

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

TAGI Ventures, LLC,)	
)	Civil Action No. 16-cv-480 (ADM/TNL)
Plaintiff,)	
)	
v.)	JURY TRIAL DEMANDED
)	
Turner Sports Interactive, Inc.)	
)	
Defendant.)	

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

For its Amended Complaint against the above-named Defendant, Plaintiff TAGI Ventures, LLC, by and through its undersigned counsel, states and alleges as follows:

THE PARTIES

1. TAGI Ventures, LLC (“Plaintiff” or “TAGI”) is a Minnesota Limited Liability Company, having its principal place of business located at 35 Crystal Creek Road, Orono, Minnesota 55356.

2. On information and belief, Defendant Turner Sports Interactive, Inc. is a Georgia corporation having its principal place of business located at One CNN Center Atlanta, Georgia 30303. Defendant Turner Sports Interactive, Inc. is referred to as “Turner” or “Defendant.”

JURISDICTION AND VENUE

3. This is a case for patent infringement arising under the Acts of Congress relating to patents, 35 U.S.C. §§ 271 and 281–285.

4. This Court has federal question subject matter jurisdiction over the matter in controversy under 28 U.S.C. §§ 1331 and 1338(a) because the claims alleged herein arise under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*

5. On information and belief, at all times material, Defendant has regularly solicited and transacted business in the State of Minnesota and in this District by making, using, importing, selling and/or offering to sell products, devices, systems and/or methods including those identified below. Minimally, Defendant has deliberately placed at least those infringing products, devices, systems and/or methods identified in this Complaint into the stream of commerce knowing same have been and will be made, used, imported, sold and/or offered for sale within the State of Minnesota and this District. Defendant's infringing activities have caused and will continue to cause harm and damage to Plaintiff.

6. This Court has personal jurisdiction over Defendant and each of them by virtue of their purposeful contacts with the State of Minnesota, described herein.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

BACKGROUND

8. On January 9, 2007, the United States Patent and Trademark Office (the "USPTO") duly issued U.S. Patent No. 7,162,532 ("the '532 Patent"), entitled System and Method for Listening to Teams in a Race Event, to co-inventors Steven Koehler ("Koehler") and Eric Moe ("Moe"). A true copy of the '532 Patent is attached hereto as Exhibit A.

9. On June 16, 2015, the USPTO duly issued U.S. Patent No. 9,059,809 (“the ’809 Patent”), entitled System and Method for Listening to Teams in a Race Event, to co-inventors Koehler and Moe. The ’532, and ’809 Patents are hereinafter referred to as the “patents in suit”. A true copy of the ’809 Patent is attached hereto as Exhibit B.

10. By previous written assignments duly recorded with the USPTO, TAGI is the owner and assignee of all right, title and interest in and to the patents in suit, including the right to pursue recovery for past infringement of the patents in suit. *See* Assignments recorded at Reel/Frame Nos. 17096-486 (January 31, 2006), 25789-491 (November 8, 2010), and 30197-623 (April 11, 2013), as shown at <http://assignment.uspto.gov/>.

11. Beginning in or around 2008, Turner designed and developed software products including, but not limited to Racebuddy, which allow remote internet users access to in car and stationary cameras, various audio sources at a race, real time or near real time statistics, and other information pertaining to one or more drivers and/or teams in races. (The “Infringing Racebuddy Products and Methods”).

12. The Infringing Racebuddy Products and Methods are used to enhance the user experience for television broadcast viewers of car racing, predominantly for use in races organized, sanctioned, and sponsored by NASCAR, Inc., related companies, and/or subsidiaries (“NASCAR”).

13. Upon information and belief, the Infringing Racebuddy Products and Methods were contemplated for use in conjunction with a traditional television broadcast of NASCAR race events.

14. In or about 2010 and through 2015, at precise times to be later determined, the Infringing Racebuddy Products and Methods included a mosaic camera view allowing users to select audio sources, and a replay feature, as least as early as 2010.

15. In or about 2011, at precise times to be later determined, Turner entered into an agreement with NASCAR and ESPN that allowed users free access to the Infringing Racebuddy Products and Methods.

16. Upon information and belief Turner still owns and controls the Infringing Racebuddy Products and Methods and/or participates in its operation.

17. Upon information and belief, Turner directs and controls the use of the Infringing Racebuddy Products and Methods by NASCAR.

18. Upon information and belief, Turner directs and controls the use of the Infringing Racebuddy Products and Methods by individual Racebuddy users.

19. On information and belief, the Infringing Racebuddy Products and Methods directly and substantially enhance the economic value of NASCAR events via increased viewer engagement, additional advertising platforms, and internet traffic.

20. Upon information and belief, Turner receives financial compensation for use of the Infringing Racebuddy Products and Methods from at least NASCAR.

21. Upon information and belief, the Infringing Racebuddy Products and Methods, are an integral element in NASCAR's marketing and television broadcast strategy.

22. Defendant's infringing activities aforesaid and described further below, have been without authority or license from TAGI.

23. Defendant had at least constructive knowledge of the patents in suit before the filing of this Complaint.

24. Defendant's infringing activities aforesaid and described further below, have been in disregard of TAGI's rights in the patents in suit.

25. Defendant's infringing activities aforesaid and described further below, have caused, and will continue to cause, substantial injury and damage to TAGI, in an amount to be determined at trial.

26. TAGI has been and will continue to be irreparably harmed by Defendant's infringing activities described herein, unless permanently enjoined by order of this Court.

