

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES COURTS
SOUTHERN DISTRICT OF TEXAS
FILED

DEC 30 2004

Michael N. Milby, Clerk of Court

AUTOMATED BUSINESS COMPANIES, §

Plaintiff,

Y.

CITRIX SYSTEMS, INC., individually and §
as successor to Expertcity.com, Inc., and §
CITRIX ONLINE, LLC, individually and §
as successor to Expertcity.com, Inc., §

Defendants.

CIVIL ACTION NO.:

H-04-4843
JURY DEMANDED

**ORIGINAL COMPLAINT FOR WILLFUL INFRINGEMENT
OF UNITED STATES PATENT NO. 6,360,253**

1. PARTIES

1.1. Plaintiff Automated Business Companies (“ABC”) is a Texas corporation with its principal place of business in Spring, Texas.

1.2. Defendant Citrix Systems, Inc. (“CSI”) is a Delaware corporation with its principal place of business in Fort Lauderdale, Florida. CSI is a defendant in its individual capacity and as successor to Expertcity.com, Inc.

1.3. Defendant Citrix Online LLC (“Citrix Online”) is a Delaware corporation, a subsidiary of CSI and has its principal place of business in Santa Barbara, California. Citrix Online is a defendant in its individual capacity and as the operational successor of Expertcity.com, Inc.

1.4. CSI and Citrix Online are collectively referred to as Defendants.

2. JURISDICTION, VENUE AND SERVICE OF PROCESS

2.1. This is an action for patent infringement under Title 35 of the United States Code, in particular 35 U.S.C. § 271 and §§ 281-285. This Court has original and exclusive subject matter jurisdiction of this action under 28 U.S.C. § 1338(a).

2.2. Venue is proper in the Southern District of Texas, Houston Division. 28 U.S.C. §§ 1391(c) and 1400(b).

2.3. The Court has personal jurisdiction over the Defendants because they are doing business in this judicial district, and/or have committed acts in this judicial district, which are the subject of this complaint, as more fully set forth hereinafter.

2.4. Defendants' registered agent for service of process is CT Corporation System, 350 North St. Paul Street, Dallas, Texas 75201. Defendants can be served through CT Corporation System at 350 North St. Paul Street, Dallas, Texas 75201.

3. BACKGROUND OF THIS CONTROVERSY

3.1. On November 18, 1999, Dr. Charles C. Freeny, Jr. filed an application with the United States Patent Office (the "PTO") on his invention for a process which, *inter alia*, enables individuals to remotely control their personal computers through a remote system controller established on the World Wide Web. This patent, United States Patent No. 6,360,253 (the "Freeny Patent"), was duly and legally issued to Dr. Freeny on March 19, 2002. The Freeny Patent is a continuation of application no. 09/014,859, filed with the PTO on January 29, 1998. A true and correct copy of the Freeny Patent is attached as Exhibit A hereto.

3.2. By assignment from Dr. Freeny, ABC is the owner of the Freeny Patent.

3.3. Commencing in February 2001 and continuing through March 5, 2004, Expertcity.com, Inc. ("Expertcity") provided a service which enabled individuals to remotely

control their personal computers. Expertcity marketed this service under the trademark “GoToMyPC.” Expertcity sold and offered for sale this service throughout the United States, including the Southern District of Texas.

3.4. Effective December 18, 2003, Citrix Systems, Inc. (“CSI”), EAC Acquisition Corporation, a Delaware corporation and wholly-owned subsidiary of CSI, Expertcity, Edward G. Sim and Andreas von Blottnitz, entered into an Agreement and Plan of Merger (the “Agreement”).

3.5. Pursuant to the terms of the Agreement, (i) CSI agreed to pay approximately \$225,000,000 for all of the outstanding shares of stock in Expertcity, and (ii) Expertcity was to be merged with EAC Acquisition Corporation with Expertcity being the surviving corporation.

3.6. The merger between Expertcity and EAC Acquisition Corporation closed on or about February 27, 2004.

3.7. On March 5, 2004, Expertcity merged with Citrix Online, a wholly-owned subsidiary of CSI. Following the merger, Citrix Online continued as the surviving corporation.

3.8. Upon information and belief, CSI formed Citrix Online for the purpose of, *inter alia*, offering and selling the GoToMyPC service throughout the United States, including the Southern District of Texas.

3.9. Since March 5, 2004, Citrix Online has offered for sale and sold the “GoToMyPC” service throughout the United States, including the Southern District of Texas.

4. CAUSES OF ACTION

4.1. ABC hereby restates and realleges the allegations set forth in ¶¶ 3.1-3.9, and incorporates them herein by reference.

4.2. Upon information and belief, Defendants are and have been infringing Claim 16 of the Freeny Patent by making, using, selling and/or offering to sell infringing technology. Defendants' infringement includes direct infringement, inducement to infringe, contributory infringement, and/or infringement by equivalents. Defendants have acted with knowledge, bad faith and/or culpable intent when infringing Claim 16 of the Freeny Patent.

4.3. Upon information and belief, Defendants' infringement of the Freeny Patent is and has been willful.

4.4. Plaintiff ABC has suffered damages as a result of Defendants' infringement of the Freeny Patent, and will continue to suffer damages as a result of the continued infringement.

4.5. Defendants' infringement of the Freeny Patent has caused irreparable injury to ABC and will continue to cause irreparable injury to ABC unless enjoined by this Court.

4.6. Defendants' actions make this case exceptional under 35 U.S.C. § 285.

5. RELIEF REQUESTED

5.1. Plaintiff ABC respectfully requests that the Court:

- (a) Award ABC actual damages against Defendants;
- (b) Treble the amount of damages awarded ABC due to the respective willful infringement by Defendants;
- (c) Order that Defendants and their agents, servants, officers, directors, employees, joint venturers, assigns and all other persons acting in concert with it, directly or

indirectly, be permanently enjoined from infringing, inducing others to infringe, or contributing to the infringement of the Freeny Patent.

- (d) Award attorney fees to ABC as against Defendants due to the exceptional nature of this case;
- (e) Award prejudgment and post-judgment interest as allowed by law; and
- (f) Award such other and further relief as the Court deems just.

6. JURY DEMAND

A trial by jury is demanded.

Respectfully submitted,

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Respectfully submitted,

A handwritten signature in cursive script, reading "Lee L. Kaplan" followed by a horizontal line and the initials "JAP".

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US006360253B1

(12) **United States Patent**
Freeny

(10) Patent No.: **US 6,360,253 B1**
(45) Date of Patent: ***Mar. 19, 2002**

(54) **SPLIT PERSONAL COMPUTER SYSTEM**

(75) Inventor: **Charles C. Freeny, Dallas, TX (US)**

(73) Assignee: **Automated Business Companies, Dallas, TX (US)**

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

This patent is subject to a terminal disclaimer.

"IBM Technical Disclosure Bulliten", 700 IBM Technical Disclosure Bulletin; vol. 30, No. 12, May 1988, Armonk, NY USA; pp. 30-33.

* cited by examiner

Primary Examiner—Saleh Najjar

(74) Attorney, Agent, or Firm—Dunlap, Coddling & Rogers, P.C.

