

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

BLUE SPIKE LLC

Plaintiff,

v.

CHARTER COMMUNICATIONS, INC.

Defendant.

Civil Action No. 1:18-CV-01427-LPS

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Blue Spike LLC (“Blue Spike” or “Plaintiff”), for its First Amended Complaint against Defendant Charter Communications, Inc. (referred to herein as “Charter” or “Spectrum” or “Defendant”), alleges the following:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

THE PARTIES

2. Plaintiff Blue Spike is a limited liability company organized under the laws of the State of Texas with a place of business at 1820 Shiloh Road, Suite 1201-C, Tyler, Texas 75703.

3. Upon information and belief, Defendant Charter Communications, Inc. is a corporation organized under the laws of the State of Delaware with a place of business at 400 Atlantic Street, 10th Floor, Stamford, Connecticut 06901.

4. Upon information and belief, Charter sells, offers to sell, and/or uses products and services throughout the United States, including in this judicial district, and introduces infringing

products and services into the stream of commerce knowing that they would be sold and/or used in this judicial district and elsewhere in the United States.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

7. Venue is proper in this judicial district under 28 U.S.C. § 1400(b).

8. This Court has personal jurisdiction over Charter under the laws of the State of Delaware, due at least to their substantial business in Delaware and in this judicial district, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in the State of Delaware. Further, this Court has personal jurisdiction and proper authority to exercise venue over Charter because Defendants is incorporated in Delaware and by doing so has purposely availed itself of the privileges and benefits of the laws of the State of Delaware.

BACKGROUND

THE '246, '295, AND '408 PATENTS

The Invention

9. Scott A. Moskowitz and Michael Berry are the inventors of U.S. Patent Nos. 7,475,246 (“the ’246 Patent”). A true and correct copy of the ’246 Patent is attached as Exhibit A.

10. Scott A. Moskowitz and Michael Berry are the inventors of U.S. Patent Nos. 8,739,295 (“the ’295 Patent”). A true and correct copy of the ’295 Patent is attached as Exhibit B.

11. Scott A. Moskowitz is the inventor of U.S. Patent No. 9,934,408 (the '408 Patent"). A true and correct copy of the '408 Patent is attached to Exhibit C.

12. The '246, '295, and '408 Patents resulted from the pioneering efforts of Messrs. Moskowitz and Berry (for the purposes of this section, "the Inventors") in the area of secure distribution of digitized value-added information, or media content, while preserving the ability of publishers to make available unsecured versions of the same value-added information, or media content, without adverse effect to the systems security. These efforts resulted in the secure personal content server memorialized in mid-2000. At the time of these pioneering efforts, the most widely implemented technology used to address unauthorized copying and distribution of digital content was focused solely on cryptography. In that type of system, content could be encrypted, but there was no association between the encryption and the actual content. This meant that there could be no efficient and openly accessible market for tradable information. The Inventors conceived of the inventions claimed in the '246, '295, and '408 Patents as a way to separate transactions from authentication in the sale of digitized data.

13. For example, the Inventors developed methods and systems which enable secure, paid exchange of value-added information, while separating transaction protocols. The methods and systems improve on existing means for distribution control by relying on authentication, verification and authorization that may be flexibly determined by both buyers and sellers. These determinations may not need to be predetermined, although pricing matrix and variable access to the information opens additional advantages over the prior art. The present invention offers methods and protocols for ensuring value-added information distribution can be used to facilitate trust in a large or relatively anonymous marketplace (such as the Internet's World Wide Web).

Advantage Over the Prior Art

14. The patented inventions disclosed in the '246 Patent, the '295 Patent, and the '408 Patents provide many advantages over the prior art, and in particular improved the operations of secure personal content servers. *E.g.*, Exhibit A, '246 Patent at 2:24–64; Exhibit B, '295 Patent at 2:39–65; Exhibit C, '408 Patent at 2:55–3:15. One advantage of the patented invention is the handling of authentication, verification, and authorization with a combination of cryptographic and steganographic protocols to achieve efficient, trusted, secure exchange of digital information. *E.g.*, Exhibit A, '246 Patent at 1:53–56; Exhibit B, '295 Patent at 1:27–30; Exhibit C, '408 Patent at 1:42–45.

15. Another advantage of the patented invention is leveraging the benefits of digital information (such as media content) to consumers and publishers, while ensuring the development and persistence of trust between all parties. *E.g.*, Exhibit A, '246 Patent at 3:16–30; Exhibit B, '295 Patent at 3:32–47; Exhibit C, '408 Patent at 3:49–64.

16. Another advantage of the patented invention is the separation and independent quantification of interests and requirements of different parties to a transaction by market participants in shorter periods of time. *E.g.*, Exhibit A, '246 Patent at 3:32–51; Exhibit B, '295 Patent at 3:47–67; Exhibit C, '408 Patent at 3:65–4:18.

17. Because of these significant advantages that can be achieved through the use of the patented invention, Blue Spike believes that the '246 Patent, '295 Patent, and the '408 Patents present significant commercial value for companies like Charter. Indeed, the technology described and claimed in the '246 and '295 Patents reads on the core functionality of Charter's Spectrum product and services.

Technological Innovation

18. The patented invention disclosed in the '246 Patent, '295 Patent, and the '408 Patents resolves technical problems related to the secure distribution of digitized value-added information, or media content, while preserving the ability of publishers to make available unsecured versions of the same value-added information, or media content, without adverse effect to the systems security. As the '246 and '295 Patents explain, one of the limitations of the prior art as regards the secure distribution of digitized value-add information or media content was that content could be encrypted, but there was no association between the encryption and the actual content. This meant that there could be no efficient and openly accessible market for tradable information. *See* Exhibit A, '246 Patent at 1:48–56; Exhibit B, '295 Patent at 1:22–26.

19. The claims of the '246 Patent, '295 Patent, and the '408 Patents do not merely recite the performance of some well-known business practice from the pre-Internet world along with the requirement to perform it on the Internet. Instead, the claims of the '246 Patent, '295 Patent, and the '408 Patents recite inventive concepts that are deeply rooted in engineering technology, and overcome problems specifically arising out of how to secure distribution of digitized value-added information, or media content, while preserving the ability of publishers to make available unsecured versions of the same value-added information, or media content, without adverse effect to the systems security.

20. In addition, the claims of the '246 Patent, '295 Patent, and the '408 Patents recite inventive concepts that improve the functioning of secure personal content servers, particularly varying quality levels in a manner designed to improve security.

21. Moreover, the claims of the '246 Patent, '295 Patent, and the '408 Patent recite inventive concepts that are not merely routine or conventional use of computer components.

Instead, the patented invention disclosed in the '246 Patent, '295 Patent, and the '408 Patents provides a new and novel solution to specific problems related to improving secure distribution of digitized value-added information, or media content, while preserving the ability of publishers to make available unsecured versions of the same value-added information, or media content, without adverse effect to the systems security.

22. And finally, the patented invention disclosed in the '246 Patent, '295 Patent, and the '408 Patents does not preempt all the ways that secure distribution of digitized value-added information, or media content, while preserving the ability of publishers to make available unsecured versions of the same value-added information, or media content, without adverse effect to the systems security may be used to improve the personal content servers, nor do the '246 Patent, '295 Patent, and the '408 Patents preempt any other well-known or prior art technology.

23. Accordingly, the claims in the '246 Patent, '295 Patent, and the '408 Patents recite a combination of elements sufficient to ensure that the claim in substance and in practice amounts to significantly more than a patent-ineligible abstract idea.

Prior Litigation

24. The '246 Patent was previously litigated in the Northern District of California: 5:17-cv-04780.

25. The '246 Patent was previously litigated in the Central District of California: 2:17-cv-05656.

26. The '246 Patent was previously litigated in the Eastern District of Texas: 6:18-cv-00223 (E.D. Tex.); 6:18-cv-00174 (E.D. Tex.); 6:18-cv-00242 (E.D. Tex.); 6:17-cv-00138 (E.D. Tex.); 6:17-cv-00063 (E.D. Tex.); 6:17-cv-00096 (E.D. Tex.); 6:17-cv-00099 (E.D. Tex.); 6:17-

cv-00175 (E.D. Tex.); 6:17-cv-00053 (E.D. Tex.); 6:17-cv-00101 (E.D. Tex.); 2:16-cv-00329 (E.D. Tex.); 6:17-cv-00060 (E.D. Tex.); 6:17-cv-00100 (E.D. Tex.); 6:17-cv-00097 (E.D. Tex.); 6:17-cv-00098 (E.D. Tex.).

