patent No. 6,009,469: Claim 9

“D. establishing a point-to-point communication link from the caller process to the first callee process, in response to a user associating the element representing the first callee process with the element representing the first communication line, wherein step C further comprises the steps of:”



Source: Test screenshot.

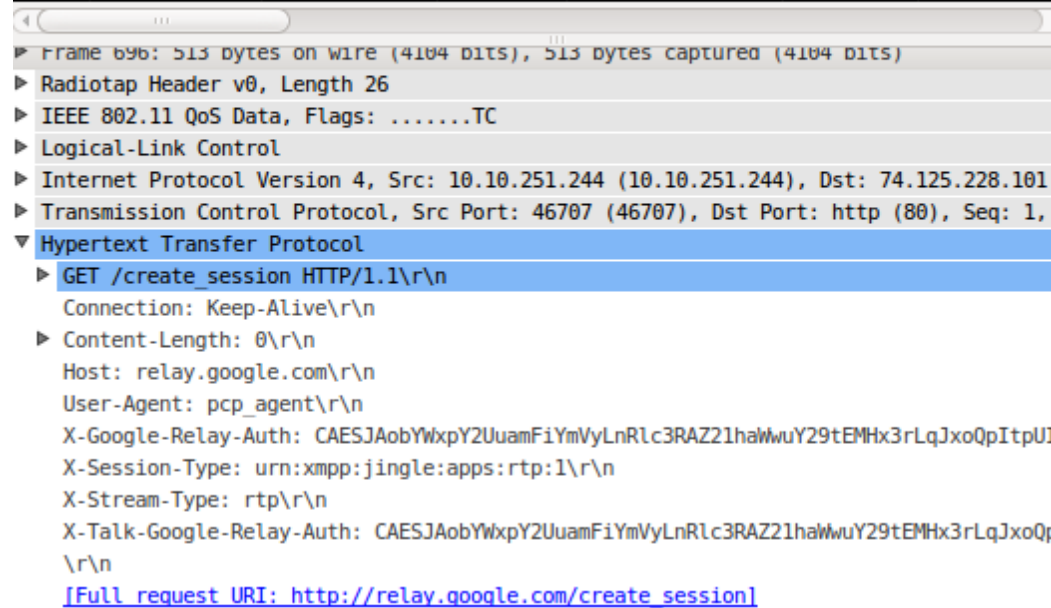
“C.1 querying the server process as to the on-line status of the first callee process; and”

C.1 querying the server process as to the on-line status of the first callee process; and

When a user uses the Toshiba Tablet, the Toshiba Tablet queries the server process as to the on-line status of the first callee process.

For example, the Toshiba Tablet transmits to the server a query, at least in the form of a GET request, as to whether the second process is connected to the computer network in packet 696, highlighted in orange.

No.	Time	Source	Src Port	Destination	Dst Port	Protocol
695	4.508726000	10.10.251.244	46707	74.125.228.101	80	TCP
696	4.509262000	10.10.251.244	46707	74.125.228.101	80	HTTP
697	4.509888000	10.10.251.244	46707	74.125.228.101	80	HTTP



Source: Test screenshot.

### 9.3 GET

The GET method means retrieve whatever information (in the form of an entity) is identified by the Request-URI. If the Request-URI refers to a data-producing process, it is the produced data which shall be returned as the entity in the response and not the source text of the process, unless that text happens to be the output of the process.

U.S. Patent No. 6,009,469: Claim 9

“C.1 querying the server process as to the on-line status of the first callee process; and”

*Source:* <http://www.w3.org/Protocols/rfc2616/rfc2616-sec9.html#sec9.3>.

A server's response to a GET request is indicative of, among other things, online status. For example, a 200 OK response to the query both indicates that a requested resource is online and has been successfully delivered, while a 404 Not Found response indicates that the queried resource is offline or otherwise unavailable.

