

August 3, 2017

Federal Rule of Evidence 408 Settlement Communication

David Kravetz - Founder
Fairytale Brownies.com
4610 E. Cotton Center Blvd. Suite 100
Phoenix, AZ 85040

Re: Electronic Communication Technology, LLC – United States Patent Nos.
9,373,261 et al.

Dear Mr. David Kravetz,

We represent Electronic Communication Technology, LLC (“ECT”) in the licensing and enforcement of its intellectual property including United States Patents Nos. 9,373,261 (“the ‘261 patent”). ECT is located at 711 SW 24th, Boynton Beach, Florida 33435.

The inventor of the ECT patents innovated unique solutions to minimize hacker’s impacts when mimicking order confirmations and shipment notification emails (the hackers methods are known as “phishing”). Online retailers engaging in electronic communication via order confirmations and shipment notifications needed a means to help the customers “verify” and know the difference between an authentic Fairytale Brownies (“Brownies”) communication or a fake “phishing” communication (impersonating Brownies.com). Over a decade ago, the escalation of online purchasers and the use of order confirmations and shipment notification messages presented unique problems for online retailers. Companies like Brownies were increasingly faced with customer account break in’s, loss of products (that were ordered and shipped to hacker addresses) and maybe the most important - the loss of customers trust / revenues.

“What Is Phishing?”

Phishing is an attempt by an individual or group to solicit personal information from unsuspecting users by employing social engineering techniques. Phishing emails are crafted to appear as if they have been sent from a legitimate organization or known individual. These emails often attempt to entice users to click on a link that will take the user to a fraudulent

website that appears legitimate. The user then may be asked to provide personal information, such as account usernames and passwords, that can further expose them to future compromises. Additionally, these fraudulent websites may contain malicious code.” – UNITED STATES COMPUTER EMERGENCY READINESS TEAM

Beware This Online Shopping Scam: Fake Order Confirmations

<http://www.pcworld.com/article/2856254/beware-this-online-shopping-scam-fake-order-confirmations.html>

New Scam Emails Fake Online Order Confirmations To Shoppers

<http://ctwatchdog.com/finance/new-scam-emails-fake-online-order-confirmations-to-shoppers>

Fake Amazon “Shipping Confirmation” Emails Lure Users to Compromised Sites

<http://news.softpedia.com/news/Fake-Amazon-Shipping-Confirmation-Emails-Lure-Users-to-Compromised-Sites-281100.shtml>

Examples of Phishing Shipment Notification Emails

Phishing emails are created to get customers to respond. When customers use the provided link, they are taken to a fake website (normally copying your logo, look, product offering, and complete website) and ask to log in – this is how they capture and break into Brownies customer accounts.

Phishing EXAMPLE emails may resemble these (FAKE) emails below, for example;

FROM: Customer.Service@ Brownies2.com

TO: John Smith

TITLE: Brownies Shipment Confirmation



We are about to ship the item(s) you ordered!!!

WE noticed these items are being shipped to a new address and not within your personal settings?

Should you have any questions about your order (or to cancel and or make any changes), please go to www.Customer.Service@Brownies2.com [Link takes customer to fake Brownies website for log in]

FROM: Customer.Service@Brownies2.com

TO: John Smith
TITLE: Brownies Shipment Confirmation



We shipped 2 of the item(s) you ordered but unfortunately 1 item is back-ordered!!!

WHAT DOES THIS MEAN WHEN AN ITEM IS ON BACK-ORDER? Popular items may sell out quickly and temporarily be on back order. This means that the items are currently out of stock but that there are shipments on their way to re-stock our warehouses. Ordering an item that is currently on back order is a worry-free way to ensure that you will be first in line for the new inventory and that the item which you ordered will be sent out to you as soon as we receive it!

Should you have any questions about your order or to cancel and or make any changes, please go to www.Customer.Service@Brownies2.com [Link takes customer to fake Brownies website for log in]

Online customers must determine the difference between trusted and non-trusted Brownies shipment and order confirmation emails.

The '261 patent have a priority date of 2003 and addresses systems and methods for retailers and their associated customers to avoid "phishing" scams. The innovations allow confidential customer supplied information to be used within the Brownies communications to verify authenticity. The '261 patented technology saves thousands of customers daily from being victims of phishing scams. Providing customer verifiable information within shipment and order confirmations helps to stop or at least reduce fraud associated with the illegal mimicking of order and shipment confirmation emails.

