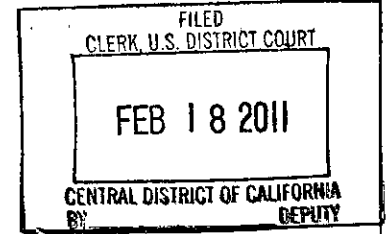


1 Michael D. Harris, Cal. Bar No. 59,470  
2 MHarris@socalip.com  
3 Kala Sarvaiya, Cal. Bar No. 238,453  
4 KSarvaiya@socalip.com  
5 SOCAL IP LAW GROUP LLP  
6 310 N. Westlake Blvd., Suite 120  
7 Westlake Village, CA 91362-3788  
8 Phone: (805) 230-1350 • Fax: (805) 230-1355  
9 Attorneys for Plaintiff Vellata, LLC



10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA—WESTERN DIVISION

12 Vellata, LLC,  
13 Plaintiff,  
14 v.  
15 Ciena Corporation,  
16 Defendant.

17 Case No. **CV11-01516** CAS(JCGK)  
18 **COMPLAINT FOR DAMAGES AND EQUITABLE**  
19 **RELIEF FOR PATENT INFRINGEMENT**  
20 **JURY TRIAL DEMANDED**

21 For its complaint against defendant Ciena Corporation (“Ciena”), plaintiff Vellata, LLC (“Vellata”) alleges as follows:

22 **CLAIM FOR RELIEF FOR PATENT INFRINGEMENT**

23 **A. STATEMENT OF JURISDICTION AND VENUE**

- 24 1. This is a complaint for patent infringement.
- 25 2. The court has subject matter jurisdiction under 28 U.S.C. § 1338(a).
- 26 3. This court has personal jurisdiction over Ciena because it does business in California and in this district. In addition, on information and belief, at least some of the infringing acts that are the subject of this complaint occurred in this state.
- 27 4. Venue is proper in this district against Ciena under 28 U.S.C. §§ 1391(b) and (c) and § 1400(b) because, on information and belief, Ciena is a corporation that does business in this district, and a substantial part of the claims arose in this district. Ciena is a corporate entity. Ciena is found in this district, and has committed and continues to commit the acts alleged to be patent infringement in this district.

1 **B. THE PARTIES**

2 5. Plaintiff Vellata is a Delaware limited liability company with its principal  
3 place of business at 310 N. Westlake Blvd., Suite 120, Westlake Village, California.

4 6. On information and belief, defendant Ciena is a Delaware corporation  
5 with its principal place of business at 1201 Winterson Rd., Linthicum, Maryland.

6 7. Ciena does business in this district. Ciena also committed and continues to  
7 commit the acts alleged to be patent infringement in this district.

8 **C. THE PATENT IN SUIT**

9 8. On July 3, 2007, the United States Patent and Trademark Office (PTO) is-  
10 sued Patent No. 7,240,290 (the “‘290 Patent”) entitled “Telephone Call Initiation  
11 Through an On-line Search.” (Exhibit 1).

12 9. On February 24, 2009, the PTO issued Patent No. 7,496,858 (the “‘858  
13 Patent”) entitled “Telephone Call Initiation Through an On-line Search.” (Exhibit 2).

14 10. By assignment, Vellata is the sole owner of the ‘290 and ‘858 Patents and  
15 therefore has the right to sue for past and current infringement.

16 11. The ‘290 and ‘858 Patents are valid and enforceable.

17 12. The ‘290 and ‘858 Patents describe and claim marketing and advertising  
18 systems and methods through which a user accessing a web page conducts an online  
19 search on a merchant’s web page. The systems and methods cause a hit list to be dis-  
20 played in response to the search. The merchant’s web page display includes a link  
21 which, when activated, causes a telephone call to be initiated between the merchant  
22 and the user.

23 **D. CIENA PATENT INFRINGEMENT**

24 13. Ciena owns and operates an advertising and marketing information web  
25 site at ciena.com for its products and services. When a user conducts an online search  
26 at ciena.com for products that Ciena sells, the systems and methods cause a search to  
27 be made using ciena.com. The systems and methods generate responsive hit lists of  
28 products that pertain to the user’s search. The ciena.com web page includes a “Click

1 To Talk” hyperlink within or adjacent to Ciena’s product listing. Clicking on the hy-  
2 perlink causes a telephone call to be initiated between Ciena and the user’s designat-  
3 ed phone. Accordingly, Ciena’s actions infringe at least one of the claims of the ‘290  
4 patent.

5 14. Ciena displays ad information for many different products. Upon infor-  
6 mation and belief, Ciena provides information to its ciena.com website to include  
7 when a user performs a search on Ciena’s website (<http://www.ciena.com>). When a  
8 user conducts an online search at ciena.com for products, the system and methods  
9 cause a search to be made using ciena.com. The ciena.com web page includes a  
10 “Click to Talk” hyperlink within or adjacent to Ciena’s product listing. Clicking on  
11 the hyperlink causes a telephone call to be initiated between Ciena and the user’s des-  
12 ignated phone. Accordingly, Ciena’s actions infringe at least one of the claims of the  
13 ‘858 patent.

14 15. Through the aforementioned website, Ciena has been and now is directly  
15 and indirectly infringing the ‘290 and ‘858 Patents. That is, Ciena has been and con-  
16 tinues to infringe the patents by making, selling and using systems and methods em-  
17 bodying the patents.

18 16. Vellata has been damaged by Ciena’s infringement in an amount presently  
19 unknown. In addition, Ciena’s continued infringement will irreparably harm Vellata.

20 17. Vellata has no adequate remedy at law.

21 **H. RELIEF REQUESTED**

22 Wherefore, Vellata requests that this court:

23 18. Declare that the ‘290 and ‘858 Patents are valid and enforceable;

24 19. Declare that Ciena infringes the ‘290 and ‘858 Patents;

25 20. Enjoin and restrain Ciena and its officers, agents, servants, employees, and  
26 attorneys, and those persons in active concert or participation with them who receive  
27 actual notice by personal service or otherwise from infringing or aiding, inducing or  
28 abetting the infringement of the ‘290 and ‘858 Patents;

1 21. Direct Ciena to deliver up and destroy within 30 days after entry of judg-  
2 ment any products that infringe the '290 and '858 Patents;

3 22. Enter judgment against Ciena awarding Vellata its damages in an amount  
4 to be proved at trial;

5 23. Treble the damages that Ciena caused under 35 U.S.C. § 284;

6 24. Hold the case to be exceptional and direct Ciena to pay Vellata's attorneys  
7 fees;

8 25. Award Vellata its costs; and

9 26. Award Vellata such other and further relief as the court may deem just and  
10 proper.

11 February 18, 2011

/s/ M Kala Sarvaiya

M. Kala Sarvaiya  
SoCal IP Law Group LLP  
Attorneys for Plaintiff Vellata, LLC

15 **JURY TRIAL DEMAND**

16 Plaintiff Vellata, LLC hereby demands a jury trial on all claims.

17 February 18, 2011

/s/ M Kala Sarvaiya

M. Kala Sarvaiya  
SoCal IP Law Group LLP  
Attorneys for Plaintiff Vellata, LLC

# Exhibit 1



US007240290B2

(12) **United States Patent**  
**Melideo**

(10) **Patent No.:** **US 7,240,290 B2**  
(45) **Date of Patent:** **Jul. 3, 2007**

- (54) **TELEPHONE CALL INITIATION THROUGH AN ON-LINE SEARCH**
- (76) Inventor: **John Melideo**, 26901 Agoura Rd., Suite 170, Agoura Hills, CA (US) 91301-5107
- (\* ) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 80 days.

- 6,185,194 B1 2/2001 Musk
- 6,307,853 B1 10/2001 Storch
- 6,317,781 B1 11/2001 De Boor
- 6,385,191 B1 5/2002 Coffman
- 6,445,468 B1 9/2002 Tsai
- 6,470,079 B1 10/2002 Benson
- 6,473,423 B1 10/2002 Tebeka
- 6,570,964 B1 5/2003 Murveit et al.

(Continued)

- (21) Appl. No.: **10/821,467**
- (22) Filed: **Apr. 9, 2004**

FOREIGN PATENT DOCUMENTS

WO WO00/05679 2/2000

- (65) **Prior Publication Data**  
US 2004/0234064 A1 Nov. 25, 2004

OTHER PUBLICATIONS

Rosenberg et al, "SIP Event Packages for Call Leg and Conference State", Mar. 1, 2002.\*  
Brad Porter, "Call Control Requirements in a Voice Browser Framework", Apr. 13, 2001.\*  
C. J. Weigand, Indispensible software on-line, Home Office Computing, Apr. 1992, v10 n4 p. 20.  
Schilit, Bill N., et al., "m-links: An infrastructure for very small internet devices", Proc. of the 7th Ann. Int'l Conf. on Mobile Computing, Rome, Italy, ACM Press, pp. 122-131, Jul. 2001.

**Related U.S. Application Data**

- (63) Continuation-in-part of application No. 10/691,982, filed on Oct. 22, 2003, and a continuation-in-part of application No. 10/614,394, filed on Jul. 3, 2003.
- (60) Provisional application No. 60/471,535, filed on May 19, 2003.

*Primary Examiner*—Lucila X. Bautista  
(74) *Attorney, Agent, or Firm*—SoCal IP Law Group LLP; Mark Andrew Goldstein; Steven C. Sereboff

- (51) **Int. Cl.**  
**G06F 3/00** (2006.01)  
**G06F 7/00** (2006.01)  
**G06F 17/30** (2006.01)
- (52) **U.S. Cl.** ..... **715/764; 715/733; 715/846; 379/93.23; 705/14; 705/26**
- (58) **Field of Classification Search** ..... **715/700, 715/764, 765, 772, 781, 810, 821, 846, 856, 715/862, 501.1, 803, 526, 528, 530, 531, 715/503; 345/157, 426, 581, 589; 379/90.01, 379/93.23; 705/14, 26**  
See application file for complete search history.

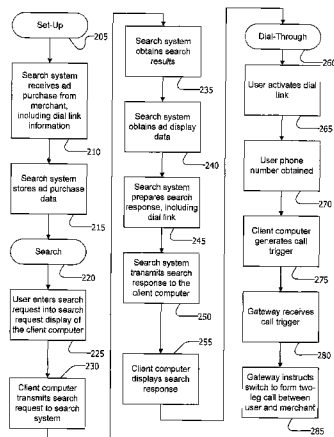
(57) **ABSTRACT**

There are disclosed methods and apparatus for telephone call initiation through an on-line search. A search response includes at least one hit corresponding to a search request, an ad having a dial link, and instructions for triggering a multi-leg phone call with a merchant phone number associated with the dial link and a user phone number. The dial link has a display portion. The search response is displayed, and the dial link is activated. A call trigger is generated in accordance with the instructions in the search response. The call trigger is for initiating a multi-leg phone call with the user phone number and the merchant phone number.

