IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BECK BRANCH, LLC, Plaintiff, **v.** **OATH 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 Oath 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, Oath Inc. ("Defendant" or "Oath")) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 770 Broadway, 4th Floor, New York, NY 10003.

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

6. Defendant is subject to this Court's specific and general personal jurisdiction by virtue of the fact that Defendant is a Delaware corporation.

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

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.

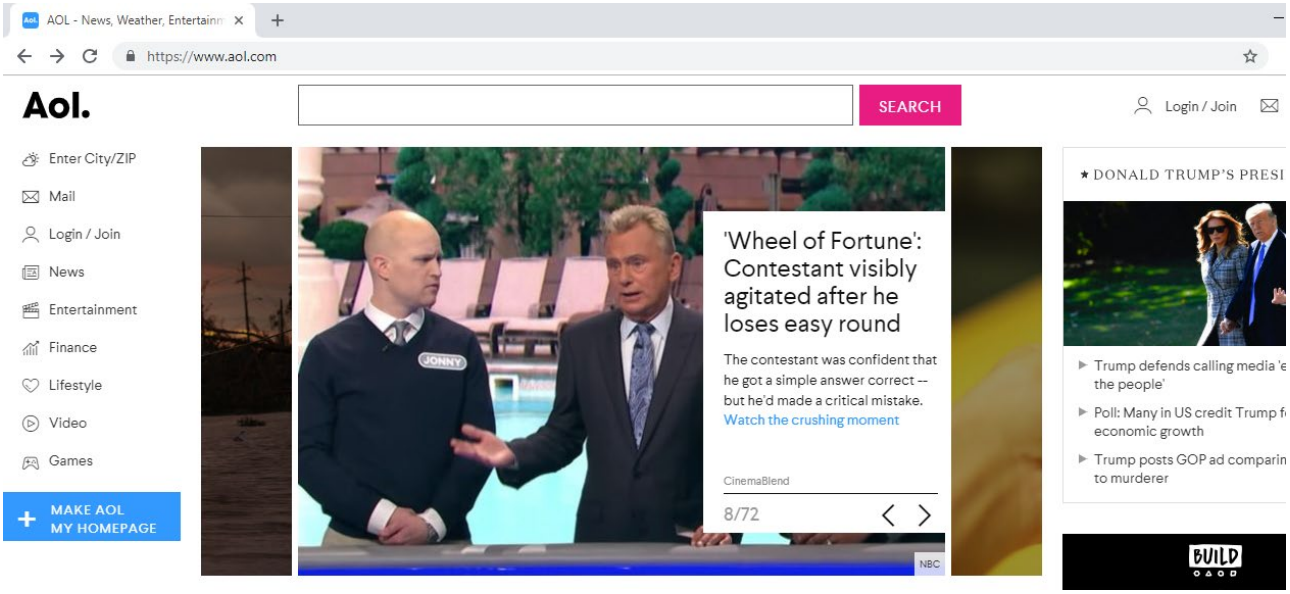
8. Defendant owns, uses, operates, advertises, controls, sells, and otherwise provides products and/or services that infringe the '620 patent. The '620 patent provides, among other things, "A communication server acting as a gateway for the transmission of messages between two virtual devices communicating 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.

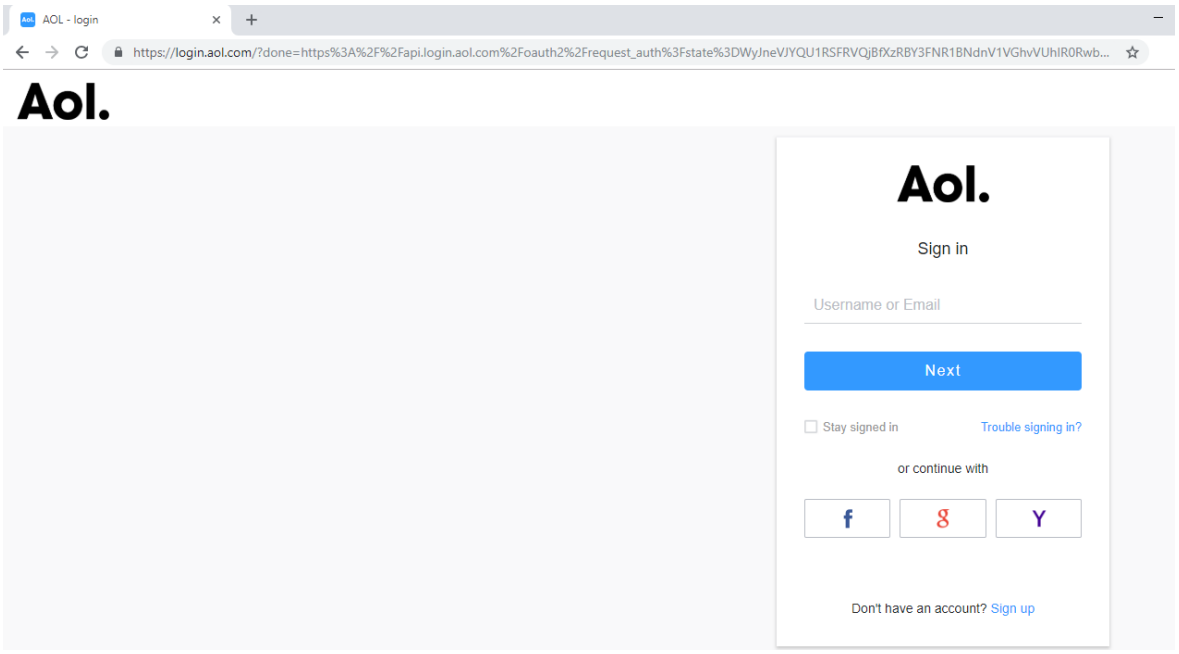
10. AOL is a subdivision of Defendant.

11. Based on present information and belief, AOL 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,

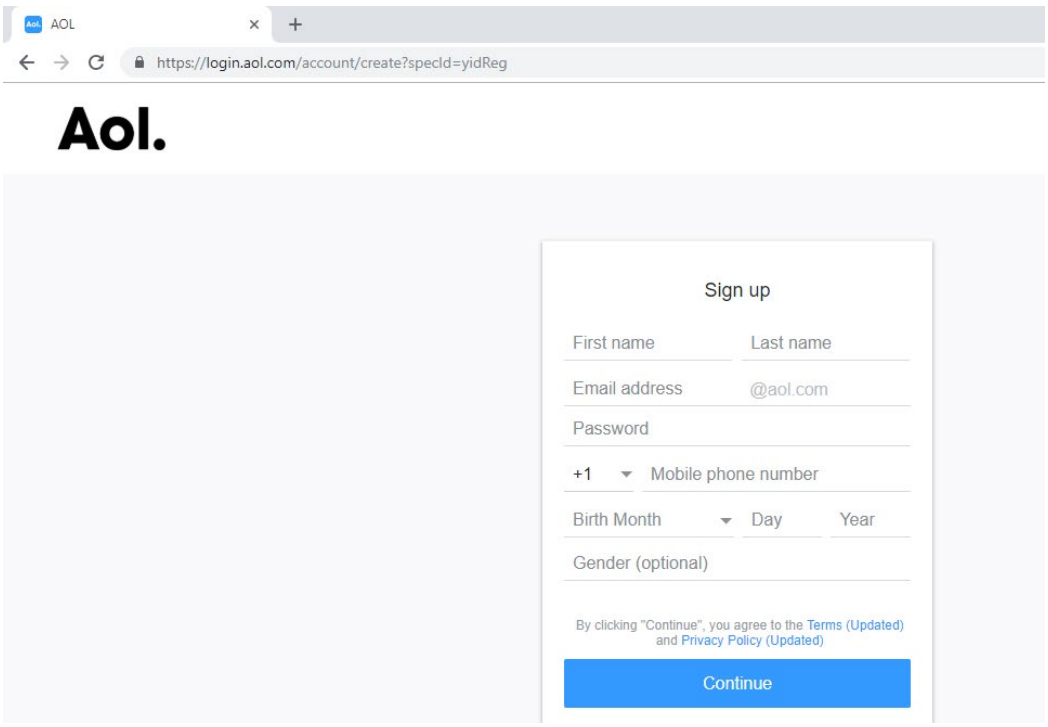
AOL provides web based electronic mail (e-mail) software to exchange messages between sender (e-mail client) and receiver (e-mail client) using webmail services via the AOL server and/or AOL.com server. When an e-mail client creates and send an e-mail using AOL software (which when installed on a computer, smartphone or other computing device comprise one or more "virtual devices"), the e-mail client uses the AOL server and/or AOL.com server to send an e-mail using Simple Mail Transfer Protocol (SMTP) via AOL server and/or AOL.com server ("communication server") to authenticate the sender. The AOL server and/or AOL.com server converts the protocol from SMTP to Internet Message Access Protocol (IMAP) which is used by e-mail client at receiver's end to retrieve the messages from the server. The messages between e-mail clients at sender end to the e-mail clients at receiver end are transmitted via the AOL server and/or AOL.com server ("gateway").



