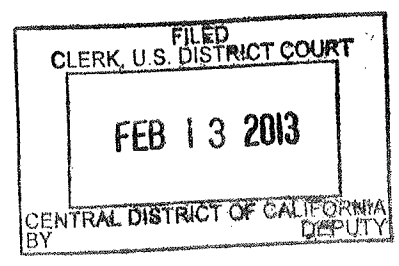


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16 Attorneys for Plaintiff  
17 GOOGLE INC.

18 **IN THE UNITED STATES DISTRICT COURT**

19 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

21 GOOGLE INC.,  
22 Plaintiff,  
23 v.  
24 BT AMERICAS, INC.; BT  
25 CONFERENCING, INC.; BT INS, INC.;  
26 and IPANEMA TECHNOLOGIES  
27 CORPORATION,  
28 Defendants.

Case No. SACV13-254-LJC  
(JPR)

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**[JURY TRIAL DEMANDED]**

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**COMPLAINT FOR PATENT INFRINGEMENT**

For its Complaint against Defendants BT Americas, Inc. (“BT Americas”), BT Conferencing, Inc. (“BT Conferencing”), BT INS, Inc. (“BT INS”) and Ipanema Technologies Corporation (“Ipanema”), (collectively, “Defendants”), Plaintiff Google Inc. (“Google”) alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for patent infringement under the patent laws of the United States, Title 35 of the United States Code. Google seeks remedies for Defendants’ infringement of Google’s U.S. Patent Nos. 5,581,703 (the “703 patent”), 5,701,465 (the “465 patent”), 6,807,166 (the “166 patent”), and 7,460,558 (the “558 patent”) (collectively, the “Asserted Patents”).

**THE PARTIES**

2. Plaintiff Google is a corporation organized and existing under the laws of the State of Delaware, having a place of business at 1600 Amphitheatre Parkway, Mountain View, California 94043.

3. Upon information and belief, Defendant BT Americas is a corporation organized under the laws of the State of Delaware, having places of business at: 234 Rangely Court, Simi Valley, CA 93065; 2160 E Grand Avenue, El Segundo, CA 90245; 1600 State Street, Santa Barbara, CA 93101; and 2020 Santa Monica Boulevard, Santa Monica, CA 90404.

4. Upon information and belief, Defendant BT Conferencing is a corporation organized under the laws of the State of Delaware, having a place of business at 3500 Barranca Parkway, Irvine, CA 92606.

5. Upon information and belief, Defendant BT INS is a corporation organized under the laws of the State of Delaware, having places of business at: 23600 El Toro Road, Suite D, Lake Forest, CA 92630; 20969 Ventura Boulevard, Woodland Hills, CA 91364; 28950 Oak Creek Lane, Apartment 1809, Agoura Hills, CA 91301; and 18759 Fairfield Road, Porter Ranch, CA 91326.



1 information and belief, BT Americas has committed acts of infringement of one or  
2 more claims of the Asserted Patents in this District.

3           9. This Court has personal jurisdiction over BT Conferencing by  
4 virtue of, inter alia, its presence in California, having established minimum contacts  
5 with the forum, having conducted business within the State of California and this  
6 judicial District, and having engaged in systematic and continuous contacts with the  
7 State of California. On information and belief, BT Conferencing, directly and/or  
8 through its subsidiaries, affiliates, and/or related entities, including BT Americas  
9 and BT INS, markets, distributes, offers for sale or license, and/or sells or licenses  
10 OneVoice/UCC Services in the United States. On further information and belief,  
11 BT Conferencing, directly and/or through its subsidiaries, affiliates, and/or related  
12 entities markets, distributes, offers for sale or license, and/or sells or licenses  
13 OneVoice/UCC Services in the State of California. On further information and  
14 belief, BT Conferencing has committed acts of infringement of one or more claims  
15 of the Asserted Patents in this District.

