

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BLUE SPIKE LLC;
BLUE SPIKE INTERNATIONAL LTD.;
WISTARIA TRADING LTD.

Plaintiffs,

v.

SERVICE ELECTRIC COMPANY,
SERVICE ELECTRIC TELEVISION,
INC.,
SERVICE ELECTRIC CABLE T.V., INC.,
AND
SERVICE ELECTRIC CABLEVISION,
INC.,

Defendants.

Civil Action No. 21-3063

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Blue Spike LLC (“Blue Spike LLC”), Plaintiff Blue Spike International Ltd. (“Blue Spike Int.”), and Plaintiff Wistaria Trading Ltd. (“Wistaria”) (collectively, “Plaintiffs” or “Blue Spike”), for its Complaint against Defendants, Service Electric Company, Service Electric Television, Inc., Service Electric Cable T.V., Inc., and Service Electric Cablevision, Inc., (referred to herein as “Service Electric” or “Defendants”), allege 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 LLC is a limited liability company organized under the laws of the State of Texas.

3. Plaintiff Blue Spike Int. is a limited liability company established in Ireland with a place of business at Unit 6, Bond House, Bridge Street, Dublin 8. Blue Spike Int. was recently acquired by Blue Spike Inc., a Florida corporation.

4. Plaintiff Wistaria Trading Ltd. is a Bermuda corporation with a place of business at Clarendon House, 2 Church St., Hamilton HM 11, Bermuda.

5. Collectively, all substantive rights to the patents in suit reside with the Plaintiffs, including the rights to grant sublicenses, to exclude others from practicing the inventions taught therein, and to sue and obtain damages and other relief for past and future acts of infringement.

6. On information and belief, Defendant Service Electric Company is a Pennsylvania corporation with its principal place of business located at 35 Main Street, Hellertown, PA 18055. On information and belief, Defendant Service Electric Company is the parent company of Defendants Service Electric Television, Inc., Service Electric Cable T.V., Inc., and Service Electric Cablevision, Inc.

7. On information and belief, Defendant Service Electric Television, Inc. is a Pennsylvania corporation with its principal place of business located at 35 Main Street, Hellertown, PA 18055.

8. On information and belief, Defendant Service Electric Cable T.V., Inc. is a Pennsylvania corporation with its principal place of business located at 1045 Hamilton Street, Allentown, PA 18101.

9. On information and belief, Defendant Service Electric Cablevision, Inc. is a Pennsylvania corporation with its principal place of business located at 4949 Liberty Lane Suite #400, Allentown, PA 18106.

10. On information and belief, Service Electric 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.

11. On information and belief, Service Electric designs, develops, manufactures, sells, offers to sell, and/or imports products, devices, systems, and/or components of systems through certain accused instrumentalities (as discussed further below) that either infringe or support the infringement of the patents asserted in this action.

12. Plaintiffs seek monetary damages and prejudgment interest for Service Electric's past and ongoing direct and indirect infringement of the patents in suit.

JURISDICTION AND VENUE

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

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

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

16. This Court has personal jurisdiction over Service Electric under the laws of the Commonwealth of Pennsylvania and this judicial District, due at least to its substantial business in Pennsylvania and 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 Commonwealth of Pennsylvania. Venue is also proper in this district because Service Electric has a regular and established place of business in this District. For instance, Service Electric Company and Service Electric Television, Inc. have offices in this judicial District located at 35 Main Street, Hellertown, PA 18055. Additionally,

Service Electric Cable T.V., Inc. has offices in this District located at 1045 Hamilton Street, Allentown, PA 18101. Further, Service Electric Cablevision, Inc. has offices in this District located at 4949 Liberty Lane Suite #400, Allentown, PA 18106. Service Electric advertises and conducts business within the Commonwealth of Pennsylvania and this District (*See, e.g.*, <https://www.sectv.com/Web/aspContactUs.aspx?strSystem=LV>, <https://www.secv.com/contact/> (last accessed June 23, 2021)).

17. Furthermore, personal jurisdiction over Service Electric in this action comports with due process. Service Electric has conducted and regularly conducts business within the United States and this District. Service Electric has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in the Commonwealth of Pennsylvania and this District. Service Electric has sought protection and benefit from the laws of the State of Pennsylvania by making available products and services through accused instrumentalities that infringe the Patents in suit with the awareness and/or intent that they will be used (or visited) by consumers in this District. Having purposefully availed itself of the privilege of conducting business within this District, Service Electric should reasonably and fairly anticipate being brought into court here.

BACKGROUND

The Invention

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

19. 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 B.

20. 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 C.

21. 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 D.

22. Scott A. Moskowitz is the inventor of U.S. Patent No. 7,287,275 B2 (“the ’275 patent”) (collectively, with the ’222 patent, the ’307 patent, the ’746 patent, and the ’705 patent, the “Packet Transfer patents”). A true and correct copy of the ’275 patent is attached as Exhibit E.

