

II. JURISDICTION AND VENUE

3. This is an action for patent infringement which arises under 35 U.S.C. §§ 271, 281, 284 and 285. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§1331 and 1338(a).

4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b). On information and belief, Defendant is organized and incorporated under the laws of this judicial district, is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, has purposely transacted business involving their accused products in this judicial district, and/or has a regular and established places of business in this judicial district.

5. Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process as Defendant is organized and incorporated under the laws of this State. Defendant has also established minimum contacts with the forum state of Delaware. Defendant has and/or does, directly and through intermediaries, ship, distribute, offer for sale, sell, advertise, operate and use their cable system products and services in the United States and the State of Delaware.

III. FACTUAL BACKGROUND

6. FutureVision has been at the forefront of the development of interactive television. The company was formed as FutureVision of America Corp. (later reorganized as FutureVision.com) in April 1992 to develop opportunities arising from the deployment of "Video Dial Tone" ("VDT") service in the Bell Atlantic Corporation ("Bell Atlantic") operating region. The Company has been engaged in the organizational and developmental activities

necessary to become a “Video Information Provider” (“VIP”) on the network deployed by Bell Atlantic in Dover Township, New Jersey. As the primary VIP on this network, FutureVision developed technology to provide entertainment programming and interactive services to an area containing 38,000 homes.

7. Using the technology developed by FutureVision, VIPs are able to communicate with consumers in a variety of different ways, including interactive promotions and interactive services.

IV. PATENT INFRINGEMENT

COUNT I — INFRINGEMENT OF U.S. PATENT 5,877,755

8. Plaintiff is the assignee of the ’755 patent, entitled “INTERACTIVE BROADBAND MULTIMEDIA SYSTEM,” and holds all substantial rights. Among other rights, Plaintiff maintains the exclusive right to exclude others, the exclusive right to enforce, sue and recover damages for past and future infringements, and the exclusive right to settle any claims of infringement. A true and correct copy of the ’755 patent is attached as Exhibit A.

9. Verizon has directly infringed and continues to infringe one or more claims of the ’755 patent in this judicial district and elsewhere in the United States by, among other things, making, having made, using, offering for sale, and/or selling claimed interactive television network broadcast system. At a minimum, Verizon has been, and now is, infringing claims of the ’755 patent, including (for example) at least claim 1, by making, having made, and/or using their cable system and services that transmit(s) a multimedia data file in order to provide interactive services to a subscriber.

10. On information and belief, the infringing combinations include, but are not limited to, Motorola and Cisco set top boxes, Verizon Interactive Media Guide, interactive application software, a two-way data network, Cisco DBDS head-end package, a tru2way head-end, Motorola NC-1500 Network Controller, OM1000 out-of-band modulators, RPD 2000 return path demodulators and their related components, that fall within the scope of at least one claim of the '755 Patent.

11. Verizon has knowledge of the '755 patent at least by way of its own patent prosecution activities and this complaint, and knowledge that the induced acts constitute patent infringement. To the extent it does not immediately cease its infringing activities, its infringement is and continues to be willful and deliberate.

12. Verizon has indirectly infringed the '755 patent by inducing the infringement of the '755 patent. With knowledge of the '755 patent, Verizon directs and aids its customers in using the infringing system by the provision of equipment and instruction (including, by way of example, at <http://www.verizon.com/support/residential/tv/fiostv/general+support/how-to+videos/basic+guide+features/127745.htm>) to customers with knowledge that the induced acts constitute patent infringement. Verizon possesses specific intent to encourage infringement by its customers.

13. FutureVision alleges that each and every element is literally present in the accused systems. To the extent not literally present, FutureVision reserves the right to proceed under the doctrine of equivalents.

14. Plaintiff has been damaged as a result of Verizon's infringing conduct. Verizon is thus liable to Plaintiff in an amount that adequately compensates it for Verizon's infringements,

which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

V. JURY DEMAND

15. Plaintiff FutureVision demands a trial by jury of all matters to which it is entitled to trial by jury, pursuant to FED. R. CIV. P. 38.

VI. PRAYER FOR RELIEF

WHEREFORE, FutureVision prays for judgment and seeks relief against Defendant as follows:

- a. Judgment that one or more claims of U.S. Patent No. 5,877,755 has been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- b. Judgment that Defendant account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of Defendant's infringing activities and other conduct complained of herein;
- c. That Plaintiff be granted pre-judgment and post judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;
- d. That the Court declare this an exceptional case and award Plaintiff its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and
- e. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: July 2, 2014

Respectfully submitted,

FARNAN LLP

Of Counsel:

Andrew G. DiNovo
Texas State Bar No. 00790594
Jay D. Ellwanger
Texas State Bar No. 24036522
DiNovo Price Ellwanger & Hardy LLP
7000 N. MoPac Expressway, Suite 350
Austin, Texas 78731
Telephone: (512) 539-2626
Telecopier: (512) 539-2627
adinovo@dpelaw.com
jellwanger@dpelaw.com

/s/ Brian E. Farnan
Brian E. Farnan (Bar No. 4089)
Michael J. Farnan (Bar No. 5165)
919 North Market Street, 12th Floor
Wilmington, DE 19801
Telephone: 302-777-0300
Facsimile: 302-777-0301

**ATTORNEYS FOR PLAINTIFF
FUTUREVISION SOLUTIONS, LLC**