27. Collectively, these cases may be referred to as the “Prior ’246 Patent Litigation.”

28. The scope and construction of the claims of the ’246 Patent have been clarified by the Prior Litigation.

29. The ’295 Patent was previously litigated in the Northern District of California: 5:17-cv-04780.

30. The ’295 Patent was previously litigated in the Central District of California: 2:17-cv-05656.

31. The ’295 Patent was previously litigated in the Eastern District of Texas: 6:18-cv-00223 (E.D. Tex.); 6:18-cv-00174 (E.D. Tex.); 6:18-cv-00242 (E.D. Tex.); 6:17-cv-00138 (E.D. Tex.); 6:17-cv-00063 (E.D. Tex.); 6:17-cv-00096 (E.D. Tex.); 6:17-cv-00099 (E.D. Tex.); 6:17-cv-00175 (E.D. Tex.); 6:17-cv-00053 (E.D. Tex.); 6:17-cv-00101 (E.D. Tex.); 2:16-cv-00329 (E.D. Tex.); 6:17-cv-00060 (E.D. Tex.); 6:17-cv-00100 (E.D. Tex.); 6:17-cv-00097 (E.D. Tex.); 6:17-cv-00098 (E.D. Tex.).

32. Collectively, these cases may be referred to as the “Prior ’295 Patent Litigation.”

33. The scope and construction of the claims of the ’295 Patent have been clarified by the Prior Litigation.

34. The ’408 Patent was previously litigated in the Eastern District of Texas: 6:18-cv-00223 (E.D. Tex.); 6:18-cv-00174 (E.D. Tex.); 6:18-cv-00242 (E.D. Tex.).

35. Collectively, these cases may be referred to as the “Prior ’408 Patent Litigation.”

36. The scope and construction of the claims of the ’408 Patent have been clarified by

the Prior Litigation.

THE '116 AND '011 PATENTS

The Invention

37. Scott A. Moskowitz is the inventor of U.S. Patent Nos. 7,159,116 (“the ’116 Patent”). A true and correct copy of the ’116 Patent is attached as Exhibit D.

38. Scott A. Moskowitz is the inventor of U.S. Patent Nos. 8,538,011 (“the ’011 Patent”). A true and correct copy of the ’011 Patent is attached as Exhibit E.

39. The ’116 Patent and the ’011 Patent resulted from the pioneering efforts of Mr. Moskowitz (hereinafter “the Inventor”) in the area of transferring information between parties. These efforts resulted in the development of systems, methods, and devices for trusted transactions memorialized in mid-2000. At the time of these pioneering efforts, the most widely implemented technology used to address the difficulty of providing to a prospective acquirer of good or services full, accurate, and verifiable information regarding the nature, value, authenticity, and other suitability-related characteristics of the product in question. In that type of system, reciprocal and non-reciprocal systems could use non-secret algorithms to provide encryption and decryption. The Inventors conceived of the inventions claimed in the ’116 and ’011 Patents as a way to enhance trust on the part of participants in the transaction.

40. For example, the Inventors developed methods and systems which enhance trust in transactions in connection with sophisticated security, scrambling, and encryption technology by, for example, steganographic encryption, authentication, and security means.

Advantage Over the Prior Art

41. The patented inventions disclosed in the ’116 Patent and the ’011 Patents provide many advantages over the prior art, and in particular improved the operations of transaction

devices. *E.g.*, Exhibit D, '116 Patent at 3:38–7:67; Exhibit E, '011 Patent at 3:42–7:60. One advantage of the patented invention is the handling of authentication, verification, and authorization with a combination of cryptographic and steganographic protocols to achieve efficient, trusted, secure exchange of digital information. *E.g.*, Exhibit D, '116 Patent at 3:46–51; Exhibit E, '011 Patent at 3:50–57.

42. Another advantage of the patented invention is leveraging the benefits of digital information (such as media content) to consumers and publishers, while ensuring the development and persistence of trust between all parties. *E.g.*, Exhibit D, '116 Patent at 3:16–30.

43. Another advantage of the patented invention is the integration of system components, optimally requiring comparatively little processing resources so as to maximize its usefulness and minimize its cost. *E.g.*, Exhibit D, '116 Patent at 3:52–55; Exhibit E, '011 Patent at 3:53–57.

44. Because of these significant advantages that can be achieved through the use of the patented invention, Blue Spike believes that the '116 Patent and '011 Patents present significant commercial value for companies like Charter. Indeed, the technology described and claimed in the '116 and '011 Patents reads on the core security functionality of Charter's downloadable apps.

Technological Innovation

45. The patented invention disclosed in the '116 and '011 Patents resolves technical problems related to transferring information between parties, particularly problems related to the utilization of sophisticated security, scrambling, and encryption technology by, for example, steganographic encryption, authentication, and security means. As the '116 and '011 Patents

explain, one of the limitations of the prior art as regards the technical problems related to transferring information between parties was the difficulty of providing to a prospective acquirer of good or services full, accurate, and verifiable information regarding the nature, value, authenticity, and other suitability-related characteristics of the product in question. In that type of system, reciprocal and non-reciprocal systems could use non-secret algorithms to provide encryption and decryption. *See* Exhibit D, '116 Patent at 2:53–3:35; Exhibit E, '011 Patent at 2:57–3:38.

46. The claims of the '116 and '011 Patents do not merely recite the performance of some well-known business practice from the pre-Internet world along with the requirement to perform it on the Internet. Instead, the claims of the '116 and '011 Patents recite inventive concepts that are deeply rooted in engineering technology, and overcome problems specifically arising out of how to enhance trust on the part of participants in the transaction.

47. In addition, the claims of the '116 and '011 Patents recite inventive concepts that improve the functioning of devices for conducting trusted transactions, particularly by creating a bridge between mathematically determinable security and analog or human measure of trust.

48. Moreover, the claims of the '116 and '011 Patents recite inventive concepts that are not merely routine or conventional use of computer components. Instead, the patented invention disclosed in the '116 and '011 Patents provides a new and novel solution to specific problems related to enhancing trust on the part of participants in a transaction.

49. And finally, the patented inventions disclosed in the '116 and '011 Patents do not preempt all the ways that enhancing trust on the part of participants in a transaction may be used to improve devices for trusted transactions, nor do the '116 and '011 Patents preempt any other well-known or prior art technology.

50. Accordingly, the claims in the '116 and '011 Patents recite a combination of elements sufficient to ensure that the claim in substance and in practice amounts to significantly more than a patent-ineligible abstract idea.

Prior Litigation

51. The '116 Patent was previously litigated in the Northern District of California: 5:18-cv-03392; 5:17-cv-04780.

52. The '116 Patent was previously litigated in the Central District of California: 2:18-cv-05026; 2:18-cv-03970; 2:18-cv-05396.

53. The '116 Patent was previously litigated in the Eastern District of Texas: 6:18-cv-00382 (E.D. Tex.); 6:18-cv-00381 (E.D. Tex.); 6:18-cv-00223 (E.D. Tex.); 6:18-cv-00174 (E.D. Tex.); 6:18-cv-00242 (E.D. Tex.); 6:17-cv-00016; 6:16-cv-01384 (E.D. Tex.); 6:17-cv-00063 (E.D. Tex.); 6:17-cv-00096; (E.D. Tex.); 6:17-cv-00099 (E.D. Tex.); 6:17-cv-00053 (E.D. Tex.); 6:17-cv-00101 (E.D. Tex.); 17-cv-00060 (E.D. Tex.); 6:17-cv-00100 (E.D. Tex.); 6:17-cv-00097 (E.D. Tex.); 6:17-cv-00098 (E.D. Tex.).

54. Collectively, these cases may be referred to as the "Prior '116 Patent Litigation."

55. The scope and construction of the claims of the '116 Patent have been clarified by the Prior Litigation.

56. The '011 Patent was previously litigated in the Northern District of California: 5:17-cv-04780.

57. The '011 Patent was previously litigated in the Central District of California: 2:17-cv-05656.

58. The '011 Patent was previously litigated in the Eastern District of Texas: 6:18-cv-00223 (E.D. Tex.); 6:18-cv-00174 (E.D. Tex.); 6:18-cv-00242 (E.D. Tex.); 6:17-cv-00138 (E.D.

Tex.); 6:17-cv-00063 (E.D. Tex.); 6:17-cv-00096 (E.D. Tex.); 6:17-cv-00099 (E.D. Tex.); 6:17-cv-00175 (E.D. Tex.); 6:17-cv-00053 (E.D. Tex.); 6:17-cv-00101 (E.D. Tex.); 6:17-cv-00060 (E.D. Tex.); 6:17-cv-00100 (E.D. Tex.); 6:17-cv-00097 (E.D. Tex.); 6:17-cv-00098 (E.D. Tex.).

59. Collectively, these cases may be referred to as the “Prior ’011 Patent Litigation.”

60. The scope and construction of the claims of the ’011 Patent have been clarified by the Prior Litigation.

THE ’602 AND ’842 PATENTS

The Invention

61. Scott A. Moskowitz is the inventor of U.S. Patent No. 9,021,602 (“the ’602 Patent”). A true and correct copy of the ’602 Patent is attached as Exhibit F.

