

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

Global Interactive Media, Inc.,

Plaintiff,

v.

Cumulus Media, Inc.,

Defendant.

Case No. 1:17-cv-

Judge:

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Global Interactive Media, Inc. (“GIM”) brings this patent-infringement action against Cumulus Media, Inc. (“Cumulus”).

Parties

1. GIM is a Belizian company based in Belize.
2. Cumulus is an Illinois corporation with its principal place of business located in Atlanta, Georgia.

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 Cumulus. Cumulus is an Illinois corporation. Cumulus conducts continuous and systematic business in Illinois and this District. This patent-infringement case arises directly from Cumulus’ continuous and systematic activity in this District. In short, this Court’s exercise of jurisdiction over Cumulus would be

consistent with the Illinois long-arm statute, 735 ILCS § 5/2-209, and traditional notions of fair play and substantial justice.

6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)(1)-(2) and 1400(b).

Count 1 – Infringement of U.S. Patent No. 7,574,721

7. GIM owns United States Patent 7,574,721 (the “‘721 patent”) (attached as Exhibit A).

8. Cumulus is infringing at least one of the 35 methods and systems claimed in the ‘721 patent by providing the Cumulus Station Finder service.

9. For example, and for illustration of one of the 35 claims of the ‘721 patent that GIM alleges the Cumulus Station Finder service infringes, the service infringes claim 1 of the ‘721 patent as follows:

a. Claim 1 is a “method for identifying at least one broadcast provider through a combination of a geographic identification code and a broadcast identifier, the method comprising: digitally storing, in a database, one or more geographic identification codes that are each associated with at least one area or location in which a broadcast is receivable from at least one broadcast provider[.]” (Ex. A, 17:44-50.) The Cumulus Station Finder service digitally stores market indicators representing market states and market cities in a database, which are associated with service areas in which Cumulus broadcasts are receivable. <http://www.cumulus.com/stations/>

b. Claim 1 involves “digitally storing, in the database, one or more broadcast identifiers that are each associated with at least one broadcast provider[.]” (Ex. A, 17:51-53.) The Cumulus Station Finder service digitally stores station dial numbers in a

database (e.g., FM 101.1, FM 97.9, etc.) that correspond to Cumulus radio stations.

c. Claim 1 involves “receiving at least one user related geographic identification code[.]” (Ex. A, 17:54-55.) The Cumulus Station Finder service receives a user related geographic identification code when the user enters, for example, “Illinois” and “Chicago.”

d. Claim 1 involves “determining, by a processor, a subset of data from the database using the received at least one user related geographic identification code, the subset of data comprising at least one of the stored one or more broadcast identifiers that are associated with at least one of the stored one or more geographic identification codes that corresponds to the received at least one user related geographic identification code[.]” (Ex. A, 17:60-67.) The Cumulus Station Finder service determines by processor, using the user’s selection of “Illinois” and “Chicago,” a subset of data comprising stored broadcast identifiers (e.g., FM 101.1, FM 97.9, etc.) that correspond to Cumulus radio stations that broadcast in Chicago, Illinois.

e. Claim 1 involves “receiving at least one user related broadcast identifier[.]” (Ex. A, 17:56.) The Cumulus Station Finder service receives a user related broadcast identifier when the user selects her “format” or genre of broadcast (e.g., Classic Rock).

f. Claim 1 involves “identifying, by the processor, at least one broadcast provider using at least both the subset of data and received at least one user related broadcast identifier[.]” (Ex. A, 18:1-3.) The Cumulus Station Finder service—using the subset of data based on the user’s market location and the user-related broadcast identifier of format—identifies, for example, The Loop, FM 97.9 as a broadcast provider

of classic rock in Chicago, Illinois.

