

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

GLOBAL INTERACTIVE MEDIA, INC.,

Plaintiff,

v.

SALEM MEDIA GROUP, INC.,

Defendant.

Civil Action No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Global Interactive Media, Inc. (“GIM”) brings this patent-infringement action against Defendant Salem Media Group, Inc. (“Salem”), and alleges as follows:

**Parties**

1. GIM is a Belizean corporation having its principal place of business at 84 Albert Street, Belize City, Belize.

2. Salem is a corporation organized and existing under the laws of the state of Delaware. Salem’s registered agent for service of process in Delaware is the Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808.

**Jurisdiction and Venue**

3. This action arises under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.*, including without limitation including without limitation, 35 U.S.C. §§ 271, 281.

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

5. On information and belief, Salem is subject to this Court’s specific and general personal jurisdiction, pursuant to due process and the Delaware Long-Arm Statute, due at least to

its business in this forum. Salem regularly conducts business and has committed acts of patent infringement and/or has induced acts of patent infringement by others in the State of Delaware and elsewhere in the United States. Furthermore, Salem is subject to this Court's specific and general personal jurisdiction because Salem is a Delaware corporation.

6. On information and belief, within this state, Salem has used the patented inventions and/or induced other to use the patented inventions, thereby committing, and continuing to commit, acts of patent infringement alleged herein. In addition, on information and belief, Salem has derived revenues from its infringing acts occurring within Delaware. Further, on information and belief, Salem is subject to the Court's general jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and deriving substantial revenue from goods and services provided to persons or entities in Delaware. Further, on information and belief, Salem is subject to the Court's personal jurisdiction at least due to its sale of products and/or services within Delaware. Salem has committed such purposeful acts and/or transactions in Delaware such that it reasonably should know and expect that it could be haled into this Court as a consequence of such activity.

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

#### **The Asserted Patents**

8. GIM asserts U.S. Patent Nos. 7,574,721, 8,032,907 and 6,314,577 (collectively, the "Asserted Patents") in this action. The Asserted Patents each claim methods and/or systems of tracking broadcasts and providing program information on demand to customers who may wish to make purchasing decisions based on the program information. The inventions claimed in the Asserted Patents represent uses of technology that were neither well-understood, routine, or conventional as of the time of the inventions. Prior to the inventions claimed in the Asserted

Patents, for example, consumers listening to radio stations may have heard a song they liked and wished to purchase, but unless the station identified the song, the listeners had no ready way to obtain information about the song such as the title or artist. With the inventions claimed by the Asserted Patents, listeners not only are able to obtain that information, they are also able to purchase songs directly, an option that was not available to them until after the inventions of the Asserted Patents. The technology claimed in the Asserted Patents has become widespread to the point of ubiquity.

9. Salem directly and/or indirectly makes, uses, distributes, markets, sells and/or offers to sell throughout the United States, including in this judicial district, products and/or services that infringe one or more claims of the Asserted Patents as described below. At all times relevant to the claims asserted in this lawsuit, Salem owned and operated radio station KFSH 95.9 FM (“KFSH”), and the website used to promote that station, <http://www.thefishla.com>. At all times relevant to the claims in this lawsuit, Salem owned and operated the website <https://www.salemma.com>.

**Count I**  
**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. Salem is infringing at least one of the 35 methods and systems claimed in the ‘721 Patent by providing the Salem “Station Search” service. For example, and for illustration of one of the 35 claims of the ‘721 Patent that GIM alleges the Station Search 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 Salem Station Search service digitally stores market indicators representing market states and market cities in a database, which are associated with service areas in which Salem broadcasts are receivable, [www.salemmedia.com/station-search/](http://www.salemmedia.com/station-search/).

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 Salem Station Search service digitally stores station frequency and/or call letters in a database (e.g., AM 860, FM 100.7, etc.) that correspond to Salem radio stations.

