

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF DELAWARE

COOLTVNETWORK.COM, INC.,
Plaintiff,

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,
Defendant.

CIVIL ACTION NO. 1:19-cv-00293

JURY TRIAL DEMANDED

PLAINTIFF'S SECOND AMENDED COMPLAINT

Plaintiff CoolTVNetwork.com, Inc. ("Plaintiff"), by and through its undersigned counsel, files this Second Amended Complaint against Defendant International Business Machines Corporation ("Defendant") as follows:

NATURE OF THE ACTION

1. This is a patent infringement action to stop Defendant's infringement of United States Patent No. 7,162,696 ("the '696 patent") entitled "Method and System for Creating, Using and Modifying Multifunctional Website Hot Spots". A true and correct copy of the '696 patent is attached hereto as Exhibit A. Plaintiff is the owner by assignment of the '696 patent. Plaintiff seeks monetary damages and injunctive relief.

PARTIES

2. Plaintiff is a corporation having a principal place of business located at 17731 N.W. 14th CT. Miami, Florida 33169.

3. Upon information and belief, Defendant is a corporation organized and existing under the laws of the State of New York with a principal place of business located at 1 New Orchard Rd. Armonk, New York 10504. Defendant can be served with process by serving The Corporation Trust Company, Corporation Trust Center 1209 Orange Street, Wilmington, DE 19801.

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285.

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

6. The Court has personal jurisdiction over Defendant because Defendant is present within or has minimum contacts within the State of Delaware and the District of Delaware; Defendant has purposefully availed itself of the privileges of conducting business in the State of Delaware and in the District of Delaware; Defendant has sought protection and benefit from the laws of the State of Delaware; Defendant regularly conducts business within the State of Delaware and within the District of Delaware; and Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Delaware and in the District of Delaware. Further, this Court has personal jurisdiction over Defendant because has a brick and mortar location in Delaware located at 1001 N Jefferson St, Wilmington, DE 19801 and regularly conducts business at this address and has purposely availed itself of the privileges and benefits of the laws of the State of Delaware.

7. More specifically, Defendant, directly and/or through intermediaries, ships, distributes, uses, offers for sale, sells, and/or advertises products and services in the United States, the State of Delaware, and the District of Delaware including but not limited to the Accused Instrumentalities as detailed below. Upon information and belief, Defendant has committed patent infringement in the State of Delaware and in the District of Delaware. Defendant solicits and has solicited customers in the State of Delaware and in the District of Delaware. Defendant has paying customers who are residents of the State of Delaware and the District of Delaware and who each use and have used the Defendant's products and services in the State of Delaware and in the District of Delaware.

8. Venue is proper in the District of Delaware pursuant to 28 U.S.C. §§ 1400(b). On information and belief, Defendant has a brick and mortar location in Delaware located at 1001 N Jefferson St, Wilmington, DE 19801 where business is regularly conducted and has directly and/or indirectly committed acts of patent infringement in this district.

COUNT I – PATENT INFRINGEMENT

9. Plaintiff refers to and incorporates herein the allegations of Paragraphs 1-8 above.

10. The '696 patent was duly and legally issued by the United States Patent and Trademark Office on January 9, 2007 after full and fair examination. Plaintiff is the owner by assignment of the '696 patent and possesses all rights of recovery under the '696 patent, including the exclusive right to sue for infringement and recover past damages and obtain injunctive relief.

11. Defendant owns, uses, operates, advertises, controls, sells, and otherwise provides systems, methods and apparatus that infringe the '696 patent. The '696 patent provides, among other things, “a Multifunctional Hot Spot method comprising: defining at least one hot spot by a communication with instructions stored on a tangible retaining medium; accessing at least one of the hot spots from a globally accessible network; performing at least one of a plurality of predetermined functions executed with the selection of each particular hot spot; wherein said hot spots reside on and are accessible from a digital video or audio file; wherein said predetermined functions are selected from a mode control; wherein the mode control comprises a plurality of modes; wherein the plurality of modes comprise a shop mode, a bid mode, an interact mode, an entertainment mode, and a link mode; wherein a specific mode is selected by a user through an expandable graphical user interface bar; wherein said specific mode further toggles based on time stamps in said digital video or digital audio file; wherein said hot spots are visualized by outlines, shading, or illumination or a combination of each, at a predetermined area on the display; wherein said Multifunctional Hot Spot apparatus is made to reside on and is executing on a computing system; selecting and activating at least one of said

predetermined functions by clicking on each particular Multifunctional Hot Spot.”

12. Defendant has been and is now infringing the ‘696 patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, testing, providing, supplying, distributing, selling, and/or offering for sale systems, methods and apparatus (including, without limitation, the Defendant’s products including IBM Watson Media and its products and related functionality identified herein as the “Accused Instrumentality”) that provide a methods, apparatus and systems for creating, using and modifying multifunctional website hotspots including software that identifies, programs and activates hot spots with a plurality of functions wherein the functions include a shopping mode for selecting and purchasing items on a website or in a video, a digital call mode for facilitating videoconferencing and telephone calls over a globally accessible network, a digital storage area for selecting, retrieving and playing selected digital media files, a bid mode that facilitates audio and video communication during multi-task communication interface for conducting an auction and/or accepting bids, an interact mode for communicating a user with a live streamed digital media file, a link mode for directly linking to pre-identified URL addresses and an entertain mode for retrieving and activating digital media files, wherein the functions are selected based on user inputs or predetermined parameters and are activated by clicking a predetermined hot spot, covered by at least claim 17 of the ‘696 patent to the injury of CoolTVNetwork.com, Inc. Defendant is directly infringing, literally infringing, and/or infringing the ‘696 patent under the doctrine of equivalents. Defendant is thus liable for infringement of the ‘696 patent pursuant to 35 U.S.C. § 271.

13. Defendant has induced and continues to induce infringement of the ‘696 patent by intending that others use, offer for sale, or sell in the United States, products and/or methods covered by one or more claims of the ‘696 patent, including, but not limited to, methods, systems, and apparatus for creating, using and modifying multifunctional website hot spots. Defendant provides these products

to others, such as customers, resellers and end-use consumers who, in turn, use, offer for sale, or sell in the United States these methods, systems, and apparatus for creating, using and modifying multifunctional website hot spots that infringe one or more claims of the '696 patent.

14. Defendant indirectly infringes the '696 patent by inducing infringement by others, such as resellers, customers and end-use consumers, in accordance with 35 U.S.C. § 271(b) in this District and elsewhere in the United States. Direct infringement is a result of the activities performed by the resellers, customers and end-use consumers of the apparatus for creating, using and modifying multifunctional website hot spots, including methods, systems, and apparatus for creating, using and modifying multifunctional website hot spots.

15. Defendant received notice of the '696 patent at least as of the date this lawsuit was filed.

16. Defendant affirmative acts of providing and/or selling the methods, systems, and apparatus for creating, using and modifying multifunctional website hot spots, including manufacturing and distributing, and providing instructions for using the methods, systems, and apparatus for creating, using and modifying multifunctional website hot spots in their normal and customary way to infringe one or more claims of the '696 patent. Defendant performs the acts that constitute induced infringement, and induce actual infringement, with the knowledge of the '696 patent and with the knowledge or willful blindness that the induced acts constitute infringement.

17. Defendant specifically intends for others, such as resellers, customers and end-use consumers, to directly infringe one or more claims of the '696 patent, or, alternatively, has been willfully blind to the possibility that its inducing acts would cause infringement. By way of example, and not as limitation, Defendant induces such infringement by its affirmative action by, among other things: (a) providing advertising on the benefits of using the Accused Instrumentalities' functionality; (b) providing information regarding how to use the Accused Instrumentalities' functionality; (c)

providing instruction on how to use the Accused Instrumentalities' functionality; and (d) providing hardware and/or software components required to infringe the claims of the '696 patent. *See* <https://support.video.ibm.com/hc/en-us/articles/360000817109-IBM-Watson-Media-Call-To-Action-CTA->

18. Accordingly, a reasonable inference is that Defendant specifically intends for others, such as resellers, customers and end-use consumers, to directly infringe one or more claims of the '696 patent in the United States because Defendant has knowledge of the '696 patent at least as of the date this lawsuit was filed and Defendant actually induces others, such as resellers, customers and end-use consumers, to directly infringe the '696 patent by using, selling, and/or distributing, within the United States, methods, systems, and apparatus for creating, using and modifying multifunctional website hot spots.

19. As a result of Defendant acts of infringement, Plaintiff has suffered and will continue to suffer damages in an amount to be proved at trial.

20. Defendant continues advising, encouraging, or otherwise inducing others to use the systems, methods, and apparatus claimed by the '696 patent to the injury of Plaintiff. Since at least the filing date of the Original Complaint, Defendant has had knowledge of the '696 patent, and by continuing the actions described above, has specific intent to induce infringement of the '696 patent pursuant to 35 U.S.C. § 271(b), and has further contributed to said infringement of the '696 patent by their customers by providing them with the Accused Instrumentalities so that their customers could directly infringe the '696 patent.

21. Claim 17 of the '696 patent, claims:

A Multifunctional Hot Spot method comprising:

IBM Watson Media

Products Solutions Pricing Resol



Looking to monetize your own video content to start generating additional revenue? Or are you seeking solutions to run sponsor and product placement ads on during your streams?

IBM's video streaming solutions now offer a Google Ad Manager integration. This allows content owners to monetize their live and on-demand video assets through using virtually any 3rd party ad server that can run inside of Google Ad Manager.

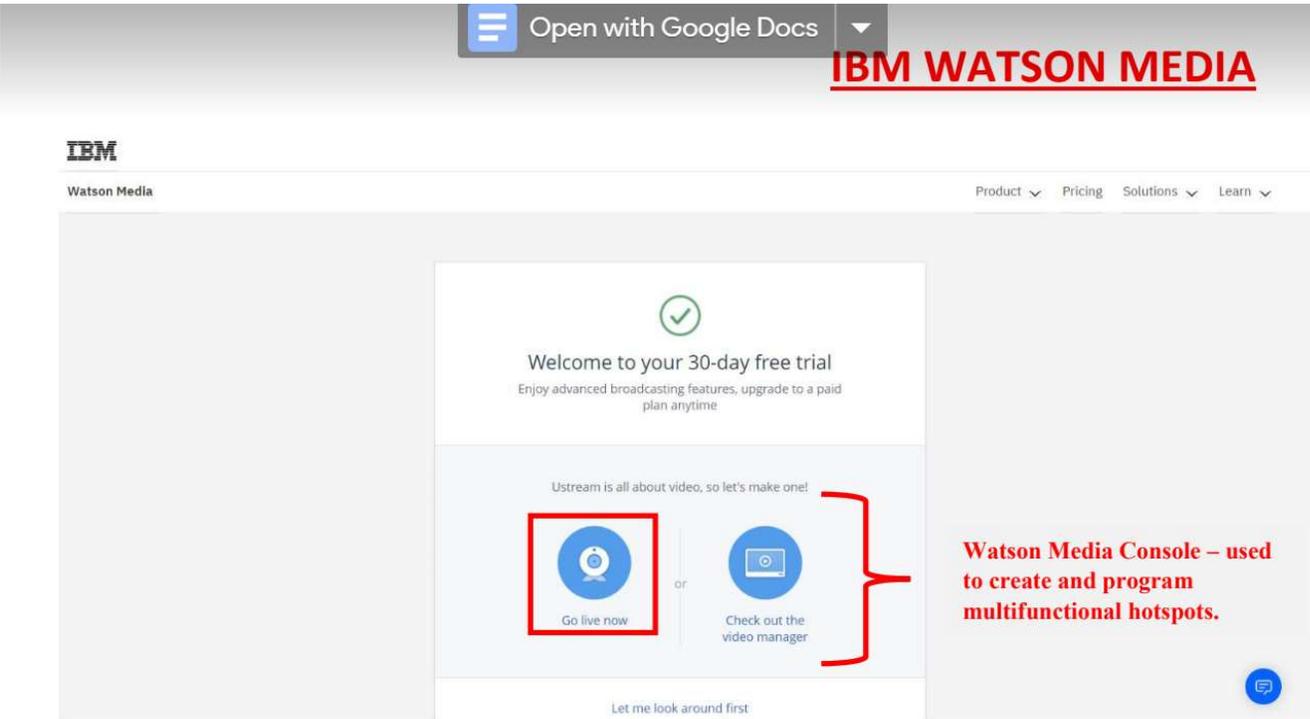
IBM video advertising integration with Google Ad manager provides a multifunctional hotspot system.

Plug and play from the dashboard

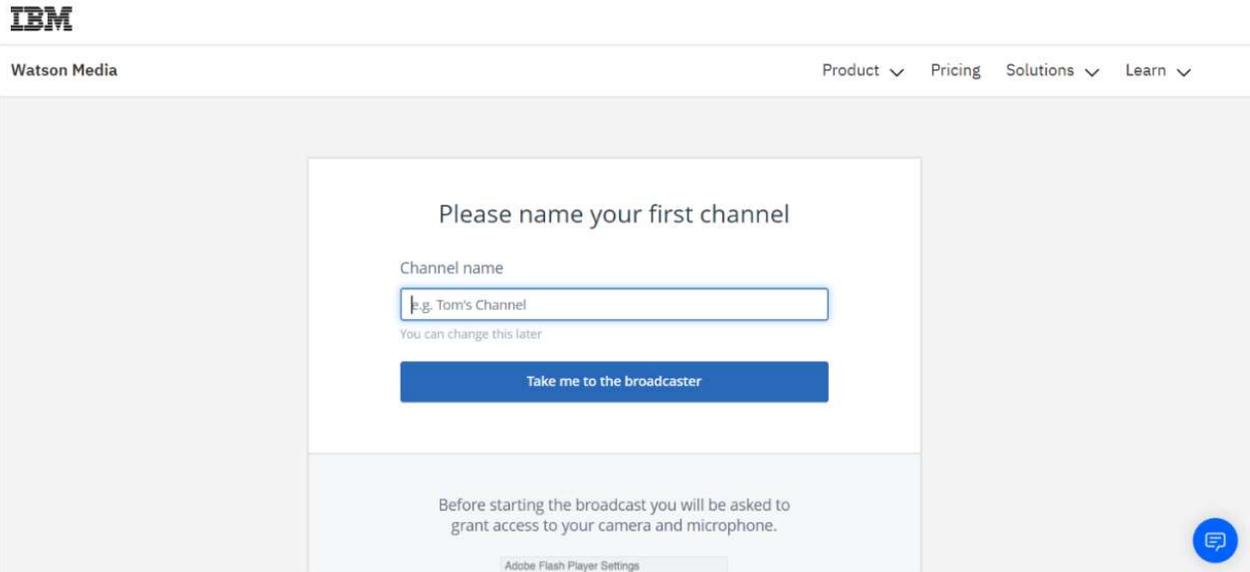
IBM's video streaming player comes integrated with Google IMA (Interactive Media Ads). This allows content owners to use Google Ad Manager, formerly known as Google DFP (DoubleClick for Publishers), to begin serving ads with their video content.

