

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

POST MEDIA SYSTEMS LLC,

Plaintiff,

v.

IHEARTMEDIA, INC.,

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Post Media Systems LLC (“Post Media” or “Plaintiff”), for its Complaint against Defendant iHeartMedia, Inc. (“iHeartMedia” or “Defendant”), alleges the following:

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 is a corporation organized under the laws of the State of Texas with a place of business at 556 County Road 557, Farmersville, TX 75442.

3. Upon information and belief, iHeartMedia is a corporation organized and existing under the laws of Delaware, with a place of business at 200 East Basse Road, San Antonio, Texas 78209-8328, and can be served through its Delaware registered agent The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801. Upon information and belief, iHeartMedia sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services that into the

stream of commerce and that incorporate infringing technology 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, Title 35 of the United States Code.

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

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c), (d) and/or 1400(b). On information and belief, Defendant conducts business in this District, the claims alleged in this Complaint arise in this District, and the acts of infringement have taken place and are continuing to take place in this District.

7. On information and belief, Defendant is subject to this Court's general and specific personal jurisdiction because Defendant has sufficient minimum contacts within the State of Texas and this District, pursuant to due process and/or the Texas Long Arm Statute because Defendant purposefully availed itself of the privileges of conducting business in the State of Texas and in this District, because Defendant regularly conducts and solicits business within the State of Texas and within this District, and because Plaintiff's causes of action arise directly from Defendant's business contacts and other activities in the State of Texas and this District. Further, this Court has personal jurisdiction over Defendant because it is headquartered in Texas and has purposely availed itself of the privileges and benefits of the laws of the State of Texas.

BACKGROUND

8. This lawsuit initially asserts infringement of three United States patents, Nos. 7,069,310; 7,472,175; and 8,725,832 (the "patents in suit"), which are part of a broader family of five issued patents. Alan Bartholomew is the sole inventor on each of the five issued patents.

9. Raised in a family with a Quaker background, Alan Bartholomew studied music and performance with the cello, earning the BFA and MFA degrees from the California Institute of Arts. While studying music he taught himself programming and started a software development business that became a source of income to support his family. While developing office productivity software products for customers, he worked in his spare time to find creative ways of combining his musical interests and software expertise. This led to his developing a way to broadcast audio files over shared networks, now often referred to as podcasting, such as used for entertainment, marketing and educational purposes (*e.g.* for distance learning). His work led to the patents in suit. His research also led to the development of audio and video recording software products that he has successfully sold through his company SoniClear, helping customers record government meetings and court proceedings, including cities, school districts, and courts around the country.

10. Now nearing retirement, concerned about maintaining his software business in the volatile economy, he has chosen to stay focused on the development of software products related to his SoniClear business, rather than developing new patent ideas. Having spent much money and effort to develop his inventions and procure patents, Mr. Bartholomew hopes to recoup costs without incurring financial risk to his family. Mr. Bartholomew turned to Post Media, whose purpose in part is to conduct the work necessary to reward and provide compensation to Mr. Bartholomew for the patents in suit.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,069,310

11. The allegations set forth in the aforementioned paragraphs 1 through 10 are incorporated into this First Count for Relief.

12. On June 27, 2006, U.S. Patent No. 7,069,310 (“the ’310 patent”), entitled “System and Method for Creating and Posting Media Lists for Purposes of Subsequent Playback,” was

duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '310 patent is attached as Exhibit 1.

13. The inventive embodiments of the '310 patent resolve technical problems related to a specific functionality of computers and networks (*e.g.* Internet or other networks) to post, share, and playback media, overcoming posting and interface issues specific to different computing systems and accounts on shared networks.

14. The claims of the '310 patent do not merely recite the performance of some business practice known from the pre-Internet world along with a requirement to perform it on the Internet. Instead, the claims of the '310 patent recite one or more inventive concepts that are rooted in computerized electronic data communications networks, and an improved method to deliver content and provide interface among different accounts and computing systems.

15. The claims of the '310 patent recite an invention that is not merely the routine or conventional use of electronic devices for communications. Instead, among other things, the invention adds new features to deliver content, integrate application interfaces and other protocols together on shared networks. The '310 patent claims thus include improvements for, for example, embedding media information and propagating changes in the media information to yield a desired result.

