

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

BECK BRANCH LLC,

Plaintiff,

v.

POLYCOM, INC.,

Defendant.

CIVIL ACTION NO

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

1. This is an action for patent infringement in which Beck Branch LLC makes the following allegations against Polycom, 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, Polycom, Inc. (“Defendant” or “Polycom”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in San Jose, California.

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). Polycom is a Delaware corporation, and, thus, resides in Delaware for purposes of venue.

6. On information and belief, Defendant is subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Delaware 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 Delaware and in this Judicial District.

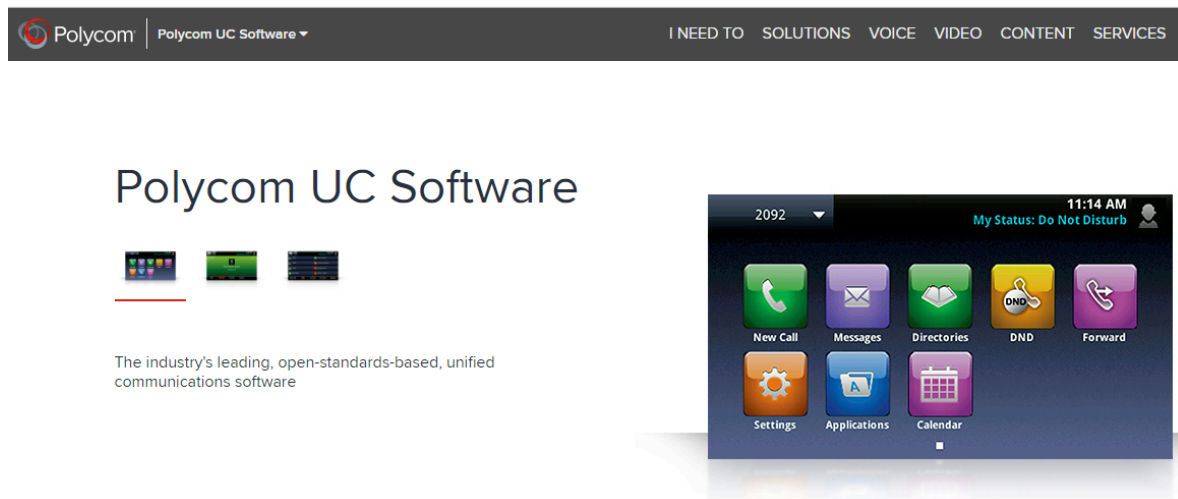
COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,873,620

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, Polycom 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, Polycom provides Unified Communications (UC) software platform for open standards-based communication, including but not limited to Session Initiation Protocol (SIP) based communication. When a SIP based call is placed to a Public Switched Telephone Network (PSTN) using Polycom's UC software (which when installed on a computer, smartphone or other computing device comprise one or more "virtual devices"), 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 included in the BroadWorks Server ("communication server"). In IMS core network, IMS-Media Gateway (IM-MGW) acts as a gateway for transmission of the messages between Polycom Unified Communications (UC) software and the PSTN.



Source: <http://www.polycom.com/voice-conferencing-solutions/uc-software.html>

The screenshot shows the top navigation bar of the Polycom website with the logo and 'Polycom UC Software' dropdown, and a menu with 'I NEED TO', 'SOLUTIONS', 'VOICE', 'VIDEO', 'CONTENT', and 'SERVICES'. Below this is the main heading 'Polycom UC Software' with three small icons representing different software features. A text block states: 'The industry's leading, open-standards-based, unified communications software'. To the right is a large image of a mobile device screen displaying a call interface with a green background, showing 'Line: Lisa', 'From: Marie Jones', and 'sip:mjones', along with call control buttons like 'Hold', 'End Call', 'Transfer', and 'Confnc'.

Source: <http://www.polycom.com/voice-conferencing-solutions/uc-software.html>



DATA SHEET

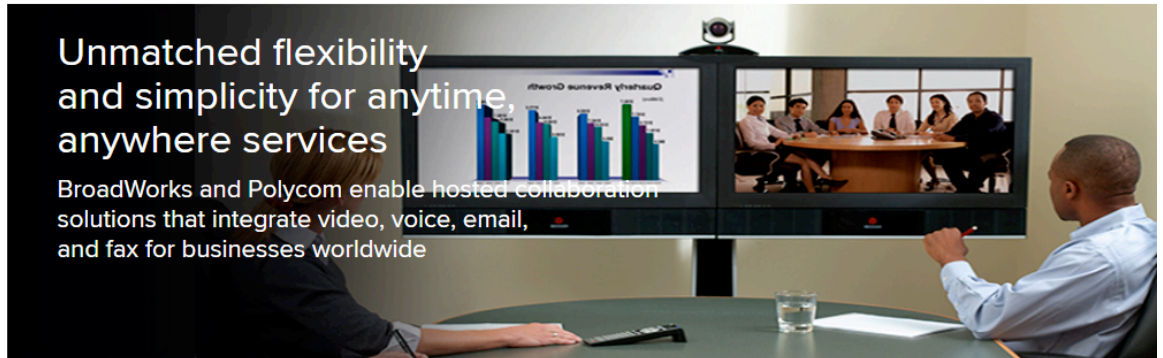
Polycom® UC Software

The industry's most feature-rich software for IP-enabled devices running in open SIP and Microsoft environments

Conference with confidence

Polycom® UC Software is the industry's leading, unified communications (UC) software platform for open standards-based communication. Whether your distributed teams engage your customers via IM, video conferencing, voice communications, UC Software ties it all together at the desktop. Polycom UC Software powerful feature set enables Polycom devices to integrate seamlessly into a wide variety of open SIP UC environments improving communication and collaboration between your business and your customers.