23. Scott A. Moskowitz and Marc Cooperman are the inventors 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.

24. Scott A. Moskowitz is the inventor of U.S. Patent No. 9,104,842 (“the ’842 patent”) (collectively, with the ’602 patent, the “Watermarking patents”). A true and correct copy of the ’842 patent is attached as Exhibit G.

25. Scott A. Moskowitz and Michael Berry are the inventors of U.S. Patent No. 8,739,295 (“the ’295 patent”). A true and correct copy of the ’295 patent is attached as Exhibit H.

26. Scott A. Moskowitz and Michael Berry are the inventors of U.S. Patent No. 7,475,246 (“the ’246 patent”) (collectively, with the ’295 patent, the “Secure Server patents”). A true and correct copy of the ’246 patent is attached as Exhibit I.

27. Scott A. Moskowitz is the inventor of U.S. Patent No. 7,159,116 (“the ’116 patent”). A true and correct copy of the ’116 patent is attached as Exhibit J.

28. Scott A. Moskowitz is the inventor of U.S. Patent No. 8,538,011 (“the ’011 patent”) (collectively, with the ’116 patent, the “Trusted Transaction patents”). A true and correct copy of the ’011 patent is attached as Exhibit K.

29. The ’222 patent, the ’307 patent, ’746 patent, the ’705 patent, the ’275 patent, the ’602 patent, the ’842 patent, the ’295 patent, the ’246 patent, the ’116 patent, and the ’011 patent (collectively, “the patents in suit”) all cover pioneering technologies for rights management and content security.

30. The Packet Transfer patents resulted from the pioneering efforts of Mr. Moskowitz (hereinafter “the Inventor”) in the area of rights management and content security in the early to mid-2000’s. At the time of Mr. Moskowitz’s innovations in this area, the most widely implemented technology used to optimize and provision the allocation of bandwidth. In that type of system, the most widely implanted technology used to optimize and provision the allocation of bandwidth. The Inventor conceived of the inventions claimed in the Packet Transfer patents as a way to focus on the priority of transmission paths for data in an attempt to alleviate bottlenecks of information within a given network.

31. For example, the Inventor developed inventions claimed in the Packet Transfer as a way to transmit a stream of data by receiving a stream, organizing the stream into a plurality of packets, generating a watermark with each of the plurality of packets to form watermarked packets, and transmitting at least one of the watermarked packets across a network. *See* Exhibit A (the ’222 patent at 5:11-6:9); Exhibit B (the ’307 patent at 4:47-5:11); Exhibit C (the ’746 patent at 3:51-4:66); Exhibit D (the ’705 patent at 4:34-65); and Exhibit E (the ’275 patent at 5:35-67).

32. The Watermarking patents resulted from the pioneering efforts of the Inventors Scott Moskowitz and Marc Cooperman (“Cooperman”) 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. However, in that type of system the cost of developing such protection was not justified considering the level of piracy that occurred despite the copy protection. The Inventor and Cooperman conceived of the inventions claimed in the Watermarking patents as a way to combine transfer functions with predetermined key creation.

33. For example, the Inventor and Cooperman 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.

34. The Secure Server patents all resulted from the pioneering efforts of the named 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. 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 Secure Server patents as a way to separate transactions from authentication in the sale of digitized data.

35. 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 inventions offer 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).

36. The Trusted Transaction patents resulted from the pioneering efforts of 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 the mid-2000s. At the time of these pioneering efforts, reciprocal and non-reciprocal systems could use non-secret algorithms to provide encryption and decryption. The Inventor conceived of the inventions claimed in the Trusted Transaction patents as a way to enhance trust on the part of participants in the transaction.

37. For example, the Inventor 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. *See* Exhibit J ('116 patent at 3:36-4:11) and Exhibit K ('011 patent at 3:40-4:12).

Advantages Over the Prior Art

38. The patented inventions disclosed in the Packet Transfer patents provides many advantages over the prior art, and in particular improved the operations of systems, methods, and devices for transmitting a stream of data across a network. *See* '222 patent at 4:45-55; the '307 patent at 4:47-5:11; the '746 patent at 3:51-4:66; the '275 patent at Abstract; and the '705 patent at 4:34-65. One advantage of the patented inventions is that by associating the identity and authentication information of the packets, the patented inventions can more efficiently apportion bandwidth. *See* '222 patent at 7:40-50; the '307 patent at 7:42-48; the '746 patent at 7:42-48; the '275 patent at 10:62-11:6; and the '705 patent at 3:32-37.

39. Another advantage of the patented inventions in the Packet Transfer patents is that a network may check and verify efficient bandwidth delivery on a packet level and storing information concerning better paths between senders and receivers of these packets, thereby permitting optimized “flows” of information. *See* '222 patent at 7:65-8:5; the '307 patent at 8:23-27; the '746 patent at 8:19-24; the '275 patent at 7:60-65; and the '705 patent at 8:9-14.