16. The technology claimed in the '310 patent does not preempt all ways of using computerized devices or transmitting information over networks, nor preempt any other well-known or prior art technology.

17. Accordingly, each claim of the '310 patent recites a combination of elements sufficient to ensure that the claim in practice amounts to significantly more than a patent on an ineligible concept.

18. Plaintiff is the assignee and owner of the right, title and interest in and to the '310 patent, including the right to assert all causes of action arising under the patents and the right to any remedies for infringement of them.

19. Upon information and belief, Defendant has and continues to directly infringe at least claims 1-5, 8-9, 11 and 15 of the '310 patent by making, using, selling, importing and/or providing and causing to be used without authority within the United States, a system directed to a specific functionality of computers and networks to share media for playback; for example, the embodiments include a system to propagate changes in lists in a computer network environment (the "'310 Accused Instrumentalities"). The '310 Accused Instrumentalities include at least iHeartMedia's iHeartRadio, iHeartRadio App and iHeartRadio Internet web service and equipment implementing that service.

20. In particular, claim 1 of the '310 patent generally recites a system for sharing media for playback, where the system has a first computer system configured to connect to a server via a communication network; where the server includes references to audio data stored on the server, where the audio data is from a plurality of sources and is stored in a condition for playback; where the first computer system is configured to obtain the references to the audio data from the server; where the first computer system is configured to create a mediagram specified by a creator user, where the mediagram includes the references enabling playback of the audio data, where the mediagram includes an atomic unit having at least one reference to the audio data and a set of media attributes; where the first computer system is configured to publish the mediagram to the server via the communication network; where the server is configured to receive and store the mediagram that includes the references enabling playback of the audio data; where the mediagram is referenced in an ordered list on the server; where at least one other peer

computer system is configured to connect to the server via the communication network; where the server is configured to cause the ordered list having the mediagram to be displayed on the at least one other peer computer system in a way that enables a user of the at least one other peer computer system to select a list item for playback to the at least one other peer computer system; where the ordered list and contents of the ordered list are altered dynamically as a result of input provided to the ordered list; and where the set of media attributes contained in the mediagram is changed on the server and the server is configured to propagate changes to the mediagram automatically.

21. On information and belief, the '310 Accused Instrumentalities infringe at least claim 1 of the '310 patent. (*See, e.g.*, www.iheart.com/news/welcome-to-iheartradio-6906244/; <http://help.iheart.com/customer/en/portal/articles/1669053-iheartradio-permissions-on-android>; <https://www.youtube.com/watch?v=tJDBRHEBwKg>; <http://www.cnet.com/products/iheartradio-ios/>; <http://news.iheart.com/features/about-my-favorites-radio-1468/>; <http://help.iheart.com/customer/en/portal/articles/964821-find-saved-stations-on-roku> (all accessed May 4, 2016); <http://appadvice.com/appnn/2012/05/clear-channel-media-announces-major-update-to-iheartradio-for-ipad> (accessed May 7, 2016); www.iheart.com and www.iheart.com/my/friends/ (logged onto [iheart.com](http://www.iheart.com) as user `dy_wu33`, accessed May 5, 2016).)

22. Claim 2 of the '310 patent generally recites the system of claim 1, where the contents of the ordered list is altered based on a set of criteria.

23. On information and belief, the '310 Accused Instrumentalities infringe at least claim 2 of the '310 patent. (*See, e.g.*, citations for claim 1 and <http://help.iheart.com/customer/en/portal/articles/1234988-requirements-for-submitting-a-show-to-iheartradio>.)

24. Claim 3 of the '310 patent generally recites the system of claim 1, where the contents of the ordered list is altered based on a set of behaviors.

25. On information and belief, the '310 Accused Instrumentalities infringe at least claim 3 of the '310 patent. (*See, e.g.*, citations for claim 1 and <http://help.iheart.com/customer/en/portal/articles/1234988-requirements-for-submitting-a-show-to-iheartradio>.)

26. Claim 4 of the '310 patent generally recites the system of claim 1 where the contents of the ordered list is altered based on a set of behaviors and criteria.

