

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GENBAND US LLC,

Plaintiff,

v.

METASWITCH NETWORKS LTD AND
METASWITCH NETWORKS CORP.;

Defendants.

Civil Action No. 2:14-cv-33

JURY TRIAL DEMANDED

**DEFENDANTS METASWITCH NETWORKS LTD AND METASWITCH NETWORKS
CORP.'S NOTICE OF SUBPOENA AND SUBPOENA *DUCES TECUM* TO THE
INTERNET ENGINEERING TASK FORCE (IETF)**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Rule 45 of the Federal Rules of Civil Procedure, Defendants Metaswitch Networks Ltd and Metaswitch Networks Corp. (collectively, "Metaswitch"), by and through their attorneys, hereby request documents from non-party The Internet Engineering Task Force ("IETF") c/o The Internet Society, 1775 Wiehle Ave, Suite 201, Reston, VA 20190 pursuant to the attached Subpoena.

A true and correct copy of the Subpoena is attached hereto.

Dated: March 10, 2015

Respectfully submitted,

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By: /s/ Brian Mack

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*Attorneys for Defendants
Metaswitch Networks Ltd and
Metaswitch Networks Corp.*

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via electronic mail on this the 10th day of March, 2015.

/s/ Felicity Grisham

Felicity Grisham

UNITED STATES DISTRICT COURT
for the
Eastern District of Texas

GENBAND US LLC,

Plaintiff

v.

Metaswitch Networks LTD and
Metaswitch Networks Corp.,

Defendant

Civil Action No. 2:14-cv-33

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: The Internet Society, 1775 Wiehle Ave, Suite 201, Reston, VA 20190

(Name of person to whom this subpoena is directed)

[X] Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Documents relating to the authenticity and public availability of the publications listed in Attachment A, including the date any version of the publications were first publicly accessible, and the company's policies and procedures for cataloging and indexing of such publications.

Table with 2 columns: Place (Quinn Emanuel Urquhart & Sullivan, LLP, 50 California Street, 22nd Floor, San Francisco, CA 94111) and Date and Time (April 10, 2015 at 5:00 pm)

[] Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Table with 2 columns: Place and Date and Time

The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 03/10/2015

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk OR /s/ Brian E. Mack Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Metaswitch Networks, LTD and Metaswitch Networks Corp. who issues or requests this subpoena, are:

Brian E. Mack, Quinn Emanuel Urquhart & Sullivan, LLP, 50 California Street, 22nd Floor, San Francisco, CA 94111 Email: brianmack@quinnemanuel.com, Tel.: 415-875-6423.

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:14-cv-33

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____ .

I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____
_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true.

Date: _____

*Server's
signature*

*Printed name and
title*

*Server's
address*

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
 - (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
 - (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted.** To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

ATTACHMENT A

1. IETF Request for Comments RFC 2543, entitled “SIP: Session Initiation Protocol.”
2. IETF Request for Comments RFC 3891, entitled “The Session Initiation Protocol (SIP) ‘Replaces’ Header.”
3. IETF Request for Comments RFC 2663, entitled “IP Network Address Translator (NAT) Terminology and Considerations.”
4. IETF Request for Comments RFC 2543, entitled “SIP: Session Initiation Protocol.”
5. IETF Request for Comments RFC 2327, entitled “SDP: Session Description Protocol.”
6. IETF Internet Draft, entitled “A SIP Application Level Gateway for Network Address Translation,” by Billy Biggs <draft-biggs-sip-nat-00.txt>, located at <https://tools.ietf.org/html/draft-biggs-sip-nat-00>.
7. IETF Internet Draft, entitled “Getting SIP through Firewalls and NATs,” by J. Rosenberg et al. <draft-rosenberg-sip-firewalls-00>, located at <https://tools.ietf.org/html/draft-rosenberg-sip-firewalls-00>.
8. IETF Internet Draft, entitled “Firewall Control Protocol Framework and Requirements,” by Jiri Kuthan <draft-kuthan-fcp-00.txt>, located at <https://tools.ietf.org/html/draft-kuthan-fcp-00>.
9. IETF Internet Draft, entitled “Firewall Control Protocol Framework and Requirements,” by Jiri Kuthan and J. Rosenberg <draft-kuthan-fcp-01.txt>, located at <https://tools.ietf.org/html/draft-kuthan-fcp-01>.