For example, selected potential responses to a GET request are reproduced below, from the Hypertext Transfer Protocol specification:



“C.1 querying the server process as to the on-line status of the first callee process; and”

#### **10.2.1 200 OK**

The request has succeeded. The information returned with the response is dependent on the method used in the request, for example:

GET an entity corresponding to the requested resource is sent in the response;

#### **10.3.3 302 Found**

The requested resource resides temporarily under a different URI. Since the redirection might be altered on occasion, the client SHOULD continue to use the Request-URI for future requests. This response is only cacheable if indicated by a Cache-Control or Expires header field.

The temporary URI SHOULD be given by the Location field in the response. Unless the request method was HEAD, the entity of the response SHOULD contain a short hypertext note with a hyperlink to the new URI(s).

#### **10.4.5 404 Not Found**

The server has not found anything matching the Request-URI. No indication is given of whether the condition is temporary or permanent. The 410 (Gone) status code SHOULD be used if the server knows, through some internally configurable mechanism, that an old resource is permanently unavailable and has no forwarding address. This status code is commonly used when the server does not wish to reveal exactly why the request has been refused, or when no other response is applicable.

*Source:* <http://www.w3.org/Protocols/rfc2616/rfc2616-sec10.html>.



“C.2 receiving a network protocol address of the first callee process over the computer network from the server process.”

C.2 receiving a network protocol address of the first callee process over the computer network from the server process.

When a user uses the Toshiba Tablet, the Toshiba Tablet receives a network protocol address of the first callee process over the computer network from the server process.

For example, packet 780, highlighted in orange below, contains an HTTP 200 response from the server to the Toshiba Tablet. The response contains a network protocol address of a second process, at least partially represented by 173.194.68.127.

No.	Time	Source	Src Port	Destination	Dst Port	Protocol	Length	Info
779	4.635249000	10.10.251.244	55229	74.125.228.99	80	TCP	90	55229 → http [FIN]
780	4.635846000	74.125.228.101	80	10.10.251.244	46707	HTTP	579	HTTP/1.1 200 OK
781	4.636965000	10.10.251.244	55229	74.125.228.99	80	TCP	99	[TCP Keep-Alive]
782	4.637070000	10.10.251.244	55229	74.125.228.99	80	TCP	80	55229 → http [FIN]

Frame 780: 579 bytes on wire (4632 bits), 579 bytes captured (4632 bits)

- Radiotap Header v0, Length 12
- IEEE 802.11 Data, Flags: .....F.
- Logical-Link Control
- Internet Protocol Version 4, Src: 74.125.228.101 (74.125.228.101), Dst: 10.10.251.244 (10.10.251.244)
- Transmission Control Protocol, Src Port: http (80), Dst Port: 46707 (46707), Seq: 1, Ack: 398, Len: 483
- Hypertext Transfer Protocol**
- Line-based text data: text/plain
  - username=GVHAEfsYiRITSZff\n
  - password=ax0Jo8GY8eUeiibr\n
  - relay.ip=173.194.68.127\n
  - relay.udp\_port=19305\n
  - relay.tcp\_port=19305\n
  - relay.ssltcp\_port=443\n
  - stun.ip=173.194.68.127\n
  - stun.port=19302\n

Source: Test screenshot.

# **EXHIBIT 22**

**U.S. Patent No. 6,009,469**

**Vizio TV**

**(NetFlix)**

U.S. Patent No. 6,009,469: Claim 1

“1. A computer program product for use with a computer system having a display and an audio transducer, the computer system capable of executing a first process and connecting to other processes and a server process over a computer network, the computer program product comprising a computer usable medium having computer readable code means embodied in the medium comprising:”

1. A computer program product for use with a computer system having a display and an audio transducer, the computer system capable of executing a first process and connecting to other processes and a server process over a computer network, the computer program product comprising a computer usable medium having computer readable code means embodied in the medium comprising:

Vizio E420i-A1 Television (hereinafter, “the Vizio Smart TV”, which encompasses all Vizio Smart TVs, including but not limited to model numbers E500I-A1, E241I-A1W, E291I-A1, E650I-A2, E390I-A1, E550I-A0, E551D-A0, E241I-A1, E551I-A2, E500D-A0, E500I-A0, E420D-A0, E470I-A0, E401I-A2, E420I-A0, E502AR, E701I-A3, E320I-A2, E601I-A3, E420I-A1, E320I-A0, M3D550KDE) is a computer system, including program code.



