

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

SPATIUM INNOVATIONS LLC,

Plaintiff,

v.

BLACKBOARD INC.,

Defendant.

2014 FEB 19 P 2:41

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

Civil Action No. 2:14cv066
ANK/TSU

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Spatium Innovations LLC (“Spatium” or “Plaintiff”) makes the following allegations against Blackboard Inc. (“Blackboard” or “Defendant”):

PARTIES

1. Plaintiff Spatium is a Virginia limited liability company, having a principal place of business of 1984 Isaac Newton Square West, Suite 203, Reston, VA 20190.
2. Defendant Blackboard is a limited liability company organized and existing under the laws of the state of Delaware, with its principal place of business located at 650 Massachusetts Avenue NW, 6th Floor, Washington, DC 20001. Upon information and belief, Blackboard may be served via its registered agent: The Corporation Trust Company, Corporation Trust Center 1209 Orange St., Wilmington, DE 19801.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Personal jurisdiction exists generally over Defendant because Defendant has sufficient minimum contacts with the forum as a result of business conducted within the State of Virginia and within the Eastern District of Virginia. Personal jurisdiction also exists specifically over Defendant for its conduct in selling and/or offering to sell, directly or through intermediaries, infringing products within the State of Virginia and within the Eastern District of Virginia.

5. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b), because, upon information and belief, each Defendant has committed acts within this judicial district giving rise to this action and does business in this district, including using, selling, offering for sale, providing service and support for their respective customers, and/or importing infringing products in and/or into this district.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 5,717,879

6. Plaintiff is the owner by assignment of United States Patent No. 5,717,879 (“the ’879 Patent”) titled “System for the capture and replay of temporal data representing collaborative activities.” The ’879 Patent issued on February 10, 1998. A true and correct copy of the ’879 Patent is attached as Exhibit A.

7. Upon information and belief, Defendant has been and is now infringing the ’879 Patent in the State of Virginia, in this judicial district, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, supplying, distributing, selling, and/or offering for sale apparatuses and systems, including but not limited to Blackboard Collaborate, for providing, a method of capturing one or more timestreams using one or more capture devices, each of said one or more capture devices capturing a specific media, storing said one or more timestreams in a session storage device,

analyzing one or more timestreams to create events for each of said one or more timestreams, each event capable of being an index point for the playback of said timestreams, storing each of said events in said session storage device, a session access workstation receiving a request to replay a session, said session access workstation creating from said events a plurality of visual indicators for use in a user interface, said user interface for moving playback of said timestreams to specific points in time of said session, displaying said user interface on a display coupled to said session access workstation, said session access workstation detecting that a user has selected a visual indicator from said user interface, said session access workstation causing the movement of a playback point to a time associated with said visual indicator, and players coupled to said session access workstation playing back said timestreams at an index point associated with said selected visual indicator, covered by one or more claims of the '879 Patent to the injury of Spatium. Defendant is directly infringing, literally infringing, and/or infringing the '879 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '879 Patent pursuant to 35 U.S.C. § 271.

8. On information and belief, to the extent any marking was required by 35 U.S.C. § 287, all predecessors in interest to the '879 Patent complied with any such requirements.

9. As a result of Defendant's infringement of the '879 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court, and Plaintiff will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

10. Unless a permanent injunction is issued enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the '879 Patent, Plaintiff will be greatly and irreparably harmed.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 5,717,869

11. Plaintiff is the owner by assignment of United States Patent No. 5,717,869 (“the '869 Patent”) titled “Computer Controlled Display System Using a Timeline to Control Playback of Temporal Data Representing Collaborative Activities.” The '869 Patent issued on February 10, 1998. A true and correct copy of the '869 Patent is attached as Exhibit B.

12. Upon information and belief, Defendant has been and is now infringing the '869 Patent in the State of Virginia, in this judicial district, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, supplying, distributing, selling, and/or offering for sale apparatuses and systems, including but not limited to Blackboard Collaborate, for providing, a method of receiving temporal data for said captured session, said temporal data comprised of time stream information and event information from each of said plurality of capture devices, each event in said event information having a timestamp, generating a timeline user interface from said temporal data, said timeline user interface having a plurality of selectable visual indicators displayed in a temporal sequence, each of said visual indicators corresponding to an event, providing said timestream information to corresponding players, detecting that a user has selected a visual indicators from said timeline user interface, signaling said players to replay said timestreams at the point in time corresponding to said selected visual indicator, covered by one or more claims of the '869 Patent to the injury of Spatium. Defendant is directly infringing, literally infringing, and/or infringing

the '869 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '869 Patent pursuant to 35 U.S.C. § 271.

13. On information and belief, to the extent any marking was required by 35 U.S.C. § 287, all predecessors in interest to the '869 Patent complied with any such requirements.

14. As a result of Defendant's infringement of the '869 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court, and Plaintiff will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

15. Unless a permanent injunction is issued enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the '869 Patent, Plaintiff will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendant has infringed the '879 and '869 Patents;

2. A permanent injunction enjoining Defendant and its officers, directors, agents servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the '879 and '869 Patents, or such other equitable relief the Court determines is warranted;

3. A judgment and order requiring Defendant pay to Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '879 and '869 Patents as provided under 35 U.S.C. § 284, and an accounting of ongoing post-judgment infringement; and

4. Any and all other relief, at law or equity, to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

Spatium, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

DATED February 14, 2014.

~~Respectfully submitted,~~

~~/s/ C. Connor Crook~~

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