10. IETF Internet Draft, entitled “Middlebox Communication: Framework and Requirements,” by Jiri Kuthan and J. Rosenberg <draft-kuthan-fcp-02.txt>, located at <https://tools.ietf.org/html/draft-kuthan-fcp-02>.
11. IETF Internet Draft, entitled “H.323 Firewall Control Interface,” by S. Mercer et al. <draft-rfced-info-mercercer-00>, located at <http://tools.ietf.org/id/draft-rfced-info-mercercer-00.txt>.
12. IETF Internet Draft, entitled “H.323 and Firewalls: Problem Statement and Solution Framework,” by Melinda Shore <draft-shore-h323-firewalls-00>, located at <https://tools.ietf.org/html/draft-shore-h323-firewalls-00>.
13. IETF Internet Draft, entitled “SIP Firewall Solution,” by Thernelius et al. <draft-thernelius-sip-firewall-solution-00>, located at <https://tools.ietf.org/html/draft-thernelius-sip-firewall-solution-00>.
14. IETF Internet Draft, entitled “The SIP INFO Method,” by Steven R. Donovan <draft-ietf-mmusic-sip-info-method-00.pdf>, located at <https://tools.ietf.org/html/draft-ietf-mmusic-sip-info-method-00>.
15. IETF Internet Draft, entitled “Mapping between ISUP and SIP,” by Schulzrinne/Kang <draft-schulzrinne-ss7-00>, located at <http://www.cs.columbia.edu/sip/drafts/draft-schulzrinne-ss7-00.pdf>.
16. IETF Internet Draft, entitled “Media Gateway Control Protocol (MGCP) Call Flows,” by Huitema et al. <draft-huitema-megaco-mgcp-flows-01>, located at <https://tools.ietf.org/html/draft-huitema-megaco-mgcp-flows-01>.
17. IETF Internet Draft, entitled “Media Gateway Control Protocol Architecture and Requirements,” by Greene, located at <https://tools.ietf.org/id/draft-ietf-megaco-reqs-00.txt> and <http://tools.ietf.org/pdf/draft-ietf-megaco-reqs-00.pdf>.

18. IETF Internet Draft, entitled “Media Gateway Control Protocol (MGCP),” by Arango, located at <https://tools.ietf.org/id/draft-huitema-megaco-mgcp-v0r1-04.txt> and <http://tools.ietf.org/pdf/draft-huitema-megaco-mgcp-v0r1-04.pdf>.

19. IETF Internet Draft, entitled “Media Gateway Control Protocol (MGCP),” by Arango, located at <https://tools.ietf.org/id/draft-huitema-megaco-mgcp-v0r1-05.txt> and <https://tools.ietf.org/id/draft-huitema-megaco-mgcp-v0r1-05.pdf>.

20. IETF Internet Draft, entitled “A Proposal for Internet and Public Switched Telephone Networks (PSTN) Internetworking,” by Faynberg, et al., located at <http://tools.ietf.org/pdf/draft-faynberg-telephone-sw-net-00.pdf> and <https://tools.ietf.org/id/draft-faynberg-telephone-sw-net-00.txt>.

21. IETF Internet Draft, entitled “Analysis of Services and Interfaces used when Interworking Between the Internet and the Intelligent Network (I.N.),” by Conroy et al., located at <https://tools.ietf.org/id/draft-conroy-interfaces-in-net-00.txt> and <http://tools.ietf.org/pdf/draft-conroy-interfaces-in-net-00.pdf>.

22. IETF Internet Draft, entitled “SIP for Click-To-Dial-Back and Third-Party Control,” by Schulzrinne, located at <https://tools.ietf.org/id/draft-ietf-pint-sip-00.txt> and <http://tools.ietf.org/pdf/draft-ietf-pint-sip-00.pdf>.

23. IETF Internet Draft, entitled “Third Party Call Control in SIP,” by Rosenberg, located at <https://tools.ietf.org/id/draft-rosenberg-sip-3pcc-00.txt> and <http://tools.ietf.org/pdf/draft-rosenberg-sip-3pcc-00.pdf>.

24. IETF Internet Draft, entitled “Architectural Framework for Signaling Transport,” by Ong, located at <https://tools.ietf.org/id/draft-ong-sigtran-framework-arch-00.txt> and <http://tools.ietf.org/pdf/draft-ong-sigtran-framework-arch-00.pdf>.

