IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

OROSTREAM LLC, Plaintiff, v. **PROXIM WIRELESS CORPORATION,** Defendant.	C.A. NO. _____ **PATENT CASE** **JURY TRIAL DEMANDED**

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Orostream LLC files this Original Complaint for Patent Infringement against Proxim Wireless Corporation, and would respectfully show the Court as follows:

I. THE PARTIES

1. Plaintiff Orostream LLC ("Orostream" or "Plaintiff") is a Texas limited liability company with its principal place of business at 3401 Custer Road, Suite 125-B, Plano, Texas 75023.

2. On information and belief, defendant Proxim Wireless Corporation ("Defendant"), is a corporation organized and existing under the laws of the State of Delaware, with its place of business at 2114 Ringwood Ave, San Jose, CA 95131. Defendant has a registered agent in Delaware at RL&F Service Corp., 920 N King Street, Floor 2, Wilmington, DE 19801.

II. JURISDICTION AND VENUE

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

4. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction, pursuant to due process and the Delaware Long-Arm Statute, due at least to its business in this forum, including at least a portion of the infringements alleged herein. Furthermore, Defendant is subject to this Court's specific and general personal jurisdiction because Defendant is a Delaware corporation.

5. Without limitation, on information and belief, within this state, Defendant has used the patented inventions thereby committing, and continuing to commit, acts of patent infringement alleged herein. In addition, on information and belief, Defendant has derived revenues from its infringing acts occurring within Delaware. Further, on information and belief, Defendant is subject to the Court's general jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and deriving substantial revenue from goods and services provided to persons or entities in Delaware. Further, on information and belief, Defendant is subject to the Court's personal jurisdiction at least due to its sale of products and/or services within Delaware. Defendant has committed such purposeful acts and/or transactions in Delaware such that it reasonably should know and expect that it could be haled into this Court as a consequence of such activity.

6. Venue is proper in this district under 28 U.S.C. § 1400(b). On information and belief, Defendant is incorporated in Delaware. For purposes of the patent venue analysis, Defendant therefore resides only in this District. On information and belief, from and within this District Defendant has committed at least a portion of the infringements at issue in this case.

7. For these reasons, personal jurisdiction exists and venue is proper in this Court under 28 U.S.C. § 1400(b).

III. COUNT I
(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 5,768,508)

8. Plaintiff incorporates the above paragraphs herein by reference.

9. On June 16, 1998, United States Patent No. 5,768,508 ("the '508 Patent") was duly and legally issued by the United States Patent and Trademark Office. The '508 Patent is titled "Computer Network System and Method for Efficient Information Transfer." A true and correct copy of the '508 Patent is attached hereto as Exhibit A and incorporated herein by reference.

10. Orostream is the assignee of all right, title and interest in the '508 patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the '508 Patent. Accordingly, Plaintiff possesses the exclusive right and standing to prosecute the present action for infringement of the '508 Patent by Defendant.

11. The '508 patent has been cited as prior art during the prosecution history of over 100 subsequently-issued United States patents, including patents assigned to IBM, Intel, Facebook, Gateway, Hitachi, Microsoft, Nokia, Oracle, and Veritas Software.

12. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing at least claim 26 of the '508 patent in the State of Delaware and elsewhere in the United States, by using Wi-Fi routers that prioritize Internet traffic, including the ORiNOCO AP-8100 router ("Accused Instrumentality"), to perform a method of connecting an information provider and a user node of a computer network, performed by a master program. The Accused Instrumentality performs registering the user node (*e.g.*, an Internet enabled user device such as a laptop, mobile phone) at a master node (*e.g.*, the Accused Instrumentality). The user node (*e.g.*, an Internet enabled user device such as a laptop, mobile phone) registers with the Accused

Instrumentality by connecting (wired or wirelessly) with the accused instrumentalities (with or without using a password).

13. The Accused Instrumentality performs receiving, through the master node (*e.g.*, the Accused Instrumentality), a node ID (*e.g.*, MAC address) from the user node (*e.g.*, an Internet enabled user device such as a laptop, mobile phone). (*See*, *e.g.*, http://www.proxim.com/downloads/technical-guides/orinoco-ap11n-software-management-guide-swv4.1.pdf). A MAC (Media Access Control) address is a unique alpha-numeric identifier used to distinguish a device from others on a network. (*See*, *e.g.*, *id.*; https://technet.microsoft.com/en-us/library/cc757419(v=ws.10).aspx).