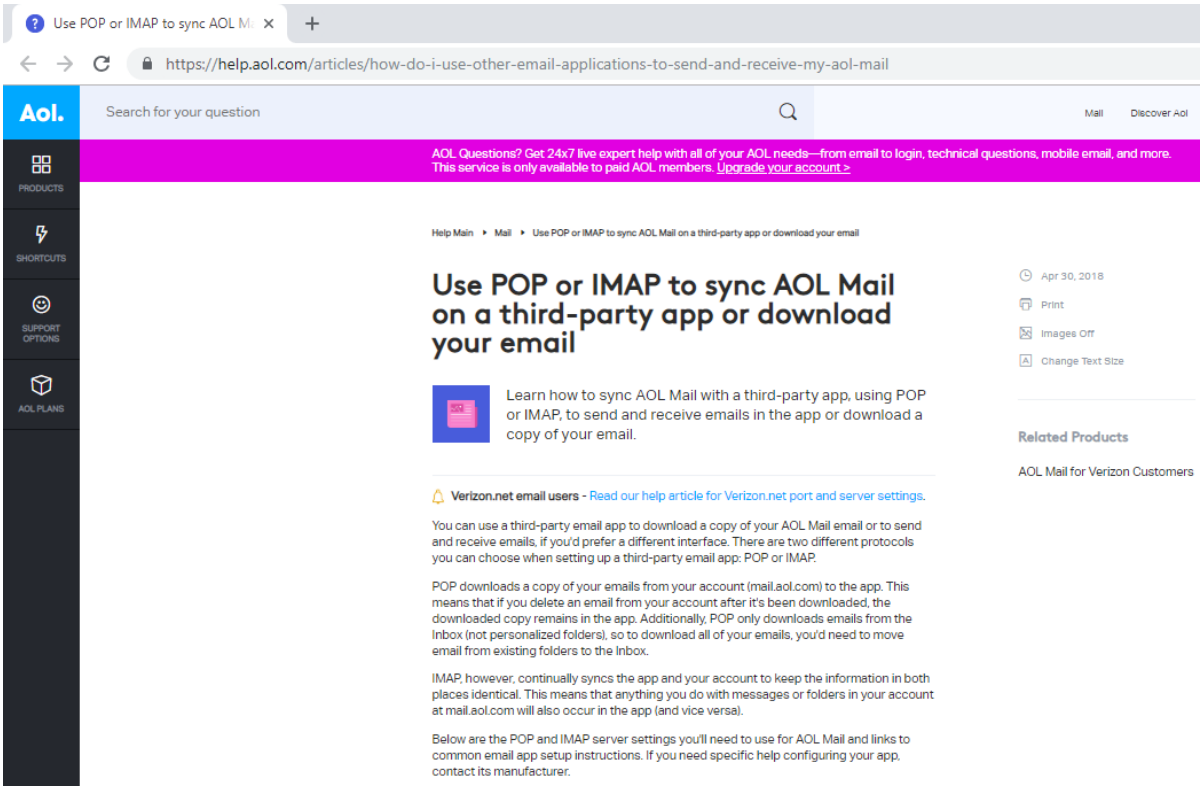
Source: https://www.aol.com/



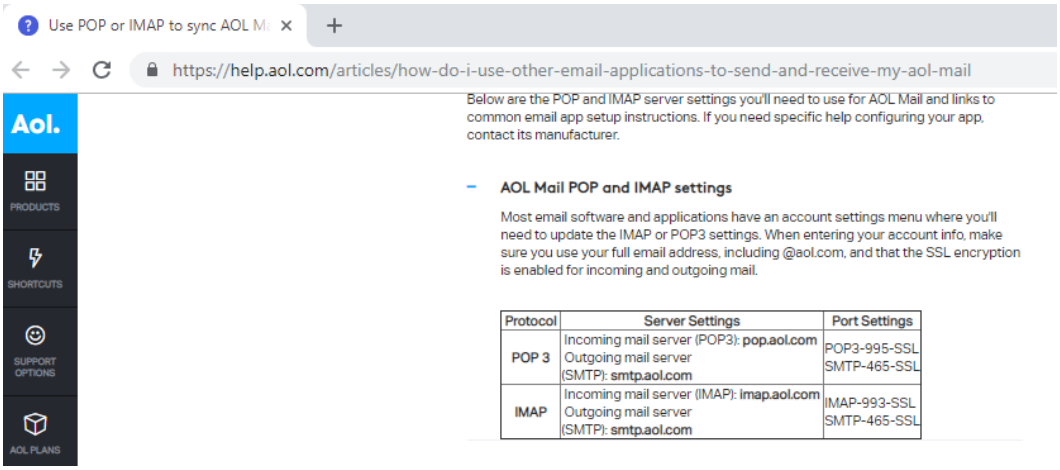
Source: https://login.aol.com/



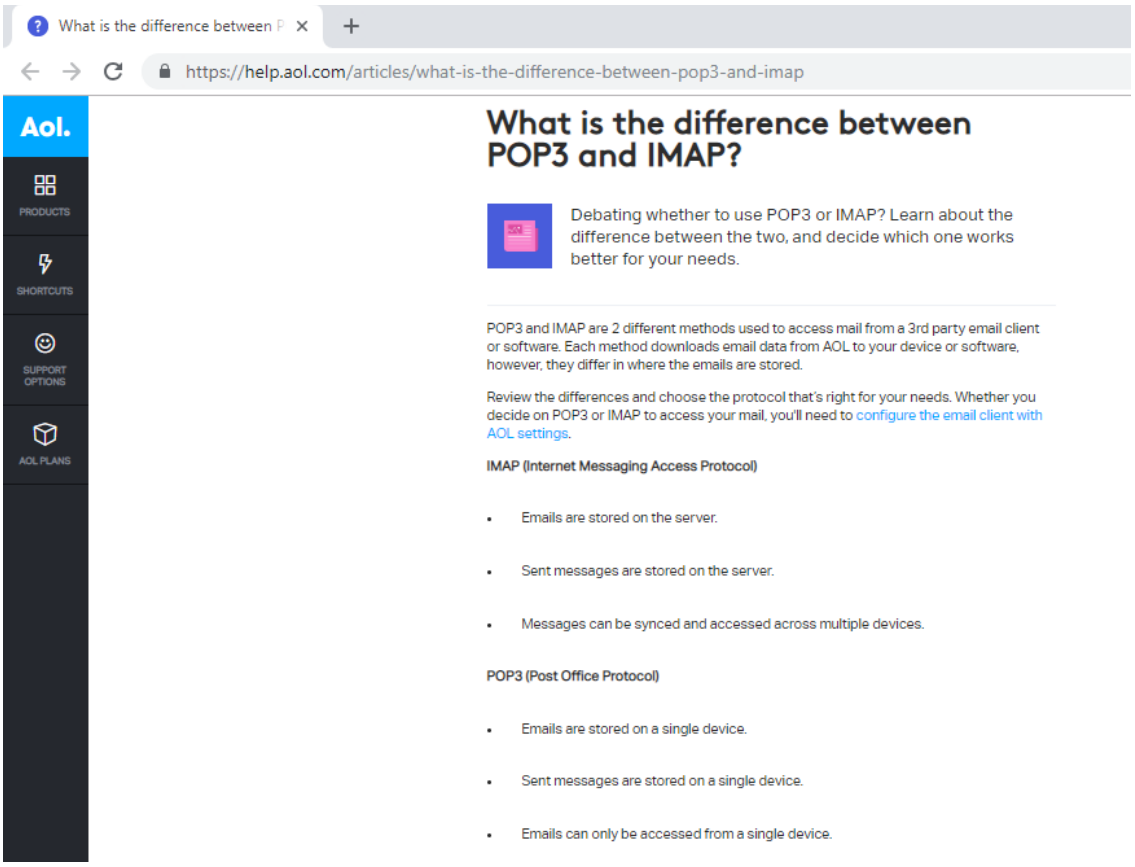
Source: https://login.aol.com/account/create?specId=yidReg



Source: https://help.aol.com/articles/how-do-i-use-other-email-applications-to-send-and-receive-my-aol-mail



Source: https://help.aol.com/articles/how-do-i-use-other-email-applications-to-send-and-receive-my-aol-mail



Source: https://help.aol.com/articles/what-is-the-difference-between-pop3-and-imap

1.1. Transport of Electronic Mail

The objective of the Simple Mail Transfer Protocol (SMTP) is to transfer mail reliably and efficiently.