27. On information and belief, the '310 Accused Instrumentalities infringe at least claim 4 of the '310 patent. (*See, e.g.*, citations for claim 1 and <http://help.iheart.com/customer/en/portal/articles/1234988-requirements-for-submitting-a-show-to-iheartradio>.)

28. Claim 5 of the '310 patent generally recites the system of claim 1 where the server is configured to order the mediagram within the ordered list based on a ranking.

29. On information and belief, the '310 Accused Instrumentalities infringe at least claim 5 of the '310 patent. (*See, e.g.*, citations for claim 1.)

30. Claim 8 of the '310 patent generally recites the system of claim 1, where a ranking of the list items is based on usage of the list items.

31. On information and belief, the '310 Accused Instrumentalities infringe at least claim 8 of the '310 patent. (*See, e.g.*, citations for claim 1.)

32. Claim 9 of the '310 patent generally recites the system of claim 1, where the contents of the ordered list is stored in at least one database.

33. On information and belief, the '310 Accused Instrumentalities infringe at least claim 9 of the '310 patent. (*See, e.g.*, citations for claim 1.)

34. Claim 11 of the '310 patent generally recites the system of claim 1, where the audio data referenced by the mediagram is sent to the at least one another peer computer system from a media streaming server.

35. On information and belief, the '310 Accused Instrumentalities infringe at least claim 11 of the '310 patent. (*See, e.g.*, citations for claim 1.)

36. Claim 15 of the '310 patent generally recites the system of claim 1, where a second user is notified when the mediagram is available.

37. On information and belief, the '310 Accused Instrumentalities infringe at least claim 15 of the '310 patent. (*See, e.g.*, citations for claim 1 and <http://help.iheart.com/customer/en/portal/articles/1432322-disable-alerts-push-notifications-on-android>.)

38. On information and belief, these '310 Accused Instrumentalities are used marketed, provided to, and/or used by or for Defendant's partners, clients, customers and end users across the country and in this District.

39. Defendant was made aware of the '310 patent and its infringement thereof at least as early as the filing of this Complaint.

40. Upon information and belief, since at least the filing of this Complaint, Defendant has induced and continues to induce others to infringe at least one claim of the '310 patent under 35 U.S.C. § 271(b) by, among other things, with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendant's partners, clients,

customers, and end users, whose use of the '310 Accused Instrumentalities constitutes direct infringement of at least one claim of the '310 patent.

41. In particular, Defendant's actions that aid and abet others such as its partners, customers, clients, and end users to infringe include advertising and distributing the '310 Accused Instrumentalities and providing instruction materials, training, and services regarding the '310 Accused Instrumentalities. On information and belief, Defendant has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement since Defendant has had actual knowledge of the '310 patent and knowledge that its acts were inducing infringement of the '310 patent since at least the date Defendant received notice that such activities infringed the '310 patent.

42. Upon information and belief, since at least the filing of this Complaint, Defendant is liable as a contributory infringer of the '310 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States media content delivery in shared networks to be especially made or adapted for use in an infringement of the '310 patent. The '310 Accused Instrumentalities are a material component for use in practicing the '310 patent and are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

43. Plaintiff has been harmed by Defendant's infringing activities.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 7,472,175

44. The allegations set forth in the aforementioned paragraphs 1 through 43 are incorporated into this Second Count for Relief.

45. On December 30, 2008, U.S. Patent No. 7,472,175 ("the '175 patent"), entitled "System for Creating and Posting Media for Sharing on a Communication Network," was duly

and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '175 patent is attached as Exhibit 2.

46. The inventive embodiments of the '175 patent resolve technical problems related to a specific functionality of computers and networks (*e.g.* Internet or other networks) to post, share, and playback media, overcoming posting and interface issues specific to different computing systems and accounts on shared networks.

47. The claims of the '175 patent do not merely recite the performance of some business practice known from the pre-Internet world along with a requirement to perform it on the Internet. Instead, the claims of the '175 patent recite one or more inventive concepts that are rooted in computerized electronic data communications networks, and an improved method to deliver content and provide interface among different accounts and computing systems.

48. The claims of the '175 patent recite an invention that is not merely the routine or conventional use of electronic devices for communications. Instead, among other things, the invention adds new features to deliver content, integrate application interfaces and other protocols together on shared networks. The '175 patent claims thus include improvements for, for example, embedding media information and propagating changes in the media information to yield a desired result.