62. Scott A. Moskowitz is the inventor of U.S. Patent No. 9,104,842 (“the ’842 Patent”). A true and correct copy of the ’842 Patent is attached as Exhibit G.

63. The ’602 Patent and the ’842 Patent resulted from the pioneering efforts of Mr. Moskowitz (for the purposes of this section, “the Inventor”) in the area of protection of digital information. These efforts resulted in the development of systems, methods, and devices for data protection memorialized in the mid-2000s. At the time of these pioneering efforts, the most widely implemented technology used to address the difficulty of protecting intellectual property was copy protection. In that type of system, however, the cost of developing such protection was not justified considering the level of piracy that occurred despite the copy protection. The Inventor conceived of the inventions claimed in the ’602 and ’842 Patents as a way to combine transfer functions with predetermined key creation.

64. For example, the Inventor developed systems and methods that protect digital information by identifying and encoding a portion of the format information. Encoded digital

information, including the digital sample and the encoded format information, is generated to protect the original digital information.

Advantage Over the Prior Art

65. The patented inventions disclosed in the '602 Patent and the '842 Patents provide many advantages over the prior art, and in particular improved the operations of digital content generation and/or display devices. *E.g.*, Exhibit F, '602 Patent at 7:22–40; Exhibit G, '842 Patent at 7:20–38. One advantage of the patented invention is the provision of a level of security for executable code on similar grounds as that which can be provided for digitized samples. *E.g.*, Exhibit F, '602 Patent at 7:22–29; Exhibit G, '842 Patent at 7:20–27.

66. Another advantage of the patented invention is that it does not attempt to stop copying, but rather, determines responsibility for a copy by ensuring that licensing information must be preserved in descendant copies from an original. Without the correct license information, the copy cannot function. *E.g.*, Exhibit F, '602 Patent at 7:22–29; Exhibit G, '842 Patent at 7:20–27.

67. Because of these significant advantages that can be achieved through the use of the patented invention, Blue Spike believes that the '602 Patent and '842 Patents present significant commercial value for companies like Charter. Indeed, the technology described and claimed in the '602 and '842 Patents reads on the core security functionality of Charter's digital security in its Spectrum digital TV devices and products.

Technological Innovation

68. The patented invention disclosed in the '602 and '842 Patents resolves technical problems related to protection of digital information particularly problems related to a method and device for data protection. As the '602 and '842 Patents explain, one of the limitations of

the prior art as regards the protection of digital information was that existing methods of copy protection were too expensive and/or required outside determination and verification of the license. *See* Exhibit F, '602 Patent at 2:47–4:48; Exhibit G, '842 Patent at 1:29–60.

69. The claims of the '602 and '842 Patents do not merely recite the performance of some well-known business practice from the pre-Internet world along with the requirement to perform it on the Internet. Instead, the claims of the '602 and '842 Patents recite inventive concepts that are deeply rooted in engineering technology, and overcome problems specifically arising out of protecting digital information in a highly distributed computing environment.

70. In addition, the claims of the '602 and '842 Patent recites inventive concepts that improve the functioning of devices for protecting digital information, particularly by combining transfer functions with predetermined key creation.

71. Moreover, the claims of the '602 and '842 Patents recite inventive concepts that are not merely routine or conventional use of computer components. Instead, the patented invention disclosed in the '602 and '842 Patents provides a new and novel solution to specific problems related to protecting digital information.

72. And finally, the patented inventions disclosed in the '602 and '842 Patents do not preempt all the ways that protecting digital information may be used to improve devices for data protection, nor do the '602 and '842 Patents preempt any other well-known or prior art technology.

73. Accordingly, the claims in the '602 and '842 Patents recite a combination of elements sufficient to ensure that the claim in substance and in practice amounts to significantly more than a patent-ineligible abstract idea.

Prior Litigation

74. The '602 Patent was previously litigated in the Northern District of California: 5:18-cv-03392.

75. The '602 Patent was previously litigated in the Eastern District of Texas: 6:18-cv-00223 (E.D. Tex.); 6:18-cv-00174 (E.D. Tex.); 6:18-cv-00242 (E.D. Tex.); 6:17-cv-00016.

76. Collectively, these cases may be referred to as the "Prior '602 Patent Litigation."

77. The scope and construction of the claims of the '602 Patent have been clarified by the Prior Litigation.

78. The '842 Patent was previously litigated in the Northern District of California: 5:18-cv-03392.

79. The '842 Patent was previously litigated in the Eastern District of Texas: 6:18-cv-00223 (E.D. Tex.); 6:18-cv-00174 (E.D. Tex.); 6:18-cv-00242 (E.D. Tex.); 6:17-cv-00016.

80. Collectively, these cases may be referred to as the "Prior '842 Patent Litigation."

81. The scope and construction of the claims of the '842 Patent have been clarified by the Prior Litigation.

THE '705, '275, '746, '222, AND '307 PATENTS

The Invention

82. Scott A. Moskowitz is the inventor of U.S. Patent No. 8,224,705 ("the '705 Patent"). A true and correct copy of the '705 Patent is attached as Exhibit H.

83. Scott A. Moskowitz is the inventor of U.S. Patent No. 7,287,275 ("the '275 Patent"). A true and correct copy of the '275 Patent is attached as Exhibit I.

84. Scott A. Moskowitz is the inventor of U.S. Patent No. 8,473,746 ("the '746 Patent"). A true and correct copy of the '746 Patent is attached as Exhibit J.

85. Scott A. Moskowitz is the inventor of U.S. Patent Reissue No. RE 44,222 (“the ’222 Patent”). A true and correct copy of the ’222 Patent is attached as Exhibit K.

86. Scott A Moskowitz is the inventor of U.S. Patent Reissue No. RE 44,307 (“the ’307 Patent”). A true and correct copy of the ’307 Patent is attached as Exhibit L.

87. The ’705, ’275, ’746, ’222, and ’307 Patents resulted from the pioneering efforts of Mr. Moskowitz (for the purposes of this section, “the Inventor”) in the area of optimizing and provisioning the allocation of bandwidth. These efforts resulted in the development of systems, methods, and devices for packet watermarking and efficient provisioning of bandwidth memorialized in the early- to mid-2000s. At the time of these pioneering efforts, the most widely implemented technology used to optimize and provision the allocation of bandwidth

88. Focused on priority of transmission paths for data in an attempt to alleviate bottlenecks within a given network. The Inventor conceived of the inventions claimed in the ’705, ’275, ’746, ’222, and ’307 Patents as a way to transmit a stream of data by receiving a stream, organizing the stream into a plurality of packets, generating a packet watermark with each of the plurality of packets to form watermarked packets, and transmitting at least one of the watermarked packets across a network. *E.g.*, Exhibit I, ’275 Patent at 5:35–67; Exhibit H, ’705 Patent at 4:34–65; Exhibit J, ’746 Patent at 4:66–3:51; Exhibit K, ’222 Patent at 5:11–6:9; Exhibit L, ’307 Patent at 4:47–5:11.

89. For example, the Inventor developed systems and methods that generate, monitor, and authenticate packet watermarking data.

Advantage Over the Prior Art

90. The patented inventions disclosed in the ’705, ’275, ’746, ’222, and ’307 Patents provide many advantages over the prior art, and in particular improved the operations of digital

content generation and/or display devices. *E.g.*, Exhibit H, '705 Patent at 4:34–8:49; Exhibit I, '275 Patent at 4:35–8:61; Exhibit J, '746 Patent at 4:42–8:59; Exhibit K, '222 Patent at 4:47–8:67; Exhibit L, '307 Patent at 4:47–8:67. One advantage of the patented invention is the provision of identity of the packets and subsequent provisioning by means of authenticating packets along a particular path. *E.g.*, Exhibit H, '705 Patent at 8:35–39; Exhibit I, '275 Patent at 8:45–49; Exhibit J, '746 Patent at 8:45–49; Exhibit K, '222 Patent at 8:53–57; Exhibit L, '307 Patent at 8:53–57.

91. Another advantage of the patented invention is that it provides for efficient provisioning of the packets on the network to enhance liquidity and derivative pricing provisioning for future estimated use of bandwidth. *E.g.*, Exhibit H, '705 Patent at 8:15–34; Exhibit I, '275 Patent at 8:25–45; Exhibit J, '746 Patent at 8:25–44; Exhibit K, '222 Patent at 8:30–52; Exhibit L, '307 Patent at 8:29–52.

92. Because of these significant advantages that can be achieved through the use of the patented invention, Blue Spike believes that the '705, '275, '746, '222, and '307 Patents present significant commercial value for companies like Charter. Indeed, the technology described and claimed in the '705, '275, '746, '222, and '307 Patents reads on the core standards used in Charter's digital TV devices and products.