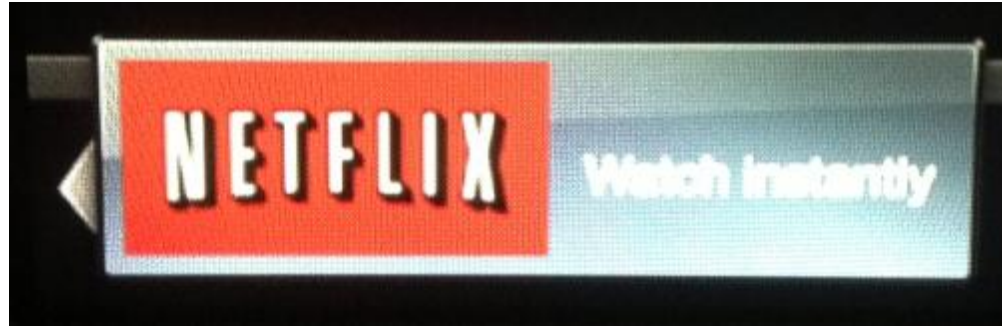
Source: <http://store.vizio.com/e420ia1.html>.

U.S. Patent No. 6,009,469: Claim 1

“a. program code for generating a user-interface enabling control of a first process executing on the computer system;”

a. program code for generating a user-interface enabling control of a first process executing on the computer system;

The Vizio Smart TV has program code for generating a user-interface enabling control of a first process executing on the computer system.



Source: Test picture.

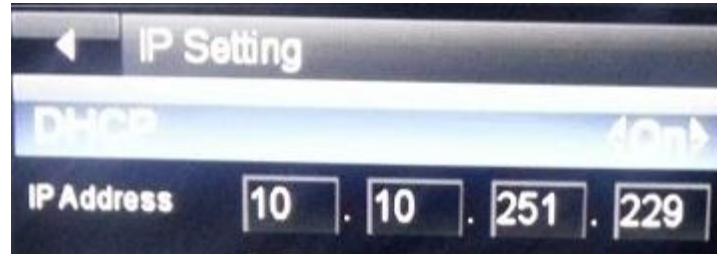
U.S. Patent No. 6,009,469: Claim 1

“b. program code for determining the currently assigned network protocol address of the first process upon connection to the computer network;”

b. program code for determining the currently assigned network protocol address of the first process upon connection to the computer network;

The Vizio Smart TV has program code for determining the currently assigned network protocol address of the first process upon connection to the computer network.

For example, following connection to the computer network, the Vizio Smart TV receives a network protocol address, at least partially represented by 10.10.251.229.



Source: Test screenshot.

U.S. Patent No. 6,009,469: Claim 1

“c. program code responsive to the currently assigned network protocol address of the first process, for establishing a communication connection with the server process and for forwarding the assigned network protocol address of the first process and a unique identifier of the first process to the server process upon establishing a communication connection with the server process; and”

c. program code responsive to the currently assigned network protocol address of the first process, for establishing a communication connection with the server process and for forwarding the assigned network protocol address of the first process and a unique identifier of the first process to the server process upon establishing a communication connection with the server process; and

The Vizio Smart TV has program code responsive to the currently assigned network protocol address of the first process, for establishing a communication connection with the server process and for forwarding the assigned network protocol address of the first process and a unique identifier of the first process to the server process upon establishing a communication connection with the server process.

