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

PARUS HOLDINGS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 2:21-cv-396
	)	
FMR LLC D/B/A FIDELITY INVESTMENTS,	)	**JURY TRIAL DEMANDED**
	)	
Defendant.	)	
	)	
	)	

COMPLAINT FOR PATENT INFRINGEMENT

Parus Holdings, Inc. ("Parus"), for its Complaint for Patent Infringement against FMR LLC d/b/a Fidelity Investments ("Fidelity" or "Defendant"), alleges as follows:

NATURE OF THE CASE

1. This action arises under 35 U.S.C. § 271 for Fidelity's infringement of United States Patent No. 7,327,723 (the "'723 patent" or the "Patent-In-Suit").

THE PARTIES

2. Plaintiff Parus Holdings, Inc. is a Delaware corporation with its principal place of business at 3000 Lakeside Drive, Suite 110S, Bannockburn, Illinois 60015.

3. Since its founding, Parus has offered a robust diversity of products and services to customers in a wide variety of markets. Parus' products and services have included audio and video conferencing, email management, voice messaging, polling and transcription, IM/presence, collaboration, softphone, and virtual assistant solutions and services. For example, ParusOne provides voice-response technology solutions for customers and other users to manage

communication technology for business from laptops, mobile phones, and home offices to answer calls, handle voice mails, faxes and emails, schedule meetings, and establish conference calls. ParusOffice enables small businesses to channel their various phone communications through one main number. ParusSpeak provides interactive voice response solutions for companies that need business process automation, as well as automated name, address, and caller feedback capture. ParusMobile provides worldwide group messaging for direct selling organizations, mobile professionals, and small business customers. Parus' customers have included businesses in network marketing, manufacturing, financial services, retail, healthcare, customer care, and direct response industries. Parus has had dozens of customers in this judicial district.

4. Parus' systems have also received accolades from the industry, including some of the most preeminent awards in the CRM, call center, and teleservice fields. For example, ParusOne was named the 2007 Product of the Year by both Internet Telephony and from Unified Communications; Parus Marketing Campaign Manager was named the 2007 Product of the Year by Customer Interaction Solutions; and Webley MD Reminders was named the Product of the Year in both 2009 and 2010 by Customer Interaction Solutions.

5. Upon information and belief, Defendant Fidelity is a Delaware limited liability company with its corporate headquarters located at 245 Summer St. Boston, MA 02210-1133.

JURISDICTION AND VENUE

6. Parus incorporates by reference the preceding paragraphs as if fully set forth herein.

7. This action arises under the patent laws of the United States, including 35 U.S.C. § 271 *et seq*. The jurisdiction of this Court over the subject matter of this action is proper under 28 U.S.C. §§ 1331 and 1338(a).

8. This Court has personal jurisdiction over Fidelity. Fidelity conducts business and has committed acts of patent infringement and/or has induced acts of patent infringement by others in this District and/or has contributed to patent infringement by others in this Judicial District, the State of Texas, and elsewhere in the United States.

9. Fidelity is subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to its substantial business in this State and District, including (a) at least part of its past infringing activities, (b) regularly doing or soliciting business in Texas, and/or (c) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas. Upon information and belief, Fidelity, directly or indirectly, participates in the stream of commerce that results in products, including the accused products, being made, used, offered for sale, and/or sold in the State of Texas and/or imported into the United States to the State of Texas.

10. Upon information and belief, Fidelity maintains physical places of business throughout the United States, including in this Judicial District.

11. Upon information and belief, Fidelity offers its products and services throughout Texas, including this Judicial District, by shipping, distributing, offering for sale, selling, and advertising its products through its website and at a physical branch at 5905 Legacy Drive, Suite A100, Plano, TX 75024.

12. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b) because, among other things, Fidelity has transacted business in the Eastern District of Texas and has committed acts of direct and indirect infringement in the Eastern District of Texas.

THE PATENT-IN-SUIT

13. Parus incorporates by reference the preceding paragraphs as if fully set forth

herein.

14. The ’723 patent, entitled “Computer, Internet and Telecommunications Based Network,” was duly and properly issued by the United States Patent and Trademark Office on February 5, 2008. A copy of the ’723 patent is attached hereto as Exhibit A.

15. The ’723 patent expired on March 2, 2018, but, pursuant to 35 U.S.C. § 286, Parus is entitled to recover damages for any infringement by Fidelity committed less than six years prior to the filing of this Complaint.

16. Parus is the owner and assignee of the ’723 patent and holds the right to sue for and recover all damages for infringement thereof, including past infringement.

17. The inventions of the ’723 patent were conceived in the mid-1990s in response to the need of employees of Webley Systems (formerly Vail Systems) for more flexible ways to access systems and information while traveling.

18. The inventor of the ’723 patent, Alex Kurganov, recognized that both individual consumers and business people needed ways to obtain useful information and interact in the increasingly mobile society of the mid-1990s. However, the communications systems at that time were not well suited to the task. Their hardware designs and software technologies were too complex for users because the systems were not interconnected and were isolated from each other. Users often had to navigate through a host of different communications devices, phone systems, operating system platforms, databases, and networks to communicate. As a result, users were required to devote significant amounts of time and effort as well as employ multiple different devices to communicate and obtain information.

19. To solve these problems and fulfill users’ needs, Kurganov sought to create a system that gave users the ability to access and manage information, conduct business

transactions, and stay in touch with homes and offices from almost anywhere, at any time, just by using their natural voice.

20. Kurganov invented a technological solution that used natural-voice commands and speaker-independent speech technology to access a communications system over a standard telephone connection. Kurganov's system allowed users to access and manage information in distributed locations without the need for them to struggle through multiple touch-tone interactive voice response (IVR) menus for basic information or to wait until they are back in front of their computers to access more complete information.

21. At the time of the invention, accessing, navigating, and interacting with any online database typically required a computer with a keyboard connected to a network. Users would log into an application via the network through the computer and then interact with the underlying database system to store and retrieve information using a keyboard or other input device. Kurganov's invention permitted users to untether themselves from those computers. At the time, those computers did not have the mobility of modern handheld devices, nor was it a simple matter to connect them to a network when away from the office. By giving users access to the database information over the phone, Kurganov provided a technological solution that gave users real mobile access to their information.

22. Earlier attempts by others to use telephony to access and manage information in distributed databases often required users to use their touch-tone phones to navigate a series of complicated menus and to remember and input a series of numerical sequences. Those systems were also limited both by the length of the menus and the ability of the systems to react dynamically to the information sought by the user. Instead, Kurganov's system enabled callers to use naturally spoken voice commands to access, navigate, and manage information in various

databases. Callers heard that data over the telephone connection via speech synthesis. In addition, the system dynamically responded to each user's requests through a set of prompts governed by a logic flow that reacted to and adjusted the prompts in response to voice commands spoken by the users.

