UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Global Interactive Media, Inc.,

      Plaintiff,   ___ Civ. _____ ( )

   - against –   **COMPLAINT**

Home Box Office, Inc.,

      Defendant.

_ x

   Global Interactive Media, Inc. ("Global Interactive") brings this patent-infringement action against Home Box Office, Inc. ("HBO").

Parties

1.   Global Interactive is a Belizian company based in Belize.

2.   HBO is a company organized under the laws of Delaware, with its principal place of business located in New York, New York.

Jurisdiction and Venue

3.   This action arises under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.*

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

5.   This Court may exercise personal jurisdiction over HBO. HBO conducts continuous and systematic business in New York and this District. This patent-infringement case arises directly from HBO's continuous and systematic activity in this

District. In short, this Court's exercise of jurisdiction over HBO would be consistent with the New York long-arm statute and traditional notions of fair play and substantial justice.

6.   Venue is proper in this District pursuant to 28 U.S.C.§§ 1391(b)(2) and 1400(b).

Count 1 – Infringement of U.S. Patent No. 8,032,907

7.   Global Interactive owns United States Patent 8,032,907 (the "'907 patent") (attached as Exhibit A).

8.   HBO is infringing at least one of the 90 methods and systems claimed in the '907 patent by providing the HBO Full Schedule service.

9.   For example, and for illustration of one of the 90 claims of the '907 patent that Global Interactive alleges the HBO Full Schedule service infringes, the service infringes claim 18 of the '907 patent as follows:

   a. Claim 18 is a method of "broadcasting program material in at least one broadcast . . . ." (Ex. A, 19:16.) The HBO Full Schedule service contains listings of television programs that are broadcasted to consumers. http://www.HBO.com/schedule.

   b. Claim 18 is a method of "receiving one or more user inquiries from one or more recipients of said at least one broadcast, said one or more inquiries including broadcast identifier information . . . ." (Ex. A, 19:17-19.) A consumer using the HBO Full Schedule service may access the service's website and inquire about the movie *X-Men* broadcast by HBO.

c. The method of claim 18 involves "creating a program description file comprising program information related to program material to be broadcast in the future . . . ." (Ex. A, 19:20-22.) The individual inquiring about *X-Men* would learn from the HBO Full Schedule service: "Every so often, the slow evolution of a species takes a sudden tremendous leap. In the not-so-distant future, the result is a tiny group of freakish humans with incredible super powers." http://www.HBO.com/schedule (pop-up over *X-Men*).

d. Next, claim 18 involves "communicating the program information into a programmed data processor . . . ." (Ex. A, 19:23-24.) The HBO Full Schedule service user is able to learn about *X-Men* because HBO has a programmed data processor that communicates the program information to the HBO Full Schedule service.

e. Claim 18 involves "synchronizing said communicated program information with said program material of said at least one broadcast. . . ." (Ex. A, 19:25-26.) HBO synchronizes the *X-Men* program information with the broadcast of the *X-Men* program.

f. Claim 18 involves "using said data programmed data processor to communicate, to the one or more recipients, program information that corresponds to the broadcast identifier information included in said one or more inquiries, wherein at least one of the program description file, the program information, and the synchronized program information is associated with the broadcast identifier information."

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(Ex. A, 19:28-35.) The HBO Full Schedule service communicates the

X-Men program information to the HBO Full Schedule service user.

Count 2 – Infringement of U.S. Patent No. 6,314,577

10.   Global Interactive owns United States Patent 6,314,577 (the "'577

patent") (attached as Exhibit B).

11.   HBO is infringing at least one of the 130 methods and systems claimed in

the '577 patent by providing the HBO Full Schedule service.

12.   For example, and for illustration of one of the 130 claims of the '577

patent that Global Interactive alleges the HBO Full Schedule infringes claim 94 of the

'577 patent as follows:

> a. Claim 94 is a "method for providing listeners or viewers of a radio or
>
>   television broadcast with automated information about program
>
>   material, comprising the steps of: broadcasting at least one radio or
>
>   television broadcast . . . ." (Ex. B, 23:14-18.) The HBO Full Schedule
>
>   service website contains listings of television programs that are
>
>   broadcasted to consumers. http://www.HBO.com/schedule.
>
> b. Claim 94 involves "receiving user inquiries from a listener or viewer
>
>   of said radio or television broadcast . . . ." (Ex. B, 19-20.) A consumer
>
>   using the HBO Full Schedule service may access the HBO Full
>
>   Schedule service website and inquire about the movie *X-Men*
>
>   broadcast by HBO.
>
> c. Claim 94 involves "creating a program description file . . . ." (Ex. B,
>
>   23:21.) The individual inquiring about *X-Men* would learn from the

HBO Full Schedule service: "Every so often, the slow evolution of a species takes a sudden tremendous leap. In the not-so-distant future, the result is a tiny group of freakish humans with incredible super powers." http://www.HBO.com/schedule (pop-up over *X-Men*).

