

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

MICOBA LLC,

Plaintiff,

vs.

IHEARTMEDIA, INC.

Defendant.

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Case No:

PATENT CASE

COMPLAINT

Plaintiff Micoba LLC (“Plaintiff” or “Micoba”) files this Complaint against iHeartMedia, Inc. (“Defendant” or “iHeart”) for infringement of United States Patent No. 8,473,532 (hereinafter “the ‘532 Patent”).

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company with its office address at 5900 South Lake Forest Dr., Suite 300, PMB# 723, McKinney, TX 75070.

4. On information and belief, Defendant is a Texas corporation with a principal address 200 East Basse Road, Suite 100, San Antonio, Texas.

5. On information and belief, this Court has personal jurisdiction over Defendant

because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

VENUE

7. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b) because Defendant is deemed to reside in this District as Defendant is a Texas corporation.

COUNT I **(INFRINGEMENT OF UNITED STATES PATENT NO. 8,473,532)**

8. Plaintiff incorporates paragraphs 1 through 7 herein by reference.

9. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq.*

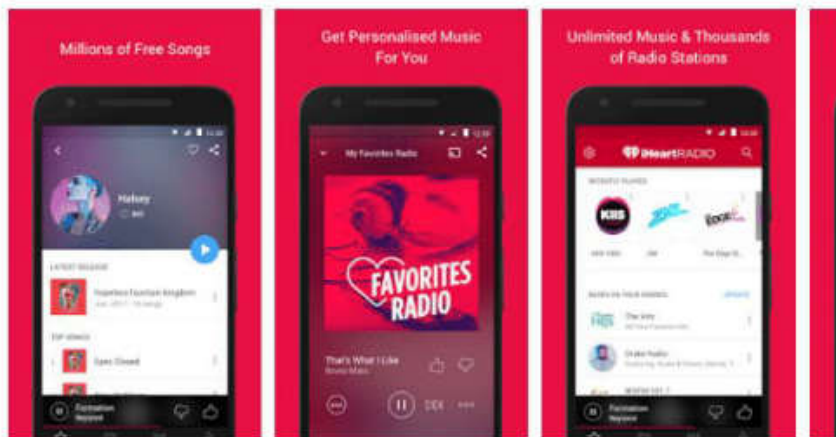
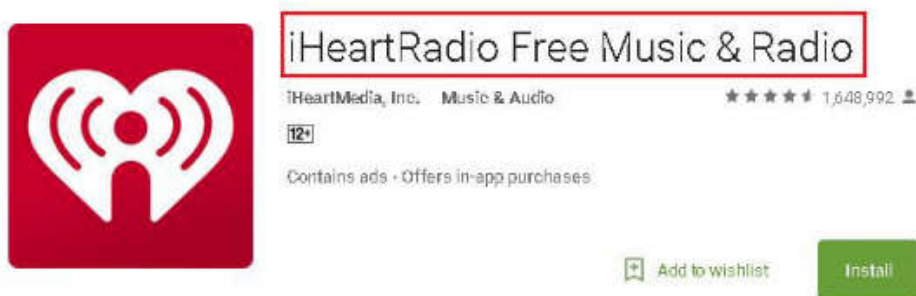
10. Plaintiff is the owner by assignment of the '532 Patent with sole rights to enforce the '532 Patent and sue infringers.

11. A copy of the '532 Patent, titled "Method and Apparatus for Automatic Organization of Computer Files," is attached hereto as Exhibit A.