40. Yet another advantage of the patented inventions in the Packet Transfer patents is adding another novel layer of identity of the packet and subsequent provisioning by means of authenticating packets by means of authenticating packets along a particular path “flow”. *See* '222 patent at 8:53-58; the '307 patent at 8:23-27; the '746 patent at 8:19-24; the '275 patent at 8:45-50; and the '705 patent at 8:9-14.

41. Because of these significant advantages that can be achieved through the use of the patented inventions, the Packet Transfer patents present significant commercial value for companies like Defendants. Indeed, higher economic value can be attributed to a given television, internet, or phone service provider because of the increased optimization and

provision of the allocation of bandwidth, which increases the security and speed of the transmission of the packeted data/information.

42. The patented inventions disclosed in the Watermarking 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 inventions 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.

43. Another advantage of the patented inventions is that they do not attempt to stop copying, but rather determine 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.

44. Because of the significant advantages that can be achieved through the use of the patented invention, Plaintiffs believe the Watermarking patents present significant commercial value for companies like Defendants. Indeed, the technology described and claimed in the Watermarking patents reads on the core security functionality of Defendants' digital security in its digital TV devices and products.

45. The patented inventions disclosed in the Secure Server patents provide many advantages over the prior art, and in particular improved the operations of secure personal content servers. *E.g.*, Exhibit H, '295 patent at 2:39–65; Exhibit I, '246 patent at 2:24–64. One advantage of the patented inventions 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 H, ‘295 patent at 1:27–30; Exhibit I, ‘246 patent at 1:53–56.

46. Another advantage of the patented inventions 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 H, ‘295 patent at 3:32–47; Exhibit I, ‘246 patent at 3:16–30.

47. Another advantage of the patented inventions 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 H, ‘295 patent at 3:47–67; Exhibit I, ‘246 patent at 3:32–51.

48. Because of these significant advantages that can be achieved through the use of the patented invention, Plaintiffs believe the Secure Server patents present significant commercial value for companies like Service Electric. Indeed, the technology described and claimed in the Secure Server patents read on the core functionality of Service Electric’s product and services.

49. The patented inventions disclosed in the Trusted Transaction patents, provide many advantages over the prior art, and in particular improved the operations of transaction devices. *See* Exhibit J, ’116 patent at 3:38-7:67; Exhibit K, ’011 patent at 3:42-7:60. One advantage of the patented inventions 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. *See* Exhibit J, ’116 patent at 3:46-51; Exhibit K, ’011 patent at 3:50-57.

50. Another advantage of the patented inventions in the Trusted Transaction patents 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. *See* Exhibit J, '116 patent at 3:16-30.

51. Another advantage of the patented inventions is the integration of system components, optimally requiring fewer processing resources so as to maximize usefulness and minimize cost. *See* Exhibit J, '116 patent at 3:52-55; Exhibit K, '011 patent at 3:53-57.

52. Because of these significant advantages that can be achieved through the use of the patented inventions, the Trusted Transaction patents present significant commercial value for companies like Defendants. Indeed, higher economic value can be attributed to a given television, internet, or phone service provider because of the security in transferring information between parties by steganographic, encryption, authentication, and security means, which increases the security of the transmission of the data/information.

Technological Innovations

53. The patented inventions disclosed in the Packet Transfer patents resolve technical problems related to optimizing and provisioning the allocation of bandwidth, particularly related to the better handling of the competitive needs between networks and the concept of the Quality of Service ("QoS"). One of the limitations of the prior art regarding the protection of digital information was that users seek data objects which by their very structure of format may occupy large amounts of bandwidth, thereby creating bandwidth demand that has little to no relationship with how the data is valued by third parties, including owners of rights related to the objects. *See* '222 patent at 2:60-67; '307 patent at 2:61-3:5; '746 patent at 2:56-67; and '705 patent at 2:48-59.

54. The claims of the Packet Transfer 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 Packet Transfer patents recite inventive concepts that are deeply rooted in engineering technology, and overcome problems specifically arising out of how to optimize and provision the allocation of bandwidth in a way that makes streaming economically viable.

55. In addition, the claims of the Packet Transfer patents recite inventive concepts that improve the functioning of devices for packet watermarking and efficient provisioning of bandwidth.

56. Moreover, the claims of the Packet Transfer patents recite inventive concepts that are not merely routine or conventional use of computer components. Instead, the patented inventions disclosed in the Packet Transfer patents provide a new and novel solution to specific problems related to improving the optimizing and provisioning the allocation of bandwidth.

57. The patented inventions disclosed in the Packet Transfer patents do not preempt all the ways that bandwidth may be allocated and/or optimized, nor do the Packet Transfer patents preempt any other well-known or prior art technology.

58. Accordingly, the claims in the Packet Transfer 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.

59. The patented inventions disclosed in the Watermarking patents resolve technical problems related to protection of digital information particularly problems related to a method and device for data protection. As the Watermarking 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.)

