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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 OAKLAND DIVISION

15 OPTIMUMPATH, L.L.C.,

16 Plaintiff,

17 vs.

18 BELKIN INTERNATIONAL, INC.,
19 BUFFALO TECHNOLOGY (USA), INC.,
20 CISCO-LINKSYS L.L.C., COMPEX INC.,
D-LINK SYSTEMS, INC., NETGEAR, INC.
and SMC NETWORKS, INC.,

21 Defendants.
22

CASE NO. 4:09-CV-1398-CW

**PLAINTIFF OPTIMUMPATH, L.L.C.'S
PRELIMINARY INFRINGEMENT
CONTENTIONS TO CISCO-LINKSYS,
L.L.C.**

JURY TRIAL DEMANDED

23
24 Pursuant to Patent L.R. 3-1, Plaintiff OptimumPath, L.L.C. hereby serves on Cisco-
25 Linksys, L.L.C. the following Disclosure of Asserted Claims and Infringement Contentions.
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1 **Patent L.R. 3-1(a)**

2 OptimumPath alleges that Cisco infringes at least the following claims of U.S. Patent No.
3 7,035,281: 1 – 2; 6; 9-13 under 35 U.S.C. § 271(a).
4

5 **Patent L.R. 3-1(b)**

6

Accused Instrumentality	Asserted Claim Infringed by the Accused Instrumentality
WRH-54G	1 – 2; 6; 9-13
WRTH-54GS	1 – 2; 6; 9-13
WRP-400	1 – 2; 6; 9-13
WRT-54G	1 – 2; 6; 9-13
WRT-54G2	1 – 2; 6; 9-13
WRT-54G3GV2	1 – 2; 6; 9-13
WRT-54GC	1 – 2; 6; 9-13
WRT-54GL	1 – 2; 6; 9-13
WRT-54GR	1 – 2; 6; 9-13
WRT-54GS	1 – 2; 6; 9-13
WRT-54GS2	1 – 2; 6; 9-13
WRT-54GX	1 – 2; 6; 9-13
WRT-54GX2	1 – 2; 6; 9-13
WRT-54GX4	1 – 2; 6; 9-13
WRT-54G-TM	1 – 2; 6; 9-13
WRT-100	1 – 2; 6; 9-13
WRT-110	1 – 2; 6; 9-13
WRT-120N	1 – 2; 6; 9-13
WRT-150N	1 – 2; 6; 9-13

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1	WRT-160N	1 – 2; 6; 9-13
2	WRT-160NL	1 – 2; 6; 9-13
3	WRT-300N	1 – 2; 6; 9-13
4	WRT-310N	1 – 2; 6; 9-13
5	WRT-320N	1 – 2; 6; 9-13
6	WRT-330N	1 – 2; 6; 9-13
7	WRT-350N	1 – 2; 6; 9-13
8	WRT-600N	1 – 2; 6; 9-13
9	WRT-610	1 – 2; 6; 9-13
10	WRV-200	1 – 2; 6; 9-13
11	WRV-210	1 – 2; 6; 9-13
12	WRVS-4400N	1 – 2; 6; 9-13
13	WAG-54G	1 – 2; 6; 9-13
14	WAG-54G2	1 – 2; 6; 9-13
15	WAG-54GP2	1 – 2; 6; 9-13
16	WAG-160N	1 – 2; 6; 9-13
17	WAG-200G	1 – 2; 6; 9-13
18	WAG-300N	1 – 2; 6; 9-13
19	WAG-310G	1 – 2; 6; 9-13
20	WAG-354G	1 – 2; 6; 9-13
21	WAG-325N	1 – 2; 6; 9-13

Patent L.R. 3-1(c)

OptimumPath’s disclosures pursuant to Patent L.R. 3-1 (c) are set forth in the chart attached hereto as Exhibit A. For purposes of infringement of the ‘281 Patent and the disclosure requirements of L.R. 3-1(c), OptimumPath asserts that the Accused Instrumentalities all function

1 in the same or substantially similar manner and include the same or substantially similar
2 components. For this reason, OptimumPath provides a claim chart for only a single, exemplary
3 Accused Instrumentality and alleges that the remainder of the Accused Instrumentalities infringe
4 in the same manner.

