

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DELAWARE RADIO TECHNOLOGIES,
LLC,

Plaintiffs,

v.

COX MEDIA GROUP, LLC,

Defendant.

Civil Action No. 1:13-cv-01816-UNA

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Delaware Radio Technologies, LLC (“Plaintiff”), by way of this Complaint for Patent Infringement (“Complaint”) against Defendant Cox Media Group, LLC (“Defendant” or “Cox Media”), alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

THE PARTIES

2. Plaintiff Delaware Radio Technologies, LLC (“Delaware Radio”) is a limited liability company organized under the laws of the State of Delaware with a place of business at 1209 Orange Street, Wilmington, Delaware 19801.

3. Upon information and belief, Defendant Cox Media, formerly known as Cox Media Group, Inc., is a limited liability company organized under the laws of Delaware, with its principal place of business at 6205 Peachtree Dunwoody Rd., Atlanta, Georgia 30328, and a registered agent at Corporation Service Company, 2711 Centerville Road, Suite 400,

Wilmington, Delaware 19808. Defendant Cox Media sells and/or offers to sell products and/or services throughout the United States, including in this Judicial District. Further, Defendant introduces infringing products and/or services into the stream of commerce knowing that they would be sold in this Judicial District and elsewhere in the United States.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 271, *et seq.*

5. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Defendant at least because Defendant has ongoing and systematic contacts with this District and the United States. Specifically, Defendant is a limited liability company organized under the laws of Delaware, has a registered agent for service of process in Delaware, and has thereby availed itself of the privileges and the protections of the laws of the State of Delaware.

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

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 5,475,691

8. The allegations set forth in the foregoing paragraphs 1 through 16 are hereby realleged and incorporated herein by reference.

9. On December 12, 1995, U.S. Patent No. 5,475,691 (the “’691 Patent”), entitled “Voice Activated Date Rate Change in Simultaneous Voice and Data Transmission,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’691 Patent is attached as Exhibit B to this Complaint.

10. Delaware Radio is the assignee and owner of the right, title and interest in and to the '691 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

11. In violation of 35 U.S.C. § 271, Defendant, including its affiliates, has directly infringed and continues to directly infringe, both literally and under the doctrine of equivalents, the '691 Patent through its transmission of radio broadcasts using HD radio techniques further described by the IBOC Digital Radio Broadcasting Standard (the "Accused Instrumentalities").

12. Because of Defendant's infringement of the '691 Patent, Plaintiff has suffered damages and will continue to suffer damages in the future.

13. Delaware Radio has suffered irreparable injury due to the acts of infringement by Defendant and will continue to suffer such irreparable injury unless Defendant's infringing activities are enjoined.

14. Defendant will be deemed to have knowledge of the '691 Patent and their infringement thereof at least as of the filing date of this Complaint.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Delaware Radio demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Delaware Radio Technologies, LLC demands judgment for itself and against Defendant as follows:

- A. An adjudication that Defendant has infringed the '691, Patent;
- B. An award of damages to be paid by Defendant adequate to compensate Delaware Radio for its past infringement of the '691 Patent, and any continuing or future infringement

through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C. To the extent the Defendant's conduct subsequent to the date of their notice of the '691 Patent is found to be objectively reckless, enhanced damages pursuant to 35 U.S.C. § 284 for Defendant's willful infringement of the '691 Patent;

D. An accounting of all infringing acts including, but not limited to, those acts not presented at trial and an award for Plaintiff's damages for any such acts;

E. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiffs' reasonable attorneys' fees; and

F. An award to Delaware Radio of such further relief at law or in equity as the Court deems just and proper.

Respectfully submitted,

Dated: November 7, 2013

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