

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

SPRT, LLC AND LIVESPORTSVIDEO, LLC

Plaintiffs,

v.

NEULION, INC. AND NEULION USA, INC.

Defendants.

Civ. Action No. 5:10-cv-00810-DNH-DEP

FIRST AMENDED COMPLAINT AND JURY DEMAND

Plaintiffs SPRT, LLC ("SPRT") and LiveSportsVideo, LLC ("LiveSportsVideo"), through their undersigned attorneys, hereby state their Complaint against Defendants NeuLion, Inc. and NeuLion USA, Inc. as follows:

NATURE OF THIS 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.*

PARTIES

2. Plaintiff SPRT, LLC is a New York limited liability company with its principal place of business at 6800 Townline Road, Syracuse, NY 13211.

3. Plaintiff LiveSportsVideo, LLC is a New York limited liability company with its principal place of business at 6800 Townline Road, Syracuse, NY 13211.

4. Upon information and belief, Defendant NeuLion, Inc. is a foreign corporation organized and existing under the laws of Canada with its principal place of business at 1600 Old Country Road, Plainview, New York, 11803.

5. Upon information and belief, Defendant NeuLion USA, Inc. is a foreign corporation organized and existing under the laws of the State of Delaware with its principal place of business at 1600 Old Country Road, Plainview, New York, 11803.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a), and 35 U.S.C. § 281.

7. This Court has personal jurisdiction over Defendants because Defendants sell and/or offer to sell in the United States and in the Northern District of New York a technology platform that produces internet-based video productions of minor sports events using a process that infringes at least one claim of U.S. Patent No. 7,340,765, along with selling and offering for sale video productions produced and broadcast using said process, and thus: (1) transacted business within the state or contracted anywhere to supply infringing goods in this State and this District; (2) committed tortious acts of infringement within this State and in this District; and/or (3) committed tortious acts of infringement without this State that caused injury within this State and this District either (i) while regularly doing business, engaging in a persistent course of conduct, or deriving substantial revenue from infringing goods sold to consumers in this State and in this District, and/or (ii) while deriving substantial revenue from interstate or international commerce while expecting that their infringing acts would have consequences within this State and this District.

8. Venue is proper in this District under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b) because the Defendants are subject to personal jurisdiction in this District.

THE PATENT-IN-SUIT

9. On March 4, 2008, the U.S. Patent and Trademark Office ("USPTO") issued U.S. Patent No. 7,340,765 ("the '765 Patent"), entitled "Archiving And Viewing Sports Events Via

Internet," to Robert H. Feldmeier. A true and correct copy of the '765 Patent is attached as Exhibit A.

10. The '765 Patent is currently assigned to SPRT. A true and correct copy of the assignment record for the '765 Patent from the USPTO website is attached as Exhibit B.

11. SPRT is the lawful owner of all rights, titles, and interests in the '765 Patent, including the right to sue for patent infringement.

12. LiveSportsVideo is a licensee of the '765 Patent, under which it provides an internet-based clearinghouse of minor sports events, delivering end users over 7,000 archived and live programs, over 7,000,000 page views per year, and 68,000 direct access memberships through its website www.livesportsvideo.com.

13. SPRT and LiveSportsVideo have placed the required statutory notice under 35 U.S.C. § 287 on all or substantially all products and services offered and sold by or for SPRT and LiveSportsVideo under the '765 Patent after issuance thereof.

COUNT 1

(PATENT INFRINGEMENT OF U.S. PATENT NO. 7,340,765)

14. SPRT and LiveSportsVideo repeat and reallege the allegations contained in Paragraphs 1 through 13 above as if fully set forth herein.

15. Defendants had constructive knowledge of the existence of the '765 Patent, and, upon information and belief, actual knowledge of the existence of the '765 Patent.

16. Upon information and belief, Defendants market and sell an end-to-end technology platform (the "NeuLion Platform") that has been specially designed and adapted to allow schools, universities and other academic institutions ("Schools") to broadcast live and on-demand coverage of minor sports events over the global computer network.

17. Exhibit C contains a web page downloaded from www.neulion.com entitled "Complete End To End IPTV Technology Service and Platform" that depicts the NeuLion Platform.

