

Exhibit F

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12 UNITED STATES DISTRICT COURT

13 DISTRICT OF NEVADA

14 * * *

15 VOIP-PAL.COM, INC., a Nevada corporation,

CASE NO.:

16 Plaintiff,

17 v.

**ASSERTED CLAIMS AND
INFRINGEMENT CONDITIONS AS
AGAINST THE AT&T ENTITIES**

18 VERIZON WIRELESS SERVICES, LLC, a
19 Delaware limited liability corporation;
20 VERIZON COMMUNICATIONS, INC., a
21 Delaware corporation; AT&T, INC., a
22 Delaware corporation; AT&T CORP., a
23 Delaware corporation; and DOES I through X,
24 inclusive,

25 Defendants.

26 Plaintiff, Voip-Pal.com, Inc. (“VPLM”) provides the following Asserted Claims and
27 Infringement Contentions as against Defendants AT&T, Inc. and AT&T Corp. (collectively,
28 “AT&T”). These contentions are preliminary, and based solely on public information obtained by
VPLM. VPLM reserves the right to supplement these claims and contentions as appropriate based
upon the opening of discovery in this case. VPLM provides the following preliminary disclosures

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1 **A. PRELIMINARY DISCLOSURES**

2 **(a) *Identification of each claim of each patent in suit that is allegedly infringed by***
3 ***AT&T, including for each claim the applicable statutory subsection of 35 .S.C. § 271;***

4 In the claim charts below, VPLM has identified claims of the patents in suit that are infringed
5 by AT&T. For each claim in the chart below the applicable statutory subsection of 35 U.S.C.
6 § 271 is subsection (a).

7 **(b) *Separately for each asserted claim, identification of each accused apparatus,***
8 ***product, device, process, method, act, or other instrumentality (“Accused Device”) of the opposing***
9 ***party of which the party claiming infringement is aware. This identification shall be as specific as***
10 ***possible. Each Accused Device must be identified by name or model number, if known. Each***
11 ***method or process shall be identified by name, if known, or by any product, device, or apparatus***
12 ***which, when used, allegedly results in the practice of the claimed method or process;***

13 **1. Asserted Claims with respect to AT&T’s**

14 **a. Asserted Claim No. 7 regarding AT&T’s Use of Calling**
15 **Attributes in VoIP Services in On-Premises Equipment, Servers**
16 **and Gateways (the ‘815 patent)**

17 AT&T offers VoIP services utilizing an adapter at the customer or business premises and a
18 collection of servers and gateways. AT&T practices directly and indirectly certain claims of the ‘815
19 patent, as illustrated in **Chart 1** of Exhibit F, by utilizing a caller dialing profile comprising a
20 plurality of calling attributes to form network classification criteria. In the case of VoIP, the on-
21 premises equipment initiates a call and identifies a caller and a callee. The callee may be an AT&T
22 subscriber, or a non-subscriber.

23 **b. Asserted Claim No. 8 regarding Messaging (the ‘815 patent)**

24 AT&T offers mobile-to-mobile messaging services utilizing a software application that runs
25 on smartphones and desktop computers. In the case of messaging, AT&T practices directly and
26 indirectly certain claims of the ‘815 patent, as illustrated in **Chart 2** of Exhibit F, in the AT&T
27 Messages application as the application connects to an AT&T server to classify a caller and a callee
28 and to send a message to a callee who may be an AT&T subscriber or a non-subscriber. A caller

1 profile that includes calling attributes is used as part of the process that classifies and routes the call
2 or the message from the AT&T subscriber to either another AT&T subscriber or a non-subscriber.

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4 **c. Asserted Claim No. 9 regarding AT&T’s WiFi Calling (the ‘815 patent)**

5 AT&T manufactures and supports devices related to a calling platform (“AT&T WiFi
6 Calling”) that includes AT&T mobile devices, software running on such devices and servers operated
7 by AT&T that allows calls to be placed over Wi-Fi networks. AT&T induces the infringement of
8 certain claims of the ‘815 patent as illustrated in **Chart 3** of Exhibit G.

9 AT&T Wi-Fi Calling allows a mobile device to initiate a call between a caller and a callee
10 using a carrier assisted VoIP system and the callee may be an AT&T subscriber or a non-subscriber.
11 A profile that includes calling attributes is used as part of the process that classifies a call. AT&T
12 directly and/or indirectly practices certain claims of the ‘815 patent by utilizing a caller dialing
13 profile comprising a plurality of calling attributes to form network classification criteria to support its
14 WiFi calling system as illustrated in Chart 3 of Exhibit F.

