UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

OROSTREAM LLC, Plaintiff, v. **BEC TECHNOLOGIES, INC.,** Defendant.	C.A. NO. 2:18-cv-441 **PATENT CASE** **JURY TRIAL DEMANDED**

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Orostream LLC files this Original Complaint for Patent Infringement against BEC Technologies, Inc., 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 BEC Technologies, Inc. ("Defendant"), is a corporation organized and existing under the laws of the State of Delaware, with its place of business at 3301 Matrix Drive, Suite 200, Richardson, TX 75082, which is in Collin County, Texas. Defendant has a registered agent in the Eastern District of Texas at 14524 Blakehill Dr. Frisco, TX 75035.

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 Texas 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 it has a place of business within this District, including at 3301 Matrix Drive, Suite 200, Richardson, TX 75082, in Collin County, Texas.

5. Without limitation, on information and belief, within this District and 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 the Eastern District of Texas and Texas. 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 the Eastern District of Texas and Texas. 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 the Eastern District of Texas. Defendant has committed such purposeful acts and/or transactions in the Eastern District of Texas and Texas 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 has a place of business at 3301 Matrix Drive, Suite 200, Richardson, TX 75082, in Collin County, Texas. 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 Texas and the Eastern District of Texas and elsewhere in the United States, by using Wi-Fi routers that prioritize Internet traffic, including the BEC VG-2600 ("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://bectechnologies.net/wordpress/wp-content/uploads/2015/08/VG-2600.pdf; https://bectechnologies.net/wordpress/wp-content/uploads/2015/08/BEC-VG2600_UM_v1.02b28_2014_0521.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.

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 or a file 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) will be prioritized (*e.g.*, video streaming and voice calling are "real-time" whereas web surfing and background download 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 and "non real-time" information) 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) 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).

The BEC VG-2600 is Wireless-N Broadband Voice Gateway – featuring all Gigabit Ethernet interfaces, Wi-Fi 802.11n access point, VoIP and Stateful Inspection Firewall . The gateway integrates a Gigabit EWAN (Ethernet WAN) and a built-in 3-port Gigabit switch enabling wire-speed LAN transmission performance for bandwidth consuming applications such as video streaming and file sharing. The BEC VR-2600 also has integrated two RJ-11 FXS ports for connecting to regular telephones, allowing users to make economical VoIP calls over the internet and 802.11n Wireless Access Point with 2x2 detachable MIMO antennas providing wireless data speeds up to 300Mbps. The built in robust firewall provides protection against intrusion attacks while the Quality of Service feature allows traffic prioritization and bandwidth management for downloads, OTT applications and online gaming. The BEC VR-2600 automatically adopts the optimal connection to deliver smooth and constant signal reception even if obstacles are present. Users can easily enjoy high bandwidth applications such as Video streaming without changing their home network.

Fliexible Deployment Options

The BEC VG-2600 provides service operators with a flexible, scalable deployment option optimized to both reduce costs and provide the longest possible lifespan for the investment. The BEC VG-2600 integrates dual WAN options; a 10/100/1000 Ethernet WAN interface which can be used for broadband connectivity to any other Ethernet broadband device and a uplink interface that can connect to the BEC 6800RUL 4G/LTE Outdoor UE for wireless (cellular) connectiviity.

Smooth, Responsive Net Connection

The Quality of Service (QoS) feature gives user full control over outgoing data traffic. Traffic prioritization can be assigned by the router to ensure that important and specific transmissions such as gaming packets, VoIP calls or Video streaming content passes through the router at lightning speed, even during heavy Internet traffic. The speed of different types of outgoing data passing through the router can also be controlled to ensure that different users do not saturate bandwidth with their browsing activities.

(*See, e.g.*, https://bectechnologies.net/wordpress/wp-content/uploads/2015/08/VG-2600.pdf).

Features & Specifications

- Gigabit Ethernet WAN (GbE WAN) for Fiber (FTTC/ FTTP/ FTTH) high WAN throughput
- Gigabit Ethernet LAN
- IPv6 ready (IPv4/IPv6 dual stack)
- Multiple wireless SSIDs with wireless guest access and client isolation
- IEEE 802.11 b/g/n compliant Wireless Access Point with Wi-Fi Protected Setup (WPS)
- Wi-Fi Protected Access (WPA-PSK/ WPA2-PSK) and Wired Equivalent Privacy (WEP)
- SOHO Firewall Security with DoS Preventing and Packet Filtering
- Quality of Service Control for traffic prioritization management

(*See, e.g.,* https://bectechnologies.net/wordpress/wp-content/uploads/2015/08/BEC-VG2600_UM_v1.02b28_2014_0521.pdf).