IBM's video streaming solutions now offer a Google Ad Manager integration. This allows content owners to monetize their live and on-demand video assets through using virtually any 3rd party ad server that can run inside of Google Ad Manager.

SOURCE: <https://video.ibm.com/blog/streaming-product-updates/google-ad-manager-integration-for-live-and-on-demand-video/>



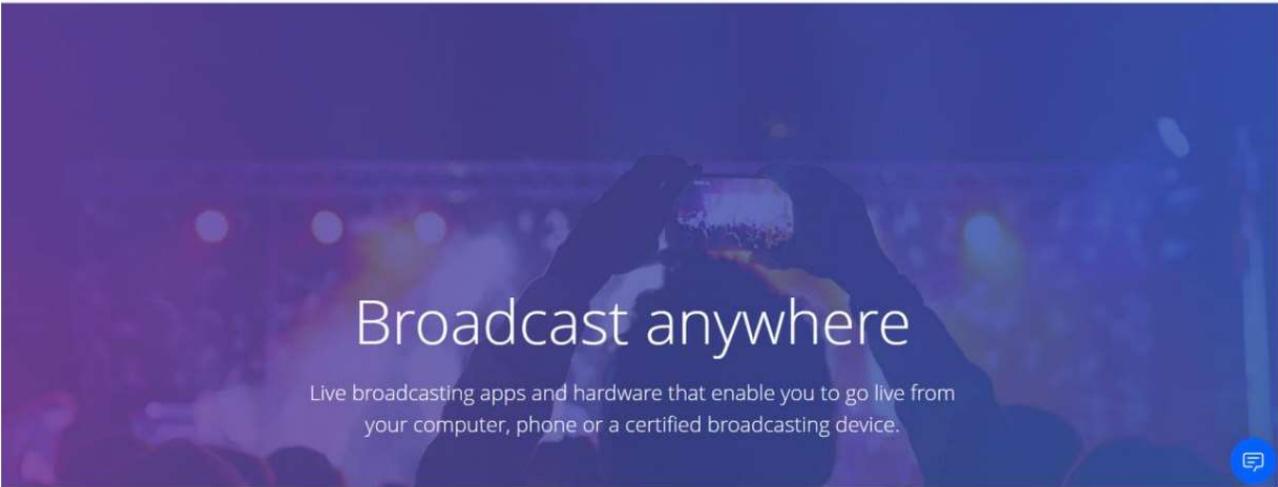
- GO LIVE





Watson Media

Product ▾ Pricing Solutions ▾ Learn ▾  ▾



Source: <https://video.ibm.com/live-broadcasting-apps-and-hardware>

IBM Video Streaming Dashboard

Open with Google Docs

Upload Go Live

PRO YOUR PRO TRIAL EXPIRES IN 29 DAYS. Upgrade to a Pro plan to keep broadcasting with advanced features. Upgrade to a Pro plan

Anthony Wakefield Videos

OVERVIEW

CHANNELS

COOL CARTOONS

Info

Events

Videos

Playlists

Geotlocking

Security

You can manage and upload videos here. We have added a short video about Ustream - feel free to delete it after watching. You can find more tutorials at our [Customer Support page](#).

You don't have any videos on this channel yet

Upload your first video

Chat With Us

Interactivity

Interact, and Bid Mode

or do a live broadcast

HAVE QUESTIONS OR NEED SUPPORT?

LIVE CTA

Shop, Link, and Entertain Modes

Page 4 / 17

Chat With Us



Upload

Go Live

PRO YOUR PRO TRIAL EXPIRES IN 29 DAYS.
Upgrade to a Pro plan to keep broadcasting with advanced features. [Upgrade to a Pro plan](#)

Anthony Wakefield **Interactivity**

OVERVIEW

CHANNELS

COOL CARTOONS

- Info
- Events
- Videos
- Playlists
- Geotlocking
- Security
- Interactivity**
- Off Air
- Channel page
- Metrics

Search in Video (new) OFF Turn on
Your viewers can search for specific words in a video's captions. [Learn more on adding captions to your videos.](#)

Chat ON **Interact Mode** Settings
Chat lets your viewers have a conversation about live streams

Q&A OFF Settings
Q&A lets your audience ask questions during live streams

Polls **Bid Mode** Details
Polls let you ask questions from your audience during live streams

Slides Manage slide decks
Upload slide decks to display their slides on-screen in live streams or recorded videos.

[Chat With Us](#)

- AFTER CHAT SETTINGS CLICKED

PRO YOUR PRO TRIAL EXPIRES IN 29 DAYS.
Upgrade to a Pro plan to keep broadcasting with advanced features. [Upgrade to a Pro plan](#)

Anthony Wakefield **Chat** [Open Chat](#)

OVERVIEW

CHANNELS

COOL CARTOONS

- Info
- Events
- Videos
- Playlists
- Geotlocking
- Security
- Interactivity**

[Back to Interactivity](#)

Enable chat

Moderators Settings
Add people who can moderate the conversation in the Chat.

[Save](#) [Cancel](#)

[HAVE QUESTIONS OR NEED SUPPORT?](#)

[Chat With Us](#)

IBM Video Streaming Dashboard Profile Icon Upload Go Live

PRO YOUR PRO TRIAL EXPIRES IN 29 DAYS.
Upgrade to a Pro plan to keep broadcasting with advanced features. Upgrade to a Pro plan

Anthony Wakefield **Activate CTAs**

- OVERVIEW
- CHANNELS
- VIDEO MANAGER
- ACCOUNT
- INTEGRATIONS & APPS
- TRACKING
- METRICS & MONITORING
- LIVE CTA
- Activate CTAs**
- Manage CTAs

You can activate your CTAs here

You can show CTAs in your player when your channel is live, and direct your viewers to subscriptions, product promotions or any other URL.

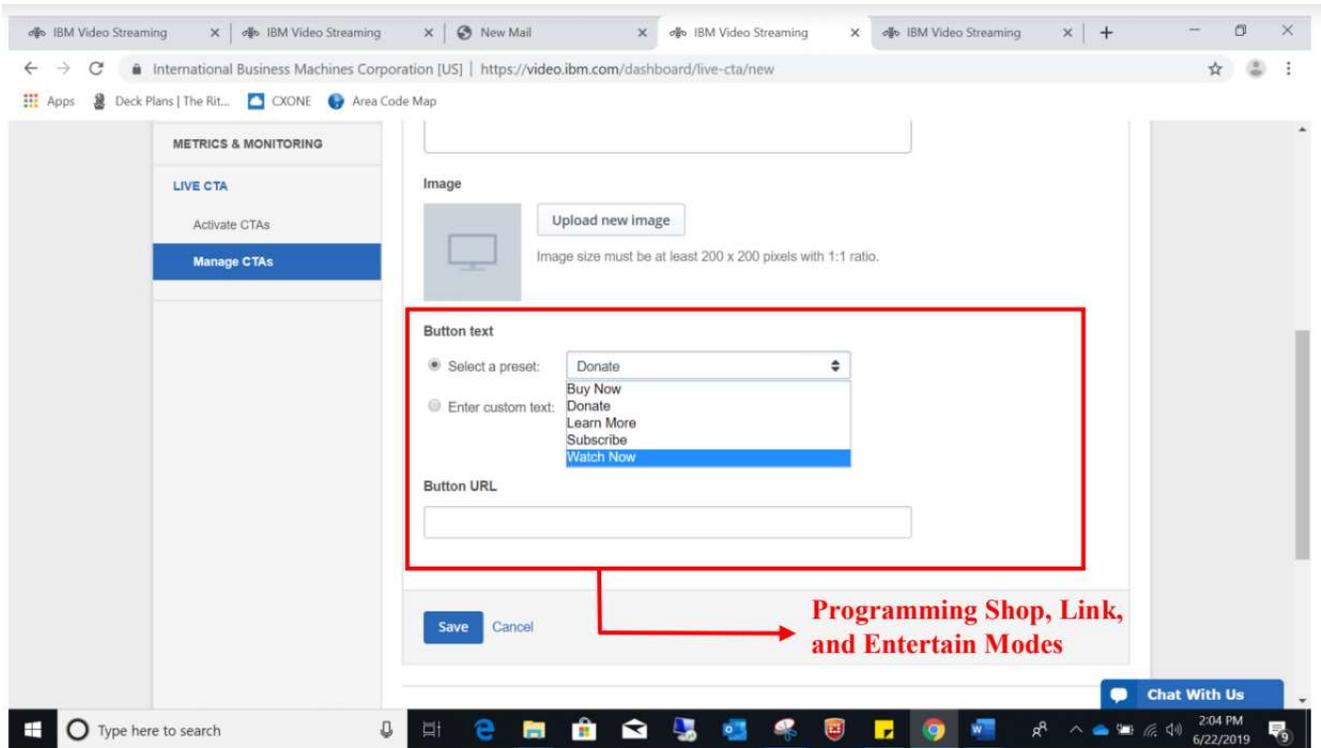
[Create new CTA](#)

[> HAVE QUESTIONS OR NEED SUPPORT?](#)

- AFTER "CREATE NEW CTA" BUTTON IS CLICKED

The screenshot shows a sidebar on the left with navigation options: CHANNELS, VIDEO MANAGER, ACCOUNT, INTEGRATIONS & APPS, TRACKING, METRICS & MONITORING, and LIVE CTA. Under LIVE CTA, there are 'Activate CTAs' and 'Manage CTAs' (highlighted in blue). The main content area contains a form with the following fields: 'Title' (text input), 'Text' (text area), 'Image' (with a placeholder and 'Upload new image' button), and 'Button text'. The 'Button text' section includes a radio button for 'Select a preset:' with a dropdown menu showing 'Buy Now', and a radio button for 'Enter custom text:' with a text input field. Below the text input is the label 'Max. 15 characters'. A red box highlights the 'Button text' section, and a red arrow points from it to the text 'Programming Hotspots'.

This screenshot shows the same 'Manage CTAs' interface as above, but with the 'Button URL' field highlighted in red. The 'Button text' section is visible but not highlighted. The 'Button URL' section consists of a single text input field. A red arrow points from this field to the text 'Hotspot URL'. At the bottom of the form, there are 'Save' and 'Cancel' buttons.

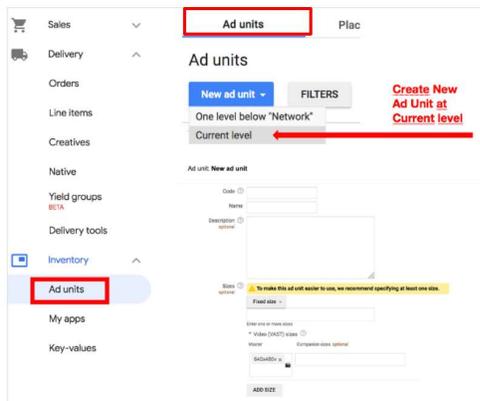


In Google Ad Manager navigate to Inventory Menu – Ad Units – Ad Units tab – New Ad Unit – Current Level. You will be able to create a new (or modify an old) Ad Unit here. Please see the guidelines on filling

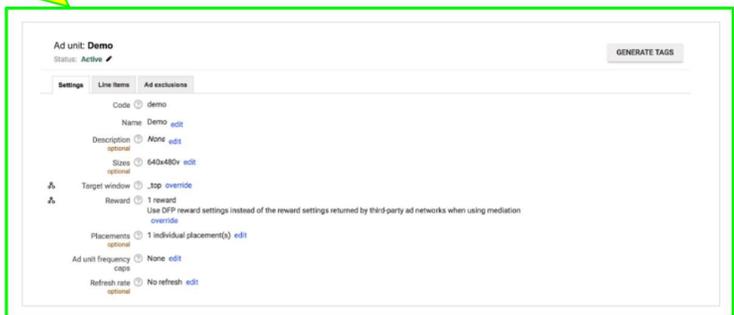
While genres that fit into video advertising are far reaching, there are certain programming types that stand out as great use cases for ads. These use cases, which stretch across pre-roll and mid-roll ads,

SOURCE: <https://video.ibm.com/platform/video-monetization-solution-with-ad-integration#how-it-works>

Once your Ad Manager account is ready just copy paste your 'Google Publisher Tag' onto your Watson Media Dashboard to start serving video ads right away.



Hotspot is linked to Ad unit (Ad tags).

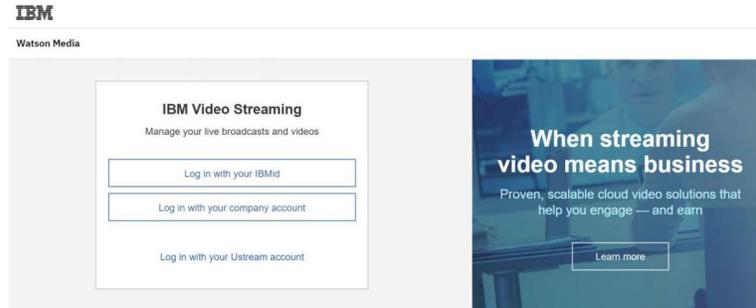


SOURCE: <https://support.video.ibm.com/hc/en-us/articles/360000760379-IBM-Watson-Media-Dashboard-Ad-Manager-Integration>

at least one hot spot defined by a communication with instructions stored on a tangible retaining medium;

Defendant's Accused Instrumentality provides at least one hot spot e.g. buy now buttons, polls, chatting, watch now buttons, and learn more buttons that are defined by a communication with the IBM video streaming accounts/manager servers that contains instructions for defining at least one hot

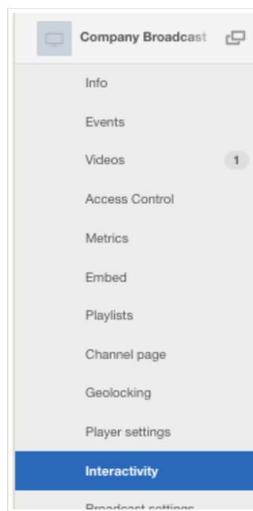
spot. The screenshots below depict how a user can utilize their IBM video streaming account to setup buy now buttons, polls, chatting, watch now buttons, and learn more buttons and other functionality as hotspots in their uploaded video through the IBM video streaming dashboard which is accessible through an online account via the internet to users. The IBM video streaming accounts/manager servers meet this claim limitation.