Source: <http://www.polycom.com/content/dam/polycom/common/documents/data-sheets/uc-software-ds-enus.pdf>, page 1



Polycom BroadSoft BroadWorks

Source: <http://www.polycom.com/solutions/solutions-by-business-uc-environment/solutions-for-broadsoft/broadworks.html>

Hosted Video Services Are Gaining Traction

Polycom's long-standing relationship with BroadSoft offers reliable, deep integration of Polycom voice and video solutions with the BroadSoft BroadWorks application platform. Together, Polycom and BroadSoft equip you to deliver the benefits of rich communication and collaboration through Polycom solutions. Your customers receive greater business value from new offerings that immediately increase their business productivity, reduce their need for business travel, and shrink their carbon footprint.

BroadSoft BroadWorks delivers communication solutions that integrate video, fax, voice and e-mail for businesses and consumers worldwide.

Companies benefit through:

- Communications being delivered in a single instance. That removes the complexity and redundancy of multiple PBXs
- Integration with IT Applications like Microsoft® Outlook®/Lync®, IBM® Sametime®, Salesforce™ CRM, Google Apps™
- The extension of PBX features to mobile devices, independent of the network (BroadWorks Anywhere).

Delivered as a hosted service through BroadSoft's service provider customers, the integration of Polycom's voice and video services with BroadWorks' application platform provides you with a complete and cost-effective communications solution. You can ensure any SMB or enterprise using Polycom's desktop, conferencing, wireless and video solutions benefits from a set of hosted UC services whose quality and performance lead the industry.

Source: <http://www.polycom.com/solutions/solutions-by-business-uc-environment/solutions-for-broadsoft/broadworks.html>

BroadWorks UC-One integration

- Broadworks Server Based Call Waiting
- Broadworks Server Based Redial
- Broadworks Server Based DND
- Broadworks Server Based Call Forward

These features require the BroadSoft BroadWorks R18 SP1 platform with patches and the BroadSoft BroadCloud services.

- Broadsoft User Experience Theme
- Presence
- BS contact directory search
- Filter search
- Favorites

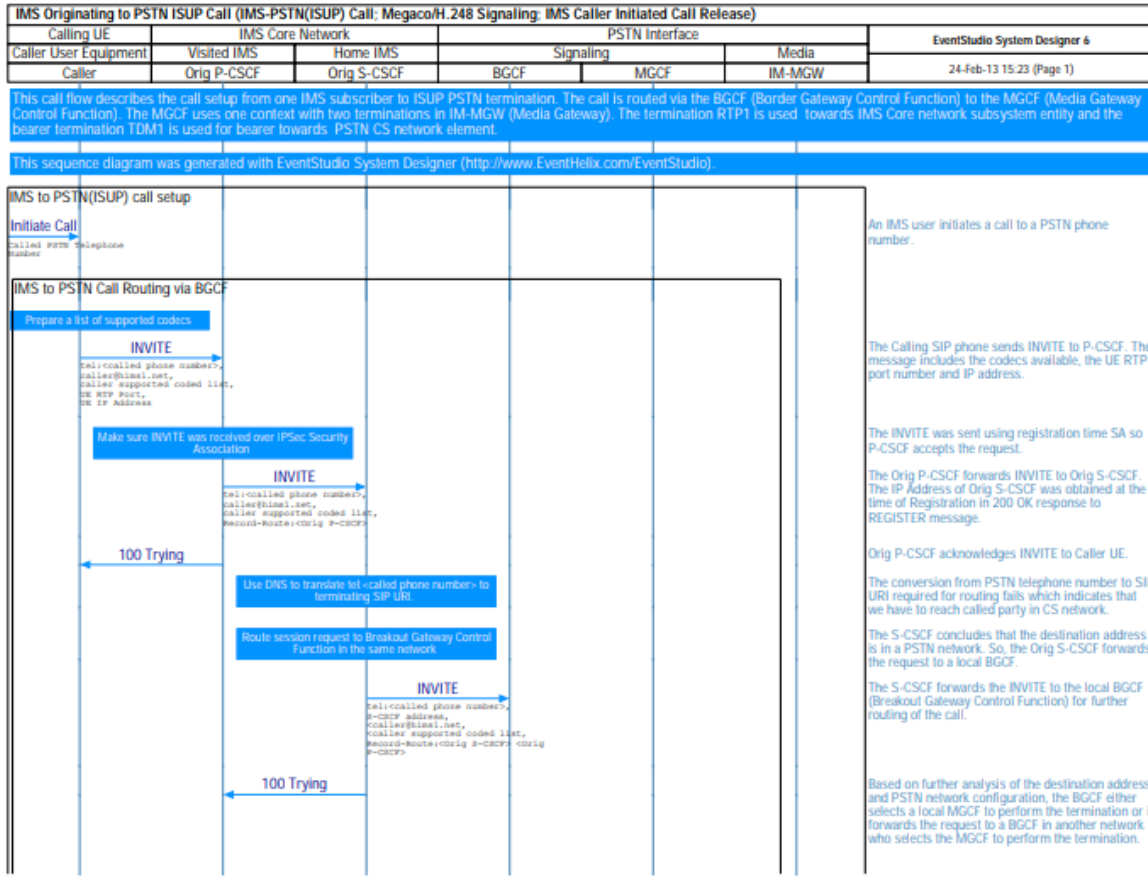
Source: <http://www.polycom.com/content/dam/polycom/common/documents/data-sheets/uc-software-ds-enus.pdf>, page 2

