

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

RELAY IP, INC.

Plaintiff,

v.

SPRINT NEXTEL CORPORATION,

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 Sprint Nextel Corporation.

**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 Sprint Nextel Corporation is a corporation organized under the laws of the state of Kansas with a principal office at 6200 Sprint Parkway, Overland Park, KS 66251. Defendant Sprint Nextel Corporation may be served with process via its registered agent Corporation Service Company, 2900 SW Wanamaker Drive, Suite 204, Topeka, KS 66614.

**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 because it has availed itself of the rights and benefits of this District by conducting business in this jurisdiction, including by

having at least one physical location within this District. Defendant also conducts business in this District by offering and 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 regularly does business in this District and substantial infringing acts 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 providing television and internet services, including but not limited to SprintLink, which practice the Protocol Independent Multicast-Sparse Mode standard (PIM-SM) for multicast routing.<sup>1</sup> In practicing the PIM-SM standard, Defendant directly infringes one or more claims of the ’637 Patent,

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

including at least Claim 1. Defendant's act of practicing the PIM-SM standard constitutes infringement under 35 U.S.C. §271 for which it is directly liable.

9. As a result of Defendant's 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.

**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 infringed, either literally or by equivalents, the '637 Patent;
- B. 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
- C. Award any other relief deemed just and proper.

May 3, 2013

BAYARD, P.A.

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