IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BECK BRANCH, LLC, Plaintiff, **v.** **YANDEX 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 Yandex 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, Yandex Inc. ("Defendant" or "Yandex") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 38 Merrimac St., Suite 201, Newburyport, MA 01950.

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). Yandex 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

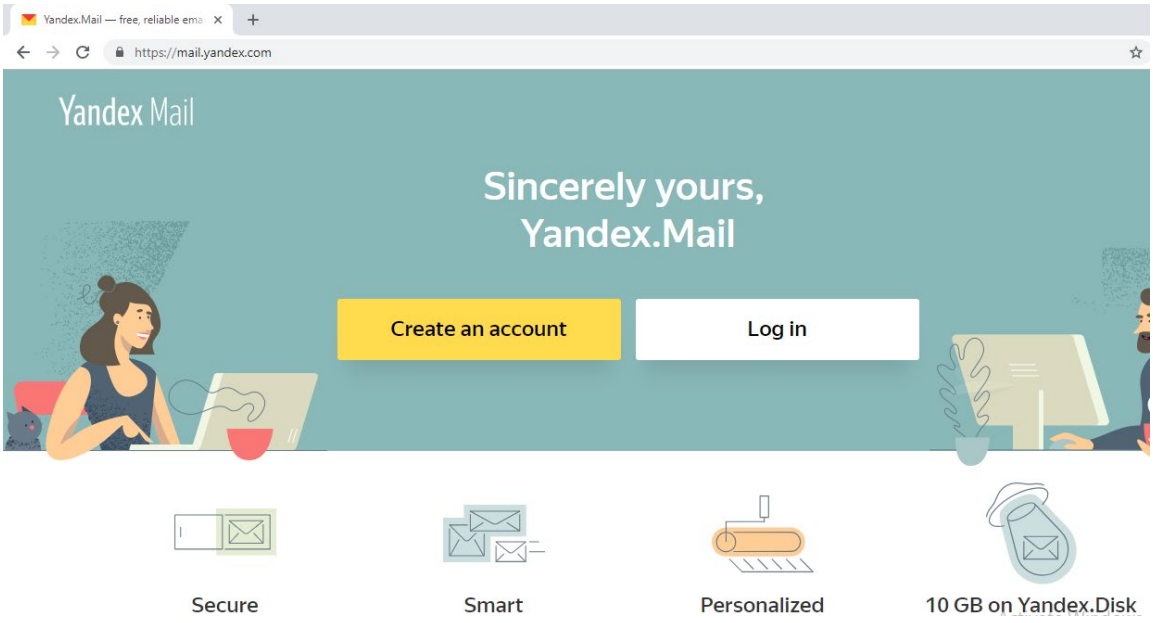
7. Plaintiff is the owner of United States Patent No. 6,873,620 ("the '620 patent") entitled "Communication Server Including Virtual Gateway to Perform Protocol Conversion and Communication System Incorporating the Same." The '620 Patent issued on March 29, 2005. A true and correct copy of the '620 Patent 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."