Broadest interoperability and investment protection

A powerful, Open SIP software platform, Polycom UC Software integrates more than 60 industry-leading call control platforms. The standards-based integration capabilities of UC Software make it the optimum unified communication layer to consolidate your communication components and simplify your IT environment. Complementing previous IT investments of any small business or enterprise, UC Software is easy to deploy and simple to manage. Polycom UC Software improves the usability and manageability of Polycom® VVX® products for all 'Open SIP' partners and enables existing Polycom customers to migrate their phone offerings from Polycom® SoundPoint® IP to Polycom VVX products. Polycom UC Software offers important Skype for Business telephony features required for large scale adoption of Polycom VVX products with Skype for Business, Microsoft Cloud PBX (Skype or Business Online with Office 365), and Microsoft® Lync 2013 or 2010 deployments. Polycom UC Software also provides support for the latest networking protocols, with support for both IPv4 and IPv6, providing investment protection as networks grow and migrate to IPv6.

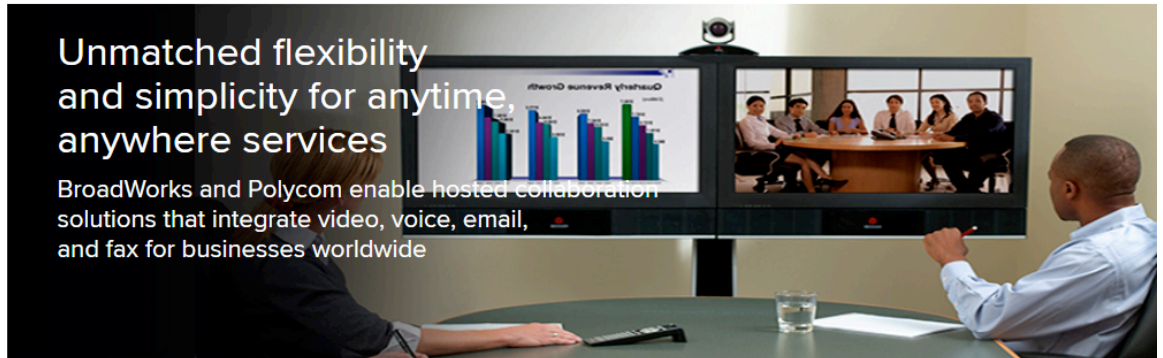
Additionally, UC Software provides support for IP Multimedia Systems (IMS), allowing customers to bridge between their mobile and fixed line services.

Source: <http://www.polycom.com/content/dam/polycom/common/documents/data-sheets/uc-software-ds-enus.pdf>, page 1



Source: <https://www.eventhelix.com/ims/ims-to-pstn-call/ims-to-pstn-callflow.pdf>, page 1

11. Based on present information and belief, Polycom 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, Polycom and/or its customers utilize BroadWorks Server SIP functionality comprising an IMS which further comprises a Home Subscriber Server (HSS) (“Registry”) to identify the registered physical devices. IMS uses Serving – Call Session Control Function (S-CSCF) to transmit messages from Polycom UC to PSTN through media gateway IM-MGW.



Polycom BroadSoft BroadWorks

Source: <http://www.polycom.com/solutions/solutions-by-business-uc-environment/solutions-for-broadsoft/broadworks.html>

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5.1.2 Procedures related to Serving-CSCF assignment

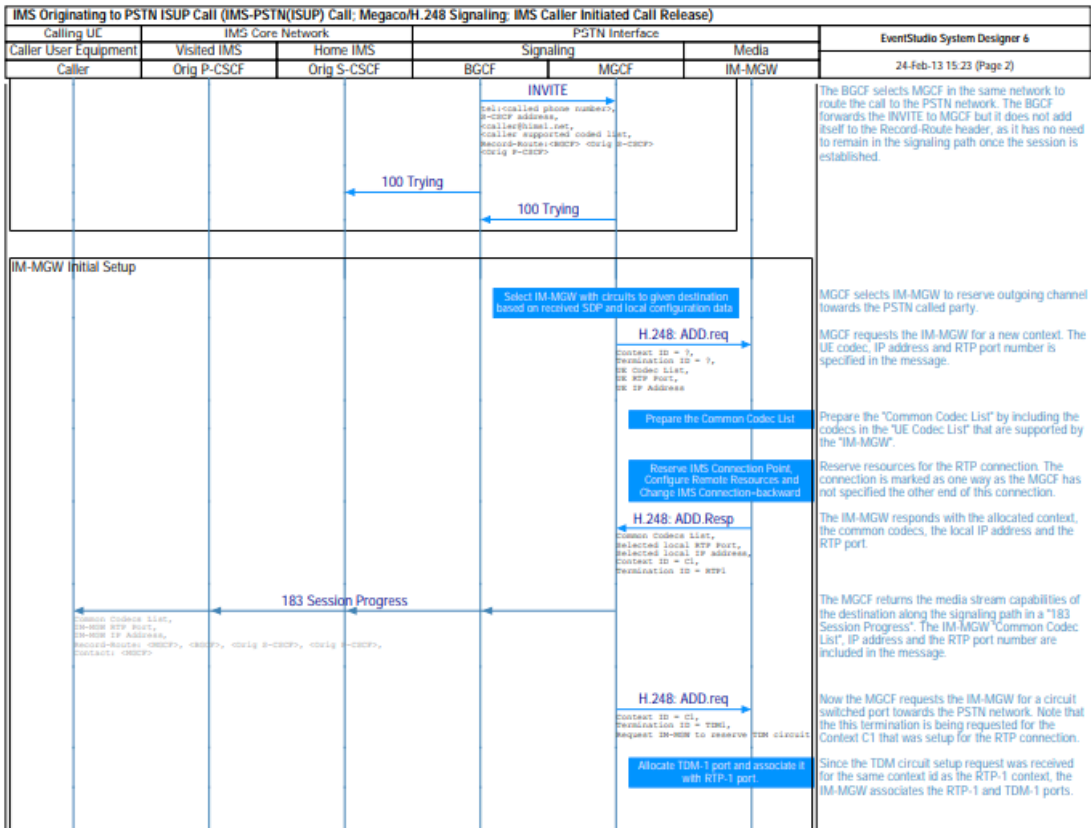
5.1.2.1 Assigning a Serving-CSCF for a user