(57) **ABSTRACT**

The present invention is a system which allows a personal computer system to be split into a local portion and a remote portion. The local portion of the split personal computer system is located in conjunction with the TV system located at homes or hotels. The remote portion of the split personal computer system is located in a remote location and normally maintained by a network service provider. The local portion includes a television display unit, and a television accessory unit in communication with the television display unit. An input unit is located adjacent the television display unit and is in communication with the television accessory unit to input data signals into the television accessory unit. Finally, communication means are provided for interfacing the television accessory unit of the local portion to the remote portion for permitting data signals received by the television accessory unit from the input unit to be transmittable from the television accessory unit to the remote portion of the split personal computer system. The data signals are processable by the remote portion to generate output signals. The output signals include video signals and are transmittable from the remote portion to the television accessory unit. The television accessory unit receives the output signals and transmits same to the television display unit as television signals. The system operates in such a manner that the user of the split personal computer system would not realize that the computer was split into two physical portions.

(21) Appl. No.: 09/443,125

(22) Filed: Nov. 18, 1999

Related U.S. Application Data

(63) Continuation of application No. 09/014,859, filed on Jan. 29, 1998, now Pat. No. 6,243,743.

(51) Int. Cl.⁷ G06F 15/16

(52) U.S. Cl. 709/217; 709/203

(58) Field of Search 709/203, 217;
348/460, 723, 8, 13; 345/161, 327, 6, 10,
158, 156

(56) **References Cited**

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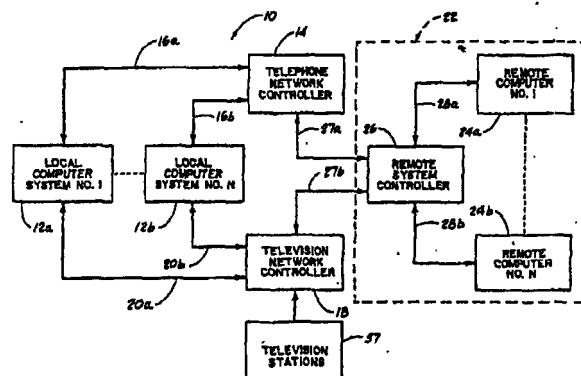
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18 Claims, 4 Drawing Sheets



EXHIBIT

A

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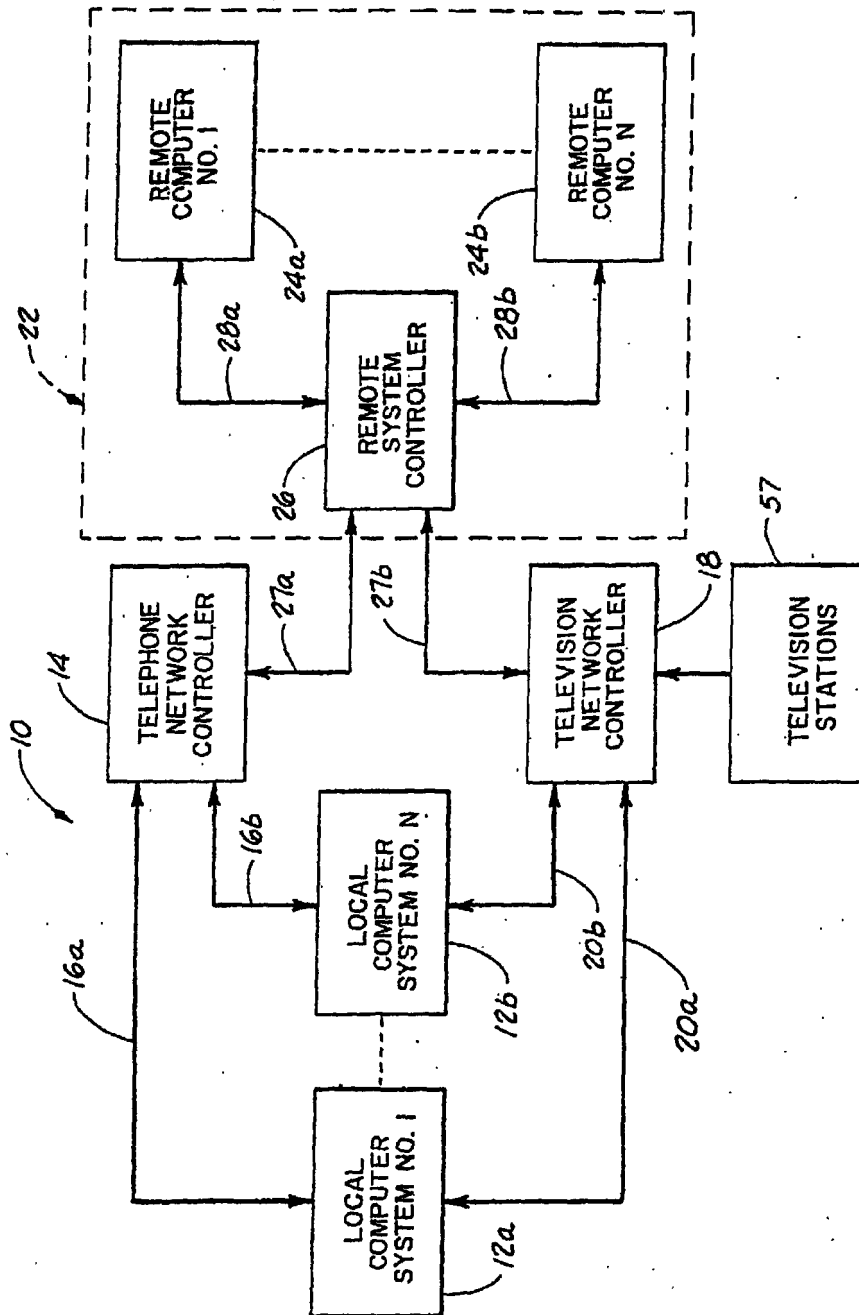