60. The claims of the Watermarking 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 Watermarking 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.

61. In addition, the claims of the Watermarking patents recite inventive concepts that improve the functioning of devices for protecting digital information, particularly by combining transfer functions with predetermined key creation.

62. Moreover, the claims of the Watermarking patents recite inventive concepts that are not merely routine or conventional use of computer components. Instead, the patented inventions disclosed in the Watermarking patents provide a new and novel solution to specific problems related to protecting digital information.

63. The patented inventions disclosed in the Watermarking patents do not preempt all the ways that protecting digital information may be used to improve devices for data protection, nor do the Watermarking patents preempt any other well-known or prior art technology.

64. Accordingly, the claims in the Watermarking 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.

65. The patented inventions disclosed in the Secure Server patents resolve 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 Secure Server 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 that was securely distributable. (See Exhibit H, '295 patent at 1:22–26; Exhibit I, '246 patent at 1:48–56.)

66. The claims of the Secure Server 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 Secure Server 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.

67. In addition, the claims of the Secure Server patents recite inventive concepts that improve the functioning of secure personal content servers, particularly varying quality levels in a manner designed to improve security.

68. Moreover, the claims of the Secure Server patents recite inventive concepts that are not merely routine or conventional use of computer components. Instead, the patented inventions disclosed in the Secure Server patents provide 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.

69. The patented inventions disclosed in the Secure Server patents do 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 Secure Server patents preempt any other well-known or prior art technology.

70. Accordingly, the claims in the Secure Server 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.

71. The patented inventions disclosed in the Trusted Transaction patents resolve 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 Trusted Transaction 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 J, ‘116 patent at 2:53–3:35; Exhibit K, ‘011 patent at 2:57–3:38.)

72. The claims of the Trusted Transaction 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 Trusted Transaction 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.

73. In addition, the claims of the Trusted Transaction 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.

74. Moreover, the claims of the Trusted Transaction patents recite inventive concepts that are not merely routine or conventional use of computer components. Instead, the patented inventions disclosed in the Packet Transfer patents provide new and novel solutions to specific problems related to enhancing trust on the part of participants in a transaction.

75. The patented inventions disclosed in the Trusted Transaction patents do not preempt all the ways that enhancing trust on the part of participants in a transaction may be used or improve devices for the trusted transactions, nor do the Trusted Transaction patents preempt any other well-known or prior art technology.

76. Accordingly, the claims in the Trusted Transaction 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

77. The '222 patent was previously litigated in the Eastern District of Texas in Case No. 4:20-cv-671, Case No. 4:20-cv-00722, Case No. 6:16-cv-00048, Case No. 6:16-cv-01020, Case No. 6:16-cv-01191, Case No. 6:16-cv-01384, Case No. 6:17-cv-00053, Case No. 6:17-cv-00016, Case No. 6:18-cv-00174, Case No. 6:18-cv-00181, Case No. 6:18-cv-00195, Case No.

6:18-cv-00223, Case No. 6:18-cv-00242, and Case No. 6:18-cv-00333, the Northern District of California in Case No.5:17-cv-04780, Case No. 5:18-cv-03392, the District of Delaware in Case No. 1:18-cv-01406, Case No. 1:18-cv-01427, Case No. 1:18-cv-01512, Case No. 1:19-cv-00159, and Case No. 1:19-cv-00158 and the Northern District of Illinois in Case No. 1:20-cv-06600, Case No. 1:20-cv-06605, and Case No. 1:20-cv-06604.

78. The '307 patent was previously litigated in the Eastern District of Texas in Case No. 4:20-cv-671, Case No. 4:20-cv-00722, Case No. 6:16-cv-00048, Case No. 6:16-cv-01020, Case No. 6:16-cv-01191, Case No. 6:16-cv-01384, Case No. 6:17-cv-00053, Case No. 6:17-cv-00016, , Case No. 6:18-cv-00174, Case No. 6:18-cv-00181, Case No. 6:18-cv-00195, Case No. 6:18-cv-00223, Case No. 6:18-cv-00242, and Case No. 6:18-cv-00333, the Northern District of California in Case No.5:17-cv-04780, Case No. 5:18-cv-03392, the District of Delaware in Case No. 1:18-cv-01406, Case No. 1:18-cv-01427, Case No. 1:18-cv-01512, Case No. 1:19-cv-00159, and Case No. 1:19-cv-00158, and the Northern District of Illinois in Case No. 1:20-cv-06600, Case No. 1:20-cv-06605, and Case No. 1:20-cv-06604.