The automated messaging features of Brownies' Order Confirmation and also its Shipping Confirmation online system infringe claims of at least U.S. Patent No. 9,373,261 ("the '261 patent"). Brownies uses the patented systems and methods to authenticate information sent to customers when orders are processed for shipping or when shipped. Brownies includes customer information within these notifications/messages to give confidence to the notification-receiving party that the order confirmation and or shipment notification is from Brownies (the proper authorized source) and if more information about the shipment is needed, the link/s may be trusted and used within the confirmation or notification - Its verified to not be a Phishing email or part of an email fraud system that emulates Brownies email notifications.

ECT already licenses hundreds of online retail companies. Collaborative open discussions provided fast favorable-to-all resolves. Unfortunately a small percentage of licenses were granted in connection with patent infringement lawsuits. We are hopeful you will enter into collaborative discussions with us. ECT's owner Mr. Pete Sirianni, can be reached at (561) 699-

8043.

Patent infringement is the making, using or selling of a patented invention.

The Abstract description of this patent / innovation (taken word-by-word from this U.S. patent '261) includes; “*Systems and methods are disclosed for notification or messaging systems that give confidence to the notification-receiving party that a notification concerning the travel status of a mobile thing is from a proper authorized source. One representative method, among others, comprises the following steps: monitoring travel data associated with a mobile thing; communicating a notification involving a delivery or pickup task associated with the mobile thing to a personal communications device associated with a party; and providing authentication information to the personal communications device that indicates to the party that the notification is from an authorized source.*”

For your convenience and reference, we have included a copy of the issued patent. Furthermore, the '261 file history includes additional information addressing patentable subject matter based on the 2014 case *Alice Corp. V. CLS Bank International*.

“IV. Patent Eligible Subject Matter

The outstanding Office Action did not reject any of the claims based upon 35 U.S.C. § 101, and therefore, Applicant concludes (and agrees) that all pending claims are in fact directed to patent eligible subject matter under 35 U.S.C. § 101, particularly in view of Alice v. CLS Bank, 134 S.Ct. 2347 (2014). If the Examiner disagrees, or would like to further comment on this subject matter eligibility issue, Applicant respectfully requests that the Examiner do so, on the record, in a subsequent official action.”

Included below is a detailed claim infringement chart demonstrating how the Order Status Messaging and Shipment Confirmation infringe a representative claim of the '261 patent.

The Systems and Methods at Issue

ASN – Advance Shipment Notice

<p>“U.S. Patent 9,373,261 Claim 11 An automated notification system, comprising:</p> <p>one or more transceivers designed to communicate data; one or more memories; one or more processors; and computer program code stored in the one or more memories and</p>	<p>Brownies uses an automated order confirmation and shipment (“automated notification”) to send customers updated shipment information when products are being prepared for picked up and when products are shipped.</p> <p>Brownies automated notification systems comprises, one or more memories, one or more processors, and computer program code that is stored within one or more memories and executed by one or more processors, Brownies’s computer program code comprises:</p>
---	--

executed by the one or more processors, the computer program code comprising:

code that enables a first party associated with a personal communication device (PCD) to input or select authentication information for use in connection with a subsequent notification communication session involving advance notice of a delivery or pickup of a good or service at a stop location by a mobile thing (MT);

Brownies online code allows mobile customers to input personalized authentication information to be used at a future time when products are picked up and notifications emails are sent back to the customer.

Brownies stores authentication information including a combination of these items; customer billing information such as billing person's name ("Pete Sirianni"), billing address, billing telephone number and the billing person's email address ("siriannip07@aol.com) are all used to authenticate the Brownies communications about their product being picked-up and shipped is an email from Brownies. When customers need to respond and enter account, login or different credit card(s) information they know the actual Brownies website is authentic/safe/trusted by viewing and responding to the message contents.