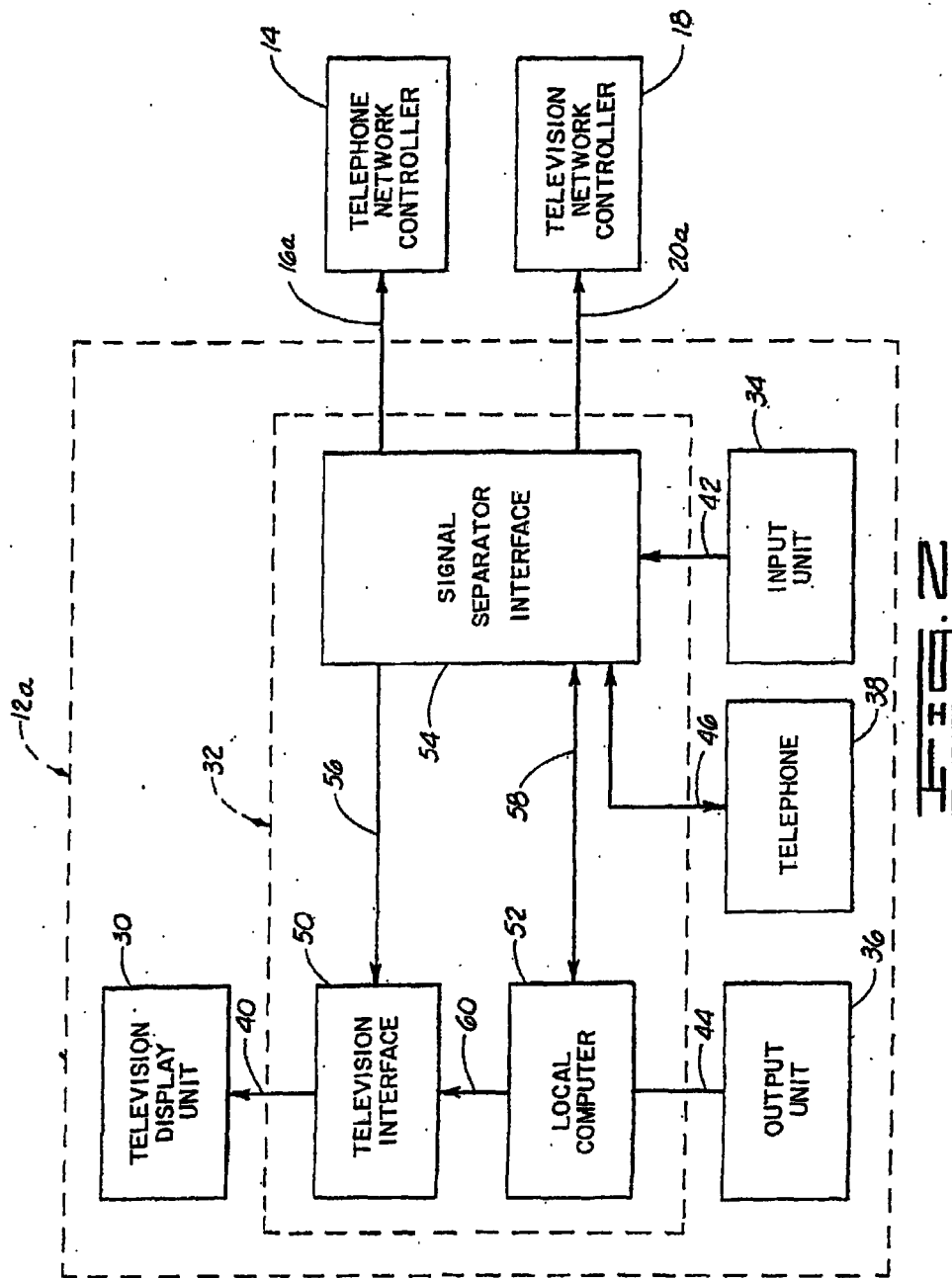
FIG. 1

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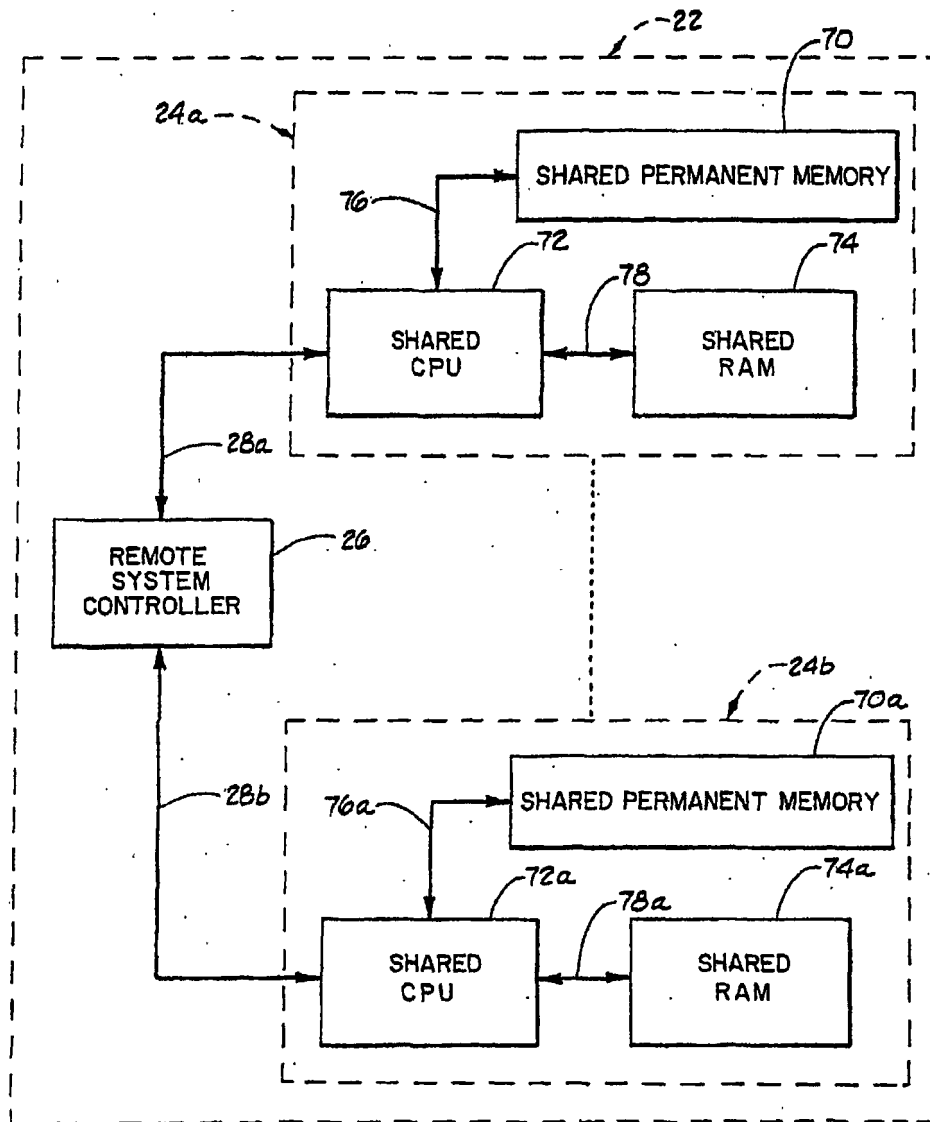