Technological Innovation

93. The patented invention disclosed in the '705, '275, '746, '222, and '307 Patents resolves technical problems related to optimizing and provisioning the allocation of bandwidth, particularly problems related to better handling of the competitive needs between networks and the concept of Quality of Service. As the '705, '275, '746, '222, and '307 Patents explain, one of the limitations of the prior art with regards to the protection of digital information was that

users may seek data objects which by their very structure or format may occupy large amounts of bandwidth, thereby creating bandwidth demand that has little or no relationship to how the data is valued by third parties, including owners of rights related to the objects. *See* Exhibit H, '705 Patent at 2:48–59; Exhibit I, '275 Patent at 2:43–55; Exhibit J, '746 Patent at 2:56–63; Exhibit K, '222 Patent at 2:60–67; Exhibit L, '307 Patent at 2:47–3:1

94. The claims of the '705, '275, '746, '222, and '307 Patents do not merely recite the performance of some well-known business practice from the pre-Internet world along with the requirement to perform it on the Internet. Instead, the claims of the '705, '275, '746, '222, and '307 Patents recite inventive concepts that are deeply rooted in engineering technology, and overcome problems specifically arising out of optimizing and provisioning the allocation of bandwidth.

95. In addition, the claims of the '705, '275, '746, '222, and '307 Patents recites inventive concepts that improve the functioning of devices for packet watermarking and efficient provisioning of bandwidth.

96. Moreover, the claims of the '705, '275, '746, '222, and '307 Patents recite inventive concepts that are not merely routine or conventional use of computer components. Instead, the patented invention disclosed in the '705, '275, '746, '222, and '307 Patents provides a new and novel solution to specific problems related to optimizing and provisioning the allocation of bandwidth.

97. And finally, the patented inventions disclosed in the '705, '275, '746, '222, and '307 Patents do not preempt all the ways that bandwidth may be optimized and/or allocation, nor do the '705, '275, '746, '222, and '307 Patents preempt any other well-known or prior art technology.

98. Accordingly, the claims in the '705, '275, '746, '222, and '307 Patents recite a combination of elements sufficient to ensure that the claim in substance and in practice amounts to significantly more than a patent-ineligible abstract idea.

Prior Litigation

99. The '705 Patent was previously litigated in the Eastern District of Texas: 6:18-cv-00223 (E.D. Tex.); 6:18-cv-00174 (E.D. Tex.); 6:18-cv-00242 (E.D. Tex.); 2:16-cv-01191 (E.D. Tex.); 6:16-cv-01020 (E.D. Tex.); 6:16-cv-00048 (E.D. Tex.)

100. Collectively, these cases may be referred to as the "Prior '705 Patent Litigation."

101. The scope and construction of the claims of the '705 Patent have been clarified by the Prior Litigation.

102. The '275 Patent was previously litigated in the Northern District of California: 5:18-cv-03392; 5:17-cv-04780.

103. The '275 Patent was previously litigated in the Eastern District of Texas: 6:18-cv-00223 (E.D. Tex.); 6:18-cv-00174 (E.D. Tex.); 6:18-cv-00242 (E.D. Tex.); 6:17-cv-00016 (E.D. Tex.); 6:16-cv-01384 (E.D. Tex.); 6:17-cv-00053 (E.D. Tex.); 2:16-cv-01191 (E.D. Tex.); 6:16-cv-01020 (E.D. Tex.); 6:16-cv-00048.

104. Collectively, these cases may be referred to as the "Prior '275 Patent Litigation."

105. The scope and construction of the claims of the '275 Patent have been clarified by the Prior Litigation.

106. The '746 Patent was previously litigated in the Eastern District of Texas: 6:16-cv-00048 (E.D. Tex.); 6:16-cv-01020 (E.D. Tex.); 2:16-cv-01191 (E.D. Tex.); 6:16-cv-01384 (E.D. Tex.); 6:17-cv-00016 (E.D. Tex.); 6:17-cv-00053 (E.D. Tex.); 6:18-cv-00174 (E.D. Tex.); 6:18-cv-00223 (E.D. Tex.); 6:18-cv-00242 (E.D. Tex.).

107. The '746 Patent was previously litigated in the Northern District of California: 5:17-cv-04780 (N.D. Cal.), and; 5:18-cv-03392 (N.D. Cal.).

108. Collectively, these cases may be referred to as the "Prior '746 Patent Litigation."

109. The scope and construction of the claims of the '746 Patent have been clarified by the Prior Litigation.

110. The '222 Patent was previously litigated in the Northern District of California: 5:18-cv-03392; 5:17-cv-04780.

111. The '222 Patent was previously litigated in the Eastern District of Texas: 6:18-cv-00223 (E.D. Tex.); 6:18-cv-00174 (E.D. Tex.); 6:18-cv-00242 (E.D. Tex.); 6:17-cv-00016 (E.D. Tex.); 6:16-cv-01384 (E.D. Tex.); 6:17-cv-00053 (E.D. Tex.); 2:16-cv-01191 (E.D. Tex.); 6:16-cv-01020 (E.D. Tex.); 6:16-cv-00048.

112. Collectively, these cases may be referred to as the "Prior '222 Patent Litigation."

113. The scope and construction of the claims of the '222 Patent have been clarified by the Prior Litigation.

114. The '307 Patent was previously litigated in the Northern District of California: 5:18-cv-03392; 5:17-cv-04780.

115. The '307 Patent was previously litigated in the Eastern District of Texas: 6:18-cv-00223 (E.D. Tex.); 6:18-cv-00174 (E.D. Tex.); 6:18-cv-00242 (E.D. Tex.); 6:17-cv-00016 (E.D. Tex.); 6:16-cv-01384 (E.D. Tex.); 6:17-cv-00053 (E.D. Tex.); 2:16-cv-01191 (E.D. Tex.); 6:16-cv-01020 (E.D. Tex.); 6:16-cv-00048.

116. Collectively, these cases may be referred to as the "Prior '307 Patent Litigation."

117. The scope and construction of the claims of the '307 Patent have been clarified by the Prior Litigation.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,475,246

118. The allegations set forth in the foregoing paragraphs 1 through 117 are incorporated into this First Claim for Relief.

119. On January 6, 2009, the '246 Patent was duly and legally issued by the United States Patent and Trademark Office under the title "Secure Personal Content Server."

120. Blue Spike is the assignee and owner of the right, title and interest in and to the '246 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

121. Upon information and belief, Charter has and continues to directly infringe one or more claims of the '246 Patent by selling, offering to sell, using, and/or providing and causing to be used products, specifically one or more Spectrum Receivers, which by way of example include Arris DCX 3520-eM, Motorola DCH 3200, Motorola DCH 3416, Motorola DCH 6200, Motorola DCH 6416HD, Motorola DCT 3416HD, Motorola DCT 5100HD, Motorola DCT 6200HD, and Motorola DCX 3200HD (the "Accused Instrumentalities"). (*See* Ex. 13.)

122. The Accused Instrumentality infringed and continues to infringe claim 1 of the '246 Patent during the pendency of the '246 Patent. *See* '246 Patent Claim Chart, attached hereto as Exhibit M. Plaintiff notes that the '246 Claim Chart and analysis constitute a preliminary and exemplary infringement analysis based on publicly available information. Plaintiff has not obtained discovery from Defendant, nor has Defendant disclosed any analysis in support of any purported non-infringement positions. Plaintiff hereby specifically reserves the right to supplement and/or amend the positions taken in this preliminary and exemplary infringement analysis, including with respect to literal infringement and infringement under the doctrine of equivalents, if and when warranted by further information obtained by Plaintiff

during the pendency of litigation, including information adduced through fact discovery, claim construction, expert discovery, and/or further analysis.

123. Upon information and belief, since at least the time of receiving the Original Complaint, Charter has induced and continues to induce others to infringe at least claim 1 of the '246 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Charter's partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least claim 1 of the '246 Patent.

124. In particular, Charter's actions that aid and abet others such as their partners and customers to infringe include distributing the Accused Instrumentalities and providing materials and/or services related to the Accused Instrumentalities. On information and belief, Charter has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Charter has had actual knowledge of the '246 Patent and that its acts were inducing infringement of the '246 Patent since at least the time of receiving the Original Complaint.

125. On information and belief, Charter's infringement has been and continues to be willful.

126. Blue Spike has been harmed by Charter's infringing activities.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 8,739,295

127. The allegations set forth in the foregoing paragraphs 1 through 126 are incorporated into this Second Claim for Relief.

128. On May 27, 2014, the '295 Patent was duly and legally issued by the United States Patent and Trademark Office under the title "Secure Personal Content Server."

129. Blue Spike is the assignee and owner of the right, title and interest in and to the '295 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

130. Upon information and belief, Charter has and continues to directly infringe one or more claims of the '295 Patent by selling, offering to sell, using, and/or providing and causing to be used products, specifically one or more Spectrum Receivers, which by way of example include Arris DCX 3520-eM, Motorola DCH 3200, Motorola DCH 3416, Motorola DCH 6200, Motorola DCH 6416HD, Motorola DCT 3416HD, Motorola DCT 5100HD, Motorola DCT 6200HD, and Motorola DCX 3200HD (the "Accused Instrumentalities"). (*See* Ex. 13.)