16           10. This Court has personal jurisdiction over BT INS by virtue of,  
17 inter alia, its presence in California, having established minimum contacts with the  
18 forum, having conducted business within the State of California and this judicial  
19 District, and having engaged in systematic and continuous contacts with the State  
20 of California. On information and belief, BT INS, directly and/or through its  
21 subsidiaries, affiliates, and/or related entities, including BT Americas, BT  
22 Conferencing, and Ipanema markets, distributes, offers for sale or license, and/or  
23 sells or licenses (1) QoS Services under at least the names “BT Wholesale Web  
24 Application QoS,” “BT IPstream Connect Advanced,” “BT Wholesale Broadband  
25 Connect Assured,” “BT Wholesale Broadband Managed Connect Shared,” and  
26 “AOS,” and (2) OneVoice/UCC Services in the United States. On further  
27 information and belief, BT INS, directly and/or through its subsidiaries, affiliates,  
28 and/or related entities distributes, offers for sale or license, and/or sells or licenses

1 QoS Services and OneVoice/UCC Services in the State of California. On further  
2 information and belief, BT INS has committed acts of infringement of one or more  
3 claims of the Asserted Patents in this District.

4 11. On information and belief, BT INS merged into BT Americas on  
5 March 31, 2012.

6 12. This Court has personal jurisdiction over Ipanema by virtue of,  
7 inter alia, its presence in California, having established minimum contacts with the  
8 forum, having conducted business within the State of California and this judicial  
9 District, and having engaged in systematic and continuous contacts with the State  
10 of California. On information and belief, Ipanema, directly and/or through its  
11 subsidiaries, affiliates, and/or related entities, including BT Americas and BT INS,  
12 markets, distributes, offers for sale or license, and/or sells or licenses “Autonomic  
13 Networking System” appliances and Scalable Application-Level Service  
14 Architecture (“SALSA”) products (collectively, the “ANS Products”) in the United  
15 States. On further information and belief, Ipanema, directly and/or through its  
16 subsidiaries, affiliates, and/or related entities markets, distributes, offers for sale or  
17 license, and/or sells or licenses ANS Products in the State of California. On further  
18 information and belief, Ipanema has committed acts of infringement of one or more  
19 claims of the Asserted Patents in this District.

20 13. On information and belief, BT Group plc is the ultimate parent  
21 of BT Americas, BT Conferencing, BT INS, and Ipanema. On further information  
22 and belief, BT Americas, BT Conferencing, BT INS, and Ipanema together and  
23 with BT Group plc work together to promote, sell, use and provide and/or jointly  
24 sell and provide QoS Services, OneVoice/UCC Services, and/or ANS Products as  
25 set forth for example in paragraphs 8-12 above and paragraphs 19-42 below.  
26 Accordingly, joinder of the parties is proper pursuant to 35 U.S.C. § 299(a) as: (1)  
27 the right to relief is asserted against the parties jointly, severally, or in the  
28 alternative with respect to or arising out of the same, transaction, occurrence, or

1 series of transactions or occurrences relating to the making, using, importing into  
2 the United States, offering for sale, or selling of the same accused products or  
3 processes; and (2) questions of fact common to all defendants will arise in this  
4 action.

5 14. Venue is proper in this District, pursuant to 28 U.S.C. §§ 1391  
6 and 1400(b).

### 7 THE ASSERTED PATENTS

#### 8 The '703 Patent

9 15. On December 3, 1996, the United States Patent and Trademark  
10 Office ("USPTO") issued U.S. Patent No. 5,581,703, entitled "Method and  
11 Apparatus for Reserving System Resources to Assure Quality of Service." Google  
12 holds all right, title and interest in and to the '703 patent. A copy of the '703 patent  
13 is attached hereto as **Exhibit A**.

#### 14 The '465 Patent

15 16. On December 23, 1997, the USPTO issued U.S. Patent No.  
16 5,701,465, entitled "Method and Apparatus for Reserving System Resources to  
17 Assure Quality of Service." Google holds all right, title and interest in and to the  
18 '465 patent. A copy of the '465 patent is attached hereto as **Exhibit B**.