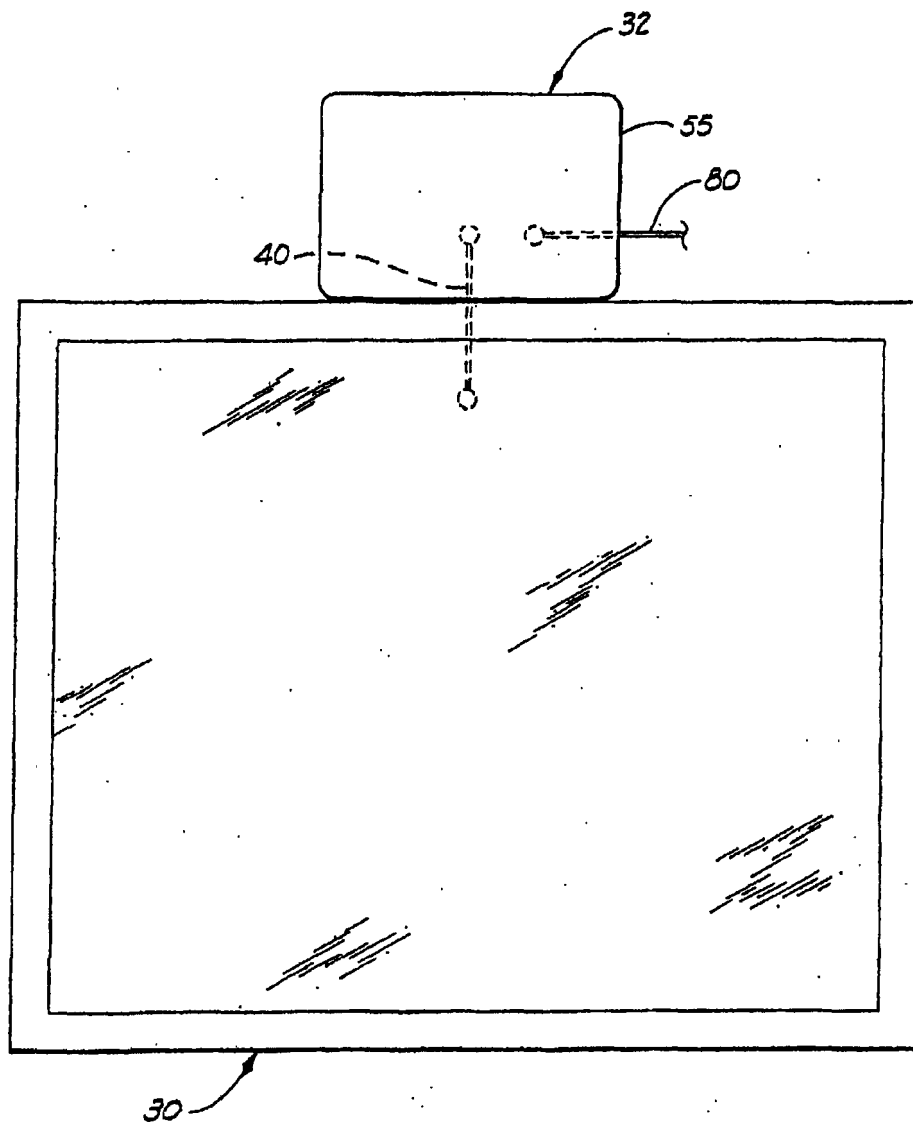
FIG. 3

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SPLIT PERSONAL COMPUTER SYSTEM

CROSS REFERENCE TO RELATED APPLICATIONS

This application is a continuation of U.S. Ser. No. 09/014, 859, entitled SPLIT PERSONAL COMPUTER SYSTEM (now U.S. Pat. No. 6,243,743), filed on Jan. 29, 1998, the entire content of which is hereby expressly incorporated herein by reference.

STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT

Not applicable.

BACKGROUND OF THE INVENTION

Many people currently use several computers in the execution of their job duties. For example, an individual may have one computer located at work, another computer located in an office at home, and yet another computer which is portable to use when the individual is neither at work nor at home. The quickly changing technology in the computer area constantly requires consumers to upgrade their computer systems to meet their demands. This means that the individual must separately upgrade the software and hardware on each of the office computer, the home computer and the portable computer. To upgrade all three computers requires three separate software licenses and hardware items which are costly.

Communications software for personal computers, such as pcAnywhere obtainable from Symantec Corporation are currently available. These communication software packages permit an individual to control a first computer from a second computer over phone lines.

Large communication networks are currently in use for providing cable television and telephone services to remote locations, such as homes, offices and hotel rooms. In addition, another large network known as the "internet" is being used to permit remote computers to communicate with each other. Cable television companies have recently been interfacing the cable television networks to the telephone and internet networks to provide access to all three networks through the cable television connection provided in a large number of homes.

The companies are working to bring simpler and lower cost internet access to hundreds of millions of households by combining low cost cable television desk top controls with the phone system and a keyboard. This combination of elements and new products will allow users to access the internet and perform interactive tasks such as: a) e-mail; b) database searches; and c) interactive games and advertising.

Time share computer systems have been used for many years. With conventional time share systems, individuals could connect to a central computer from a so-called "dumb" terminal and purchase time on a shared computer system. The dumb terminal communicated with the shared computer system via either phone line or hard wire remote terminal lines. The time share systems have largely been replaced by a personal computer, or a local area network (LAN) system which connects a large number of personal computers together so that resources can be shared.

However, these new systems and networks do not address the problems facing computer users which are: 1) fast obsolescence of personal computer models and operating systems; 2) increasing demand for more memory and speed; 3) constant upgrades of software programs; and 4) need for

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computer portability by more and more people. It is to such an improved split personal computer system that the present invention is directed. The system of the present invention can be implemented by utilizing a programming language called JAVA, which was developed by Sun Microsystems, Inc. The JAVA language is ideally suited to allow communication between the Graphical User Interface (GUI) requirements of a local portion of the split personal computer system and the remote portion of the split personal computer system. The remote portion of the split personal computer system can operate C++ language application programs.

SUMMARY OF THE INVENTION

The present invention relates to a split personal computer system including a remote portion and at least one local portion which is disposed remotely from the remote portion. The remote portion of the split personal computer system is adapted to perform the heavy computational and storage portions of the personal computer tasks, and the local portion of the split personal computer system is adapted to solely perform the video and the input/output portions of the personal computer tasks so that an individual manipulating the local portion of the split personal computer system is provided with the illusion of utilizing a complete personal computer system.

The remote portion of the split personal computer system includes at least one remote computer unit.

In one embodiment of the present invention, the local portion of the split personal computer system includes a television display unit, a television accessory unit in communication with the television display unit, and an input unit located in close proximity to the television display unit and in communication with the television accessory unit to input data signals into the television accessory unit. The television display unit selectively displays television signals output by the television accessory unit in a format perceivable by an individual located near the television display unit.

The system is also provided with a communication means for interfacing the television accessory unit of the local portion of the split personal computer system with the remote computer unit of the remote portion of the split personal computer system for permitting data signals received by the television accessory unit from the input unit to be transmittable from the television accessory unit to the remote computer unit. The received data signals are processable by the remote computer unit to generate output signals. The output signals are transmittable from the remote computer unit to the television accessory unit, and then transmittable from the television accessory unit to the television display unit as television signals whereby the input unit is capable of functioning as an input unit for the remote computer unit and the television display unit is capable of functioning as a monitor for the remote computer unit to provide the illusion of a complete computer system from the point of view of the individual located adjacent the television display unit.

One advantage of the present invention is that it permits the individual to operate the remote portion of the split personal computer system, for example, utilizing only the television display unit, the television accessory unit and the input unit. Because television display units are already provided in a large number of locations, such as homes and hotel rooms, the individual need only obtain the television accessory unit and the input unit to remotely operate the remote portion of the split personal computer system.

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In one embodiment of the present invention, the remote portion of the split personal computer system communicates with the television accessory unit of the local portion of the split personal computer system over an internet network. The internet network can be interfaced with a cable television network so that internet access is provided from the cable television connection currently provided in homes, hotels and businesses. The television accessory unit can be included in a cable television interface box interconnecting the television display unit to the cable television connection.

In yet a further embodiment of the present invention, the television accessory unit can be provided in a portable housing. The advantage of the portable housing is that the individual can transport the television accessory unit from one location to another location to remotely operate the remote portion of the split personal computer system with different television display units.