23. Kurganov's approach was unconventional at the time of his invention. Outside of the telephony environment, natural voice recognition was in its early stages. The first commercially available speech recognition products became available in the 1990s, and even by the late 1990s, those products, such as Dragon's Naturally Speaking, still remained speaker-dependent and required voice training to effectively recognize language. That technology was not an obvious or conventional fit with telephony systems and applications, because the telephony systems of Kurganov's invention operated in a real-time speaker-independent environment where the system recognizes speech for immediate and quick execution of telephony-related tasks.

24. At the same time, work on speaker-independent recognition was ongoing outside of the telephony market. Kurganov himself was an early contributor to and was involved in the testing and implementing of some of the earliest speaker-independent natural voice recognition systems in the mid-to-late 1990s. Throughout that work, Kurganov realized that by using natural speech recognition combined with dynamic prompting in the telephony environment, he could provide an interactive system that would allow a user to access, navigate, and manage information stored in database systems without having to learn complex prompts or engage in voice training.

25. By implementing this capability, Kurganov's system was able to respond to a wide variety of speech, while at the same time quickly retrieving and processing information

requested by the users. The invention achieves this using a many-to-one relationship between voice commands spoken by users and the function the users intend to execute. For example, if a user wanted the system to connect to a particular extension, the user might say: "dial an extension," "dial extension," "reach an extension," "reach extension," "reach my party," or "reach party." While the speech-recognition component of the system recognizes each of those phrases differently, the invention links the different commands to the same function: the desire to connect to a particular extension. By using a logic flow of prompts responsive to the voice commands, the invention is also able to interpret the user's desired function or user's intent based on the prompt and/or its position in the logic flow. Consideration of the next prompt is based on the previous speech. In addition, by using speaker-independent speech recognition, the inventive system does not require training the system to each user's voice before use.

26. Kurganov's invention is particularly useful for customer call centers that handle high call volume. The invention permits the call centers to automate call routing, account access, and information retrieval, creating significant savings for the call center. At the same time, it gives customers and other users an intuitive, natural speech interface without the need to navigate multiple, hierarchical menus using touch-tone commands or remember specific phrases.

27. Kurganov filed the application which matured into the '723 patent on June 25, 2004. Kurganov claimed priority to a U.S. Patent application that he filed on March 2, 1998 and to a provisional application that he filed on March 3, 1997.

28. In the '723 patent, Kurganov described problems that existed at the time of his invention. At that time, despite a "proliferation of communication devices and the development of the internet, on-line networks and corporate intranets, significant barriers remain to fulfilling user needs for access to and management of personal, professional and public information."

('723 patent, at 1:66-2:4). Although information was widely available via, for example, the Internet, such information was "either inaccessible or accessible only by navigating through a host of phone systems, operating system platforms, databases and networks." (*Id.*, at 2:6-9). As a result, "significant amounts of time and effort are required of those who use and depend on these devices, networks and services to communicate and obtain information," which is "particularly acute for mobile business professionals," who "may have a cellular phone, a pager, a computer, a fax machine, an electronic mailbox on the internet, and a voice-mail service." (*Id.*, at 2:10-12; 2:17-19).

29. The invention of the '723 patent solved these problems, as Kurganov described in the "Summary of the Invention":

> The present invention is a unified messaging service which will be accessible from any standard communication device (telephone, computer or internet), and will give the user intuitive voice command of personal, professional and public information.
>
> This unified messaging service is a useful tool to those whose time and resources are limited and for whom communication is critical, such as mobile business professionals in the small office, home office market. The mobile business professional must maintain access to personal and professional information and developments, respond to customers and communicate with colleagues, family and friends at any time and from any location. The unified messaging service is designed to meet these objectives by offering a single point of access to all communications, integrated with personal information management tools and customized public content delivery.

'723 patent, at 2:33-51.

> Basically, the system provides a unified solution to the many varied communications and messaging devices used daily by mobile professionals and active consumers. With simple voice commands, subscribers can easily access and respond to all of their communications and messaging media in the same session.

'723 patent, at 6:51-56.

30. More specifically, the invention described and claimed in the '723 patent includes

a system which "provides three ways for the subscriber to handle his communications. First and foremost is the voice recognition software using natural voice recognition (phonemes based), not pattern based as many of the current systems utilize. Therefore, the system does not have to be trained to identify your voice. Second, the subscriber may use the standard telephone touchtones. And third, the subscriber can utilize the internet to access a secure web site." ('723 patent, at 5:6-13).

31. The invention "combines state-of-the-art speech recognition, computer and telephony technology. Along with the ability to recognize an extensive set of simple, intuitive, speaker-independent speech commands and respond by performing a wide variety of complex tasks." As Kurganov described in an August 21, 2006 Response to a February 21, 2006 Office Action, this ability "to recognize an extensive set of simple, ***intuitive***, speaker-independent speech commands and respond by performing a wide variety of complex tasks," means that:

> [a] user does not have to utter one specific word or phrase in order to carry out a certain function but rather may utter any command that is an intuitive description of the desired function. The system has been configured to understand and accept a multitude of commands for each voice-enabled function, the commands being synonymous with each other and being intuitive of the desired function.
>
> For example, to make a telephone call, the user may utter one of many commands intuitive of the function of making a telephone call, such as "MAKE A PHONE CALL," "MAKE A TELEPHONE CALL," "DIAL A PHONE CALL," "DIAL A TELEPHONE CALL," "DIAL A NUMBER," "DIAL (name, location, or number)," "CALL (name, location, or number)," or "CONTACT (name, location, or number)." See Figs. 4C-1 & 41 (illustrating the "Make Call" menus).

August 21, 2006 Response to Office Action dated February 21, 2006, at 12; Exhibit B hereto.

32. Another feature of the inventions of the '723 patent is the ability for users to enter a voice command to, for instance, call a specified person at a specified phone number, *e.g.*, "call Harry Newton at the office" and have the system recognize the name and dial the correct number

that the user keyed in previously. ('723 patent, at 5:47-55). Kurganov further described this feature in the August 21, 2006 Response to a February 21, 2006 Office Action:

> [T]he voice commands comprise a desired voice-enabled function and a tag, which is associated with contact information such as the name and/or location of a person or business and is used by the system to carry out the voice-enabled function. See, e.g., Specification, p. 10, 11. 15-16; see also Fig. 41. For example, a user may provide the voice command "CALL HARRY NEWTON AT THE OFFICE." In response, the system identifies "CALL" as the voice-enabled function and "HARRY NEWTON AT THE OFFICE" as the tag. Then, the system searches the user's contact information to determine the office telephone number for Harry Newton. After retrieving Harry Newton's office telephone number, the system calls the number for the user. As another example, as shown in Fig. 41, a user may provide the voice command "CALL HOME," which comprises the voice-enabled function "CALL" and the tag "HOME." In response to this command, the system searches the user's contact information to retrieve the user's home telephone number, which it then dials for the user.

August 21, 2006 Response to Office Action dated February 21, 2006, at 16; Exhibit B hereto.