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16 **d. Asserted Claim No. 10 regarding AT&T’S Use of Calling
17 Attributes in VoIP Services in On-Premises Equipment, Servers
18 and Gateways (the ‘005 patent)**

19 AT&T offers VoIP services utilizing an adapter at the customer or business premises and a
20 collection of servers and gateways. AT&T practices directly and indirectly certain claims of the
21 ‘005 patent, as illustrated in **Chart 4** of Exhibit F, by utilizing a caller dialing profile comprising a
22 plurality of calling attributes to form network classification criteria. In the case of VoIP, the on-
23 premises equipment initiates a call and classifies a caller and a callee. The callee may be an AT&T
24 subscriber, or a non-subscriber.

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26 **e. Asserted Claim No. 11 regarding Messaging (the ‘005 patent)**

27 AT&T offers mobile-to-mobile messaging services utilizing a software application that runs
28 on smartphones and desktop computers. In the case of messaging, AT&T practices directly and
indirectly certain claims of the ‘005 patent, as illustrated in **Chart 5** of Exhibit F, in the AT&T
Messages application as the application connects to an AT&T server to identify a caller and a callee

1 and to send a message. The callee may be an AT&T subscriber or a non-subscriber. A caller profile
2 that includes calling attributes is used as part of the process that classifies and routes the call or the
3 message from the AT&T subscriber to either another AT&T subscriber or a non-subscriber.

4 **f. Asserted Claim No. 12 regarding AT&T's WiFi Calling (the '005**
5 **patent)**

6 AT&T manufactures and supports devices related to a calling platform ("AT&T WiFi
7 Calling") that includes AT&T mobile devices, software running on such devices and servers operated
8 by AT&T that allows calls to be placed over Wi-Fi networks. AT&T induces the infringement of
9 certain claims of the '005 patent as illustrated in **Chart 6** of Exhibit F.

10 AT&T Wi-Fi Calling allows a mobile device to initiate a call between a caller and a callee
11 using a carrier assisted VoIP system and the callee may be an AT&T subscriber or a non-subscriber.
12 A profile that includes calling attributes is used as part of the process that classifies a call. AT&T
13 directly and/or indirectly practices certain claims of the '005 patent by utilizing a caller dialing
14 profile comprising a plurality of calling attributes to form network classification criteria to support its
15 WiFi calling system as illustrated in Chart 6 of Exhibit G.

16 (c) *A chart identifying specifically where each element of each asserted claim is found*
17 *within each Accused Device, including for each element that such party contends is governed by*
18 *35 U.S.C. § 112(6), the identity of the structure(s), act(s), or material(s) in the Accused Device that*
19 *performs the claimed function;*

20 Claim Charts, collectively attached hereto as **Chart 1** through **Chart 6**, regarding the
21 AT&T's VoIP services, messaging services and routing services, specifically identify where each
22 element of each asserted claim is found within each Accused Device. To simplify issues, and to
23 conserve the time and resources of the parties and the Court, VPLM has not asserted any means plus
24 function claims at this time.

25 (d) *For each claim that is alleged to have been indirectly infringed, an identification of*
26 *any direct infringement and a description of the acts of the alleged indirect infringer that*
27 *contribute to or are inducing that direct infringement. Insofar as alleged direct infringement is*
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1 *based on joint acts of multiple parties, the role of each such party in the direct infringement must*
2 *be described;*

3 VPLM alleges that indirect infringement occurred.

4 (e) *Whether each limitation of each asserted claim is alleged to be literally present or*
5 *present under the doctrine of equivalents in the Accused Device;*

6 In the Claim Charts below, VPLM asserts that the claims are literally infringed by the
7 Accused Device. VPLM has therefore not made any claims under the doctrine of equivalents at this
8 time.

9 (f) *For any patent that claims priority to an earlier application, the priority date to*
10 *which each asserted claim allegedly is entitled;*

11 The priority date for each asserted claim in the Claim Charts is November 2, 2006.

12 (g) *If a party claiming patent infringement wishes to preserve the right to rely, for any*
13 *purpose, on the assertion that is own apparatus, product, device, process, method, act, or other*
14 *instrumentality practices the claimed invention, the party shall identify, separately for each*
15 *asserted claim, each such apparatus, product, device, process, method, act, or other*
16 *instrumentality that incorporates or reflects that particular claim; and,*

17 (h) *If a party claiming patent infringement alleges willful infringement, the basis for*
18 *such allegation.*

19 VPLM is informed and believes, and on that basis alleges, that AT&T's infringement of the
20 '815 patent and the '005 patent has been and continues to be intentional, willful, and without regard
21 to VPLM's rights, because it had actual knowledge of the identified patents through direct or indirect
22 communications with VPLM and/or as a result of its participation in the Internet Protocol
23 communications industry.
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