In yet another embodiment of the present invention, the remote computer unit of the remote portion of the split personal computer system can be provided as a plurality of networked computers which are controlled by a remote system controller. In this embodiment, a plurality of local portions of the split personal computer system are contemplated with each of the local portions of the split personal computer system being disposed remotely from the remote portion of the split personal computer system, and remotely from the other local portions of the split personal computer system. For example, each of the local portions of the split personal computer system could be provided in an individual's home or hotel room or any other location commonly including or adapted to receive a television display unit. The remote system controller can be provided with a billing program which counts the number of minutes that respective local portions of the split personal computer system are operating at least one of the networked computers of the remote portion of the split personal computer system. By employing the remote system controller and the billing program, individuals can "rent" computer time from the remote portion of the split personal computer system and obtain the benefits of a centralized management team upgrading the application software and the hardware on the remote portion of the split personal computer system.

Other objects, features and advantages of the present invention are apparent from the following detailed description when read in conjunction with the attached drawings and appended claims.

BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWINGS

FIG. 1 is a schematic, diagrammatic view of a split personal computer system constructed in accordance with the present invention which includes a local portion of the split personal computer system communicating with a remote portion of the split personal computer system.

FIG. 2 is a schematic, diagrammatic view of one preferred embodiment of the local portion of the split personal computer system in which a television display unit is used as a monitor and a television accessory unit is provided to communicate with the remote portion of the split personal computer system and the television display unit.

FIG. 3 is a schematic, diagrammatic view of the remote portion of the split personal computer system.

FIG. 4 is a front elevational view of the television accessory unit disposed on the television display unit.

DETAILED DESCRIPTION OF THE INVENTION

The terms "internet" and/or "communication link", as used herein, refer to any suitable communication link which

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permits electronic communications, such as extra computer communication systems, intra computer communication systems, internal buses, local area networks, wide area networks, point to point shared and dedicated communications, infra red links, microwave links, telephone links, cable TV links, satellite links, radio links, fiber optic links, cable links and/or any other suitable communication system. It should be understood that each of the communication links are shown and described separately herein for the sole purpose of clearly illustrating the information being communicated between the various components. The communication links may not be separate communication links but may be a single physical communication link.

Referring now to the drawings and more particularly to FIG. 1, shown therein and designated by the general reference numeral 10 is one embodiment of a split personal computer system constructed in accordance with the present invention. The split personal computer system 10 includes a plurality of local portions 12 disposed remotely with respect to each other. Only two local portions 12 of the split personal computer system 10 are shown and designated by the general reference numerals 12a and 12b in FIG. 1 for purposes of clarity. The local portions 12a and 12b of the split personal computer system 10 can be located in homes, hotel rooms, or any other suitable location and can be adapted to solely perform the video and the input/output portions of the personal computer tasks so that an individual manipulating one of the local portions 12 of the split personal computer system 10 is provided with the illusion of utilizing a complete personal computer system.

The local portions 12a and 12b of the split personal computer system 10 communicate with a telephone network controller 14 via respective communication links 16a and 16b, and a television network controller 18 via respective communication links 20a and 20b. The telephone network controller 14 can be any type of bidirectional communication system, such as a direct phone line using a 1-800 line or the internet. The television network controller 18 can be any type of high-bandwidth communication system which permits at least unidirectional communications and possibly bi-directional communications. For example, the telephone network controller 14 and the television network controller 18 can be switches owned by the telephone and cable television companies, respectively, located in the same or different regions as the local portions 12a and 12b of the split personal computer system 10.

The split personal computer system 10 also includes at least one remote portion 22 disposed remotely with respect to the local portions 12a and 12b of the split personal computer system 10. In essence, the remote portion 22 of the split personal computer system 10 is adapted to perform the heavy computational and storage functions of the personal computer tasks of the split personal computer system 10. The remote portion 22 of the split personal computer system 10 is provided with a plurality of remote computer units 24 networked and controlled by a remote system controller 26. Only two of the remote computer units are shown in FIG. 1 and designated by the reference numerals 24a and 24b for purposes of clarity. The remote computer units 24a and 24b can be any suitable computers which are capable of communicating with another computer located remotely with respect to such remote computer units 24a and 24b. The remote computer units 24 can be located at an individual's office, home, or any other suitable location. Application programs are typically stored on the remote computer units 24 and the data associated with previous usage by the individual are stored on the remote computer units 24 so that

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such application programs and data are accessible by the local portion 12a and 12b of the split personal computer system 10, as will be discussed below.

The remote system controller 26 communicates with the telephone network controller 14 and the television network controller 18 via respective communication links 27a and 27b and also communicates with the remote computer units 24a and 24b via respective communication links 28a and 28b. The remote system controller 26 can be any type of computer or controller which is capable of receiving signals transmitted from at least one local portion 12 of the split personal computer system 10 and supplying such signals to at least one of the remote computer units 24 to permit bi-directional communication therebetween.

For example, the remote system controller 26 can be a network control computer which stores a list of access codes for individuals authorized to use the remote computer units 24. The remote system controller 26 can also include a billing program which counts the time periods in which an individual utilizes at least one of the remote computer units 24 so that either session billings (in the case of hotel rooms billings, for example) or monthly billings could be made. The time periods can be measured in seconds, minutes or any other suitable unit of time.

The local portions 12a and 12b of the split personal computer system 10 are substantially identical in construction and function. Thus, only the local portion 12a of the split personal computer system 10 will be described herein in detail for purposes of clarity.

As shown in FIG. 2, the local portion 12a of the split personal computer system 10 is provided with a television display unit 30, a television accessory unit 32 (shown in dashed lines), an input unit 34, an output unit 36 and a telephone 38.

The television display unit 30 can be any suitable television set or other display device, such as a computer monitor which is capable of receiving television or other video signals from the television accessory unit 32 via a communication link 40 and outputting signals in a format perceivable by an individual located adjacent the television set. The term "television signals" as used herein can mean signals adapted to be displayed by a television set, or any other type of suitable video and/or audio signals.

The input unit 34 can be a mouse, a keyboard, a scanner, a video wand, a remote control or any other suitable input unit. The input unit 34 is located adjacent the television display unit 30 and in communication with the television accessory unit 32 via a communication link 42 to input data signals into the television accessory unit 32.

The output unit 36 receives data signals from the television accessory unit 32 via a communication link 44 to provide an output signal in hardcopy or other tangible or intangible formats. The output unit 36 can be any type of output unit capable of receiving signals from the television accessory unit 32, such as a printer, a plotter, a local hard drive or a floppy disk.

The telephone 38 bidirectionally communicates with the television accessory unit 32 via a communication link 46. The telephone 38 can be any type of telephone or other suitable bidirectional communication system.

The television accessory unit 32 includes a television interface 50, a local computer 52 and a signal separator interface 54. Each of the television interface 50, local computer 52 and signal separator interface 54 can be located within a single portable housing 55 (FIG. 4) which is adapted to be disposed adjacent the television display unit

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30, or can be provided as components included in the television display unit 30. The advantage of the portable housing 55 is that the individual can transport the television accessory unit 32 from one location to another location to remotely operate the remote portion 22 of the split personal computer system 10 with different television display units 30.