49. The technology claimed in the '175 patent does not preempt all ways of using computerized devices or transmitting information over networks, nor preempt any other well-known or prior art technology.

50. Accordingly, each claim of the '175 patent recites a combination of elements sufficient to ensure that the claim in practice amounts to significantly more than a patent on an ineligible concept.

51. Plaintiff is the assignee and owner of the right, title and interest in and to the '175 patent, including the right to assert all causes of action arising under the patents and the right to any remedies for infringement of them.

52. Upon information and belief, Defendant has and continues to directly infringe at least claims 1 and 4 of the '175 patent by making, using, selling, importing and/or providing and causing to be used without authority within the United States, a system directed to a specific functionality of computers and networks to share media for playback; for example, the embodiments include mediagrams to share and playback media in a shared computer network environment (the "'175 Accused Instrumentalities"). The '175 Accused Instrumentalities include at least iHeartMedia's iHeartRadio, iHeartRadio App and iHeartRadio Internet web service and equipment implementing that service.

53. In particular, claim 1 of the '175 patent generally recites a system for sharing media for retrieval, the system having: a first computer system configured to connect to a server via a communication network; where the first computer system is configured to create a mediagram specified by a creator user, where the mediagram includes an atomic unit having at least one reference to audio data and a set of media attributes, where the atomic unit is a logical entity that is not further divisible; the server configured to receive and store the mediagram; the mediagram referenced in an ordered list in the server; where position of the mediagram within the ordered list is based upon a popularity ranking; the server configured to present the ordered list having the mediagram to at least one client computer to enable a user of the at least one client computer to select a list item for retrieval from the server; the ordered list and contents of the ordered list are altered dynamically as a result of input provided to the ordered list; the at least one client computer configured to retrieve the mediagram from the server in response to the

selection and where the at least one client computer is configured to reference the mediagram in the ordered list; the at least one client computer configured to retrieve the audio data using the reference to the audio data contained in the mediagram; and the at least one client computer is configured to present the mediagram to enable the user of the at least one client computer to select the mediagram for playback of the audio data referenced by the mediagram.

54. On information and belief, the '175 Accused Instrumentalities infringe at least claim 1 of the '175 patent. (*See, e.g.*, www.iheart.com/news/welcome-to-iheartradio-6906244/; <http://help.iheart.com/customer/en/portal/articles/1669053-iheartradio-permissions-on-android>; <https://www.youtube.com/watch?v=tJDBRHEBwKg>; <https://www.youtube.com/watch?v=bELmw0WDWIU>; <http://www.cnet.com/products/iheartradio-ios/>; <http://news.iheart.com/features/about-my-favorites-radio-1468/>; <http://help.iheart.com/customer/en/portal/articles/964821-find-saved-stations-on-roku> (all accessed May 4, 2016); <http://appadvice.com/appnn/2012/05/clear-channel-media-announces-major-update-to-iheartradio-for-ipad> and <http://www.iheart.com/news/how-to-create-the-most-awesome-14034270/> (all accessed May 7, 2016); www.iheart.com and www.iheart.com/my/friends/ (logged onto iheart.com as user dy_wu33, accessed May 5, 2016); and <https://www.facebook.com/profile.php> and <https://www.facebook.com/profile.php?id=100012182883388> logged on as Facebook user dy_wu33; <https://developers.facebook.com/docs/graph-api/reference/v2.6/user/feed>; <https://developers.facebook.com/docs/pages/publishing>; <http://help.iheart.com/customer/en/portal/articles/1290612-control-publishing-to-facebook-on-iphone-and-ipad> (all accessed May 8, 2016.)

