

# **Exhibit E**

1 **ALVERSON, TAYLOR,**  
2 **MORTENSEN & SANDERS**  
3 KURT R. BONDS, ESQ.  
4 Nevada Bar No. 6228  
5 ADAM R. KNECHT, ESQ.  
6 Nevada Bar No. 13166  
7 7401 W. Charleston Boulevard  
8 Las Vegas, NV 89117  
9 (702) 384-7000  
10 [efile@alversontaylor.com](mailto:efile@alversontaylor.com)  
11 *Attorneys for Plaintiff*

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 VERIZON  
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 Verizon Wireless Services, Inc. and Verizon  
28 Communications, Inc. (collectively, “Verizon”). 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.

///  
///

1 ///

2 **A. PRELIMINARY DISCLOSURES**

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

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

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

14 **1. Asserted Claims with respect to Verizon**

15 **a. Asserted Claim No. 1 regarding Verizon’s Use of Calling**  
16 **Attributes in VoIP Services in On-Premises Equipment, Servers**  
17 **and Gateways (the ‘815 patent)**

18 Verizon practices directly and indirectly certain claims of the ‘815 Patent by utilizing a caller  
19 dialing profile comprising a plurality of calling attributes to form network classification criteria on its  
20 VoIP on-premises equipment, servers and gateways. Verizon offers VoIP services utilizing an  
21 adapter at the customer or business premises and a collection of servers and gateways. In the case of  
22 VoIP, the on-premises equipment initiates a call and identifies a caller and a callee. The callee may  
23 be a Verizon subscriber, or a non-subscriber. Verizon directly and/or indirectly practices certain  
24 claims of the ‘815 patent as illustrated in **Chart 1** of Exhibit E by utilizing a caller dialing profile  
25 comprising a plurality of calling attributes to form network classification criteria to support its  
26 messaging systems.

27 ///

28 ///

1 ///

2  
3 **b. Asserted Claim No. 2 regarding Verizon’s Use of Calling**  
4 **Attributes in Verizon’s Mobile-to-Mobile Messaging Services**  
5 **Utilizing a Software Application that runs on Smartphones and**  
6 **Desktop Computers. (the ‘815 patent)**

7  
8 Verizon practices directly and indirectly certain claims of the ‘815 Patent by utilizing a caller  
9 dialing profile comprising a plurality of calling attributes to form network classification criteria in its  
10 mobile to mobile messaging services. In the case of messaging, the Verizon Messages application  
11 connects to a Verizon server to identify a caller and a callee and to send a message. The callee may  
12 be a Verizon subscriber or a non-subscriber. A caller profile that includes calling attributes is used as  
13 part of the process that classifies the caller and callee, then routes the call or the message from the  
14 Verizon subscriber to either another Verizon subscriber or a non-subscriber. Verizon directly and/or  
15 indirectly practices certain claims of the ‘815 patent as illustrated in **Chart 2** of Exhibit E by  
16 utilizing a caller dialing profile comprising a plurality of calling attributes to form network  
17 classification criteria to support its messaging systems.

18  
19 **c. Asserted Claim No. 3 regarding Verizon’s WiFi Calling (the ‘815**  
20 **patent)**

21  
22 Verizon manufactures and supports devices related to a calling platform (“Verizon WiFi  
23 Calling”) that includes Verizon mobile devices, software running on such devices and servers  
24 operated by Verizon that allows calls to be placed over Wi-Fi networks. Verizon induces the  
25 infringement of certain claims of the ‘815 patent as illustrated in **Chart 3** of Exhibit E.

26  
27 Verizon Wi-Fi Calling allows a mobile device to initiate a call between a caller and a callee  
28 using a carrier assisted voice over IP (“VoIP”) system and the callee may be a Verizon subscriber or  
a non-subscriber. A profile that includes calling attributes is used as part of the process that classifies  
the call. As explained in Chart 3 of Exhibit E, the use of attributes is needed for one or more of the  
following purposes: (1) interpretation of the callee identifier; (2) handling of inactive, suspended or  
blocked accounts; (3) handling customer billing authorization. Verizon directly and/or indirectly  
practices certain claims of the ‘815 patent by utilizing a caller dialing profile comprising a plurality

1 of calling attributes to form network classification criteria to support its WiFi calling system as  
2 illustrated in Chart 3 of Exhibit E.