d. The method of claim 94 involves "communicating program list information into a programmed data processor . . . ." (Ex. B, 23:23-24.) The HBO Full Schedule service user is able to learn about HBO's *X-Men* because HBO has a programmed data processor that communicates the program information to the HBO Full Schedule service.

e. Claim 94 involves "correlating said program descriptions of program material with said program list information and generating information in a database responsive to only a broadcast identifier . . . ." (Ex. B, 23:24-27.) HBO correlates the communicated *X-Men* program information with the broadcast of the *X-Men* program.

f. Claim 94 involves "using said programmed data processor to communicate said program description file responsive to said user inquiry." The HBO Full Schedule service communicates the *X-Men* program information to the HBO Full Schedule service user.

Count 3 – Infringement of U.S. Patent No. 7,574,721

13. Global Interactive owns United States Patent 7,574,721 (the "'721 patent") (attached as Exhibit C).

14.   HBO is infringing at least one of the 35 methods and systems claimed in

the '721 patent by providing the HBO Full Schedule service.

15.   For example, and for illustration of one of the 35 claims of the '721 patent

that Global Interactive alleges the HBO Full Schedule service infringes, the service

infringes claim 20 of the '721 patent as follows:

  a. Claim 20 is "A method for identifying at least one broadcast provider

      over a network in response to at least one user communication,

      wherein the at least one user communication comprises at least one

      user related broadcast identifier that is not required to by itself identify

      the at least one broadcast provider, the method comprising: receiving

      at least one user related network address associated with at least one

      user communication; . . . ." (Ex. C, 19:17-24.) The HBO Full Schedule

      service website identifies HBO and HBO2 as the broadcast providers

      of certain television programs and movies available to the user based

      on the user's Internet Protocol address ("IP address") and in response

      to the "user related broadcast identifier," e.g., date for which the user

      wants to identify a broadcast provider of programming. For example,

      in response to a user's communication, HBO is identified as the

      broadcast provider of the movie *X-Men* and HBO2 is identified as the

      broadcast provider of the movie *The Other Woman* on September 3,

      2015 at 2:30 pm. http://www.HBO.com/schedule.

  b. Claim 20 involves "querying, by a processor, a database of one or

      more stored network addresses wherein each stored address or part

thereof is indexed to one or more stored broadcast identifiers, wherein

each of the stored broadcast identifiers is associated with at least one

broadcast provider . . . ." (Ex. C, 19:25-29.) The HBO Full Schedule

service queries a database of stored IP addresses indexed to broadcast

identifiers, e.g., content programming by date.

c.   Claim 20 involves "determining whether the received at least one user

related network address matches at least one of the stored network

addresses or parts thereof . . . ." (Ex. C, 19:30-32.) The HBO Full

Schedule service determines whether the user's IP address matches

one of the stored IP addresses.

d.   In Claim 20, "if at least one of said stored network addresses or parts

thereof matches the received at least one user related network address,

retrieving one or more indexed broadcast identifiers corresponding to

the at least one matching network address or part thereof . . . ." (Ex. C,

19:33-37.) Once the HBO Full Schedule service determines that the

user's IP address matches at least part of a stored IP address, the HBO

Full Schedule service retrieves broadcast identifiers that identify the

programming of HBO and HBO2 corresponding to the user's IP

address.

e.   Claim 20 involves "receiving said at least one user related broadcast

identifier associated with at least one user communication . . . ." (Ex.

C, 19:38-39.) The HBO Full Schedule service receives the user related

broadcast identifier identifying the date for which the user wants to

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identify a broadcast provider of programming when the user selects a

date. http://www.HBO.com/schedule/

f. Claim 20 involves "identifying, by the processor, at least one

broadcast provider using both said retrieved indexed one or more

broadcast identifiers and said received at least one user related

broadcast identifier, wherein the identifying of the at least one

broadcast provider does not require identifying only a closest

proximity broadcast provider based on the received at least one

network address." (Ex. C, 19:40-46.) The HBO Full Schedule service,

using, for example, the user's related broadcast identifier of September

3, 2015, identifies HBO as the broadcast provider of the movie *X-Men*

and HBO2 as the broadcast provider of the movie *The Other Woman*

on September 3, 2015 at 2:30 pm. http://www.HBO.com/schedule.

Prayer for Relief

WHEREFORE, Global Interactive prays for the following relief against HBO:

(a) Judgment that HBO has directly infringed claims of the '907 patent, the

'577 patent, and the '721 patent;

(b) For a reasonable royalty;

(c) For pre-judgment interest and post-judgment interest at the maximum rate

allowed by law; and

(d) For such other and further relief as the Court may deem just and proper.

Demand for Jury Trial

Global Interactive demands a trial by jury on all matters and issues triable by jury.

Date: <u>December 7, 2015</u>   Respectfully Submitted,

/s/ Matthew M. Wawrzyn
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