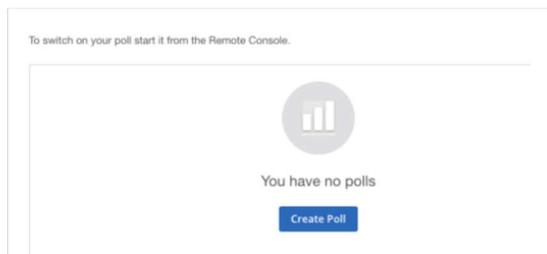
Source: <https://video.ibm.com/ibm-login?ref=%2Fdashboard%2Ffive-cta%2Factivate>

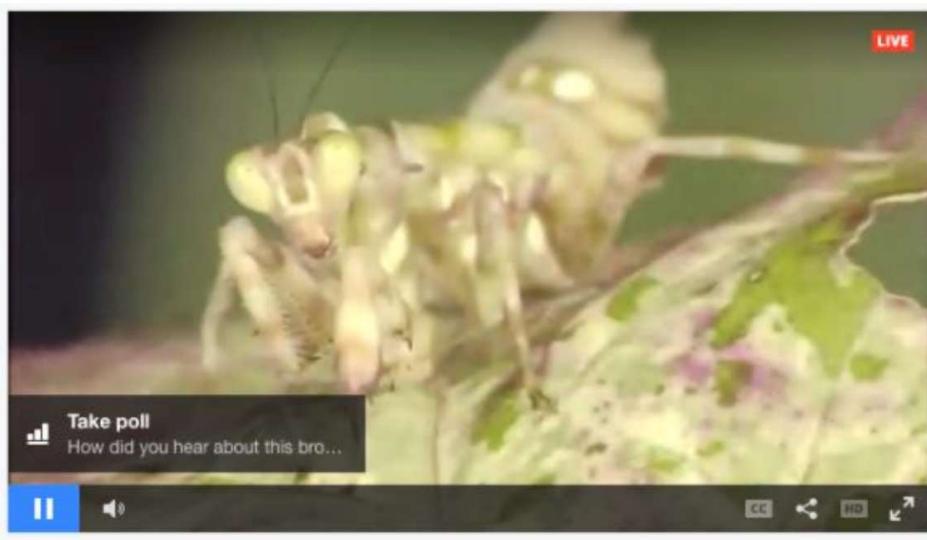
Setting up a Poll

To set up your first Poll, log into your account and select the channel the poll should be applied to, then select Interactivity. Then select "Details" next to Polls.

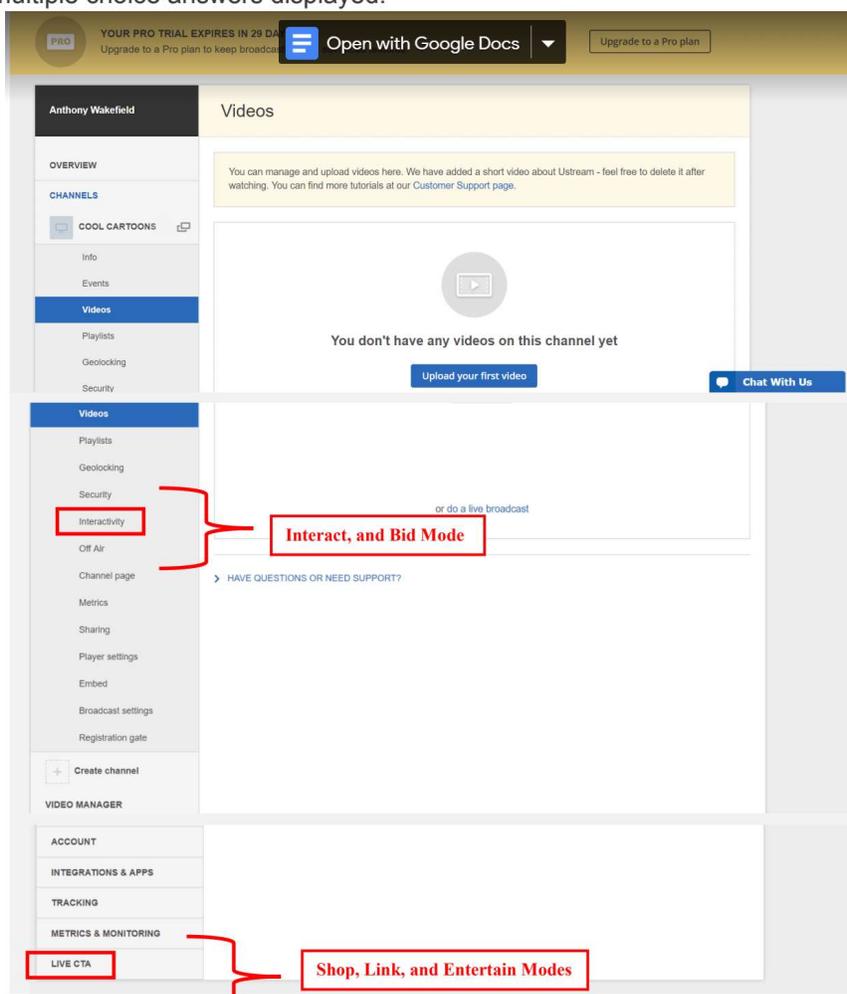


If you have not yet created a Poll, click the "Create Poll" button.





To take the poll, viewers must click the notification. Then they will see an overlay with the multiple choice answers displayed.



IBM Video Streaming Dashboard

Upload Go Live

PRO YOUR PRO TRIAL EXPIRES IN 29 DAYS. Upgrade to a Pro plan to keep broadcasting with advanced features. Upgrade to a Pro plan

Anthony Wakefield **Interactivity**

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Search in Video (new) Turn on
Your viewers can search for specific words in a video's captions. Learn more on adding captions to your videos.

Chat Interact Mode Settings
Chat lets your viewers have a conversation about live streams

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Q&A lets your audience ask questions during live streams

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Polls let you ask questions from your audience during live streams

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Upload slide decks to display their slides on-screen in live streams or recorded videos.

Chat With Us

CHANNELS

VIDEO MANAGER

ACCOUNT

INTEGRATIONS & APPS

TRACKING

METRICS & MONITORING

LIVE CTA

Activate CTAs

Manage CTAs

Title

Text

Image

Upload new image

Image size must be at least 200 x 200 pixels with 1:1 ratio.

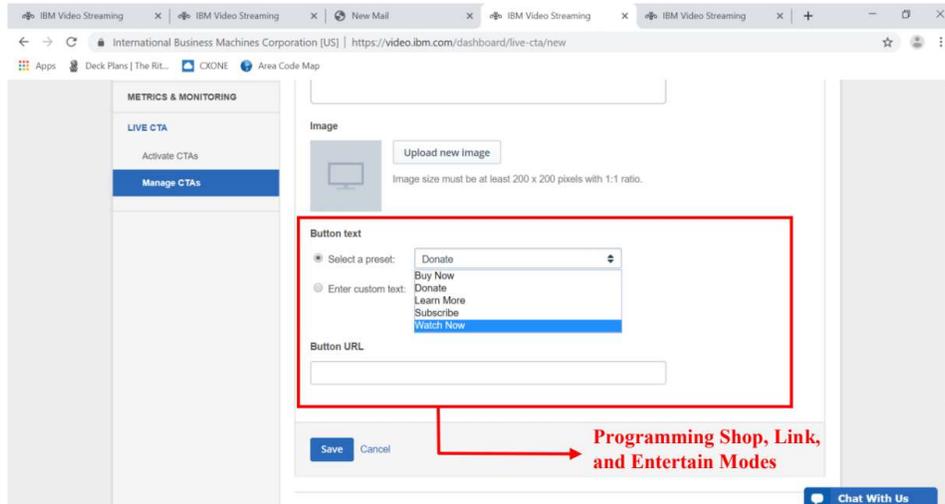
Button text

Select a preset: Buy Now

Enter custom text:

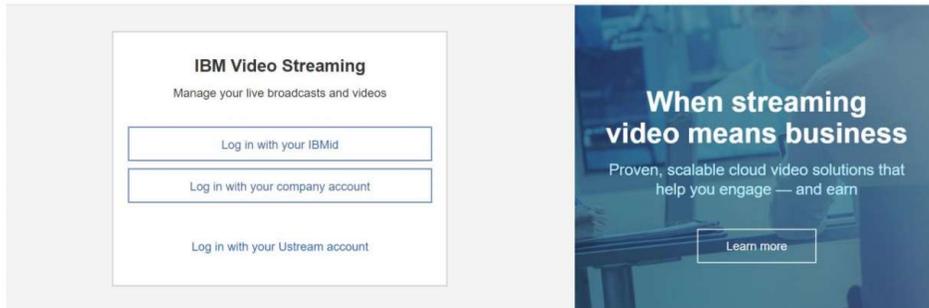
Max: 15 characters

Programming Hotspots



IBM

Watson Media



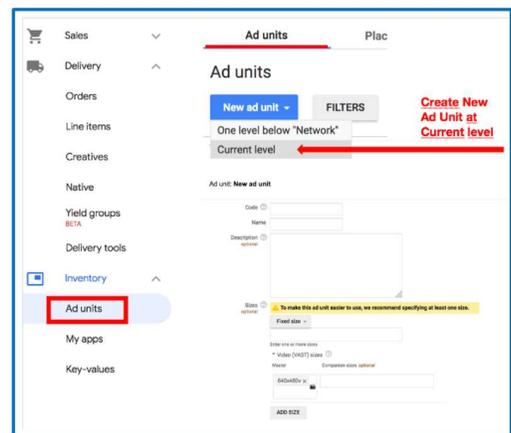
Source: <https://video.ibm.com/ibm-login?ref=%2Fdashboard%2Flive-cta%2Factivate>

IBM video ads are accessible via internet from globally accessible network.

[Video Ads tailored for Live Broadcasting](#)

Mid-rolls, ad-pods, ad cue triggered breaks, Client-side Ad Insertion (CSAI), Server-side Ad Insertion (SSAI), on desktop, mobile browsers, mobile apps and CTV (Connected TV). Our feature lineup covers everything from web-exclusive content monetization to TV style Live-playlist broadcasts with ad breaks encoded into the video stream.. In case your business model requires a custom setup, IBM is ready to evolve further with you.

SOURCE: <https://video.ibm.com/blog/streaming-product-updates/video-advertising-integration-mid-roll/#monetization>

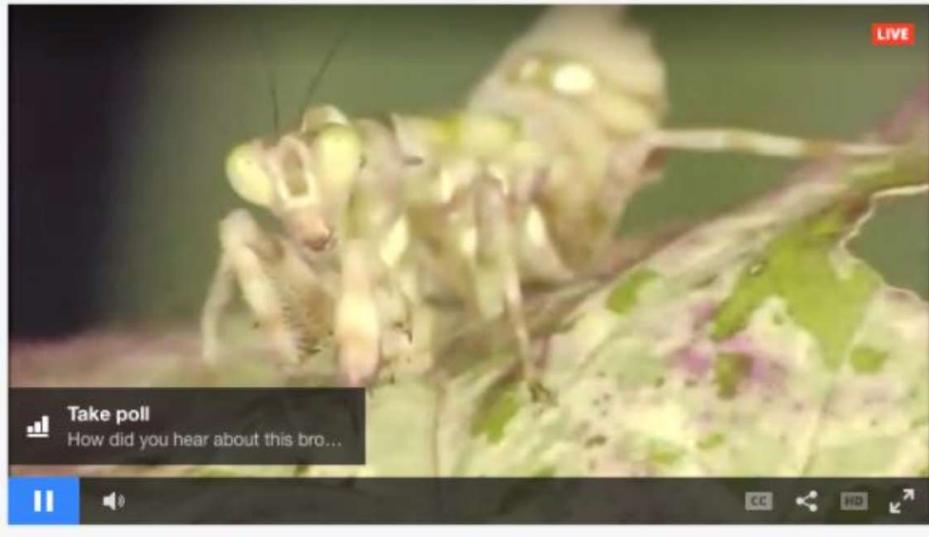


SOURCE: <https://support.video.ibm.com/hc/en-us/articles/360000760379-IBM-Watson-Media-Dashboard-Ad-Manager-Integration>

at least one of the hot spots being accessible from a globally accessible network;

Defendant's Accused Instrumentality provides at least one hot spot that is accessible from the internet.

The screenshots below depict a hotspot that a viewer may select while watching a video that was produced by a user with their online IBM video streaming account. The ability of the IBM video streaming accounts/manager servers to be accessible via the internet for purposes of defining a hotspot meets this claim limitation.



To take the poll, viewers must click the notification. Then they will see an overlay with the multiple choice answers displayed.

