

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

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|---------------------------------|---|-------------------------------|
| FRONT ROW TECHNOLOGIES, LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 1:13-cv-00636-MV-ACT |
| |) | |
| TURNER SPORTS INTERACTIVE, INC. |) | |
| AND TURNER DIGITAL BASKETBALL |) | |
| SERVICES, INC. |) | |
| |) | |
| Defendants. |) | |
| |) | |

**PLAINTIFF FRONT ROW TECHNOLOGIES, LLC’S
FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Under Federal Rule of Civil Procedure 15(a)(2) and the parties stipulation (Dkt. 24), Plaintiff Front Row Technologies, LLC (“Front Row Technologies”) files this First Amended Complaint for patent infringement against Defendants Turner Sports Interactive, Inc. (“TSI”) and Turner Digital Basketball Services, Inc. (“TDBS”) (collectively “Defendants”), and alleges as follows upon information and belief:

I. PARTIES

1. Plaintiff Front Row Technologies is a New Mexico limited liability company having its principal place of business at 117 Bryn Mawr Drive SE, Albuquerque, New Mexico 87106.

2. Defendant TSI is a corporation organized and existing under the laws of the State of Georgia, with its principal place of business located at One CNN Center, Atlanta, Georgia 30303. TSI is a resident of Georgia who engages in business in the State of Georgia and this action arises, in part, out of TSI’s business directed to and in the State of New Mexico. TSI is in

the business of broadcasting sporting events through electronic and wireless instrumentalities in interstate commerce and specifically does so in the State of New Mexico.

3. Defendant Turner Digital Basketball Services, Inc. (“TDBS”) is a corporation organized and existing under the laws of the State of Georgia, with its principal place of business located at One CNN Center, Atlanta, Georgia 30303. TDBS may be served through its agent for service of process C T Corporation System, 1201 Peachtree St. NE, Atlanta, GA 30361. TDBS is in the business broadcasting sporting events through electronic and wireless instrumentalities in interstate commerce and specifically does so in the State of New Mexico.

II. JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. The Court’s jurisdiction over this action is proper under the above statutes, including 35 U.S.C. § 271 *et seq.*, and 28 U.S.C. §§ 1331 and 1338(a).

5. Personal jurisdiction exists over Defendants because Defendants have sufficient minimum contacts with the forum as a result of business regularly conducted within the State of New Mexico. In addition, personal jurisdiction also exists specifically over Defendants as a result of, at least, Defendants distribution network wherein Defendants, individually and collectively, placed instrumentalities and provided services and applications that practice the claimed inventions within the stream of commerce, which stream is directed at the State of New Mexico, and by committing the tort of patent infringement within the State of New Mexico.

6. Venue is proper in this Court under 28 U.S.C. § 1391 and 28 U.S.C. § 1400(b).

III. INFRINGEMENT OF UNITED STATES PATENTS

7. Plaintiff Front Row Technologies is the owner of all rights, title and interest in and under United States Patent No. 8,086,184 (the “184 patent”), titled “Transmitting Sports and Entertainment Data to Wireless Hand Held Devices over a Telecommunications Network,”

which duly and legally issued on December 27, 2011. A true and correct copy of the '184 patent is attached hereto as **Exhibit A**.

8. Plaintiff Front Row Technologies is the owner of all rights, title and interest in and under United States Patent No. 8,270,895 (the "'895 patent"), titled "Transmitting Sports and Entertainment Data to Wireless Hand Held Devices over a Telecommunications Network," which duly and legally issued on September 18, 2012. A true and correct copy of the '184 patent is attached hereto as **Exhibit B**.

9. Plaintiff Front Row Technologies is the owner of all rights, title and interest in and under United States Patent No. 8,401,460 (the "'460 patent"), titled "Transmitting Sports and Entertainment Data to Wireless Hand Held Devices over a Telecommunications Network," which duly and legally issued on March 19, 2013. A true and correct copy of the '460 patent is attached hereto as **Exhibit C**.

10. The '184 patent is valid and enforceable.

11. The '895 patent is valid and enforceable.

12. The '460 patent is valid and enforceable.

13. All requirements under 35 U.S.C. § 287 have been satisfied with respect to the '184 patent, the '895 patent and the '460 patent.

IV. CLAIM ONE - INFRINGEMENT OF THE '184 PATENT

14. Front Row Technologies incorporates by reference all paragraphs above as though fully repeated herein.

15. Defendants have been and continue to directly infringe the '184 patent by making, using, offering for sale, selling, and/or importing in or into the United States, without authority, instrumentalities and/or services that practice one or more claims of the '184 patent in violation of § 271(a), including, but not limited to the: NCAA Sports application , NBA Game Time

application, NBA Game Time from Sprint application, NBA League Pass Mobile, PGA Championship application and PGA Tour application.

16. Defendants have at no time, either expressly or impliedly, been licensed under the '184 patent.

17. Plaintiff Front Row Technologies has no adequate remedy at law against the Defendants' acts of patent infringement. Unless Defendants are permanently enjoined from its unlawful and willful infringement of the '184 patent, Front Row Technologies will suffer irreparable harm.