79. The '746 patent was previously litigated in the Eastern District of Texas in Case No. 4:20-cv-671, Case No. 4:20-cv-00722, Case No. 6:16-cv-00048, Case No. 6:16-cv-01020, Case No. 6:16-cv-01191, Case No. 6:16-cv-01384, Case No. 6:17-cv-00053, Case No. 6:17-cv-00016, , Case No. 6:18-cv-00174, Case No. 6:18-cv-00181, Case No. 6:18-cv-00195, Case No. 6:18-cv-00223, Case No. 6:18-cv-00242, and Case No. 6:18-cv-00333, the Northern District of California in Case No.5:17-cv-04780, Case No. 5:18-cv-03392, the District of Delaware in Case No. 1:18-cv-01406, Case No. 1:18-cv-01427, Case No. 1:18-cv-01512, Case No. 1:19-cv-00159, and Case No. 1:19-cv-00158, and the Northern District of Illinois in Case No. 1:20-cv-06600,

Case No. 1:20-cv-06605, and Case No. 1:20-cv-06604.

80. The '275 patent was previously litigated in the Eastern District of Texas in Case No. 6:16-cv-00048, Case No. 6:16-cv-01020, Case No. 6:16-cv-01191, Case No. 6:16-cv-01384, Case No. 6:17-cv-00053, Case No. 6:17-cv-00016, , Case No. 6:18-cv-00174, Case No. 6:18-cv-00181, Case No. 6:18-cv-00195, Case No. 6:18-cv-00223, Case No. 6:18-cv-00242, and Case No. 6:18-cv-00333, the District of Delaware in Case No. 1:18-cv-01406, Case No. 1:18-cv-01427, Case No. 1:18-cv-01512, Case No. 1:19-cv-00159, and Case No. 1:19-cv-00158, the Northern District of California in Case No. 5:17-cv-04780, and the Northern District of Illinois in Case No. 1:20-cv-06600, Case No. 1:20-cv-06605, and Case No. 1:20-cv-06604.

81. The '705 patent was previously litigated in the Eastern District of Texas in Case No. 4:20-cv-671, Case No. 4:20-cv-00722, Case No. 6:16-cv-00048, Case No. 6:16-cv-01020, Case No. 6:16-cv-01191, Case No. 6:16-cv-01384, Case No. 6:17-cv-00053, Case No. 6:17-cv-00016, , Case No. 6:18-cv-00174, Case No. 6:18-cv-00181, Case No. 6:18-cv-00195, Case No. 6:18-cv-00223, Case No. 6:18-cv-00242, and Case No. 6:18-cv-00333, the District of Delaware in Case No. 1:18-cv-01406, Case No. 1:18-cv-01427, Case No. 1:18-cv-01512, Case No. 1:19-cv-00159, and Case No. 1:19-cv-00158, and the Northern District of Illinois in Case No. 1:20-cv-06600, Case No. 1:20-cv-06605, and Case No. 1:20-cv-06604.

82. The '602 patent was previously litigated in the Eastern District of Texas in Case No. 4:20-cv-671, Case No. 4:20-cv-00722, Case No. 6:17-cv-00016, Case No. 6:18-cv-00174, Case No. 6:18-cv-00181, Case No. 6:18-cv-00195, Case No. 6:18-cv-00223, Case No. 6:18-cv-00242, and Case No. 6:18-cv-00333, the Northern District of California in Case No. 5:18-cv-03392, the District of Delaware in Case No. 1:18-cv-01406, Case No. 1:18-cv-01427, Case No. 1:18-cv-01512, Case No. 1:19-cv-00158, Case No. 1:19-cv-00159, and Case No. 1:19-cv-00160,

the Patent Trial and Appeal Board, IPR2019-01449, and the Northern District of Illinois in Case No. 1:20-cv-06600, Case No. 1:20-cv-06605, and Case No. 1:20-cv-06604.

83. The '842 patent was previously litigated in the Eastern District of Texas in Case No. 4:20-cv-671, Case No. 4:20-cv-00722, Case No. 6:17-cv-00016, Case No. 6:18-cv-00174, Case No. 6:18-cv-00181, Case No. 6:18-cv-00195, Case No. 6:18-cv-00223, Case No. 6:18-cv-00242, and Case No. 6:18-cv-00333, the Northern District of California in Case No. 5:18-cv-03392, the District of Delaware in Case No. 1:18-cv-01406, Case No. 1:18-cv-01427, Case No. 1:18-cv-01512, Case No. 1:19-cv-00158, Case No. 1:19-cv-00159, and Case No. 1:19-cv-00160, the Patent Trial and Appeal Board, IPR2019-01447, and the Northern District of Illinois in Case No. 1:20-cv-06600, Case No. 1:20-cv-06605, and Case No. 1:20-cv-06604.