131. The Accused Instrumentality infringed and continues to infringe claim 1 of the '295 Patent during the pendency of the '295 Patent. *See* '295 Patent Claim Chart, attached hereto as Exhibit N. Plaintiff notes that the '295 Claim Chart and analysis constitute a preliminary and exemplary infringement analysis based on publicly available information. Plaintiff has not obtained discovery from Defendant, nor has Defendant disclosed any analysis in support of any purported non-infringement positions. Plaintiff hereby specifically reserves the right to supplement and/or amend the positions taken in this preliminary and exemplary infringement analysis, including with respect to literal infringement and infringement under the doctrine of equivalents, if and when warranted by further information obtained by Plaintiff during the pendency of litigation, including information adduced through fact discovery, claim construction, expert discovery, and/or further analysis.

132. Upon information and belief, the Accused Instrumentalities perform a method for using a local content server system.

133. Upon information and belief, since at least the time of receiving the Original Complaint, Charter has induced and continues to induce others to infringe at least claim 1 of the '295 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Charter's partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least claim 1 of the '295 Patent.

134. In particular, Charter's actions that aid and abet others such as their partners and customers to infringe include distributing the Accused Instrumentalities and providing materials and/or services related to the Accused Instrumentalities. On information and belief, Charter has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Charter has had actual knowledge of the '295 Patent and that its acts were inducing infringement of the '295 Patent since at least the time of receiving the Original Complaint.

135. On information and belief, Charter's infringement has been and continues to be willful.

136. Blue Spike has been harmed by Charter's infringing activities.

COUNT III – INFRINGEMENT OF U.S. PATENT NO. 9,934,408

137. The allegations set forth in the foregoing paragraphs 1 through 136 are incorporated into this Third Claim for Relief.

138. On April 3, 2018, the '408 Patent was duly and legally issued by the United States Patent and Trademark Office under the title "Secure Personal Content Server."

139. Blue Spike is the assignee and owner of the right, title and interest in and to the '408 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

140. Upon information and belief, Charter has and continues to directly infringe one or more claims of the '408 Patent by selling, offering to sell, using, and/or providing and causing to be used products, specifically one or more Spectrum Receivers, which by way of example include Arris DCX 3520-eM, Motorola DCH 3200, Motorola DCH 3416, Motorola DCH 6200, Motorola DCH 6416HD, Motorola DCT 3416HD, Motorola DCT 5100HD, Motorola DCT 6200HD, and Motorola DCX 3200HD (the "Accused Instrumentalities"). (*See* Ex. 13.)

141. The Accused Instrumentality infringed and continues to infringe claim 1 of the '408 Patent during the pendency of the '408 Patent. *See* '408 Patent Claim Chart, attached hereto as Exhibit O. Plaintiff notes that the '408 Claim Chart and analysis constitute a preliminary and exemplary infringement analysis based on publicly available information. Plaintiff has not obtained discovery from Defendant, nor has Defendant disclosed any analysis in support of any purported non-infringement positions. Plaintiff hereby specifically reserves the right to supplement and/or amend the positions taken in this preliminary and exemplary infringement analysis, including with respect to literal infringement and infringement under the doctrine of equivalents, if and when warranted by further information obtained by Plaintiff during the pendency of litigation, including information adduced through fact discovery, claim construction, expert discovery, and/or further analysis.

142. Upon information and belief, since at least the time of receiving the Original Complaint, Charter has induced and continues to induce others to infringe at least claim 1 of the '408 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Charter's partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least claim 1 of the '408 Patent.

143. In particular, Charter's actions that aid and abet others such as their partners and customers to infringe include distributing the Accused Instrumentalities and providing materials and/or services related to the Accused Instrumentalities. On information and belief, Charter has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Charter has had actual knowledge of the '408 Patent and that its acts were inducing infringement of the '408 Patent since at least the time of receiving the Original Complaint.

144. On information and belief, Charter's infringement has been and continues to be willful.

145. Blue Spike has been harmed by Charter's infringing activities.

COUNT IV – INFRINGEMENT OF U.S. PATENT NO. 7,159,116

146. The allegations set forth in the foregoing paragraphs 1 through 145 are incorporated into this Fourth Claim for Relief.

147. On January 2, 2007, the '116 Patent was duly and legally issued by the United States Patent and Trademark Office under the title "Systems, Methods, and Devices for Trusted Transactions"

148. Blue Spike is the assignee and owner of the right, title and interest in and to the '116 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

149. Upon information and belief, Charter has and continues to directly infringe one or more claims of the '116 Patent by using, and/or providing and causing to be used products, specifically one or more apps, which by way of example include the Spectrum TV app (the "Accused Instrumentalities"). (*See* Ex. 16.)

150. The Accused Instrumentality infringed and continues to infringe claim 14 of the '116 Patent during the pendency of the '116 Patent. *See* '116 Patent Claim Chart, attached hereto as Exhibit P. Plaintiff notes that the '116 Claim Chart and analysis constitute a preliminary and exemplary infringement analysis based on publicly available information. Plaintiff has not obtained discovery from Defendant, nor has Defendant disclosed any analysis in support of any purported non-infringement positions. Plaintiff hereby specifically reserves the right to supplement and/or amend the positions taken in this preliminary and exemplary infringement analysis, including with respect to literal infringement and infringement under the doctrine of equivalents, if and when warranted by further information obtained by Plaintiff during the pendency of litigation, including information adduced through fact discovery, claim construction, expert discovery, and/or further analysis.

151. The Accused Instrumentality infringed and continues to infringe claim 16 of the '116 Patent during the pendency of the '116 Patent. *See* '116 Patent Claim Chart, attached hereto as Exhibit P. Plaintiff notes that the '116 Claim Chart and analysis constitute a preliminary and exemplary infringement analysis based on publicly available information. Plaintiff has not obtained discovery from Defendant, nor has Defendant disclosed any analysis in support of any purported non-infringement positions. Plaintiff hereby specifically reserves the right to supplement and/or amend the positions taken in this preliminary and exemplary infringement analysis, including with respect to literal infringement and infringement under the doctrine of equivalents, if and when warranted by further information obtained by Plaintiff during the pendency of litigation, including information adduced through fact discovery, claim construction, expert discovery, and/or further analysis.

152. The Accused Instrumentality infringed and continues to infringe claim 17 of the '116 Patent during the pendency of the '116 Patent. *See* '116 Patent Claim Chart, attached hereto as Exhibit P. Plaintiff notes that the '116 Claim Chart and analysis constitute a preliminary and exemplary infringement analysis based on publicly available information. Plaintiff has not obtained discovery from Defendant, nor has Defendant disclosed any analysis in support of any purported non-infringement positions. Plaintiff hereby specifically reserves the right to supplement and/or amend the positions taken in this preliminary and exemplary infringement analysis, including with respect to literal infringement and infringement under the doctrine of equivalents, if and when warranted by further information obtained by Plaintiff during the pendency of litigation, including information adduced through fact discovery, claim construction, expert discovery, and/or further analysis.

153. The Accused Instrumentality infringed and continues to infringe claim 18 of the '116 Patent during the pendency of the '116 Patent. *See* '116 Patent Claim Chart, attached hereto as Exhibit P. Plaintiff notes that the '116 Claim Chart and analysis constitute a preliminary and exemplary infringement analysis based on publicly available information. Plaintiff has not obtained discovery from Defendant, nor has Defendant disclosed any analysis in support of any purported non-infringement positions. Plaintiff hereby specifically reserves the right to supplement and/or amend the positions taken in this preliminary and exemplary infringement analysis, including with respect to literal infringement and infringement under the doctrine of equivalents, if and when warranted by further information obtained by Plaintiff during the pendency of litigation, including information adduced through fact discovery, claim construction, expert discovery, and/or further analysis.

154. The Accused Instrumentality infringed and continues to infringe claim 19 of the '116 Patent during the pendency of the '116 Patent. *See* '116 Patent Claim Chart, attached hereto as Exhibit P. Plaintiff notes that the '116 Claim Chart and analysis constitute a preliminary and exemplary infringement analysis based on publicly available information. Plaintiff has not obtained discovery from Defendant, nor has Defendant disclosed any analysis in support of any purported non-infringement positions. Plaintiff hereby specifically reserves the right to supplement and/or amend the positions taken in this preliminary and exemplary infringement analysis, including with respect to literal infringement and infringement under the doctrine of equivalents, if and when warranted by further information obtained by Plaintiff during the pendency of litigation, including information adduced through fact discovery, claim construction, expert discovery, and/or further analysis.

155. Upon information and belief, since at least the time of receiving the Original Complaint, Charter has induced and continues to induce others to infringe at least claims 14 and 16–19 of the '116 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Charter's partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least claims 14 and 16–19 of the '116 Patent.