Your poll is active
It appears to your viewers

End poll

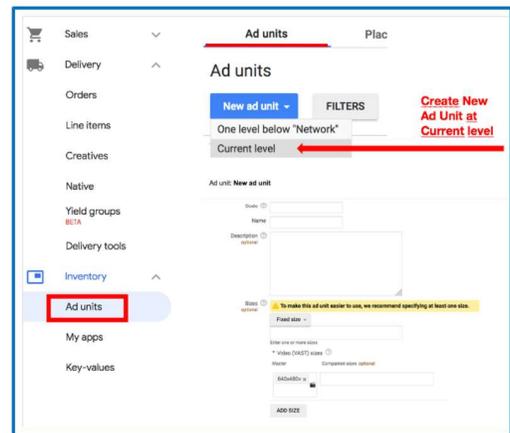
Source: https://support.video.ibm.com/hc/en-us/articles/115005851985-Polls-for-Live-Broadcasting#setting-up-a-poll_0

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[Video Ads tailored for Live Broadcasting](#)

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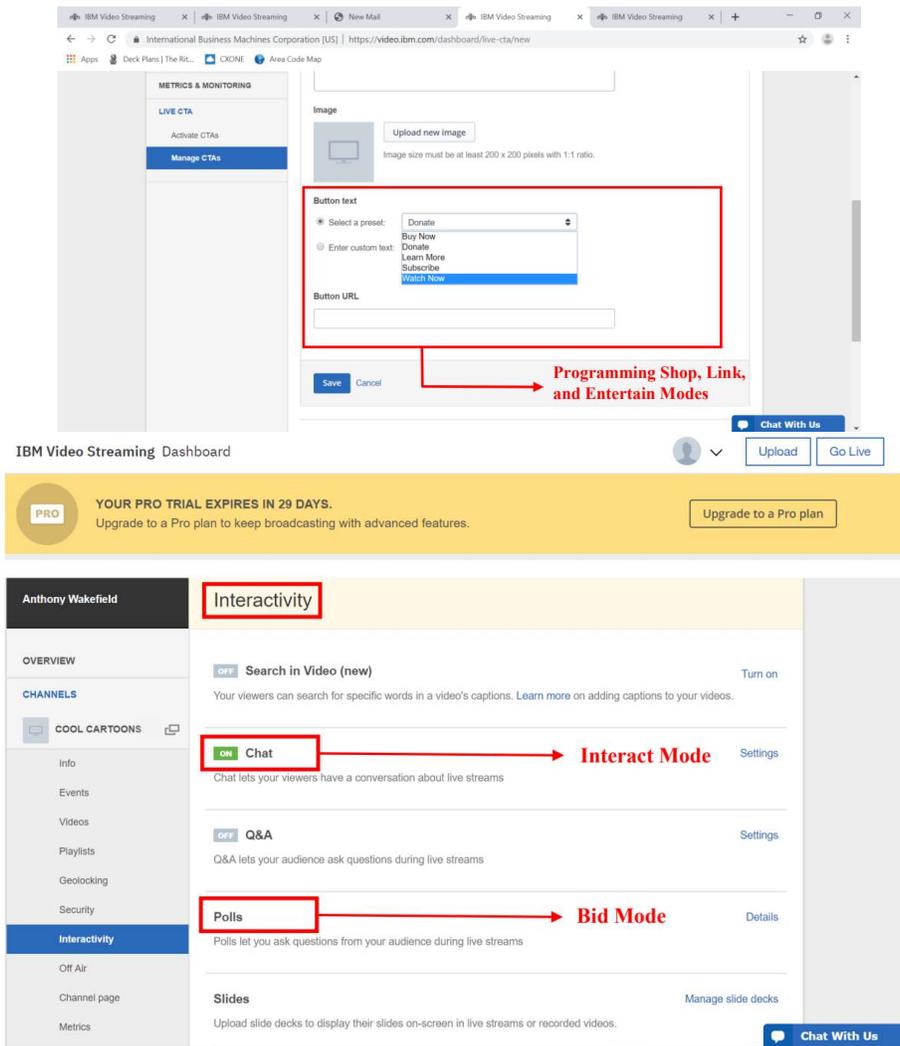


SOURCE: <https://support.video.ibm.com/hc/en-us/articles/360000760379-IBM-Watson-Media-Dashboard-Ad-Manager-Integration>

performing at least one of a plurality of predetermined functions executed with the selection of each particular hot spot;

Defendant's Accused Instrumentality performs at least one of a plurality of predetermined functions

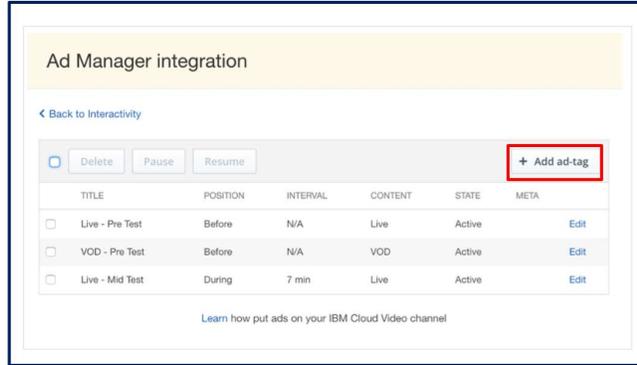
such as buy now, polls, watch now, learn more etc. when each hotspot is selected. The screenshots below depict the Defendant's Accused Instrumentality and its ability to perform predetermined functions such as buy now, polls, watch now, learn more, and linking when a hotspot is clicked in a video. The IBM video streaming accounts/manager servers allow users to incorporate pre-roll and mid-roll hotspots i.e. hotspots can be included before the video starts and in the middle of the video. The IBM video streaming accounts/manager servers meet this claim limitation.



Publisher tags are the URLs you'll need to copy and paste from Google Ad Manager into the IBM CV Streaming Manager Dashboard. This is the step that allows the connection between your video player and your ad inventory in Ad Manager.

Hotspot is linked to Ad unit (Ad tags).

IBM utilizes two general approaches for video ad placements. These include both pre-roll and mid-roll options. If these are unfamiliar terms, they differ based on when the advertisement plays, each fitting better with particular types of content.



SOURCE: <https://support.video.ibm.com/hc/en-us/articles/360000760379-IBM-Watson-Media-Dashboard-Ad-Manager-Integration>

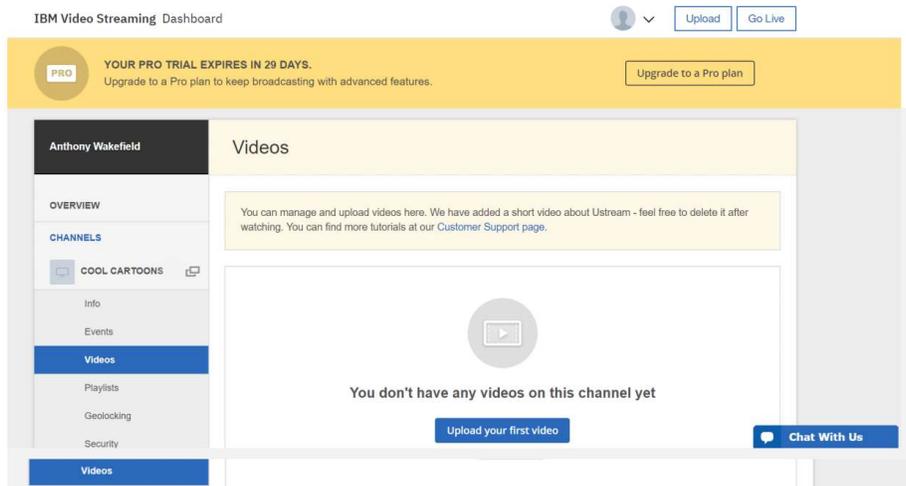
- Web-exclusive interviews, meet and greets, backstage
- Interactive chat, integrated moderated Q&A, live chat
- Advertising current product or product just released

Video Ads tailored for Live Broadcasting
Mid-rolls, ad-pods, ad cue triggered breaks, Client-side Ad Insertion (CSAI), Server-side Ad Insertion (SSAI), on desktop, mobile browsers, mobile apps and CTV (Connected TV). Our feature lineup covers everything from web-exclusive content monetization to TV style Live-playlist broadcasts with ad breaks encoded into the video stream.. In case your business model requires a custom setup, IBM is ready to evolve further with you.

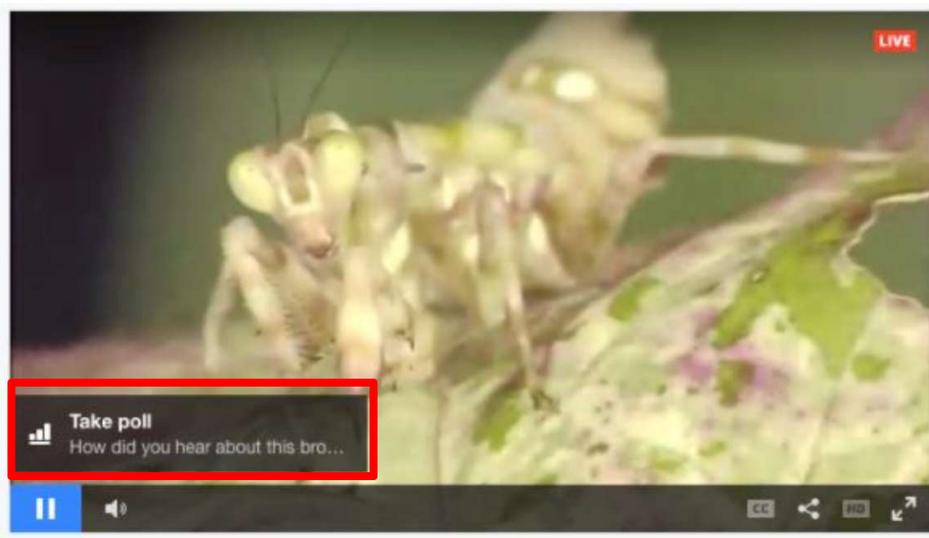
SOURCE: <https://video.ibm.com/blog/streaming-product-updates/video-advertising-integration-mid-pre-roll/#monetization>

wherein said hot spots reside on and are accessible from a digital video or audio file;

Defendant's Accused Instrumentality provides the ability for users to create hotspots that reside on and are accessible from a digital video or audio file. The screenshots below depict videos with various hotspots. When the user clicks on the hotspot, the user is accessing the hotspot from the digital video. The IBM video streaming accounts/manager/manager servers meet this claim limitation.

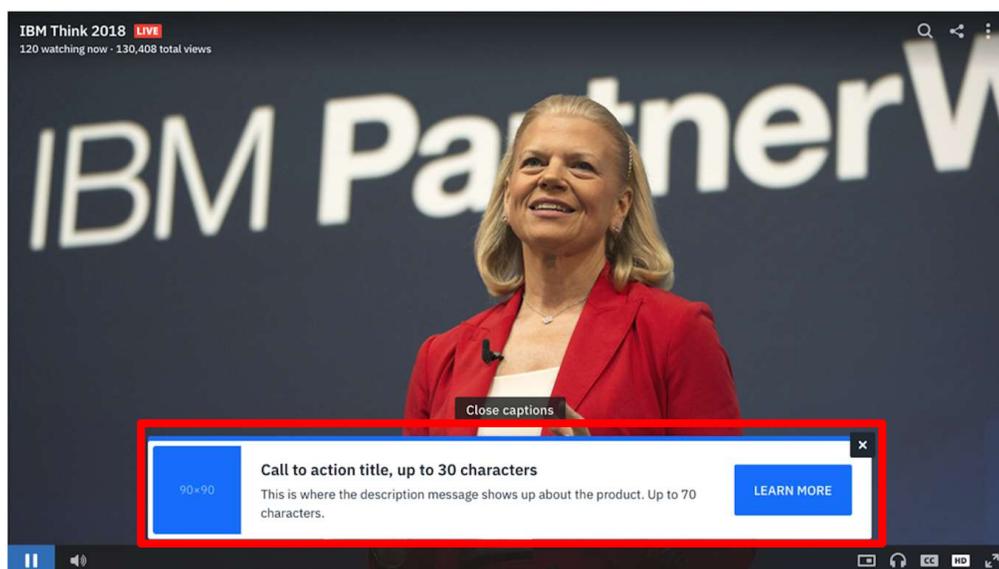


As seen in the screenshot above, the user must first upload a video to the IBM video streaming accounts/manager servers. Once the video is uploaded the user may then create, modify, and add hotspots to their video. Below are examples of what the various hotspots look like once they are added to the videos.



To take the poll, viewers must click the notification. Then they will see an overlay with the multiple choice answers displayed.

Source: https://support.video.ibm.com/hc/en-us/articles/115005851985-Polls-for-Live-Broadcasting#setting-up-a-poll_0



Source: <https://support.video.ibm.com/hc/en-us/articles/360000817109-IBM-Watson-Media-Call-To-Action-CTA->



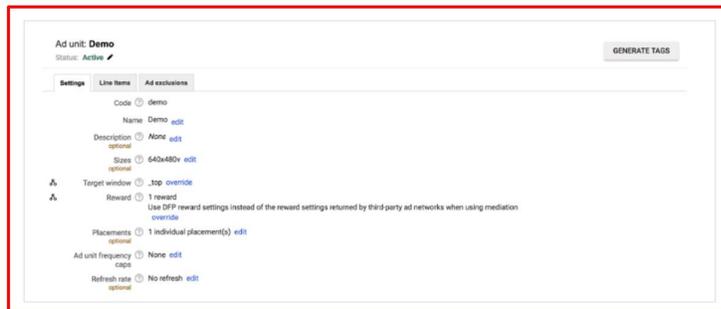
Source: <https://support.video.ibm.com/hc/en-us/articles/360000817109-IBM-Watson-Media-Call-To-Action-CTA->



Source: <https://www.ibm.com/downloads/cas/O2VYAVDN>

Ad tags are served within the IBM cloud video content.

Plug and play from the dashboard
 IBM's video streaming player comes integrated with Google IMA (Interactive Media Ads). This allows content owners to use Google Ad Manager, formerly known as Google DFP (DoubleClick for Publishers), to begin serving ads with their video content.