- (56) **References Cited**  
U.S. PATENT DOCUMENTS

5,483,352 A 1/1996 Fukuyama  
5,790,638 A \* 8/1998 Bertacchi ..... 379/88.26  
6,115,461 A \* 9/2000 Baiyor et al. .... 379/211.02  
6,144,667 A 11/2000 Doshi

**60 Claims, 2 Drawing Sheets**



**US 7,240,290 B2**

Page 2

U.S. PATENT DOCUMENTS					
			2003/0079024	A1*	4/2003 Hough et al.
			2003/0140091	A1	7/2003 Himmel
			2003/0185232	A1*	10/2003 Moore et al.
			2003/0228011	A1	12/2003 Gibson
			2004/0032948	A1*	2/2004 Johnson ..... 379/419
			2004/0078476	A1	4/2004 Razdow
			2004/0122810	A1*	6/2004 Mayer
			2004/0141599	A1	7/2004 Tang
			2004/0192263	A1	9/2004 Tomikawa
			2004/0240642	A1*	12/2004 Crandell et al.
			2004/0252820	A1	12/2004 Faber
			2005/0074102	A1	4/2005 Altberg
			2005/0114210	A1	5/2005 Faber
			2005/0119957	A1	6/2005 Faber
			2005/0165666	A1	7/2005 Wong
			2005/0289471	A1*	12/2005 Thompson et al.
					* cited by examiner
6,600,503	B2	7/2003 Stautner			
6,670,968	B1	12/2003 Schilit			
6,690,672	B1	2/2004 Klein			
6,731,630	B1	5/2004 Schuster			
6,834,048	B1	12/2004 Cho			
6,870,828	B1	3/2005 Giordano			
6,996,221	B1*	2/2006 Baiyor et al. .... 379/202.01			
7,058,356	B2*	6/2006 Slotznick ..... 455/3.05			
2001/0055951	A1	12/2001 Slotznick			
2002/0082892	A1	6/2002 Raffel			
2002/0089938	A1*	7/2002 Perry			
2002/0104090	A1*	8/2002 Stettner ..... 725/60			
2002/0128036	A1	9/2002 Yach			
2002/0143808	A1	10/2002 Miller			
2003/0014754	A1*	1/2003 Chang ..... 725/60			
2003/0050045	A1*	3/2003 Kennedy ..... 455/412			
2003/0050837	A1*	3/2003 Kim ..... 705/14			

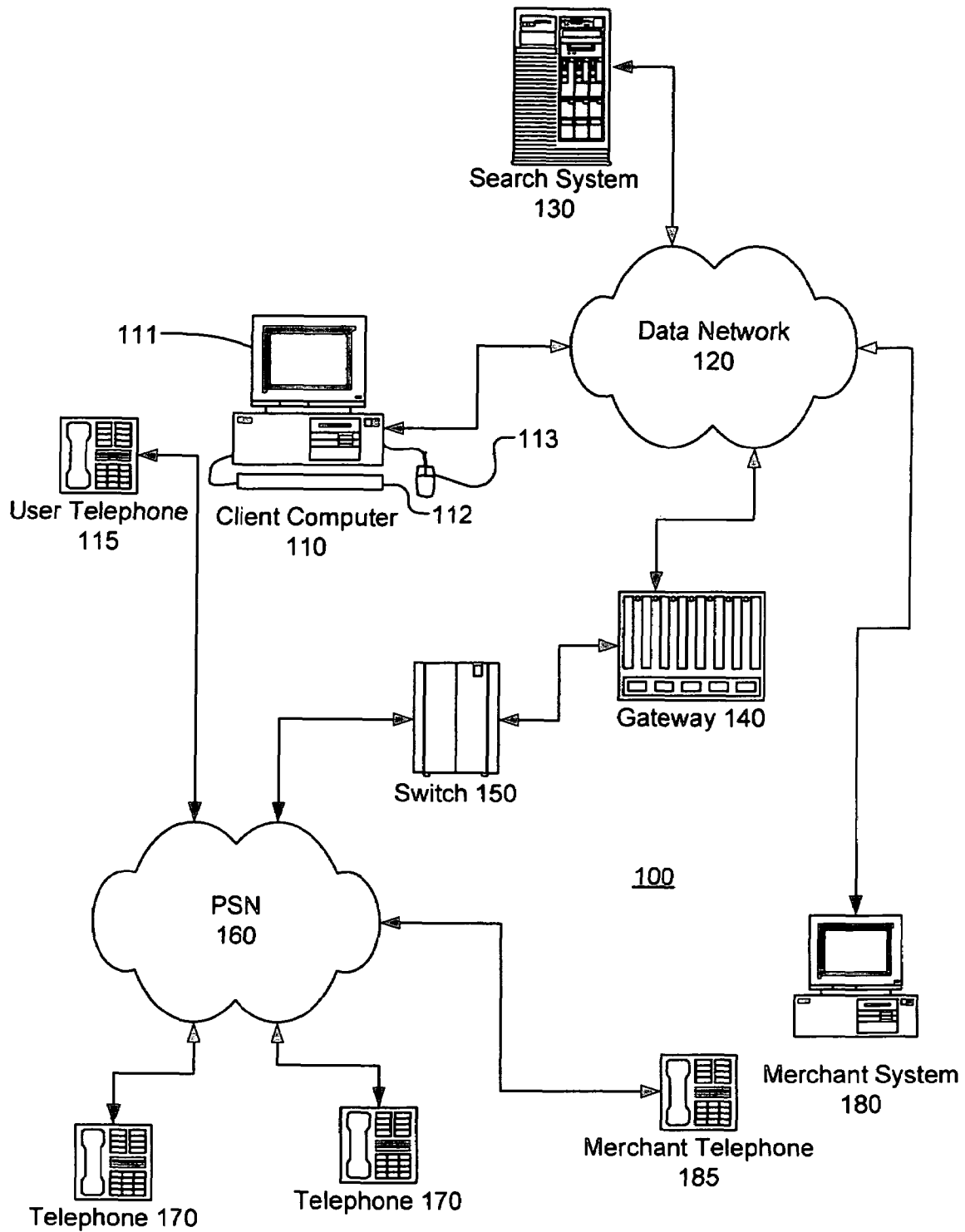


FIG. 1



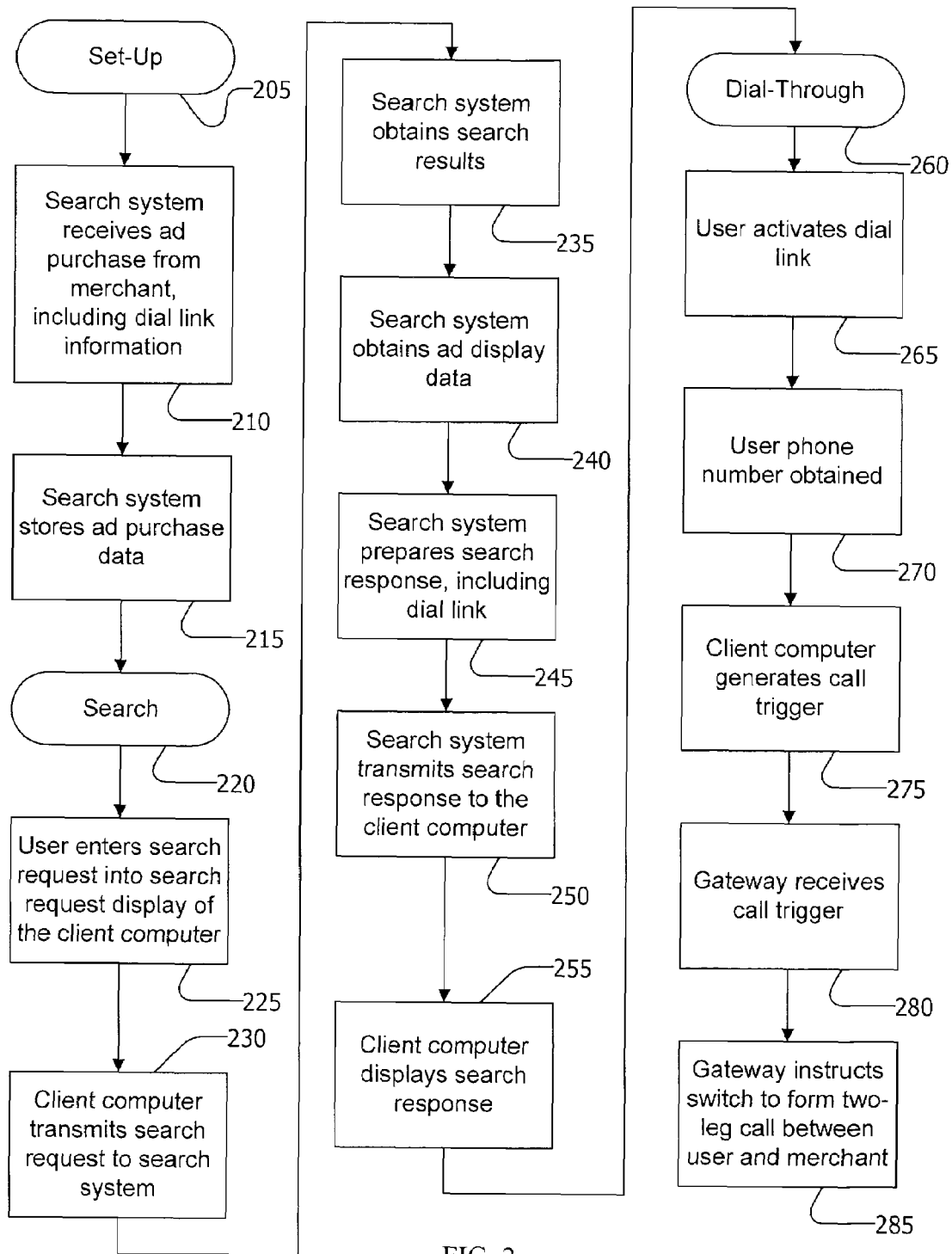


FIG. 2

US 7,240,290 B2

1

## TELEPHONE CALL INITIATION THROUGH AN ON-LINE SEARCH

### RELATED APPLICATION INFORMATION

This patent is a continuation-in part of application Ser. No. 60/471,535 filed May 19, 2003 entitled "HyperDial," which is incorporated herein by reference.

This patent is a continuation-in-part of application Ser. No. 10/614,394 filed Jul. 3, 2003 entitled "Displaying Telephone Numbers as Active Objects," which is incorporated herein by reference.

This patent is a continuation-in-part of application Ser. No. 10/691,982 filed Oct. 22, 2003 entitled "Application Independent Telephone Call Initiation," which is incorporated herein by reference.

### NOTICE OF COPYRIGHT AND TRADE DRESS

A portion of the disclosure of this patent document contains material which is subject to copyright protection. This patent document may show and/or describe matter which is or may become trade dress of the owner. The copyright and trade dress owner has no objection to the facsimile reproduction by any one of the patent disclosure as it appears in the Patent and Trademark Office patent files or records, but otherwise reserves all copyright and trade dress rights whatsoever.

### BACKGROUND OF THE INVENTION

#### 1. Field of the Invention

The present invention relates to initiation of telephone calls.

#### 2. Description of Related Art

Efforts have been made in integrating the Web with telephony applications. One such popular application is the placing of telephone calls from PC to a regular telephone. A user can place a call to a regular telephone from the Web using Dialpad (Dialpad Communications, Inc.) or Net2Phone (Net2Phone, Inc.). In these applications, a user must manually enter a telephone number each time he wishes to initiate a call, or pick a telephone number from a structured list stored by and only available from the dialing application. In view of the success of such products and services, one could conclude that the users were satisfied and there has been no motivation to seek other solutions.

Some companies, in conjunction with their sales and customer-support efforts, have added a "call me" or "call-back" function to their web sites. With these functions, a user who browses to the company's web site may then manually enter his own telephone number and other information into a web page. The company's computers then initiate the call back to the user. This configuration is considered a "single-leg" phone call, because the call is initiated from one phone number to another phone number.