When a UE attaches and makes itself available for access to IMS services by explicitly registering in the IMS, a S-CSCF shall be assigned to serve the UE.

The assignment of an S-CSCF is performed in the I-CSCF. The following information is needed in the selection of the S-CSCF:

1. Required capabilities for user services
This information is provided by the HSS.
2. Operator preference on a per-user basis
This information is provided by the HSS.
3. Capabilities of individual S-CSCFs in the home network
This is internal information within the operator's network. This information may be used in the S-CSCF selection. This information is obtained by the I-CSCF by methods not standardised in this release.
4. Topological (i.e. P-CSCF) information of where the user is located
This is internal information within the operator's network. This information may be used in the S-CSCF selection. The P-CSCF name is received in the registration request. The topological information of the P-CSCF is obtained by the I-CSCF by methods not standardised in this Release.
5. Topological information of where the S-CSCF is located
This is internal information within the operator's network. This information may be used in the S-CSCF selection. This information is obtained by the I-CSCF by methods not standardised in this release.
6. Availability of S-CSCFs
This is internal information within the operator's network. This information may be used in the S-CSCF selection. This information is obtained by the I-CSCF by methods not standardised in this release.

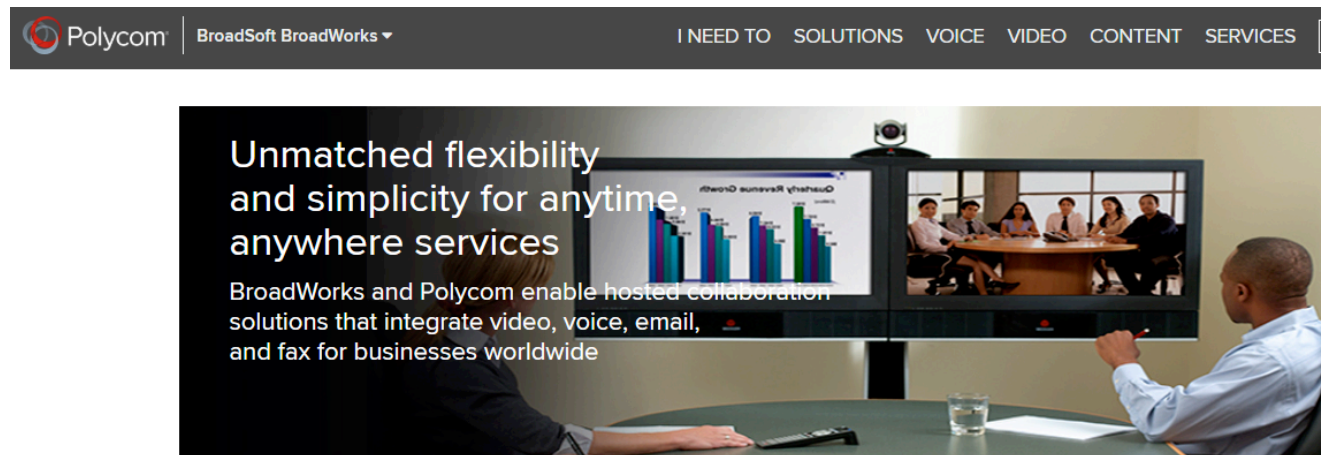
Source:http://www.etsi.org/deliver/etsi_ts/123200_123299/123228/14.06.00_60/ts_123228v140600p.pdf, page 68



Source: <https://www.eventhelix.com/ims/ims-to-pstn-call/ims-to-pstn-callflow.pdf>, page 2

Further, Polycom UC also maintains a knowledge base comprising a registry identifying the phones and devices within the customers' network.

12. Based on information and belief, Polycom 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, Polycom and/or its customers utilize BroadWorks Server SIP functionality which utilizes an IMS comprising a Breakout Gateway Control Function (BGCF) ("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.