33. The inventions of the '723 patent further provide sets of prompts that are audible to the user. These sets of prompts are dynamically provided by a logic flow for transmitting such prompts in response to the user accessing the system or providing a natural voice command. The '723 patent specification provides numerous detailed examples of such flows at Figures 4A through 4R, as described at Column 4, lines 14-67. As an example, Kurganov described and depicted the flow when a user accesses the system: "FIG. 4A shows the First Menu encountered by a subscriber or an individual calling the system's 800 telephone number. The caller is explained the different options and then the system, if requested, attempts to recognize the subscriber or party's name or extension that the caller is trying to reach." ('723 patent, at 4:16-20). Figure 4 A is reproduced below:

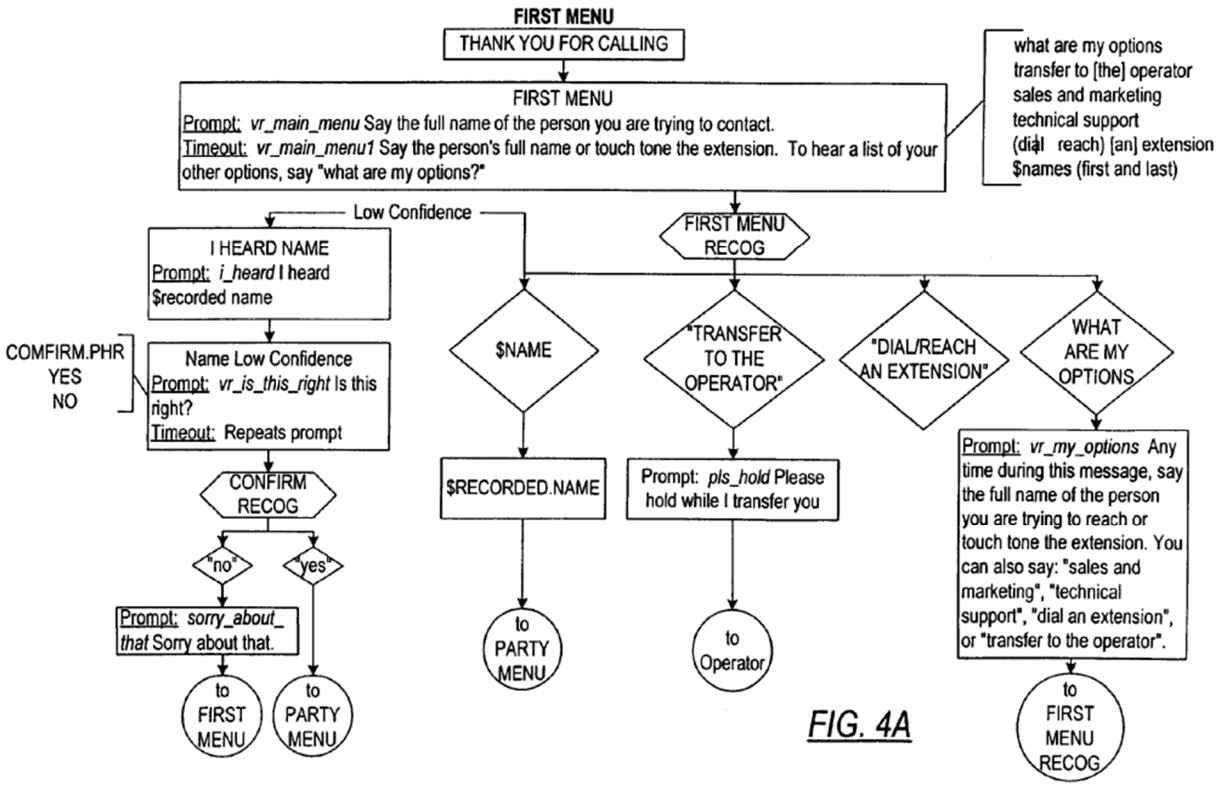


FIG. 4A

Figure 4A of the '723 patent.

34. These features, and others, of the '723 patent inventions are contained in the claims of the '723 patent. For instance, claims 17 and 18 depend from claim 1 and claim that each of the voice commands is "an alternative intuitive description of said single voice-enabled function" and claim "a logic flow for transmitting said prompts to said user":

> 1. A voice-enabled system for managing communications transmitted through a network, said system capable of receiving natural voice commands from a user, said system comprising:
>
> a computer;
>
> at least one set of stored commands operatively associated with said computer, each said set including a plurality of stored commands each of said commands in said set corresponding to a single voice-enabled function for managing communications, each said command in said set being an alternative intuitive description of said single voice-enabled function;
>
> a voice server operatively connected to said computer and to said

> network, said voice server configured to compare said natural voice commands to said plurality of stored commands;
>
> a speaker-independent speech recognition device operatively connected to said voice server, said device configured to receive at least one natural voice command, said voice server being configured to compare said natural voice command to said plurality of stored commands to select said single voice-enabled function, and said computer being configured to execute said selected voice-enabled function corresponding to said natural voice command.
>
> * * *
>
> 17. The system of claim 1 further comprising:
>
> a set of prompts audible to said user, and
>
> a logic flow for transmitting said prompts to said user in a pre-determined manner in response to said user accessing said system or said user providing a natural voice command.
>
> 18. The system of claim 17 wherein said logic flow provides for prompts depending on the response transmitted by the user to an earlier prompt.

'723 patent, at 9:2-26; 10:1-9.

35. Claim 17 of the '723 patent is directed to an improvement in the functioning of computers, not to an abstract idea. Claim 17, which is at least directed to an intuitive voice-enabled system for managing communications transmitted through a network that: (1) selects and executes a single voice-enabled function that corresponds to a natural voice command received from a user and was compared to stored sets of commands, wherein each command in each set is an alternative intuitive description of a single voice-enabled function; and (2) includes a set of prompts audible to the user and a logical flow for transmitting said prompts to the user in a pre-determined manner in response to the user accessing the system or providing a natural voice command, is directed to an improvement in computer capabilities. That is, claim 17 provides a voice-enabled system in which the user does not have to utter one specific word or phrase in

order to instruct the system to carry out a certain function but rather may utter any command that is an intuitive description of the desired function, because the system of claim 17 has been configured to recognize, understand and accept a multitude of commands for each voice-enabled function, wherein the commands being synonymous with each other and being intuitive of the desired function. Additionally, claim 17 provides the user with audible prompts that follow logical flows for dynamic prompting, as depicted in Figures 4A through 4R and described in column 4, lines 14-67 of the '723 patent, thereby improving the functioning of the computer system by making the operation of the computer system intuitive to the user.

36. Claim 18 of the '723 patent is similarly directed to an improvement in the functioning of computers, not to an abstract idea. Claim 18 is directed to the same invention as claim 17, except that claim 18 adds that the claimed logic flow provides for prompts depending on the response transmitted by the user to an earlier prompt. Claim 18 therefore further improves the functioning of the computer system by making the operation more intuitive to the user than even claim 17.

