

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

GLOBAL INTERACTIVE MEDIA, INC.,

Plaintiff,

v.

RCN TELECOM SERVICES, LLC,

Defendant.

Civil Action No. _____

COMPLAINT FOR PATENT INFRINGEMENT

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

Parties

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

2. Upon information and belief, RCN is a Delaware limited liability company with a regular and established place of business at 593 3rd Avenue, New York, NY 10016. At all times relevant to the instant lawsuit, Defendant owned and operated an online television programming guide accessible at <http://www.rcn.com/new-york/digital-cable-tv/services-and-pricing/channel-lineups> (“RCN Channel Lineup”). Defendant directed its RCN Channel Lineup programming guide at multiple cities in the United States, including New York City.

Jurisdiction and Venue

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

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§

1331 and 1338(a).

5. This Court may exercise personal jurisdiction over RCN because RCN conducts continuous and systematic business in New York such that it is essentially at home in New York. For example, RCN sells products and services to RCN's customers in this District. RCN maintains a regular and established place of business in this District. The patent infringement claims arise directly from RCN's continuous and systematic activity in this District. Thus, this Court's exercise of jurisdiction over RCN would be consistent with traditional notions of fair play and substantial justice.

6. RCN is subject to this Court's general and specific personal jurisdiction because it has sufficient minimum contacts within the State of New York and this District, pursuant to due process and the New York long-arm statute, because RCN purposefully availed itself of the privileges of conducting business in the State of New York and in this District, because RCN regularly conducts and solicits business within the State of New York and within this District, and because RCN's causes of action arise directly from RCN's business contacts and other activities in the State of New York and in this District.

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

The Asserted Patent

8. GIM asserts U.S. Patent No. 7,574,721 (the "'721 Patent") in this action. The '721 Patent claims methods and/or systems of providing program information on demand to customers who may wish to make purchasing decisions based on the program information. The invention claimed in the '721 Patent represents uses of technology that were neither well-understood, routine, or conventional as of the time of the inventions. Prior to the invention claimed in the '721 Patent, for example, consumers listening to a radio broadcast may have heard a song they liked

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

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

9. GIM owns the '721 Patent (attached as Exhibit A).

10. Defendant infringed at least claim 1 of the '721 patent by identifying television broadcast providers based in response to a user's submission of a geographic identifier such as a city name or zip code as follows:

a. Claim 1 recites "A method for identifying at least one broadcast provider through a combination of a geographic identification code and a broadcast identifier." (Ex. A at col. 17, ll. 44-46). During the relevant time period, RCN's Channel Lineup programming guide identified local broadcast providers by city name (a "geographic identification code") and station call letters (a "broadcast identifier").

b. Claim 1 recites "digitally storing, in a database, one or more geographic identification codes that are each associated with at least one area or location in which a broadcast is receivable from at least one broadcast provider" (Ex. A at col. 17, ll. 47-50). During the relevant time period, RCN's Channel Lineup programming guide stored multiple zip codes and/or city names that were each associated with the geographic locations serviced by the website.

c. Claim 1 further recites "digitally storing, in the database, one or more broadcast identifiers that are each associated with at least one broadcast provider" (Ex. A at col. 17, ll.

51-53). During the relevant time period, RCN's Channel Lineup programming guide stored multiple station call letters that were each associated with a broadcast provider.

d. Claim 1 further recites "receiving at least one user related geographic identification code" (Ex. A at col. 17, ll. 54-55). During the relevant time period, RCN's Channel Lineup programming guide received city names inputted by users.

e. Claim 1 further recites "receiving at least one user related broadcast identifier, wherein the received at least one user related broadcast identifier is not required to by itself identify a broadcast provider" (Ex. A at col. 17, ll. 56-59). During the relevant time period, RCN's Channel Lineup programming guide received a user related broadcast identifier when the user selects a category of a television program for which she wished to identify a broadcast provider.

f. Claim 1 involves "determining, by a processor, a subset of data from the database using the received at least one user related geographic identification code, the subset of data comprising at least one of the stored one or more broadcast identifiers that are associated with at least one of the stored one or more geographic identification codes that corresponds to the received at least one user related geographic identification code[.]" (Ex. A at col. 17, ll. 60-67). RCN's Channel Lineup programming guide determined by processor, using the user's ZIP code, a subset of data comprising stored broadcast identifiers (*e.g.*, MSG Overflow) associated with broadcast television programs broadcast by the broadcasters within the user's service area.

Demand for Jury Trial

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

Prayer for Relief

WHEREFORE, GIM prays for the following relief against RCN:

(a) Judgment that RCN has directly infringed claims of the '721 Patent;

- (b) For a reasonable royalty;
- (c) For pre-judgment interest and post-judgment interest at the maximum rate allowed by law; and
- (d) For such other and further relief as the Court may deem just and proper.

Dated: July 17, 2020

Respectfully Submitted,

/s/

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