#### 19 The '166 Patent

20 17. On October 19, 2004, the USPTO issued U.S. Patent No.  
21 6,807,166 B1, entitled "Gateway for Internet Telephony." Google holds all right,  
22 title, and interest in and to the '166 patent. A copy of the '166 patent is attached  
23 hereto as **Exhibit C**.

#### 24 The '558 Patent

25 18. On December 2, 2008, the USPTO issued U.S. Patent No.  
26 7,460,558 B2, entitled "System and Method for Connection Capacity Reassignment  
27 in a Multi-Tier Data Processing System Network." Google holds all right, title, and  
28

1 interest in and to the '558 patent. A copy of the '558 patent is attached hereto as  
2 **Exhibit D.**

3 **DEFENDANTS' BUSINESS IN THE UNITED STATES**

4 19. Defendants offer, inter alia, enterprise communications services  
5 and solutions to corporate customers throughout the United States, including in this  
6 District. Defendants offer these services in different forms.

7 20. In certain instances, one or more Defendants provide consulting  
8 services to their U.S. customers, recommending and/or providing software,  
9 hardware, and/or other infrastructure to customers (the "Consulting Services").

10 21. In other instances, one or more Defendants actively manage, as  
11 a sourced service provider, customers' communications networks and resources  
12 (the "Managed Services"). In this way, Defendants directly facilitate the transfer of  
13 communications data within customers' networks.

14 22. Defendants, through at least BT Americas, operate a global  
15 Multiprotocol Label Switching ("MPLS") telecommunications network  
16 infrastructure, which includes 20 MPLS nodes in the United States, and offer  
17 Consulting and Managed Services to over 1,000 customers throughout the United  
18 States and Canada.

19 23. In connection with both the Consulting and Managed Services,  
20 Ipanema offers software, hardware, and/or other infrastructure directly and/or  
21 through BT Americas or BT INS, as the case may be.

22 24. Defendants, through at least BT Americas and BT INS, offer  
23 Consulting and Managed Services for traffic and bandwidth management of  
24 customers' networks, including QoS Services.

25 25. Defendants, through at least BT Americas, BT Conferencing  
26 and BT INS, offer Consulting and Managed Services for customers' use of Voice  
27 over Internet Protocol ("VoIP"), including OneVoice/UCC Services.  
28

1 **FIRST CLAIM FOR RELIEF**

2 **INFRINGEMENT OF U.S. PATENT NO. 5,581,703**

3 26. Plaintiff realleges and incorporates by reference the allegations  
4 of paragraphs 1- 25 of this Complaint.

5 27. Defendants' QoS Services include services in furtherance of  
6 optimizing the transfer of files to remote nodes within a network and to other  
7 networks under a QoS standard guided by and/or employing the determination of  
8 the available bandwidth within a network and for the corresponding reservation of  
9 any such available bandwidth for transfer of a requested file. Defendants BT  
10 Americas and BT INS sell such QoS Services as software applications and/or  
11 related services under at least the names "BT Wholesale Web Application QoS,"  
12 and "BT Wholesale Broadband Managed Connect Shared" (collectively, and  
13 together with any functional equivalents, the "BT '703 Accused Products and  
14 Services").

15 28. At least by their offering as part of their Managed Services,  
16 Defendants BT Americas and BT INS have infringed and continue to infringe one  
17 or more claims of the '703 patent, either literally or under the doctrine of  
18 equivalents, by making, using, offering for sale, selling and/or importing products  
19 and services, including the BT '703 Accused Products and Services, without  
20 authorization, in this District and elsewhere in the United States, in violation of 35  
21 U.S.C. § 271, including, but not limited to, 35 U.S.C. § 271(a).