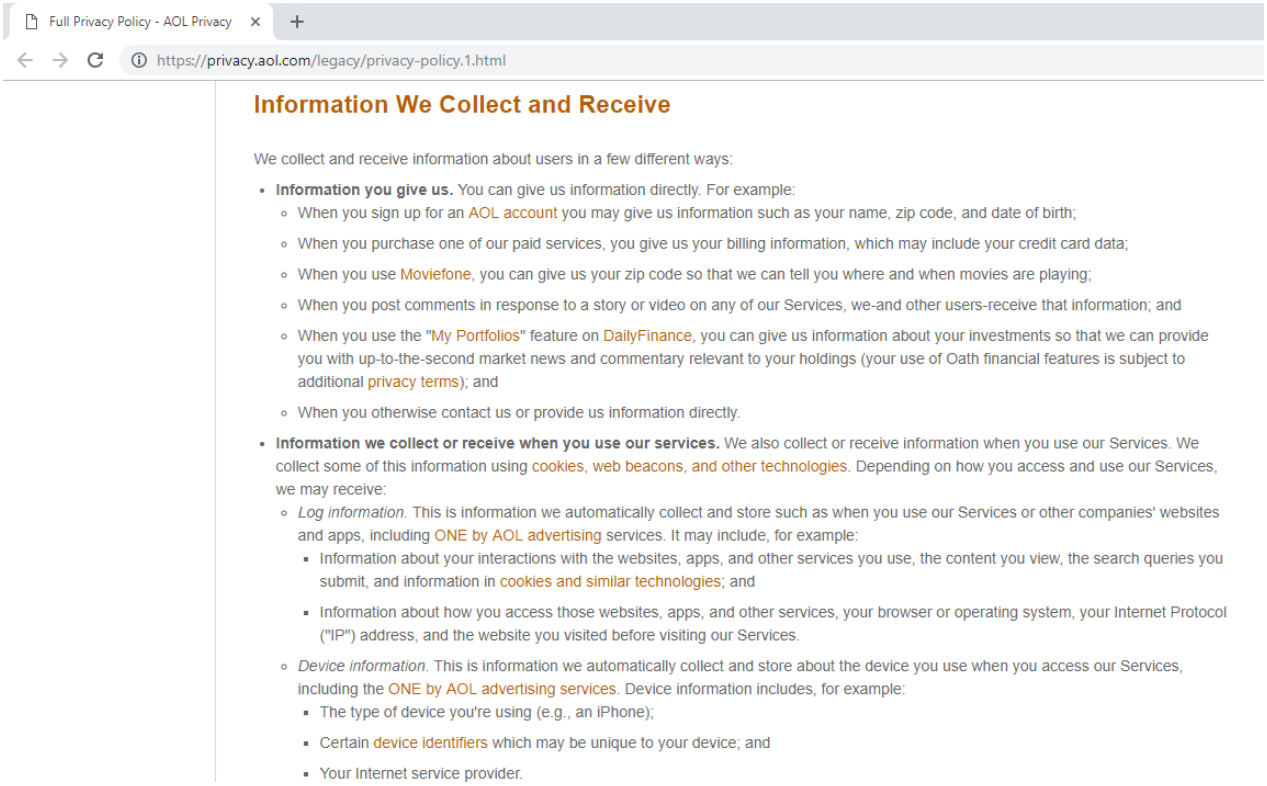
SMTP is independent of the particular transmission subsystem and requires only a reliable ordered data stream channel. While this document specifically discusses transport over TCP, other transports are possible. Appendices to RFC 821 [1] describe some of them.

An important feature of SMTP is its capability to transport mail across multiple networks, usually referred to as "SMTP mail relaying" (see Section 3.6). A network consists of the mutually-TCP-accessible hosts on the public Internet, the mutually-TCP-accessible hosts on a firewall-isolated TCP/IP Intranet, or hosts in some other LAN or WAN environment utilizing a non-TCP transport-level protocol. Using SMTP, a process can transfer mail to another process on the same network or to some other network via a relay or gateway process accessible to both networks.

In this way, a mail message may pass through a number of intermediate relay or gateway hosts on its path from sender to ultimate recipient. The Mail eXchanger mechanisms of the domain name system (RFC 1035 [2], RFC 974 [12], and Section 5 of this document) are used to identify the appropriate next-hop destination for a message being transported.

Source: https://tools.ietf.org/html/rfc5321#section-1, page 4

12. Based on present information and belief, AOL 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, AOL and/or its customers utilize AOL server and/or AOL.com server to send and/or receive e-mails which comprises a knowledge base log and device information ("registry") to identify the registered physical devices. Further, the server transmit messages between e-mail clients at sender end to the e-mail clients at receiver end via the AOL server and/or AOL.com server ("gateway").



Source: https://privacy.aol.com/legacy/privacy-policy.1.html

Abstract

The Internet Message Access Protocol, Version 4rev1 (IMAP4rev1) allows a client to access and manipulate electronic mail messages on a server. IMAP4rev1 permits manipulation of mailboxes (remote message folders) in a way that is functionally equivalent to local folders. IMAP4rev1 also provides the capability for an offline client to resynchronize with the server.

IMAP4rev1 includes operations for creating, deleting, and renaming mailboxes, checking for new messages, permanently removing messages, setting and clearing flags, RFC 2822 and RFC 2045 parsing, searching, and selective fetching of message attributes, texts, and portions thereof. Messages in IMAP4rev1 are accessed by the use of numbers. These numbers are either message sequence numbers or unique identifiers.

IMAP4rev1 supports a single server. A mechanism for accessing configuration information to support multiple IMAP4rev1 servers is discussed in RFC 2244.

IMAP4rev1 does not specify a means of posting mail; this function is handled by a mail transfer protocol such as RFC 2821.

Source: https://tools.ietf.org/html/rfc3501#section-2.1

1.1. Transport of Electronic Mail

The objective of the Simple Mail Transfer Protocol (SMTP) is to transfer mail reliably and efficiently.

SMTP is independent of the particular transmission subsystem and requires only a reliable ordered data stream channel. While this document specifically discusses transport over TCP, other transports are possible. Appendices to RFC 821 [1] describe some of them.

An important feature of SMTP is its capability to transport mail across multiple networks, usually referred to as "SMTP mail relaying" (see Section 3.6). A network consists of the mutually-TCP-accessible hosts on the public Internet, the mutually-TCP-accessible hosts on a firewall-isolated TCP/IP Intranet, or hosts in some other LAN or WAN environment utilizing a non-TCP transport-level protocol. Using SMTP, a process can transfer mail to another process on the same network or to some other network via a relay or gateway process accessible to both networks.

In this way, a mail message may pass through a number of intermediate relay or gateway hosts on its path from sender to ultimate recipient. The Mail eXchanger mechanisms of the domain name system (RFC 1035 [2], RFC 974 [12], and Section 5 of this document) are used to identify the appropriate next-hop destination for a message being transported.

Source: https://tools.ietf.org/html/rfc5321#section-1, page 4

2. Protocol Overview

2.1. Link Level

The IMAP4rev1 protocol assumes a reliable data stream such as that provided by TCP. When TCP is used, an IMAP4rev1 server listens on port 143.

2.2. Commands and Responses

An IMAP4rev1 connection consists of the establishment of a client/server network connection, an initial greeting from the server, and client/server interactions. These client/server interactions consist of a client command, server data, and a server completion result response.

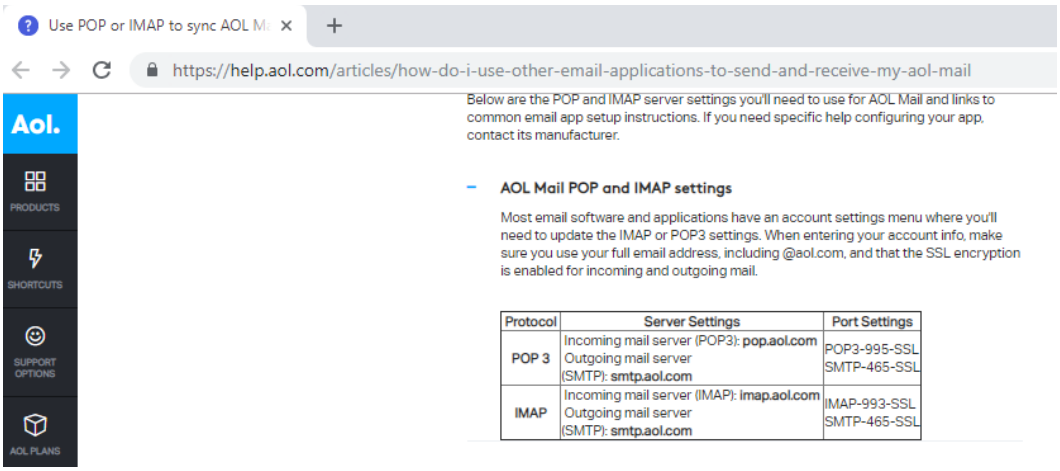
All interactions transmitted by client and server are in the form of lines, that is, strings that end with a CRLF. The protocol receiver of an IMAP4rev1 client or server is either reading a line, or is reading a sequence of octets with a known count followed by a line.