84. The '295 patent was previously litigated in the Eastern District of Texas in Case No. 4:20-cv-671, Case No. 4:20-cv-00722, Case No. 2:16-cv-00329, Case No. 6:17-cv-00053, Case No. 6:17-cv-00060, Case No. 6:17-cv-00063, Case No. 6:17-cv-00096, Case No. 6:17-cv-00097, Case No. 6:17-cv-00098, Case No. 6:17-cv-00099, Case No. 6:17-cv-00100, Case No. 6:17-cv-00101, Case No. 6:17-cv-00138, Case No. 6:18-cv-00174, Case No. 6:17-cv-00175, Case No. 6:18-cv-00181, Case No. 6:18-cv-00195, Case No. 6:18-cv-00223, Case No. 6:18-cv-00242, and Case No. 6:18-cv-00333, the Northern District of California in Case No. 5:17-cv-04780, Case No. 5:18-cv-03392, the Central District of California in Case No. 8:17-cv-01172, the District of Delaware in Case No. 1:17-cv-00928, Case No. 1:18-cv-01406, Case No. 1:18-cv-01427, Case No. 1:18-cv-01512, Case No. 1:19-cv-00158, Case No. 1:19-cv-00159, and Case No. 1:18-cv-00160, the Patent Trial and Appeal Board, IPR2019-01303, and the Northern District of Illinois in Case No. 1:20-cv-06600, Case No. 1:20-cv-06605, and Case No. 1:20-cv-

06604.

85. The '246 patent was previously litigated in the Eastern District of Texas in Case No. 4:20-cv-671, Case No. 4:20-cv-00722, Case No. 2:16-cv-00329, Case No. 6:17-cv-00053, Case No. 6:17-cv-00060, Case No. 6:17-cv-00063, Case No. 6:17-cv-00096, Case No. 6:17-cv-00097, Case No. 6:17-cv-00098, Case No. 6:17-cv-00099, Case No. 6:17-cv-00100, Case No. 6:17-cv-00101, Case No. 6:17-cv-00138, Case No. 6:18-cv-00174, Case No. 6:17-cv-00175, Case No. 6:18-cv-00181, Case No. 6:18-cv-00195, Case No. 6:18-cv-00223, Case No. 6:18-cv-00242, and Case No. 6:18-cv-00333, the Northern District of California in Case No.5:17-cv-04780, Case No. 5:18-cv-03392, the Central District of California in Case No. 8:17-cv-01172, the District of Delaware in Case No. 1:18-cv-01406, Case No. 1:18-cv-01427, Case No. 1:18-cv-01512, Case No. 1:19-cv-00158, Case No. 1:19-cv-00159, and Case No. 1:18-cv-00160, the Patent Trial and Appeal Board, IPR2019-01357 and IPR2019-01358, and the Northern District of Illinois in Case No. 1:20-cv-06600, Case No. 1:20-cv-06605, and Case No. 1:20-cv-06604.

86. The '116 patent was previously litigated in the Eastern District of Texas in Case No. 4:20-cv-671, Case No. 6:16-cv-01384, Case No. 6:17-cv-00016, Case No. 6:17-cv-00053, Case No. 6:17-cv-00060, Case No. 6:17-cv-00063, , Case No. 6:17-cv-00096, Case No. 6:17-cv-00097, Case No. 6:17-cv-00098, Case No. 6:17-cv-00099, Case No. 6:17-cv-00100, Case No. 6:17-cv-00101, Case No. 6:18-cv-00174, Case No. 6:18-cv-00175, Case No. 6:18-cv-00181, Case No. 6:18-cv-00195, Case No. 6:18-cv-00223, Case No. 6:18-cv-00242, Case No. 6:18-cv-00333, Case No. 6:18-cv-00381, and Case No. 6:18-cv-00382, the Northern District of California in Case No.5:17-cv-04780 and Case No. 5:18-cv-03392, the Central District of California in Case No. 2:18-cv-03870, Case No. 2:18-cv-04525, Case No. 2:18-cv-05026, Case No. 2:18-cv-05396, Case No. 2:18-cv-05391, and Case No. 2:18-cv-01172, the District of

Delaware in Case No. 6:18-cv-00174, Case No. 1:17-cv-00928, Case No. 1:18-cv-01402, Case No. 1:18-cv-01406, Case No. 1:18-cv-01427, Case No. 1:18-cv-01512, Case No. 1:19-cv-00158, Case No. 1:19-cv-00159, Case No. 1:19-cv-00160, and Case No. 1:19-cv-00161, and the Northern District of Illinois in Case No. 1:20-cv-06600, Case No. 1:20-cv-06605, and Case No. 1:20-cv-06604.