For example, the Vizio Smart TV forwards to the server the assigned network protocol address of the first process and a unique identifier of the first process; for example, the TCP SYN is in packet 19566, highlighted in orange. The server’s network protocol address is at least partially represented by 50.112.101.251.

No.	Time	Source	Src Port	Destination	Dst Port	Protocol
19566	92.150735000	10.10.251.229	53611	50.112.101.251	443	TCP
19567	92.151044000	10.10.251.229	53611	50.112.101.251	443	TCP
19568	92.156633000	10.10.251.229	53611	50.112.101.251	443	TCP

Frame 19566: 122 bytes on wire (976 bits), 122 bytes captured (976 bits)

- Radiotap Header v0, Length 26
- IEEE 802.11 Data, Flags: ....R..TC
- Logical-Link Control
- Internet Protocol Version 4, Src: 10.10.251.229 (10.10.251.229), Dst: 50.112.101.251 (50.112.101.251)
- Transmission Control Protocol, Src Port: 53611 (53611), Dst Port: https (443), Seq: 0, Len: 40**
  - Source port: 53611 (53611)
  - Destination port: https (443)
  - [Stream index: 818]
  - Sequence number: 0 (relative sequence number)
  - Header length: 40 bytes
  - Flags: 0x002 (SYN)**
    - Window size value: 5840
    - [Calculated window size: 5840]
  - Checksum: 0xeb61 [validation disabled]
  - Options: (20 bytes)

U.S. Patent No. 6,009,469: Claim 1

“c. program code responsive to the currently assigned network protocol address of the first process, for establishing a communication connection with the server process and for forwarding the assigned network protocol address of the first process and a unique identifier of the first process to the server process upon establishing a communication connection with the server process; and”

	<i>Source:</i> Test screenshot.
--	---------------------------------



U.S. Patent No. 6,009,469: Claim 1

“d. program code means, responsive to user input commands, for establishing a point-to-point communications with another process over the computer network.”

<p>d. program code means, responsive to user input commands, for establishing a point-to-point communications with another process over the computer network.</p>	<p>The Vizio Smart TV has program code means, responsive to user input commands, for establishing a point-to-point communications with another process over the computer network.</p> <p>For example, the Vizio Smart TV and the content server go on to establish a point-to-point communication link.</p> <p>The following screenshot shows data exchanged between the Vizio Smart TV and the content server, beginning with the initial HTTP GET request. Data from the Vizio Smart TV is shown in red. Data from the content server is shown in blue. Nonprintable characters have been replaced with a period (“.”).</p> <p>Note the video header information of “ftypiso2” in the first server response.</p>
---	--

U.S. Patent No. 6,009,469: Claim 1

“d. program code means, responsive to user input commands, for establishing a point-to-point communications with another process over the computer network.”

The screenshot displays a network traffic analysis window titled "Stream Content". It shows two partial HTTP responses. The first response is for a GET request to "/259877445.ismv?". The headers include: "Server: nginx/1.2.7", "Date: Mon, 13 May 2013 19:33:33 GMT", "Content-Type: application/octet-stream", "Content-Length: 257", "Last-Modified: Thu, 03 Jan 2013 12:22:36 GMT", "Connection: keep-alive", "Cache-Control: no-store", "Pragma: no-cache", "Access-Control-Allow-Origin: \*", and "X-TCP-Info: snd\_wscale=5;rcv\_wscale=9;snd\_mss=1368;rcv\_mss=1368;last\_data\_rcv=7000;rtt=26000;rttvar=13900;snd\_ssthresh=1073725440;snd\_cwnd=13680;snd\_wnd=5856;rcv\_wnd=1049256;snd\_rexmitpack=0;rcv\_ooopack=0;snd\_zerowin=0;". The content range is "bytes 0-256/85416598". The second response is for a GET request to "/259877445.ismv?". The headers include: "Server: nginx/1.2.7", "Date: Mon, 13 May 2013 19:33:37 GMT", "Content-Type: application/octet-stream", "Content-Length: 45525", "Last-Modified: Thu, 03 Jan 2013 12:22:36 GMT", "Connection: keep-alive", "Cache-Control: no-store", "Pragma: no-cache", "Access-Control-Allow-Origin: \*", and "X-TCP-Info: snd\_wscale=5;rcv\_wscale=9;snd\_mss=1368;rcv\_mss=1368;last\_data\_rcv=0;rtt=35000;rttvar=17500;snd\_ssthresh=2736;snd\_cwnd=2180;snd\_wnd=7488;rcv\_wnd=1049256;snd\_rexmitpack=5;rcv\_ooopack=0;snd\_zerowin=0;". The content range is "bytes 256-45780/85416598". At the bottom, there are buttons for "Find", "Save As", "Print", and radio buttons for "ASCII", "EBCDIC", "Hex Dump", "C Arrays", and "Raw" (which is selected).