18. According to the "Web Solutions" and "Sports Media Solutions" web pages downloaded from www.neulion.com and shown in Exhibit D, the NeuLion Platform performs, in part, the following processes with regard to the production and broadcasting of minor sports events over the global computer network: content ingestion and digital asset management, content management, customized video players and web sites, live and on-demand streaming through a proprietary content delivery network, and billing.

19. Upon information and belief, the NeuLion Platform, and in particular the Sports Media Solution, is specifically designed and customized as an end-to-end solution for allowing Schools to broadcast coverage of sporting events over the global computer network.

20. Upon information and belief, Defendants actively and intentionally market to, solicit business from, and contract with Schools to provide live and on-demand coverage of minor sports events using the NeuLion Platform.

21. Defendants refer to content providers using the NeuLion Platform as "Partners," as shown in Exhibit D.

22. Exhibit E contains a list of the Schools with whom, upon information and belief, Defendants have contracted with to provide live and on-demand coverage of minor sports events using the NeuLion Platform (the "Partner Schools").

23. Upon information and belief, the Defendants and/or the Partner Schools transmit video and audio coverage of minor sporting events to the NeuLion Platform, where the events are processed and made available to subscribers through the global computer network.

24. The steps performed by the NeuLion Platform constitute a material part of the patented process claimed in the '765 Patent.

25. Upon information and belief, Defendants and/or the Partner Schools sell and offer to sell internet-based video productions of minor sports events through their websites, including but not limited to www.neulion.com, www.jumpstv.com, www.insinc.com, www.collegesportsdirect.com, and other Partner School proprietary websites.

26. Upon information and belief, Defendants, while aware of the '765 Patent, actively and intentionally continue to market and sell the NeuLion Platform to new Schools and existing Partner Schools, advertising the benefits and features of the NeuLion Platform to those Schools and encouraging them to use it.

27. Upon information and belief, the aforementioned actions of the Defendants and/or the Partner Schools, or the combined actions of the Defendants and the Partner Schools, have been and are now directly infringing at least one claim of the '765 Patent, within the meaning of 35 U.S.C. § 271(a), by offering for sale or selling internet-based video productions of minor sports events produced and distributed using a process that infringes at least one claim of the '765 Patent without authority or license from SPRT or LiveSportsVideo.

28. Upon information and belief, Defendants' aforementioned actions induce Partner Schools to infringe at least one claim of the '765 Patent, within the meaning of 35 U.S.C. § 271(b), without authority or license from SPRT or LiveSportsVideo.

29. Upon information and belief, Defendants' aforementioned actions contribute to the Partner Schools' infringement of at least one claim of the '765 Patent, within the meaning of 35 U.S.C. § 271(c), without authority or license from SPRT or LiveSportsVideo.

30. The Defendants' infringement of the '765 Patent has been deliberate and willful.

31. SPRT and LiveSportsVideo have been damaged by the Defendants' infringement of the '765 Patent.

PRAYER FOR RELIEF

WHEREFORE, SPRT and LiveSportsVideo respectfully request that this Court enter judgment against the Defendants, granting SPRT and LiveSportsVideo the following relief:

- A. a declaration and entry of judgment that the Defendants have infringed the '765 Patent;
- B. an accounting of all damages resulting from the Defendants' infringement of the '765 Patent;
- C. an award of damages adequate to compensate SPRT and LiveSportsVideo for the Defendants' infringement of the '765 Patent;
- D. a determination that the Defendants' infringement of the '765 Patent has been willful and deliberate;
- E. an award of treble damages for the Defendants' willful and deliberate infringement of the '765 Patent;
- F. an award of interest on the amount of damages found, including pre-judgment and post-judgment interest;
- G. an injunction against future infringement by the Defendants, their officers, agents, servants, employees, the Partner Schools, and all those in concert or participation with the Defendants who receive actual notice, from engaging in acts of infringement of the '765 Patent, in accordance with 35 U.S.C. § 283;
- H. a determination that this is an exceptional case pursuant to 35 U.S.C. § 285, thereby entitling SPRT and LiveSportsVideo to an award of its costs, expenses, and attorneys' fees incurred prosecuting this action; and
- I. such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

SPRT and LiveSportsVideo demand a trial by jury of all issues so triable.

Date: September 30, 2010
Syracuse, New York

/s/ James R. Muldoon

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CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2010, I electronically filed the documents listed below with the Clerk of the District Court, Northern District of New York, using the CM/ECF system, which sent notification of such filing to the following:

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Document Served:

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/s/ Thomas Hoehner

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