In contrast to single-leg phone calls, it is known to create multi-leg phone calls. One common form of multi-leg phone call is the operator assisted conference call. Multi-leg phone calls are also initiated in international call-back, in which a customer makes an incomplete call to a switch, and the switch then calls the customer back and connects the customer to a second phone number. As demonstrated by these two examples, multi-leg phone calls have been used primarily for complex calling arrangements having three or more parties, or where it is desirable to arbitrage calling costs or other factors between two parties.

2

## DESCRIPTION OF THE DRAWINGS

FIG. 1 is a block diagram of an environment.

FIG. 2 is a flow chart of a method of telephone call initiation.

### DETAILED DESCRIPTION OF THE INVENTION

Throughout this description, the embodiments and examples shown should be considered as exemplars, rather than limitations on the apparatus and methods of the present invention.

#### Description of Systems

Referring now to FIG. 1, there is shown a block diagram of an environment **100** for telephone call initiation through an on-line search. The environment **100** includes a client computer **110**, a user telephone **115**, a data network **120**, a search system **130**, a gateway **140**, a switch **150**, a public switched network (PSN) **160**, plural telephones **170**, a merchant system **180** and a merchant telephone **185**.

The client computer **110** may comprise a general purpose computer. The client computer **110** may be, for example, a PC running a Microsoft Windows operating system. The client computer **110** may include an output device, such as a display **111**, and an input device, such as a keyboard **112** and/or a pointing device **113** (e.g., mouse, track ball, light pen, or data glove). The client computer **110** may be a computing device such as a workstation, server, portable computer, personal digital assistant (PDA), computing tablet, two-way messaging devices (e.g., Blackberry™), smart display terminal, and the like. The client computer **110** connects with and communicates on the data network **120** and includes an interface therefore. The client computer **110** may comprise an assembly of devices, such as a television and a set-top box which interfaces to the data network **120**.

The client computer **110**, the search system **130**, the gateway **140**, the switch **150** and the merchant system **180** may include software and/or hardware for providing the functionality and features described herein and of the invention. The client computer **110**, the search system **130**, the gateway **140**, the switch **150** and the merchant system **180** may therefore include one or more of: logic arrays, memories, analog circuits, digital circuits, software, firmware, and processors such as microprocessors, field programmable gate arrays (FPGAs), application specific integrated circuits (ASICs), programmable logic devices (PLDs) and programmable logic arrays (PLAs). The hardware and firmware components of the client computer **110**, the search system **130** and the merchant system **180** may include various specialized units, circuits, software and interfaces for providing the functionality and features of the invention. The invention may be embodied in whole or in part in software which operates on the client computer **110**, the search system **130**, the gateway **140**, the switch **150** and/or the merchant system **180**, and may be in the form of application programs, applets (e.g., a Java applet), browser plug-ins, COM objects, dynamic linked libraries (DLL), script (e.g., JavaScript, Visual Basic), subroutines, operating system components or services, or terminate and stay resident programs (TSR). The hardware and software of the invention and its functions may be distributed such that some components are performed by the client computer **110**, the

search system **130**, the merchant system **180**, the gateway **140**, the switch **150** and others by other devices.

The data network **120** provides lower layer network support for data communications between the client computer **110**, the search system **130**, the gateway **140** and the merchant system **180**. The data network **120** may be packet-switched and may comprise a common or private bi-directional data network, and may be, for example the Internet or utilize the IP protocol.

The search system **130** may be a web server having the ability to respond to search requests from client computers such as the client computer **110**. The search system **130** may be or include a search engine (e.g., Google), and may be a search aggregator (e.g., DogPile). The search system **130** may consolidate proprietary search content, other content and aggregated search and other content (e.g., Yahoo), and may provide some or all of its content to others (e.g., InfoSeek, Overture). The search system **130** may be or include a number of separate devices, including servers. The search system **130** may include an interface which allows merchants and others to reserve or purchase ads, such as paid-placement search listings, paid-placement ads and banner ads. The search system **130** may obtain ads through third parties, such as through aggregation and/or sub-contracting.

The PSN **160** is a common carrier network which provides circuit switching and/or IP telephony between public users. The PSN **160** may be the public switched telephone network (PSTN). The PSN **160** may operate according to standards such as SS6, SS7 and SIP.

The telephones **115**, **170**, **185** may be ordinary analog telephones connected to the PSN. The telephones **115**, **170**, **185** may be digital devices (e.g., SIP devices or telephone sets connected through a PBX) for providing voice communications. The telephones **115**, **170**, **185** may also be wireless voice communications devices such as cell phones. The user telephone **115** may be located proximate the client computer **110**, or in a location under common control of the user of the client computer **110**. The merchant telephone **185** may be located proximate the merchant system **185**, or in a location under common control of the merchant. The telephones **115**, **170**, **185** have respective phone numbers. The phone numbers may conform to the standard United States format, (NPA) NPX nnnn, or make take other forms.

The switch **150** may be a voice switch, circuit switch and/or an IP switch and may be compliant with standards such as SS6, SS7 or SIP. The switch **150** is compatible with the PSN **160**, and has the ability to set up and tear down telephone connections in the PSN **160**.

The gateway **140** interfaces between the packet-switched data network **120** and the switch **150**. The gateway **140** may be a signaling gateway platform (SGP), which is an intelligent service exchange node that integrates services between circuit-switched and packet-switched networks. The gateway **140** may be integrated into the PSN **160** or the switch **150**.

The merchant system **180** may be a general purpose computer similar to the client computer **110**, or may be a computer system including, for example a web server for the merchant's web site. The merchant system **180** may be used by the merchant to interact with other systems through the data network **120**. For example, the merchant system **180** may be used to arrange for paid-placement search listings and paid-placement ads through the search system **130**.

#### Description of Methods

Referring now to FIG. 2, there is shown a flow chart of a method of telephone call initiation through an on-line

search. The method may include one or more of the following phases: a set-up phase, a search phase, a dial-through phase and a billing phase. Although these phases are described as separate, they may overlap in time. Furthermore, there may be many merchants, many users and many search systems performing various steps of the phases, and their performance may be varied in time and order. The following description is simplified to one user, one merchant and one search system.

#### Set-Up Phase 205

In the set-up phase **205**, the merchant arranges for ads to be placed with the search system **130**. Thus, one step is for the search system **130** to receive ad purchase data from the merchant (step **210**). The merchant may make an ad purchase using the merchant system **180** connecting to the search system **130**. Through the ad purchase, the merchant defines or provides the ad purchase data. The ad purchase data may include display conditions for the ad, ad content, information for retrieving ad content (e.g., a URL for a banner ad), a merchant on-line address and the merchant phone number. The display conditions may include key words, strings, concepts, URLs, portions of URLs, and other things which a merchant might want to use to trigger display of the ad. The merchant on-line address may be a URL for the merchant's web site. The ad purchase data may also include dates for starting and stopping displays of the ad, a fixed or variable price (e.g., bid price) for the ad, ad copy, and one or more URLs for retrieving the ads and ad components.

The search system **130** may store the ad purchase data in a database (step **215**). A merchant identifier may be associated with the ad purchase data. The merchant identifier may be a data key for uniquely identifying the merchant, and may include or be the merchant phone number.

The set-up phase **205** may be performed many times by the merchant, its steps may be integrated, and may allow the merchant to make multiple ad purchases in a single session. Furthermore, the search system **130** may allow the merchant to modify the ad purchase data, for example to improve performance of the merchant's ads.

#### Search Phase 220

In the search phase **220**, the user obtains search results from the search system **130**.

In one embodiment, the search is browser-based. Thus, the user activates a browser on the client computer **110**, points the browser to the search system **130**, and the browser receives a search request page from the server system **130**. The user enters a search request into the search request page (step **225**), and the browser/client computer **110** transmits the search request to the search system **130** (step **230**).

In other embodiments, the search is not browser-based. For example, the search request may come from a user through other means, or from an automated system. Thus, a person or system requesting a search will be referred to herein as a search requester. Also, displayable matter from the search system **130** and displayed by the client computer **110** can take forms other than pages.

The search system **130** then obtains a search result in response to the search request (step **235**). The search result may be obtained by searching a key word database, from other types of databases, through aggregation, or through algorithmic retrieval of distributed data and information.

The search result may include one or more hits. As used herein a "hit" is a successful retrieval of a record matching the search request. A record may be a database record or a discrete collection of related but different data. The search system **130** then prepares a search response including one or

## US 7,240,290 B2

5

more of the hits and the ad display data (step 245). The search response may be a web page.

At some point, the display conditions for the merchant's ad are triggered, for example based upon key words in the search request (step 240). In that case, the search response also includes display data for the ad. The ad display data may include instructions for retrieving or may directly include all or a subset of the ad purchase data, such as the URL for the ad, ad content, links for the ad, and accounting instructions and information. The ad display data may include a dial link, or instructions for retrieving a dial link for the ad. The dial link has a code from which the merchant phone number may be obtained (e.g., all or a portion of the merchant phone number, or the merchant identifier), and instructions for triggering calls to the merchant phone number and a user phone number. The dial link may include a display portion.

The search system then transmits the search response to the search requester (step 250).

The search requester receives and displays the search response (step 255). The display of the search response may be presented as an ordered list, with the ad placed in various positions with respect to the list. Depending on the type and format of the ad, for example, the ad may appear within the list, at the top of the list, above the list, to the side of the list, in a pop-up window, in a banner, or in separate dedicated window. The display of the ad may include the display portion of the dial link, to indicate to the user the availability of a telephone connection to the merchant. The display portion may be integrated with the ad display, and may be distinct from the ad display. The display portion of the dial link may be the merchant telephone number, or may be a notice to the user (e.g., "click here to call the merchant"), or may be otherwise.

#### Dial-Through Phase 260

In the dial-through phase 260, the user responds to the ad by having the merchant call him. Initially, this involves the user activating the dial link (step 265). The user may activate the dial link by using the pointing device 113 to click on the display portion of the dial link.

When the dial link is activated, instructions in the dial link may obtain a phone number which the user wishes to have the merchant call—"a user phone number" (step 270). The instructions may be a CGI string or utilize an exposed API. The dial link may include or refer to JavaScript or other program code for obtaining the user phone number.

According to the instructions in the dial link, the client computer 110 may ask the user to enter a phone number. A pop-up window or dialog may be displayed for the user to enter the user phone number. If the user has previously entered a phone number, this previously entered phone number may be used automatically. Alternatively, the user may be asked to select from one or more previously entered phone numbers, and/or given an option to enter a new phone number. The client computer 110 may suggest a phone number to the user or automatically select a phone number, for example through a database lookup. For example, through SIP, the user phone number (i.e., IP address) may be obtained automatically. The user phone number(s) may be stored on the client computer 110 (for example, in a cookie) or remotely. There may be a user identifier stored locally or remotely and used for a database lookup. The user may select any telephone number he wishes, such as the telephone 175, a remote telephone or otherwise.

The client computer 110 then generates a call trigger in accordance with the instructions in the dial link (step 275).

6

The call trigger may be an IP-based message. The call trigger includes sufficient information so that a multi-leg call to the merchant phone number and the user phone number may be initiated. This information may be the merchant phone number and the user phone number. Alternatively, database keys such as the merchant identifier and a user identifier may be used for retrieving one or both of the merchant phone number and the user phone number.