87. The '011 patent was previously litigated in the Eastern District of Texas in Case No. 4:20-cv-671, Case No. 6:16-cv-01384, Case No. 6:17-cv-00016, Case No. 6:17-cv-00053, Case No. 6:17-cv-00060, Case No. 6:17-cv-00063, , Case No. 6:17-cv-00096, Case No. 6:17-cv-00097, Case No. 6:17-cv-00098, Case No. 6:17-cv-00099, Case No. 6:17-cv-00100, Case No. 6:17-cv-00101, Case No. 6:18-cv-00174, Case No. 6:18-cv-00181, Case No. 6:18-cv-00195, Case No. 6:18-cv-00223, Case No. 6:18-cv-00242, Case No. 6:18-cv-00333, Case No. 6:18-cv-00381, and Case No. 6:18-cv-00382, the Northern District of California in Case No.5:17-cv-04780 and Case No. 5:18-cv-03392, the Central District of California in Case No. 2:18-cv-03870, Case No. 2:18-cv-04525, Case No. 2:18-cv-05026, Case No. 2:18-cv-05396, Case No. 2:18-cv-05391, and Case No. 2:18-cv-01172, the District of Delaware in Case No. 6:18-cv-00174, Case No. 1:17-cv-00928, Case No. 1:18-cv-01402, Case No. 1:18-cv-01406, Case No. 1:18-cv-01427, Case No. 1:18-cv-01512, Case No. 1:19-cv-00158, Case No. 1:19-cv-00159, Case No. 1:19-cv-00160, and Case No. 1:19-cv-00161, and the Northern District of Illinois in Case No. 1:20-cv-06600, Case No. 1:20-cv-06605, and Case No. 1:20-cv-06604 (collectively, with the '222 patent, the '307 patent, the '746 patent, the '705 patent, the '602 patent, the '842 patent, the '295 patent, and the '246 patent litigation histories, the "Prior Litigation").

88. The scope and construction of the claims of the patents in suit have been clarified by the Prior Litigation.

COUNT I – INFRINGEMENT OF U.S. PATENT RE44,222

89. The allegations set forth in the foregoing paragraphs are hereby incorporated by reference as if fully set forth herein.

90. On May 14, 2013, the '222 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.”

91. Plaintiffs are the assignees and owners of the entire 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.

92. On information and belief, Service Electric has and continues to directly infringe one or more claims of the '222 patent by selling, offering to sell, making, using, and/or providing and causing to be used products, specifically one or more Service Electric servers used to transmit a stream of data, including, for example, by providing Service Electric television or Internet access services (for the purposes of this section, the “Accused Instrumentalities”).

93. On information and belief, the Accused Instrumentalities perform a process for transmitting a stream of data, including internet traffic, video on demand traffic (“VOD”), and voice over IP (“VOIP”) traffic over a network utilizing the DOCSIS 3.0 and/or DOCSIS 3.1 protocol, which necessarily infringes at least claim 1 of the '222 patent.

94. Exemplary infringement analysis showing infringement of claim 1 of the '222 patent is set forth in Exhibit L (DOCSIS 3.0) and Exhibit M (DOCSIS 3.1). This infringement analysis is necessarily preliminary, as it is provided in advance of any discovery provided by Service Electric with respect to the '222 patent. Blue Spike reserves all rights to amend, supplement and modify this preliminary infringement analysis. Nothing in the attached chart

should be construed as any express or implied contention or admission regarding the construction of any term or phrase of the '222 patent.

95. The Accused Instrumentalities have infringed and continue to infringe at least claim 1 of the '222 patent during the pendency of the '222 patent.

96. Discovery is expected to uncover the full extent of Defendants' infringement of the '222 patent beyond the '222 Accused Instrumentalities already identified through public information.

97. On information and belief, Defendants have had notice of this patent and Defendants' infringement since at least the filing of the present Complaint. Additionally, on information and belief, Defendants have been aware of or willfully blind to the existence of this patent and its infringement thereof as a result of the widespread assertion of this patent in its industry through the Prior Litigation.

98. On information and belief, since Defendants have had knowledge of the '222 patent, Defendants have induced and continue to induce the infringement of others 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 the infringement of others, including but not limited to Defendants' partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least claim 1 of the '222 patent.

99. In particular, Defendants' acts of inducement include, *inter alia*: providing the '222 Accused Instrumentalities to its customers and other third parties and intending them to use the '222 Accused Instrumentalities; providing information, advertising, and instructions for these products through its own and third-party websites (*see, e.g.*, <https://www.sectv.com/Web/aspEquipment.aspx?strSystem=LV>,

<https://www.secv.com/shop/internet-tv-phone/>); providing potential customers with instructions on how to obtain these products (*see, e.g.*, <https://www.sectv.com/Web/aspEquipment.aspx?strSystem=LV> (providing an “Order” link to obtain products and Accused Instrumentalities), <https://www.secv.com/shop/internet-tv-phone/> (providing a “Continue” link to obtain products and Accused Instrumentalities)); providing online support, an online portal, and training customers to use the ’222 Accused Instrumentalities in an infringing way (*see, e.g.*, <https://www.sectv.com/Web/aspHelp.aspx?strSystem=LV>, <https://www.secv.com/support/>); providing a call/answer for support and training customers to use the ’222 Accused Instrumentalities in an infringing way (*see, e.g.*, <https://www.sectv.com/Web/aspContactUs.aspx?strSystem=LV>, <https://www.secv.com/contact/>); advertising the ’222 Accused Instrumentalities through press and news releases (*see, e.g.*, <https://www.sectv.com/Web/aspWhatsNew.aspx?strSystem=LV>, <https://www.secv.com/>); and advertising, hiring, and training employees to infringe or promote the infringement of the ’222 Accused Instrumentalities (*see, e.g.*, <https://www.sectv.com/Web/aspEmployment.aspx?strSystem=LV>, <https://www.secv.com/careers/>).