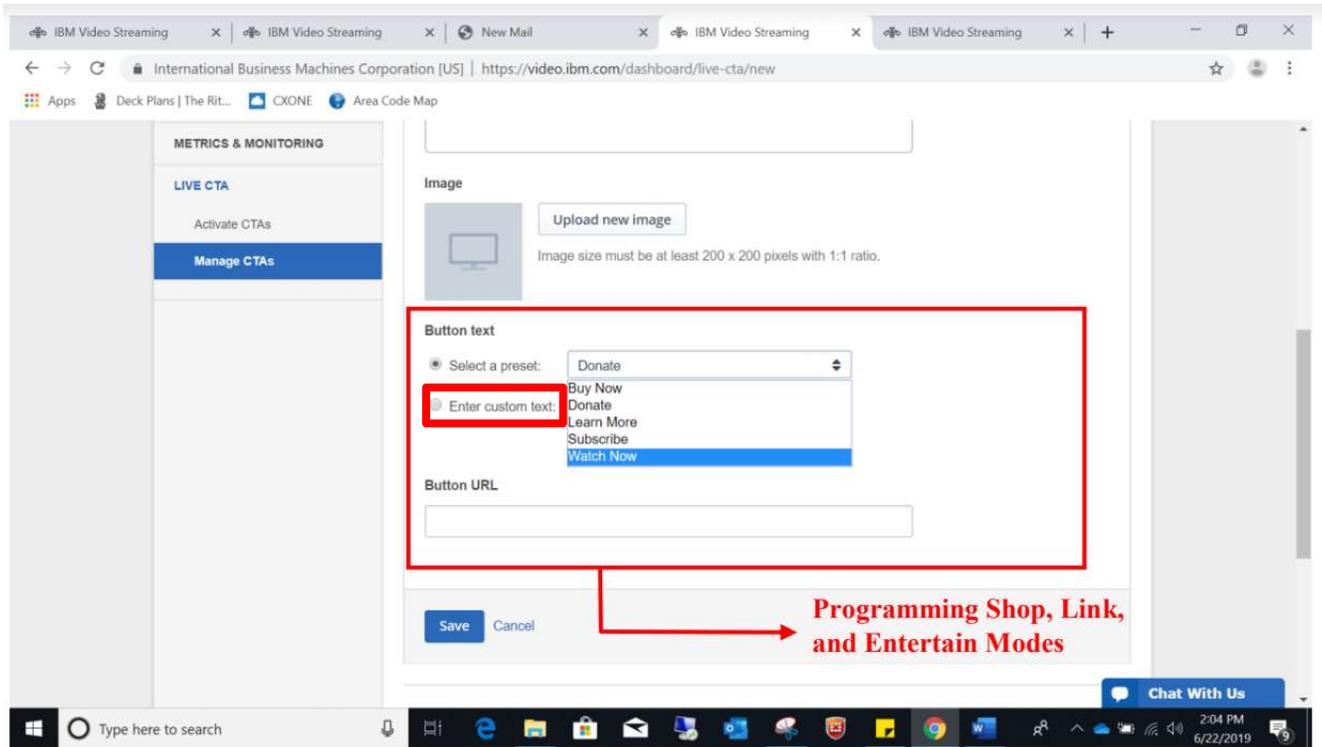
SOURCE: <https://video.ibm.com/blog/streaming-product-updates/google-ad-manager-integration-for-live-and-on-demand-video/>

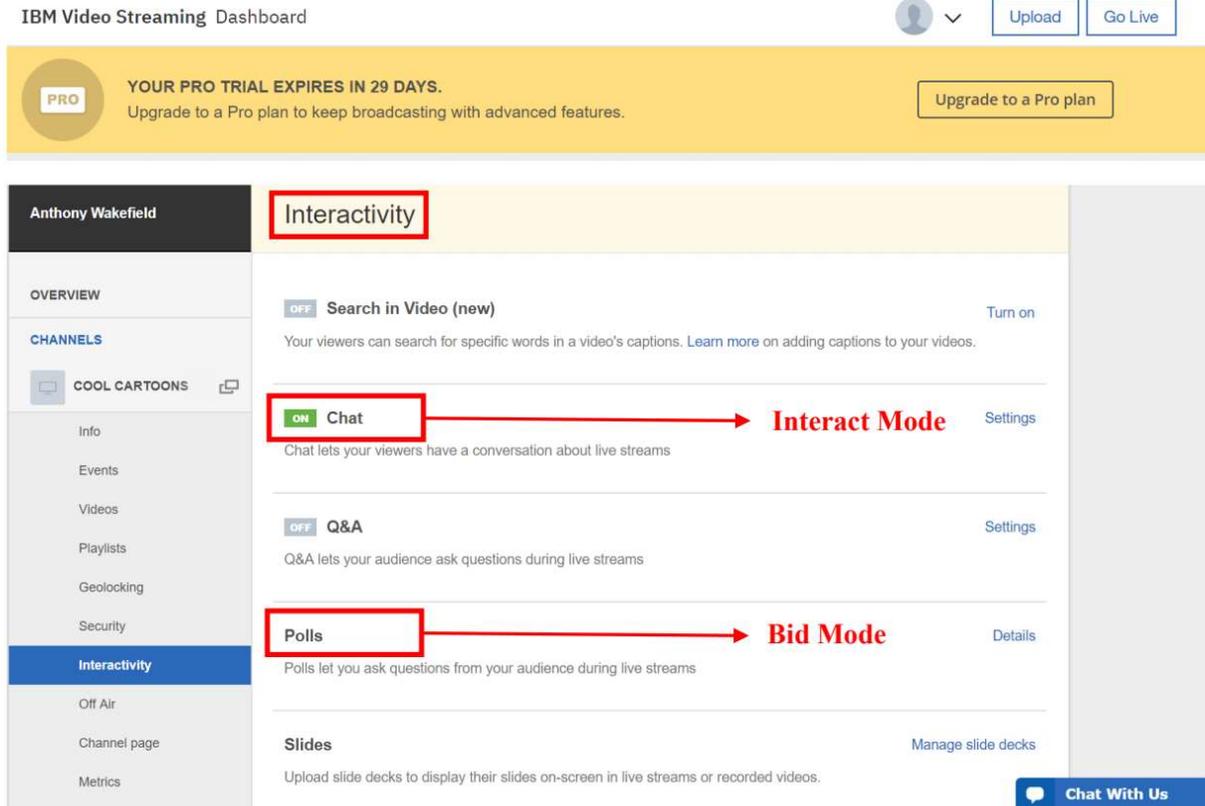
Publisher tags are the URLs you'll need to copy and paste from Google Ad Manager into the IBM CV Streaming Manager Dashboard. This is the step that allows the connection between your video player and your ad inventory in Ad Manager.

Source: <https://support.video.ibm.com/hc/en-us/articles/360000760379-IBM-Watson-Media-Dashboard-Ad-Manager-Integration>

wherein said predetermined functions are selected from a mode control;

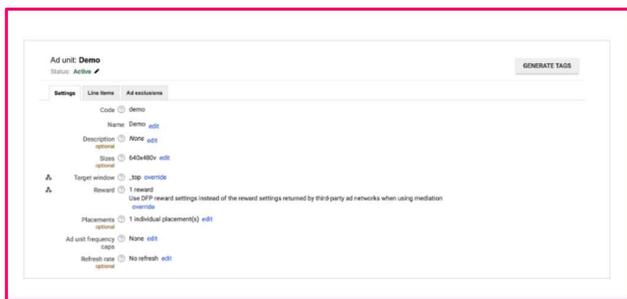
Defendant's Accused Instrumentality provides the ability for the hotspots predetermined functions, i.e. shop now, learn more, chat, polls, watch now and linking to be selected from a mode control. The screenshots depicted below show the mode control wherein the user can select buy now, learn more, watch now, chat, polls etc. The user can expand the modes by creating a custom button. The IBM video streaming accounts/manager/manager servers meet this claim limitation.



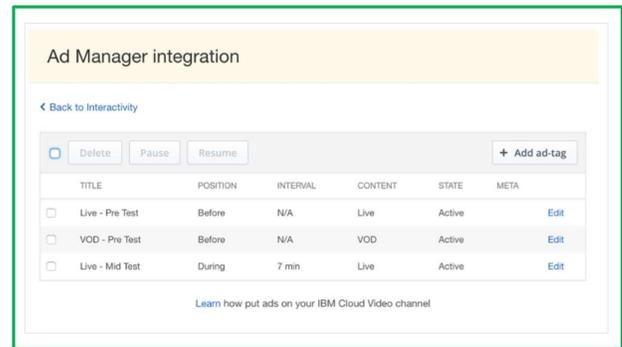


- Web-exclusive interviews, meet and greets, backstage
- Interactive chat, integrated moderated Q&A, live chat
- Advertising current product or product just released

SOURCE: <https://video.ibm.com/blog/streaming-product-updates/video-advertising-integration-mid-pre-roll/#monetization>

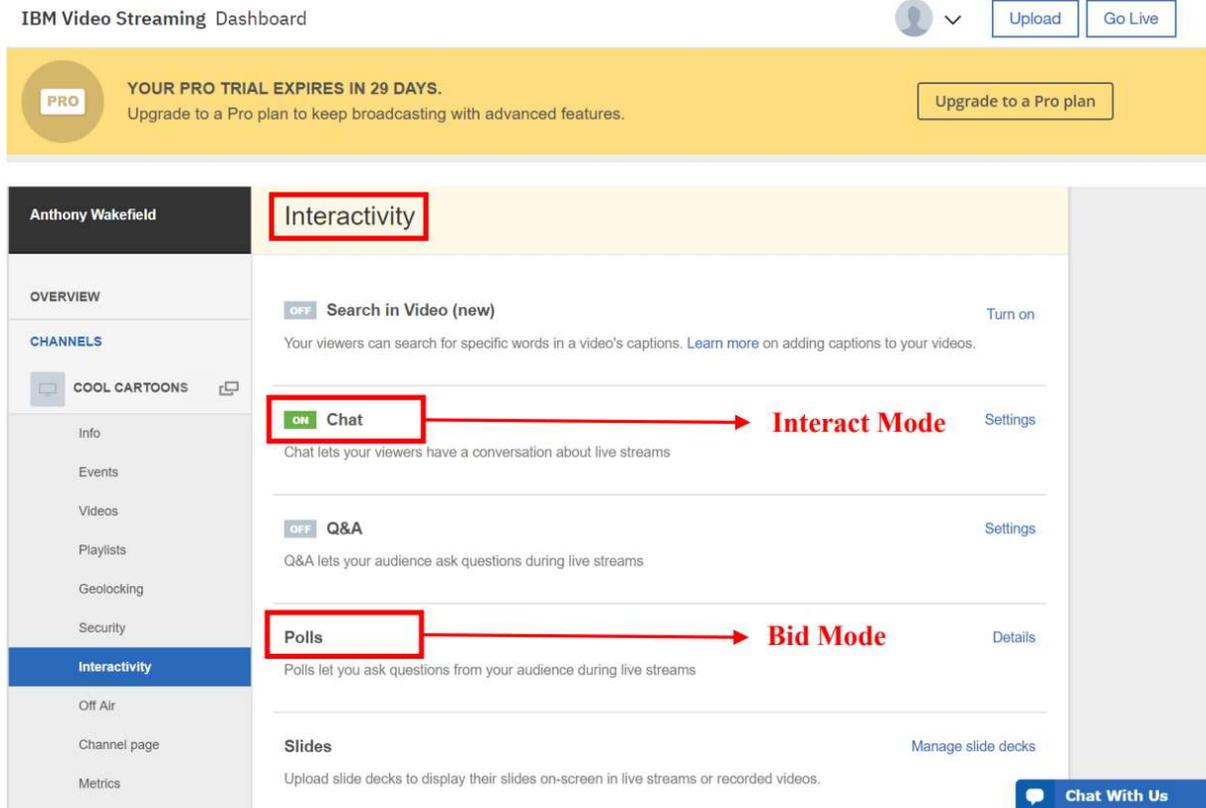
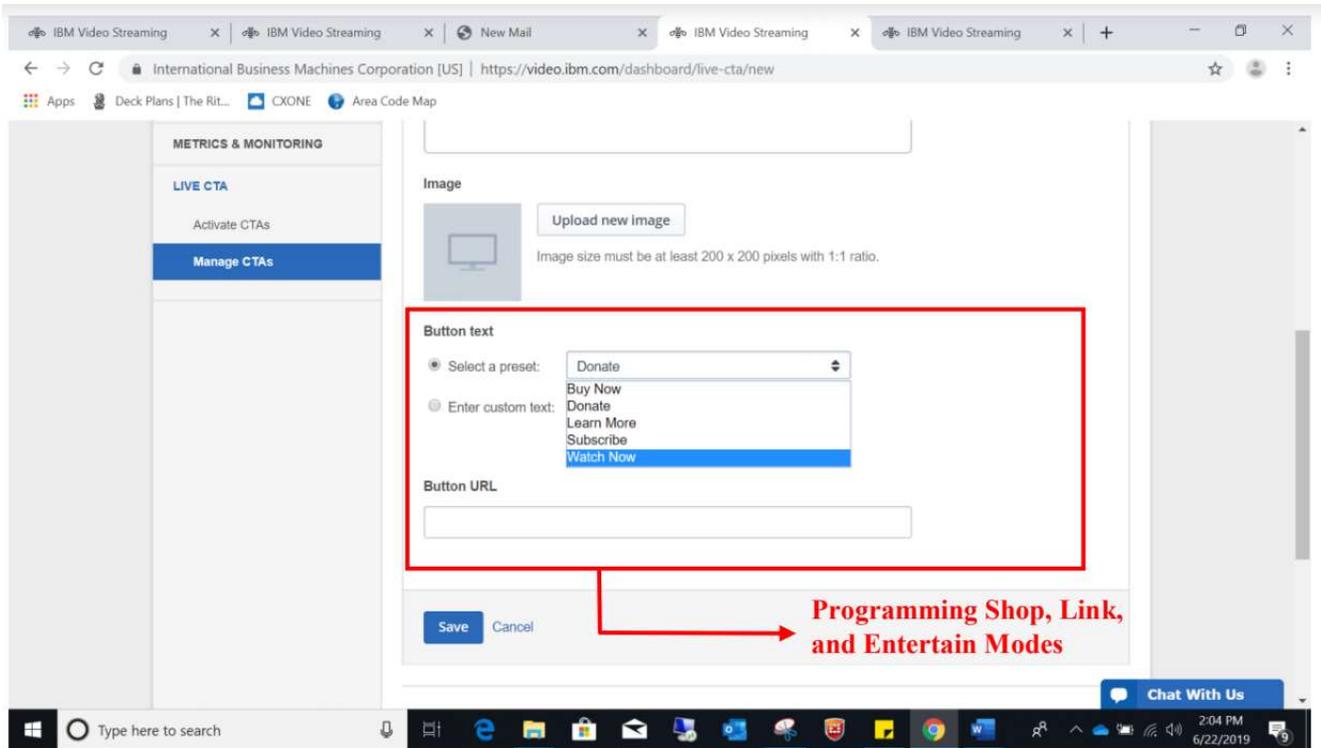


SOURCE: <https://support.video.ibm.com/hc/en-us/articles/360000760379-IBM-Watson-Media-Dashboard-Ad-Manager-Integration>



wherein the mode control comprises a plurality of modes;

Defendant’s Accused Instrumentality provides a mode control that comprises a plurality of modes, i.e. shop now, watch now, learn more, polls, chatting etc. The screenshots depicted below show the plurality of modes that a user can select for the hotspot. The IBM video streaming accounts/manager servers meet this claim limitation.



Using Ad Manager integration, different ad-tags (like shop, interact, entertainment, bid and link) can be included in the IBM cloud video channel.