The call trigger is transmitted directly or indirectly to the gateway 140 (step 280), which then instructs the switch 150 to form a multi-leg call to the merchant phone number and the user phone number (step 285). Thus, the user receives a phone call at the user phone number, and the phone call is connected to the merchant phone number. The gateway 140 and/or the switch 150 may have call handling intelligence (e.g., IVR, ACD, CTI) so that, for example, the call to the merchant phone number is set up before the call to the user phone number.

In an embodiment where the call trigger is sent indirectly to the gateway 140, a dedicated TCP connection may be opened to authenticate the call trigger. The TCP connection may be kept open during the entire period of the call before it is disconnected. Asynchronous call status messages may be processed as they arrive.

Call status information from the switch 150 may be transmitted to the client computer 110, the search system 130, the merchant system 180 and/or others. The call status information may be, for example, "connected," "dropped," "busy" and "closed." The switch 150 may send the call status information directly or indirectly.

When the user activates the dial link (step 265), other activity may be triggered as well. For example, using a URL in the ad data, a page on the merchant's web site may be opened. It may be especially beneficial for the user to browse the merchant's web site in conjunction with the multi-leg phone call, so that a merchant representative may speak with the user concurrently with the user's interaction with the merchant's web site. For example, the merchant representative may make suggestions and/or provide help and explanations, thus encouraging the user to purchase additional products or engage in other additional business with the merchant.

In addition to the user and the merchant, others may be included originally or later added to the multi-leg phone call. The user, the merchant or another party or system may initiate adding additional legs and/or removing existing legs.

The multi-leg phone call may include one or more audio messages. The audio messages may be or include human speech, music, tones and trademark sounds. The audio messages may be played at the beginning of the multi-leg phone call, during intermissions, and at the end. The audio messages may be advertisements, for example to offset or cover the cost of or generate profits from the multi-leg phone call. The audio messages may be selected based upon many different criteria. For example, the audio messages may be selected or provided by the merchant. The audio messages may be selected at various granularities, e.g., from national to local, from everyone to individuals of selected demographics. Information for selecting audio messages, such as keys to database records, may be included in the dial link and/or the call trigger. The audio messages may be selected by other parties involved in the set-up phase 205, the search phase 220, the dial-through phase 260 and/or the billing phase.

#### Billing Phase

In the billing phase, the merchant is billed for the user's activation of the dial link. Billing may be accomplished in

## US 7,240,290 B2

7

many different ways. The dial link may include an instruction for sending a message to a billing system to charge the merchant for activation of the dial link. The dial link may include the merchant identifier for use in billing. The merchant may be billed by the search system **130** when the merchant's ad is served to the user, i.e., for including the dial link in the search response. The gateway **140** may initiate billing to the merchant. The merchant may be charged on a fixed fee basis or on a variable basis. The variables may include call length, time of day, day of week, location of the user phone number, location of the merchant phone number, and otherwise.

Alternatively, the user or a third party may be billed for the activation of the dial link and/or for connecting the merchant and the user in a phone call.

Because the merchant ad may be solicited indirectly and through multiple layers of different parties, source identifiers may be used in the dial link and/or obtained when the dial link is activated so that an entity which solicited the ad may receive credit (e.g., payment).

Captured metric deliver a rate of activity associated with an Internet advertisement. These metrics can dictate for example, the success of an advertisement or advertising campaign. These metrics can deliver a rate of activity associated with an advertisement. Metrics related to call activity generated from a given dial link or links may be obtained. For example, a dial-through rate may be calculated as the revenues divided by the number of multi-leg phone calls. The revenues may be based upon many factors, such as flat pricing per call, secondary revenue and bid pricing.

At various times, calling information associated with a dial link may be accumulated. In response to a request for a report, a report may be formulated based on the accumulated calling information for the dial link. The report may be formatted for electronic transmission. The formatted report may be electronically transmitted to an entity associated with the advertising campaign.

#### Server-Side Embedding of Dial Links

In addition to the search responses described above, dial links may be included in active displays. For example, a merchant web site on the merchant system **180** may include dial links. The dial links may be manually embedded, or may be automatically identified and created as described in the previously mentioned application Ser. No. 10/614,394 ("Displaying Telephone Numbers as Active Objects"). Although application Ser. No. 10/614,394 generally describes client-side operations, the functionality of identifying phone numbers and rendering the activatable may be performed on the server-side. In such a case, the server would embed dial links as described herein for initiation of multi-leg phone calls, and would obtain the user phone number as described therein or herein.

The search system **130** and/or the merchant system **180** may be configured and operate in accordance with aspects of the systems and method described in the previously mentioned application Ser. No. 10/691,982 ("Application Independent Telephone Call Initiation"). For example, the methods described in paragraphs 57-66 may be used by the merchant server **180** in the merchant web site, with the user phone number being obtained as described therein or herein. Furthermore, the client computer **110** and other systems may operate in accordance with the some or all of the description in paragraphs 24-35 and 42-56.

Although exemplary embodiments of the present invention have been shown and described, it will be apparent to those having ordinary skill in the art that a number of changes, modifications, or alterations to the invention as

8

described herein may be made, none of which depart from the spirit of the present invention. All such changes, modifications and alterations should therefore be seen as within the scope of the present invention.

It is claimed:

**1.** A method of telephone call initiation through an on-line search performed on a computing device, the method comprising

the computing device receiving user entry of a search request

the computing device transmitting the search request

the computing device receiving a search response responsive to the search request, the search response including

at least one hit corresponding to the search request an ad having a dial link, the dial link having a display portion for indicating availability of initiation of a phone call with a merchant associated with the dial link

instructions for triggering a multi-leg phone call with a merchant phone number associated with the dial link and a user phone number

the computing device displaying the search response including the display portion of the dial link

the computing device recognizing user activation of the dial link, wherein the user activation includes the user clicking on the display portion of the dial link using an input device

the computing device generating a call trigger in accordance with the instructions in the search response, the call trigger to initiate a multi-leg phone call with a user telephone associated with the user phone number and a merchant telephone associated with the merchant phone number, the user telephone and the merchant telephone separate and distinct from each other and separate and distinct from the computing device.

**2.** The method of telephone call initiation through an on-line search of claim **1** further comprising

the computing device displaying a merchant page.

**3.** The method of telephone call initiation through an on-line search of claim **1** wherein the dial link includes a merchant identifier.

**4.** The method of telephone call initiation through an on-line search of claim **3** wherein the merchant identifier comprises a database key for retrieving a merchant phone number.

**5.** The method of telephone call initiation through an on-line search of claim **1** wherein the dial link includes a merchant phone number.

**6.** The method of telephone call initiation through an on-line search of claim **1**, wherein generating the call trigger further comprises

the computing device sending a message to a billing system to charge the merchant for the user activating the dial link.

**7.** The method of telephone call initiation through an on-line search of claim **1** further comprising

the computing device activating a browser

the computing device pointing the browser to a search system

the browser receiving the search request.

**8.** The method of telephone call initiation through an on-line search of claim **1** wherein the search response is a web page.

**9.** The method of telephone call initiation through an on-line search of claim **1** further comprising

## US 7,240,290 B2

9

the computing device receiving a user phone number entered or selected from one or more previously entered phone numbers.

10. The method of telephone call initiation through an on-line search of claim 1, wherein activating the dial link comprises a pointing device clicking on the dial link.

11. A method of telephone call initiation through an on-line search, the method comprising

a server receiving ad purchase data from a merchant over a network, the ad purchase data including an ad display condition, ad content information, a merchant on-line address and a merchant phone number

the server receiving a search request sent by a search requester over the network via a computing device

the server obtaining a search result over the network in response to the search request

the server preparing a search response including one or more displayable hits

a displayable ad based upon the ad content information, the ad further having a dial link, the dial link having a display portion for indicating availability of initiation of a phone call with a merchant associated with the dial link

instructions for triggering a multi-leg phone call with the merchant phone number and a user phone number associated with a user telephone separate and distinct from the server and the computing device

the server transmitting the search response over the network to the search requester.

12. The method of telephone call initiation through an on-line search of claim 11, wherein the ad display condition includes at least one of key words, strings, concepts, URLs, portions of URLs.

13. The method of telephone call initiation through an on-line search of claim 11 wherein the search requester comprises a user at a client computer.

14. The method of telephone call initiation through an on-line search of claim 11 wherein the triggering instructions are included in the dial link.

15. The method of telephone call initiation through an on-line search of claim 14 wherein the triggering instructions include instructions for displaying a web page at a merchant computing device at the merchant on-line address.

16. The method of telephone call initiation through an on-line search of claim 11 wherein the search response is a web page.

17. The method of telephone call initiation through an on-line search of claim 11 wherein the dial link includes a merchant identifier.

18. The method of telephone call initiation through an on-line search of claim 17 wherein the merchant identifier comprises the merchant phone number.

19. The method of telephone call initiation through an on-line search of claim 17 wherein the merchant identifier is associated with the merchant phone number.

20. The method of telephone call initiation through an on-line search of claim 11 further comprising the server sending a message to a billing system for charging for triggering the multi-leg phone call.

21. An apparatus for telephone call initiation through an on-line search comprising

a user input device

a display device

a processor

a memory

10

wherein the processor and the memory comprise circuits and software for

receiving user entry of a search request

transmitting the search request over a network

receiving over the network a search response responsive to the search request, the search response including

at least one hit corresponding to the search request an ad having a dial link, the dial link having a display portion for indicating availability of initiation of a phone call with a merchant associated with the dial link

instructions for triggering a multi-leg phone call with a merchant phone number associated with the dial link and a user phone number

displaying the search response including the display portion of the dial link

recognizing user activation of the dial link, wherein the user activation includes the user clicking on the display portion of the dial link using an input device generating a call trigger in accordance with the instructions in the search response, the call trigger to initiate a multi-leg phone call with a user telephone associated with the user phone number and a merchant telephone associated with the merchant phone number, the user telephone and the merchant telephone separate and distinct from each other and separate and distinct from the computing device.

22. The apparatus for telephone call initiation through an on-line search of claim 21 wherein the processor and the memory further comprise circuits and software for displaying a merchant page.

23. The apparatus for telephone call initiation through an on-line search of claim 21 wherein the dial link includes a merchant identifier.

24. The apparatus for telephone call initiation through an on-line search of claim 23 wherein the merchant identifier comprises a database key for retrieving a merchant phone number.

25. The apparatus for telephone call initiation through an on-line search of claim 21 wherein the dial link includes a merchant phone number.

26. The apparatus for telephone call initiation through an on-line search of claim 21, wherein the processor and the memory further comprise circuits and software for sending a message to a billing system to charge the merchant for the user activating the dial link.

27. The apparatus for telephone call initiation through an on-line search of claim 21, the processor and the memory further comprise circuits and software for

activating a browser

pointing the browser to a search system

receiving the search request in the browser.

28. The apparatus for telephone call initiation through an on-line search of claim 21 wherein the search response is a web page.

29. The apparatus for telephone call initiation through an on-line search of claim 21, wherein the processor and the memory further comprise circuits and software for receiving a user phone number entered or selected from one or more previously entered phone numbers.

30. The apparatus for telephone call initiation through an on-line search of claim 21, wherein the circuits and software for activating the dial link recognize the user input device clicking on the dial link.

