UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GLOBAL INTERACTIVE MEDIA, INC.,

                    Plaintiff,   -- Civ. ---- (   )

        -v-

                                    COMPLAINT

MEDIACOM COMMUNICATIONS
CORPORATION,

                    Defendant.

_ x

       Plaintiff Global Interactive Media, Inc. ("GIM") brings this patent-infringement action against Mediacom Communications Corporation ("Mediacom").

Parties

    1.   GIM is a Belizian corporation based in Belize.

    2.   Mediacom is a Delaware corporation, having its principal place of business in Blooming Grove, 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 Mediacom. Mediacom conducts continuous and systematic business in New York and in this District, and Mediacom's headquarters are located in this District. In short, this Court's exercise of jurisdiction over Mediacom would be consistent traditional notions of fair play and substantial justice.

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

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.   Mediacom is infringing at least one of the 35 methods and systems claimed in the '721 patent by providing the "Mediacom Lineup" service. https://mediacomcable.com/products/television/channel-lineup/.

9.   For example, and for illustration of one of the 35 claims of the '721 patent that GIM alleges the Mediacom Lineup 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 Mediacom Lineup service, which identifies broadcast providers, digitally stores ZIP codes in a database, which are associated with areas in which broadcasts are receivable.

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 Mediacom Lineup service digitally stores in a database broadcast identifiers (e.g., Kids & Variety Digital Pak, Digital Premium Starz/Encore Group, etc.) that correspond to broadcast subscription packages available through Mediacom's broadcast services.

c.   Claim 1 involves "receiving at least one user related geographic identification code[.]" (Ex. A, 17:54-55.) The Mediacom Lineup service receives a user related geographic identification code when the user enters her ZIP code into the service website, 62901 for example.

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 Mediacom Lineup service determines by processor, using the user's ZIP code, a subset of data comprising stored broadcast identifiers that correspond to broadcast providers available through Mediacom's broadcast services in the user's service area.

e.   Claim 1 involves "receiving at least one user related broadcast identifier[.]" (Ex. A, 17:56.) The Mediacom Lineup service receives a user related broadcast identifier when the user selects the subscription package for which she would like to identify a broadcast provider. For example, the user may select "Kids & Variety Digital Pak."

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 Mediacom Lineup service—using the subset of data based on the user's ZIP code and the user-related broadcast identifier—identifies, for example, Disney XD as a broadcast provider available to the user as part of the Kids

& Variety Digital Pak on channel 205 within the Carbondale, Illinois ZIP code of 62901.

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.   Mediacom is infringing at least one of the 90 methods and systems claimed in the '907 patent by providing the "Mediacom Scheduler" service. http://watch.mediacomtoday.com/schedule#

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

    a.   Claim 18 claims 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 Mediacom Scheduler service provides viewers of television programs with automated information about programs broadcasted by Mediacom.

    b.   Claim 18 includes the step 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 user may access the Mediacom Scheduler service's website and inquire about children program material, for example, the program *Wild Kratts*.

    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.) The user inquiring about *Wild Kratts* would learn: "A power

suit malfunction turns Martin into an oak tree..”

       d.   Next, claim 18 involves “communicating the program information into a programmed data processor[.]” (Ex. B, 19:23-24.) The Mediacom Scheduler service user is able to learn about *Wild Kratts* because Mediacom communicates the program information to the Mediacom Scheduler service programmed data processor.

       e.   Claim 18 involves “synchronizing said communicated program information with said program material of said at least one broadcast[.]” (Ex. B, 19:25-26.) Mediacom synchronizes the program information with the broadcast of the *Wild Kratts* episode.

       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.) The Mediacom Scheduler service communicates the *Wild Kratts* program information to the Mediacom Scheduler service user.

<div align="center">**Count 3 – Infringement of U.S. Patent No. 6,314,577**</div>

13.   GIM owns United States Patent 6,314,577 (the “‘577 patent”) (attached as Exhibit C).

14.   Mediacom is infringing at least one of the 130 methods and systems claimed in the ‘577 patent by providing the Mediacom Scheduler service.

15.   For example, and for illustration of one of the 130 claims of the ‘577 patent that GIM alleges the Mediacom Scheduler service infringes, the service 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, 23:15-18.) The Mediacom Scheduler service provides viewers of television programs with automated information about programs broadcasted by Mediacom.

b.   Claim 94 involves "receiving user inquiries from a listener or viewer of said radio or television broadcast[.]" (Ex. C, 19-20.) A user may access the Mediacom Scheduler service's website and inquire about a programming she is viewing on, for example, the Freeform channel.

c.   Claim 94 involves "creating a program description file[.]" (Ex. C, 23:21.) The user inquiring about the program broadcast by Mediacom on Freeform would learn that the program is the movie *My Best Friend's Wedding*, in which: "Childhood friends Julianne Potter (Julia Roberts) and Michael O'Neal (Dermot Mulroney) had a deal to marry each other if they were still single by age 28."

d.   The method of claim 94 involves "communicating program list information into a programmed data processor[.]" (Ex. C, 23:22-23.) Mediacom communicates into the Mediacom Scheduler service's programmed data processor a list of programs to be aired on Freeform so that the service may display a list of scheduled programs.

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.) Mediacom correlates the

description of *My Best Friend's Wedding* to the list of scheduled programs so that the description is correlated and responsive to the identifier of *My Best Friend's Wedding* on Freeform.

   f. Claim 94 involves "using said programmed data processor to communicate said program description file responsive to said user inquiry." (Ex. C, 23:28-30.) The Mediacom Scheduler service uses the data processor to communicate the description of "School Merger" to the user when the user accesses the service during the broadcast to inquire about the program.

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Prayer for Relief

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WHEREFORE, GIM prays for the following relief against Mediacom:

(a) Judgment that Mediacom has directly infringed claims of the '721 patent, '907 patent, and the '577 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.

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Demand for Jury Trial

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

Date: <u>July 7, 2017</u>   Respectfully Submitted,

                  /s/ Matthew M. Wawrzyn
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