156. In particular, Charter's actions that aid and abet others such as their partners and customers to infringe include distributing the Accused Instrumentalities and providing materials and/or services related to the Accused Instrumentalities. On information and belief, Charter has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Charter has had actual knowledge of the '116 Patent and that its

acts were inducing infringement of the '116 Patent since at least the time of receiving the Original Complaint.

157. On information and belief, Charter's infringement has been and continues to be willful.

158. Blue Spike has been harmed by Charter's infringing activities.

COUNT V – INFRINGEMENT OF U.S. PATENT NO. 8,538,011

159. The allegations set forth in the foregoing paragraphs 1 through 158 are incorporated into this Fifth Claim for Relief.

160. On September 17, 2013, the '011 Patent was duly and legally issued by the United States Patent and Trademark Office under the title "Systems, Methods, and Devices for Trusted Transactions."

161. Blue Spike is the assignee and owner of the right, title and interest in and to the '011 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

162. Upon information and belief, Charter has and continues to directly infringe one or more claims of the '011 Patent by using, and/or providing and causing to be used products, specifically one or more apps, which by way of example include the Spectrum TV app (the "Accused Instrumentalities"). (*See* Ex. 16.)

163. The Accused Instrumentality infringed and continues to infringe claim 35 of the '011 Patent during the pendency of the '011 Patent. *See* '011 Patent Claim Chart, attached hereto as Exhibit Q. Plaintiff notes that the '011 Claim Chart and analysis constitute a preliminary and exemplary infringement analysis based on publicly available information. Plaintiff has not obtained discovery from Defendant, nor has Defendant disclosed any analysis in support of any purported non-infringement positions. Plaintiff hereby specifically reserves the

right to supplement and/or amend the positions taken in this preliminary and exemplary infringement analysis, including with respect to literal infringement and infringement under the doctrine of equivalents, if and when warranted by further information obtained by Plaintiff during the pendency of litigation, including information adduced through fact discovery, claim construction, expert discovery, and/or further analysis.

164. Upon information and belief, since at least the time of receiving the Original Complaint, Charter has induced and continues to induce others to infringe at least claim 35 of the '011 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Charter's partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least claim 35 of the '011 Patent.

165. In particular, Charter's actions that aid and abet others such as their partners and customers to infringe include distributing the Accused Instrumentalities and providing materials and/or services related to the Accused Instrumentalities. On information and belief, Charter has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Charter has had actual knowledge of the '011 Patent and that its acts were inducing infringement of the '011 Patent since at least the time of receiving the Original Complaint.

166. On information and belief, Charter's infringement has been and continues to be willful.

167. Blue Spike has been harmed by Charter's infringing activities.

COUNT VI – INFRINGEMENT OF U.S. PATENT NO. 9,021,602

168. The allegations set forth in the foregoing paragraphs 1 through 167 are incorporated into this Sixth Claim for Relief.

169. On April 28, 2015, the '602 Patent was duly and legally issued by the United States Patent and Trademark Office under the title "Data Protection Method and Device."

170. Blue Spike is the assignee and owner of the right, title and interest in and to the '602 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

171. Upon information and belief, Charter has and continues to directly infringe one or more claims of the '602 Patent by selling, offering for sale, using, and/or providing and causing to be used products and/or services, specifically one or more Spectrum Receivers, which by way of example include Arris DCX 3520-eM, Motorola DCH 3200, Motorola DCH 3416, Motorola DCH 6200, Motorola DCH 6416HD, Motorola DCT 3416HD, Motorola DCT 5100HD, Motorola DCT 6200HD, and Motorola DCX 3200HD (the "Accused Instrumentalities"). (*See* Ex. 13.)

172. Upon information and belief, the Accused Instrumentalities perform a method for accessing functionality provided by an application software.

173. The Accused Instrumentality infringed and continues to infringe claim 1 of the '602 Patent during the pendency of the '602 Patent. *See* '602 Patent Claim Chart, attached hereto as Exhibit R. Plaintiff notes that the '602 Claim Chart and analysis constitute a preliminary and exemplary infringement analysis based on publicly available information. Plaintiff has not obtained discovery from Defendant, nor has Defendant disclosed any analysis in support of any purported non-infringement positions. Plaintiff hereby specifically reserves the right to supplement and/or amend the positions taken in this preliminary and exemplary infringement analysis, including with respect to literal infringement and infringement under the doctrine of equivalents, if and when warranted by further information obtained by Plaintiff

during the pendency of litigation, including information adduced through fact discovery, claim construction, expert discovery, and/or further analysis.

174. The Accused Instrumentality infringed and continues to infringe claim 5 of the '602 Patent during the pendency of the '602 Patent. *See* '602 Patent Claim Chart, attached hereto as Exhibit R. Plaintiff notes that the '602 Claim Chart and analysis constitute a preliminary and exemplary infringement analysis based on publicly available information. Plaintiff has not obtained discovery from Defendant, nor has Defendant disclosed any analysis in support of any purported non-infringement positions. Plaintiff hereby specifically reserves the right to supplement and/or amend the positions taken in this preliminary and exemplary infringement analysis, including with respect to literal infringement and infringement under the doctrine of equivalents, if and when warranted by further information obtained by Plaintiff during the pendency of litigation, including information adduced through fact discovery, claim construction, expert discovery, and/or further analysis.

175. The Accused Instrumentality infringed and continues to infringe claim 8 of the '602 Patent during the pendency of the '602 Patent. *See* '602 Patent Claim Chart, attached hereto as Exhibit R. Plaintiff notes that the '602 Claim Chart and analysis constitute a preliminary and exemplary infringement analysis based on publicly available information. Plaintiff has not obtained discovery from Defendant, nor has Defendant disclosed any analysis in support of any purported non-infringement positions. Plaintiff hereby specifically reserves the right to supplement and/or amend the positions taken in this preliminary and exemplary infringement analysis, including with respect to literal infringement and infringement under the doctrine of equivalents, if and when warranted by further information obtained by Plaintiff

during the pendency of litigation, including information adduced through fact discovery, claim construction, expert discovery, and/or further analysis.

176. The Accused Instrumentality infringed and continues to infringe claim 10 of the '602 Patent during the pendency of the '602 Patent. *See* '602 Patent Claim Chart, attached hereto as Exhibit R. Plaintiff notes that the '602 Claim Chart and analysis constitute a preliminary and exemplary infringement analysis based on publicly available information. Plaintiff has not obtained discovery from Defendant, nor has Defendant disclosed any analysis in support of any purported non-infringement positions. Plaintiff hereby specifically reserves the right to supplement and/or amend the positions taken in this preliminary and exemplary infringement analysis, including with respect to literal infringement and infringement under the doctrine of equivalents, if and when warranted by further information obtained by Plaintiff during the pendency of litigation, including information adduced through fact discovery, claim construction, expert discovery, and/or further analysis.

177. The Accused Instrumentality infringed and continues to infringe claim 12 of the '602 Patent during the pendency of the '602 Patent. *See* '602 Patent Claim Chart, attached hereto as Exhibit R. Plaintiff notes that the '602 Claim Chart and analysis constitute a preliminary and exemplary infringement analysis based on publicly available information. Plaintiff has not obtained discovery from Defendant, nor has Defendant disclosed any analysis in support of any purported non-infringement positions. Plaintiff hereby specifically reserves the right to supplement and/or amend the positions taken in this preliminary and exemplary infringement analysis, including with respect to literal infringement and infringement under the doctrine of equivalents, if and when warranted by further information obtained by Plaintiff

during the pendency of litigation, including information adduced through fact discovery, claim construction, expert discovery, and/or further analysis.

178. The Accused Instrumentality infringed and continues to infringe claim 14 of the '602 Patent during the pendency of the '602 Patent. *See* '602 Patent Claim Chart, attached hereto as Exhibit R. Plaintiff notes that the '602 Claim Chart and analysis constitute a preliminary and exemplary infringement analysis based on publicly available information. Plaintiff has not obtained discovery from Defendant, nor has Defendant disclosed any analysis in support of any purported non-infringement positions. Plaintiff hereby specifically reserves the right to supplement and/or amend the positions taken in this preliminary and exemplary infringement analysis, including with respect to literal infringement and infringement under the doctrine of equivalents, if and when warranted by further information obtained by Plaintiff during the pendency of litigation, including information adduced through fact discovery, claim construction, expert discovery, and/or further analysis.

179. The Accused Instrumentality infringed and continues to infringe claim 15 of the '602 Patent during the pendency of the '602 Patent. *See* '602 Patent Claim Chart, attached hereto as Exhibit R. Plaintiff notes that the '602 Claim Chart and analysis constitute a preliminary and exemplary infringement analysis based on publicly available information. Plaintiff has not obtained discovery from Defendant, nor has Defendant disclosed any analysis in support of any purported non-infringement positions. Plaintiff hereby specifically reserves the right to supplement and/or amend the positions taken in this preliminary and exemplary infringement analysis, including with respect to literal infringement and infringement under the doctrine of equivalents, if and when warranted by further information obtained by Plaintiff

during the pendency of litigation, including information adduced through fact discovery, claim construction, expert discovery, and/or further analysis.