5
6 **Patent L.R. 3-1(d)**

7 At this time OptimumPath does not allege that Cisco indirectly infringes the asserted
8 claims of the '281 Patent. However, since discovery has yet to be completed, OptimumPath
9 reserves the right to allege indirect infringement by Cisco should facts supporting such allegations
10 be discovered.

11 **Patent L.R. 3-1(e)**

12 OptimumPath's disclosures pursuant to Patent L.R. 3-1 (e) are set forth in the chart
13 attached hereto as Exhibit A.

14 **Patent L.R. 3-1(f)**

15 The '281 Patent does not claim priority to an earlier application.

16 **Patent L.R. 3-1(g)**

17 OptimumPath does not assert that any of its own products practice the claimed invention
18 set forth in claims 1 – 6; 9-11; and 13 of the '281 Patent.

19 **Patent L.R. 3-1(h)**

20 At this time OptimumPath does not allege that Cisco willfully infringes the asserted claims
21 of the '281 Patent. However, since discovery has yet to be completed, OptimumPath reserves the
22 right to allege willful infringement by Cisco should facts supporting such allegations be
23 discovered.

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Respectfully submitted,

Date: July 24, 2009

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on Friday, July 24, 2009, the foregoing document(s) was served upon
3 counsel of record named below Via Email and First Class Mail.

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EXHIBIT A

**Cisco Linksys Claim Charts
United States Patent No. 7,035,281**

Claim Language	Cisco Linksys Routers
1. A wireless provisioning device for use in public domain networks wherein the wireless provisioning device is accessible by a user of mobile computing devices, comprising:	Cisco Linksys provides wireless routers, such as the WRT300N, that are used to connect computers to the Internet. On or more mobile computers may access the Internet by connecting to a Cisco Linksys wireless router.
a chassis;	Cisco Linksys wireless routers include a chassis that encloses the router's electronic components.
at least one network card;	Cisco Linksys wireless routers include a network card that provides an interface for network connections. For example, the WRT300N includes a BCM4705 Gigabit Ethernet switch that provides an interface to an Internet connection and four Ethernet ports.
at least one wireless card;	Cisco Linksys wireless routers include a wireless card comprised of baseband and MAC processing functions as well as RF processing. The baseband, MAC and RF processing may be performed on a single chip or may be performed by a chipset. For example, the WRT300N includes a BCM4321 MAC and baseband chip that works in conjunction with a BCM2055 RF chip.
at least one processor;	Cisco Linksys wireless routers include a microprocessor that executes software resident in the router. For example, the WRT300n includes a BCM4705 Intensi-Fi processor.
an operating system, the operating system operably configured in the chassis to control the at least one, network card, the at least one wireless card and the at least one processor, which are operatively coupled with the chassis;	Cisco Linksys wireless routers include an operating system that executes on the microprocessor to control the operation of the router, including the network card and the wireless card. For example, the WRT300N includes a Linux based operating system.
a packet-switched interface capable of receiving a multiplicity of inbound framed packet-data to provide inbound packets and transmitting a multiplicity of outbound framed packet-data comprising outbound packets;	Cisco Linksys wireless routers include a packet-switched interface that receives, processes, and transmits TCP/IP packets.

1 2 3 4 5 6	a channeling controller, coupled to the packet-switched interface that channels the inbound packets based on the inbound address information and constructs the outbound packets and channels the outbound packets with the outbound address information, the channeling controller capable of being effectively connected to at least one network via the operating system; and	Cisco Linksys wireless routers include a microprocessor that executes software resident in the router to route TCP/IP packets between a wireless local area network (LAN) and the Internet. The routers receive inbound packets from the Internet and route/direct them to the proper mobile computer based on its IP address. The routers also receive wireless packets from mobile computers and direct them to other computers on the Internet.
7 8 9	an authenticator in operative communication with the operating system to allow authentication at the wireless provisioning device;	Cisco Linksys wireless routers include a MAC address filter to control access by mobile computers. The routers authenticate a mobile computer by comparing its MAC address with a list of authorized MAC addresses.
10 11	whereby the user of a mobile computing device connects to the wireless provisioning device without having to first access the Internet.	Cisco Linksys wireless routers perform MAC address filtering in the router, such that mobile computers connecting to the router are authenticated prior to accessing the Internet.