Bill To:			
Customer No:	55823538	Order Invoice#:	W6669
Bill To:	PETE SIRIANNI 2563 CHERRY HILL LN HERMITAGE, PA 16148-2989	Order Status:	REGUL CC AUT
Phone:	(561) 699-8043	Entry Date:	07/25/
Email:	SIRIANNIP07@AOL.COM	Sales ID:	WEB
		Priority Code:	INTERN
		Pay Method:	VISA

1.5209 | **Shop:** brownies.com
Cotton Center Blvd. Suite 100
Phoenix, AZ 85040

Delivery Confirmation

Order Status >

code that causes storage of the authentication information;

Brownies uses code to capture and store customer authentication information when (a.) users set up accounts, (b.) when users modify account information or (c.) when they purchase products from the Brownies website;

code that monitors location or travel information in connection with the MT;

Brownies uses computer program code to monitor products when moved from inventory, packaging, labeling, fulfillment, waiting to be picked up, picked up by a carrier, when the product leaves Brownies and is in route to the

	customer's address;																								
code that causes initiation of the notification communication session to the PCD with the one or more transceivers, in advance of arrival of the MT at the stop location, based at least in part upon the location or travel information associated with the MT;	Brownies uses computer program code to determine and initiate notifications to mobile users (personal communication devices) using transceivers such as email and electronic data communication systems, when products are designated for shipment, pulled from inventory, at fulfillment, at loading areas, picked up by couriers and before delivery at a customer's address, and before the shipment arrives at the delivery address.																								
code that, during the notification communication session, provides the authentication information to the PCD that indicates to the first party that the notification communication session was initiated by an authorized source; and	<p>Brownies computer program code retrieves the authentication information including customer billing information such as billing person's name ("Pete Sirianni"), billing address, billing telephone number and the billing person's email address ("siriannip07@aol.com) to confirm / authenticate the shipment confirmation email was initiated by Brownies (the authorized source), and</p> <div data-bbox="711 1041 1474 1262" style="border: 1px solid black; padding: 5px;"> <p>Bill To:</p> <table border="0"> <tr> <td>Customer No:</td> <td>55823538</td> <td>Order Invoice#:</td> <td>W6669</td> </tr> <tr> <td>Bill To:</td> <td>PETE SIRIANNI 2563 CHERRY HILL LN HERMITAGE, PA 16148-2989</td> <td>Order Status:</td> <td>REGUL CC AUT</td> </tr> <tr> <td>Phone:</td> <td>(561) 699-8043</td> <td>Entry Date:</td> <td>07/25/</td> </tr> <tr> <td>Email:</td> <td>SIRIANNIP07@AOL.COM</td> <td>Sales ID:</td> <td>WEB</td> </tr> <tr> <td></td> <td></td> <td>Priority Code:</td> <td>INTERN</td> </tr> <tr> <td></td> <td></td> <td>Pay Method:</td> <td>VISA</td> </tr> </table> </div> <p style="text-align: center;"> \$1.5209 Shop: brownies.com Cotton Center Blvd. Suite 100 Phoenix, AZ 85040 </p> <hr style="width: 50%; margin: auto;"/> <p style="text-align: center;">Delivery Confirmation</p> <div data-bbox="760 1640 1138 1713" style="text-align: center; margin-top: 20px;"> <p>Order Status ></p> </div>	Customer No:	55823538	Order Invoice#:	W6669	Bill To:	PETE SIRIANNI 2563 CHERRY HILL LN HERMITAGE, PA 16148-2989	Order Status:	REGUL CC AUT	Phone:	(561) 699-8043	Entry Date:	07/25/	Email:	SIRIANNIP07@AOL.COM	Sales ID:	WEB			Priority Code:	INTERN			Pay Method:	VISA
Customer No:	55823538	Order Invoice#:	W6669																						
Bill To:	PETE SIRIANNI 2563 CHERRY HILL LN HERMITAGE, PA 16148-2989	Order Status:	REGUL CC AUT																						
Phone:	(561) 699-8043	Entry Date:	07/25/																						
Email:	SIRIANNIP07@AOL.COM	Sales ID:	WEB																						
		Priority Code:	INTERN																						
		Pay Method:	VISA																						
code that, during the notification communication	Brownies computer program code sends shipment confirmation emails and embeds links within the notification to allow customers to get account information, edit shipment																								

session, enabling the first party to select whether or not to engage in a communication session with a second party having access to particulars of the pickup or delivery.

information, shipment tracking information, to the website and to customer service representatives – for additional information about the product(s).