The local computer 52 can be any type of suitable computer and desirably includes temporary and permanent storage devices, and an operating system loaded thereon. The operating system can include the display and input/output portions of Windows 95, Windows 3.1, Macintosh, OS/2, NT95 or any other suitable operating system.

The signal separator interface 54 communicates with the telephone network controller 14 and the television network controller 18 via the communication links 16a and 20a. The signal separator interface 54 serves to route signals received thereby to the proper entity to process such signals. For example, two types of television signals can be received from the television network controller 18: those originally transmitted by the remote portion 22 of the split personal computer system 10 and those originally transmitted by a television station block 57 (FIG. 1). The signals originally transmitted by the remote portion 22 of the split personal computer system 10 are forwarded by the signal separator interface 54 to the local computer 52, and the signals originally transmitted by the television station block 57 are forwarded by the signal separator interface 54 to the television interface 50. The television station block 57 can be any television station which transmits audio and/or video signals which can be displayed or otherwise output by the television display unit 30. A header or other identifier can be included in the signals originally transmitted by the remote portion 22 of the split personal computer system 10 so that the signal separator interface 54 can distinguish between the signals originating from the remote portion 22 of the split personal computer system 10 and the television station block 57.

In addition, at least two types of signals can be received by the signal separator interface 54 from the telephone network controller 14: those originating from the remote portion 22 of the split personal computer system 10 and those not originating from the remote portion 22 of the split personal computer system 10. Those signals received by the signal separator interface 54 from the communication link 16a which are originated from the remote portion 22 of the split personal computer system 10 are transmitted to the local computer 52, and those signals which do not originate from the remote portion 22 of the split personal computer system 10 are transmitted to the telephone 38 via the communication link 46, for a purpose to be described hereinafter. A header or other identifier can be included in the signals originally transmitted by the remote portion 22 of the split personal computer system 10 so that the signal separator interface can distinguish between the signals originating from the remote portion 22 of the split personal computer system 10 and those not originating from the remote portion 22 of the split personal computer system 10.

The input unit 34 provides signals to the signal separator interface 54 over the communication link 42. Included in the signals provided to the signal separator interface 54, are three different categories of signals. The input unit 34 may include a header or other identifier in the signals it provides to the signal separator interface 54 so that the signal separator interface 54 can distinguish between the three different categories of signals.

The first category of signals are those which control the television display unit 30. Upon receipt of a signal in the first

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category, the signal separator interface 44 forwards such signals to the television interface 50 via a communication link 56. The television interface 50 then forwards such first category signals to the television display unit 30 so that the television display unit 30 will receive such first category signals and respond accordingly. First category signals include those signals which change the channel or volume of the television display unit 30, for example. Before the television accessory unit 32 can be utilized to access the remote portion 22 of the split personal computer system 10, an individual located adjacent the television display unit 20 operates the input unit 34 to tune the television display unit 20 to a suitable channel to receive television signals from the television accessory unit 32 via a communication link 40 so that the television display unit 30 selectively displays television signals output by the television accessory unit 32 in a format perceivable by at least one individual located adjacent the television display unit 30.

The second category of signals transmitted from the input unit 34 to the signal separator interface 54 are those signals intended to control or operate the local computer 52. Upon receipt of a second category signal, the signal separator interface 54 outputs such second category signal to the local computer 52 via a communication link 58. The second category signals can be the normal computer control signals plus a special remote logon command that can either be a set of keyboard strokes or a special function key provided on the input unit 34 for this purpose. Upon receipt of the remote logon command, the operating system software of the local computer 52 outputs signals to the television interface 50 which formats such signals as television signals. The television interface 50 then transmits the television signals to the television display unit 30 to cause the screen (or at least some portion thereof) of the television display unit 30 to appear as a normal personal computer screen selected by the individual (e.g. Windows 95, Windows 3.1, Macintosh, OS/2, NT95 or any other common PC screen used by the individual).

In addition, the receipt of the remote logon command causes the operating system software of the local computer 52 to output the remote logon command to the telephone network controller 14 via the communication links 58 and 16a. The telephone network controller 14 transmits the remote logon command to the remote system controller 26 via the communication link 27a. The remote system controller 26 receives the remote logon command, and in response thereto, the remote system controller 26 checks the remote logon command for validity and allows connection to at least one of the remote computer units 24 if the remote logon command is valid and prohibits connection of the remote portion 22 to the local portion 12 of the split personal computer system 10 if the particular remote logon command is not valid. The validity of the remote logon command can be determined in a manner recited in U.S. Pat. No. 4,528, 643, issued to Charles C. Freeny on Jul. 9, 1985, which disclosure is hereby incorporated herein by reference.

Once the local portion 12 of the split personal computer system 10 and the remote portion 22 of the split personal computer system 10 are connected to permit communication therebetween, the remote portion 22 of the split personal computer system 10 provides video signals to the local portion 12 of the split personal computer system 10 via the sequential communication links 27b and 20a, and data signals to the local portion 12 of the split personal computer system 10 via the sequential communication links 27a and 16a. The video and data signals transmitted from the remote portion 22 of the split personal computer system 10 are

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received by the signal separator interface 54 and then forwarded to the local computer 52 via the communication link 58. The local computer 52 receives the video and data signals, and then the operating system of the local computer 52 transmits the video and data signals to the television interface 50 via a communication link 60. The television interface 50 then formats the video and data signals into audio television signals, video television signals or audio and video television signals. The television signals are then transmitted to the television display unit 30 so that the television signals are perceivable by the individual located adjacent the television display unit 30.

The third category of signals provided from the input unit 34 to the signal separator interface 54 can be those associated with mouse signals (point and click signals) or keyboard typing signals or any other suitable data input signals. The third category of signals are transmitted from the signal separator interface, 54 to at least one of the remote computer units 24 via the sequential communication links 16a, 27a and 28a. The remote computer unit 24a receives such transmitted signals and processes same with at least one of the application computer programs to generate output signals including video and data signals. The video signals are transmitted from the remote computer unit 24a to the signal separator interface 54 of the television accessory unit 32 via the sequential communication links 28a, 27b and 20a. The data signals are transmitted from the remote computer unit 24a to the signal separator interface 54 of the television accessory unit 32 via the sequential communication links 28a, 27a and 16a.

The signal separator interface 54 receives the video and data signals and in response thereto, the signal separator interface 54 transmits such video and data signals to the local computer 52 via the communication link 58. The local computer 52 receives the video and data signals and transmits at least some of such video and data signals to the television display unit 30 via the television interface 50 to update the screen. Some of the data signals received by the local computer 52 can be directed to the output unit 36 to provide tangible and/or intangible output of the data signals.

The above stated process is then repeated a plurality of times so that the local and remote portions 12 and 22 of the split personal computer system 10 cooperate to provide the illusion of a single complete personal computer system to the individual located at the local portion 12 of the split personal computer system 10. That is, the remote portion 22 of the split personal computer system 10 provides the individual utilizing the local portion 12 of the split personal computer system 10 with access to the application software packages stored on the remote portion 22 of the split personal computer system 10, and data stored on the remote portion 22 of the split personal computer system 10 on behalf of the individual in conjunction with previous usage. The local portion 12 of the split personal computer system 10 provides the individual with visual feedback via the television display unit 30, and input and output capabilities via the input unit 34 and the output unit 36.