31. An apparatus for telephone call initiation through an on-line search comprising

## US 7,240,290 B2

11

a user input device  
 a display device  
 a processor  
 a memory  
 wherein the processor and the memory comprise circuits 5  
 and software for  
 receiving ad purchase data from a merchant over a  
 network, the ad purchase data including an ad dis-  
 play condition, ad content information, a merchant  
 on-line address and a merchant phone number 10  
 receiving a search request sent by a search requester  
 over the network via a computing device  
 obtaining a search result over the network in response  
 to the search request  
 preparing a search response including 15  
 one or more displayable hits  
 a displayable ad based upon the ad content informa-  
 tion, the ad further having a dial link, the dial link  
 having a display portion for indicating availability  
 of initiation of a phone call with a merchant 20  
 associated with the dial link  
 instructions for triggering a multi-leg phone call with  
 the merchant phone number and a user phone  
 number associated with a user telephone separate  
 and distinct from the server and the computing device 25  
 transmitting the search response over the network to the  
 computing device of the search requester.

**32.** The apparatus for telephone call initiation through an  
 on-line search of claim 31, wherein the ad display condition  
 includes at least one of key words, strings, concepts, URLs,  
 portions of URLs.

**33.** The apparatus for telephone call initiation through an  
 on-line search of claim 31 wherein the search requester  
 comprises a user at a client computer. 35

**34.** The apparatus for telephone call initiation through an  
 on-line search of claim 31 wherein the triggering instruc-  
 tions are included in the dial link.

**35.** The apparatus for telephone call initiation through an  
 on-line search of claim 34 wherein the triggering instruc-  
 tions include instructions for displaying a web page at a  
 merchant computing device at the merchant on-line address. 40

**36.** The apparatus for telephone call initiation through an  
 on-line search of claim 31 wherein the search response is a  
 web page. 45

**37.** The apparatus for telephone call initiation through an  
 on-line search of claim 31 wherein the dial link includes a  
 merchant identifier.

**38.** The apparatus for telephone call initiation through an  
 on-line search of claim 37 wherein the merchant identifier  
 comprises the merchant phone number. 50

**39.** The apparatus for telephone call initiation through an  
 on-line search of claim 37 wherein the merchant identifier is  
 associated with the merchant phone number.

**40.** The apparatus for telephone call initiation through an  
 on-line search of claim 31, wherein the processor and the  
 memory further comprise circuits and software for sending  
 a message to a billing system for charging for triggering the  
 multi-leg phone call. 55

**41.** A computer program product for telephone call ini-  
 tiation through an on-line search, the computer program  
 product stored on a machine readable medium comprising  
 computer software having instructions for causing a proces-  
 sor to

receive user entry of a search request  
 transmit the search request over a network

12

receive a search response over the network responsive to  
 the search request, the search response including  
 at least one hit corresponding to the search request  
 an ad having a dial link, the dial link having a display  
 portion for indicating availability of initiation of a  
 phone call with a merchant associated with the dial  
 link

instructions for triggering a multi-leg phone call with a  
 merchant phone number associated with the dial link  
 and a user phone number

display the search response including the display portion  
 of the dial link

recognize user activation of the dial link, wherein the user  
 activation includes the user clicking on the display  
 portion of the dial link using an input device

generate a call trigger in accordance with the instructions  
 in the search response, the call trigger to initiate a  
 multi-leg phone call with a user telephone associated  
 with the user phone number and a merchant telephone  
 associated with the merchant phone number, the user  
 telephone and the merchant telephone separate and  
 distinct from each other and separate and distinct from  
 a computing device in which the processor is located.

**42.** The computer program product for telephone call  
 initiation through an on-line search of claim 41 further  
 comprising computer software having instructions for caus-  
 ing the processor to display a merchant page.

**43.** The computer program product for telephone call  
 initiation through an on-line search of claim 41 wherein the  
 dial link includes a merchant identifier. 30

**44.** The computer program product for telephone call  
 initiation through an on-line search of claim 43 wherein the  
 merchant identifier comprises a database key for retrieving  
 a merchant phone number.

**45.** The computer program product for telephone call  
 initiation through an on-line search of claim 41 wherein the  
 dial link includes a merchant phone number.

**46.** The computer program product for telephone call  
 initiation through an on-line search of claim 41, wherein the  
 instructions for causing the processor to generate the call  
 trigger further comprise instructions for causing the proces-  
 sor to send a message to a billing system to charge the  
 merchant for the user activating the dial link.

**47.** The computer program product for telephone call  
 initiation through an on-line search of claim 41, the com-  
 puter software having instructions for causing the processor to

activate a browser  
 point the browser to a search system

receive the search request in the browser.

**48.** The computer program product for telephone call  
 initiation through an on-line search of claim 41 wherein the  
 search response is a web page.

**49.** The computer program product for telephone call  
 initiation through an on-line search of claim 41 further  
 comprising computer software having instructions for caus-  
 ing the processor to receive a user phone number entered or  
 selected from one or more previously entered phone num-  
 bers. 55

**50.** The computer program product for telephone call  
 initiation through an on-line search of claim 41, wherein the  
 instructions for causing the processor to activate the dial link  
 comprise instructions for causing the processor to recognize  
 a pointing device clicking on the dial link.

**51.** A computer program product for telephone call ini-  
 tiation through an on-line search, the computer program  
 product stored on a machine readable medium comprising

US 7,240,290 B2

13

computer software having instructions which when executed cause a server to perform actions comprising

receiving ad purchase data from a merchant over a network, the ad purchase data including an ad display condition, ad content information, a merchant on-line address and a merchant phone number

receiving a search request sent by a search requester over the network via a computing device

obtaining a search result over the network in response to the search request

preparing a search response including

one or more displayable hits

a displayable ad based upon the ad content information, the ad further having a dial link, the dial link having a display portion for indicating availability of initiation of a phone call with a merchant associated with the dial link

instructions for triggering a multi-leg phone call with the merchant phone number and a user phone number associated with a user telephone separate and distinct from the server and the computing device

transmitting the search response over the network to the search requester.

52. The computer program product for telephone call initiation through an on-line search of claim 51, wherein the ad display condition includes at least one of key words, strings, concepts, URLs, portions of URLs.

53. The computer program product for telephone call initiation through an on-line search of claim 51 wherein the search requester comprises a user at a client computer.

14

54. The computer program product for telephone call initiation through an on-line search of claim 51 wherein the triggering instructions are included in the dial link.

55. The computer program product for telephone call initiation through an on-line search of claim 54 wherein the triggering instructions include instructions for displaying a web page at a merchant computing device at the merchant on-line address.

56. The computer program product for telephone call initiation through an on-line search of claim 51 wherein the search response is a web page.

57. The computer program product for telephone call initiation through an on-line search of claim 51 wherein the dial link includes a merchant identifier.

58. The computer program product for telephone call initiation through an on-line search of claim 57 wherein the merchant identifier comprises the merchant phone number.

59. The computer program product for telephone call initiation through an on-line search of claim 57 wherein the merchant identifier is associated with the merchant phone number.

60. The computer program product for telephone call initiation through an on-line search of claim 51 further comprising computer software having instructions which when executed cause the computing device to send a message to a billing system for charging for triggering the multi-leg phone call.

\* \* \* \* \*



# Exhibit 2

(12) **United States Patent**  
**Melideo**

(10) **Patent No.:** **US 7,496,858 B2**  
 (45) **Date of Patent:** **\*Feb. 24, 2009**

(54) **TELEPHONE CALL INITIATION THROUGH AN ON-LINE SEARCH**

(75) Inventor: **John Melideo**, Westlake Village, CA (US)

(73) Assignee: **Jambo Acquisition, LLC**, Westlake Village, CA (US)

(\* ) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 35 days.

This patent is subject to a terminal disclaimer.

(21) Appl. No.: **11/771,878**

(22) Filed: **Jun. 29, 2007**

(65) **Prior Publication Data**

US 2008/0013702 A1 Jan. 17, 2008

**Related U.S. Application Data**

(63) Continuation of application No. 10/821,467, filed on Apr. 9, 2004, now Pat. No. 7,240,290, and a continuation-in-part of application No. 10/691,982, filed on Oct. 22, 2003, now Pat. No. 7,103,010, and a continuation-in-part of application No. 10/614,394, filed on Jul. 3, 2003, now Pat. No. 7,434,175.

(60) Provisional application No. 60/471,535, filed on May 19, 2003.

(51) **Int. Cl.**  
**G06F 3/00** (2006.01)  
**H04L 12/66** (2006.01)

(52) **U.S. Cl.** ..... **715/835; 715/765; 715/205; 379/93.23**

(58) **Field of Classification Search** ..... 715/700, 715/764, 765, 772, 781, 810, 821, 835, 838, 715/846, 856, 862, 203, 212, 255, 256, 273, 715/275; 705/14, 26; 379/90.01, 93.23; 345/157, 426, 581, 589  
 See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

5,452,289 A 9/1995 Sharma et al.

(Continued)

FOREIGN PATENT DOCUMENTS

WO WO 00/05679 2/2000

OTHER PUBLICATIONS

Weigand, C.J., Indispensable software on-line, Home Office Computing, Apr. 1, 1992.

(Continued)

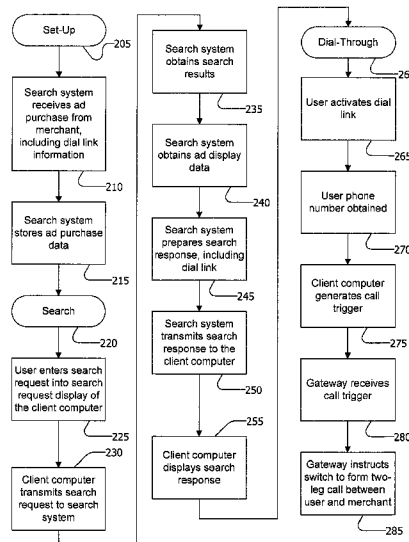
*Primary Examiner*—X. L. Bautista

(74) *Attorney, Agent, or Firm*—SoCal IP Law Group LLP; Steven C. Sereboff; Mark Andrew Goldstein

(57) **ABSTRACT**

There are disclosed methods and apparatus for telephone call initiation through an on-line search. A search response includes at least one hit corresponding to a search request, an ad having a dial link, and instructions for triggering a multi-leg phone call with a merchant phone number associated with the dial link and a user phone number. The dial link has a display portion. The search response is displayed, and the dial link is activated. A call trigger is generated in accordance with the instructions in the search response. The call trigger is for initiating a multi-leg phone call with the user phone number and the merchant phone number.