Source: Test screenshot.

U.S. Patent No. 6,009,469: Claim 9

“9. In a computer system having a display and capable of executing a process, a method for establishing a point-to-point communication from a caller process to a callee process over a computer network, the caller process capable of generating a user interface and being operatively connected to the callee process and a server process over the computer network, the method comprising the steps of:”

9. In a computer system having a display and capable of executing a process, a method for establishing a point-to-point communication from a caller process to a callee process over a computer network, the caller process capable of generating a user interface and being operatively connected to the callee process and a server process over the computer network, the method comprising the steps of:

Vizio E420i-A1 Television (hereinafter, “the Vizio Smart TV”, which encompasses all Vizio Smart TVs, including but not limited to model numbers E500I-A1, E241I-A1W, E291I-A1, E650I-A2, E390I-A1, E550I-A0, E551D-A0, E241I-A1, E551I-A2, E500D-A0, E500I-A0, E420D-A0, E470I-A0, E401I-A2, E420I-A0, E502AR, E701I-A3, E320I-A2, E601I-A3, E420I-A1, E320I-A0, M3D550KDE) is a computer system.



Source: <http://store.vizio.com/e420ia1.html>.

U.S. Patent No. 6,009,469: Claim 9

“A. generating a user-interface element representing a first communication line;”

A. generating a user-interface element representing a first communication line;

Vizio actively induces its users to directly practice this claim element, knowing that when a user uses the Vizio Smart TV, the Vizio Smart TV generates a user-interface element representing a first communication line.



Source: Test picture.

“B. generating a user interface element representing a first callee process;”

B. generating a user interface element representing a first callee process;

When a user uses the Vizio Smart TV, the Vizio Smart TV generates a user interface element representing a first callee process.



Source: Test picture.

“C. querying the server process to determine if the first callee process is accessible; and”

C. querying the server process to determine if the first callee process is accessible; and

When a user uses the Vizio Smart TV, the Vizio Smart TV queries the server process to determine if the first callee process is accessible.

For example, the Vizio Smart TV transmits to the server, at least during the SSL handshake, a query as to whether the second process is connected to the computer network in packet 19936, highlighted in orange.

No.	Time	Source	Src Port	Destination	Dst Port	Protocol
19935	93.714799000	10.10.251.229	53611	50.112.101.251	443	TCP
19936	93.718773000	10.10.251.229	53611	50.112.101.251	443	TLSv1
19937	93.719290000	10.10.251.229	53611	50.112.101.251	443	TLSv1

Source: Test screenshot.

For example, the server continues the SSL handshake with the Vizio Smart TV in packet 19948, highlighted in orange.