37. Additionally, the ordered combination of limitations in claims 17 and 18 of the '723 patent include limiting inventive concepts. The technical solutions to the problems identified by Kurganov that are described in claims 17 and 18 are unconventional technical solutions to the technical problems of providing an intuitive voice-enabled system for managing communications transmitted through a network. For example, claim 17 requires at least two unconventional limitations requiring: (1) stored sets of commands, wherein each command in each set is an alternative intuitive description of a single voice-enabled function; and (2) logical flows for transmitting system-generated audible prompts to the user in response to the user accessing the system or user providing a natural voice command. In addition to being

unconventional, these limitations do not preempt all voice-enabled systems for managing communications transmitted through a network.

38. Independent claim 42 and dependent claims 43 and 44 claim that each of the voice commands is "an alternative intuitive description of said single voice-enabled function" and claim that the "voice command compris[es] said voice-enabled function and a tag, said tag associated with contact information stored in a database":

> 42. A voice-enabled system for managing communications transmitted through a network, said system capable of receiving natural voice commands from a user, said system comprising:
>
> a computer;
>
> at least one set of stored commands operatively associated with said computer, each said set including a plurality of stored commands each of said commands in said set corresponding to a single voice-enabled function for managing communications, each said command in said set being an alternative intuitive description of said single voice-enabled function;
>
> a voice server operatively connect[ed] to said computer and to said network, said voice server configured to compare said natural voice commands to said plurality of stored commands;
>
> a speaker-independent speech recognition device operatively connected to said voice server, said device configured to receive at least one natural voice command, said voice command comprising said voice-enabled function and a tag, said tag associated with contact information stored in a database, said database associated with said computer, said voice server being configured to compare said natural voice command to said plurality of stored commands to select said single voice-enabled function, and said computer being configured to execute said selected voice-enabled function corresponding to said natural voice command.
>
> 43. The system of claim 42 wherein said contact information comprises a name of an individual or an entity.
>
> 44. The system of claim 42 wherein said contact information comprises a name of an individual or an entity and a location for said individual or said entity.

'723 patent, at 13:1-14:16; *see also* independent claim 22 and dependent claims 31-33 (*Id.*, at

10:21-45; 11:27-35); dependent claim 39 (*Id.*, at 12:59-62).

39. Claim 42 of the '723 patent is directed to an improvement in the functioning of computers, not to an abstract idea. Claim 42, which is at least directed to an intuitive voice-enabled system for managing communications transmitted through a network that selects and executes a single voice-enabled function that corresponds to a natural voice command received from a user and was compared to stored sets of commands, wherein each command in each set is an alternative intuitive description of a single voice-enabled function, wherein the intuitive voice command includes a tag that is associated with contact information stored in a database, is directed to an improvement in computer capabilities. That is, the functioning of the computer system is improved by making the operation intuitive to the user, because the system of claim 42 allows the user to intuitively provide a voice command that instructs the system to perform a function, *e.g.*, "call," a stored phone number associated with a stored contact, by, for example, speaking the command "Call Harry Newton at the office."

40. Additionally, the ordered combination of limitations in claim 42 of the '723 patent includes limiting inventive concepts. The technical solutions to the problems identified by Kurganov that are described in claim 42 are unconventional technical solutions to the technical problems of providing an intuitive voice-enabled system for managing communications transmitted through a network. For example, claim 42 requires at least two unconventional limitations requiring: (1) stored sets of commands, wherein each command in each set is an alternative intuitive description of a single voice-enabled function; and (2) an intuitive voice command that includes a tag that is associated with contact information stored in a database. In addition to being unconventional, these limitations do not preempt all voice-enabled systems for managing communications transmitted through a network.

COUNT I
INFRINGEMENT OF THE '723 PATENT

41. Parus incorporates by reference the preceding paragraphs as if fully set forth herein.

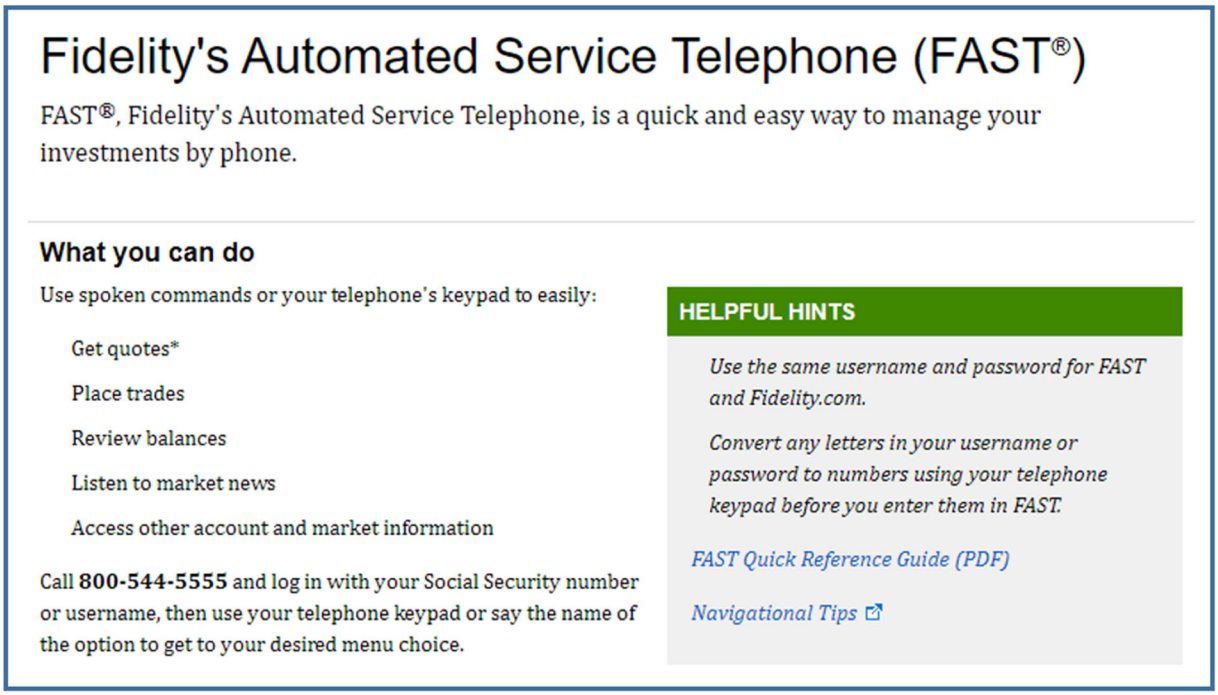
42. The '723 patent was valid and enforceable through its expiration in March 2018, and the patent remains valid and enforceable to collect damages for past infringement.

43. Before the '723 patent expired in March 2018, Fidelity operated call centers with automated phone systems and natural-voice speaker-independent speech recognition. Those call centers provided customers and other users with access to information relating to a variety of Fidelity's services, including, but not limited to, access by customers to information about their account holdings and about the market, including stock quotes.

44. Fidelity infringed the '723 patent under 35 U.S.C. § 271(a), literally and/or under the doctrine of equivalents, through its design, implementation, and use of these call centers.