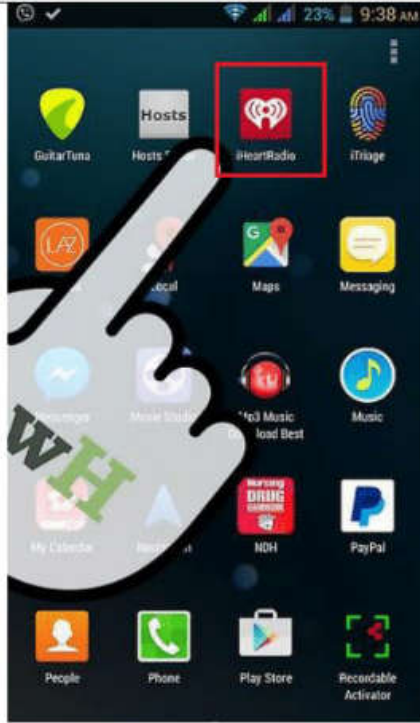
12. The '532 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. On information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 13 of the '532 Patent, by making, using, importing, selling, and/or offering for sale, at least in internal testing, a computer system that automatically organizes files, which is covered by at least Claim 13 of the '532 Patent. Defendant has infringed and continues to infringe the '532 patent directly in violation of 35 U.S.C. § 271.

14. Defendant sells, offers to sell, and/or uses computer systems including, without limitation, the iHeartRadio Free Music & Radio app used, for example, with smartphones, and any similar products (“Products”), which infringe at least Claim 13 of the ‘532 Patent. The Product includes a processor (e.g., MSM 8998 Octa-Core (i.e., 2.35Ghz (Quad-Core) + 1.9GHz (Quad))), memory (e.g. internal capacity 64GB), and software (e.g., iHeartRadio Free Music & Radio app) for automatically organizing computer files into folders. These and other elements are illustrated in the publicly available information provided below:



<https://play.google.com/store/apps/details?id=com.clearchannel.iheartradio.controller>



<http://www.wikihow.com/Use-iHeartRadio-on-Android>



SM-G955UZKAXAA

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TRADE IN

ACTIVATION (Online activation ready) Edit

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<http://www.samsung.com/us/mobile/phones/galaxy-s/galaxy-s8-plus-64gb--unlocked--sm-g955uzkaxaa/>

Processor
Processor Speed, Type
MSM 8998 Octa-Core 2.35Ghz (Quad-
Core) + 1.9GHz (Quad)

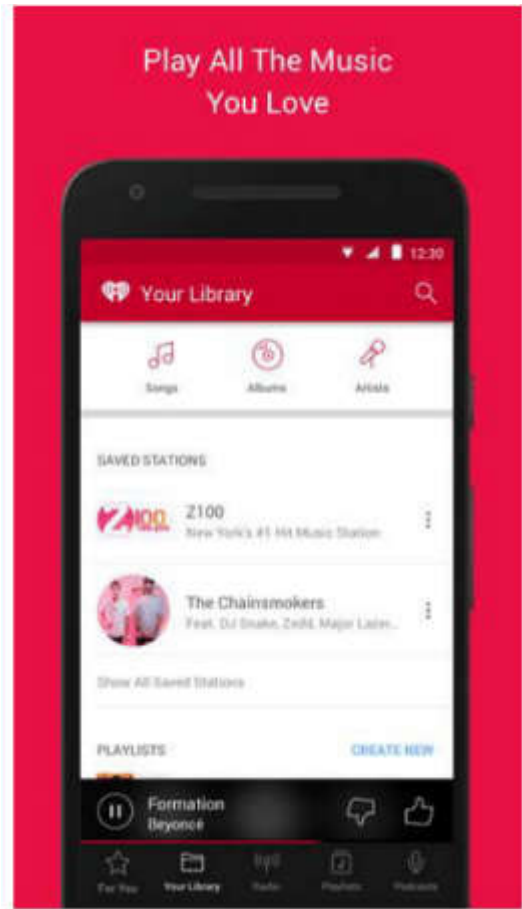
<http://www.samsung.com/us/mobile/phones/galaxy-s/galaxy-s8-plus-64gb--unlocked--sm-g955uzkaxaa/#specs>