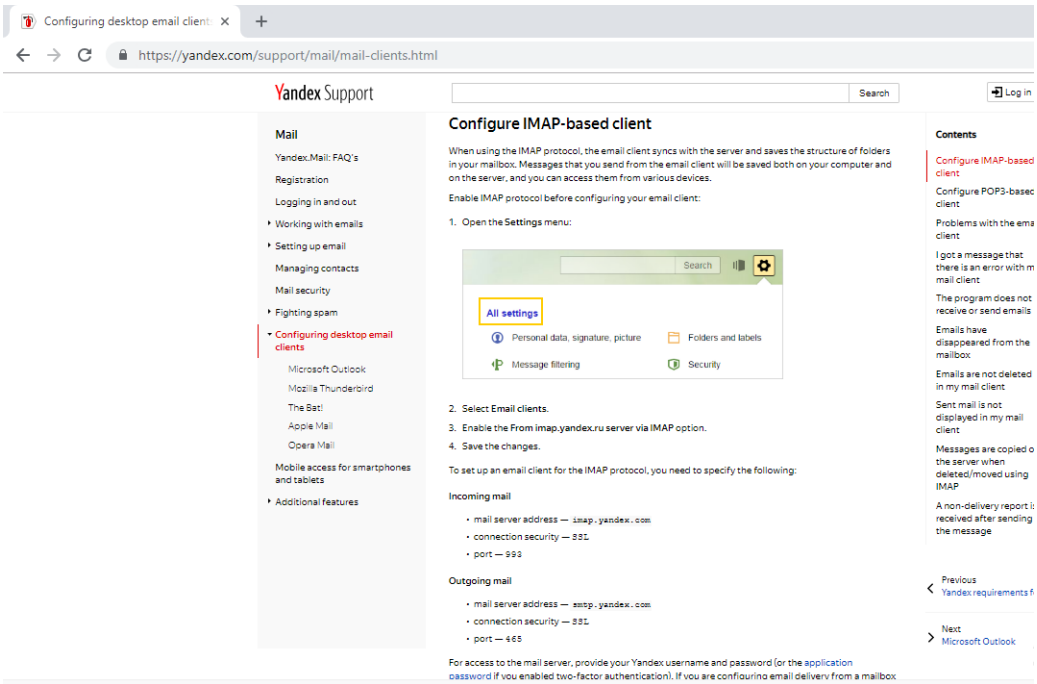
9. Defendant directly and/or through intermediaries, made, has made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or services that infringed one or more claims of the '620 patent, including at least Claim 23, in this district and elsewhere in the United 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, Yandex 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, Yandex provides web based electronic mail (e-mail) software to exchange messages between

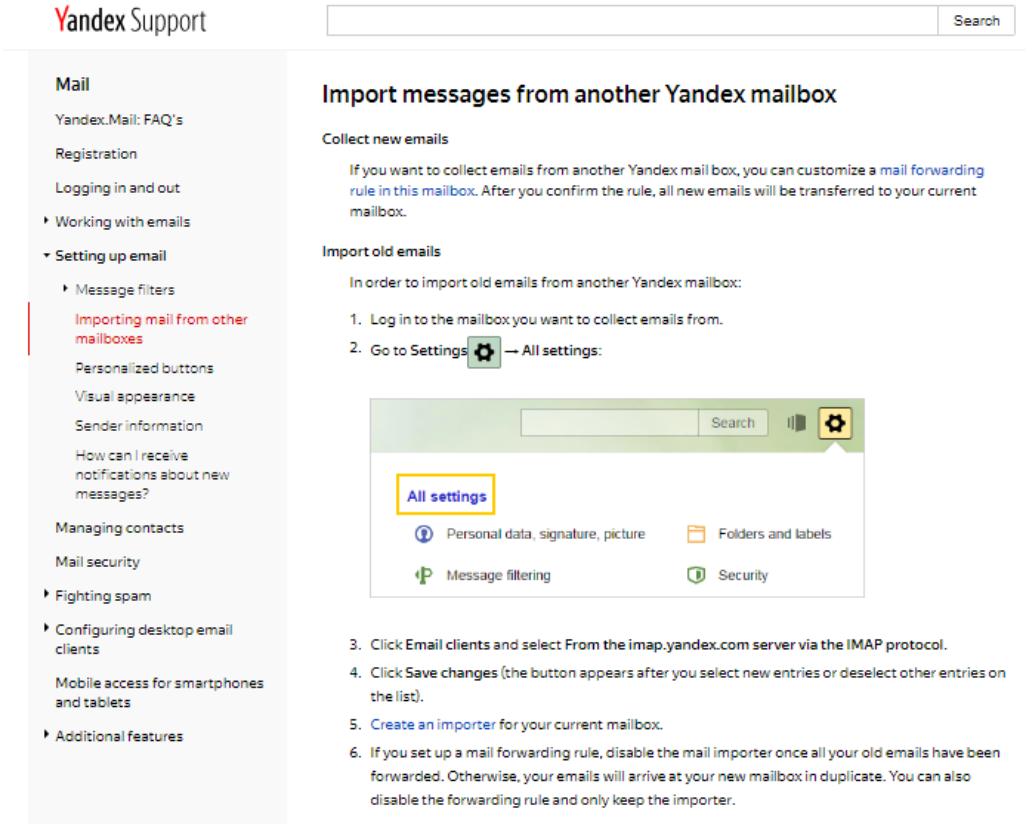
sender (e-mail client) and receiver (e-mail client) using webmail services via the Yandex server and/or Yandex.com server. When an e-mail client creates and send an e-mail using Yandex.Mail software (which when installed on a computer, smartphone or other computing device comprise one or more "virtual devices"), the e-mail client uses the Yandex server and/or Yandex.com server to send an e-mail using Simple Mail Transfer Protocol (SMTP) via Yandex server and/or Yandex.com server ("communication server") to authenticate the sender. The Yandex server and/or Yandex.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 Yandex server and/or Yandex.com server ("gateway").