18. As a direct and proximate result of Defendants' acts of patent infringement, Front Row Technologies has been and continues to be injured, and has sustained and will continue to sustain substantial damages. Under 35 U.S.C. § 281, Plaintiff Front Row Technologies shall have a remedy for Defendant's infringement of the '184 patent by virtue of this lawsuit, and shall be entitled to an award of damages adequate to compensate for Defendants' infringement of the '184 patent; but in no event, less than a reasonable royalty for the use and/or sale of its invention made by the Defendants, together with interest and costs as fixed by the court under 35 U.S.C. § 284.

V. CLAIM TWO - INFRINGEMENT OF THE '895 PATENT

19. Front Row Technologies incorporates by reference all paragraphs above as though fully repeated herein.

20. Defendants have been and continue to directly infringe the '895 patent by making, using, offering for sale, selling, and/or importing in or into the United States, without authority, instrumentalities and/or services that practice one or more claims of the '895 patent in violation of § 271(a), including, but not limited to the: NCAA Sports application, NBA Game Time

application, NBA Game Time from Sprint application, NBA League Pass Mobile, PGA Championship application and PGA Tour application.

21. Defendants have at no time, either expressly or impliedly, been licensed under the '895 patent.

22. Plaintiff Front Row Technologies has no adequate remedy at law against Defendants' acts of patent infringement. Unless Defendants are permanently enjoined from its unlawful and willful infringement of the '895 patent, Front Row Technologies will suffer irreparable harm.

23. As a direct and proximate result of Defendants' acts of patent infringement, Front Row Technologies has been and continues to be injured, and has sustained and will continue to sustain substantial damages. Under 35 U.S.C. § 281, Plaintiff Front Row Technologies shall have a remedy for Defendants' infringement of the '895 patent by virtue of this lawsuit, and shall be entitled to an award of damages adequate to compensate for Defendants' infringement of the '895 patent; but in no event, less than a reasonable royalty for the use and/or sale of its invention made by Defendants, together with interest and costs as fixed by the court under 35 U.S.C. § 284.

VI. CLAIM THREE - INFRINGEMENT OF THE '460 PATENT

24. Plaintiff Front Row Technologies incorporates by reference all paragraphs above as though fully repeated herein.

25. Defendants have been and continue to directly infringe the '460 patent by making, using, offering for sale, selling, and/or importing in or into the United States, without authority, instrumentalities and/or services that practice one or more claims of the '460 patent in violation of § 271(a), including, but not limited to the: NCAA Sports application, NBA Game Time

application, NBA Game Time from Sprint application, NBA League Pass Mobile, PGA Championship application and PGA Tour application.

26. Defendants have at no time, either expressly or impliedly, been licensed under the '460 patent.

27. Plaintiff Front Row Technologies has no adequate remedy at law against Defendants' acts of patent infringement. Unless Defendant is permanently enjoined from its unlawful and willful infringement of the '460 patent, Front Row Technologies will suffer irreparable harm.

28. As a direct and proximate result of Defendants' acts of patent infringement, Front Row Technologies has been and continues to be injured, and has sustained and will continue to sustain substantial damages. Under 35 U.S.C. § 281, Plaintiff Front Row Technologies shall have a remedy for Defendants' infringement of the '460 patent by virtue of this lawsuit, and shall be entitled to an award of damages adequate to compensate for Defendants' infringement of the '460 patent; but in no event, less than a reasonable royalty for the use and/or sale of its invention made by Defendants, together with interest and costs as fixed by the court under 35 U.S.C. § 284.

VII. PRAYER FOR RELIEF

Plaintiff Front Row Technologies, LLC respectfully requests that judgment be entered in its favor against Defendants Turner Sports Interactive, Inc. and Turner Digital Basketball Services, Inc.; and respectfully requests that this Court grant it the following relief:

a) Declare Plaintiff Front Row Technologies, LLC exclusively owns the '184 patent, the '895 patent and the '460 patent;

b) Declare the '184 patent, the '895 patent and the '460 patent are valid and enforceable;

c) Declare that Defendants are liable for past and present direct infringement, both literally and under the doctrine of equivalents, of the '184 patent, the '895 patent and the '460 patent;

d) Award damages to Plaintiff Front Row Technologies, LLC to which it is entitled for Defendants' infringement of the '184 patent, the '895 patent and the '460 patent;

29. Enter permanent injunction against Defendants for their acts of direct infringement of the '184 patent, the '895 patent and the '460 patent.

VIII. JURY DEMAND

In accordance with Federal Rules of Civil Procedure 38 and 39, Plaintiff Front Row Technologies, LLC asserts its rights under the Seventh Amendment of the United States Constitution and demands a trial by jury on all issues.

Dated: August 30, 2013

Respectfully submitted,

/s/ Bryan J. Davis
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CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2013, I electronically filed the foregoing document with the U.S. District Court, District of New Mexico using the CM/ECF system, which sent notification of such filing to all counsel of record who has registered with the CM/ECF system.

/s/ Bryan J. Davis
Bryan J. Davis, Esq.