Ad Manager integration

< Back to Interactivity

Delete
 Pause
 Resume
 + Add ad-tag

TITLE	POSITION	INTERVAL	CONTENT	STATE	META
<input type="checkbox"/> Live - Pre Test	Before	N/A	Live	Active	Edit
<input type="checkbox"/> VOD - Pre Test	Before	N/A	VOD	Active	Edit
<input type="checkbox"/> Live - Mid Test	During	7 min	Live	Active	Edit

[Learn how put ads on your IBM Cloud Video channel](#)

New ad-tag

Ad-tag URL

Paste here the Google Publisher Tag URL, what you can find on your DSP ad server.

Title

Only you will see this:

Where should ads be displayed?

Live broadcast
 VOD

When should ads be displayed?

Pre-roll (before video)
 Mid-roll (during video)

What custom meta fields should be sent to Google Ad Manager as Custom Parameters? (optional)

test 1

Save Cancel

SOURCE: <https://support.video.ibm.com/it/en-us/articles/360000760379-IBM-Watson-Media-Dashboard-Ad-Manager-Integration>

wherein the plurality of modes comprises a shop mode, a bid mode, an interact mode, an entertainment mode, and a link mode;

Defendant’s Accused Instrumentality provides a plurality of modes that comprise, shop now, watch now, learn more, chatting, and polling. The screenshots depicted below show the available modes in which a user may select. These modes include shop now (shop mode), watch now (entertainment mode), learn more (link mode), chat (interact mode), and polls/bidding (bid mode). The IBM video streaming accounts/manager servers allow users to incorporate pre-roll and mid-roll hotspots i.e. hotspots can be included before the video starts and in the middle of the video. The IBM video streaming accounts/manager servers meet this claim limitation.

The screenshot shows the IBM Video Streaming dashboard interface. On the left, there is a sidebar with 'METRICS & MONITORING' and 'LIVE CTA' sections. The 'LIVE CTA' section includes 'Activate CTAs' and 'Manage CTAs'. The main content area is titled 'Image' and contains an 'Upload new image' button and a note: 'Image size must be at least 200 x 200 pixels with 1:1 ratio.' Below this is the 'Button text' configuration section, which is highlighted with a red box. It includes a radio button for 'Select a preset:' and a dropdown menu with the following options: 'Donate', 'Buy Now', 'Donate', 'Learn More', 'Subscribe', and 'Watch Now'. There is also a radio button for 'Enter custom text:' and a 'Button URL' input field. At the bottom of the configuration section are 'Save' and 'Cancel' buttons. A red arrow points from the 'Button text' dropdown to the text 'Programming Shop, Link, and Entertain Modes'.

IBM Video Streaming Dashboard Upload Go Live

PRO YOUR PRO TRIAL EXPIRES IN 29 DAYS. Upgrade to a Pro plan to keep broadcasting with advanced features. Upgrade to a Pro plan

Anthony Wakefield **Interactivity**

- OVERVIEW**
- CHANNELS**
 - COOL CARTOONS**
 - Info
 - Events
 - Videos
 - Playlists
 - Geotlocking
 - Security
 - Interactivity**
 - Off Air
 - Channel page
 - Metrics

Interactivity

- OFF Search in Video (new)** Turn on
Your viewers can search for specific words in a video's captions. [Learn more](#) on adding captions to your videos.
- ON Chat** **Interact Mode** Settings
Chat lets your viewers have a conversation about live streams
- OFF Q&A** Settings
Q&A lets your audience ask questions during live streams
- Polls** **Bid Mode** Details
Polls let you ask questions from your audience during live streams
- Slides** Manage slide decks
Upload slide decks to display their slides on-screen in live streams or recorded videos.

Chat With Us



IBM MediaCenter About IBM Client Stories Industries & Solutions Products Service

05 Create Lots Items C.mp4

IBM Sourcing

RFx Categories Suppliers Utilities

Edit MGA_Auction_1

Search lots or items

- Lots (2) Items (0)
- Default 0 Items
- Printer Supplies 0 Items

New single item

Minimum Desired Quantity: 1

Unit of Measure: Select

Reserved Price: USD

Historical Cost: USD

Start Price: USD

Cancel Save Save and add

2:21 / 7:23

05 Create Lots Items C.mp4

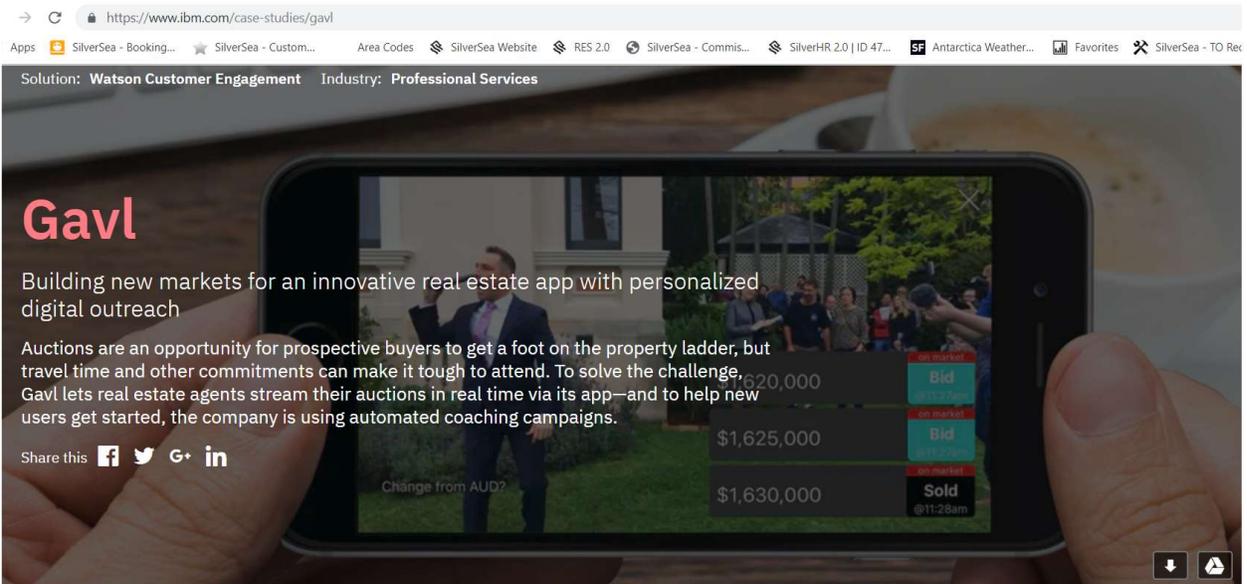
12

IBM teaches in a video on its website how to create an auction for the bidding on printer supplies.

Source: https://mediacenter.ibm.com/media/05+Create+Lots+Items+C.mp4/1_ilryiyx4

Driving international growth

With IBM Watson Campaign Automation driving its customer engagement processes, Gavl can provide its customers with the help they need to broadcast and bid on live-streaming real estate auctions.



IBM further teaches in a video on its website that auctions can be created for real estate using the **Accused Instrumentality**.

Source: www.ibm.com/case-studies/gavl

Video Ads tailored for Live Broadcasting
 Mid-rolls, ad-pods, ad cue triggered breaks, Client-side Ad Insertion (CSAI), Server-side Ad Insertion (SSAI), on desktop, mobile browsers, mobile apps and CTV (Connected TV). Our feature lineup covers everything from web-exclusive content monetization to TV style Live-playlist broadcasts with ad breaks encoded into the video stream.. In case your business model requires a custom setup, IBM is ready to evolve further with you.

SOURCE: <https://video.ibm.com/blog/streaming-product-updates/video-advertising-integration-mid-roll/#monetization>

IBM utilizes two general approaches for video ad placements. These include both pre-roll and mid-roll options. If these are unfamiliar terms, they differ based on when the advertisement plays, each fitting better with particular types of content.

Ad Manager integration

[Back to Interactivity](#)

Delete Pause Resume

TITLE	POSITION	INTERVAL	CONTENT	STATE	META
<input type="checkbox"/> Live - Pre Test	Before	N/A	Live	Active	Edit
<input type="checkbox"/> VOD - Pre Test	Before	N/A	VOD	Active	Edit
<input type="checkbox"/> Live - Mid Test	During	7 min	Live	Active	Edit

[Learn how put ads on your IBM Cloud Video channel](#)

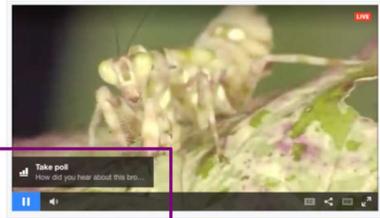
- Web-exclusive interviews, meet and greets, backstage
- Interactive chat, integrated moderated Q&A, live chat
- Advertising current product or product just released

SOURCE: <https://video.ibm.com/blog/streaming-product-updates/video-advertising-integration-mid-pre-roll/#monetization>

Click-through URL – landing page URL – this is where viewers are taken when they interact with the advertisement (in a new browser tab or window)

SOURCE: <https://support.video.ibm.com/hc/en-us/articles/360000760379-IBM-Watson-Media-Dashboard-Ad-Manager-Integration>

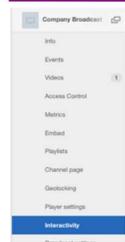
Polls for Live Broadcasting is a feature that is available on the IBM Watson Media. With the Polls feature you can engage your audience with specific questions and receive real-time feedback from your audience. Live audience polling is a powerful tool that can be used to dynamically adapt live content based on feedback. This can alter performances, steering content in a direction the audience wants it to go, while also gathering valuable information from the audience as well.



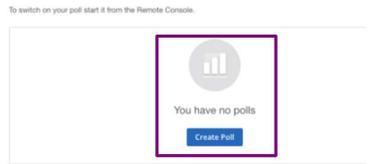
To take the poll, viewers must click the notification. Then they will see an overlay with the multiple choice answers displayed.

Setting up a Poll

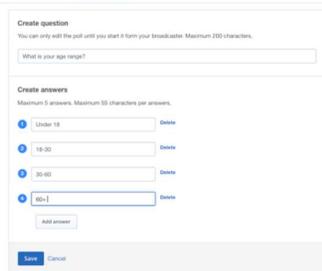
To set up your first Poll, log into your account and select the channel the poll should be applied to, then select Interactivity. Then select "Details" next to Polls.



If you have not yet created a Poll, click the "Create Poll" button.



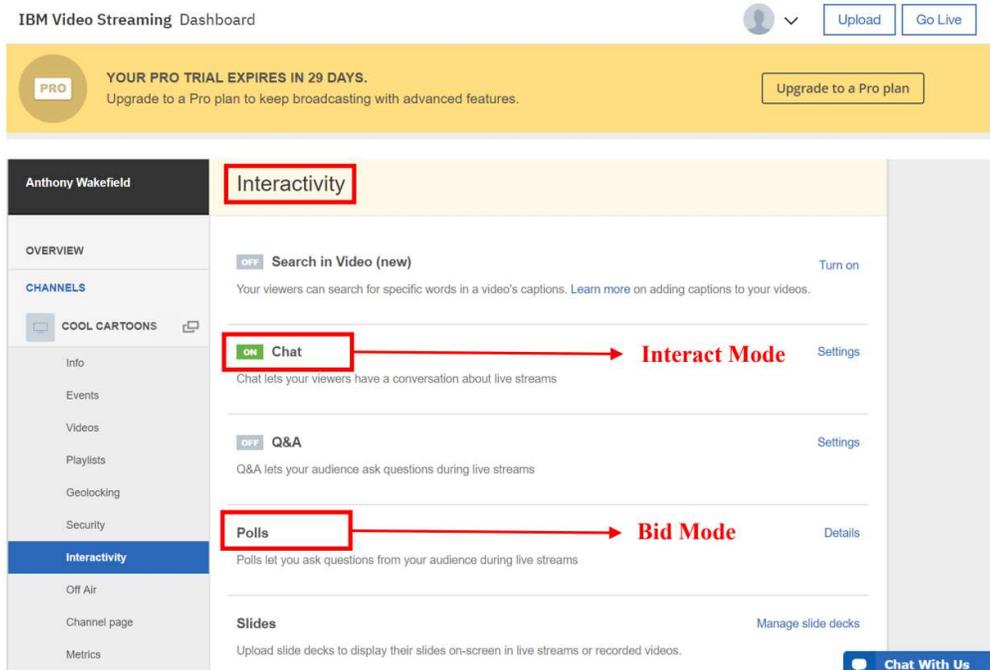
Enter the first question at the top, followed by the multiple answers that your viewers can select from. In the following example, we've used a simple Yes/No format.