Polycom BroadSoft BroadWorks

Source: <http://www.polycom.com/solutions/solutions-by-business-uc-environment/solutions-for-broadsoft/broadworks.html>

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5.4.3 Interworking with PSTN

The S-CSCF, possibly in conjunction with an Application Server, shall determine that the session should be forwarded to the PSTN. The S-CSCF will forward the Invite information flow to the BGCF in the same network.

The BGCF selects the network in which the interworking should occur, and the selection of the interworking network is based on local policy.

If the BGCF determines that the interworking should occur in the same network, then the BGCF selects the MGCF which will perform the interworking, otherwise the BGCF forward the invite information flow to the BGCF in the selected network.

The MGCF will perform the interworking to the PSTN and control the MG for the media conversions.

The high level overview of the network initiated PSTN interworking process is shown in figure 5.6.

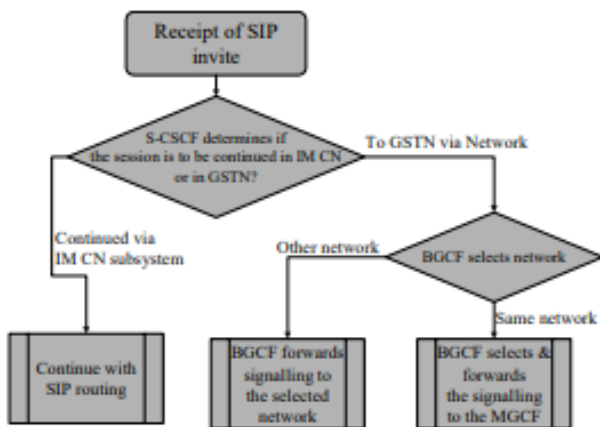


Figure 5.6: Network based PSTN interworking breakout process

Source:http://www.etsi.org/deliver/etsi_ts/123200_123299/123228/14.06.00_60/ts_123228v140600p.pdf, page 84

The BGCF determines the next hop for routing the SIP message. This determination may be based on information received in the protocol, administrative information, and/or database access. For PSTN terminations, the BGCF determines the network in which PSTN/CS Domain breakout is to occur. If the routing determination is such that the breakout is to occur in the same network in which the BGCF is located, then the BGCF shall select a MGCF that will be responsible for the interworking with the PSTN/CS Domain. If the routing determination results in break out in another network, the BGCF will forward this session signalling to another BGCF in the selected network. If the routing determination results in the session being destined for another IMS network, the BGCF forwards the message to an I-CSCF in this IMS network. If the BGCF determines that there is another IP destination for the next hop, it forwards the message to that contact point.

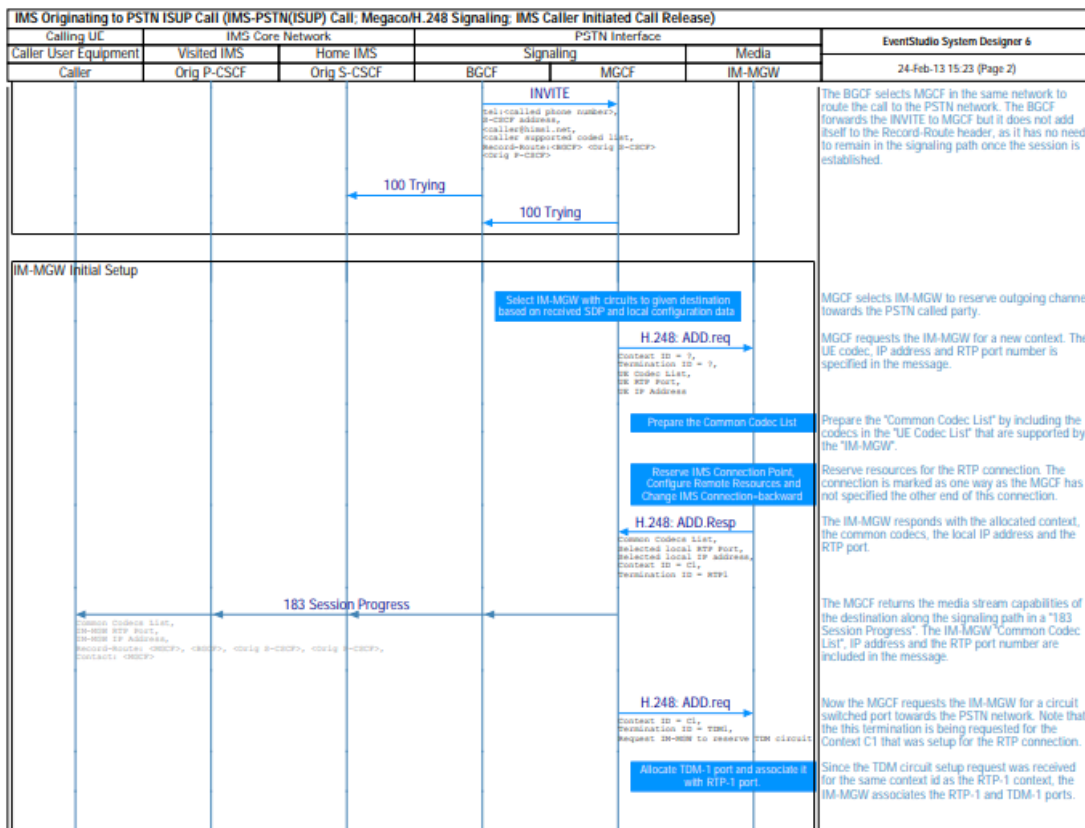
There may be multiple BGCFs within an operator's network. The functions performed by the BGCF are:

- Determines the next hop for SIP routing.
- For PSTN terminations, select the network in which the interworking with the PSTN/CS Domain is to occur. If the interworking is in another network, then the BGCF will forward the SIP signalling to the BGCF of that network.
- For PSTN terminations, select the MGCF in the network in which the interworking with PSTN/CS Domain is to occur and forward the SIP signalling to that MGCF. This may not apply if the interworking is a different network.
- Generation of CDRs

NOTE: When requests are sent towards another domain they may, if required, be routed via a local network exit point (IBCF), which will then forward the request to the entry point of the other domain. More details on this can be found in clause 4.14 and Annex I.