27. TAGI has no adequate remedy at law.

COUNT I—DIRECT INFRINGEMENT OF U.S. PATENT NO. 7,162,532

28. The foregoing allegations are incorporated herein by this reference as though fully set forth herein.

29. By making, selling, offering for sale, importing and/or using the Infringing Racebuddy Products and Methods Turner has infringed at least the following claims of the '532 Patent, literally and/or under the doctrine of equivalents: Claims 4, 6-8, and 12, in violation of 35 U.S.C. § 271(a).

30. On information and belief, Turner's infringement of claims of the '532 Patent has been in disregard for TAGI's right to exclude others from making, importing, selling, offering for sale and/or using the invention embodied within the '532 Patent.

31. On information and belief, Turner generates audio, video, and other information pertaining to one or more drivers, team members in a race, teams, or the race, or enables the generation thereof. On further information and belief, Turner receives and/or captures the generated audio, video, and other information pertaining to one or more drivers, team members, teams, or the race and transmits and/or routes, or enables the transmission or routing of, the audio, video, and other information from their respective sources to one or more servers or computers located at a race venue. On further information and belief, Turner further transmits and/or routes, or enables the transmission or routing of, the audio, video, and other information from the one or more servers or computers located at the race venue to other devices, computers, and products described in this Amended Complaint, such that fans, race team members, or spectators at or remote from race events are allowed access to audio, video, and other information pertaining to one or more drivers, team members, teams, or the race in real-time or near real-time, including but not limited to audio and video with audio replays, a radio scanner, real-time or near real-time statistics, and other information pertaining to one or more drivers, team members, teams in the race, or the race.

32. Turner's infringement of claims of the '532 Patent has caused, and will continue to cause, substantial injury and damage to TAGI, in an amount to be determined at trial.

33. TAGI has been and will continue to be irreparably harmed by Turner's deliberate infringement of the '532 Patent, unless permanently enjoined by order of this Court.

34. On information and belief, based on the allegations set forth herein and their making, importing, selling, offering for sale and/or using the Infringing Racebuddy Products and Methods, Defendant is directly, jointly, severally, or alternatively liable for infringing the '532 patent literally or under the doctrine of equivalents.

COUNT II—DIRECT INFRINGEMENT OF U.S. PATENT NO. 9,059,809

35. The foregoing allegations are incorporated herein by this reference as though fully set forth herein.

36. By making, selling, offering for sale, importing and/or using the Infringing Racebuddy Products and Methods Turner has infringed at least the following claims of the '809 Patent, literally and/or under the doctrine of equivalents: Claims 75, 77-79, 81 and 82, in violation of 35 U.S.C. § 271(a).

37. On information and belief, Turner generates audio, video, and other information pertaining to one or more drivers, team members in a race, teams, or the race, or enables the generation thereof. On further information and belief, Turner receives and/or captures the generated audio, video, and other information pertaining to one or more drivers, team members, teams, or the race and transmits and/or routes, or enables the transmission or routing of, the audio, video, and other information from their respective sources to one or more servers or computers located at a race venue. On further information and belief, Turner further transmits and/or routes, or enables the transmission or routing of, the audio, video, and other information from the one or more servers or computers located at the race venue to other devices, computers, and products described in this Amended Complaint, such that fans, race team members, or spectators at

or remote from race events are allowed access to audio, video, and other information pertaining to one or more drivers, team members, teams, or the race in real-time or near real-time, including but not limited to audio and video with audio replays, a radio scanner, real-time or near real-time statistics, and other information pertaining to one or more drivers, team members, teams in the race, or the race.

38. Turner's infringement of claims of the '809 Patent has caused, and will continue to cause, substantial injury and damage to TAGI, in an amount to be determined at trial.

39. TAGI has been and will continue to be irreparably harmed by Turner's infringement of the '809 Patent, unless permanently enjoined by order of this Court.

40. On information and belief, Turner's infringement of claims of the '809 Patent has been in disregard for TAGI's right to exclude others from making, importing, selling, offering for sale and/or using the invention embodied within the '809 Patent.

41. On information and belief, based on the allegations set forth herein and their making, importing, selling, offering for sale and/or using the Infringing Racebuddy Products and Methods, Defendant is directly, jointly, severally, or alternatively liable for infringing the '809 patent literally or under the doctrine of equivalents.

DEMAND FOR JURY TRIAL

TAGI hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

- A. To enter judgment that Defendant Turner has directly infringed the '532 patent;
- B. To enter judgment that Defendant Turner has directly infringed the '809 patent;
- C. A judgment against Defendant and in favor of TAGI for an award of monetary damages sufficient to compensate TAGI for all of its substantial losses and harm suffered as a consequence of Defendant's infringement of the patents in suit but in no event less than a reasonable royalty amount;
- D. A judgment against Defendant and in favor of TAGI for an award trebling TAGI's damages herein, ordering Defendant to pay pre-judgment and post-judgment interest, declaring this case to be "exceptional," and ordering Defendant to pay TAGI's reasonable costs and attorneys' fees in prosecuting this action;
- E. An Order permanently enjoining Defendant, and each of their respective officers, agents, employees and other persons acting in concert or participation with them, from making, using, selling or offering to sell the Infringing Products and Methods and from importing same into the United States, and from otherwise infringing the claims of the patents in suit in violation of 35 U.S.C. § 271; and
- F. Such other and further relief as the Court deems just and proper.

Dated: May 6, 2016

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