Source: https://mail.yandex.com/



Source: https://yandex.com/support/mail/mail-clients.html



Source: https://yandex.com/support/mail/web/preferences/collector.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.

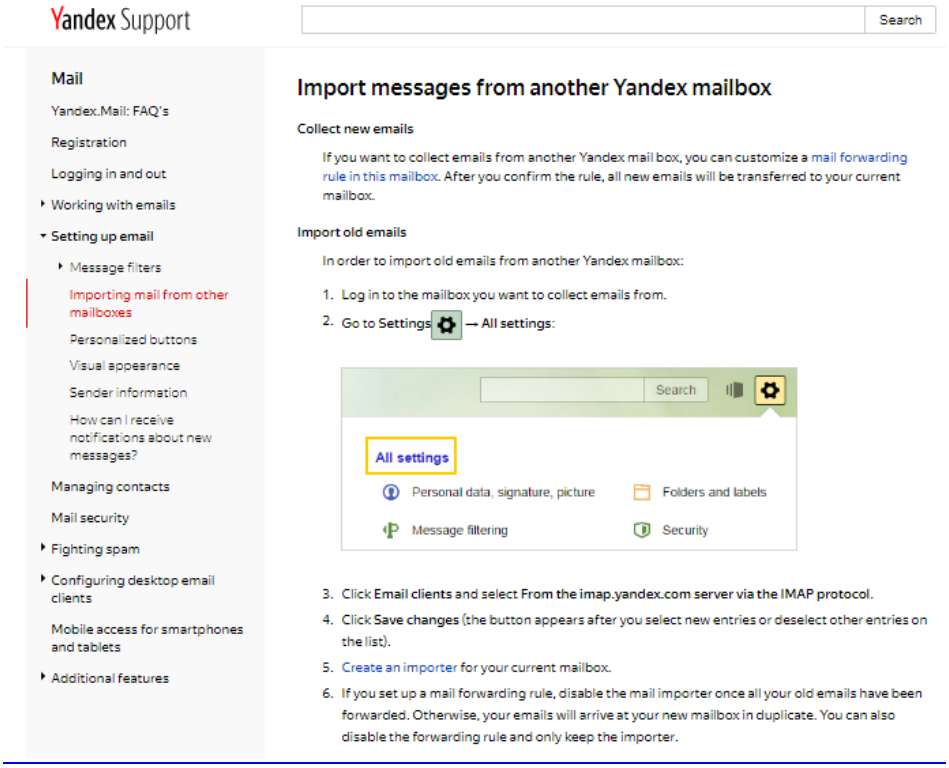
Source: https://tools.ietf.org/html/rfc5321#section-1, page 4