22 29. The infringement of the '703 patent by Defendants BT Americas  
23 and BT INS has caused and continues to cause damage to Google in an amount to  
24 be determined at trial. The infringement by Defendants BT Americas and BT INS  
25 has caused and continues to cause severe and irreparable harm to Google for which  
26 there is no adequate remedy at law, unless enjoined by this Court.

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1 **SECOND CLAIM FOR RELIEF**

2 **INFRINGEMENT OF U.S. PATENT NO. 5,701,465**

3 30. Plaintiff realleges and incorporates by reference the allegations  
4 of paragraphs 1-29 of this Complaint.

5 31. Defendants' QoS Services include services in furtherance of  
6 optimizing the transfer of files to remote nodes within a network and to other  
7 networks under a QoS standard guided by and/or employing the determination of  
8 the available bandwidth within a network and for the corresponding reservation of  
9 any such available bandwidth for transfer of a requested file. Defendants BT  
10 Americas and BT INS sell such QoS Services as software applications and/or  
11 related services under at least the names "BT Wholesale Web Application QoS,"  
12 "BT IPstream Connect Advanced," "BT Wholesale Broadband Connect Assured,"  
13 and "BT Wholesale Broadband Managed Connect Shared" (collectively, hereafter,  
14 and together with any functional equivalents, the "BT '465 Accused Products and  
15 Services").

16 32. At least by their offering as part of their Managed Services,  
17 Defendants BT Americas and BT INS have infringed and continue to infringe one  
18 or more claims of the '465 patent, either literally or under the doctrine of  
19 equivalents, by making, using, offering for sale, selling and/or importing products  
20 and services, including the BT '465 Accused Products and Services, without  
21 authorization, in this District and elsewhere in the United States, in violation of 35  
22 U.S.C. § 271, including, but not limited to, 35 U.S.C. § 271(a).

23 33. The infringement of the '465 patent by BT Americas and BT  
24 INS has caused and continues to cause damage to Google in an amount to be  
25 determined at trial. The infringement by BT Americas and BT INS has caused and  
26 continues to cause severe and irreparable harm to Google for which there is no  
27 adequate remedy at law, unless enjoined by this Court.

28

1 **THIRD CLAIM FOR RELIEF**

2 **INFRINGEMENT OF U.S. PATENT NO. 6,807,166**

3 34. Plaintiff realleges and incorporates by reference the allegations  
4 of paragraphs 1-33 of this Complaint.

5 35. Defendants' OneVoice/UCC Services include VoIP services  
6 employing an IP-telephone gateway that functions as a LAN receiver and  
7 transmitter and has a registry table that maps IP addresses with corresponding  
8 telephone numbers (collectively, hereafter, and together with any functional  
9 equivalents and any BT products or services that include, utilize or contain such  
10 services, the "BT '166 Accused Products and Services").

11 36. At least by their offering as part of their Managed and/or  
12 Consulting Services, Defendants BT Americas, BT Conferencing and BT INS have  
13 infringed and continue to infringe one or more claims of the '166 patent, either  
14 literally or under the doctrine of equivalents, by making, using, offering for sale,  
15 selling and/or importing products and services, including the BT '166 Accused  
16 Products and Services, without authorization, in this District and elsewhere in the  
17 United States, in violation of 35 U.S.C. § 271, including, but not limited to, 35  
18 U.S.C. § 271(a).

19 37. The infringement of the '166 patent by Defendants BT  
20 Americas, BT Conferencing and BT INS has caused and continues to cause damage  
21 to Google in an amount to be determined at trial. The infringement by Defendants  
22 BT Americas, BT Conferencing and BT INS has caused and continues to cause  
23 severe and irreparable harm to Google for which there is no adequate remedy at  
24 law, unless enjoined by this Court.

25 **FOURTH CLAIM FOR RELIEF**

26 **INFRINGEMENT OF U.S. PATENT NO. 7,460,558**

27 38. Plaintiff realleges and incorporates by reference the allegations  
28 of paragraphs 1-37 of this Complaint.