2.2.1. Client Protocol Sender and Server Protocol Receiver

The client command begins an operation. Each client command is prefixed with an identifier (typically a short alphanumeric string, e.g., A0001, A0002, etc.) called a "tag". A different tag is generated by the client for each command.

Source: https://tools.ietf.org/html/rfc3501#section-2.1, page 5

13. Based on information and belief, AOL 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. Upon information and belief, AOL and/or its customers utilize AOL server and/or AOL.com server which comprises a logical table to identify the type of connection and selects AOL server and/or AOL.com server gateway to convert messages from SMTP to IMAP.



Source: https://help.aol.com/articles/how-do-i-use-other-email-applications-to-send-and-receive-my-aol-mail

14. Based on present information and belief, AOL makes, uses, sells and/or offers for sale a dynamic database identifying the current status of each actual connection between physical devices. Upon information and belief, AOL and/or its customers utilize AOL server and/or AOL.com server which comprises a dynamic database to identify the current status of connection between the physical devices (including IP phones and the installation computers).

15. Based on present information and belief, AOL 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, AOL and/or its customers utilize AOL server and/or AOL.com server comprising a virtual gateway which uses the AOL server and/or AOL.com server as a gateway for protocol conversion upon receiving the message to be transmitted between e-mail clients at sender end to the e-mail clients at receiver end via the AOL server and/or AOL.com server ("gateway").

16. Based on present information and belief, AOL 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, AOL and/or its customers utilize AOL server and/or AOL.com server comprising a gateway which converts the SMTP protocol of the messages sent from AOL software at sender's end (e-mail client) to the IMAP protocol used at receiver's end (e-mail client).

17. Based on present information and belief, AOL 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, AOL and/or its customers utilize AOL server and/or AOL.com server comprising a gateway which converts the SMTP protocol of the messages sent from AOL software at sender's end (e-mail client) to the IMAP protocol used at receiver's end (e-mail client).

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 6,873,620 (YAHOO)

18. 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.

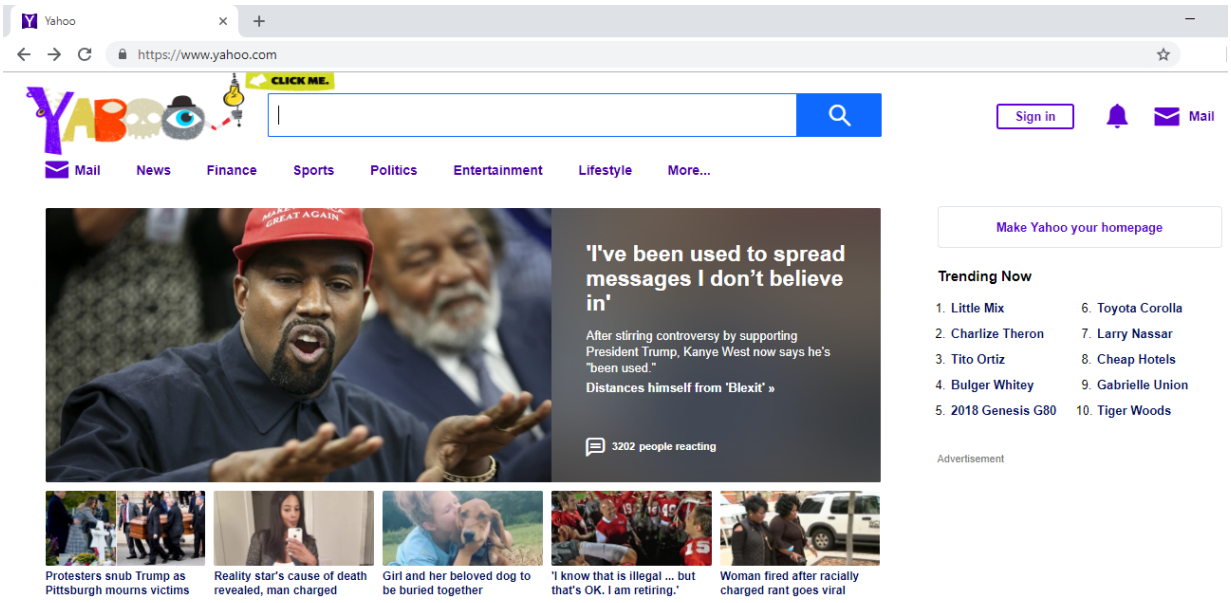
19. Defendant owns, uses, operates, advertises, controls, sells, and otherwise provides products and/or services that infringe the '620 patent. The '620 patent provides, among other things, " A communication server acting as a gateway for the transmission of messages between two virtual devices communicating 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."

20. 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

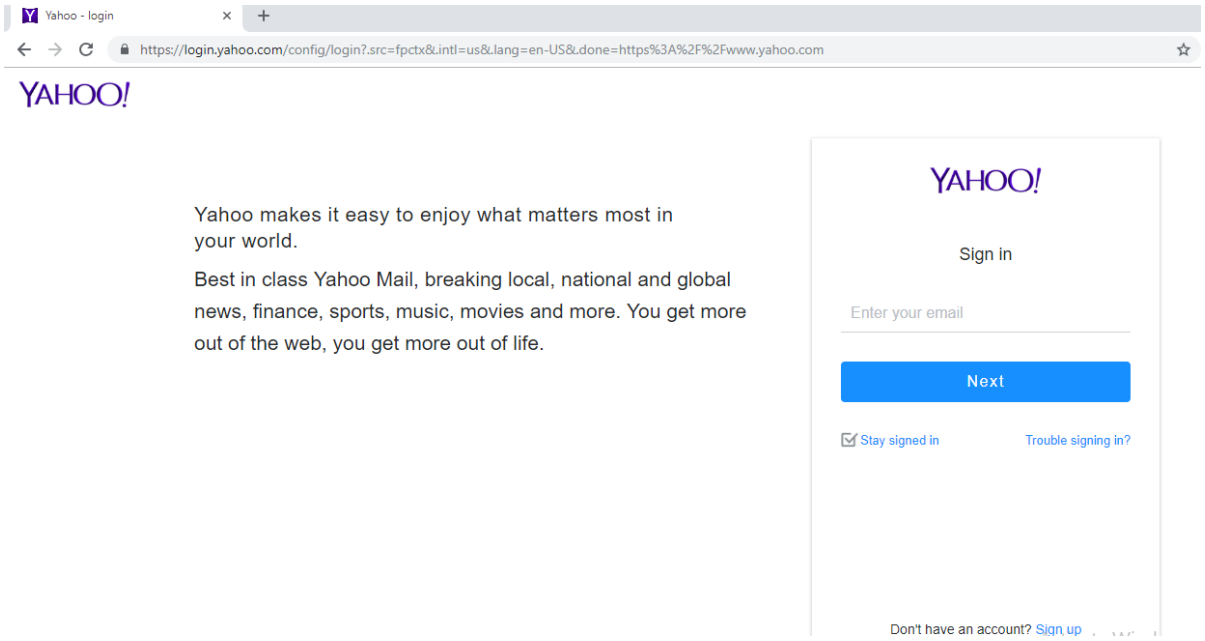
services, and all like products and services, Defendant has injured Plaintiff and is thus liable for infringement of the '620 patent pursuant to 35 U.S.C. § 271.

21. Yahoo is a subdivision of Defendant.

22. Based on present information and belief, Yahoo 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, Yahoo provides web based electronic mail (e-mail) software to exchange messages between sender (e-mail client) and receiver (e-mail client) using webmail services via the Yahoo server and/or Yahoo.com server. When an e-mail client creates and send an e-mail using Yahoo mail software (which when installed on a computer, smartphone or other computing device comprise one or more "virtual devices"), the e-mail client uses the Yahoo server and/or Yahoo.com server to send an e-mail using Simple Mail Transfer Protocol (SMTP) via Yahoo server and/or Yahoo.com server ("communication server") to authenticate the sender. The Yahoo server and/or Yahoo.com server converts the protocol from SMTP to Internet Message Access Protocol (IMAP) which is used by e-mail client at receiver's end to retrieve the messages from the server. The messages between e-mail clients at sender end to the e-mail clients at receiver end are transmitted via the Yahoo server and/or Yahoo.com server ("gateway").