14. The Accused Instrumentality accesses a master database for profile information corresponding to the node ID. For example, the Accused Instrumentality accesses an internal table or a database for data to be appropriately transmitted to a particular user device that made the request for the data. The internal table or database is accessed for profile information, for example, a DHCP lease table is maintained in the Accused Instrumentality which stores profile information available to the Accused Instrumentality such as a MAC address, IP address, or device name corresponding to a user device. The Accused Instrumentality forms the internal table/database with the available profile information corresponding to the node ID, such as the MAC address. (*See*, *e.g.*, http://www.proxim.com/downloads/technical-guides/orinoco-ap11n-software-management-guide-swv4.1.pdf).

15. The Accused Instrumentality transmits to the user node (*e.g.*, an Internet enabled user device such as a laptop, mobile phone), through the master node (*e.g.*, the Accused Instrumentality), a target information reference (*e.g.*, address information for accessing a web page of a file categorized in access category of "background" or "best effort" that a user

requested) corresponding to the accessed profile information (*e.g.*, requested content is tied to the IP address of the particular user device that requested it). The target information reference (*e.g.*, address information identifying a server or computer that a user will need to obtain information from in order to access a web page or an FTP file) is a pointer to target information to be delivered to the user node (*e.g.*, a web page or FTP file to be downloaded to an Internet enabled user device such as a laptop, mobile phone, etc.) while transferring non-target information without additional communication delay (*e.g.*, higher priority applications such as video conferencing (audio/video) and IP phone access, which the accused instrumentality gives a higher priority class, such access category of video and voice) will be prioritized (*e.g.,* access category "voice" & "video" are "real time" whereas "background" and "best effort" are "non-real time").

16. For example, the Accused Instrumentality will receive address information pointing to the server or computers delivering content (*e.g.*, data packets sent from other servers or computers will contain the IP address of the server/computer in the data packet's header). These data packets are forwarded to the appropriate device (which requested access to the Internet information) based upon a destination IP address belonging to a particular device (corresponding to the accessed profile information for the particular device that requested access to the Internet information, or the device seeking to receive data from a particular Internet address) that is also within the header. The Accused Instrumentality will reference its routing table in order to forward data packets to an addressed device accordingly.

17. Furthermore, the Accused Instrumentality has QOS settings that allow prioritization of certain Internet traffic while allowing other traffic to continue. For example, a file download (*e.g.*, target information such as basic internet access, FTP access, or Database

access that are in access category of "background" or "best effort" and therefore "non-real time") will be delivered to the user device while transferring non-target information without additional communication delay (*e.g.*, higher priority applications such as video conferencing (audio/video) and IP Phone access data (in access category of "voice" or "video") is prioritized and transferred without delay). The Accused Instrumentality can classify particular wireless data packets as network traffic that is non-real time sensitive (*e.g.*, target information) and place a lower priority on the transfer of target information (*e.g.*, background activity such as downloads) so as not to delay the continued transfer of non-target information (*e.g.*, foreground activity such as a video conferencing (audio/video) and IP Phone access).

1. Multiple high definition **IP-surveillance** cameras used for monitoring airports, offices, restaurants, warehouses, etc., can be monitored and managed by using a single AP Device.
2. Proxim's AP Devices exhibit a secure data transfer via high speed network links and **over-the-air encryption of data**.
3. **Enterprise Connectivity**:

   Delivering a secure, flexible, scalable and reliable enterprise class 802.11n standard Data, Voice, and Video for small and medium Enterprise WLAN deployments, our AP Device can serve multiple service sets with:

   - **Multiple SSID Assignment**: Multiple wireless clients connected to a single AP Device are grouped together as different service sets and every service set is assigned an independent SSID, allowing you to maintain maximum number of groups under a single Virtual Access Point (VAP) network.
   - **Single SSID Assignment**: Different wireless clients belonging to different service sets (SSIDs) can access the wireless network from one single AP Device with a single SSID.
   - **RADIUS VLAN Assignment**: In addition to the manual VLAN assignment, every wireless client / service set connected to a single AP Device is assigned a specific VLAN ID via a pre-configured RADIUS server, reducing the load of manually configuring the VLAN parameters of each wireless client.

(*See*, *e.g.*, http://www.proxim.com/downloads/technical-guides/orinoco-ap11n-software-management-guide-swv4.1.pdf).

5.6 Quality of Service (QoS)

The AP device supports Wi-Fi Multimedia (WMM), also known as Wireless Multimedia Extensions (WME), which is a solution for QoS functionality based on the IEEE 802.11e specification. WMM defines enhancements to the Media Access Control (MAC) for wireless LAN applications with Quality of Service requirements, which include transport of voice and video traffic over IEEE 802.11 wireless LANs.