The BGCF may make use of information received from other protocols, or may make use of administrative information, when making the choice of which network the interworking shall occur.

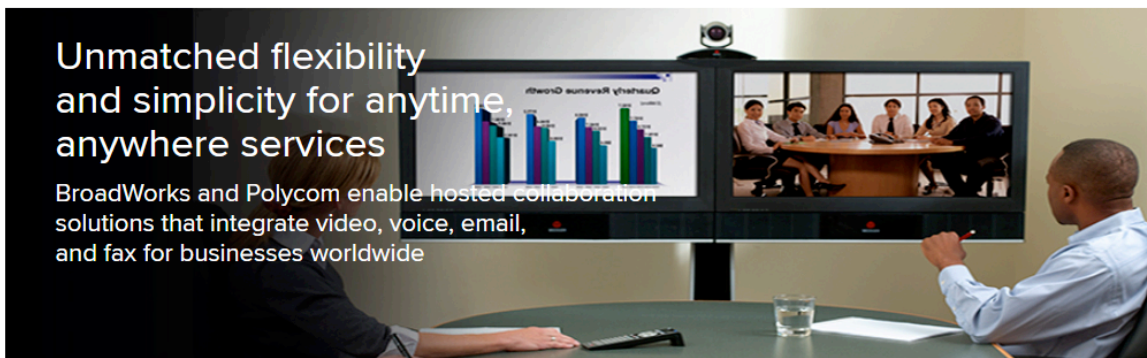
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Source: <https://www.eventhelix.com/ims/ims-to-pstn-call/ims-to-pstn-callflow.pdf>, page 2

13. Based on present information and belief, Polycom makes, uses, sells and/or offers for sale a dynamic database identifying the current status of each actual connection between physical devices. For example, Polycom and/or its customers utilize BroadWorks Server SIP 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, Polycom 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, Polycom and/or its customers utilize BroadWorks Server SIP functionality comprising a Media Gateway (MGW) (“Virtual Gateway”) which uses the MGCF for protocol conversion upon receiving the message to be transmitted from Polycom UC software to the PSTN.



Polycom BroadSoft BroadWorks

Source: <http://www.polycom.com/solutions/solutions-by-business-uc-environment/solutions-for-broadsoft/broadworks.html>

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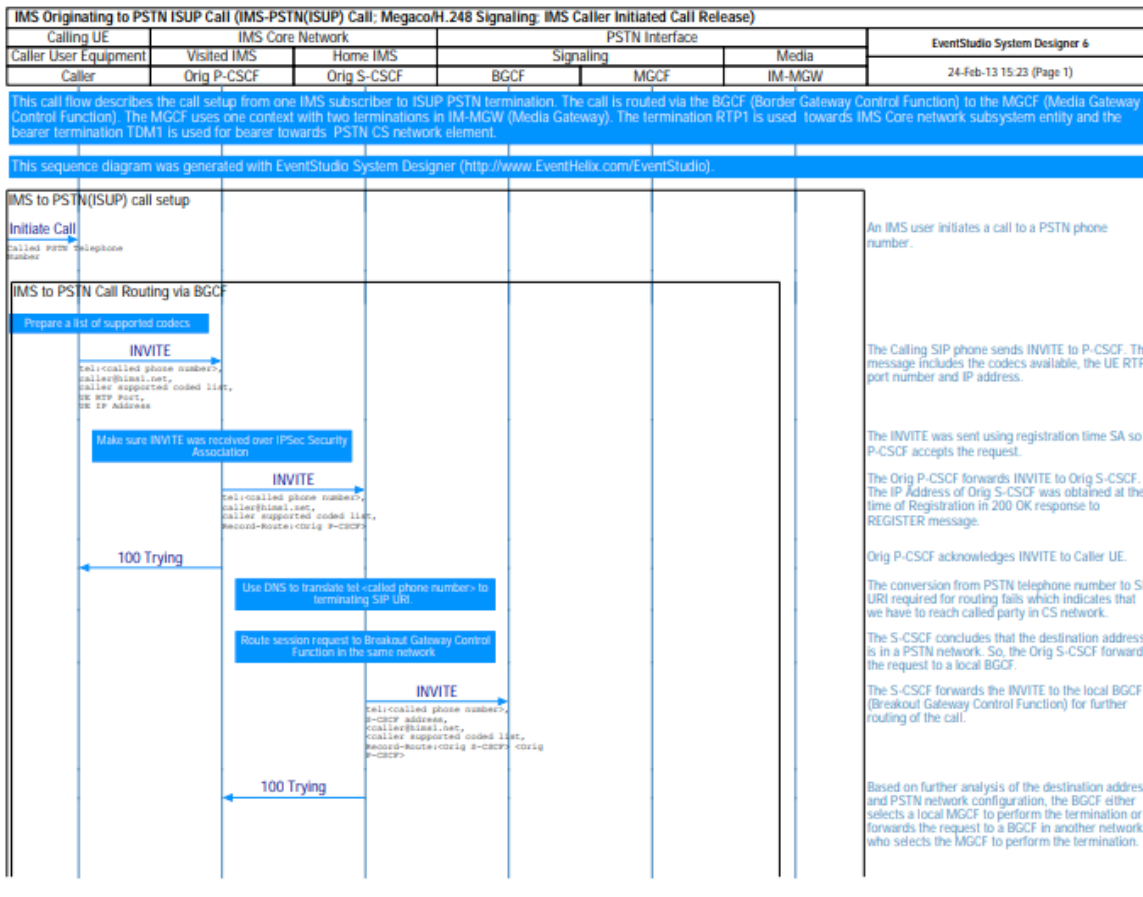
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Source: <https://www.eventhelix.com/ims/ims-to-pstn-call/ims-to-pstn-callflow.pdf>, page 1