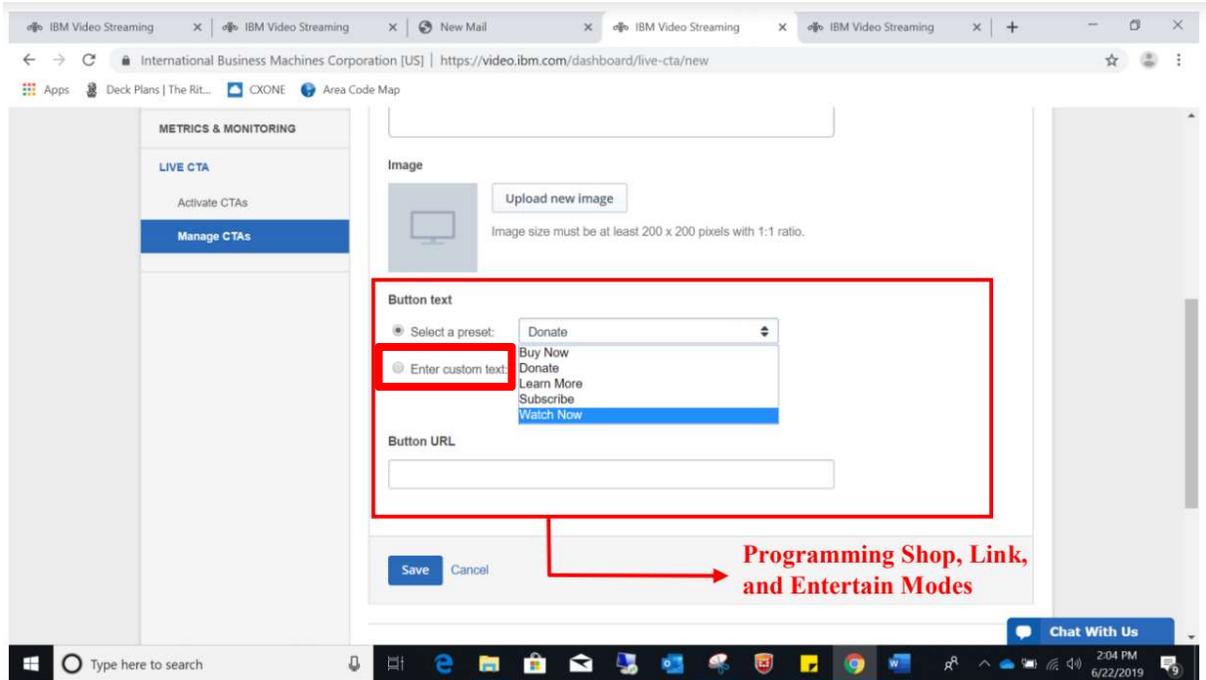


SOURCE: <https://support.video.ibm.com/hc/en-us/articles/115005851985-Polls-for-Live-Broadcasting>

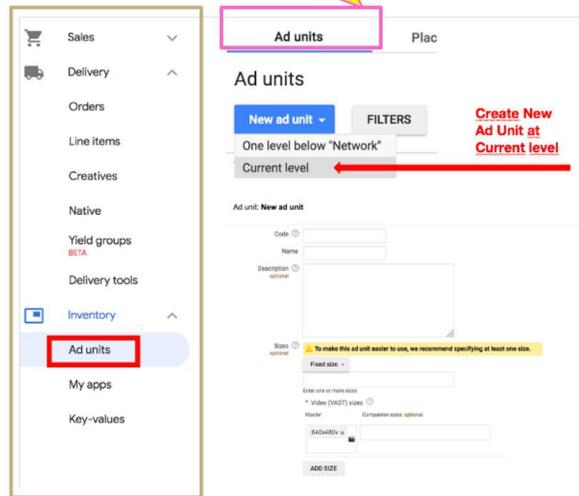
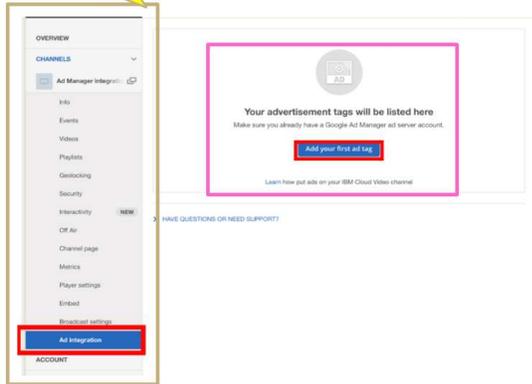
wherein a specific mode is selected by a user through an expandable graphical user interface bar;

Defendant's Accused Instrumentality provides a specific mode i.e. shop now, watch now, learn more, polling and chatting that are accessed and selected via going through an expandable graphical user interface bar, which can include both expandable menu functionality or the ability to add more to the expandable graphical user interface bar i.e. add additional modes. The screenshots depicted below show an expandable graphical user interface bar that when clicked drops down a menu option list. Additionally, modes can be added to the expandable graphical user interface bar. IBM's video streaming accounts/manager servers meet this claim limitation.





Ad unit is selected through an expandable graphical user interface bar.



SOURCE: <https://support.video.ibm.com/hc/en-us/articles/360000760379-IBM-Watson-Media-Dashboard-Ad-Manager-Integration>

wherein said specific mode further toggles based on time stamps in said digital video or digital audio file;

Defendant's Accused Instrumentality provides specific modes that toggle based on time stamps in videos that are uploaded by users. The screenshots depicted below disclose pre-roll and mid-roll concepts that include the ability to add hotspot functionality before the video plays i.e. pre-roll, or at any time during the video i.e. mid-roll. The IBM video streaming accounts/manager servers have pre-roll and mid-roll functionality and therefore it meets this claim limitation.

Mid-roll and pre-roll video advertising

IBM utilizes two general approaches for video ad placements. These include both pre-roll and mid-roll options. If these are unfamiliar terms, they differ based on when the advertisement plays, each fitting better with particular types of content.

Pre-roll

Starting first with pre-rolls, this is a video advertisement that runs before the content begins. It's a universal ad placement that can be used both client-side and server-side. It can be played on virtually any device and across virtually any format (VAST, VPAID HTML). It is:

- Good for short and long-form assets
- Suited for live or on-demand content
- Skippable
- Easily measurable with SSAI (Server-Side Ad Integration)

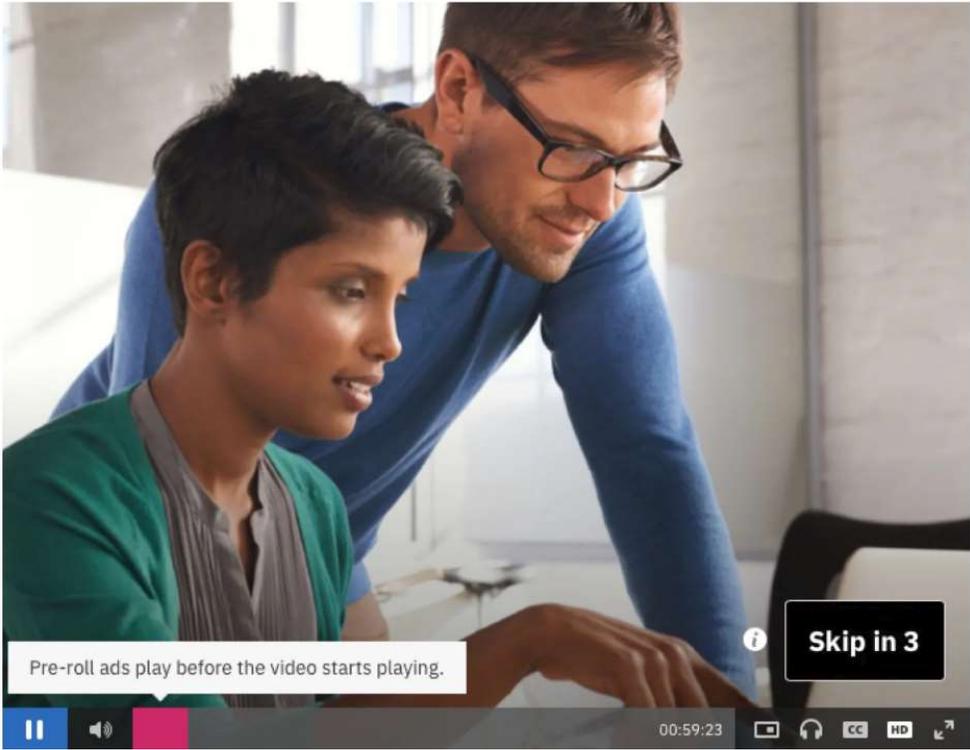
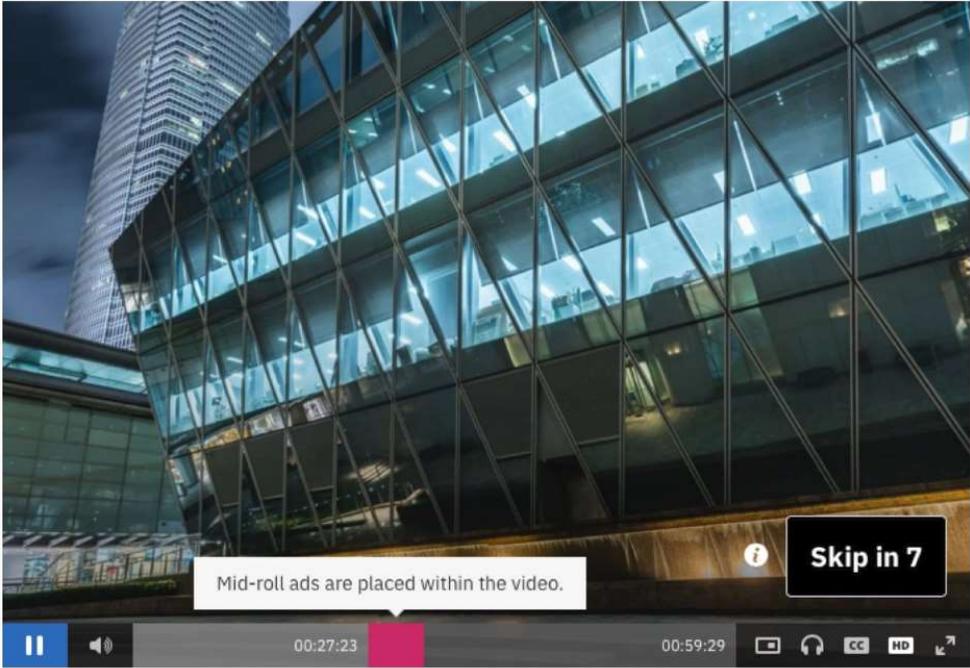
Mid-roll

This kind of ad breaks up content, playing after the video has already started. It can be set to play at a designated moment, essentially pausing the content for a commercial break, or do it based on a unit of time that has passed. For example, after 5 minutes of view time an ad could play. This type of advertisement is better suited for long form content, be that lengthy video on-demand files or live streaming content. In the case of the latter, depending on your content you will need to make a production decision on whether timed mid-rolls suit you best (no important live segments would be lost by overlaying the ad), or manual 'commercial breaks' would integrate better, with ad pods being initiated by you. In terms of the available options and tools for mid-rolls from IBM Watson Media, these include:

- Timed mid-rolls: ad breaks that occur after a certain amount of time is spent watching content. These don't need cue points, and will start relative to when the viewer started watching. This method is ideal for long form content, in particular video on-demand assets that are on the lengthy side. It's also well suited for live streams where there is no risk of the viewer missing out on important content while the ad is playing.
- Mid-roll cue tool: this proprietary tool allows content owners to insert ad cues. Once a cue is hit, it will signal the server to start playing ads in real time. Sports content is particularly well suited for this, as a cue can be placed during halftime or a timeout for minimal disruption while also keeping content engaging.
- Live playlists: IBM Watson Media's proprietary SSAI (Server-Side Ad Insertion) solution. This allows content owners to stitch ads into a server-side live playlist, creating long form content or simulating traditional channel TV with timed programming and commercial breaks. It's ideal both for trying to emulate TV programming and also the rebroadcasting of previously live content.

All of the above mid-roll options support both multi-ad pods and skippable ads.

Source: <https://video.ibm.com/blog/streaming-product-updates/video-advertising-integration-mid-pre-roll/>



Source: <https://www.ibm.com/watson/media/video-monetization>

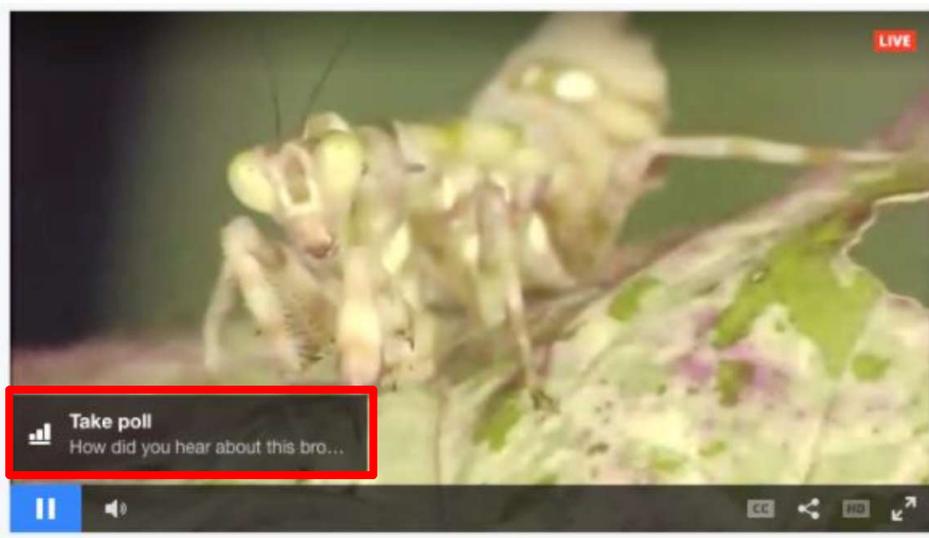
Each Ad tag is set with minimum or maximum duration which provides toggling within the video channel.

- Minimum ad duration – in milliseconds, optional, omit to allow highest fill rate
- Maximum ad duration – in milliseconds, optional, omit to allow highest fill rate

SOURCE: <https://support.video.ibm.com/hc/en-us/articles/360000760379-IBM-Watson-Media-Dashboard-Ad-Manager-Integration>

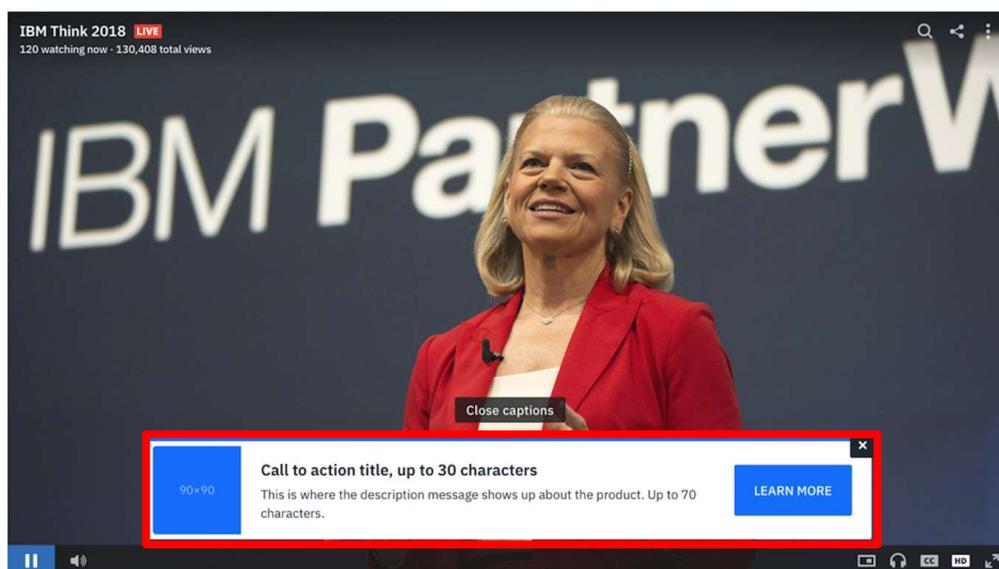
wherein said hot spots are visualized by outlines, shading, or illumination or a combination of each, at a predetermined area on the display;

Defendant’s Accused Instrumentality provides hotspots that are visualized by outlines, shading, or illumination or a combination of each, at a predetermined area on the display. The screenshots depicted below show various hotspots with either outlining, shading, or illumination or a combination thereof. The IBM video streaming accounts/manager servers contain the instructions and code necessary to create the outlining, shading and illumination of the various hotspots. The device on which the hotspots are visualized is responsible for converting the signal received from the IBM video streaming accounts/manager into a visual depiction on the viewer’s display screen. Therefore, the IBM video streaming accounts/manager servers and the viewers display device meet this claim limitation.