45. Fidelity infringed claim 17 of the '723 patent through its "Fidelity's Automated Service Telephone" ("FAST"), which meets each and every limitation of that claim:

a. With respect to the preamble of claim 1 ('723 patent, at 8:2-5), from which claim 17 depends, FAST was a voice-enabled system for managing communications transmitted through a network which was capable of receiving natural voice commands from a user. This is demonstrated by Fidelity's website (as archived by www.archive.org on September 7, 2015, which is accessible at https://web.archive.org/web/20150907030452/ https://www.fidelity.com/customer-service/phone-numbers/fast/overview), a portion of which is reproduced below (the entire webpage is attached hereto as Exhibit C):



Fidelity's Automated Service Telephone (FAST®)

FAST®, Fidelity's Automated Service Telephone, is a quick and easy way to manage your investments by phone.

What you can do

Use spoken commands or your telephone's keypad to easily:

- Get quotes*
- Place trades
- Review balances
- Listen to market news
- Access other account and market information

Call **800-544-5555** and log in with your Social Security number or username, then use your telephone keypad or say the name of the option to get to your desired menu choice.

HELPFUL HINTS

Use the same username and password for FAST and Fidelity.com.

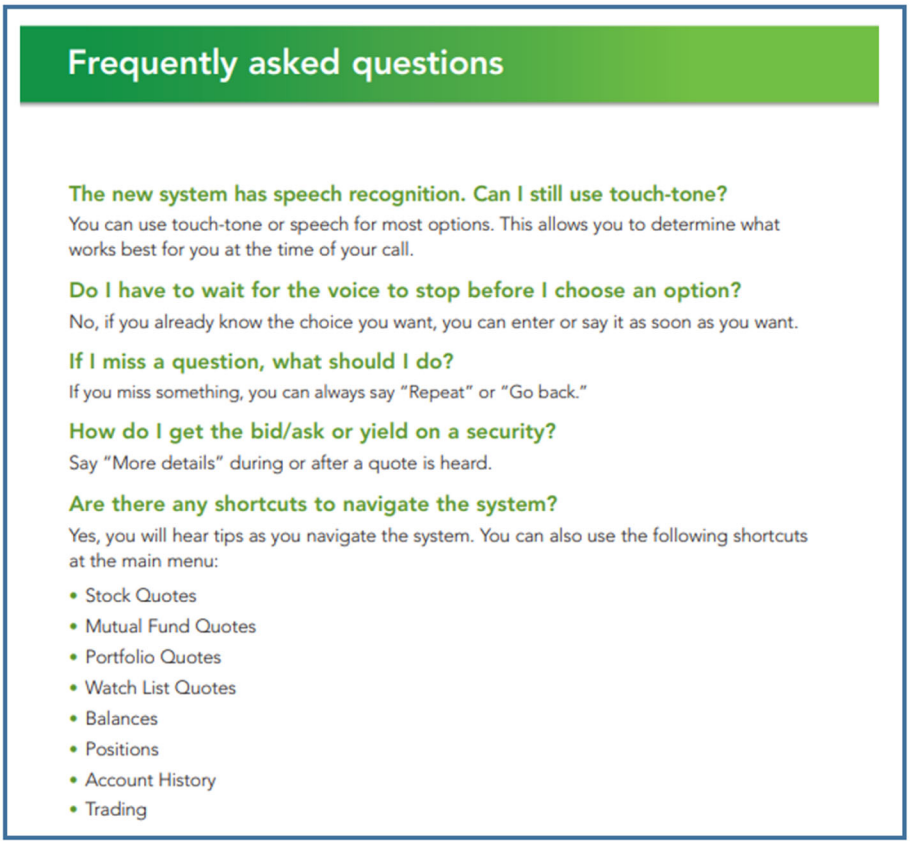
Convert any letters in your username or password to numbers using your telephone keypad before you enter them in FAST.

FAST Quick Reference Guide (PDF)

Navigational Tips

https://web.archive.org/web/20150907030452/https://www.fidelity.com/customer-service/phone-numbers/fast/overview) (Exhibit C).

This is also demonstrated by the Fidelity document entitled "FAST Quick Reference Guide," as archived by www.archive.org on September 11, 2015, which is accessible at https://web.archive.org/web/20150911041037/https://www.fidelity.com/bin-public/060_www_fidelity_com/documents/customer-service/fast-system-at-a-glance.pdf), a portion of which is reproduced below (the entire webpage is attached hereto as Exhibit D):



Frequently asked questions

The new system has speech recognition. Can I still use touch-tone?

You can use touch-tone or speech for most options. This allows you to determine what works best for you at the time of your call.

Do I have to wait for the voice to stop before I choose an option?

No, if you already know the choice you want, you can enter or say it as soon as you want.

If I miss a question, what should I do?

If you miss something, you can always say "Repeat" or "Go back."

How do I get the bid/ask or yield on a security?

Say "More details" during or after a quote is heard.

Are there any shortcuts to navigate the system?

Yes, you will hear tips as you navigate the system. You can also use the following shortcuts at the main menu:

- Stock Quotes
- Mutual Fund Quotes
- Portfolio Quotes
- Watch List Quotes
- Balances
- Positions
- Account History
- Trading

"FAST Quick Reference Guide," https://web.archive.org/web/20150911041037/https://www.fidelity.com/bin-public/060_www_fidelity_com/documents/customer-service/fast-system-at-a-glance.pdf), (Exhibit D).

Fidelity also provides "Navigational Tips" showing some possible voice commands to achieve certain functionality, as archived by www.archive.org on September 11, 2015, which is accessible at https://web.archive.org/web/20150911085201/https://www.fidelity.com/customer-service/phone-numbers/fast/nav-tips, a portion of which is reproduced below (the entire webpage is attached hereto as Exhibit E):