“C. querying the server process to determine if the first callee process is accessible; and”

No.	Time	Source	Src Port	Destination	Dst Port	Protocol
19947	93.808393000	50.112.101.251	443	10.10.251.229	53611	TCP
19948	93.808859000	50.112.101.251	443	10.10.251.229	53611	TLSv1
19954	93.811630000	50.112.101.251	443	10.10.251.229	53611	TCP
19955	93.811630000	50.112.101.251	443	10.10.251.229	53611	TLSv1

Frame 19948: 1199 bytes on wire (9592 bits), 1199 bytes captured (9592 bits)

- ▶ Radiotap Header v0, Length 12
- ▶ IEEE 802.11 Data, Flags: .....F.
- ▶ Logical-Link Control
- ▶ Internet Protocol Version 4, Src: 50.112.101.251 (50.112.101.251), Dst: 10.10.251.229 (10.10.251.229)
- ▶ Transmission Control Protocol, Src Port: https (443), Dst Port: 53611 (53611), Seq: 1, Ack: 1
- ▼ Secure Sockets Layer
  - ▶ TLSv1 Record Layer: Handshake Protocol: Server Hello
  - ▶ TLSv1 Record Layer: Handshake Protocol: Certificate
  - ▶ TLSv1 Record Layer: Handshake Protocol: Server Hello Done

Source: Test screenshot.

The following screenshot shows data exchanged between the Vizio Smart TV and the server. Data from the Vizio Smart TV is shown in red. Data from the server is shown in blue. Nonprintable characters have been replaced with a period (“.”).

U.S. Patent No. 6,009,469: Claim 9

“C. querying the server process to determine if the first callee process is accessible; and”



Stream Content

```
.....Q.@
.....h...p.....).D.Z...
.9.8.....S.....
...
...3.2....E.D..../.A.....g...#!...nccp-
nrdp-31.cloud.netflix.net.....
.4.2.....
.....
.....Q...M..0@..g...~..g?...S.....q...K..J.R...^.....0
e.....CS...S.....0...0.....0
..*.H..
.....0..1-0+..U...$Primary Certificate Authority (2009)1.0...U...
California1.0...U...US1.0...U...
..Netflix Incl.0...U...Electronic Delivery1.0...U...Los Gatos0..
01010117000Z.
14022217000Z0x1.0...U...*.cloud.netflix.net1.0...U...
California.0...U...US1.0...U...
..Netflix.com1.0
..U...EDS1.0...U...Los Gatos0..0
..*.H..
.....0.....Z...2.<i<v.n.t.9.C.....
Q...c...X.J.x-3a...;.....:({.....W[.....h.F...k.Z.....!
q...V...o.....ooQ{1Z+}).....0..0...U.....0..0...U.....0..U.%.....0
..
+.....0...U...0...*.cloud.netflix.net0...U.....H.Nvk.K...~.L.P..0...U...#..
0...;i.[...;0.s.*..0:...U...3010/..+.)http://cr1.netflix.com/PPD_CA2009/
crl.pem0
..*.H..
.....$.h.%...x...?u.....K.....}.z
.....k....0K..w.^..jd.A\...)e.S./!...T%..Y^6.&....1..F.v6C.TJ.0L...).'.h)..
(. ..m2..h..6...g...4{.....].GE..>...&.{#.1..KA0.%
).....r.D...6.g.....e.7l...)z.V
.....m..X.S.G...0.....5.....6.....k.op...2...G.DS.).....
*.....3.&]v...ka.;J..qF.....
..uU..]N...l.9w../cPm.Rf!k.o;...JJ.....9....!2..e.$W.R;0..T7.]
.R.....0...+{f.....+3.>.....7V.'.....0
\..f.....h).....".....s.wXQ.
$.8eo.qE#L,.....I.T.....S....53^7.....N...sA)e...hF....qi.....p
G.....F..y.6j.....s.a.].Mt.....X.m..0...>..K
(.r.q....Y..e..y.Z.....xOY...U.....P.....ZM..H.2Fu...0.q.9[...S.D
$.H.H....."ln@P.....^6C.....).....@..3..F..m":.....Y...V...s...G...
CILP.S...$M...$X7...K.d.a..M.....N/?
x.....'G.n.....@.G..Z3...".Zav".....r.D3X...W.....w=gCg
\S5m...n...l...n...P...>=8c.v0...a..0
```

Entire conversation (9201 bytes)

Find Save As Print  ASCII  EBCDIC  Hex Dump  C Arrays  Raw

Source: Test screenshot.

