

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

RELAY IP, INC.,

Plaintiff,

v.

CISCO SYSTEMS, INC.,

Defendant.

C.A. No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Relay IP, Inc. ("Relay IP") alleges the following for its complaint against Defendant Cisco Systems, Inc.

**THE PARTIES**

1. Plaintiff Relay IP, Inc. is a corporation formed under the laws of the State of Delaware having its principal place of business at 2331 Mill Road, Suite 100, Alexandria, VA 22314.

2. Defendant Cisco Systems, Inc. is a corporation organized under the laws of the State of Delaware with a principal office at 170 West Tasman Drive, San Jose, CA 95134. Defendant Cisco Systems Inc. may be served with process via its registered agent, Incorporating Services, Ltd., 3500 South Dupont Hwy, Dover, DE 19901.

**JURISDICTION AND VENUE**

3. This is a patent infringement action. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§1331 and 1338.

4. The Court has personal jurisdiction over Defendant, as it is incorporated in this State. Defendant has also availed itself, under the Delaware long arm statute, of the rights and

benefits of this District by conducting business in this jurisdiction, including by promoting products for sale via the internet, which are accessible to and accessed by residents of this District.

5. Venue is proper in this District pursuant to 28 U.S.C. §§1391(b)-(c) and §1400(b), because Defendant resides in this District and substantial acts of infringement have occurred in this District.

**COUNT ONE**  
**INFRINGEMENT OF U.S. PATENT NO. 5,331,637**

6. On July 19, 1994, U.S. Patent No. 5,331,637 (the “’637 Patent”) entitled “Multicast Routing Using Core Based Trees” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’637 Patent is attached as Exhibit A hereto.

7. Plaintiff Relay IP is the sole and exclusive owner of all right, title, and interest in the ’637 Patent and holds the exclusive right to take all actions, including the filing of this patent infringement lawsuit, necessary to enforce its rights to the ’637 Patent. Relay IP also has the right to recover all damages for past, present, and future infringement of the ’637 Patent and to seek injunctive relief as appropriate under the law.

8. Defendant has infringed and continues to directly infringe one or more claims of the ’637 Patent, including at least Claim 1, by using the method claimed in testing equipment that it sells and has sold for use by its customers to also practice the method of at least Claim 1 of the ’637 Patent. Such equipment includes equipment from the following product lines and all other Cisco IOS-based routing platforms that support/enable the practice of the PIM-SM standard:

Cisco 1000 series  
Cisco 1600 series

Cisco 1900 series  
Cisco 2500 series  
Cisco 2600 series  
Cisco 2800 series  
Cisco 2900 series  
Cisco 3600 series  
Cisco 3800 series  
Cisco 3900 series  
Cisco 4000 series (Cisco 4000, 4000-M, 4500, 4500-M, 4700, 4700-M)  
Cisco 7200 series  
Cisco 7500 series  
Cisco 7600 series  
Cisco 9000 series  
Cisco 12000 series  
Cisco Carrier Routing System

Such equipment can be and, upon information and belief, is used by Defendant in testing and is also used by its customers in their operations to practice the Protocol Independent Multicast-Sparse Mode standard (PIM-SM) for multicast routing.<sup>1</sup> In practicing the PIM-SM standard, Defendant and its customers directly infringe one or more claims of the '637 Patent, including at least Claim 1. Defendant's act of using its equipment to practice the PIM-SM standard constitutes infringement under 35 U.S.C. §271 for which it is directly liable.

9. Defendant has also induced its customers to directly infringe one or more claims of the '637 Patent, including at least Claim 1. Defendant has known about the '637 Patent and its applicability to the equipment manufactured and/or sold by Defendant since at least as early as September 7, 2001 via a notice letter from Relay IP's predecessor-in-interest. Defendant knows that its equipment is designed to and is capable of enabling practice of the PIM-SM standard and that at least some of its customers purchase that equipment in order to practice the standard. Defendant therefore also knows that its customers are infringing one or more claims of

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<sup>1</sup> See, e.g., RFC 4601 at <http://tools.ietf.org/html/rfc4601>.

the '637 Patent, including at least Claim 1, when the customers implement the PIM-SM standard using Defendant's equipment.

10. Defendant specifically intends to induce infringement by its customers by providing equipment designed to enable customers to practice the PIM-SM standard and infringe at least Claim 1 of the '637 Patent. Defendant also encourages that infringement by providing product support and/or help forums for its customers who are using equipment provided by Defendant to establish systems and networks that practice the PIM-SM standard and infringe at least Claim 1 of the '637 Patent. For instance, Defendant provides a configuration guide and a training guide intending to assist its customers in practicing Claim 1 of the '637 Patent by operating in accordance with the PIM-SM standard.<sup>2</sup>

11. Defendant's acts of direct and indirect infringement have been willful with full knowledge of the claims of the '637 Patent. Defendant has continued the use, sales, manufacture and/or support of its equipment since receiving notice of the '637 Patent despite an objectively high likelihood that its acts or its customers' acts with that equipment infringe at least Claim 1 of the '637 Patent. Defendant knew or should have known of the risk of infringement at least as of September 7, 2001.

12. As a result of Defendant's direct and indirect infringement, Plaintiff Relay IP has been damaged monetarily and is entitled to adequate compensation of no less than a reasonable royalty pursuant to 35 U.S.C. § 284. As a result of Defendant's willful infringement, Relay IP is further entitled to enhanced damages pursuant to 35 U.S.C. § 284.

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<sup>2</sup> See, e.g., PIM Sparse Mode Training Guide – entire deck at <ftp://ftp-eng.cisco.com/ipmulticast/training/Module5.pdf>, and IP Multicast: PIM Configuration Guide – pp. various at [http://www.cisco.com/en/US/docs/ios-xml/ios/ipmulti\\_pim/configuration/12-4t/imc-pim-12-4t-book.pdf](http://www.cisco.com/en/US/docs/ios-xml/ios/ipmulti_pim/configuration/12-4t/imc-pim-12-4t-book.pdf).

### **JURY DEMAND**

Plaintiff requests a jury on all issues so triable.

### **PRAYER**

WHEREFORE, Plaintiff respectfully requests that the Court:

- A. Enter judgment that Defendant has directly infringed, either literally or by equivalents, the '637 Patent;
- B. Enter judgment that Defendant has induced infringement of the '637 Patent;
- C. Enter judgment that Defendant has willfully infringed the '637 Patent;
- D. Award Plaintiff damages for Defendant's infringement in an amount to be determined at trial, including enhanced damages, costs, and pre and post-judgment interest; and
- E. Award any other relief deemed just and proper.

May 3, 2013

BAYARD, P.A.

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