55. Claim 4 of the '175 patent generally recites a system for sharing media for retrieval, the system having: a first client computer configured to connect to a server via a communication network; where the server includes references to audio data stored in the server, where the audio data is from a plurality of sources and is stored in condition for retrieval; where the first client computer is configured to obtain the references to the audio data from the server; where the first client computer is configured to create a mediagram specified by a creator user, where the mediagram includes the references enabling retrieval of the audio data, where the mediagram includes an atomic unit having at least one reference to the audio data and a set of media attributes, where the atomic unit is a logical entity that is not further divisible; where the first client computer is configured to publish the mediagram to the server via the communication network; where the server is configured to receive and store the mediagram that includes the references enabling retrieval of the audio data; where the mediagram is referenced in an ordered list in the server; where position of the mediagram within the ordered list is based upon a popularity ranking; where the server is configured to cause the ordered list having the mediagram to be displayed on at least one other client computer in a way that enables a user of at least one other client computer to select a list item for retrieval to the at least one other client; and, where the ordered list and contents of the ordered list are altered dynamically as a result of input provided to the ordered list.

56. On information and belief, the '175 Accused Instrumentalities infringe at least claim 4 of the '175 patent. (*See, e.g.*, www.iheart.com/news/welcome-to-iheartradio-6906244/; <http://help.iheart.com/customer/en/portal/articles/1669053-iheartradio-permissions-on-android>; <https://www.youtube.com/watch?v=tJDBRHEBwKg>; <http://www.cnet.com/products/iheartradio-ios/>; <http://news.iheart.com/features/about-my-favorites-radio-1468/>;

<http://help.ihheart.com/customer/en/portal/articles/964821-find-saved-stations-on-roku> (all accessed May 4, 2016); <http://appadvice.com/appnn/2012/05/clear-channel-media-announces-major-update-to-ihheartradio-for-ipad> (accessed May 7, 2016); www.ihheart.com and www.ihheart.com/my/friends/ (logged onto [ihheart.com](http://www.ihheart.com) as user `dy_wu33`, accessed May 5, 2016).)

57. On information and belief, these '175 Accused Instrumentalities are used marketed, provided to, and/or used by or for Defendant's partners, clients, customers and end users across the country and in this District.

58. Defendant was made aware of the '175 patent and its infringement thereof at least as early as the filing of this Complaint.

59. Upon information and belief, since at least the filing of this Complaint, Defendant has induced and continues to induce others to infringe at least one claim of the '175 patent under 35 U.S.C. § 271(b) by, among other things, with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendant's partners, clients, customers, and end users, whose use of the '175 Accused Instrumentalities constitutes direct infringement of at least one claim of the '175 patent.

60. In particular, Defendant's actions that aid and abet others such as its partners, customers, clients, and end users to infringe include advertising and distributing the '175 Accused Instrumentalities and providing instruction materials, training, and services regarding the '175 Accused Instrumentalities. On information and belief, Defendant has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement since Defendant has had actual knowledge of the '175 patent and knowledge that its acts were inducing infringement of the '175 patent since at least the date Defendant received notice that such activities infringed the '175 patent.

61. Upon information and belief, since at least the filing of this Complaint, Defendant is liable as a contributory infringer of the '175 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States media content delivery in shared networks to be especially made or adapted for use in an infringement of the '175 patent. The '175 Accused Instrumentalities are a material component for use in practicing the '175 patent and are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

62. Plaintiff has been harmed by Defendant's infringing activities.

COUNT III – INFRINGEMENT OF U.S. PATENT NO. 8,725,832

63. The allegations set forth in the aforementioned paragraphs 1 through 62 are incorporated into this Third Count for Relief.

64. On May 13, 2014, U.S. Patent No. 8,725,832 ("the '832 patent"), entitled "System and Method for Creating and Posting Media Lists for Purposes of Subsequent Playback," was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '832 patent is attached as Exhibit 3.

65. The inventive embodiments of the '832 patent resolve technical problems related to a specific functionality of computers and networks (*e.g.* Internet or other networks) to post, share, and playback media, overcoming posting and interface issues specific to different computing systems and accounts on shared networks.

66. The claims of the '832 patent do not merely recite the performance of some business practice known from the pre-Internet world along with a requirement to perform it on the Internet. Instead, the claims of the '832 patent recite one or more inventive concepts that are rooted in computerized electronic data communications networks, and an improved method to deliver content and provide interface among different accounts and computing systems.

67. The claims of the '832 patent recite an invention that is not merely the routine or conventional use of electronic devices for communications. Instead, among other things, the invention adds new features to deliver content, integrate application interfaces and other protocols together on shared networks. The '832 patent claims thus include improvements for, for example, embedding media information and propagating changes in the media information to yield a desired result.