3  
4 **d. Asserted Claim No. 4 regarding Verizon's Use of Calling**  
5 **Attributes in VoIP Services in On-Premises Equipment, Servers**  
6 **and Gateways (the '005 patent)**

7 Verizon practices directly and indirectly certain claims of the '005 Patent by utilizing a caller  
8 dialing profile comprising a plurality of calling attributes to form network classification criteria on its  
9 VoIP on-premises equipment, servers and gateways. Verizon offers VoIP services utilizing an  
10 adapter at the customer or business premises and a collection of servers and gateways. In the case of  
11 VoIP, the on-premises equipment initiates a call and identifies a caller and a callee. The callee may  
12 be a Verizon subscriber, or a non-subscriber. Verizon directly and/or indirectly practices certain  
13 claims of the '005 patent as illustrated in **Chart 4** of Exhibit E by utilizing a caller dialing profile  
14 comprising a plurality of calling attributes to form network classification criteria to support its  
15 messaging systems.

16  
17 **e. Asserted Claim No. 5 regarding Verizon's Use of Calling**  
18 **Attributes in Verizon's Mobile-To-Mobile Messaging Services**  
19 **Utilizing a Software Application that Runs on Smartphones and**  
20 **Desktop Computers (the '005 patent)**

21 Verizon practices directly and indirectly certain claims of the '005 patent by utilizing a caller  
22 dialing profile comprising a plurality of calling attributes to form network classification criteria in its  
23 mobile-to-mobile messaging services. In the case of messaging, the Verizon Messages application  
24 connects to a Verizon server to identify a caller and a callee and to send a message. The callee may  
25 be a Verizon subscriber or a non-subscriber. A caller profile that includes calling attributes is used as  
26 part of the process that classifies the caller and callee, then routes the call or the message from the  
27 Verizon subscriber to either another Verizon subscriber or a non-subscriber. Verizon directly and/or  
28 indirectly practices certain claims of the '005 patent as illustrated in **Chart 5** of Exhibit E by  
utilizing a caller dialing profile comprising a plurality of calling attributes to form network  
classification criteria to support its messaging systems.

///  
28

1 ///

2 ///

3  
4 **f. Asserted Claim No. 6 regarding Verizon’s WiFi Calling (the ‘005 patent)**

5 Verizon manufactures and supports devices related to a calling platform (“Verizon WiFi  
6 Calling”) that includes Verizon mobile devices, software running on such devices and servers  
7 operated by Verizon that allows calls to be placed over Wi-Fi networks. Verizon induces the  
8 infringement of certain claims of the ‘005 patent as illustrated in **Chart 6** of Exhibit E.

9 Verizon Wi-Fi Calling allows a mobile device to initiate a call between a caller and a callee  
10 using a carrier assisted voice over IP (“VoIP”) system and the callee may be a Verizon subscriber or  
11 a non-subscriber. A profile that includes calling attributes is used as part of the process that classifies  
12 the call. As explained in Chart 6 of Exhibit E, the use of attributes is needed for one or more of the  
13 following purposes: (1) interpretation of the callee identifier; (2) handling of inactive, suspended or  
14 blocked accounts; (3) handling customer billing authorization. Verizon directly and/or indirectly  
15 practices certain claims of the ‘005 patent by utilizing a caller dialing profile comprising a plurality  
16 of calling attributes to form network classification criteria to support its WiFi calling system as  
17 illustrated in Chart 6 of Exhibit E.

18 (c) *A chart identifying specifically where each element of each asserted claim is found*  
19 *within each Accused Device, including for each element that such party contends is governed by*  
20 *35 U.S.C. § 112(6), the identity of the structure(s), act(s), or material(s) in the Accused Device that*  
21 *performs the claimed function;*

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

27 (d) *For each claim that is alleged to have been indirectly infringed, an identification of*  
28 *any direct infringement and a description of the acts of the alleged indirect infringer that*

1 *contribute to or are inducing that direct infringement. Insofar as alleged direct infringement is*  
2 *based on joint acts of multiple parties, the role of each such party in the direct infringement must*  
3 *be described;*

4 VPLM alleges that indirect infringement occurred.

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

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

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

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

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

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

20 VPLM is informed and believes, and on that basis alleges, that Verizon's infringement of the  
21 '815 patent and the '005 patent has been and continues to be intentional, willful, and without regard  
22 to VPLM's rights, because it had actual knowledge of the identified patents through direct or indirect  
23 communications with VPLM and/or as a result of its participation in the Internet Protocol  
24 communications industry.