Shown in FIG. 3 is a schematic diagram of the remote portion 22 of the split personal computer system 10. The remote computer units 24 are substantially identical in construction and function. Thus, only the remote computer unit 24a will be described herein for purposes of clarity. However, like components on the remote computer units 24a and 24b will be designated with the same numeral, but different alphabetic suffixes "a" and "b", respectively.

The remote computer unit 24a is provided with a permanent memory 70a, a central processing unit 72a and a

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random access memory (RAM) 74a. The central processing unit 72a can communicate with the permanent memory 70a and the random access memory 74a via communication links 76a and 78a in a manner well known in the art. The remote computer units 24 can be provided with operating system software stored either on the permanent memory 70 or the random access memory 74 to permit more than one individual to simultaneously utilize or share each of the permanent memory 70, central processing unit 72, and/or random access memory 74 on the remote computer units 24 to conserve resources. The remote computer units 24 can be loaded with any or all of the application software currently available, such as WordPerfect®, Lotus 1,2,3®, Excel®, MS Word® and Access® brand software, for example.

Although more than one local portion 12 of the split personal computer system 10 can communicate with the remote portion 22 of the split personal computer system 10 simultaneously, the probability that all of the local portions 12 of the split personal computer system 10 will utilize the remote portion 22 of the split personal computer system 10 simultaneously is slim. To further conserve resources, the remote portion 22 of the split personal computer system 10 desirably has less remote computer units 24 than the number of local portions 12 of the split personal computer system 10 which have access thereto.

In one embodiment, a method for utilizing the split personal computer system 10 includes the step of inputting respective data signals into at least two of the television accessory units 32 of the local portions 12 of the split personal computer system 10. The television accessory units 32, then output the respective data signals to the remote portion 22 of the split personal computer system 10 via respective communication links 16a and 16b, the telephone network controller 14 and the communication link 27a. The remote portion 22 of the split personal computer system 10 receives the respective data signals. The respective data signals are then forwarded to at least one of the remote computer units 24 which then processes the respective data signals with at least one application program to generate output signals.

The output signals are then output by the remote portion 22 of the split personal computer system 10 to the television accessory units 32 via the communication link 27b, the television network controller 18, and the communication links 20a and 20b such that output signals are received by the television accessory unit 32 which correspond to the data signals input to that respective television accessory unit 32. Each television accessory unit 32 outputs the respective output signals received from the remote portion 22 of the split personal computer system 10 to the television display unit 30 as television signals. And, each television display unit 30 receives the television signals output by the respective television accessory units 32 and then outputs the television signals in a format perceivable by at least one individual located near the television display unit 30.

Although only one cycle of the method is described herein, it should be understood that such method can be repeated any number of times so that respective individuals are simultaneously provided with the illusion of operating a complete personal computer system.

Shown in FIG. 4 is the television accessory unit 32 disposed on top of the television display unit 30. As shown, the television accessory unit 32 having the portable housing 55 can be in the form of a cable television interface box interconnecting the television display unit 30 to a cable television connection 80. The cable television connection 80

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is desirably interfaced with both the telephone network controller 14 and the television network controller 18 so that telephone, internet and television access, for example, is provided from the cable television connection 80 currently provided in suitable locations such as homes, hotels and businesses.

Although the present invention has been shown and described herein as operating with the television display unit 30, it should be understood that the present invention should not be limited to including, the television display unit 30. For example, a monitor or other type of output unit can be utilized in place of the television display unit 30.

Changes may be made in the construction and the operation of the various components, elements and assemblies described herein and changes may be made in the steps or the sequence of steps of the methods described herein without departing from the spirit and scope of the invention as defined in the following claims.

What is claimed is:

1. A split personal computer system for selectively processing video portions, input/output portions, computational portions and storage portions of personal computer tasks, comprising:

a remote portion adapted to selectively perform the computational portions and the storage portions of the personal computer tasks;

a local portion remotely located with respect to the remote portion and adapted to selectively perform the video portions and the input/output portions of the personal computer tasks, the local portion comprising:

a display unit located remotely from the remote portion of the split personal computer system;

an accessory unit in communication with the display unit, the accessory unit outputting video signals to the display unit so as to perform video and output portions of the personal computer tasks;

an output unit receiving data signals from the accessory unit to provide an output signal;

an input unit in communication with the accessory unit to input data signals into the accessory unit for performing input portions of the personal computer tasks;

communication means for interfacing the accessory unit with the remote portion of the split personal computer system for permitting data signals received by the accessory unit from the input unit to be transmittable from the accessory unit to the remote portion of the split personal computer system, the data signals being processable by the remote portion of the split personal computer system to generate output signals, the output signals including video signals and being transmittable from the remote portion of the split personal computer system to the accessory unit, and transmittable from the accessory unit to the display unit.

2. A system as defined in claim 1, wherein the accessory unit of the local portion of the split personal computer system is disposed in a portable housing.

3. A system as defined in claim 1, wherein the accessory unit of the local portion of the split personal computer system comprises:

a local computer;

an interface in communication with the local computer; and

a signal separator interface means in communication with the local computer and the interface for receiving at least two types of signals and for selectively transmit-

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ting the signals to one of the local computer and the interface based on an identifier included in the signals.

4. A system as defined in claim 1 wherein the communication means includes:

a first communication link means for transmitting data in between the accessory unit and the remote portion of the split personal computer system; and

a second communication link means for selectively transmitting video signals from the remote portion of the split personal computer system to the accessory unit.

5. A system as defined in claim 4, wherein the first communication link means are telephone communication links, and the second communication link means are television communication links.

6. A system as defined in claim 1, wherein the accessory unit of the local portion of the split personal computer system is included in a cable television interface box which is selectively connectable to a cable television connection.

7. A split personal computer system for selectively executing personal computer tasks, comprising:

a remote portion of the split personal computer system adapted to selectively perform the computational and storage portions of the personal computer tasks;

a plurality of local portions disposed remotely from the remote portion of the split personal computer system, each local portion of the split personal computer system being adapted to solely perform the video and input/output portions of the personal computer tasks and including:

a television display unit;

a television accessory unit in communication with the television display unit, the television accessory unit outputting video signals to the television display unit so as to perform video and output portions of the personal computer tasks;

an output unit receiving data signals from the television accessory unit to provide an output signal;

an input unit in communication with the accessory unit to input data signals into the accessory unit for performing input portions of the personal computer tasks;

communication means for interfacing the television accessory unit of each of the local portions of the split personal computer system with the remote portion of the split personal computer system for permitting data signals received by the television accessory units from the respective input units to be transmittable from the television accessory units to the remote portion of the split personal computer system, the data signals being processable by the remote portion of the split personal computer system to generate output signals, the output signals including video signals and being transmittable from the remote portion of the split personal computer system to respective television accessory units, and transmittable from the television accessory units to respective display units as television signals.

8. A system as defined in claim 7, wherein at least one television accessory unit of the local portions of the split personal computer system is disposed in a portable housing.