To take the poll, viewers must click the notification. Then they will see an overlay with the multiple choice answers displayed.

Source: https://support.video.ibm.com/hc/en-us/articles/115005851985-Polls-for-Live-Broadcasting#setting-up-a-poll_0



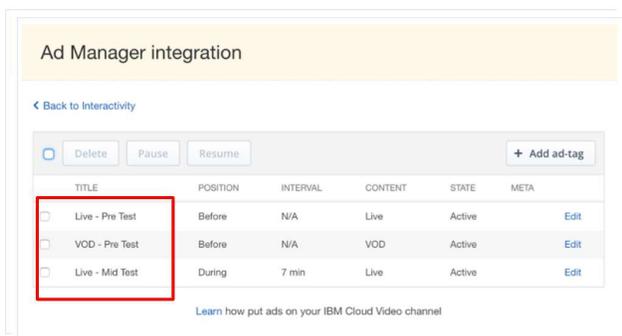
Source: <https://support.video.ibm.com/hc/en-us/articles/360000817109-IBM-Watson-Media-Call-To-Action-CTA->



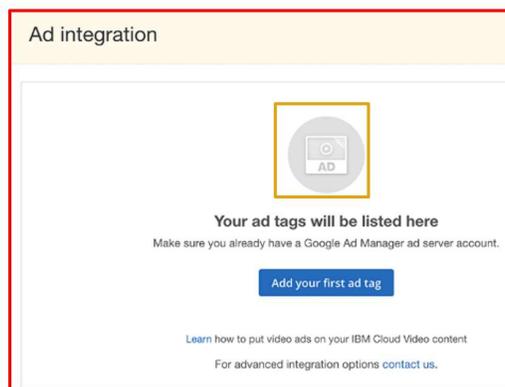
Source: <https://support.video.ibm.com/hc/en-us/articles/360000817109-IBM-Watson-Media-Call-To-Action-CTA->



Source: <https://www.ibm.com/downloads/cas/O2VYAVDN>



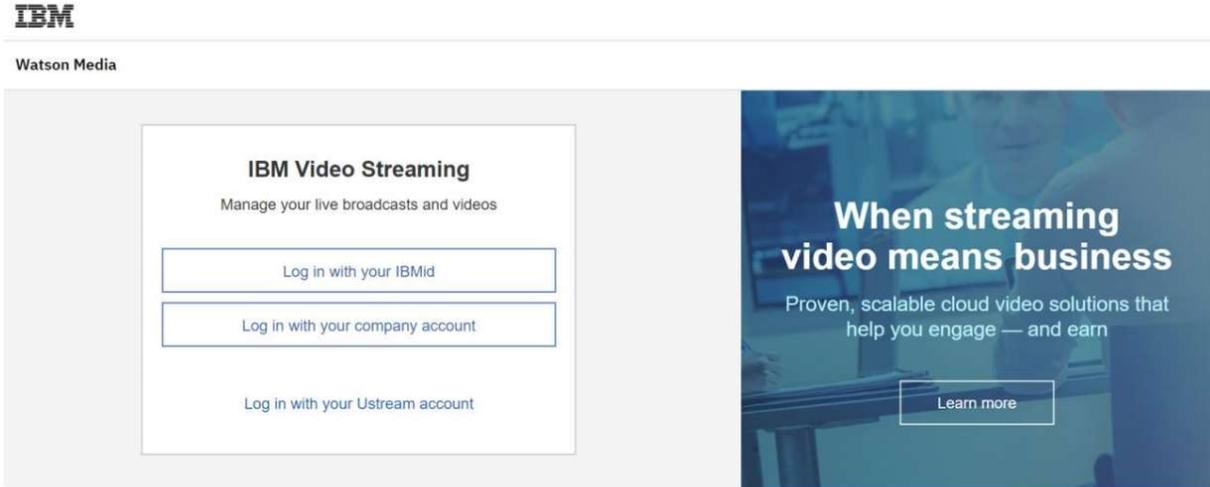
SOURCE: <https://support.video.ibm.com/hc/en-us/articles/360000760379-IBM-Watson-Media-Dashboard-Ad-Manager-Integration/>



SOURCE: <https://video.ibm.com/blog/streaming-product-updates/google-ad-manager-integration-for-live-and-on-demand-video/>

wherein said Multifunctional Hot Spot apparatus is made to reside on and is executing on a computing system;

Defendant's Accused Instrumentality is made to reside on and is executing on a computing system. The software functionality that enables the creation, modification and propagation of hotspots in videos to other computing devices runs on IBM's video streaming accounts/manager servers. These servers meet this claim limitation. The screenshots depicted below show the login page for the IBM video streaming accounts/manager servers. Once logged in the user may create, modify, and add hotspots to videos including shop now, watch now, learn more, polling and chatting/interact hotspots.



Source: <https://video.ibm.com/ibm-login?ref=%2Fdashboard%2Flive-cta%2Factivate>



IBM's video streaming solutions now offer a Google Ad Manager integration. This allows content owners to monetize their live and on-demand video assets through using virtually any 3rd party ad server that can run inside of Google Ad Manager.

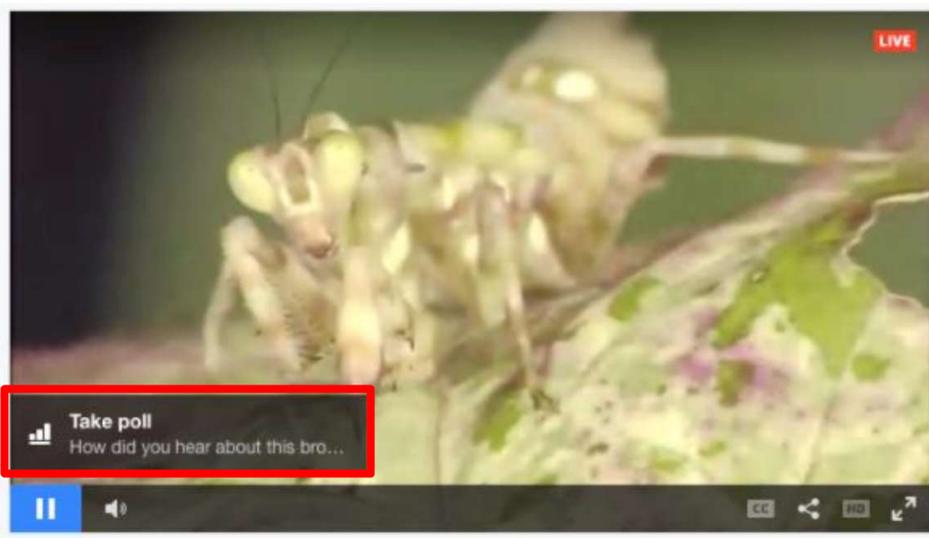
SOURCE: <https://video.ibm.com/blog/streaming-product-updates/google-ad-manager-integration-for-live-and-on-demand-video/>

Once your Ad Manager account is ready just copy paste your 'Google Publisher Tag' onto your Watson Media Dashboard to start serving video ads right away.

SOURCE: <https://support.video.ibm.com/hc/en-us/articles/360000760379-IBM-Watson-Media-Dashboard-Ad-Manager-Integration/>

selecting and activating at least one of said predetermined functions by clicking on each particular Multifunctional Hot Spot.

Defendant's Accused Instrumentality executes the predetermined functions of each particular hotspot when a user clicks on each particular hotspot. The IBM video streaming accounts/manager servers and the user's display device that displays each particular hotspot meet this claim limitation.



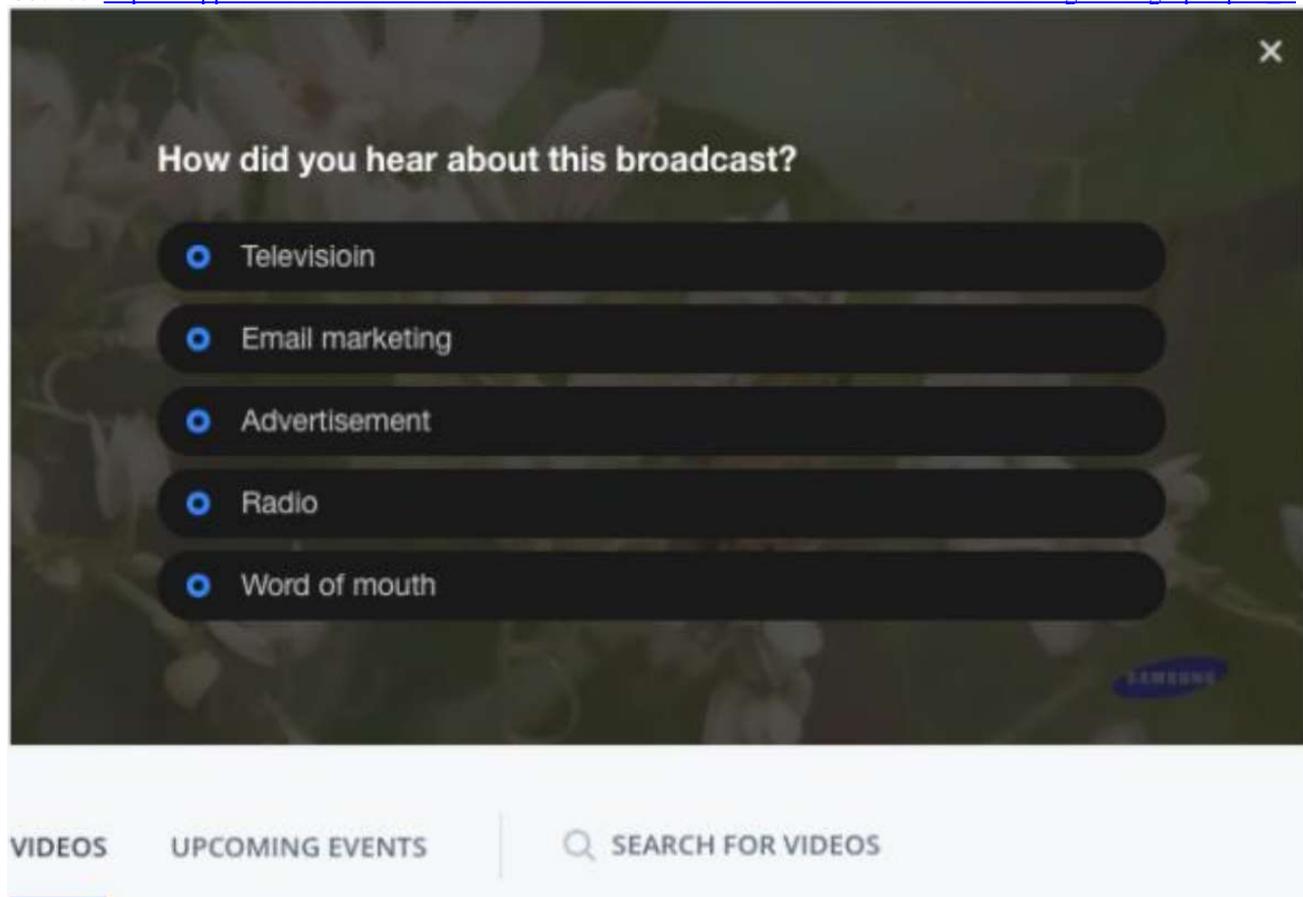
To take the poll, viewers must click the notification. Then they will see an overlay with the multiple choice answers displayed.

Your poll is active

It appears to your viewers

End poll

Source: https://support.video.ibm.com/hc/en-us/articles/115005851985-Polls-for-Live-Broadcasting#setting-up-a-poll_0



Source: https://support.video.ibm.com/hc/en-us/articles/115005851985-Polls-for-Live-Broadcasting#setting-up-a-poll_0

Plug and play from the dashboard
IBM's video streaming player comes integrated with Google IMA (Interactive Media Ads). This allows content owners to use Google Ad Manager, formerly known as Google DFP (DoubleClick for Publishers), to begin **serving ads** with their video content.

SOURCE: <https://video.ibm.com/blog/streaming-product-updates/google-ad-manager-integration-for-live-and-on-demand-video/>

- Web-exclusive interviews, meet and greets, backstage
- Interactive chat, integrated moderated Q&A, live chat
- Advertising current product or product just released

SOURCE: <https://video.ibm.com/blog/streaming-product-updates/video-advertising-integration-mid-pre-roll/#monetization>

Click-through URL – landing page URL – this is where viewers are taken when they interact with the advertisement (in a new browser tab or window)

SOURCE: <https://support.video.ibm.com/hc/en-us/articles/360000760379-IBM-Watson-Media-Dashboard-Ad-Manager-Integration>

22. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

23. To the extent any marking was required by 35 U.S.C. § 287, Plaintiff and all predecessors in interest to the '696 patent complied with all marking requirements under 35 U.S.C. § 287.

24. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of the Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

Plaintiff respectfully requests that the Court find in its favor and against the Defendant, and that the Court grant Plaintiff the following relief:

- A. a judgment that Defendant directly and/or indirectly infringes one or more

claims of the '696 patent;

A. award Plaintiff damages in an amount adequate to compensate Plaintiff for Defendant's infringing products' infringement of the claims of the '696 patent, but in no event less than a reasonable royalty, and supplemental damages for any continuing post-verdict infringement until entry of the final judgment with an accounting as needed, under 35 U.S.C. § 284;

B. award Plaintiff pre-judgment interest and post-judgment interest on the damages awarded, including pre-judgment interest, pursuant to 35 U.S.C. § 284, from the date of each act of infringement of the '696 patent by Defendant to the day a damages judgment is entered, and an award of post-judgment interest, pursuant to 28 U.S.C. § 1961, continuing until such judgment is paid, at the maximum rate allowed by law; and an accounting of all damages not presented at trial;

C. a judgment and order finding this to be an exceptional case and requiring defendant to pay the costs of this action (including all disbursements) and attorneys' fees, pursuant to 35 U.S.C. § 285;

D. award a compulsory future royalty for the '696 patent; and award such further relief as the Courts deems just and proper.

Dated: July 12, 2019

Respectfully submitted,

DEVLIN LAW FIRM LLC

/s/ Timothy Devlin

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