Bill To:			
Customer No:	55823538	Order Invoice#:	W6669
Bill To:	PETE SIRIANNI 2563 CHERRY HILL LN HERMITAGE, PA 16148-2989	Order Status:	REGUL CC AUT
Phone:	(561) 699-8043	Entry Date:	07/25/
Email:	SIRIANNIP07@AOL.COM	Sales ID:	WEB
		Priority Code:	INTERM
		Pay Method:	VISA

31.5209 | **Shop:** brownies.com
Cotton Center Blvd. Suite 100
Phoenix, AZ 85040

Delivery Confirmation

[Order Status >](#)

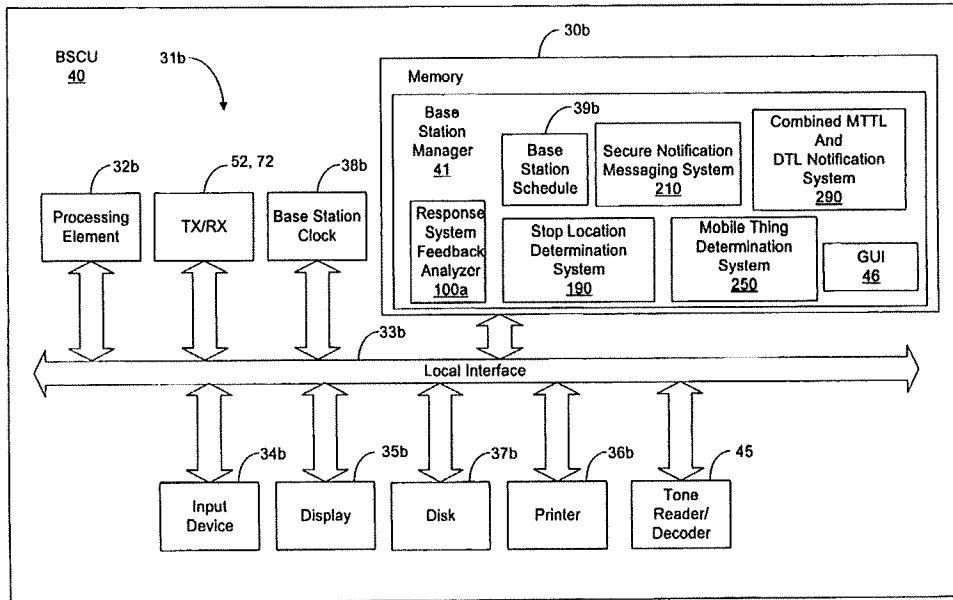


FIG. 3

We have provided Brownies with all of the materials necessary to undertake a thorough review of this matter. Our efforts and also expense to clarify patentable subject matter was also disclosed to you.

We expect that, upon review, you will acknowledge that Brownies practices the invention disclosed in the '261 patent and will enter into licensing discussions. In the event Brownies concludes that it does not desire a license to the '261 patent, we expect to receive from you within fourteen (14) days responsive claim charts showing why Brownies does not infringe the patent, along with copies of the system documentation, manuals and any other materials that describe the components and functionality of the Brownies system, including those materials you reviewed in the course of your investigation.

ECT's License Proposal

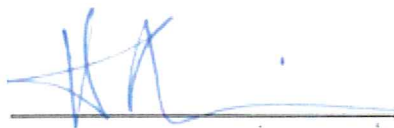
ECT has licensed its patents to more than 200 companies as the result of both cooperative business discussions and litigation. While ECT prefers to resolve licensing issues without litigation, it has an obligation to its licensees, which may include competitors of Brownies, to vigorously enforce its patents. To that end, and to encourage the continued use of ECT's patented technology, ECT is offering a discounted, lump sum fee of \$35,000 in exchange for a paid-up one-time license. Further discounts may be considered, so please don't wait to contact us here the available options.

This proposed license fee, of course, is subject to early discussions and good faith communications toward a patent license. If litigation is required to enforce ECT's rights, the upfront discounted license offer is obviously removed.

Thank you in advance for considering our licensing proposal. I look forward to hearing

from you shortly. You may also contact ECT directly by calling Mr. Pete Sirianni at (561) 699-8043. Mr. Sirianni was also the person the provided account information, ordered and received authenticated email communication, if you would like to speak directly to him.

Sincerely,

A handwritten signature in blue ink, appearing to be 'H. Artoush Ohanian', written over a horizontal line.

H. Artoush Ohanian