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

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 Salem Station Finder service determines by processor, using the user’s selection of “California” and “Los Angeles,” a subset of data comprising stored broadcast identifiers (e.g., 870 AM, 99.5 FM, etc.) that correspond to Salem radio stations that broadcast in Los Angeles, California.

e. Claim 1 involves “receiving at least one user related broadcast

identifier[.]” (Ex. A, 17:56.) The Salem Station Finder service receives a user related broadcast identifier when the user selects her “format” or genre of broadcast (e.g., Contemporary Christian Music).

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 Salem 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, KFSH, as a broadcast provider of contemporary Christian music in Los Angeles, California.

**Count II**  
**Infringement of U.S. Patent No. 8,032,907**

12. GIM owns United States Patent 8,032,907 (the “’907 Patent”) (attached as Exhibit B).

13. Salem has infringed at least one of the 90 methods and systems claimed in the ’907 Patent by providing the Salem “Last 15 Songs” service at <http://thefishoc.com/lastsongs>, and by providing the KFSH mobile app (“KFSH app”) available through the KFSH website and through third-party vendors such as the iTunes App Store and the Google Play store.

14. For example, and for illustration of one of the 90 claims of the ’907 Patent that GIM alleges that the KFSH app and Last 15 Songs service infringe, the app and service each infringe 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 radio station KFSH in Los Angeles, California broadcasts contemporary Christian music, and the KFSH app and Last 15 Songs

service provide listeners of KFSH with automated information about the contemporary Christian programming broadcasted by KFSH.

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 consumer of music broadcast over KFSH in Los Angeles may access the KFSH website and inquire regarding the Contemporary Christian music being broadcast over KFSH in Los Angeles, California.

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.) Salem allows consumers to inquire regarding the contemporary Christian music broadcast by KFSH 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 Salem consumer is able to learn that the song My Feet Are On The Rock by the band “I am They” is currently being broadcast because Salem has a programmed data processor into which the program description file is loaded.

e. Claim 18 involves “synchronizing said communicated program information with said program material of said at least one broadcast[.]” (Ex. B, 19:25-26.) Salem synchronizes the description of My Feet Are on The Rock with the broadcast of that 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.) Salem’s Last 15 Songs service and the KFSH mobile app communicates the My Feet Are on the Rock program information to the Salem consumer.

**Count III**  
**Infringement of U.S. Patent No. 6,314,577**

15. GIM owns United States Patent 6,314,577 (the “’577 Patent”) (attached as Exhibit C).

16. Salem has infringed at least one of the 130 methods and systems claimed in the ’577 Patent by providing the Last 15 Songs service and the KFSH mobile app.

17. For example, and for illustration of one of the 130 claims of the ’577 Patent that GIM alleges KFSH’s Last 15 Songs service and mobile app infringe, the service and mobile app infringe 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.) Salem’s KFSH radio station in Los Angeles, California broadcasts contemporary Christian music.

b. Claim 94 involves “receiving user inquiries from a listener or viewer of said radio or television broadcast[.]” (Ex. C, 19-20.) KFSH’s listeners may access the Last 15 Songs service on KFSH’s website and the KFSH mobile app and inquire regarding the contemporary Christian music being broadcast by KFSH in Los Angeles, California.

c. Claim 94 involves “creating a program description file[.]” (Ex. C, 23:21.) Salem allows consumers to inquire regarding the contemporary Christian 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, 23:22-23.) The Salem consumer is able to learn that the song My Feet Are on The Rock by the band “I am They” is currently being broadcast because Salem has a programmed data processor into which the program description file is loaded.

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.) Salem correlates the communicated My Feet Are On The Rock program information with the program list.

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 Salem Last 15 Songs service and the KFSH mobile app use the data processor to communicate the My Feet Are On The Rock program information to the consumer in response to the consumer’s inquiry.

### **Prayer for Relief**

WHEREFORE, GIM prays for the following relief against Salem:

- (a) Judgment that Salem has directly and/or indirectly infringed claims of each of the Asserted 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.

Dated: August 22, 2018

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