Get information

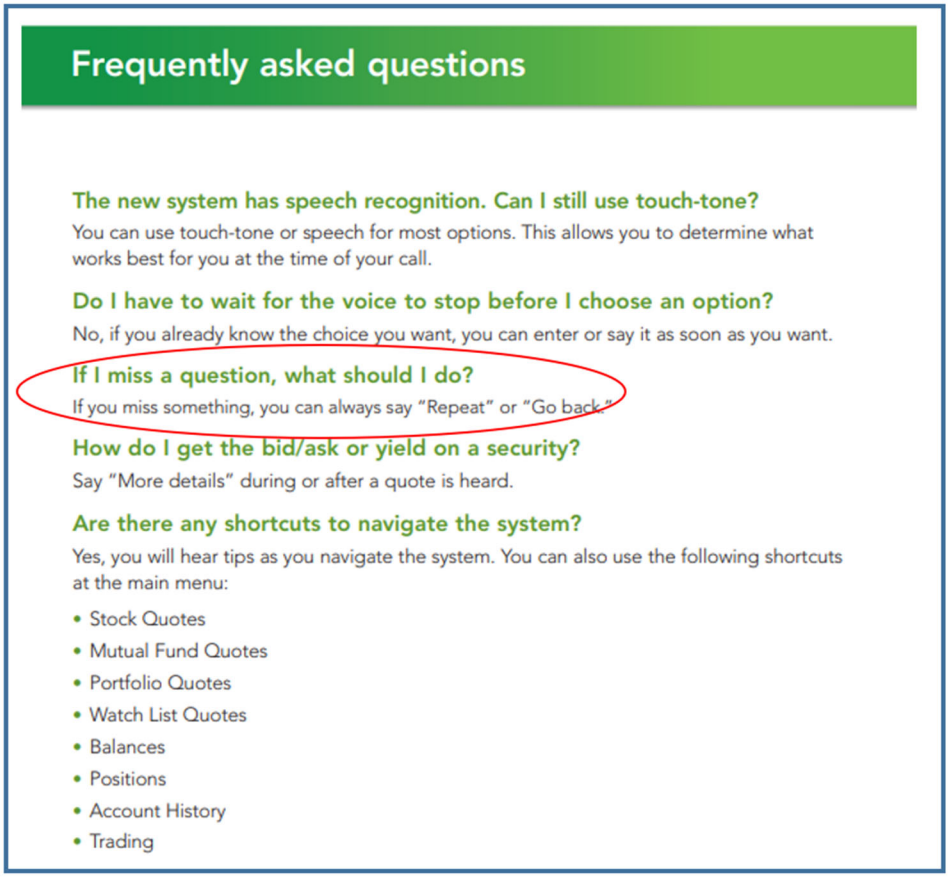
If you want to...	Using touch-tone	Using speech
Trade a security	Press 2 in the main menu.	Say "Trading" in the main menu.
Get balances	Press 3 in main menu, then 1.	Say "Balances" in the main menu.
Get stock quotes	Press 1 in main menu, then 1.	Say "Stock Quotes" in the main menu.
Get mutual fund quotes	Press 1 in main menu, then 2.	Say "Mutual Fund Quotes" in the main menu.
Get index quotes	Press 1 in main menu, then 3.	Say "Index Quotes" in the main menu.
Hear your watch list	Press 1 in main menu, then 4.	Say "Watch List Quotes" in the main menu.
Get option quotes	Press 1 in main menu, then 5.	Say "Option Quotes" in the main menu.
Get Canadian quotes	Press 1 in main menu, then 6.	Say "Canadian Quotes" in the main menu.
Get quotes on all your portfolio holdings	Press 1 in main menu, then 7.	Say "Portfolio Quotes" in the main menu.
Add a quote to your watch list		Say "Add to Watch List" while listening to a quote. Tip: Choose the kind of quote you want, for example say "Stock Quotes," in the main menu.
Delete a quote from your watch list		Say "Remove From Watch List" when you hear the quote you want to remove while listening to watch lists. Tip: Say "Watch List Quotes" from the main menu.
Create or delete a watch list	Press 5 in main menu, then 1, then 2 to create. Press 5 in main menu, then 1, then 3 to delete.	Say "Other Services," then "Watch List," then "Create a New Watch List" or "Delete a Watch List."
Jump to a different watch list		Say "Change List" while listening to your watch list.
Trade a security while listening to a quote		Say "Trade" at any time during a quote.
Get additional quote or bond information: (Example: Bid, Ask, 52-week high/low for Stocks, 7-day yield for Money Markets, and 30-day yield for Bond Fund)		Say "More Details" at any time during a quote.
Get a prospectus (mutual funds only)		Say "Prospectus" during or after the reading of a quote.

Fidelity "Navigational Tips," https://web.archive.org/web/20150911085201/ https://www.fidelity.com/customer-service/phone-numbers/fast/nav-tips; Exhibit E.

b. With respect to limitation 1[a] of claim 1 ('723 patent, at 8:6), from which claim 17 depends, upon information and belief, FAST operated on a computer that was owned and/or controlled by Fidelity.

c. With respect to limitation 1[b] of claim 1 ('723 patent, at 8:7-13), from which claim 17 depends, the computers of limitation 1[a] were associated with at least one set of commands, each set of commands including a plurality of stored commands each of said commands in said set corresponding to a single voice-enabled function for managing communications, each said command in said set being an alternative intuitive description of said single voice-enabled function. For example, as shown in the document "FAST Quick Reference

Guide," (Exhibit D), there is a set of commands for the following single voice-enabled function of going back to the previous question, including the set of commands: "repeat" and "go back" (in the red oval below, which was added for emphasis).



"FAST Quick Reference Guide"; (Exhibit D) (emphasis added).

Further, on information and belief, there is another set of commands, for example, for the single voice-enabled function of making a trade, including the set of commands: "trading," "can I place a trade," "trade a stock," and "trade a security." Each of these commands are alternative intuitive descriptions of a single voice-enabled function, *i.e.*, "trading," "can I place a trade," "trade a stock," and "trade a security" are alternative intuitive descriptions of the single voice-enabled function of trading a stock.

d. With respect to limitation 1[c] of claim 1 ('723 patent, at 8:14-17), from which claim 17 depends, Fidelity, on information and belief, owned and/or controlled a voice server that is operatively connected to the computer and to the network, the voice server being configured to compare said natural voice commands, *e.g.*, "trading" to said plurality of stored commands, *e.g.*, "trading," "can I place a trade," "trade a stock," "trade a security," "repeat," and "go back."

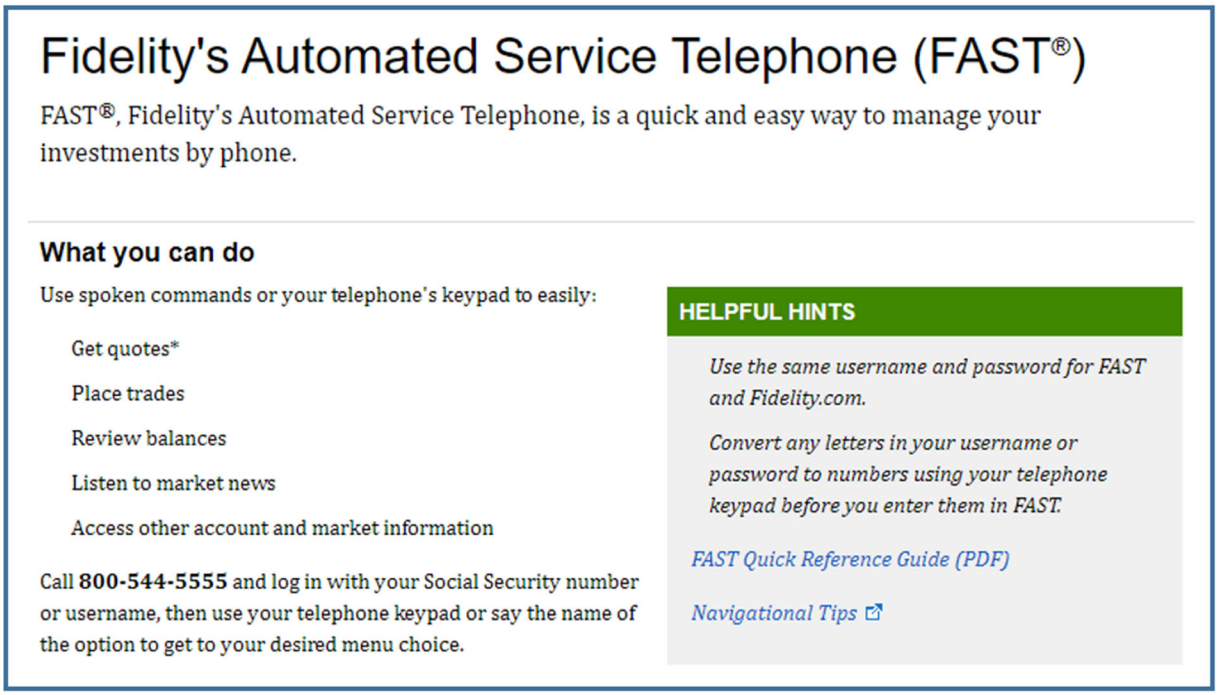
e. With respect to limitation 1[d] of claim 1 ('723 patent, at 8:18-26), from which claim 17 depends, Fidelity, on information and belief, owned and/or controlled a speaker-independent speech recognition device that is operatively connected to the voice server. On information and belief, the speaker-independent speech recognition device was configured to receive at least one natural voice command. On information and belief, the voice server is configured to compare the natural voice command to the plurality of stored commands, *e.g.*, compare voice command "trading" to the plurality of stored commands, *e.g.*, "trading," "can I place a trade," "trade a stock," "trade a security," "repeat," and "go back," to select a single voice-enabled function, *e.g.*, trading a stock. The computer, on information and belief, was configured to execute the selected voice-enabled function, *e.g.*, trading a stock, which corresponds to the natural voice command, *e.g.*, "trading."