Source: https://www.yahoo.com/



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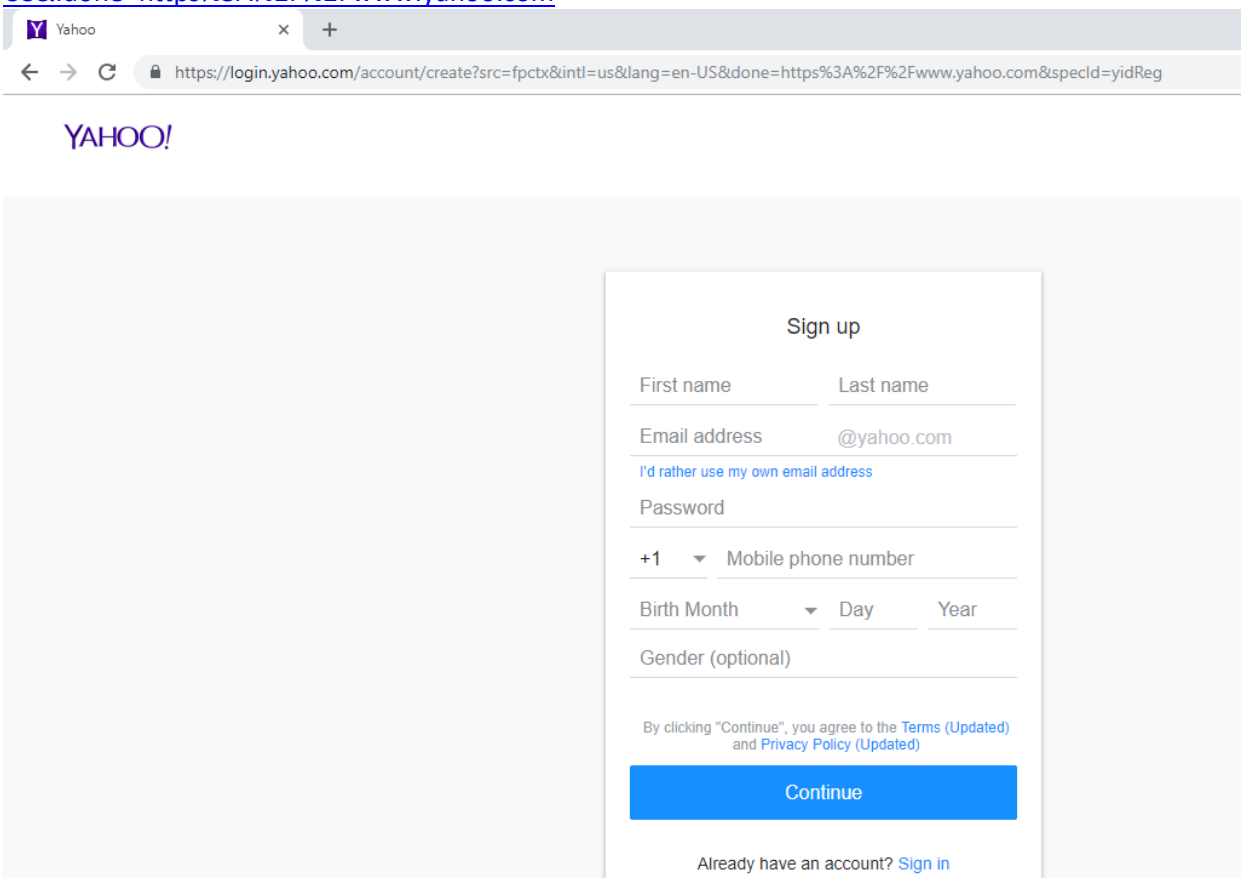
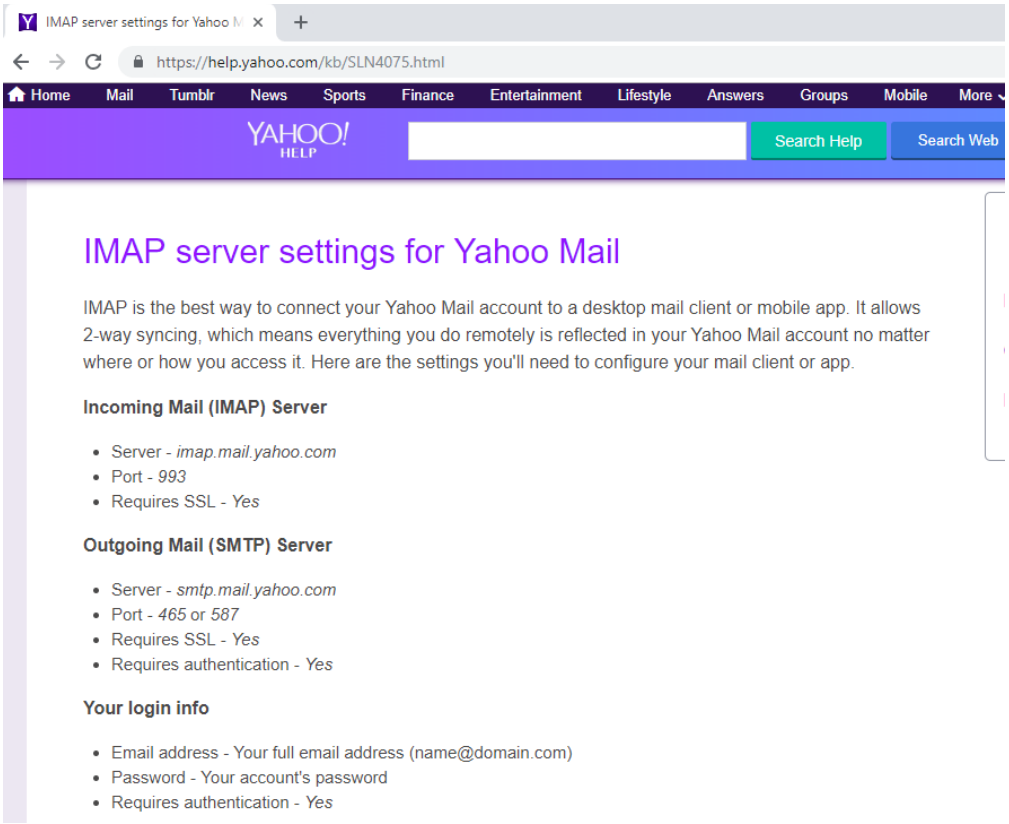


Source: https://login.yahoo.com/account/create?src=fpctx&intl=us&lang=en-US&done=https%3A%2F%2Fwww.yahoo.com&specId=yidReg

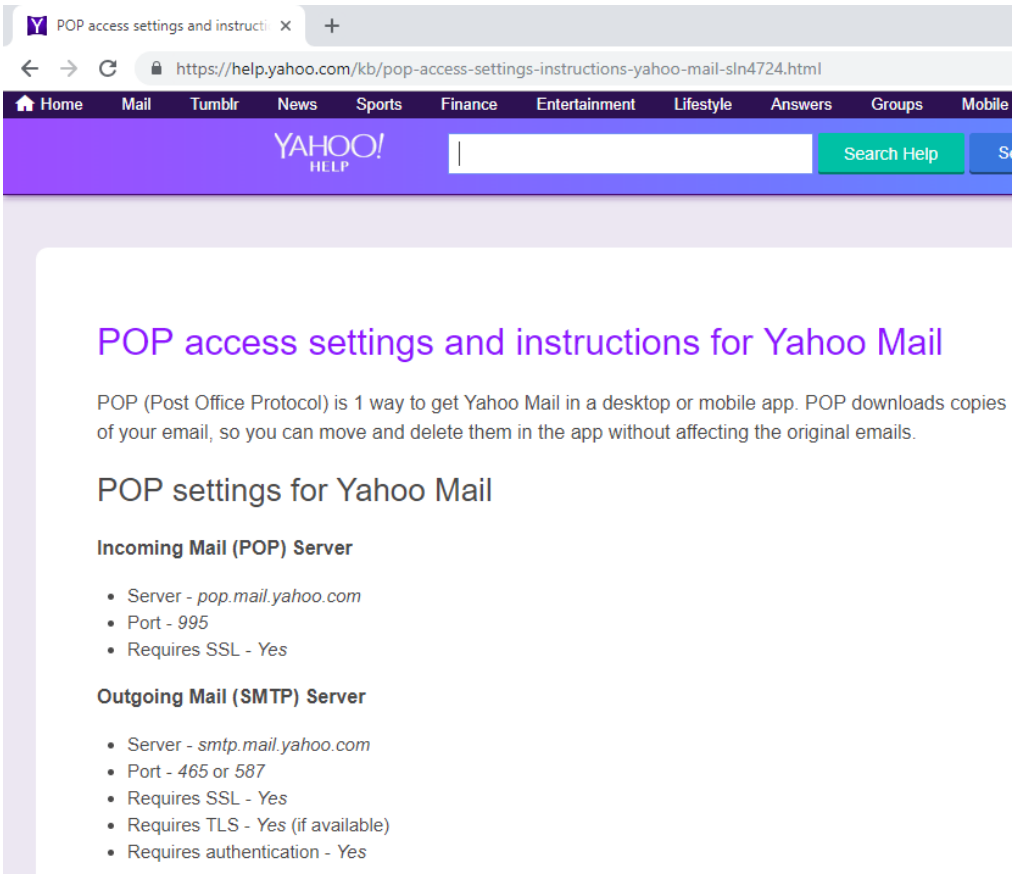
Communications

Yahoo Mail is a primary driver of engagement across our user offerings. Yahoo Mail connects users to the people and content most important to them across mobile and desktop. We support connecting external mail providers (such as Gmail, AOL, and Outlook) for users to manage multiple accounts from the Yahoo Mail client. Each Yahoo Mail account comes with one terabyte of free storage and is integrated with contacts, calendar, and messaging (see Yahoo Messenger section below). Our newly redesigned mobile app has new user-centric features including account key, compose assistant, document preview, and smart contacts. In 2016, we plan to invest in Yahoo Mail to grow DAUs and increase engagement by improving speed and stability, as well as adding features that make it easier for users to share, search, and connect through the platform.