13	Claim Language	Cisco Linksys Routers
14 15 16 17 18	2. The wireless provisioning device of claim 1, wherein the channeling controller routes the outbound packets.	Cisco Linksys wireless routers include a microprocessor that executes software resident in the router to route TCP/IP packets between a wireless local area network (LAN) and the Internet. TCP/IP packets are received and processed by the wireless routers and are routed to the appropriate destination.

19	Claim Language	Cisco Linksys Routers
20 21 22	6. The wireless provisioning device of claim 1, wherein the operating system of the wireless provisioning device is an open source UNIX based system.	Several Cisco Linksys wireless routers, such as the WRT300N, include a Linux operating system that executes on the microprocessor.

23	Claim Language	Cisco Linksys Routers
24 25 26 27	9. The wireless provisioning device of claim 1, wherein the network card, the wireless cord, the processor, the operating system, the packet-switched interface, and the channel controller are operatively disposed within the chassis of the wireless provisioning device.	The network card, wireless card, microprocessor and operating system software (which includes the packet switched interface and channeling controller) described above are integrated into the Cisco Linksys wireless routers.

Claim Language	Cisco Linksys Routers
10. The wireless provision device of claim 9, wherein the authenticator is operatively disposed within the chassis of the wireless provisioning device.	The MAC address filter described above is integrated into the Cisco Linksys wireless routers.

Claim Language	Cisco Linksys Routers
11. The wireless provisioning device of claim 1, wherein bandwidth to individual user can be controlled by the wireless provisioning device operating system.	Cisco Linksys wireless routers perform user management in which protocol management is controlled through the use of the wireless provisioning device operating system.

Claim Language	Cisco Linksys Routers
12. The wireless provisioning device of claim 1, wherein the protocol type of an individual user can be controlled by the wireless provisioning device operating system.	Cisco Linksys wireless routers perform user management in which bandwidth management is controlled through the use of the wireless provisioning device operating system.

Claim Language	Cisco Linksys Routers
13. A wireless provisioning device, comprising:	Cisco Linksys provides wireless routers, such as the WRT300N, are used to connect computers to the Internet. On or more mobile computers may access the Internet by connecting to a Cisco Linksys wireless router.
a chassis;	Cisco Linksys wireless routers include a chassis that encloses the router's electronic components.
at least one network card;	Cisco Linksys wireless routers include a network card that provides an interface for network connections. For example, the WRT300N includes a BCM4705 Gigabit Ethernet switch that provides an interface to an Internet connection and four Ethernet ports.
at least one wireless card;	Cisco Linksys wireless routers include a wireless card comprised of baseband and MAC processing functions as well as RF processing. The baseband, MAC and RF processing may be performed on a single chip or may be performed by a chipset. For example, the WRT300N includes a BCM4321 MAC and baseband chip that works in conjunction with a BCM2055 RF

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	chip.
at least one processor;	Cisco Linksys wireless routers include a microprocessor that executes software resident in the router. For example, the WRT300n includes a BCM4705 Intensi-Fi processor.
A LINUX operating system, the operating system operably configured in the chassis to control the at least one network card, the at least one wireless card and the at least one processor;	Cisco Linksys wireless routers include an operating system that executes on the microprocessor to control the operation of the router, including the network card and the wireless card. Several Cisco Linksys wireless routers, such as the WRT300N, include a Linux operating system that executes on the microprocessor.
a packet-switched interface capable of receiving a multiplicity of inbound framed packet-data to provide inbound packets and transmitting a multiplicity of outbound framed packet-data comprising outbound packets;	Cisco Linksys wireless routers include a packet-switched interface that receives, processes, and transmits TCP/IP packets.
a channeling controller, coupled to the packet-switched interface that channels the inbound packets based on the inbound address information and that constructs the outbound packets and channels the outbound packets with the outbound address information, the channeling controller capable of being effectively connected to at least one network via the operating system.	Cisco Linksys wireless routers include a microprocessor that executes software resident in the router to route TCP/IP packets between a wireless local area network (LAN) and the Internet. The routers receive inbound packets from the Internet and route/direct them to the proper mobile computer based on its IP address. The routers also receive wireless packets from mobile computers and direct them to other computers on the Internet.