

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

OROSTREAM LLC,

Plaintiff,

v.

**ZEBRA TECHNOLOGIES
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 Zebra Technologies 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 Zebra Technologies Corporation (“Defendant”), is a corporation organized and existing under the laws of the State of Delaware, with its place of business at 3 Overlook Point, Lincolnshire, IL 60069. Defendant has a registered agent in Delaware at Corporation Trust Company, 1209 Orange Street, 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 AP 7522 Access Point (“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.*, <https://www.barcodesinc.com/zebra/ap7522.htm#>; <https://cdn.barcodesinc.com/themes/barcodesinc/pdf/Zebra/ap7522e.pdf>; https://www.zebra.com/content/dam/zebra_new_ia/en-us/manuals/wireless-networks/ap7522-access-point-installation-guide-en-us.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](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.

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 background or best effort data packets 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) will be prioritized (*e.g.*, video and voice are “real-time” whereas background and best efforts 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 low priority 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 higher priority)) 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).

VOICE, LOCATIONING AND GUEST ACCESS

Support for Voice-over-wireless LAN (VoWLAN) quality of service (QoS) ensures toll quality, even with many simultaneous calls on a single access point. In addition, you can leverage locationing services to locate and track people and assets, as well as control network and application access. And since you can prevent users from accessing authorized networks, sites and applications, its easy to provide hotspot and guest access.

THE ZEBRA ADVANTAGE: A TURBOBOOST FOR PERFORMANCE AND SUPERIOR SCALABILITY

Since the AP 7522 802.11ac Access Point is part of our WiNG 5 family of WLAN infrastructure, it is network aware, able to work in concert with all other Zebra WiNG 5 controllers and access points to define the route that will enable the fastest and most robust path for every transmission. And since the AP 7522 can be adopted by our controllers for easy centralized management, your network is easy to scale. No matter how many access points and controllers you need, or where in the world they are located, you can deploy, monitor, troubleshoot and manage them all from a single location. No matter how many users you need to support today or tomorrow, you get the peace of mind that comes from knowing your network is always ready and waiting.

(*See, e.g.*, <https://cdn.barcodesinc.com/themes/barcodesinc/pdf/Zebra/ap7522e.pdf>).

Quality of Service (QoS)

► Profile Network Configuration

The uses different *Quality of Service* (QoS) screens to define WLAN and device radio QoS configurations. The *System Profiles > Network > QoS* facility is separate from WLAN and radio QoS configurations, and is used to configure the priority of the different DSCP packet types.

QoS values are required to provide priority of service to some packets over others. For example, VoIP packets get higher priority than data packets to provide a better quality of service for high priority voice traffic.

The profile QoS screen maps the 6-bit *Differentiated Service Code Point* (DSCP) code points to the older 3-bit IP Precedent field located in the Type of Service byte of an IP header. DSCP is a protocol for specifying and controlling network traffic by class so that certain traffic types get precedence. DSCP specifies a specific per-hop behavior applied to a packet.

To define an QoS configuration for DSCP mappings:

1. Select the **Configuration** tab from the Web UI.
2. Select **Devices**.
3. Select **System Profile** from the options on left-hand side of the UI.
4. Expand the **Network** menu and select **Quality of Service (QoS)**.

(See, e.g., WiNG Access Point System Reference Guide).

Assign a 802.1p priority as a 3-bit IP precedence value in the Type of Service field of the IP header used to set the priority. The valid values for this field are 0-7. Up to 64 entries are permitted. The priority values are:

- 0 – Best Effort
- 1 – Background
- 2 – Spare
- 3 – Excellent Effort
- 4 – Controlled Load
- 5 – Video
- 6 – Voice
- 7 – Network Control

(See, e.g., WiNG Access Point System Reference Guide).

QoS provides a data traffic prioritization scheme that reduces congestion from excessive traffic. If there is enough bandwidth for all users and applications (unlikely because excessive bandwidth comes at a very high cost), then applying QoS has very little value. When bandwidth is shared by different users and applications, QoS provides policy enforcement for mission-critical applications and/or users with critical bandwidth requirements.

QoS ensures each WLAN receives a fair share of the overall bandwidth, either equally or in the configured proportion. Packets directed towards clients are classified into categories such as *Video*, *Voice* and *Data*. Packets within each category are processed based on the weights defined for each WLAN.

The **Quality of Service** screen displays a list of QoS policies available to WLANs. If none of the exiting QoS policies supports an ideal QoS configuration for the intended data traffic for this WLAN, select the **Add** button to create new policy. Select the radio button of an existing WLAN and select **OK** to map the QoS policy to the WLAN displayed in the banner of the screen.

(See, e.g., WiNG Access Point System Reference Guide).

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.

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