On information and belief, the above encrypted communication contains a network protocol address of a second process.



U.S. Patent No. 6,009,469: Claim 9

“D. establishing a point-to-point communication link from the caller process to the first callee process, in response to a user associating the element representing the first callee process with the element representing the first communication line, wherein step C further comprises the steps of:”

<p>D. establishing a point-to-point communication link from the caller process to the first callee process, in response to a user associating the element representing the first callee process with the element representing the first communication line, wherein step C further comprises the steps of:</p>	<p>When a user uses the Vizio Smart TV, the Vizio Smart TV establishes a point-to-point communication link from the caller process to the first callee process, in response to a user associating the element representing the first callee process with the element representing the first communication line.</p> <p>For example, the Vizio Smart TV and the content server go on to establish a point-to-point communication link.</p> <p>The following screenshot shows data exchanged between the Vizio Smart TV and the content server, beginning with the initial HTTP GET request. Data from the Vizio Smart TV is shown in red. Data from the content server is shown in blue. Nonprintable characters have been replaced with a period (“.”).</p> <p>Note the video header information of “ftypiso2” in the first server response.</p>
--	--

U.S. Patent No. 6,009,469: Claim 9

“D. establishing a point-to-point communication link from the caller process to the first callee process, in response to a user associating the element representing the first callee process with the element representing the first communication line, wherein step C further comprises the steps of:”

Stream Content

```
GET /259877445.ismv?
c=us&n=19543&v=3&e=1368502412&t=LuSZ41IPDP00_Ur6nDcymWtCHXgSd=OTHER&p=5.biHHLLNODLbo
H053nlpgDwPMCqB4FKxLW5VGHe8BU HTTP/1.1
Range: bytes=0-256
Host: 108.175.34.86
Accept: */*
Accept-Encoding: gzip;q=1.0, identity;q=0.5, */q=0

HTTP/1.1 206 Partial Content
Server: nginx/1.2.7
Date: Mon, 13 May 2013 19:33:33 GMT
Content-Type: application/octet-stream
Content-Length: 257
Last-Modified: Thu, 03 Jan 2013 12:22:36 GMT
Connection: keep-alive
Cache-Control: no-store
Pragma: no-cache
Access-Control-Allow-Origin: *
X-TCP-Info:
snd_wscale=5;rcv_wscale=9;snd_mss=1368;rcv_mss=1368;last_data_rcv=7000;rtt=26000;rt
tvar=13000;snd_ssthresh=1073725440;snd_cwnd=13680;snd_wnd=5856;rcv_wnd=1049256;snd_r
exmitpack=0;rcv_oopack=0;snd_zerowin=0;
Content-Range: bytes 0-256/85416598

...
f$ftypiso2...isomiso2dashiso6piff...luuidNetfliXpiffStrm!.....ZN.....
f.....>.....I
{..iY.....B] ..'.m...C.H...Huuid....C.A.!!..d2.....YVNetFlx Media
Library Version 30.5.....'moov...xmvhd.....Y'.....Y'.....GET /259877445.ismv?
c=us&n=19543&v=3&e=1368502412&t=LuSZ41IPDP00_Ur6nDcymWtCHXgSd=OTHER&p=5.biHHLLNODLbo
H053nlpgDwPMCqB4FKxLW5VGHe8BU HTTP/1.1
Range: bytes=256-45780
Host: 108.175.34.86
Accept: */*
Accept-Encoding: gzip;q=1.0, identity;q=0.5, */q=0

HTTP/1.1 206 Partial Content
Server: nginx/1.2.7
Date: Mon, 13 May 2013 19:33:37 GMT
Content-Type: application/octet-stream
Content-Length: 45525
Last-Modified: Thu, 03 Jan 2013 12:22:36 GMT
Connection: keep-alive
Cache-Control: no-store
Pragma: no-cache
Access-Control-Allow-Origin: *
X-TCP-Info:
snd_wscale=5;rcv_wscale=9;snd_mss=1368;rcv_mss=1368;last_data_rcv=0;rtt=35000;rttva
r=17500;snd_ssthresh=2736;snd_cwnd=2180;snd_wnd=7488;rcv_wnd=1049256;snd_rexmitpack=
5;rcv_oopack=0;snd_zerowin=0;
Content-Range: bytes 256-45780/85416598

...f.....
@.....Lpssh...j...<.14.
f...C.G.....9cn...2...0..w.^..1...2..7171..n.....kxsh.....v..0B.....

Entire conversation (93906 bytes)

Find Save As Print  ASCII  EBCDIC  Hex Dump  C Arrays  Raw
```