180. The Accused Instrumentality infringed and continues to infringe claim 17 of the '602 Patent during the pendency of the '602 Patent. *See* '602 Patent Claim Chart, attached hereto as Exhibit R. Plaintiff notes that the '602 Claim Chart and analysis constitute a preliminary and exemplary infringement analysis based on publicly available information. Plaintiff has not obtained discovery from Defendant, nor has Defendant disclosed any analysis in support of any purported non-infringement positions. Plaintiff hereby specifically reserves the right to supplement and/or amend the positions taken in this preliminary and exemplary infringement analysis, including with respect to literal infringement and infringement under the doctrine of equivalents, if and when warranted by further information obtained by Plaintiff during the pendency of litigation, including information adduced through fact discovery, claim construction, expert discovery, and/or further analysis.

181. Upon information and belief, since at least the time of receiving the Original Complaint, Charter has induced and continues to induce others to infringe at least claims 1, 5, 8, 10, 12, 14–15, and 17 of the '602 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Charter's partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least claims 1, 5, 8, 10, 12, 14–15, and 17 of the '602 Patent.

182. In particular, Charter's actions that aid and abet others such as their partners and customers to infringe include distributing the Accused Instrumentalities and providing materials and/or services related to the Accused Instrumentalities. On information and belief, Charter has engaged in such actions with specific intent to cause infringement or with willful blindness to the

resulting infringement because Charter has had actual knowledge of the '602 Patent and that its acts were inducing infringement of the '602 Patent since at least the time of receiving the Original Complaint.

183. On information and belief, Charter's infringement has been and continues to be willful.

184. Blue Spike has been harmed by Charter's infringing activities.

COUNT VII – INFRINGEMENT OF U.S. PATENT NO. 9,104,842

185. The allegations set forth in the foregoing paragraphs 1 through 184 are incorporated into this Seventh Claim for Relief.

186. On August 11, 2015, the '842 Patent was duly and legally issued by the United States Patent and Trademark Office under the title "Data Protection Method and Device."

187. Blue Spike is the assignee and owner of the right, title and interest in and to the '842 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

188. Upon information and belief, Charter has and continues to directly infringe one or more claims of the '842 Patent by selling, offering for sale, using, and/or providing and causing to be used products and/or services, specifically one or more Spectrum Receivers, which by way of example include Arris DCX 3520-eM, Motorola DCH 3200, Motorola DCH 3416, Motorola DCH 6200, Motorola DCH 6416HD, Motorola DCT 3416HD, Motorola DCT 5100HD, Motorola DCT 6200HD, and Motorola DCX 3200HD (the "Accused Instrumentalities"). (*See* Ex. 13.)

189. Upon information and belief, the Accused Instrumentalities perform a method for accessing functionality provided by an application software.

190. The Accused Instrumentality infringed and continues to infringe claim 1 of the '842 Patent during the pendency of the '842 Patent. *See* '842 Patent Claim Chart, attached hereto as Exhibit S. Plaintiff notes that the '842 Claim Chart and analysis constitute a preliminary and exemplary infringement analysis based on publicly available information. Plaintiff has not obtained discovery from Defendant, nor has Defendant disclosed any analysis in support of any purported non-infringement positions. Plaintiff hereby specifically reserves the right to supplement and/or amend the positions taken in this preliminary and exemplary infringement analysis, including with respect to literal infringement and infringement under the doctrine of equivalents, if and when warranted by further information obtained by Plaintiff during the pendency of litigation, including information adduced through fact discovery, claim construction, expert discovery, and/or further analysis.

191. Upon information and belief, since at least the time of receiving the Original Complaint, Charter has induced and continues to induce others to infringe at least claim 1 of the '842 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Charter's partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least claim 1 of the '842 Patent.

192. In particular, Charter's actions that aid and abet others such as their partners and customers to infringe include distributing the Accused Instrumentalities and providing materials and/or services related to the Accused Instrumentalities. On information and belief, Charter has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Charter has had actual knowledge of the '842 Patent and that its

acts were inducing infringement of the '842 Patent since at least the time of receiving the Original Complaint.

193. On information and belief, Charter's infringement has been and continues to be willful.

194. Blue Spike has been harmed by Charter's infringing activities.

COUNT VIII – INFRINGEMENT OF U.S. PATENT NO. 8,224,705

195. The allegations set forth in the foregoing paragraphs 1 through 194 are incorporated into this Eighth Claim for Relief.

196. On July 17, 2012, the '705 Patent was duly and legally issued by the United States Patent and Trademark Office under the title "Methods, Systems and Devices for Packet Watermarking and Efficient Provisioning of Bandwidth."

197. Blue Spike is the assignee and owner of the right, title and interest in and to the '705 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

198. Upon information and belief, Charter has and continues to directly infringe one or more claims of the '705 Patent by selling, offering for sale, using, and/or providing and causing to be used products and/or services, specifically one or more Spectrum Receivers, which by way of example include Arris DCX 3520-eM, Motorola DCH 3200, Motorola DCH 3416, Motorola DCH 6200, Motorola DCH 6416HD, Motorola DCT 3416HD, Motorola DCT 5100HD, Motorola DCT 6200HD, and Motorola DCX 3200HD (the "Accused Instrumentalities"). (*See* Ex. 13.)

199. Upon information and belief, the Accused Instrumentalities perform a method for selling at least one item and/or service. For example, the Accused Instrumentalities sell live

television and video on demand services, including individual pay per view content items. (*See* Ex. 5.)

200. The Accused Instrumentality infringed and continues to infringe claim 8 of the '705 Patent during the pendency of the '705 Patent. *See* '705 Patent Claim Chart, attached hereto as Exhibit T. Plaintiff notes that the '705 Claim Chart and analysis constitute a preliminary and exemplary infringement analysis based on publicly available information. Plaintiff has not obtained discovery from Defendant, nor has Defendant disclosed any analysis in support of any purported non-infringement positions. Plaintiff hereby specifically reserves the right to supplement and/or amend the positions taken in this preliminary and exemplary infringement analysis, including with respect to literal infringement and infringement under the doctrine of equivalents, if and when warranted by further information obtained by Plaintiff during the pendency of litigation, including information adduced through fact discovery, claim construction, expert discovery, and/or further analysis.

201. Upon information and belief, since at least the time of receiving the Original Complaint, Charter has induced and continues to induce others to infringe at least claim 8 of the '705 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Charter's partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least claim 8 of the '705 Patent.

202. In particular, Charter's actions that aid and abet others such as their partners and customers to infringe include distributing the Accused Instrumentalities and providing materials and/or services related to the Accused Instrumentalities. On information and belief, Charter has engaged in such actions with specific intent to cause infringement or with willful blindness to the

resulting infringement because Charter has had actual knowledge of the '705 Patent and that its acts were inducing infringement of the '705 Patent since at least the time of receiving the Original Complaint.

203. On information and belief, Charter's infringement has been and continues to be willful.

204. Blue Spike has been harmed by Charter's infringing activities.

COUNT IX – INFRINGEMENT OF U.S. PATENT NO. 7,287,275

205. The allegations set forth in the foregoing paragraphs 1 through 204 are incorporated into this Ninth Claim for Relief.

206. On October 23, 2007, the '275 Patent was duly and legally issued by the United States Patent and Trademark Office under the title "Methods, Systems and Devices for Packet Watermarking and Efficient Provisioning of Bandwidth."

207. Blue Spike is the assignee and owner of the right, title and interest in and to the '275 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

208. Upon information and belief, Charter has and continues to directly infringe one or more claims of the '275 Patent by using, and/or providing and causing to be used products and/or services, specifically one or more Charter servers used to transmit a stream of data, including, for example, when Spectrum television or Internet access services are provided (the "Accused Instrumentalities"). (*See* Ex. 1 at 1–3.)

209. Upon information and belief, the Accused Instrumentalities perform a method for transmitting a stream of data. For example, the Accused Instrumentalities provide Spectrum television and/or Internet access services.

210. The Accused Instrumentality infringed and continues to infringe claim 1 of the '275 Patent during the pendency of the '275 Patent. *See* '275 Patent Claim Chart, attached hereto as Exhibit U. Plaintiff notes that the '275 Claim Chart and analysis constitute a preliminary and exemplary infringement analysis based on publicly available information. Plaintiff has not obtained discovery from Defendant, nor has Defendant disclosed any analysis in support of any purported non-infringement positions. Plaintiff hereby specifically reserves the right to supplement and/or amend the positions taken in this preliminary and exemplary infringement analysis, including with respect to literal infringement and infringement under the doctrine of equivalents, if and when warranted by further information obtained by Plaintiff during the pendency of litigation, including information adduced through fact discovery, claim construction, expert discovery, and/or further analysis.