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

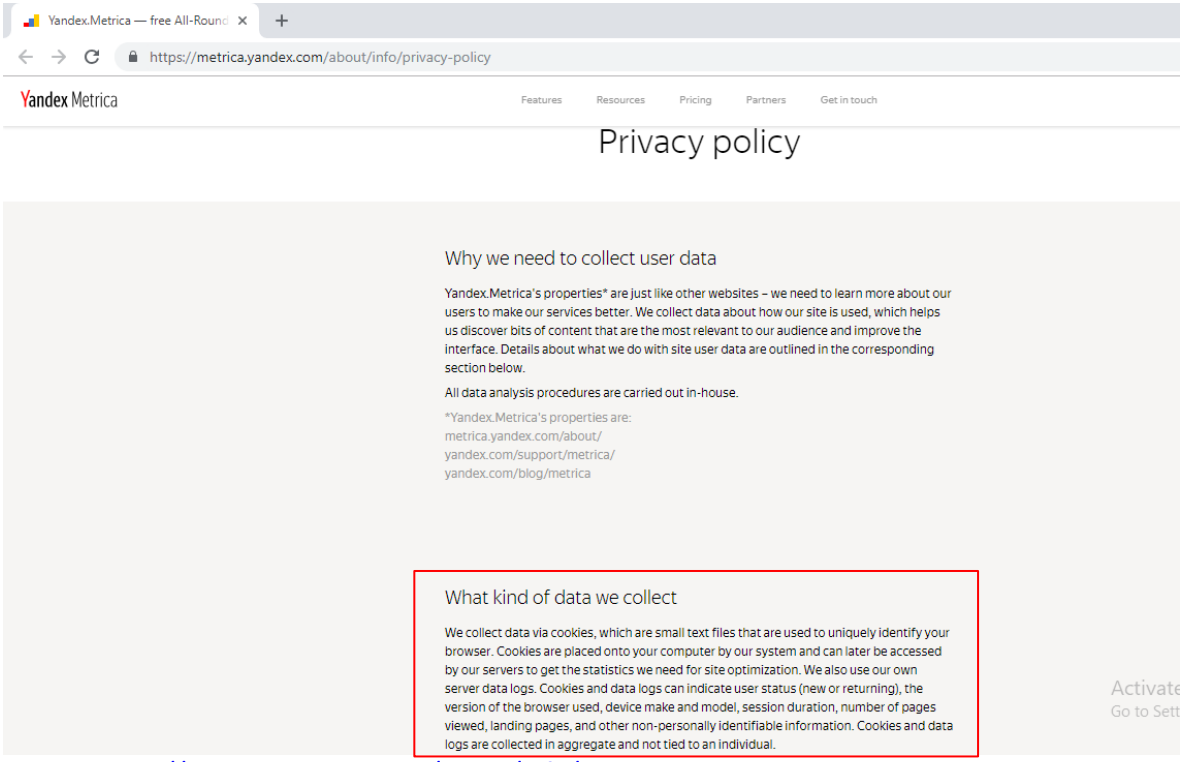
Messages are copied on the server when deleted/moved using IMAP

Message copying during the movement or deletion over IMAP is based on special features of the IMAP protocol and synchronization settings of email clients. In this event, folders should be forced to synchronize with the server so that the data matches after the actions are performed. In Mozilla Thunderbird, the **Compact** function must be used.

Source: https://yandex.com/support/mail/mail-clients.html#copying-letters



Source: https://yandex.com/support/mail/web/preferences/collector.html



Source: https://metrica.yandex.com/about/info/privacy-policy

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.