25. IETF Internet Draft, entitled “Architectural Framework for Signaling Transport,” by Ong et al., located at <https://tools.ietf.org/id/draft-ietf-sigtran-framework-arch-00.txt> and <http://tools.ietf.org/pdf/draft-ietf-sigtran-framework-arch-00.pdf>.
26. IETF Internet Draft, entitled “PSTN-Internet Internetworking - An Architecture Overview,” by Krishnaswamy et al., located at <https://tools.ietf.org/id/draft-ietf-pint-inweb-00.txt> and <http://tools.ietf.org/pdf/draft-ietf-pint-inweb-00.pdf>.
27. IETF Internet Draft, entitled “Pre-PINT Callback Service Implementation Experiences,” by Conroy et al., located at <https://tools.ietf.org/id/draft-ietf-pint-internet-callcenter-00.txt> and <http://tools.ietf.org/pdf/draft-ietf-pint-internet-callcenter-00.pdf>.
28. IETF Internet Draft, entitled “The PINT Profile of SIP and SDP: a Protocol for IP Access to Telephone Call Services,” by Petrack et al., located at <https://www.ietf.org/proceedings/42/I-D/draft-ietf-pint-profile-00.txt>.
29. IETF Internet Draft, entitled “RFC2458 - Toward the PSTN/Internet Internetworking--Pre-PINT Implementations,” by Bellovin et al., located at <https://tools.ietf.org/id/draft-ietf-pint-pre-implement-00.txt> and <http://tools.ietf.org/pdf/draft-ietf-pint-pre-implement-02.pdf>.
30. IETF Internet Draft, entitled “A Proposal for Internet Call Waiting Service using SIP An Implementation Report,” by Brusilovsky et al., located at <https://tools.ietf.org/id/draft-ietf-pint-icw-00.txt>.
31. IETF Internet Draft, entitled “Where to terminate a phone call,” by Faltstrom et al., located at <https://tools.ietf.org/html/draft-faltstrom-e164-00>.

32. IETF Internet Draft, entitled “A proposal for the provisioning of PSTN initiated services running on the Internet,” by Buller, located at <https://tools.ietf.org/id/draft-ietf-pint-saint-00.txt> and <http://tools.ietf.org/pdf/draft-ietf-pint-saint-00.pdf>.
33. IETF Internet Draft, entitled “IP Access to PSTN Services: Basic Service Requirements, Definitions, and Architecture” by Petrack, located at <https://tools.ietf.org/html/draft-ietf-pint-basics-00>.
34. IETF Internet Draft, “An Architecture and Protocols for Initiation and Control of Telephone Calls From Terminals Connected to a CallBroker over a TCP/IP Connection,” by Burg, et al., located at <https://tools.ietf.org/html/draft-burg-pint-framework-00>.
35. IETF Internet Draft, “Negotiated Address Reuse (NAR),” by Montenegro, located at <https://tools.ietf.org/html/draft-montenegro-aatn-nar-00>.
36. IETF Internet Draft, “The IP Network Address Translator (NAT),” by Srisuresh and Egevang <draft-rfcd-info-srisuresh-05.txt>.
37. IETF Internet Draft, “Call Model Integration Framework,” by Vemuri, located at <https://tools.ietf.org/html/draft-vemuri-cmi-framework-00>.
38. IETF Internet Draft, “Realm Specific IP: A Framework,” by Lo, et al., located at <http://www.ietf.org/proceedings/44/I-D/draft-ietf-nat-rsip-framework-00.txt>.
39. IETF Internet Draft, “The application/ISUP media type,” by Hitema, located at <https://tools.ietf.org/html/draft-ietf-sigtran-mime-isup-00>.
40. IETF Internet Draft, “SIP for Telephones (SIP-T): Context and Architectures,” by Vermuri and Peterson <draft-vemuri-sip-t-context-00.txt>.

41. IETF Internet Draft, “Simple Gateway Control Protocol (SGCP),” by Arango and Huitema <draft-huitema-sgcp-v1-00.txt>, located at <https://tools.ietf.org/html/draft-huitema-sgcp-v1-00>.
42. IETF Internet Draft, “An RTP Simple Multiplexing Transfer Method for Internet Telephony Gateway,” by Tanigawa, et al., located at <https://tools.ietf.org/html/draft-tanigawa-rtm-multiplex-00>.
43. IETF Internet Draft, “Service Requirements for Internet Telephony Signaling and Device Control Protocols,” by Sinnreich, located at <http://tools.ietf.org/html/draft-sinnreich-sigdevctrl-00>.
44. IETF Internet Draft, “Session Initiation Protocol Service Examples,” by Johnston, et al. <draft-ietf-sipping-service-examples-08>.
45. IETF Internet Draft, “Framework Architecture for Signaling Transport,” by Ong, located at <https://www.ietf.org/rfc/rfc2719.txt>.
46. IETF Internet Draft, “INETPhone: Telephone Services and Servers on Internet,” by Yang, located at <https://tools.ietf.org/html/rfc1789>.
47. IETF Internet Draft, “Network Address Translation – Protocol Translation (NAT-PT),” by Tsirtsis, located at <https://www.ietf.org/rfc/rfc2766.txt>.
48. IETF Internet Draft, “Pre-SPIRITS Implementations of PSTN-initiated Services,” by Editor, et al., located at <https://tools.ietf.org/html/rfc2995>.
49. IETF Internet Draft, “RTP: A Transport Protocol for Real-Time Applications,” by Schulzrinne, et al., located at <https://www.ietf.org/rfc/rfc1889.txt>.