68. The technology claimed in the '832 patent does not preempt all ways of using computerized devices or transmitting information over networks, nor preempt any other well-known or prior art technology.

69. Accordingly, each claim of the '832 patent recites a combination of elements sufficient to ensure that the claim in practice amounts to significantly more than a patent on an ineligible concept.

70. Plaintiff is the assignee and owner of the right, title and interest in and to the '832 patent, including the right to assert all causes of action arising under the patents and the right to any remedies for infringement of them.

71. Upon information and belief, Defendant has and continues to directly infringe at least claims 1 – 6, and 17 of the '832 patent by making, using, selling, importing and/or providing and causing to be used without authority within the United States, a system directed to a specific functionality of computers and networks to share media for playback; for example, the embodiments include a system to transfer lists and propagate changes in lists in a computer network environment (the "'832 Accused Instrumentalities"). The '832 Accused Instrumentalities include at least iHeartMedia's iHeartRadio, iHeartRadio App and iHeartRadio Internet web service and equipment implementing that service.

72. In particular, claim 1 of the '832 patent generally recites a system having: a first computer configured to receive and store media content having media data for distribution to at least one second computer remote from the first computer, create a plurality of dynamic lists, each having a plurality of first list items which are arranged in a dynamically modifiable order, the dynamically modifiable order being changeable in response to an addition of a new list item to the plurality of dynamic lists, add at least one first reference to the media content to a first dynamic list of the plurality of dynamic lists, and enable access to the first dynamic list by at least one first user of the second computer in accordance with sharing information provided by a second user of the first computer; where at least one of the plurality of dynamic lists includes a hierarchy of the plurality of dynamic lists that are interrelated, the hierarchy being navigable by the second user where the second computer is configured to receive at least one dynamic list of the plurality of dynamic lists from the first computer, display the received dynamic list to the first user, receive a user input selecting a list item of the received dynamic list containing a reference to the media data, download the media data in response to the reception of the user input; and where the second computer is further configured to receive a notification that the media data has been changed, download the media data which has been changed in response to the reception of the notification, and notify the first user that the media data which has been changed has been downloaded.

73. On information and belief, the '832 Accused Instrumentalities infringe at least claim 1 of the '832 patent. (*See, e.g.*, <http://www.iheart.com/?cmp=iheartradiocom> and <http://www.iheart.com/artist/> and <http://www.iheart.com/show/> and <http://www.iheart.com/show/Phone-Tap/> (logged onto iheart.com as user dy_wu33, accessed May 9 – 10, 2016); <http://help.iheart.com/customer/en/portal/articles/206952-troubleshooting->

browser-issues-with-iheartradio; <http://www.iheart.com/news/welcome-to-iheartradio-6906244/>;
<https://www.youtube.com/watch?v=tJDBRHEBwKg>;
<http://help.iheart.com/customer/en/portal/articles/1995477-submitting-music-to-iheartradio>;
<https://www.speaker.com/help/iheartradio>;
<http://help.iheart.com/customer/en/portal/articles/1432322-disable-alerts-push-notifications-on-android> (all accessed May 9 – 15, 2016.)

74. Claim 2 of the '832 patent generally recites the system of claim 1, where the media data includes at least one of audio data, video data, photographic data, textual data, database data, web content data, and programming code data.

75. On information and belief, the '832 Accused Instrumentalities infringe at least claim 2 of the '832 patent. (*See, e.g.*, citations for '832 patent claim 1.)

76. Claim 3 of the '832 patent generally recites the system of claim 1, where at least one of the plurality of dynamic lists includes content obtained by the first computer based on pre-defined criteria.

77. On information and belief, the '832 Accused Instrumentalities infringe at least claim 3 of the '832 patent. (*See, e.g.*, citations for '832 patent claim 1.)

78. Claim 4 of the '832 patent generally recites the system of claim 3, where the pre-defined criteria includes at least one of a user behavior criteria, a category criteria, and a ranking criteria.

79. On information and belief, the '832 Accused Instrumentalities infringe at least claim 4 of the '832 patent. (*See, e.g.*, citations for '832 patent claim 1.)

