UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

GLOBAL INTERACTIVE MEDIA, INC.,
 	
 84 Albert Street
 Belize City, Belize,
 	
     Plaintiff,
 	
       v.
 	
 COGECO COMMUNICATIONS, INC.,
 	
 5 Place Villa Marie
 Suite 1700
 Montreál, Quebec H3B 0B3,
 	
 and
 	
 ATLANTIC BROADBAND (DELMAR), LLC,
 	
 330 Drummer Drive
 Grasonville, Maryland 21638
 (Queen Anne's County),
 	
     Defendants.
	Civil Action No. _____
	
	 JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

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

against Cogeco Communications, Inc. ("Cogeco") and Atlantic Broadband (Delmar), LLC.

("Atlantic") (collectively, "Defendants").

Parties

1.   GIM is a Belizian corporation having its principal place of business at 84 Albert

Street, Belize City, Belize.

2.   Cogeco is a Canadian company based in Canada, having its principal place of business at 5 Villa Marie, Montreál, Quebec H3B 0B3.

3.   Atlantic is a Delaware company, having its principal place of business in Wilmington, Delaware. Atlantic has a regular and established place of business in Maryland at 330 Drummer Drive, Grasonville, Maryland 21638.

Jurisdiction and Venue

4.   This action arises under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq*.

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

6.   This Court may exercise personal jurisdiction over Atlantic because Atlantic conducts continuous and systematic business in Maryland. For example, Atlantic sells services to Atlantic customers in this District. Atlantic maintains a regular and established place of business in this District. This patent infringement claim arises directly from Atlantic's continuous and systematic activity in this District. Thus, this Court's exercise of jurisdiction over Atlantic would be consistent traditional notions of fair play and substantial justice.

7.   Atlantic is a wholly-owned subsidiary of Cogeco. This Court may exercise personal jurisdiction over Cogeco because Cogeco, through Atlantic, sells and offers to sell services throughout the United States, including in this judicial district, and introduces 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.

8.   Each Defendant is subject to this Court's general and specific personal jurisdiction because each Defendant has sufficient minimum contacts within the State of Maryland and this District, pursuant to due process and/or the Maryland Long Arm Statute because each Defendant

purposefully availed itself of the privileges of conducting business in the State of Maryland and in this District, because each Defendant regularly conducts and solicits business within the State of Maryland and within this District, and because Plaintiff's causes of action arise directly from each of Defendant's business contacts and other activities in the State of Maryland and this District.

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

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

10.   GIM owns United States Patent 7,574,721 (the "'721 patent") (attached as Exhibit A).

11.   Defendants are infringing at least one of the 35 methods and systems claimed in the '721 patent by providing the "Atlantic Lineup" service. https://atlanticbb.com/my-services/tv/channel-lineup.

12.   For example, and for illustration of one of the 35 claims of the '721 patent that GIM alleges the Atlantic 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 Atlantic Lineup service 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 Atlantic Lineup service digitally stores in a database broadcast identifiers (e.g.,

ESPN, Nickelodeon, etc.) that correspond to broadcast providers available through Atlantic's broadcast services.

c.   Claim 1 involves "receiving at least one user related geographic identification code[.]" (Ex. A, 17:54-55.) The Atlantic Lineup service receives a user related geographic identification code when the user enters her zip code into the service website, 21638 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 Atlantic Lineup service determines by processor, using the user's zip code, a subset of data comprising stored broadcast identifiers (e.g., ESPN, Nickelodeon, etc.) that correspond to broadcast providers available through Atlantic's broadcast services in the user's service area: "Supplying your ZIP Code allows us to provide you with specific information on the products, services and support options that are available in your area." https://atlanticbb.com/check-availability.

e.   Claim 1 involves "receiving at least one user related broadcast identifier[.]" (Ex. A, 17:56.) The Atlantic Lineup service receives a user related broadcast identifier when the user selects a genre of programming for which she would like to identify a broadcast provider (e.g., News, Sports, Movies, Kids, etc.). https://atlanticbb.com/my-services/tv/see-local-tv-listings.

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 Atlantic Lineup service—using the subset of data based on the user's zip code and the user-related broadcast identifier (e.g., Kids)—identifies, for example, PBS as a broadcast provider of the program *Wild Kratts*.

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

13.   GIM owns United States Patent 8,032,907 (the "'907 patent") (attached as Exhibit B).

14.   Defendants are infringing at least one of the 90 methods and systems claimed in the '907 patent by providing the Atlantic Listings service.

15.   For example, and for illustration of one of the 90 claims of the '907 patent that GIM alleges that the Atlantic Listings 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 Atlantic Listings service provides viewers of television programs with automated information about programs broadcasted by Atlantic. https://atlanticbb.com/my-services/tv/see-local-tv-listings.

     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 Atlantic Listings service's website and inquire about children's program material, for example, the *Wild Kratts* episode "Sea Otter Swim."

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 the *Wild Kratts* episode "Sea Otter Swim" would learn: "Martin and Chris help Jimmy become a better swimmer by arranging for him to be tutored by a sea otter."

d.   Next, claim 18 involves "communicating the program information into a programmed data processor[.]" (Ex. B, 19:23-24.) The Atlantic Listings service user is able to learn about "Sea Otter Swim" because Atlantic communicates the program information to the Atlantic Listings 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.) Atlantic synchronizes the program information with the broadcast of "Sea Otter Swim."

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 Atlantic Listings service communicates the "Sea Otter Swim" program information to the Atlantic Listings service user.

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

16.   GIM owns United States Patent 6,314,577 (the "'577 patent") (attached as Exhibit C).

17.   Defendants are infringing at least one of the 130 methods and systems claimed in the '577 patent by providing the Atlantic Listings service.

18.   For example, and for illustration of one of the 130 claims of the '577 patent that GIM alleges the Atlantic Listings 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 Atlantic Listings service provides viewers of television programs with automated information about programs broadcasted by Atlantic.

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 Atlantic Listings service's website and inquire about a television program she is viewing on, for example, the CMT channel at 6:00 pm.

c.   Claim 94 involves "creating a program description file[.]" (Ex. C, 23:21.) The user inquiring about the program broadcast Atlantic on CMT would learn that the program is the episode "Restaurant Opening" of the program *Last Man Standing*, in which: "The Outdoor Man Grill opens for business, but things don't go smoothly because Kristin believes Ed is questioning her managerial decisions."

d.   The method of claim 94 involves "communicating program list information into a programmed data processor[.]" (Ex. C, 23:22-23.) Atlantic communicates into the Atlantic Listings service's programmed data processor a list of programs to be aired on CMT 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.) Atlantic correlates the description of "Restaurant Opening" to the list of scheduled programs so that the description is correlated and responsive to the 6:00 pm identifier of *Last Man Standing*, "Restaurant Opening," on CMT.

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 Atlantic Listings service uses the data processor to communicate the description of "Restaurant Opening" to the user when the user accesses the service during the 6:00 pm broadcast to inquire about the program.

Prayer for Relief

WHEREFORE, GIM prays for the following relief against Defendants:

(a)   Judgment that Defendants have 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.

Demand for Jury Trial

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

Date: <u>May 9, 2018</u>   Respectfully Submitted,

                                                                                   <u>/s/ Thomas G. Southard</u>
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