**7 Claims, 2 Drawing Sheets**



US 7,496,858 B2

U.S. PATENT DOCUMENTS

5,483,352 A 1/1996 Fukuyama  
 5,790,638 A \* 8/1998 Bertacchi ..... 379/88.26  
 5,867,562 A 2/1999 Scherer  
 6,011,794 A 1/2000 Mordowitz et al.  
 6,028,917 A 2/2000 Creamer et al.  
 6,069,890 A 5/2000 White et al.  
 6,115,461 A 9/2000 Baiyor  
 6,130,933 A 10/2000 Milislavsky  
 6,144,667 A 11/2000 Doshi  
 6,185,194 B1 2/2001 Musk  
 6,249,576 B1 6/2001 Sassin  
 6,275,490 B1 8/2001 Mattaway et al.  
 6,307,853 B1 10/2001 Storch  
 6,317,781 B1 11/2001 De Boor  
 6,337,858 B1 1/2002 Petty et al.  
 6,385,191 B1 5/2002 Coffman  
 6,445,468 B1 9/2002 Tsai  
 6,470,079 B1 10/2002 Benson  
 6,473,423 B1 10/2002 Tebeka  
 6,570,964 B1 5/2003 Murveit  
 6,600,503 B2 7/2003 Stautner  
 6,670,968 B1 12/2003 Schilit  
 6,690,672 B1 2/2004 Klein  
 6,707,811 B2 3/2004 Greenberg et al.  
 6,731,630 B1 5/2004 Schuster  
 6,834,048 B1 \* 12/2004 Cho et al. .... 370/356  
 6,870,828 B1 3/2005 Giordano  
 6,954,524 B2 10/2005 Gibson  
 6,973,091 B1 12/2005 Hester  
 6,996,221 B1 2/2006 Baiyor  
 7,035,384 B1 4/2006 Scherer  
 7,058,356 B2 \* 6/2006 Slotznick ..... 455/3.05  
 7,080,049 B2 7/2006 Truitt  
 7,092,496 B1 8/2006 Maes  
 7,106,851 B2 9/2006 Tang  
 7,110,368 B2 9/2006 Perry  
 7,120,235 B2 10/2006 Altberg  
 7,170,995 B2 1/2007 Johnson  
 7,215,744 B2 5/2007 Scherer

7,222,304 B2 5/2007 Beaton  
 7,295,836 B2 11/2007 Yach  
 2001/0038624 A1 11/2001 Greenberg  
 2001/0055951 A1 12/2001 Slotznick  
 2002/0082892 A1 6/2002 Raffel  
 2002/0083093 A1 6/2002 Goodisman  
 2002/0089938 A1 7/2002 Perry  
 2002/0104090 A1 8/2002 Stettner  
 2002/0128036 A1 9/2002 Yach  
 2002/0143808 A1 10/2002 Miller  
 2003/0014754 A1 1/2003 Chang  
 2003/0050045 A1 3/2003 Kennedy  
 2003/0050837 A1 3/2003 Kim  
 2003/0079024 A1 4/2003 Hough et al.  
 2003/0140091 A1 7/2003 Himmel  
 2003/0185232 A1 10/2003 Moore et al.  
 2003/0228011 A1 12/2003 Gibson  
 2004/0032948 A1 2/2004 Johnson  
 2004/0078476 A1 4/2004 Razzdow  
 2004/0122810 A1 6/2004 Mayer  
 2004/0141599 A1 7/2004 Tang  
 2004/0192263 A1 9/2004 Tomikawa  
 2004/0240642 A1 12/2004 Crandell et al.  
 2004/0252820 A1 12/2004 Faber  
 2005/0074102 A1 4/2005 Altberg  
 2005/0114210 A1 5/2005 Faber  
 2005/0119957 A1 6/2005 Faber  
 2005/0165666 A1 7/2005 Wong  
 2005/0289471 A1 12/2005 Thompson et al.

OTHER PUBLICATIONS

Schilit, Bill N. et al., m-Links: An Infrastructure for Very Small Internet Devices, Proceedings of the 7th Annual Int'l Conference on Mobile Computing and Networking, Rome, Italy, Jul. 2001, ACM Press, p. 122-131.  
 Rosenberg et al., SIP Event Packages for Call Leg and Conference State, [http://www.jdrosen.net/sip\\_callpkg.html](http://www.jdrosen.net/sip_callpkg.html), Mar. 1, 2002.  
 Porter, Brad, Call Control Requirements in a Voice Browser Framework, <http://www.w3.org/TR/call-control-reqs/>, Apr. 13, 2001.

\* cited by examiner

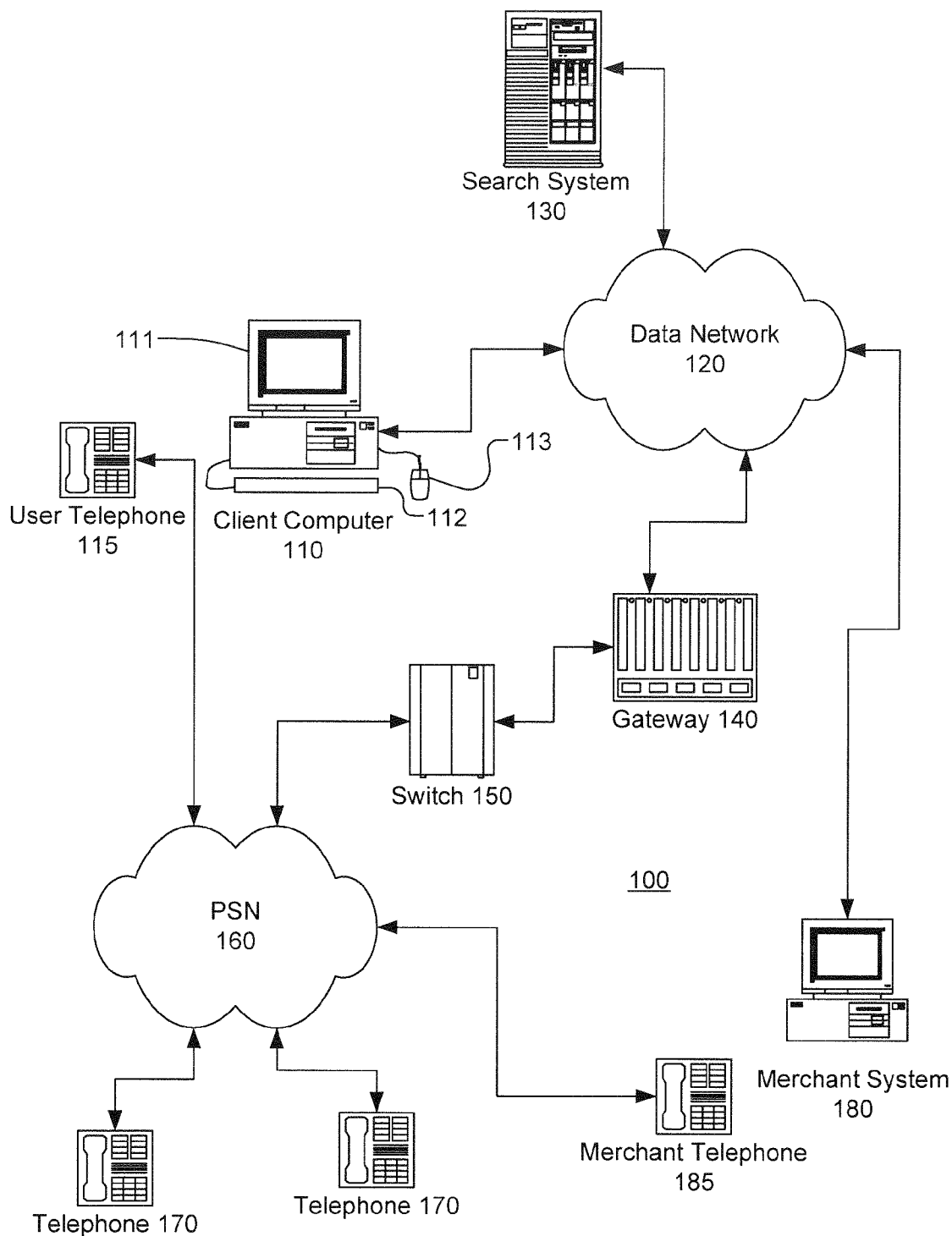


FIG. 1

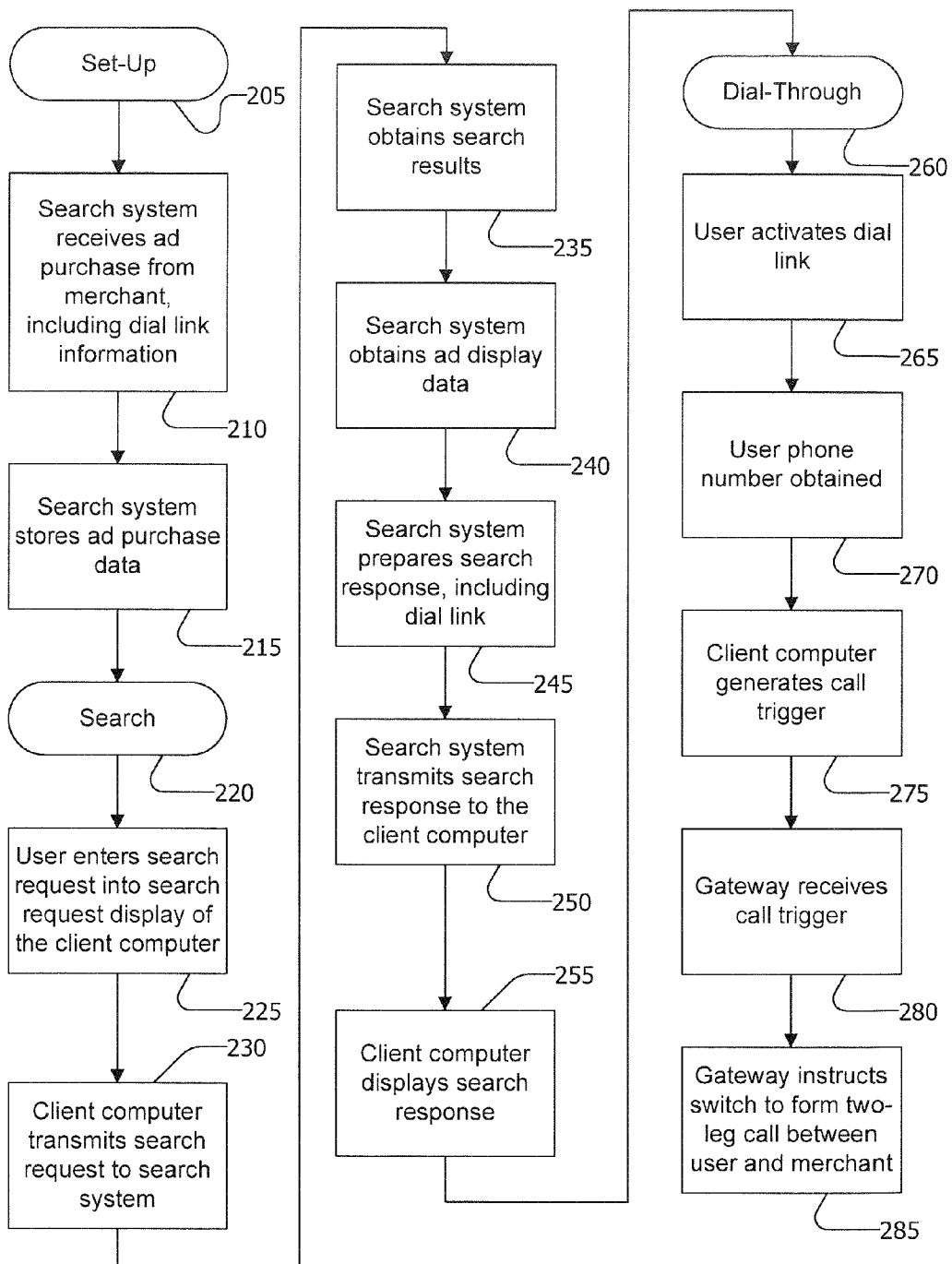


FIG. 2

US 7,496,858 B2

1

## TELEPHONE CALL INITIATION THROUGH AN ON-LINE SEARCH

### RELATED APPLICATION INFORMATION

This patent is a continuation-in part of Application No. 60/471,535 filed May 19, 2003 entitled "HyperDial," which is incorporated herein by reference.

This patent is a continuation-in-part of application Ser. No. 10/614,394 filed Jul. 3, 2003 entitled "Displaying Telephone Numbers as Active Objects," which is incorporated herein by reference.