80. Claim 6 of the '832 patent generally recites the system of claim 1, where at least a second dynamic list of the plurality of dynamic lists includes a mediagram.

81. On information and belief, the '832 Accused Instrumentalities infringe at least claim 6 of the '832 patent. (*See, e.g.*, citations for '832 patent claim 1 and <http://www.iheart.com/genre/> (accessed May 15, 2016, logged on as user dy_wu33).)

82. Claim 17 of the '832 patent generally recites a system having: a first computer configured to receive and store media content having media data for distribution to at least one second computer remote from the first computer, create a plurality of dynamic lists, each having a plurality of first list items which are arranged in a dynamically modifiable order, the dynamically modifiable order being changeable in response to an addition of a new list item to the plurality of dynamic lists, add at least one first reference to the media content to a first dynamic list of the plurality of dynamic lists, and enable access to the first dynamic list by at least one first user of the second computer in accordance with sharing information provided by a second user of the first computer; where at least one of the plurality of dynamic lists includes a hierarchy of the plurality of dynamic lists that are interrelated, the hierarchy being navigable by the second user; where at least a second dynamic list of the plurality of dynamic lists includes a mediagram; where the first computer is further configured to receive a changed version of the second dynamic list and store the changed version of the second dynamic list in a data store thereof; and where the changed version of the second dynamic list includes at least one changed media attribute associated with media data referenced by the second dynamic list.

83. On information and belief, the '832 Accused Instrumentalities infringe at least claim 17 of the '832 patent. (*See, e.g.*, <http://www.iheart.com/?cmp=iheartradiocom> and <http://www.iheart.com/artist/> and <http://www.iheart.com/show/> and <http://www.iheart.com/show/Phone-Tap/> and http://www.iheart.com/show/Phone-Tap/?episode_id=27503075 (logged onto iheart.com as user dy_wu33, accessed May 9 – 10,

2016); <http://help.ihheart.com/customer/en/portal/articles/206952-troubleshooting-browser-issues-with-ihheartradio>; <http://www.ihheart.com/news/welcome-to-ihheartradio-6906244/>;
<https://www.youtube.com/watch?v=tJDBRHEBwKg>;
<http://help.ihheart.com/customer/en/portal/articles/1995477-submitting-music-to-ihheartradio>;
<https://www.spreaker.com/help/ihheartradio>;
<http://help.ihheart.com/customer/en/portal/articles/1432322-disable-alerts-push-notifications-on-android> (all accessed May 9 – 15, 2016).)

84. On information and belief, these '832 Accused Instrumentalities are used marketed, provided to, and/or used by or for Defendant's partners, clients, customers and end users across the country and in this District.

85. Defendant was made aware of the '832 patent and its infringement thereof at least as early as the filing of this Complaint.

86. Upon information and belief, since at least the filing of this Complaint, Defendant has induced and continues to induce others to infringe at least one claim of the '832 patent under 35 U.S.C. § 271(b) by, among other things, with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendant's partners, clients, customers, and end users, whose use of the '832 Accused Instrumentalities constitutes direct infringement of at least one claim of the '832 patent.

87. In particular, Defendant's actions that aid and abet others such as its partners, customers, clients, and end users to infringe include advertising and distributing the '832 Accused Instrumentalities and providing instruction materials, training, and services regarding the '832 Accused Instrumentalities. On information and belief, Defendant has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting

infringement since Defendant has had actual knowledge of the '832 patent and knowledge that its acts were inducing infringement of the '832 patent since at least the date Defendant received notice that such activities infringed the '832 patent.

88. Upon information and belief, since at least the filing of this Complaint, Defendant is liable as a contributory infringer of the '832 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States media content delivery in shared networks to be especially made or adapted for use in an infringement of the '832 patent. The '832 Accused Instrumentalities are a material component for use in practicing the '832 patent and are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

89. Plaintiff has been harmed by Defendant's infringing activities.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment for itself and against Defendant as follows:

- A. An adjudication that Defendant has infringed the '310, '175, and '832 patents;
- B. An award of damages to be paid by Defendant adequate to compensate Plaintiff for Defendant's past infringement of the '310, '175, and '832 patents, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiff's reasonable attorneys' fees; and

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

Dated: June 15, 2016

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