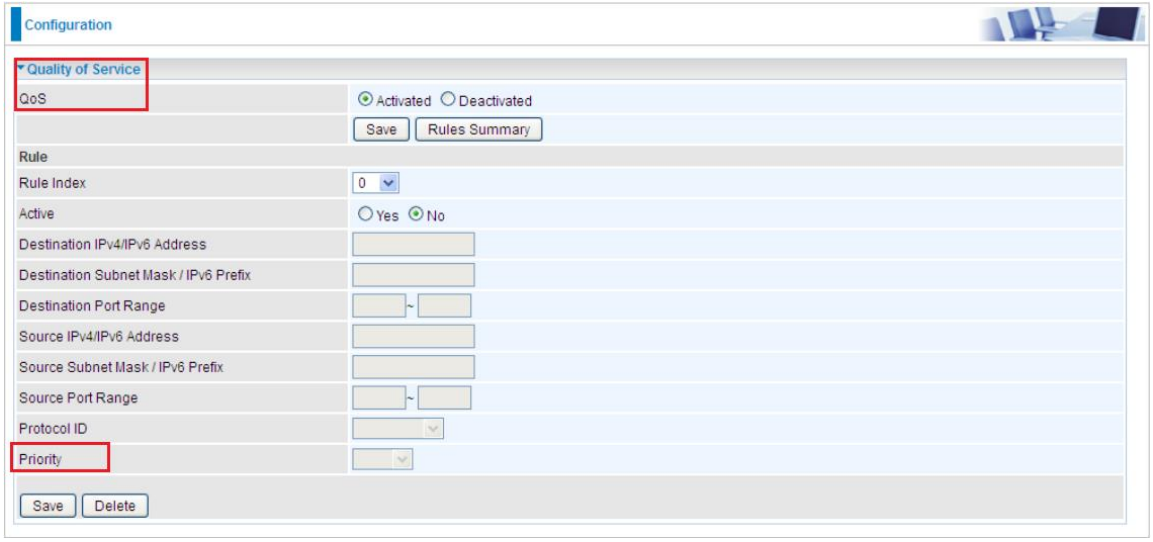
QoS

QoS helps you control the upload traffic of each application from LAN (Ethernet and/or Wireless) to WAN (Internet).

It facilitates you the features to control the quality of throughput for each application. This is useful when there on certain types of data you want giver higher priority to, such as voice data packets given higher priority than web data packets.

QoS can be toggled Activated and Deactivated. QoS must be activated before you can edit the following options. When you are done making changes, click on **Save** to save your changes.

(*See, e.g.,* https://bectechnologies.net/wordpress/wp-content/uploads/2015/08/BEC-VG2600_UM_v1.02b28_2014_0521.pdf).



(*See, e.g.*, https://bectechnologies.net/wordpress/wp-content/uploads/2015/08/BEC-VG2600_UM_v1.02b28_2014_0521.pdf).

Rule

You can set 16 different QoS rules. Each QoS rule has its detail setting conditions like: Physical Ports, IP, Port, Protocol, etc, you can modify the value to any new one you wish. Please notice that only when the packet fulfill every detail setting conditions here, then this packet will be remarked as the priority queue of each rule. The non-selected setting part will be treated as "don't care" and the system will not handle this setting part.

Rule: Select 16 different rules, each rule's detail can be set and saved.

Active: Select whether to activate the rule.

Destination IPv4/IPv6: Set the IPv4/IPv6 address that you want to filter on destination side.

Destination Subnet Mask / IPv6 Prefix: Specify the Destination Subnet Mask for IPv4 or prefix for IPv6.

Destination Port Range: Set the port range value that you want to filter on destination side.

Source IPv4/IPv6 Address: Set the IP address value that you want to filter on source side in IPv4 or IPv6.

Source Subnet Mask / IPv6 Prefix: Specify the Source Subnet Mask for IPv4 or prefix for IPv6.

Source Port Range: Set the port range value that you want to filter on source side.

Protocol ID: Set the protocol ID type of packets that you want to filter (TCP, UDP, ICMP, and IGMP).

Priority: Select to prioritize the traffic which the rule categorizes, High or Low.

(*See, e.g.*, https://bectechnologies.net/wordpress/wp-content/uploads/2015/08/BEC-VG2600_UM_v1.02b28_2014_0521.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.

Dated: October 26, 2018

Respectfully submitted,

/s/ David R. Bennett

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