f. With respect to claim 17[a] ('723 patent, at 10:1-2), Fidelity, on information and belief, stored a set of prompts audible to said user in connection with FAST. For example, Fidelity, on information and belief, stored audible prompts that it provided to a user who input the voice command, "trading," such as, asking the user to speak the name of the stock to be traded, asking the user to identify the number of shares to sell or purchase, and asking the user to provide other information pertaining to the trade.

g. With respect to claim 17[b], Fidelity by Phone, on information and belief, included a logic flow for transmitting the prompts to said user in a pre-determined manner in response to the user accessing said system or the user providing a natural voice command. For example, on information belief, Fidelity stored a logic flow for the audible prompts that it provided to a user who input the voice command, "trading," such as, asking the user to speak the name of the stock to be traded, asking the user to identify the number of shares to sell or purchase, and asking the user to provide other information pertaining to the trade.

46. Fidelity also infringed claim 42 of the '723 patent through its FAST system, which meets each and every limitation of that claim:

a. With respect to the preamble of claim 42 ('723 patent, at 13:1-4), FAST was a voice-enabled system for managing communications transmitted through a network which is capable of receiving natural voice commands from a user. This is demonstrated by Fidelity's website (as archived by www.archive.org on September 7, 2015, which is accessible at https://web.archive.org/web/20150907030452/https://www.fidelity.com/customer-service/phone-numbers/fast/overview), a portion of which is reproduced below (the entire webpage is attached hereto as Exhibit C):



Fidelity's Automated Service Telephone (FAST®)

FAST®, Fidelity's Automated Service Telephone, is a quick and easy way to manage your investments by phone.

What you can do

Use spoken commands or your telephone's keypad to easily:

- Get quotes*
- Place trades
- Review balances
- Listen to market news
- Access other account and market information

Call **800-544-5555** and log in with your Social Security number or username, then use your telephone keypad or say the name of the option to get to your desired menu choice.

HELPFUL HINTS

Use the same username and password for FAST and Fidelity.com.

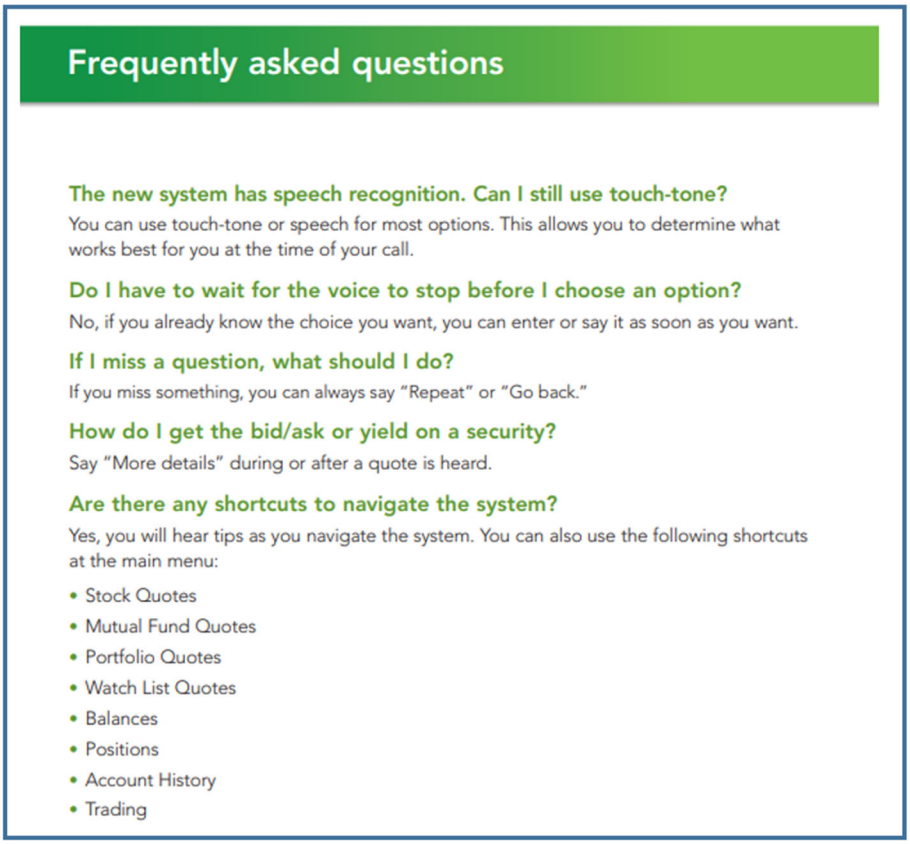
Convert any letters in your username or password to numbers using your telephone keypad before you enter them in FAST.

FAST Quick Reference Guide (PDF)

Navigational Tips

https://web.archive.org/web/20150907030452/https://www.fidelity.com/customer-service/phone-numbers/fast/overview) (Exhibit C).

This is also demonstrated by the Fidelity document entitled "FAST Quick Reference Guide," as archived by www.archive.org on September 11, 2015, which is accessible at https://web.archive.org/web/20150911041037/https://www.fidelity.com/bin-public/060_www_fidelity_com/documents/customer-service/fast-system-at-a-glance.pdf), a portion of which is reproduced below (the entire webpage is attached hereto as Exhibit D):



Frequently asked questions

The new system has speech recognition. Can I still use touch-tone?

You can use touch-tone or speech for most options. This allows you to determine what works best for you at the time of your call.

Do I have to wait for the voice to stop before I choose an option?

No, if you already know the choice you want, you can enter or say it as soon as you want.