Memory

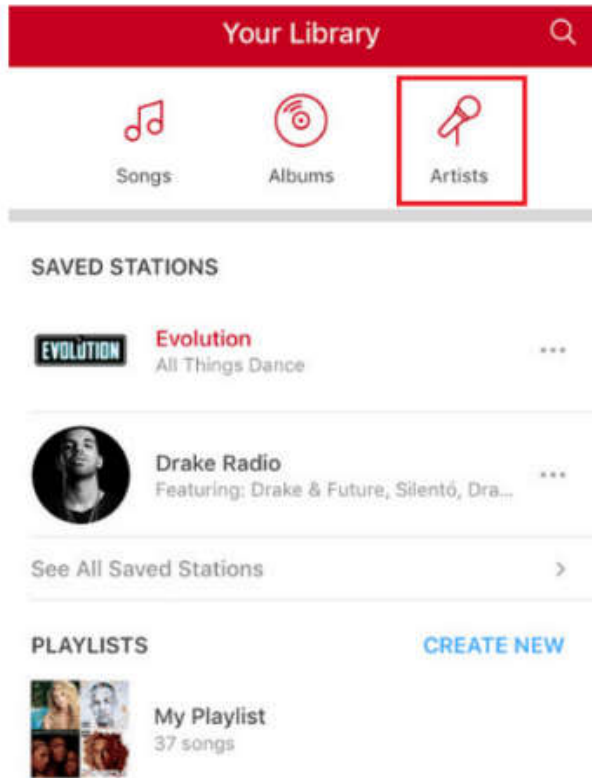
Internal Memory ? <u>64GB ROM; 4GB RAM</u>	External Memory/microSD™ <u>Capacity</u> ? MicroSD (Up to 256GB)
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<http://www.samsung.com/us/mobile/phones/galaxy-s/galaxy-s8-plus-64gb--unlocked--sm-g955uzkaxaa/#specs>

15. The Products provide a directory of folders, wherein substantially each of the folders is represented by a description. For example, the folders may be radio stations or virtual stations (or folders for maintaining files related to radio stations or virtual stations) and the descriptions may be the names of the stations (e.g., the stations may be described by normal station name, artist name, or type of music). These and other elements are illustrated in the publicly available information regarding the Product, as shown below:



<https://play.google.com/store/apps/details?id=com.clearchannel.iheartradio.controller&hl=en>



<https://www.iheart.com/news/11-things-you-didnt-know-the-15969241/>

FEATURED ARTIST RADIO



Bruno Mars

Featuring: Pharrell Williams,...