Source: Test screenshot.

“C.1 querying the server process as to the on-line status of the first callee process; and”

C.1 querying the server process as to the on-line status of the first callee process; and

When a user uses the Vizio Smart TV, the Vizio Smart TV queries the server process as to the on-line status of the first callee process.

For example, the Vizio Smart TV transmits to the server, at least during the SSL handshake, a query as to whether the second process is connected to the computer network in packet 19936, highlighted in orange.

No.	Time	Source	Src Port	Destination	Dst Port	Protocol
19935	93.714799000	10.10.251.229	53611	50.112.101.251	443	TCP
19936	93.718773000	10.10.251.229	53611	50.112.101.251	443	TLSv1
19937	93.719290000	10.10.251.229	53611	50.112.101.251	443	TLSv1

Source: Test screenshot.

“C.2 receiving a network protocol address of the first callee process over the computer network from the server process.”

C.2 receiving a network protocol address of the first callee process over the computer network from the server process.

When a user uses the Vizio Smart TV, the Vizio Smart TV receives a network protocol address of the first callee process over the computer network from the server process.

For example, the server continues the SSL handshake with the Vizio Smart TV in packet 19948, highlighted in orange.

No.	Time	Source	Src Port	Destination	Dst Port	Protocol
19947	93.808390000	50.112.101.251	443	10.10.251.229	53611	TCP
19948	93.808859000	50.112.101.251	443	10.10.251.229	53611	TLSv1
19954	93.811630000	50.112.101.251	443	10.10.251.229	53611	TCP
19955	93.811630000	50.112.101.251	443	10.10.251.229	53611	TLSv1

Frame 19948: 1199 bytes on wire (9592 bits), 1199 bytes captured (9592 bits)

- ▶ Radiotap Header v0, Length 12
- ▶ IEEE 802.11 Data, Flags: .....F.
- ▶ Logical-Link Control
- ▶ Internet Protocol Version 4, Src: 50.112.101.251 (50.112.101.251), Dst: 10.10.251.229 (10.10.251.229)
- ▶ Transmission Control Protocol, Src Port: https (443), Dst Port: 53611 (53611), Seq: 1, Ack: 53611
- ▼ Secure Sockets Layer
  - ▶ TLSv1 Record Layer: Handshake Protocol: Server Hello
  - ▶ TLSv1 Record Layer: Handshake Protocol: Certificate
  - ▶ TLSv1 Record Layer: Handshake Protocol: Server Hello Done

Source: Test screenshot.

The following screenshot shows data exchanged between the Vizio Smart TV and the server. Data from the Vizio Smart TV is shown in red. Data from the server is shown in blue. Nonprintable characters have been replaced with a period (“.”).

U.S. Patent No. 6,009,469: Claim 9

“C.2 receiving a network protocol address of the first callee process over the computer network from the server process.”



Source: Test screenshot.

On information and belief, the above encrypted communication contains a network protocol address of a second process.