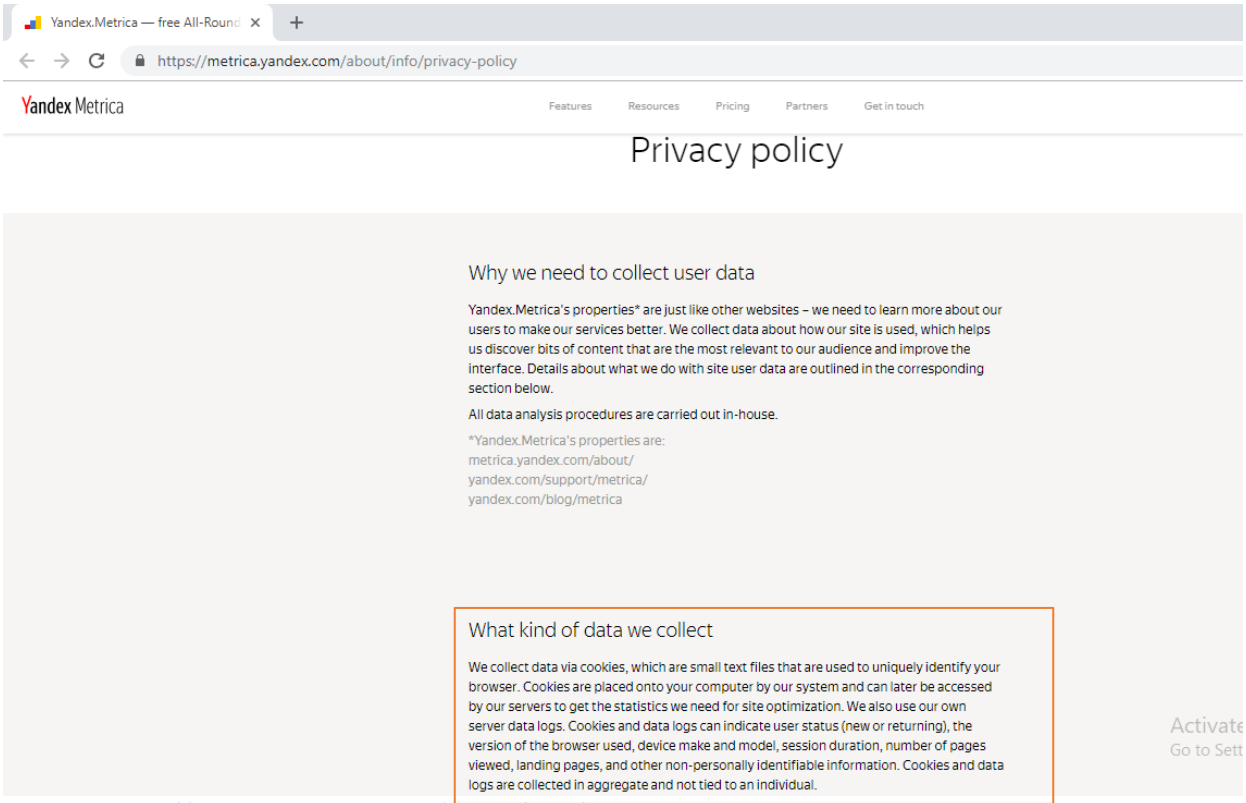
Source: https://tools.ietf.org/html/rfc3501#section-2.1, page 5

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

Messages are copied on the server when deleted/moved using IMAP

Message copying during the movement or deletion over IMAP is based on special features of the IMAP protocol and synchronization settings of email clients. In this event, folders should be forced to synchronize with the server so that the data matches after the actions are performed. In Mozilla Thunderbird, the **Compact** function must be used.

Source: https://yandex.com/support/mail/mail-clients.html#copying-letters



Source: https://metrica.yandex.com/about/info/privacy-policy

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

13. Based on present information and belief, Yandex 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, Yandex and/or its customers utilize Yandex server and/or Yandex.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).

14. Based on present information and belief, Yandex 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, Yandex and/or its customers utilize Yandex server and/or Yandex.com server comprising a virtual gateway which

uses the Yandex server and/or Yandex.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 Yandex server and/or Yandex.com server ("gateway").

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

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

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 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

Timothy Devlin (No. 4241)
1306 N. Broom Street, 1st Floor
Wilmington, DE 19806
Phone: (302) 449-9010
Fax: (302) 353-4251
tdevlin@devlinlawfirm.com

Papool S. Chaudhari
(*Pro Hac Vice* application pending)
CHAUDHARI LAW, PLLC
P.O. Box 1863
Wylie, TX75098
Phone: (214) 702-1150
Fax: (214) 705-3775
Papool@ChaudhariLaw.com

ATTORNEYS FOR PLAINTIFF
BECK BRANCH, LLC