

EXHIBIT 37



TAGS: apple / microsoft / patents

Microsoft and Apple group use ancient Nortel patents to sue Time Warner Cable, Cisco

by Jeff John Roberts

DEC. 13, 2013 - 9:20 AM PST

SUMMARY: *Google rivals formed a group called Rockstar in 2011 to buy old patents from bankrupt Nortel. The group started by suing Android phone makers, but it now looks like it plans to sue everyone else too.*



Where do tech companies go when they die? In the case of Nortel, the late Canadian telco has found an afterlife as part of a patent trolling operation that struck Android [<http://gigaom.com/2013/11/01/android-under-attack-rivals-unleash-nuclear-patent-hell-against-samsung-google/>] phone makers in October, and is now targeting network and cable operators in lawsuits this week in Texas and Delaware.

Nortel's second act as the walking dead is taking place thanks to "Rockstar Consortium," a group formed by Microsoft, Apple and other Google rivals, which bought bankrupt Nortel's patent portfolio in 2011 for \$4.5 billion [<http://paidcontent.org/2011/07/11/419-nortels-4-5-billion-patent-sale-approved-as-u-s-regulators->

[mull-option/](#).

“Nortel was the source of many of the most important innovations in history in the field of telecommunications and networking,” says a new Rockstar lawsuit (embedded below) that accuses Time Warner Cable of violating six patents, including US Patent 6128649 [<http://www.google.com/patents/US6128649>], which was issued in the year 2000 and describes a method to show multiple screens in a video conference.

The complaint doesn’t say how exactly Time Warner Cable is infringing the old Nortel patents, but only notes that “TWC operates, sells and offers to sell video, high- speed data and voice services over its broadband cable systems throughout the United States.” Rockstar, which is suing through a subsidiary called Constellation, also complains that the cable company walked away from its licensing demands in 2012.

And in a second lawsuit, filed in Delaware, Rockstar — using the corporate name “Bockstar” — makes a series of broad-based allegations against Cisco that claim the company is violating six other old Nortel patents, including this one [<https://www.google.com/patents/US5732080?dq=5732080&hl=en&sa=X&ei=cjSrUvSyNouusASqslDgCg&ved=0CDcQ6AEwAA>] from 1998, related to routers and switches.

All of this is will do nothing to help innovation, though it certainly will lead to higher cable bills as Time Warner will have to spend millions on lawyers to fight the suit or else pay expensive license fees for old patents from a dead company; either way, the costs will be passed on to customers.

As Joe Mullin of Ars Technica noted [<http://arstechnica.com/tech-policy/2013/10/patent-war-goes-nuclear-microsoft-apple-owned-rockstar-sues-google/>] when Rockstar sued the phone companies, “it’s patent trolling gone corporate.” And there’s no indication of where this will stop. Apple and Microsoft are sitting on thousands of patents that date from an era when the Patent Office would grant a patent on nearly anything (including one for a little boy’s method of swinging on a swing [<http://www.google.com/patents/US6368227>]), and it looks like they’re going to use them to sue every industry they can think of.

While Congress is taking aim at patent trolling with a proposed law called the Innovation Act [<http://gigaom.com/2013/12/05/house-passes-innovation-act-325-91-a-small-solution-to-a-big-patent-problem/>], Microsoft has already succeeded in stripping out [<http://gigaom.com/2013/11/22/old-tech-giants-crush-fix-for-software-patent-but-reformers-can-still-win/>] a part of the law that would have made it easier to challenge bad patents. This means the best hope for a return to patent sanity may lie with the Supreme Court, which last week agreed to consider [<http://gigaom.com/2013/12/06/supreme-court-to-review-patents-on-software/>] what type of software patents should be granted in the first place.

Meanwhile, in Canada, Nortel's hometown has been transformed from a one-time innovation hotbed into a tech necropolis where, as the CBC reported [<http://www.cbc.ca/news/canada/ottawa/ottawa-home-to-robust-controversial-patent-licensing-industry-1.2440034>], once-proud engineers are paid to pick apart other people's inventions in search of new patent violations that they can pass on their American masters.

Rockstar v TWC [<http://www.scribd.com/doc/191330882/Rockstar-v-TWC>]

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Guest

Friday, December 13 2013

Why do you assume that money is the only goal in suing Time Warner? Maybe Apple and Microsoft want to open the cable company up to services that both Apple and Microsoft would like to provide and that Time Warner want to keep locked down. Remember paying for “ringtones”? the cell companies only broke down after Apple pressured them, this could be similar. Maybe Apple TV and Xbox will gain access to replace awful cable boxes.

Name

Friday, December 13 2013

As with the beastie boys brouhaha, the life of electronics/ software patents is way too long. 5 maybe 10 years tops then it's open source.

Drugs get 20 years because the approval process takes a while.

There's no reason a patent should extend beyond the industry standard product lifetime of a last time buy.

Nico

Friday, December 13 2013

So Microsoft and Apple has successfully changed their business model into patent trolling, I suppose that is one way of staying into business.

The courts should calculate the value of the patents though. Since it was not valuable or strong enough to keep Nortell into business, the value of those patents are actually zero. And that is what other companies should pay to use those patents, zero. That would send out the strongest message yet to patent trolls.

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