If I miss a question, what should I do?

If you miss something, you can always say "Repeat" or "Go back."

How do I get the bid/ask or yield on a security?

Say "More details" during or after a quote is heard.

Are there any shortcuts to navigate the system?

Yes, you will hear tips as you navigate the system. You can also use the following shortcuts at the main menu:

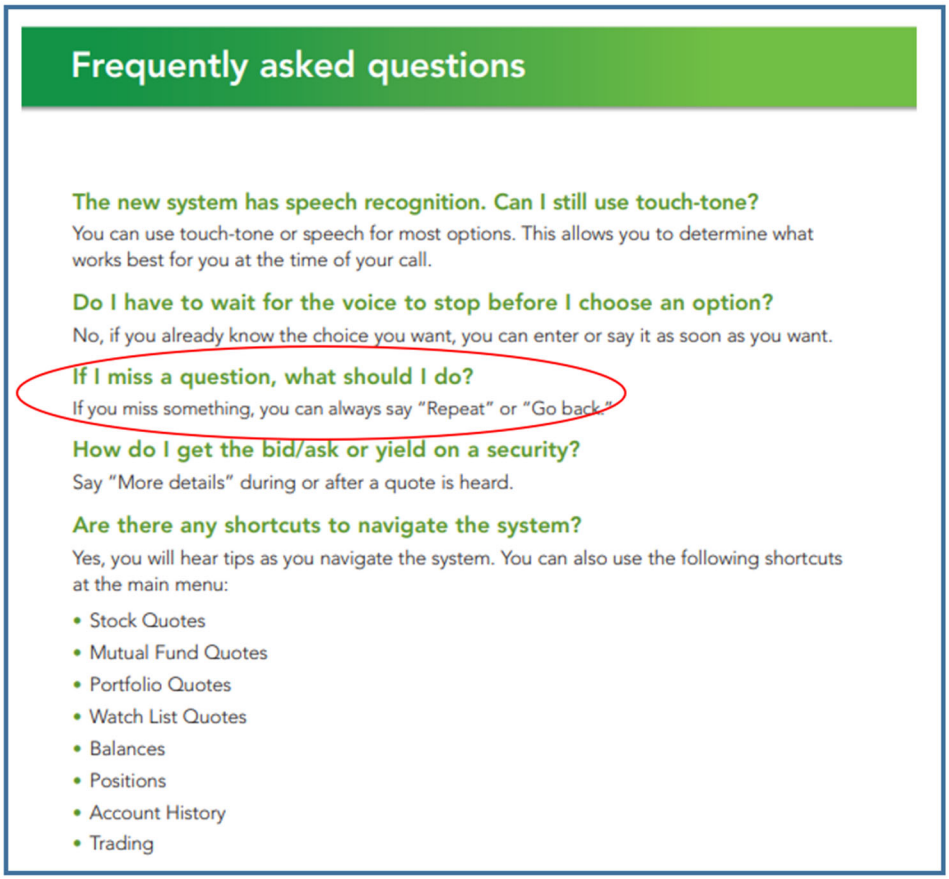
- Stock Quotes
- Mutual Fund Quotes
- Portfolio Quotes
- Watch List Quotes
- Balances
- Positions
- Account History
- Trading

"FAST Quick Reference Guide," https://web.archive.org/web/20150911041037/https://www.fidelity.com/bin-public/060_www_fidelity_com/documents/customer-service/fast-system-at-a-glance.pdf), (Exhibit D).

b. With respect to limitation 42[a] of claim 44 ('723 patent, at 13:5), upon information and belief, FAST operated on a computer that was owned and/or controlled by Fidelity.

c. With respect to limitation 42[b] of claim 44 ('723 patent, at 13:6-12), the computer of limitation 42[a] is associated with at least one set of commands, each set of commands including a plurality of stored commands each of said commands in said set corresponding to a single voice-enabled function for managing communications, each said command in said set being an alternative intuitive description of said single voice-enabled

function. For example, as shown in the document "FAST Quick Reference Guide," (Exhibit D), there is a set of commands for the following single voice-enabled function of going back to the previous question, including the set of commands: "repeat" and "go back" (in the red oval below, which was added for emphasis).



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"FAST Quick Reference Guide"; (Exhibit D) (emphasis added).

Further, on information and belief, there is another set of commands, for example, for the single voice-enabled function of making a trade, including the set of commands: "trading," "can I place a trade," "trade a stock," and "trade a security." Each of these commands are alternative intuitive descriptions of a single voice-enabled function, *i.e.*, "trading," "can I place a trade," "trade a stock," and "trade a security" are alternative intuitive descriptions of the single voice-enabled function of trading a stock.

d. With respect to limitation 42[c] of claim 42 ('723 patent, at 13:13-16), Fidelity, on information and belief, owned and/or controlled a voice server that is operatively connected to the computer and to the network, the voice server being configured to compare said natural voice commands, *e.g.*, "trading" to said plurality of stored commands, *e.g.*, "trading," "can I place a trade," "trade a stock," "trade a security," "repeat," and "go back."

e. With respect to limitation 42[d] of claim 42 ('723 patent, at 13:17-14:10), Fidelity, on information and belief, owned and/or controlled a speaker-independent speech recognition device that is operatively connected to the voice server. On information and belief, the speaker-independent speech recognition device is configured to receive at least one natural voice command. The voice command comprises a voice-enabled function, *e.g.*, obtain a stock quote, and a tag associated with contact information that is, on information and belief, stored in a database that is associated with the computer, *e.g.*, the name or symbol of the company, such as "GE" or "Walt Disney." On information and belief, the voice server is configured to compare the natural voice command to the plurality of stored commands, *e.g.*, compare voice command "trading" to the plurality of stored commands, *e.g.*, "trading," "can I place a trade," "trade a stock," "trade a security," "repeat," and "go back," to select a single voice-enabled function, *e.g.*, trading a stock. The computer, on information and belief, was configured to execute the selected voice-enabled function, *e.g.*, trading a stock, which corresponds to the natural voice command, *e.g.*, "trading."

47. On information and belief, Fidelity also infringed claims 18, 31, 32, 33, 39, 43, and 44 of the '723 patent.

48. Parus has been damaged by Fidelity's infringement of the '723 patent and is entitled to recover from Fidelity the damages sustained by Parus as a result of Fidelity's acts in

an amount adequate to compensate Parus for Fidelity's infringement, subject to proof at trial.

49. Parus has at all applicable times complied with the marking requirements of 35 U.S.C. § 287(a).

RELIEF REQUESTED

Wherefore, Parus respectfully requests that this Court enter judgment against Fidelity as follows:

a) that Fidelity has infringed one or more of claims 17, 18, 31, 32, 33, 39, 42, 43, and 44 of the '723 patent;

b) that Parus be awarded damages in accordance with 35 U.S.C. § 284 to compensate Parus for Fidelity's infringement, including pre- and post-judgment interest; and

c) that Parus be awarded further relief at law or in equity as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Parus demands a trial by jury on all claims and issues so triable.

October 22, 2021

Respectfully submitted,

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