Source: http://files.shareholder.com/downloads/YHOO/1485316140x0xS1193125-16-483790/1011006/1193125-16-483790.pdf



Source: https://help.yahoo.com/kb/SLN4075.html



Source: https://help.yahoo.com/kb/pop-access-settings-instructions-yahoo-mail-sln4724.html

1.1. Transport of Electronic Mail

The objective of the Simple Mail Transfer Protocol (SMTP) is to transfer mail reliably and efficiently.

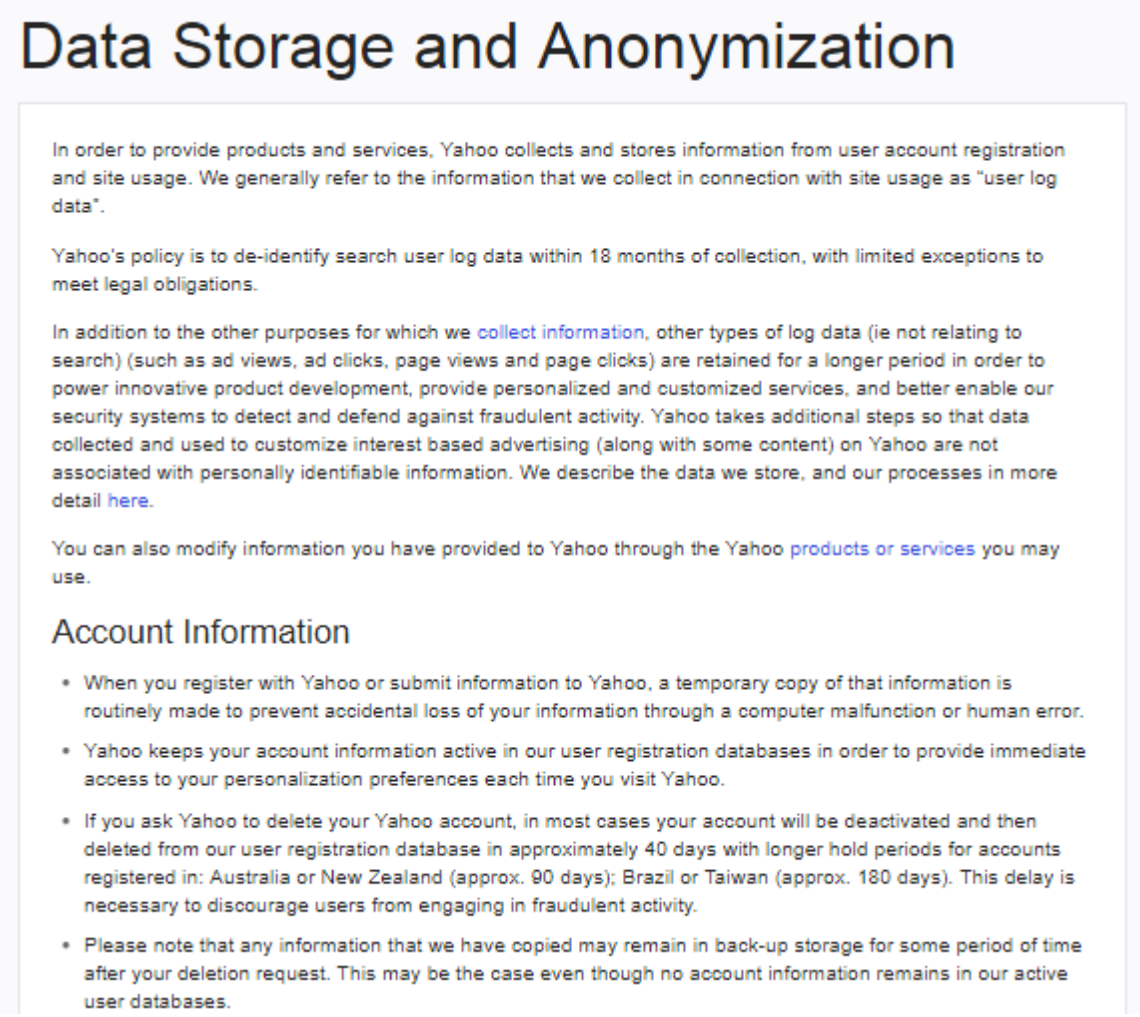
SMTP is independent of the particular transmission subsystem and requires only a reliable ordered data stream channel. While this document specifically discusses transport over TCP, other transports are possible. Appendices to RFC 821 [1] describe some of them.

An important feature of SMTP is its capability to transport mail across multiple networks, usually referred to as "SMTP mail relaying" (see Section 3.6). A network consists of the mutually-TCP-accessible hosts on the public Internet, the mutually-TCP-accessible hosts on a firewall-isolated TCP/IP Intranet, or hosts in some other LAN or WAN environment utilizing a non-TCP transport-level protocol. Using SMTP, a process can transfer mail to another process on the same network or to some other network via a relay or gateway process accessible to both networks.

In this way, a mail message may pass through a number of intermediate relay or gateway hosts on its path from sender to ultimate recipient. The Mail eXchanger mechanisms of the domain name system (RFC 1035 [2], RFC 974 [12], and Section 5 of this document) are used to identify the appropriate next-hop destination for a message being transported.

Source: https://tools.ietf.org/html/rfc5321#section-1, page 4

23. Based on present information and belief, Yahoo 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, Yahoo and/or its customers utilize Yahoo server and/or Yahoo.com server to send and/or receive e-mails which comprises a knowledge base user log data and cookies ("registry") to identify the registered physical devices. The server transmits messages between e-mail clients at sender end to the e-mail clients at receiver end via the Yahoo server and/or Yahoo.com server ("gateway").



Data Storage and Anonymization

In order to provide products and services, Yahoo collects and stores information from user account registration and site usage. We generally refer to the information that we collect in connection with site usage as "user log data".

Yahoo's policy is to de-identify search user log data within 18 months of collection, with limited exceptions to meet legal obligations.

In addition to the other purposes for which we collect information, other types of log data (ie not relating to search) (such as ad views, ad clicks, page views and page clicks) are retained for a longer period in order to power innovative product development, provide personalized and customized services, and better enable our security systems to detect and defend against fraudulent activity. Yahoo takes additional steps so that data collected and used to customize interest based advertising (along with some content) on Yahoo are not associated with personally identifiable information. We describe the data we store, and our processes in more detail here.

You can also modify information you have provided to Yahoo through the Yahoo products or services you may use.

Account Information

- When you register with Yahoo or submit information to Yahoo, a temporary copy of that information is routinely made to prevent accidental loss of your information through a computer malfunction or human error.
- Yahoo keeps your account information active in our user registration databases in order to provide immediate access to your personalization preferences each time you visit Yahoo.
- If you ask Yahoo to delete your Yahoo account, in most cases your account will be deactivated and then deleted from our user registration database in approximately 40 days with longer hold periods for accounts registered in: Australia or New Zealand (approx. 90 days); Brazil or Taiwan (approx. 180 days). This delay is necessary to discourage users from engaging in fraudulent activity.
- Please note that any information that we have copied may remain in back-up storage for some period of time after your deletion request. This may be the case even though no account information remains in our active user databases.

Source: https://policies.yahoo.com/xa/en/yahoo/privacy/topics/datastorage/index.htm

Servers Log Files

- The Yahoo computers (called "servers") that send your web pages and advertising banners process and store an enormous amount of information every day. These computer records are called "log files".
- Log files are used for analysis, research, auditing, and other purposes, as described above. After this information has been used, it is stored and is inaccessible. Until the information is stored, your Yahoo ID may remain in our active server log files.

