

IN THE UNITED STATES DISTRICT COURT  
FOR DISTRICT OF DELAWARE

HUBLINK, LLC,	)
	)
Plaintiff,	)
	) Civil Action No. _____
v.	)
	) <b>JURY TRIAL DEMANDED</b>
BLUE JEANS NETWORK, INC.,	)
	)
Defendant.	)
_____	)

**COMPLAINT**

For its Complaint, Plaintiff Hublink, LLC ("Hublink"), by and through the undersigned counsel, alleges as follows:

**THE PARTIES**

1. Hublink is a Texas limited liability company with a place of business located at 1400 Preston Road, Suite 400, Plano, Texas 75093.
2. Defendant Blue Jeans Network, Inc. is a Delaware company with, upon information and belief, a place of business located at 516 Clyde Avenue, Mountain View, California 94043.
3. By forming its company in Delaware, Defendant has a permanent and continuous presence in Delaware.

**JURISDICTION AND VENUE**

4. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*
5. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.
6. Upon information and belief, Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements

alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in this district.

7. Venue is proper in this district pursuant to 28 U.S.C. § 1400(b).

**THE PATENT-IN-SUIT**

8. On June 29, 2004, U.S. Patent No. 7,239,338 (the "'338 patent"), entitled "Videophone System and Method," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '338 patent is attached hereto as Exhibit A.

9. The '338 patent solves problems of providing real time video conferencing.

10. The claims of the '338 patent effect an improvement in video conferencing to solve the problems of relatively high cost, complexity both in design and use, the inability to concurrently provide quality image and sound, and the inability to provide a network infrastructure capable of two-way communications with minimal signal degradation.

11. In further detail, the '338 patent explains that commercial viable videophones had not been introduced "due, in large part, to the relatively high cost, complexity both in design and use, the inability to concurrently provide quality image and sound, and the inability to provide a network infrastructure capable of two-way communications with minimal signal degradation." Ex. A at col. 1, ll. 25-33.

12. The '338 patent details shortcomings of prior art video telephony, including costing "above the level of affordability of many users," two videophones being needed to make a call, and often being "relatively large, and not portable." *Id.* at col. 1, ll. 34-42.

13. Videotelephony prior to the inventions claimed in the '338 patent also suffered technical shortcomings, such as "quality of the image and sound is typically substantially less

that what we have become accustomed to for our normal communications." *Id.* at col. 1, ll. 43-45. In addition, signal processing had not been optimized, resulting in decreased quality of the video transmitted and received. *Id.* at col. 1, ll. 44-62.

14. Videophones prior to those claimed in the '338 patent typically were "very complex to use." *Id.* at col. 1, l. 63 – col. 2, l. 16. More specifically,

Current videophones are often very difficult to set up and use. There is Videophones are expected to work across long distances which encompass multiple networks and network infrastructures. Delays in transmissions and the presence of noise degrade the signal quality. Even though current videophones often advertise high frame rates and transmission speeds they do not typically achieve these speeds due to the limited upstream and downstream characteristics of the communications network. This results in degraded image and sound quality, jitter, lack of synchronicity between the voice and video, etc.

*Id.* at co. 1, l. 34 – col. 2, l. 25.

15. The claims of the '338 patent entail an unconventional technological solution to a technological problem. The '338 patent describes how its particular arrangements of elements is a technical improvement over prior art, *see, e.g., id.* at col. 2, ll. 29-50, and the particular arrangements are claimed.

16. The claims of the '338 patent do not perform some fundamental practice long prevalent in our system, as confirmed by the specification's criticism of prior art and the explanation as to how the claimed inventions solve the prior art's inadequacies.

17. The inventions of the '338 patent employ signal processing capabilities and techniques that have been optimized for a videophone application and the broadband infrastructure.

18. One embodiment of an invention of the '338 patent provides for a portable unit that is wireless and can easily be moved to multiple locations.

19. Hublink is the assignee and owner of the right, title and interest in and to the '338 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

**COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,239,338**

20. Hublink repeats and realleges the allegations of paragraphs 1 through 19 as if fully set forth herein.

21. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant is liable for infringement of at least claim 12 of the '338 patent by making, using, importing, offering for sale, and/or selling a videophone communication system in the form of the BlueJeans software platform and mobile application for placing video calls between computers and mobile devices.

22. More specifically and upon information and belief, Defendant uses a videophone communication system in the form of the Blue Jeans software and mobile application platform for placing video calls between computers and mobile devices. *See* <https://www.bluejeans.com/products> (last accessed Feb. 27, 2018). Defendant's system requires mobile devices to connect over a communications media (e.g., LAN, LTE, or Wi-Fi) with sufficient bandwidth for and configured for real-time video and audio communication. *See* <https://www.bluejeans.com/sites/default/files/pdf/BlueJeans-Network-Readiness.pdf> ("Technical Guide") at p. 4 of 4 (last accessed Feb. 27, 2018); [https://www.bluejeans.com/sites/default/files/pdf/BlueJeansEquinixDirectConnect\\_Datasheet\\_3.pdf](https://www.bluejeans.com/sites/default/files/pdf/BlueJeansEquinixDirectConnect_Datasheet_3.pdf) ("Data Sheet") (last accessed Feb. 27, 2018). Defendant's system requires the communications media to be connected to a common communications network (e.g., WAN) with sufficient bandwidth for and configured for real-time video and audio communication. *See*

<https://www.bluejeans.com/features/internet-video-conferencing> (last accessed Feb. 27, 2018); Technical Guide at p. 2 of 4. Defendant's system uniquely identifies each computer or mobile device and their addresses on the communication network using name, IP address, or other identifying information. *See* <https://www.bluejeans.com/privacy-policy> (last accessed Feb. 27, 2018). Defendant stores at an operations center the names, IP addresses, or other identifying information of computers and mobile devices in order to facilitate video calls between them. *See* <https://www.youtube.com/watch?v=eTRPv75BLmg> (last accessed Feb. 27, 2018). A first device with the BlueJeans software or mobile app accesses stored information (e.g., name, IP address, or other identifying information) about a second device from a BlueJeans server, which allows the first device to transmit and receive video and audio to and from the second device. *See id.* Defendant's system connects one user to another through the communications network and communications media and establishes a transmission of audio and video from the computer or mobile device of one user to the computer or mobile device of another user. *See id.*; <https://play.google.com/store/apps/details?id=com.bluejeansnet.Base&hl=en> (last accessed Feb. 27, 2018).

23. Hublink is entitled to recover from Defendant the damages sustained by Hublink as a result of Defendant's infringement of the '338 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284

**JURY DEMAND**

Hublink hereby demands a trial by jury on all issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, Hublink requests that this Court enter judgment against Defendant as

follows:

- A. An adjudication that Defendant has infringed the '338 patent;
- B. An award of damages to be paid by Defendant adequate to Hublink for Defendant's past infringement of the '338 patent and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Hublink's reasonable attorneys' fees;
- D. An award to Hublink of such further relief at law or in equity as the Court deems just and proper.

Dated: March 2, 2018

STAMOULIS & WEINBLATT LLC

/s/ Richard C. Weinblatt

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