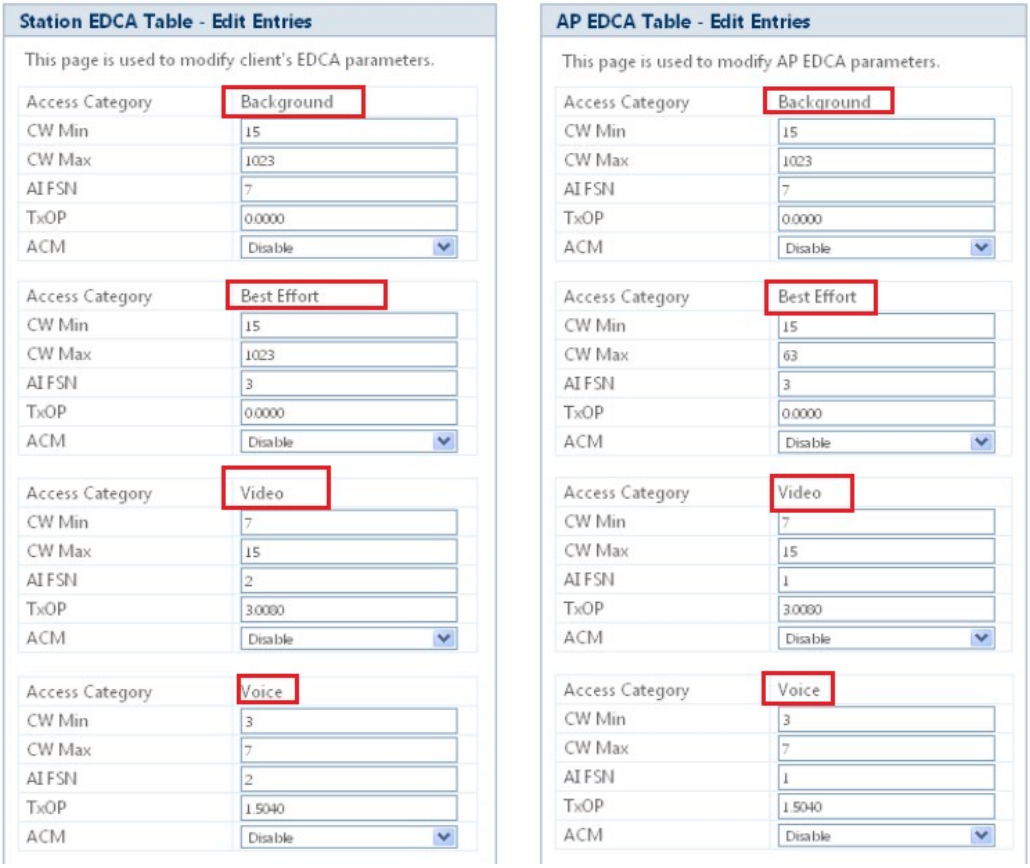
The enhancements are in the form of changes in protocol frame formats (addition of new fields and information elements) addition of new messages, definition of new protocol actions, channel access mechanisms (differentiated control of access to medium), network elements (QoS/WME aware AP devices, wireless clients), and configuration management.

WME supports Enhanced Distributed Channel Access (EDCA) for prioritized QoS services. The WMM/QoS feature can be enabled or disabled per VAP.

(*e.g.*, http://www.proxim.com/downloads/technical-guides/orinoco-ap11n-software-management-guide-swv4.1.pdf).

Q	
QoS	The Quality of Service (QoS) feature is based on the 802.16 standard and defines the classes, service flows, and packet identification rules for specific types of traffic. The main priority of QoS is to guarantee a reliable and adequate transmission quality for all types of traffic under conditions of high congestion and bandwidth over-subscription.

(*e.g.*, http://www.proxim.com/downloads/technical-guides/orinoco-ap11n-software-management-guide-swv4.1.pdf).



(*e.g.*, http://www.proxim.com/downloads/technical-guides/orinoco-ap11n-software-management-guide-swv4.1.pdf).

Parameter	Description
Access Category	Specifies a label for the common set of EDCA parameters that are used by a QoS STA/AP to contend for the channel in order to transmit MSDUs with certain priorities. This is a read-only parameter and the available Access Categories are as follows: – Background – Best Effort – Video – Voice Tabulated below are the default EDCA parameters for the wireless client and AP device, specific to each Access Category.

(*e.g.*, http://www.proxim.com/downloads/technical-guides/orinoco-ap11n-software-management-guide-swv4.1.pdf).

18. Plaintiff has been damaged because of Defendant's infringing conduct. Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates Plaintiff for such Defendant's infringement of the '508 patent, *i.e.*, in an amount that by law cannot be less than would constitute a reasonable royalty for the use of the patented technology, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

19. On information and belief, Defendant has had at least constructive notice of the '508 patent by operation of law, and there are no marking requirements that have not been complied with.

IV. JURY DEMAND

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

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

a. Judgment that one or more claims of United States Patent No. 5,768,508 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;

b. Judgment that Defendant account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of Defendant's infringing activities and other conduct complained of herein;

c. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein; and

d. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

October 25, 2018

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