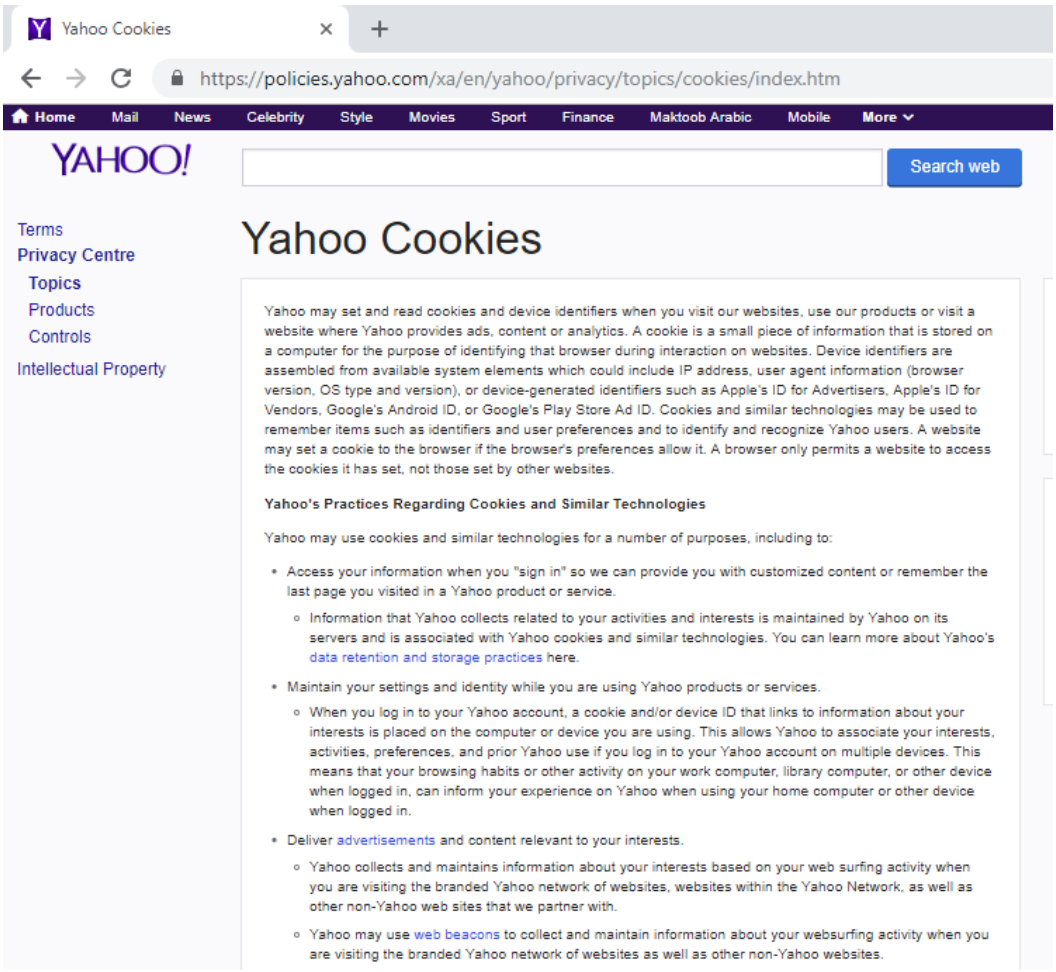
Anonymization/de-identification

- Anonymization is a process of removing or replacing personal identifiers in data records so that the resulting data is no longer personally identifiable. This is also referred to as de-identification. We use these terms interchangeably.
- Yahoo uses a multi-step process to replace, truncate, or delete identifiers in order to de-identify data. We are committed to continuous improvements and implementation of our data protection and de-identification measures.

Anonymization

- Yahoo's anonymization policy applies only to search log data.
- Yahoo stores this data in an identifiable form for up to 18 months.
- IP addresses within search user log data will be anonymized or deleted within 6 months from the time of collection.

Source: https://policies.yahoo.com/xa/en/yahoo/privacy/topics/datastorage/index.htm



Source: https://policies.yahoo.com/xa/en/yahoo/privacy/topics/cookies/index.htm

Abstract

The Internet Message Access Protocol, Version 4rev1 (IMAP4rev1) allows a client to access and manipulate electronic mail messages on a server. IMAP4rev1 permits manipulation of mailboxes (remote message folders) in a way that is functionally equivalent to local folders. IMAP4rev1 also provides the capability for an offline client to resynchronize with the server.

IMAP4rev1 includes operations for creating, deleting, and renaming mailboxes, checking for new messages, permanently removing messages, setting and clearing flags, RFC 2822 and RFC 2045 parsing, searching, and selective fetching of message attributes, texts, and portions thereof. Messages in IMAP4rev1 are accessed by the use of numbers. These numbers are either message sequence numbers or unique identifiers.

IMAP4rev1 supports a single server. A mechanism for accessing configuration information to support multiple IMAP4rev1 servers is discussed in RFC 2244.

IMAP4rev1 does not specify a means of posting mail; this function is handled by a mail transfer protocol such as RFC 2821.

Source: https://tools.ietf.org/html/rfc3501#section-2.1, page6

1.1. Transport of Electronic Mail

The objective of the Simple Mail Transfer Protocol (SMTP) is to transfer mail reliably and efficiently.

SMTP is independent of the particular transmission subsystem and requires only a reliable ordered data stream channel. While this document specifically discusses transport over TCP, other transports are possible. Appendices to RFC 821 [1] describe some of them.

An important feature of SMTP is its capability to transport mail across multiple networks, usually referred to as "SMTP mail relaying" (see Section 3.6). A network consists of the mutually-TCP-accessible hosts on the public Internet, the mutually-TCP-accessible hosts on a firewall-isolated TCP/IP Intranet, or hosts in some other LAN or WAN environment utilizing a non-TCP transport-level protocol. Using SMTP, a process can transfer mail to another process on the same network or to some other network via a relay or gateway process accessible to both networks.

In this way, a mail message may pass through a number of intermediate relay or gateway hosts on its path from sender to ultimate recipient. The Mail eXchanger mechanisms of the domain name system (RFC 1035 [2], RFC 974 [12], and Section 5 of this document) are used to identify the appropriate next-hop destination for a message being transported.

Source: https://tools.ietf.org/html/rfc5321#section-1, page 4

2. Protocol Overview

2.1. Link Level

The IMAP4rev1 protocol assumes a reliable data stream such as that provided by TCP. When TCP is used, an IMAP4rev1 server listens on port 143.

2.2. Commands and Responses

An IMAP4rev1 connection consists of the establishment of a client/server network connection, an initial greeting from the server, and client/server interactions. These client/server interactions consist of a client command, server data, and a server completion result response.

All interactions transmitted by client and server are in the form of lines, that is, strings that end with a CRLF. The protocol receiver of an IMAP4rev1 client or server is either reading a line, or is reading a sequence of octets with a known count followed by a line.

2.2.1. Client Protocol Sender and Server Protocol Receiver

The client command begins an operation. Each client command is prefixed with an identifier (typically a short alphanumeric string, e.g., A0001, A0002, etc.) called a "tag". A different tag is generated by the client for each command.

Source: https://tools.ietf.org/html/rfc3501#section-2.1, page 5

Further, Yahoo server and/or Yahoo.com server also maintains a knowledge base comprising a registry identifying the phones and devices within the customers' network.

Data Storage and Anonymization

In order to provide products and services, Yahoo collects and stores information from user account registration and site usage. We generally refer to the information that we collect in connection with site usage as "user log data".

Yahoo's policy is to de-identify search user log data within 18 months of collection, with limited exceptions to meet legal obligations.

In addition to the other purposes for which we collect information, other types of log data (ie not relating to search) (such as ad views, ad clicks, page views and page clicks) are retained for a longer period in order to power innovative product development, provide personalized and customized services, and better enable our security systems to detect and defend against fraudulent activity. Yahoo takes additional steps so that data collected and used to customize interest based advertising (along with some content) on Yahoo are not associated with personally identifiable information. We describe the data we store, and our processes in more detail here.

You can also modify information you have provided to Yahoo through the Yahoo products or services you may use.

Account Information

- When you register with Yahoo or submit information to Yahoo, a temporary copy of that information is routinely made to prevent accidental loss of your information through a computer malfunction or human error.
- Yahoo keeps your account information active in our user registration databases in order to provide immediate access to your personalization preferences each time you visit Yahoo.
- If you ask Yahoo to delete your Yahoo account, in most cases your account will be deactivated and then deleted from our user registration database in approximately 40 days with longer hold periods for accounts registered in: Australia or New Zealand (approx. 90 days); Brazil or Taiwan (approx. 180 days). This delay is necessary to discourage users from engaging in fraudulent activity.
- Please note that any information that we have copied may remain in back-up storage for some period of time after your deletion request. This may be the case even though no account information remains in our active user databases.

Source: https://policies.yahoo.com/xa/en/yahoo/privacy/topics/datastorage/index.htm

Servers Log Files

- The Yahoo computers (called "servers") that send your web pages and advertising banners process and store an enormous amount of information every day. These computer records are called "log files".
- Log files are used for analysis, research, auditing, and other purposes, as described above. After this information has been used, it is stored and is inaccessible. Until the information is stored, your Yahoo ID may remain in our active server log files.