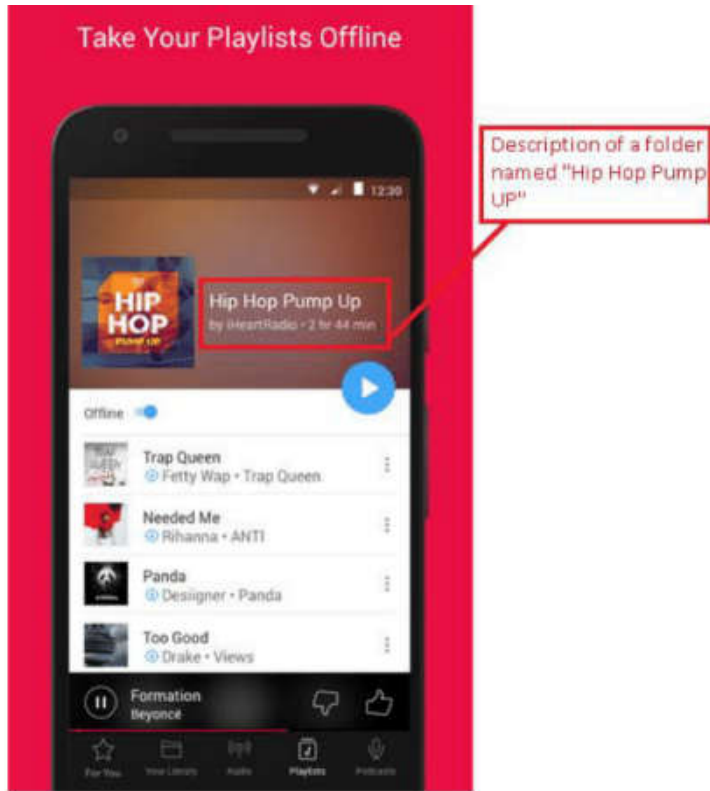


Drake

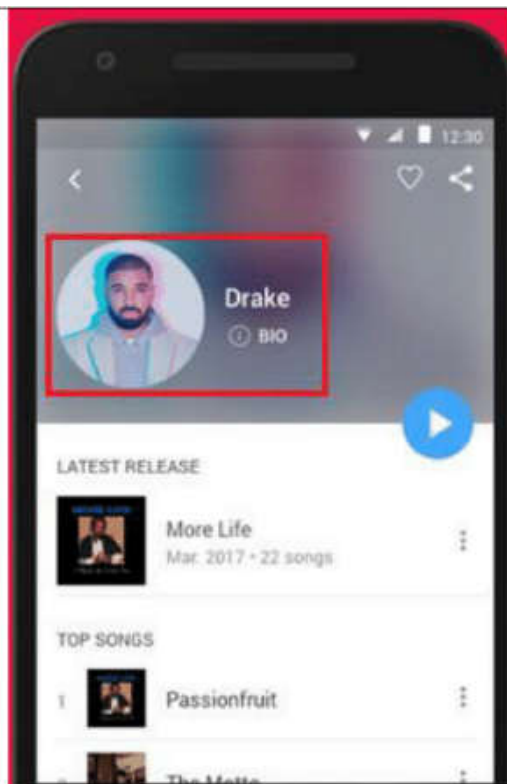
Featuring: Drake & Future,...

Each of folders
comprises description
e.g., name of artists

<https://www.iheart.com/news/11-things-you-didnt-know-the-15969241/>

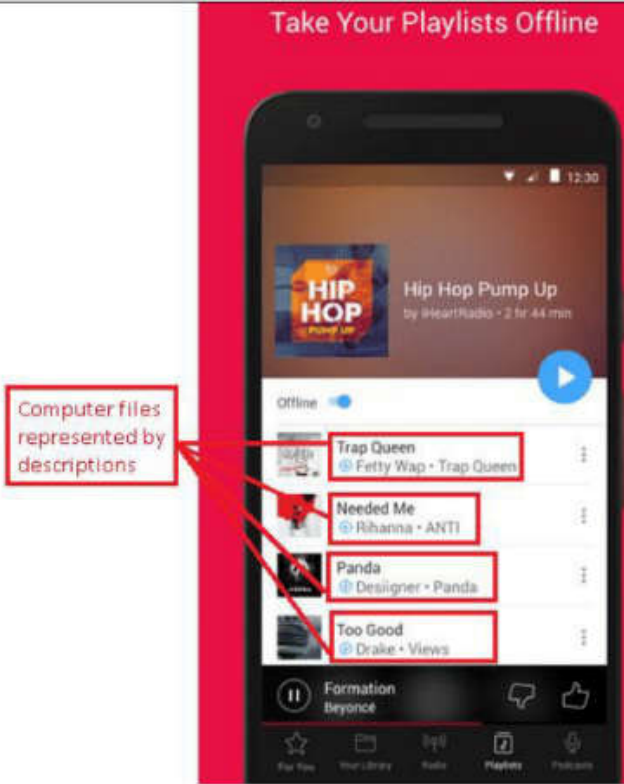


<https://play.google.com/store/apps/details?id=com.clearchannel.iheartradio.controller&hl=en>



<https://play.google.com/store/apps/details?id=com.clearchannel.iheartradio.controller&hl=en>