9. A system as defined in claim 7, wherein the television accessory units of the local portion of the split personal computer system comprise:

a local computer;

a television interface in communication with the local computer; and

a signal separator interface means in communication with the local computer and the television interface for

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receiving at least two types of television signals and for selectively transmitting the television signals to one of the local computer and the television interface based on an identifier included in the television signals.

10. A system as defined in claim 7 wherein the communication means includes:

a first communication link means for transmitting data in between the television accessory units and the remote portion of the split personal computer system; and

a second communication link means for selectively transmitting video signals from the remote portion of the split personal computer system to the television accessory units.

11. A system as defined in claim 10, wherein the first communication link means are telephone communication links, and the second communication link means are television communication links.

12. A system as defined in claim 7, wherein the television accessory units of the local portion of the split personal computer system are cable television interface boxes which are selectively connectable to respective cable television connections.

13. A system as defined in claim 7, wherein the remote portion of the split personal computer system includes:

a plurality of remote computer units; and

a remote system controller means for networking and controlling the remote computer units, the remote system controller means including means for receiving a remote logon command from the television accessory unit and for checking the validity of the remote logon command, the remote system controller means allowing connection to at least one of the remote computer units if the remote logon command is valid and prohibiting connection if the particular remote logon command is not valid.

14. A system as defined in claim 13, wherein the remote system controller is programmed with a billing program which counts the time periods in which the television accessory units are connected to respective remote computer units.

15. A split personal computer system for selectively processing video portions, input/output portions, computational portions and storage portions of personal computer tasks, comprising:

a remote portion comprising:

a remote system controller established on the World Wide Web;

a plurality of remote computer units selectively performing the computational portions and the storage portions of the personal computer tasks, each of the remote computer units being associated with a unique individual and having application programs and data associated with previous usage by the individual stored thereon;

a plurality of local portions located remotely from the remote computer units and adapted to selectively perform the video portions and the input/output portions of the personal computer tasks, each of the local portions being associated with an individual such that each individual is associated with one of the local portions and one of the remote computer units, each of the local portions comprising:

a television display unit adapted to receive television signals and output the television signals in a format perceivable by at least one individual located near the television display unit;

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a television accessory unit in communication with the television display unit, the television accessory unit outputting television signals to the television display unit so as to perform video and output portions of the personal computer tasks;

an input unit in communication with the accessory unit to input data signals into the accessory unit for performing input portions of the personal computer tasks; and

wherein the remote system controller communicates with the local portions via the Internet, and interfaces each individual's local portion with the individual's remote computer unit of the split personal computer system for permitting data signals received by each individual's local portion to be transmittable from each individual's local portion to the individual's remote computer unit of the split personal computer system, the data signals being processable by the individual's remote computer unit of the split personal computer system to generate output signals, the output signals including video signals and being transmittable from the individual's remote computer unit of the split personal computer system to the individual's local portion.

16. A remote portion of a split personal computer system for selectively processing video portions, input/output portions, computational portions and storage portions of personal computer tasks wherein the split personal computer has a plurality of remote computer units selectively performing the computational portions and the storage portions of the personal computer tasks, each of the remote computer units being associated with a unique individual and having application programs and data associated with previous usage by the individual stored thereon, and a plurality of local portions located remotely from the remote computer units and adapted to selectively perform the video portions and the input/output portions of the personal computer tasks, each of the local portions being associated with an individual such that each individual is associated with one of the local portions and one of the remote computer units, the remote portion comprising:

a remote system controller established on the World Wide Web and communicating with the local portions via the Internet, and interfacing each individual's local portion with the individual's remote computer unit of the split personal computer system for permitting data signals received by each individual's local portion to be transmittable from each individual's local portion to the individual's remote computer unit of the split personal computer system, the data signals being processable by the individual's remote portion of the split personal computer system to generate output signals, the output signals including video signals and being transmittable from the individual's remote computer unit of the split personal computer system to the individual's local portion.

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17. A split personal computer system for selectively processing video portions, input/output portions, computational portions and storage portions of personal computer tasks, comprising:

a remote portion adapted to selectively perform the computational portions and the storage portions of the personal computer tasks, the remote portion comprising;

a plurality of remote computer units; and

a remote system controller means for networking and controlling the remote computer units, the remote system controller means including means for receiving a remote logon command from the accessory unit and for checking the validity of the remote logon command, the remote system controller means allowing connection to at least one of the remote computer units if the remote logon command is valid and prohibiting connection if the particular remote logon command is not valid;

a local portion remotely located with respect to the remote portion and adapted to selectively perform the video portions and the input/output portions of the personal computer tasks, the local portion comprising:

a display unit located remotely from the remote portion of the split personal computer system;

an accessory unit in communication with the display unit, the accessory unit outputting video signals to the display unit so as to perform video and output portions of the personal computer tasks;

an input unit in communication with the accessory unit to input data signals into the accessory unit for performing input portions of the personal computer tasks;

communication means for interfacing the accessory unit with the remote portion of the split personal computer system for permitting data signals received by the accessory unit from the input unit to be transmittable from the accessory unit to the remote portion of the split personal computer system, the data signals being processable by the remote portion of the split personal computer system to generate output signals, the output signals including video signals and being transmittable from the remote portion of the split personal computer system to the accessory unit, and transmittable from the accessory unit to the display unit.

18. A system as defined in claim 17, wherein the remote system controller is programmed with a billing program which counts the time periods in which the accessory unit is connected to at least one of the remote computer units.

* * * * *

CIVIL COVER SHEET

The 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, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Automated Business Companies

DEFENDANTS

Citrix Systems, Inc., individually and as successor to Expertcity com, Inc., and Citrix Online, LLC, individually and as successor to Expertcity.com, Inc.

(b) County of Residence of First Listed Plaintiff Harris
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Harris
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
PROPERTY INVOLVED

(c) Attorney's (Firm Name, Address, and Telephone Number)

Lee L. Kaplan
Jeffrey A. Potts
Smyser Kaplan & Veselka, L.L.P.
700 Louisiana, Suite 2300
Houston, Texas 77002 (713) 221-2300

UNITED STATES COURT OF
SOUTHERN DISTRICT OF TEXAS
FILED
DEC 30 2004
H-04-4843

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☐ 1 DEF Incorporated or Principal Place of Business In This State ☐ 4 ☐ 4 DEF
- Citizen of Another State ☐ 2 ☐ 2 DEF Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5 DEF
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 DEF Foreign Nation ☐ 6 ☐ 6 DEF

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<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 <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (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	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal 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	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 PERSONAL PROPERTY <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 type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <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	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<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"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <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 Information Act <input type="checkbox"/> 900 Appeal of Fee Determination <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <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	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <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	SOCIAL SECURITY <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)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause)

(Do not cite jurisdictional statutes unless diversity)

35 U.S.C. § 270 and §§ 281-285 This is an action for patent infringement under Title 35 of the United States Code

COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** ☐ CHECK YES only if demanded in complaint. **JURY DEMAND:** ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions).

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

12-30-04
FOR OFFICE USE ONLY

Lee L. Kaplan et al

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG JUDGE _____

JS 44 Reverse (Rev. 12/96)

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44**Authority For Civil Cover Sheet**

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b.) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States, are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a) Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause.

VII. Requested in Complaint Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS-44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature Date and sign the civil cover sheet.