5.4.1 Bearer interworking concepts

Voice bearers from the IM CN subsystem need to be connected with the voice bearers of other networks. Elements such as Media Gateway Functions (MGW) are provided to support such bearer interworking. One of the functions of the MGW may be to support transcoding between a codec used by the UE in the IM CN subsystem and the codec being used in the network of the other party.

Default codecs to be supported within the UE are IP-CAN dependent and hence are defined in the respective IP-CAN specific documents. The use of default codecs within the UE enables the IM CN subsystem to interwork with other networks on an end to end basis or through transcoding.

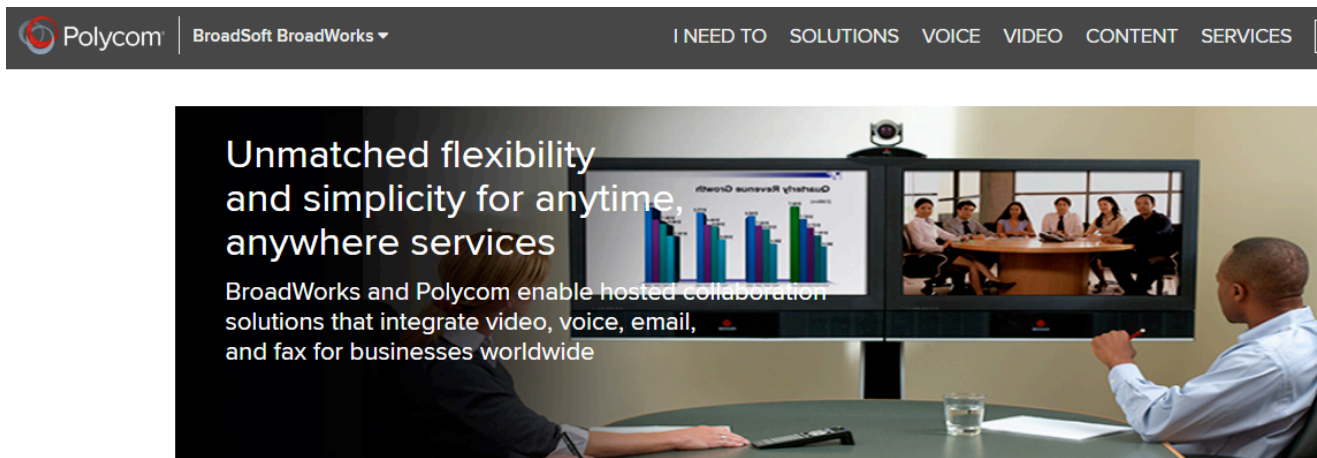
The IM CN subsystem is also able to interwork with the CS networks (e.g. PSTN, ISDN, CS domain of some PLMN) by supporting transcoding in the IMS MGW element. Furthermore to allow interworking between users of the IM CN subsystem and IP multimedia fixed terminals and other codecs may (this is implementation dependent) be supported by the MGW.

In order to support existing network capabilities, it is required that IMS supports endpoints (e.g., UE, MRFP, MGCF for interworking with the PSTN) able to send or receive DTMF tone indications using the bearer, i.e. inband signalling. An additional element for bearer interworking is the interworking of these DTMF tones and out-of-band signalling between one network and another. In such a case, the MGW shall provide tone generation and may provide detection under the control of the MGCF.

Source: http://www.etsi.org/deliver/etsi_ts/123200_123299/123228/14.06.00_60/ts_123228v140600.pdf, page 83

15. Based on present information and belief, Polycom 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, Polycom and/or its customers utilize BroadWorks Server SIP functionality comprising an IM-MGW which converts the protocol of the messages sent from Polycom UC software to the protocol used within the PSTN.

16. Based on present information and belief, Polycom 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, Polycom and/or its customers utilize BroadWorks Server SIP functionality comprising IM-MGW accesses and updates the information stored in the HSS and BGCF based on the communicating virtual devices.