This patent is a continuation-in-part of application Ser. No. 10/691,982 filed Oct. 22, 2003 entitled "Application Independent Telephone Call Initiation," which is incorporated herein by reference.

This patent is a continuation of application Ser. No. 10/821,467 filed Apr. 9, 2004 entitled "Telephone Call Initiation Through An Online Search," which is incorporated herein by reference.

### NOTICE OF COPYRIGHTS AND TRADE DRESS

A portion of the disclosure of this patent document contains material which is subject to copyright protection. This patent document may show and/or describe matter which is or may become trade dress of the owner. The copyright and trade dress owner has no objection to the facsimile reproduction by any one of the patent disclosure as it appears in the Patent and Trademark Office patent files or records, but otherwise reserves all copyright and trade dress rights whatsoever.

### BACKGROUND

#### 1. Field of the Invention

The present invention relates to initiation of telephone calls.

#### 2. Description of Related Art

Efforts have been made in integrating the Web with telephony applications. One such popular application is the placing of telephone calls from PC to a regular telephone. A user can place a call to a regular telephone from the Web using Dialpad (Dialpad Communications, Inc.) or Net2Phone (Net2Phone, Inc.). In these applications, a user must manually enter a telephone number each time he wishes to initiate a call, or pick a telephone number from a structured list stored by and only available from the dialing application. In view of the success of such products and services, one could conclude that the users were satisfied and there has been no motivation to seek other solutions.

Some companies, in conjunction with their sales and customer-support efforts, have added a "call me" or "call-back" function to their web sites. With these functions, a user who browses to the company's web site may then manually enter his own telephone number and other information into a web page. The company's computers then initiate the call back to the user. This configuration is considered a "single-leg" phone call, because the call is initiated from one phone number to another phone number.

In contrast to single-leg phone calls, it is known to create multi-leg phone calls. One common form of multi-leg phone call is the operator assisted conference call. Multi-leg phone calls are also initiated in international call-back, in which a customer makes an incomplete call to a switch, and the switch then calls the customer back and connects the customer to a second phone number. As demonstrated by these two examples, multi-leg phone calls have been used primarily for

2

complex calling arrangements having three or more parties, or where it is desirable to arbitrage calling costs or other factors between two parties.

### DESCRIPTION OF THE DRAWINGS

FIG. 1 is a block diagram of an environment.

FIG. 2 is a flow chart of a method of telephone call initiation.

### DETAILED DESCRIPTION

Throughout this description, the embodiments and examples shown should be considered as exemplars, rather than limitations on the apparatus and methods disclosed.

#### Description of Systems

Referring now to FIG. 1, there is shown a block diagram of an environment **100** for telephone call initiation through an on-line search. The environment **100** includes a client computer **110**, a user telephone **115**, a data network **120**, a search system **130**, a gateway **140**, a switch **150**, a public switched network (PSN) **160**, plural telephones **170**, a merchant system **180** and a merchant telephone **185**.

The client computer **110** may comprise a general purpose computer. The client computer **110** may be, for example, a PC running a Microsoft Windows operating system. The client computer **110** may include an output device, such as a display **111**, and an input device, such as a keyboard **112** and/or a pointing device **113** (e.g., mouse, track ball, light pen, or data glove). The client computer **110** may be a computing device such as a workstation, server, portable computer, personal digital assistant (PDA), computing tablet, two-way messaging devices (e.g., Blackberry™), smart display terminal, and the like. The client computer **110** connects with and communicates on the data network **120** and includes an interface therefore. The client computer **110** may comprise an assembly of devices, such as a television and a set-top box which interfaces to the data network **120**.

The client computer **110**, the search system **130**, the gateway **140**, the switch **150** and the merchant system **180** may include software and/or hardware for providing the functionality and features described herein and claimed. The client computer **110**, the search system **130**, the gateway **140**, the switch **150** and the merchant system **180** may therefore include one or more of: logic arrays, memories, analog circuits, digital circuits, software, firmware, and processors such as microprocessors, field programmable gate arrays (FPGAs), application specific integrated circuits (ASICs), programmable logic devices (PLDs) and programmable logic arrays (PLAs). The hardware and firmware components of the client computer **110**, the search system **130** and the merchant system **180** may include various specialized units, circuits, software and interfaces for providing the functionality and features claimed. The invention may be embodied in whole or in part in software which operates on the client computer **110**, the search system **130**, the gateway **140**, the switch **150** and/or the merchant system **180**, and may be in the form of application programs, applets (e.g., a Java applet), browser plug-ins, COM objects, dynamic linked libraries (DLL), script (e.g., JavaScript, Visual Basic), subroutines, operating system components or services, or terminate and stay resident programs (TSR). The hardware and software of the invention and its functions may be distributed such that some components are performed by the client computer **110**, the search system **130**, the merchant system **180**, the gateway **140**, the switch **150** and others by other devices.

US 7,496,858 B2

3

The data network **120** provides lower layer network support for data communications between the client computer **110**, the search system **130**, the gateway **140** and the merchant system **180**. The data network **120** may be packet-switched and may comprise a common or private bi-directional data network, and may be, for example the Internet or utilize the IP protocol.

The search system **130** may be a web server having the ability to respond to search requests from client computers such as the client computer **110**. The search system **130** may be or include a search engine (e.g., Google), and may be a search aggregator (e.g., DogPile). The search system **130** may consolidate proprietary search content, other content and aggregated search and other content (e.g., Yahoo), and may provide some or all of its content to others (e.g., InfoSeek, Overture). The search system **130** may be or include a number of separate devices, including servers. The search system **130** may include an interface which allows merchants and others to reserve or purchase ads, such as paid-placement search listings, paid-placement ads and banner ads. The search system **130** may obtain ads through third parties, such as through aggregation and/or sub-contracting.

The PSN **160** is a common carrier network which provides circuit switching and/or IP telephony between public users. The PSN **160** may be the public switched telephone network (PSTN). The PSN **160** may operate according to standards such as SS6, SS7 and SIP.

The telephones **115**, **170**, **185** may be ordinary analog telephones connected to the PSN. The telephones **115**, **170**, **185** may be digital devices (e.g., SIP devices or telephone sets connected through a PBX) for providing voice communications. The telephones **115**, **170**, **185** may also be wireless voice communications devices such as cell phones. The user telephone **115** may be located proximate the client computer **110**, or in a location under common control of the user of the client computer **110**. The merchant telephone **185** may be located proximate the merchant system **185**, or in a location under common control of the merchant. The telephones **115**, **170**, **185** have respective phone numbers. The phone numbers may conform to the standard United States format, (NPA) NPX nnnn, or make take other forms.

The switch **150** may be a voice switch, circuit switch and/or an IP switch and may be compliant with standards such as SS6, SS7 or SIP. The switch **150** is compatible with the PSN **160**, and has the ability to set up and tear down telephone connections in the PSN **160**.

The gateway **140** interfaces between the packet-switched data network **120** and the switch **150**. The gateway **140** may be a signaling gateway platform (SGP), which is an intelligent service exchange node that integrates services between circuit-switched and packet-switched networks. The gateway **140** may be integrated into the PSN **160** or the switch **150**.

The merchant system **180** may be a general purpose computer similar to the client computer **110**, or may be a computer system including, for example a web server for the merchant's web site. The merchant system **180** may be used by the merchant to interact with other systems through the data network **120**. For example, the merchant system **180** may be used to arrange for paid-placement search listings and paid-placement ads through the search system **130**.

#### Description of Methods

Referring now to FIG. 2, there is shown a flow chart of a method of telephone call initiation through an on-line search. The method may include one or more of the following phases: a set-up phase, a search phase, a dial-through phase and a billing phase. Although these phases are described as sepa-

4

rate, they may overlap in time. Furthermore, there may be many merchants, many users and many search systems performing various steps of the phases, and their performance may be varied in time and order. The following description is simplified to one user, one merchant and one search system.

#### Set-Up Phase **205**

In the set-up phase **205**, the merchant arranges for ads to be placed with the search system **130**. Thus, one step is for the search system **130** to receive ad purchase data from the merchant (step **210**). The merchant may make an ad purchase using the merchant system **180** connecting to the search system **130**. Through the ad purchase, the merchant defines or provides the ad purchase data. The ad purchase data may include display conditions for the ad, ad content, information for retrieving ad content (e.g., a URL for a banner ad), a merchant on-line address and the merchant phone number. The display conditions may include key words, strings, concepts, URLs, portions of URLs, and other things which a merchant might want to use to trigger display of the ad. The merchant on-line address may be a URL for the merchant's web site. The ad purchase data may also include dates for starting and stopping displays of the ad, a fixed or variable price (e.g., bid price) for the ad, ad copy, and one or more URLs for retrieving the ads and ad components.

The search system **130** may store the ad purchase data in a database (step **215**). A merchant identifier may be associated with the ad purchase data. The merchant identifier may be a data key for uniquely identifying the merchant, and may include or be the merchant phone number.

The set-up phase **205** may be performed many times by the merchant, its steps may be integrated, and may allow the merchant to make multiple ad purchases in a single session. Furthermore, the search system **130** may allow the merchant to modify the ad purchase data, for example to improve performance of the merchant's ads.

#### Search Phase **220**

In the search phase **220**, the user obtains search results from the search system **130**.

In one embodiment, the search is browser-based. Thus, the user activates a browser on the client computer **110**, points the browser to the search system **130**, and the browser receives a search request page from the server system **130**. The user enters a search request into the search request page (step **225**), and the browser/client computer **110** transmits the search request to the search system **130** (step **230**).

In other embodiments, the search is not browser-based. For example, the search request may come from a user through other means, or from an automated system. Thus, a person or system requesting a search will be referred to herein as a search requester. Also, displayable matter from the search system **130** and displayed by the client computer **110** can take forms other than pages.

The search system **130** then obtains a search result in response to the search request (step **235**). The search result may be obtained by searching a key word database, from other types of databases, through aggregation, or through algorithmic retrieval of distributed data and information.

The search result may include one or more hits. As used herein a "hit" is a successful retrieval of a record matching the search request. A record may be a database record or a discrete collection of related but different data. The search system **130** then prepares a search response including one or more of the hits and the ad display data (step **245**). The search response may be a web page.

At some point, the display conditions for the merchant's ad are triggered, for example based upon key words in the search request (step **240**). In that case, the search response also

US 7,496,858 B2

5

includes display data for the ad. The ad display data may include instructions for retrieving or may directly include all or a subset of the ad purchase data, such as the URL for the ad, ad content, links for the ad, and accounting instructions and information. The ad display data may include a dial link, or instructions for retrieving a dial link for the ad. The dial link has a code from which the merchant phone number may be obtained (e.g., all or a portion of the merchant phone number, or the merchant identifier), and instructions for triggering calls to the merchant phone number and a user phone number. The dial link may include a display portion.

The search system then transmits the search response to the search requester (step 250).

The search requester receives and displays the search response (step 255). The display of the search response may be presented as an ordered list, with the ad placed in various positions with respect to the list. Depending on the type and format of the ad, for example, the ad may appear within the list, at the top of the list, above the list, to the side of the list, in a pop-up window, in a banner, or in separate dedicated window. The display of the ad may include the display portion of the dial link, to indicate to the user the availability of a telephone connection to the merchant. The display portion may be integrated with the ad display, and may be distinct from the ad display. The display portion of the dial link may be the merchant telephone number, or may be a notice to the user (e.g., "click here to call the merchant"), or may be otherwise.

