

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
MANHATTAN DIVISION DIVISION**

<p><b>Eric Godtland Management, Inc.,</b></p> <p>Plaintiff,</p> <p>v.</p> <p><b>Tivo Corporation,</b></p> <p>Defendant.</p>	<p>Case No. _____</p> <p>Patent Case</p> <p>Jury Trial Demanded</p>
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**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Eric Godtland Management, Inc. ("Godtland"), through its attorneys, complains of Tivo Corporation ("Tivo"), and alleges the following:

**PARTIES**

1. Plaintiff Eric Godtland Management, Inc. is a corporation organized and existing under the laws of California that maintains its principal place of business at 1661 Tennessee St., Unit 2M, San Francisco, CA 94107.

2. Defendant Tivo Corporation is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 155 W 23rd St #1200, New York, NY 10011.

**JURISDICTION**

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

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

5. This Court has personal jurisdiction over Defendant because it has engaged in systematic and continuous business activities in this District. As described below, Defendant has committed acts of patent infringement giving rise to this action within this District.

**VENUE**

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant has committed acts of patent infringement in this District, and has an established place of business in this District. In addition, Godtland has suffered harm in this district.

**PATENT-IN-SUIT**

7. Godtland is the assignee of all right, title and interest in United States Patent No. 8,326,126 (the "'126 Patent"); (the "Patent-in-Suit"); including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Godtland possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Defendant.

**The '126 Patent**

8. The '126 Patent is entitled "Automatic selection, recording and meaningful labeling of clipped tracks from media without an advance schedule," and issued 12/4/2012. The application leading to the '126 Patent was filed on 11/13/2008. A true and correct copy of the '126 Patent is attached hereto as Exhibit 1 and incorporated herein by reference.

9. The '126 Patent is valid and enforceable.

**COUNT 1: INFRINGEMENT OF THE '126 PATENT**

10. Godtland incorporates the above paragraphs herein by reference.

11. **Direct Infringement.** Defendant has been and continues to directly infringe one or more claims of the '126 Patent in at least this District by making, using, offering to sell, selling and/or importing, without limitation, at least Tivo's Digital Video Recorder and Tivo's Music (among the "Exemplary Tivo Products") that infringe at least exemplary claims 1 of the '126 Patent (the "Exemplary '126 Patent Claims") literally or by the doctrine of equivalents. On information and belief, numerous other devices that infringe the claims of the '126 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

12. Defendant also has and continues to directly infringe, literally or under the doctrine of equivalents, the Exemplary '126 Patent Claims, by having its employees internally test and use these Exemplary Products.

13. The service of this Complaint upon Defendant constitutes actual knowledge of infringement as alleged here.

14. Despite such actual knowledge, Defendant continues to make, use, test, sell, offer for sale, market, and/or import into the United States, products that infringe the '126 Patent. On information and belief, Defendant has also continued to sell the Exemplary Tivo Products and distribute product literature and website materials inducing end users and others to use its products in the customary and intended manner that infringes the '126 Patent. Thus, on information and belief, Defendant is contributing to and/or inducing the infringement of the '126 Patent.

15. **Induced Infringement.** Defendant actively, knowingly, and intentionally has been and continues to induce infringement of the '126 Patent, literally or by the doctrine of equivalents, by selling Exemplary Tivo Products to their customers for use in end-user products in a manner that infringes one or more claims of the '126 Patent.

16. **Contributory Infringement.** Defendant actively, knowingly, and intentionally has been and continues materially contribute to their own customers' infringement of the '126 Patent, literally or by the doctrine of equivalents, by selling Exemplary Tivo Products to their customers for use in end-user products in a manner that infringes one or more claims of the '126 Patent. Moreover, the Exemplary Tivo Products are not a staple article of commerce suitable for substantial noninfringing use.

17. Exhibit 2 includes charts comparing the Exemplary '126 Patent Claims to the Exemplary Tivo Products. As set forth in these charts, the Exemplary Tivo Products practice the technology claimed by the '126 Patent. Accordingly, the Exemplary Tivo Products incorporated in these charts satisfy all elements of the Exemplary '126 Patent Claims.

18. Godtland therefore incorporates by reference in its allegations herein the claim charts of Exhibit 2.

19. Godtland is entitled to recover damages adequate to compensate for Defendant's infringement.

#### **JURY DEMAND**

20. Under Rule 38(b) of the Federal Rules of Civil Procedure, Godtland respectfully requests a trial by jury on all issues so triable.

#### **PRAYER FOR RELIEF**

WHEREFORE, Godtland respectfully requests the following relief:

- A. A judgment that the '126 Patent is valid and enforceable;
- B. A judgment that Defendant has infringed, contributorily infringed, and/or induced infringement of one or more claims of the '126 Patent;
- C. An accounting of all damages not presented at trial;

- D. A judgment that awards Godtland all appropriate damages under 35 U.S.C. § 284 for Defendant's past infringement, and any continuing or future infringement of the Patent-in-Suit, up until the date such judgment is entered, including pre- or post-judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary, to adequately compensate Godtland for Defendant's infringement, an accounting:
- i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285 and that Godtland be awarded its reasonable attorneys' fees against Defendant that it incurs in prosecuting this action;
  - ii. that Godtland be awarded costs, and expenses that it incurs in prosecuting this action; and
  - iii. that Godtland be awarded such further relief at law or in equity as the Court deems just and proper.

Dated: November 13, 2019

Respectfully submitted,

*/s/ Isaac Rabicoff*  
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