Count 2 – Infringement of U.S. Patent No. 8,032,907

10. GIM owns United States Patent 8,032,907 (the “‘907 patent”) (attached as Exhibit B).

11. Cumulus is infringing at least one of the 90 methods and systems claimed in the ‘907 patent.

12. For example, and for illustration of one of the 90 claims of the ‘907 patent that GIM alleges that Cumulus infringes, Cumulus infringes claim 18 of the ‘907 patent as follows:

- a. Claim 18 is a “method for providing recipients of a broadcast with automated information about program material, the method comprising: broadcasting program material in at least one broadcast [.]” (Ex. B, 19:13-16.) The Cumulus radio station WKQX – FM 101.1 in Chicago broadcasts alternative rock music.
- 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. B, 19:17-19.) A consumer of music broadcast over FM 101.1 in Chicago may access Cumulus’ website (<http://www.cumulus.com/stations/>) and inquire regarding the alternative rock music being broadcast over FM 101.1 in Chicago by selecting WKQX-FM.
- 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. B, 19:20-22.) Cumulus allows consumers to inquire regarding the alternative rock music being broadcast by, prior to the

broadcast, creating files describing the music to be broadcast.

- d. Next, claim 18 involves “communicating the program information into a programmed data processor[.]” (Ex. B, 19:23-24.) The Cumulus consumer is able to learn that the song “Otherside” by the band Red Hot Chili Peppers is currently being broadcast because Cumulus has a programmed data processor into which the program description file is loaded, which includes, among other things, the lyrics to “Otherside.”
- e. Claim 18 involves “synchronizing said communicated program information with said program material of said at least one broadcast[.]” (Ex. B, 19:25-26.) Cumulus synchronizes the description of “Otherside” with the broadcast of the song.
- 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.” (Ex. B, 19:28-35.) Cumulus communicates the “Otherside” program information to the Cumulus consumer.

Count 3 – Infringement of U.S. Patent No. 6,314,577

13. GIM owns United States Patent 6,314,577 (the “577 patent”) (attached as Exhibit C).
14. Cumulus is infringing at least one of the 130 methods and systems claimed in the

'577 patent.

15. For example, and for illustration of one of the 130 claims of the '577 patent that GIM alleges that Cumulus infringes, Cumulus 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. C, 23:14-18.) Cumulus radio station WKQX – FM 101.1 in Chicago broadcasts alternative rock music.
- b. Claim 94 involves “receiving user inquiries from a listener or viewer of said radio or television broadcast[.]” (Ex. C, 19-20.) A consumer of music broadcast over FM 101.1 in Chicago may access the website <http://www.101wkqx.com/> and inquire regarding the alternative rock music being broadcast over FM 101.1 in Chicago.
- c. Claim 94 involves “creating a program description file[.]” (Ex. C, 23:21.) Cumulus allows consumers to inquire regarding the alternative rock music being broadcast by, prior to the broadcast, creating files describing the music to be broadcast.
- d. The method of claim 94 involves “communicating program list information into a programmed data processor[.]” (Ex. C, 23:23-24.) Cumulus communicates a list of songs to be broadcast on FM 101.1 into a data processor, so that a user may know, for example, that “Ex’s and Oh’s” by Elle King is currently being broadcast, followed by “Waste a Moment” by Kings of Leon.

- 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. C, 23:24-27.) Cumulus correlates the program description of “Ex’s and Oh’s” (for example the lyrics: “Well, I had me a boy, turned him into a man. I showed him all the things that he didn't understand. Whoa, and then I let him go.”) with the program list. Similarly, the program description for “Waste a Moment” is correlated with the list information for that song.
- f. Claim 94 involves “using said programmed data processor to communicate said program description file responsive to said user inquiry.” Cumulus communicates the “Ex’s and Oh’s” program information to the consumer.

Prayer for Relief

WHEREFORE, GIM prays for the following relief against Cumulus:

- (a) Judgment that Cumulus has directly infringed claims of the ‘721, ‘907, and ‘577 patents;
- (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

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

Date: February 8, 2017

Respectfully Submitted,

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