16. The Products provide a new computer file (e.g., a song from iHeartRadio server by means of sending to the accused instrumentality) not having a location in said directory (e.g., not in an artist/station folder yet because the song is being downloaded from iHeartRadio server). The computer file (e.g., the song) is represented by a description (e.g., title of the song and/or name of the artist). This is illustrated in the publicly available information above and additional information below:

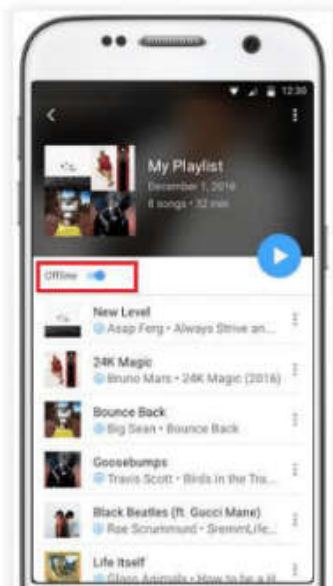


<https://play.google.com/store/apps/details?id=com.clearchannel.iheartradio.controller&hl=en>

1. While connected to cellular data or Wi-Fi, select the playlist you wish to make available offline.

2. Tap the switch next to *Offline* to initiate the process 

3. Once the blue arrow appears you can start enjoying your favorite songs offline!

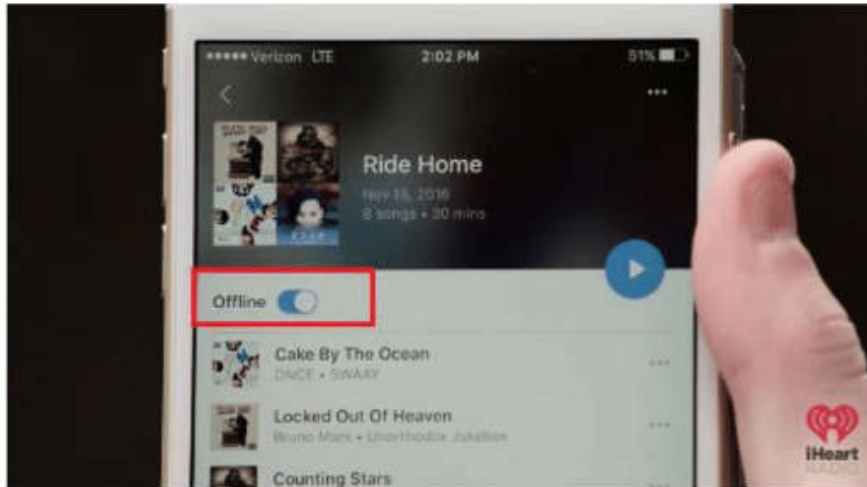


<https://help.iheart.com/hc/en-us/articles/235729747-How-can-I-listen-to-music-offline-with-iHeartRadio->

Offline allows you to listen to your favorite playlists without needing to be connected to cellular data or Wi-Fi network.

Please Note: The Offline feature is only available in the iOS and Android versions of the iHeartRadio app.

Check out this video to learn how to take your playlist offline, or follow the instructions below!



<https://help.iheart.com/hc/en-us/articles/235729747-How-can-I-listen-to-music-offline-with-iHeartRadio->

17. The Products compare the description (e.g., the name of song and/or name of artist) of said computer file (e.g., the song) to descriptions of a plurality of folders along a single path from a root folder (e.g., Artist) to a leaf folder (e.g., album corresponding to the artist).

18. The Products assign the computer file (e.g., the song) to a folder (e.g., folder corresponding to the artist) having the most similar description (e.g., the name of artist of the song).

19. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

20. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

21. Plaintiff is in compliance with 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 8,473,532 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

(c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: October 11, 2017

Respectfully submitted,

/s/ Jay Johnson

JAY JOHNSON

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D. BRADLEY KIZZIA

State Bar No. 11547550

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ATTORNEYS FOR PLAINTIFF

EXHIBIT A