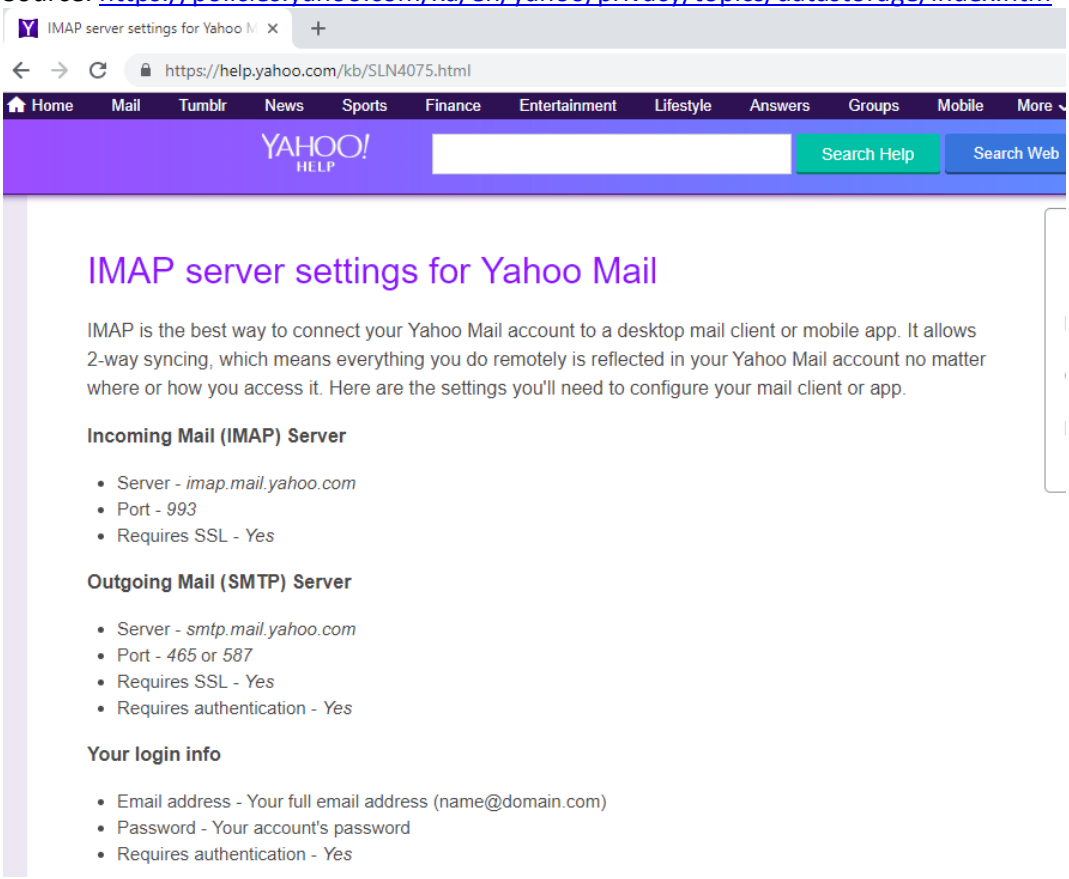
Anonymization/de-identification

- Anonymization is a process of removing or replacing personal identifiers in data records so that the resulting data is no longer personally identifiable. This is also referred to as de-identification. We use these terms interchangeably.
- Yahoo uses a multi-step process to replace, truncate, or delete identifiers in order to de-identify data. We are committed to continuous improvements and implementation of our data protection and de-identification measures.

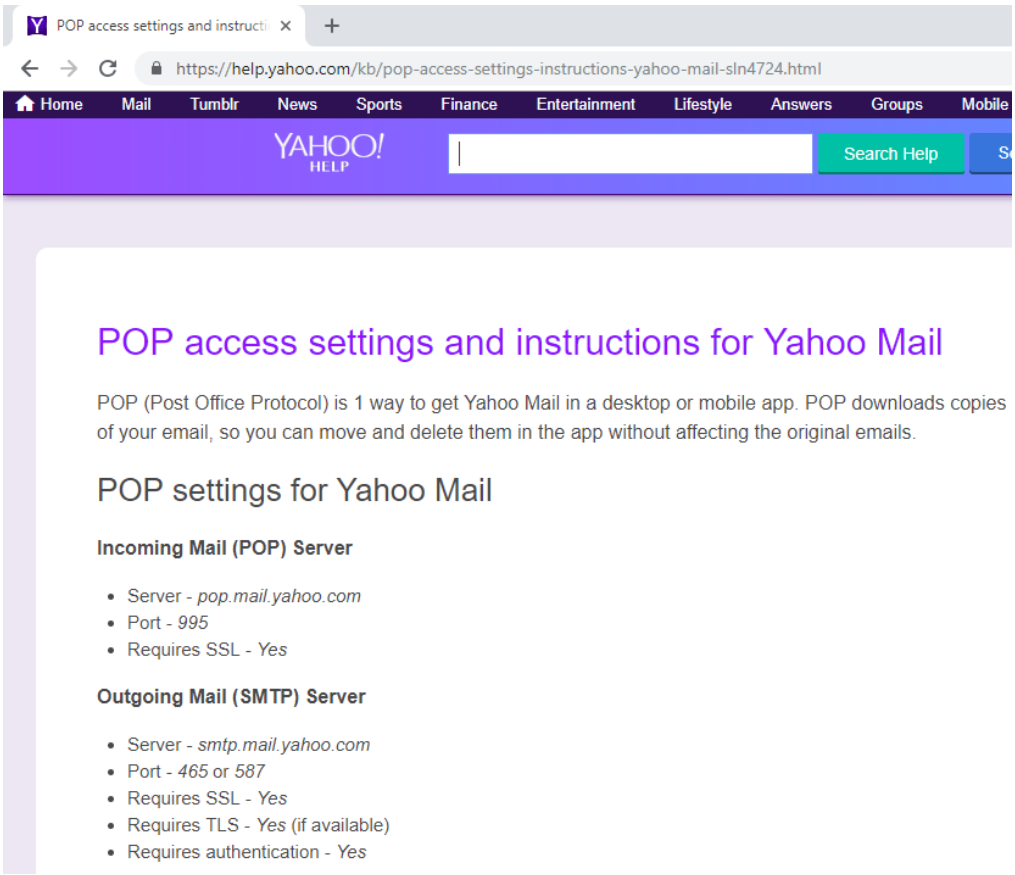
Anonymization

- Yahoo's anonymization policy applies only to search log data.
- Yahoo stores this data in an identifiable form for up to 18 months.
- IP addresses within search user log data will be anonymized or deleted within 6 months from the time of collection.

Source: https://policies.yahoo.com/xa/en/yahoo/privacy/topics/datastorage/index.htm



Source: https://help.yahoo.com/kb/SLN4075.html



Source: https://help.yahoo.com/kb/pop-access-settings-instructions-yahoo-mail-sln4724.html

24. Based on present information and belief, Yahoo 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. Upon information and belief, Yahoo and/or its customers utilize Yahoo server and/or Yahoo.com server which comprise a logical table to identify the type of connection and selects Yahoo server and/or Yahoo.com server gateway to convert messages from SMTP to IMAP.

25. Based on present information and belief, Yahoo makes, uses, sells and/or offers for sale a dynamic database identifying the current status of each actual connection between physical devices. Upon information and belief, Yahoo and/or its customers utilize Yahoo server and/or Yahoo.com server which comprises a dynamic database to identify the current status of connection between the physical devices (including IP phones and the installation computers).

26. Based on present information and belief, Yahoo 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, Yahoo and/or its customers utilize Yahoo server and/or Yahoo.com server comprising a virtual gateway which uses the Yahoo server and/or Yahoo.com server as a gateway for protocol conversion upon receiving the message to be transmitted between e-mail clients at sender end to the e-mail clients at receiver end via the Yahoo server and/or Yahoo.com server ("gateway").

27. Based on present information and belief, Yahoo 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, Yahoo and/or its customers utilize Yahoo server and/or Yahoo.com server comprising a gateway which converts the SMTP protocol of the messages sent from Yahoo mail software at sender's end (e-mail client) to the IMAP protocol used at receiver's end (e-mail client).

28. Based on present information and belief, Yahoo 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. Upon information and belief, Yahoo and/or its customers utilize Yahoo server and/or Yahoo.com server which accesses and updates the information stored in the registry based on the communicating virtual devices via the virtual gateway.

29. 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.

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

31. 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.

32. 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 and an accounting of all damages not presented at trial;

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.

Dated: December 3, 2018

Respectfully Submitted,

DEVLIN LAW FIRM LLC

/s/ Timothy Devlin

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