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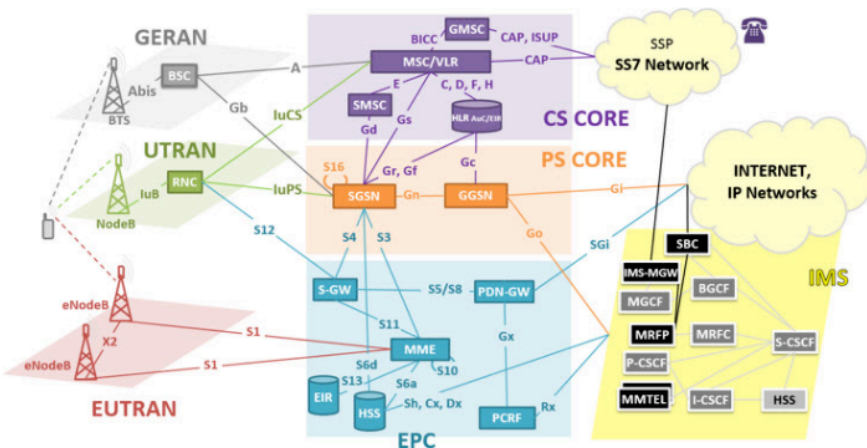
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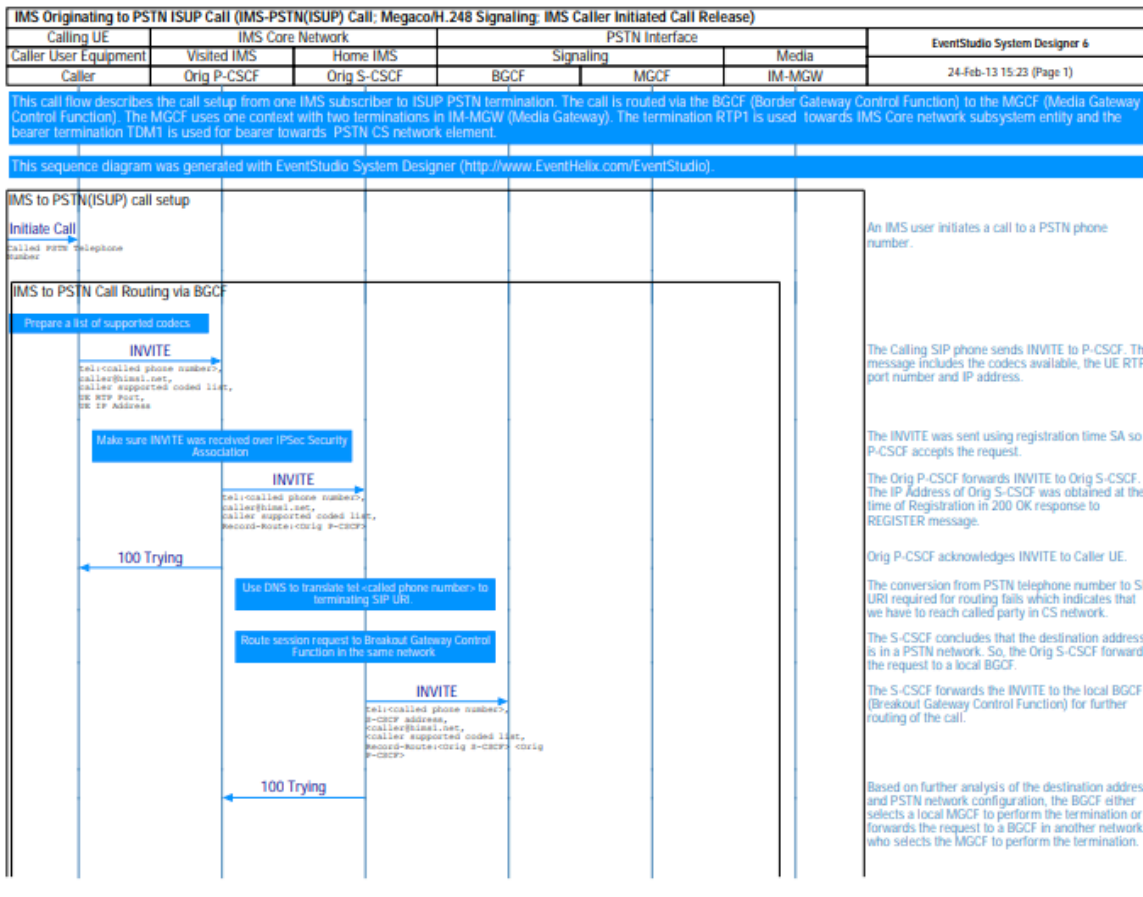
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Source: <https://www.netmanias.com/en/post/blog/10907/lte-volte/part-3-what-happens-when-a-user-performs-a-voice-call-from-an-lte-4g-network-volte>



Source: <https://www.eventhelix.com/ims/ims-to-pstn-call/ims-to-pstn-callflow.pdf>, page 1-5

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

Dated: July 1, 2018

By: /s/Stamatios Stamoulis
Stamatios Stamoulis #4606
stamoulis@swdelaw.com
Richard C. Weinblatt #5080
weinblatt@swdelaw.com

STAMOULIS & WEINBLATT LLC
Two Fox Point Centre
6 Denny Road, Suite 307
Wilmington, DE 19809
(302) 999-1540

Papool S. Chaudhari
(*Pro Hac Vice* application pending)
Chaudhari Law, PLLC
P.O. Box 1863
Wylie, Texas 75098
Phone: (214) 702-1150

Fax: (214) 705-3775
Papool@ChaudhariLaw.com

**ATTORNEYS FOR PLAINTIFF
BECK BRANCH LLC**