211. Upon information and belief, since at least the time of receiving the Original Complaint, Charter has induced and continues to induce others to infringe at least claim 1 of the '275 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Charter's partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least claim 1 of the '275 Patent.

212. In particular, Charter's actions that aid and abet others such as their partners and customers to infringe include distributing the Accused Instrumentalities and providing materials and/or services related to the Accused Instrumentalities. On information and belief, Charter has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Charter has had actual knowledge of the '275 Patent and that its

acts were inducing infringement of the '275 Patent since at least the time of receiving the Original Complaint.

213. On information and belief, Charter's infringement has been and continues to be willful.

214. Blue Spike has been harmed by Charter's infringing activities.

COUNT X – INFRINGEMENT OF U.S. PATENT NO. 8,473,746

215. The allegations set forth in the foregoing paragraphs 1 through 214 are incorporated into this Tenth Claim for Relief.

216. On June 25, 2013, the '746 Patent was duly and legally issued by the United States Patent and Trademark Office under the title "Methods, Systems and Devices for Packet Watermarking and Efficient Provisioning of Bandwidth."

217. Blue Spike is the assignee and owner of the right, title and interest in and to the '746 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

218. Upon information and belief, Charter has and continues to directly infringe one or more claims of the '746 Patent by using, and/or providing and causing to be used products and/or services, specifically one or more Charter servers used to transmit a stream of data, including, for example, when Spectrum television or Internet access services are provided (the "Accused Instrumentalities"). (*See Ex. 1 at 1–3.*)

219. Upon information and belief, the Accused Instrumentalities perform a method for generating a watermarked packet. For example, the Accused Instrumentalities provide Spectrum television and/or Internet access services.

220. The Accused Instrumentality infringed and continues to infringe claim 9 of the '746 Patent during the pendency of the '746 Patent. *See '746 Patent Claim Chart, attached*

hereto as Exhibit V. Plaintiff notes that the '746 Claim Chart and analysis constitute a preliminary and exemplary infringement analysis based on publicly available information. Plaintiff has not obtained discovery from Defendant, nor has Defendant disclosed any analysis in support of any purported non-infringement positions. Plaintiff hereby specifically reserves the right to supplement and/or amend the positions taken in this preliminary and exemplary infringement analysis, including with respect to literal infringement and infringement under the doctrine of equivalents, if and when warranted by further information obtained by Plaintiff during the pendency of litigation, including information adduced through fact discovery, claim construction, expert discovery, and/or further analysis.

221. Upon information and belief, since at least the time of receiving the Original Complaint, Charter has induced and continues to induce others to infringe at least claim 9 of the '746 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Charter's partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least claim 9 of the '746 Patent.

222. In particular, Charter's actions that aid and abet others such as their partners and customers to infringe include distributing the Accused Instrumentalities and providing materials and/or services related to the Accused Instrumentalities. On information and belief, Charter has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Charter has had actual knowledge of the '746 Patent and that its acts were inducing infringement of the '746 Patent since at least the time of receiving the Original Complaint.

223. On information and belief, Charter's infringement has been and continues to be willful.

224. Blue Spike has been harmed by Charter's infringing activities.

COUNT XI – INFRINGEMENT OF U.S. PATENT REISSUE NO. RE 44,222

225. The allegations set forth in the foregoing paragraphs 1 through 224 are incorporated into this Eleventh Claim for Relief.

226. On May 14, 2013, the '222 Patent was duly and legally reissued by the United States Patent and Trademark Office under the title "Methods, Systems and Devices for Packet Watermarking and Efficient Provisioning of Bandwidth."

227. Blue Spike is the assignee and owner of the right, title and interest in and to the '222 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

228. Upon information and belief, Charter has and continues to directly infringe one or more claims of the '222 Patent by using, and/or providing and causing to be used products and/or services, specifically one or more Charter servers used to transmit a stream of data, including, for example, when Spectrum television or Internet access services are provided (the "Accused Instrumentalities"). (*See* Ex. 1 at 1–3.)

229. Upon information and belief, the Accused Instrumentalities perform a process for transmitting a stream of data. For example, the Accused Instrumentalities provide Spectrum television and/or Internet access services

230. The Accused Instrumentality infringed and continues to infringe claim 1 of the '222 Patent during the pendency of the '222 Patent. *See* '222 Patent Claim Chart, attached hereto as Exhibit W. Plaintiff notes that the '222 Claim Chart and analysis constitute a preliminary and exemplary infringement analysis based on publicly available information.

Plaintiff has not obtained discovery from Defendant, nor has Defendant disclosed any analysis in support of any purported non-infringement positions. Plaintiff hereby specifically reserves the right to supplement and/or amend the positions taken in this preliminary and exemplary infringement analysis, including with respect to literal infringement and infringement under the doctrine of equivalents, if and when warranted by further information obtained by Plaintiff during the pendency of litigation, including information adduced through fact discovery, claim construction, expert discovery, and/or further analysis.

231. Upon information and belief, since at least the time of receiving the Original Complaint, Charter has induced and continues to induce others to infringe at least claim 1 of the '222 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Charter's partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least claim 1 of the '222 Patent.

232. In particular, Charter's actions that aid and abet others such as their partners and customers to infringe include distributing the Accused Instrumentalities and providing materials and/or services related to the Accused Instrumentalities. On information and belief, Charter has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Charter has had actual knowledge of the '222 Patent and that its acts were inducing infringement of the '222 Patent since at least the time of receiving the Original Complaint.

233. On information and belief, Charter's infringement has been and continues to be willful.

234. Blue Spike has been harmed by Charter's infringing activities.

COUNT XII – INFRINGEMENT OF U.S. PATENT REISSUE NO. RE 44,307

235. The allegations set forth in the foregoing paragraphs 1 through 234 are incorporated into this Twelfth Claim for Relief.

236. On June 18, 2013, the '307 Patent was duly and legally reissued by the United States Patent and Trademark Office under the title “Methods, Systems and Devices for Packet Watermarking and Efficient Provisioning of Bandwidth.”

237. Blue Spike is the assignee and owner of the right, title and interest in and to the '307 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

238. Upon information and belief, Charter has and continues to directly infringe one or more claims of the '307 Patent by using, and/or providing and causing to be used products and/or services, specifically one or more Charter servers used to transmit a stream of data, including, for example, when Spectrum television or Internet access services are provided (the “Accused Instrumentalities”). (*See* Ex. 1 at 1–3.)

239. Upon information and belief, the Accused Instrumentalities perform a method for authenticating a packet flow. For example, the Accused Instrumentalities provide Spectrum television and/or Internet access services. (*See* Exs. 5, 19, 22.)

240. The Accused Instrumentality infringed and continues to infringe claim 19 of the '307 Patent during the pendency of the '307 Patent. *See* '307 Patent Claim Chart, attached hereto as Exhibit X. Plaintiff notes that the '307 Claim Chart and analysis constitute a preliminary and exemplary infringement analysis based on publicly available information. Plaintiff has not obtained discovery from Defendant, nor has Defendant disclosed any analysis in support of any purported non-infringement positions. Plaintiff hereby specifically reserves the right to supplement and/or amend the positions taken in this preliminary and exemplary

infringement analysis, including with respect to literal infringement and infringement under the doctrine of equivalents, if and when warranted by further information obtained by Plaintiff during the pendency of litigation, including information adduced through fact discovery, claim construction, expert discovery, and/or further analysis.

241. Upon information and belief, since at least the time of receiving the Original Complaint, Charter has induced and continues to induce others to infringe at least claim 19 of the '307 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Charter's partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least claim 19 of the '307 Patent.

242. In particular, Charter's actions that aid and abet others such as their partners and customers to infringe include distributing the Accused Instrumentalities and providing materials and/or services related to the Accused Instrumentalities. On information and belief, Charter has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Charter has had actual knowledge of the '307 Patent and that its acts were inducing infringement of the '307 Patent since at least the time of receiving the Original Complaint.

243. On information and belief, Charter's infringement has been and continues to be willful.

244. Blue Spike has been harmed by Charter's infringing activities.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Blue Spike demands a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Blue Spike demands judgment for itself and against Charter as follows:

A. An adjudication that Charter has infringed the '246, '295, '408, '116, '011, '705, '602, '705, '275, '746, '222, and '307 Patents;

B. An award of damages to be paid by Charter adequate to compensate Blue Spike for Charter's past infringement of the '246, '295, '408, '116, '011, '705, '602, '705, '275, '746, '222, and '307 Patents, and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Blue Spike's reasonable attorneys' fees; and

D. An award to Blue Spike of such further relief at law or in equity as the Court deems just and proper.

Dated: October 12, 2018

DEVLIN LAW FIRM LLC

/s/ Timothy Devlin

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Attorneys for Plaintiff Blue Spike LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document on October 12, 2018.

/s/ Timothy Devlin
Timothy Devlin