1           39. Defendants' QoS Services include services in furtherance of  
2 prioritizing and/or reassigning connection capacity between prioritized connection  
3 classes in a multi-tiered network system. Defendants BT Americas and BT INS sell  
4 such QoS Services as software applications and/or related services under at least the  
5 name "AOS" (the "AOS Services"). Ipanema offers its ANS Products to third  
6 parties, including to BT Americas and BT INS, for integrated use with the AOS  
7 Services offered by Defendants BT Americas and BT INS (collectively, with the  
8 AOS Services, and together with any functional equivalents, the "BT '558 Accused  
9 Products and Services").

10           40. At least by their offering as part of their Managed Services,  
11 Defendants BT Americas and BT INS have infringed and continue to infringe one  
12 or more claims of the '558 patent, either literally or under the doctrine of  
13 equivalents, by making, using, offering for sale, selling and/or importing products  
14 and services, including the BT '558 Accused Products and Services, without  
15 authorization, in this District and elsewhere in the United States, in violation of 35  
16 U.S.C. § 271, including, but not limited to, 35 U.S.C. § 271(a).

17           41. At least by their offering of ANS Products as a component of  
18 third party systems, including at least those offered by BT Americas and BT INS,  
19 Defendant Ipanema has infringed and continues to infringe one or more claims of  
20 the '558 patent, either literally or under the doctrine of equivalents, by making,  
21 using, offering for sale, selling and/or importing products and services, including  
22 the BT '558 Accused Products and Services, without authorization, in this District  
23 and elsewhere in the United States, in violation of 35 U.S.C. § 271, including, but  
24 not limited to, 35 U.S.C. § 271(c).

25           42. The infringement of the '558 patent by Defendants BT  
26 Americas, BT INS, and Ipanema has caused and continues to cause damage to  
27 Google in an amount to be determined at trial. The infringement by Defendants BT  
28 Americas, BT INS, and Ipanema has caused and continues to cause severe and

1 irreparable harm to Google for which there is no adequate remedy at law, unless  
2 enjoined by this Court.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Google prays for a judgment in its favor and against  
5 Defendants and respectfully requests the following relief:

6 A. A judgment declaring that Defendants have directly infringed  
7 one or more claims of each of the Asserted Patents at issue in this litigation,  
8 pursuant to 35 U.S.C. § 271(a);

9 B. A judgment pursuant to 35 U.S.C. § 271(e)(4)(B) preliminarily  
10 and permanently enjoining Defendants, its officers, agents, servants and employees,  
11 and those persons in active concert or participation with any of them, from  
12 continued acts of infringement of the patents at issue in this litigation;

13 C. A judgment requiring Defendants to pay Google its damages,  
14 costs, expenses, and pre-judgment and post-judgment interest for Defendants'  
15 infringement of each of the patents at issue in this litigation;

16 D. A judgment finding that this is an exceptional case and awarding  
17 Google attorneys' fees pursuant to 35 U.S.C. § 285; and

18 E. Such other relief as the Court deems just and proper.

19  
20  
21 Dated: February 13, 2013

WHITE & CASE LLP

22  
23 By:   
24 Matthew P. Lewis  
25 Attorneys for Plaintiff  
26 Google Inc.  
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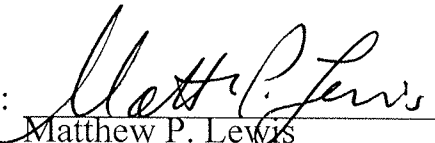
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**DEMAND FOR JURY TRIAL**

In accordance with Rule 38 of the Federal Rules of Civil Procedure,  
Google respectfully demands a jury trial of all issues triable to a jury in this action.

Dated: February 13, 2013

WHITE & CASE LLP

By:   
Matthew P. Lewis  
Attorneys for Plaintiff  
Google Inc.