IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

BECK BRANCH LLC, Plaintiff, **v.** **CISCO SYSTEMS, INC.,** Defendant.	**CIVIL ACTION NO 6:18-cv-310** **JURY TRIAL DEMANDED**

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

1.   This is an action for patent infringement in which Cumberland Systems LLC makes the following allegations against Cisco Systems, Inc.

PARTIES

2.   Plaintiff Beck Branch LLC ("Plaintiff") is a Texas limited liability company with its principal place of business at 101 E. Park Blvd, Suite 600, Plano, TX 75074.

3.   On information and belief, Cisco Systems, Inc. ("Defendant" or "Cisco") is a corporation organized and existing under the laws of the State of California, with its principal place of business in 170 West Tasman Dr, San Jose, CA 95134.

JURISDICTION AND VENUE

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

5.   Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, acts of infringement have been committed in this District. Additionally, Cisco has a regular and established place of business in this District, including, without limitation, its Richardson location at 2300 E. President George Bush Hwy, Richardson, TX 75082.

6.   On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, 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 Texas and in this Judicial District.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,873,620

7.   Plaintiff is the owner of United States Patent No. 6,873,620 ("the '620 patent") entitled "Communication Server Including Virtual Gateway to Perform Protocol Conversion and Communication System Incorporating the Same." The '620 Patent issued on March 29, 2005. A true and correct copy of the '620 Patent is attached as Exhibit A.

8.   Defendant owns, uses, operates, advertises, controls, sells, and otherwise provides products and/or services that infringe the '620 patent. The '620 patent provides, among other things, " A communication server acting as a gateway for the transmission of messages between two virtual devices communicating with networks implementing different protocols, said communication server comprising: a knowledge base comprising a registry identifying each physical device registered to deliver messages for transmission between said virtual devices and through said gateway, a logical table identifying each registered connection available between physical devices and protocol conversion information required for each registered connection to convert messages of one protocol to a different protocol and a dynamic database identifying the current status of each actual connection between physical devices; and a virtual gateway accessing said knowledge base for protocol conversion information upon receipt of a message to be transmitted between said virtual devices and converting the protocol of said message to a protocol compatible with the network to which said message is being sent wherein said virtual gateway updates the protocol conversion information and the current status information in said knowledge base based on message traffic therethrough."

9.   Defendant directly and/or through intermediaries, made, has made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or services that infringed one or more claims of the '620 patent, including at least Claim 23, in this district

and elsewhere in the United States. By making, using, importing, offering for sale, and/or selling such products and services, and all like products and services, Defendant has injured Plaintiff and is thus liable for infringement of the '620 patent pursuant to 35 U.S.C. § 271.

10.   Based on present information and belief, Cisco makes, uses, sells and/or offers for sale a communication server acting as a gateway for the transmission of messages between two virtual devices communicating with networks implementing different protocols. For example, Cisco Unified Communications Manager (UCM) provides a Voice over Internet Protocol (VoIP) functionality to place a call to Public Switched Telephone Network (PSTN), wherein the call is routed via the Border Gateway Control Function (BGCF) and Media Gateway Control Function (MGCF) included in the IP Multimedia Subsystem (IMS) core network. In IMS core network IMS-Media Gateway (IM-MGW) acts as a gateway for transmission of the messages between Cisco Unified Communications Manager (UCM) and PSTN. Cisco offers Cisco Unified Communications Manager (UCM) tool which provides VoIP services via the Cisco Unified Communications Application Server equivalent to a communication server, wherein the installation of the said software acts as a virtual device.

11.   Based on present information and belief, Cisco makes, uses, sells and/or offers for sale a knowledge base comprising a registry identifying each physical device registered to deliver messages for transmission between said virtual devices and through said gateway. For example, Cisco and/or its customers utilize Cisco Unified Communications Application Server VoIP functionality comprising an IMS which further comprises a Home Subscriber Server (HSS) acting as a registry to identify the registered physical devices. IMS uses Serving – Call Session Control Function (S-CSCF) to transmit messages from Cisco UCM to PSTN through media gateway IM-MGW. Further, Cisco UCM also maintains a knowledge base comprising a registry identifying the phones and devices within the customers' network.

12.   Based on information and belief, Cisco makes, uses, sells and/or offers for sale a logical table identifying each registered connection available between physical devices and protocol conversion information required for each registered connection to convert messages of one protocol to a different protocol. For example, Cisco and/or its customers utilize Cisco Unified Communications Application Server VoIP functionality which utilizes an IMS comprising a Breakout Gateway Control Function (BGCF) acting as a logical table to identify

the type of connection and selects Media Gateway Control Function (MGCF) to convert messages from Session Initiation Protocol (SIP) to PSTN.

13.   Based on present information and belief, Cisco makes, uses, sells and/or offers for sale a dynamic database identifying the current status of each actual connection between physical devices.   For example, Cisco and/or its customers utilize Cisco Unified Communications Application Server VoIP functionality which comprises an IMS further comprising a dynamic database to identify the current status of connection between the physical devices (including IP phones, installation computers and the physical PSTN terminals).

14.   Based on present information and belief, Cisco makes, uses, sells and/or offers for sale a virtual gateway accessing said knowledge base for protocol conversion information upon receipt of a message to be transmitted between said virtual devices.   For example, Cisco and/or its customers utilize Cisco Unified Communications Application Server VoIP functionality comprising a Media Gateway (MGW) claimed as a virtual gateway which uses the MGCF for protocol conversion upon receiving the message to be transmitted from Cisco UCM to PSTN.

15.   Based on present information and belief, Cisco makes, uses, sells and/or offers for sale a virtual gateway converting the protocol of said message to a protocol compatible with the network to which said message is being sent.   For example, Cisco and/or its customers utilize Cisco Unified Communications Application Server VoIP functionality comprising an IM-MGW which converts the protocol of the messages sent from Cisco UCM to the protocol used within the PSTN.

16.   Based on present information and belief, Cisco makes, uses, sells and/or offers for sale a virtual gateway wherein said virtual gateway updates the protocol conversion information and the current status information in said knowledge base based on message traffic there through.   For example, Cisco and/or its customers utilize Cisco Unified Communications Application Server VoIP functionality comprising IM-MGW accesses and updates the information stored in the HSS and BGCF based on the communicating virtual devices.

17.   In the alternative, because the manner of use by Defendant differs in no substantial way from language of the claims, if Defendant is not found to literally infringe, Defendant infringes under the doctrine of equivalents.

18.   Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

19.   In addition to what is required for pleadings in patent cases, and to the extent any marking was required by 35 U.S.C. § 287, Plaintiff and all predecessors in interest to the '620 Patent complied with all marking requirements under 35 U.S.C. § 287.

20.   Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of the Defendant's wrongful acts 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.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1.   A judgment in favor of Plaintiff that Defendant has infringed the '620 Patent;

2.   A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '620 Patent as provided under 35 U.S.C. § 284;

3.   An award to Plaintiff for enhanced damages resulting from the knowing, deliberate, and willful nature of Defendant's prohibited conduct with notice being made at least as early as the date of the filing of this Complaint, as provided under 35 U.S.C. § 284;

4.   A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees; and

5.   Any and all other relief to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully Submitted,

BECK BRANCH LLC

/s/ Papool S. Chaudhari

Dated: June 27, 2018   By: _____
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