#### Dial-Through Phase 260

In the dial-through phase 260, the user responds to the ad by having the merchant call him. Initially, this involves the user activating the dial link (step 265). The user may activate the dial link by using the pointing device 113 to click on the display portion of the dial link.

When the dial link is activated, instructions in the dial link may obtain a phone number which the user wishes to have the merchant call—"a user phone number" (step 270). The instructions may be a CGI string or utilize an exposed API. The dial link may include or refer to JavaScript or other program code for obtaining the user phone number.

According to the instructions in the dial link, the client computer 110 may ask the user to enter a phone number. A pop-up window or dialog may be displayed for the user to enter the user phone number. If the user has previously entered a phone number, this previously entered phone number may be used automatically. Alternatively, the user may be asked to select from one or more previously entered phone numbers, and/or given an option to enter a new phone number. The client computer 110 may suggest a phone number to the user or automatically select a phone number, for example through a database lookup. For example, through SIP, the user phone number (i.e., IP address) may be obtained automatically. The user phone number(s) may be stored on the client computer 110 (for example, in a cookie) or remotely. There may be a user identifier stored locally or remotely and used for a database lookup. The user may select any telephone number he wishes, such as the telephone 175, a remote telephone or otherwise.

The client computer 110 then generates a call trigger in accordance with the instructions in the dial link (step 275). The call trigger may be an IP-based message. The call trigger includes sufficient information so that a multi-leg call to the merchant phone number and the user phone number may be initiated. This information may be the merchant phone number and the user phone number. Alternatively, database keys

6

such as the merchant identifier and a user identifier may be used for retrieving one or both of the merchant phone number and the user phone number.

The call trigger is transmitted directly or indirectly to the gateway 140 (step 280), which then instructs the switch 150 to form a multi-leg call to the merchant phone number and the user phone number (step 285). Thus, the user receives a phone call at the user phone number, and the phone call is connected to the merchant phone number. The gateway 140 and/or the switch 150 may have call handling intelligence (e.g., IVR, ACD, CTI) so that, for example, the call to the merchant phone number is set up before the call to the user phone number.

In an embodiment where the call trigger is sent indirectly to the gateway 140, a dedicated TCP connection may be opened to authenticate the call trigger. The TCP connection may be kept open during the entire period of the call before it is disconnected. Asynchronous call status messages may be processed as they arrive.

Call status information from the switch 150 may be transmitted to the client computer 110, the search system 130, the merchant system 180 and/or others. The call status information may be, for example, "connected," "dropped," "busy" and "closed." The switch 150 may send the call status information directly or indirectly.

When the user activates the dial link (step 265), other activity may be triggered as well. For example, using a URL in the ad data, a page on the merchant's web site may be opened. It may be especially beneficial for the user to browse the merchant's web site in conjunction with the multi-leg phone call, so that a merchant representative may speak with the user concurrently with the user's interaction with the merchant's web site. For example, the merchant representative may make suggestions and/or provide help and explanations, thus encouraging the user to purchase additional products or engage in other additional business with the merchant.

In addition to the user and the merchant, others may be included originally or later added to the multi-leg phone call. The user, the merchant or another party or system may initiate adding additional legs and/or removing existing legs.

The multi-leg phone call may include one or more audio messages. The audio messages may be or include human speech, music, tones and trademark sounds. The audio messages may be played at the beginning of the multi-leg phone call, during intermissions, and at the end. The audio messages may be advertisements, for example to offset or cover the cost of or generate profits from the multi-leg phone call. The audio messages may be selected based upon many different criteria. For example, the audio messages may be selected or provided by the merchant. The audio messages may be selected at various granularities, e.g., from national to local, from everyone to individuals of selected demographics. Information for selecting audio messages, such as keys to database records, may be included in the dial link and/or the call trigger. The audio messages may be selected by other parties involved in the set-up phase 205, the search phase 220, the dial-through phase 260 and/or the billing phase.

#### Billing Phase

In the billing phase, the merchant is billed for the user's activation of the dial link. Billing may be accomplished in many different ways. The dial link may include an instruction for sending a message to a billing system to charge the merchant for activation of the dial link. The dial link may include the merchant identifier for use in billing. The merchant may be billed by the search system 130 when the merchant's ad is served to the user, i.e., for including the dial link in the search response. The gateway 140 may initiate billing to the mer-



7

chant. The merchant may be charged on a fixed fee basis or on a variable basis. The variables may include call length, time of day, day of week, location of the user phone number, location of the merchant phone number, and otherwise.

Alternatively, the user or a third party may be billed for the activation of the dial link and/or for connecting the merchant and the user in a phone call.

Because the merchant ad may be solicited indirectly and through multiple layers of different parties, source identifiers may be used in the dial link and/or obtained when the dial link is activated so that an entity which solicited the ad may receive credit (e.g., payment).

Captured metrics deliver a rate of activity associated with an Internet advertisement. These metrics can dictate for example, the success of an advertisement or advertising campaign. These metrics can deliver a rate of activity associated with an advertisement. Metrics related to call activity generated from a given dial link or links may be obtained. For example, a dial-through rate may be calculated as the revenues divided by the number of multi-leg phone calls. The revenues may be based upon many factors, such as flat pricing per call, secondary revenue and bid pricing.

At various times, calling information associated with a dial link may be accumulated. In response to a request for a report, a report may be formulated based on the accumulated calling information for the dial link. The report may be formatted for electronic transmission. The formatted report may be electronically transmitted to an entity associated with the advertising campaign.

Server-Side Embedding of Dial Links

In addition to the search responses described above, dial links may be included in active displays. For example, a merchant web site on the merchant system **180** may include dial links. The dial links may be manually embedded, or may be automatically identified and created as described in the previously mentioned application Ser. No. 10/614,394 (“Displaying Telephone Numbers as Active Objects”). Although application Ser. No. 10/614,394 generally describes client-side operations, the functionality of identifying phone numbers and rendering the activatable may be performed on the server-side. In such a case, the server would embed dial links as described herein for initiation of multi-leg phone calls, and would obtain the user phone number as described therein or herein.

The search system **130** and/or the merchant system **180** may be configured and operate in accordance with aspects of the systems and method described in the previously mentioned application Ser. No. 10/691,982 (“Application Independent Telephone Call Initiation”). For example, the methods described in paragraphs 57-66 may be used by the merchant server **180** in the merchant web site, with the user

8

phone number being obtained as described therein or herein. Furthermore, the client computer **110** and other systems may operate in accordance with the some or all of the description in paragraphs 24-35 and 42-56.

Although exemplary embodiments have been shown and described, it will be apparent to those having ordinary skill in the art that a number of changes, modifications, or alterations to the invention as described herein may be made, none of which depart from the spirit of the present invention. All such changes, modifications and alterations should therefore be seen as within the scope of the claims.

It is claimed:

**1.** A system for telephone call initiation through an on-line search, the system having software which when executed causes the system to perform actions comprising:

receiving ad purchase data from a merchant over a network, the ad purchase data including an ad display condition, ad content information, and merchant information;

receiving a search request from a search requester over the network;

obtaining a search result over the network in response to the search request;

preparing a search response including

one or more displayable hits,

a displayable ad based upon the ad content information, the displayable ad having a dial link, the dial link having a display portion for indicating availability of initiation of a phone call with the merchant associated with the dial link

instructions for triggering a multi-leg phone call between the merchant and the search requester transmitting the search response over the network to the search requester.

**2.** The system of claim **1** wherein

the search requester comprises a user at a client computer the multi-leg phone call is between a merchant telephone and a user telephone distinct from the client computer.

**3.** The system of claim **1** wherein

the search requester comprises a user at a computing device the multi-leg phone call is between a merchant telephone and a user telephone distinct from the computing device.

**4.** The system of claim **1** wherein the triggering instructions are included in the dial link.

**5.** The system of claim **1** wherein the search response is a web page.

**6.** The system of claim **1** wherein the dial link includes a merchant identifier.

**7.** The system of claim **6** the merchant identifier comprises the merchant phone number.

\* \* \* \* \*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Christina A. Snyder and the assigned discovery Magistrate Judge is Jay C. Gandhi.

The case number on all documents filed with the Court should read as follows:

**CV11- 1516 CAS (JCGx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====  
**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

**Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

**Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

**Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Vellata, LLC

Plaintiff

v.

Ciena Corporation

Defendant

CV11-01516 CAS(JCBx)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael D. Harris  
Kala Sarvaiya  
SoCal IP Law Group LLP  
310 N. Westlake Blvd., Suite 120  
Westlake Village, CA 91362

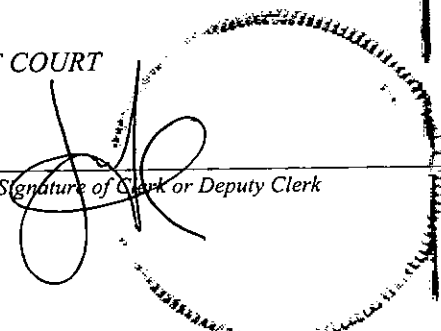
If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

FEB 18 2011

Date: \_\_\_\_\_

CLERK OF COURT

Signature of Clerk or Deputy Clerk



AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT  
for the

Vellata, LLC

\_\_\_\_\_  
*Plaintiff*

v.

Ciena Corporation

\_\_\_\_\_  
*Defendant*

)  
)  
) **CV11-01516** (AS)(JCGX)  
) Civil Action No.  
)  
)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael D. Harris  
Kala Sarvaiya  
SoCal IP Law Group LLP  
310 N. Westlake Blvd., Suite 120  
Westlake Village, CA 91362

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

FEB 18 2011

Date: \_\_\_\_\_

CLERK OF COURT

JULIE PRADO

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) Vellata, LLC	<b>DEFENDANTS</b> Ciena Corporation
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  Michael D. Harris, Kala Sarvaiya SOCAL IP LAW GROUP LLP 310 N. Westlake Blvd. Suite 120, Westlake Village, CA 91362-3788 Phone: 805-230-1350 Fax: 805-230-1355	Attorneys (If Known)

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

**IV. ORIGIN** (Place an X in one box only.)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify):	<input type="checkbox"/> 6 Multi-District Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
---	---	--	---	---	--	---

**V. REQUESTED IN COMPLAINT:** **JURY DEMAND:**  Yes     No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION** under F.R.C.P. 23:  Yes     No     **MONEY DEMANDED IN COMPLAINT:** \$ Subject to proof

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

**VII. NATURE OF SUIT** (Place an X in one box only.)

<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input checked="" type="checkbox"/> <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input checked="" type="checkbox"/> <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <input checked="" type="checkbox"/> <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input checked="" type="checkbox"/> <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER</b> <b>PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input checked="" type="checkbox"/> <b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <input checked="" type="checkbox"/> <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input checked="" type="checkbox"/> <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input checked="" type="checkbox"/> <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
---	--	--	---	---	--

CV11-01516

**FOR OFFICE USE ONLY:** Case Number: \_\_\_\_\_

**AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.**

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed?  No  Yes  
If yes, list case number(s): \_\_\_\_\_

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case?  No  Yes  
If yes, list case number(s): CV09-9339 AGM (AGRx); CV10-02832 AGM (AGRx); CV10-06752 AHM (AGRx) CV11-01251 AHM (FFMx)

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply)  A. Arise from the same or closely related transactions, happenings, or events; or  
 B. Call for determination of the same or substantially related or similar questions of law and fact; or  
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.  
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Ventura	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.  
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Maryland

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.  
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Ventura	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties  
Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): *M. Kals* Date February 18, 2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))