100. On information and belief, at least since Defendants have had knowledge of the ’222 patent, Defendants’ infringement has been and continues to be willful.

101. Blue Spike has been harmed by the Defendants’ infringing activities.

COUNT II – INFRINGEMENT OF U.S. PATENT RE44,307

102. The allegations set forth in the foregoing paragraphs are hereby incorporated by reference as if fully set forth herein.

103. On June 18, 2013, the '307 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."

104. Plaintiffs are the assignees and owners of the entire 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.

105. On information and belief, Service Electric has and continues to directly infringe one or more claims of the '307 patent by selling, offering to sell, making, using, and/or providing and causing to be used products, specifically one or more Service Electric servers used to transmit a stream of data, including, for example, when Service Electric television or Internet access services are provided (for the purposes of this section, the "Accused Instrumentalities").

106. On information and belief, the Accused Instrumentalities perform a process for transmitting a stream of data, including internet traffic, video on demand traffic ("VOD"), and voice over IP ("VOIP") traffic over a network utilizing the DOCSIS 3.0 and/or DOCSIS 3.1 protocol, which necessarily infringes at least claims 1, 6, 12, and 18 of the '307 patent.

107. Exemplary infringement analysis showing infringement of claims 1, 6, 12, and 18 of the '307 patent is set forth in Exhibit N (DOCSIS 3.0) and Exhibit O (DOCSIS 3.1). This infringement analysis is necessarily preliminary, as it is provided in advance of any discovery provided by Service Electric with respect to the '307 patent. Blue Spike reserves all rights to amend, supplement and modify this preliminary infringement analysis. Nothing in the attached chart should be construed as any express or implied contention or admission regarding the construction of any term or phrase of the claims of the '307 patent.

108. The Accused Instrumentalities have infringed and continue to infringe at least claims 1, 6, 12, and 18 of the '307 patent during the pendency of the '307 patent.

109. Discovery is expected to uncover the full extent of Defendants' infringement of the '307 patent beyond the '307 Accused Instrumentalities already identified through public information.

110. On information and belief, Defendants have had notice of this patent and Defendants' infringement since at least the filing of the present Complaint. Additionally, on information and belief, Defendants have been aware of or willfully blind to the existence of this patent and its infringement thereof as a result of the widespread assertion of this patent in its industry through the Prior Litigation.

111. On information and belief, since Defendants have had knowledge of the '307 patent, Defendants have induced and continue to induce the infringement of others at least claims 1, 6, 12, and 18 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 the infringement of others, including but not limited to Defendants' partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least claims 1, 6, 12, and 18 of the '307 patent.

112. In particular, Defendants' acts of inducement include, *inter alia*: providing the '307 Accused Instrumentalities to its customers and other third parties and intending them to use the '307 Accused Instrumentalities; providing information, advertising, and instructions for these products through its own and third-party websites (*see, e.g.*, <https://www.sectv.com/Web/aspEquipment.aspx?strSystem=LV>, <https://www.secv.com/shop/internet-tv-phone/>); providing potential customers with instructions

on how to obtain these products (*see, e.g.*, <https://www.sectv.com/Web/aspEquipment.aspx?strSystem=LV> (providing an “Order” link to obtain products and Accused Instrumentalities), <https://www.secv.com/shop/internet-tv-phone/> (providing a “Continue” link to obtain products and Accused Instrumentalities)); providing online support, an online portal, and training customers to use the ’307 Accused Instrumentalities in an infringing way (*see, e.g.*, <https://www.sectv.com/Web/aspHelp.aspx?strSystem=LV>, <https://www.secv.com/support/>); providing a call/answer for support and training customers to use the ’307 Accused Instrumentalities in an infringing way (*see, e.g.*, <https://www.sectv.com/Web/aspContactUs.aspx?strSystem=LV>, <https://www.secv.com/contact/>); advertising the ’307 Accused Instrumentalities through press and news releases (*see, e.g.*, <https://www.sectv.com/Web/aspWhatsNew.aspx?strSystem=LV>, <https://www.secv.com/>); and advertising, hiring, and training employees to infringe or promote the infringement of the ’307 Accused Instrumentalities (*see, e.g.*, <https://www.sectv.com/Web/aspEmployment.aspx?strSystem=LV>, <https://www.secv.com/careers/>).

113. On information and belief, at least since Defendants have had knowledge of the ’307 patent, Defendants’ infringement has been and continues to be willful.

114. Blue Spike has been harmed by the Defendants’ infringing activities.

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

115. The allegations set forth in the foregoing paragraphs are hereby incorporated by reference as if fully set forth herein.

116. 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.”

117. Plaintiffs are the assignees and owners of the entire 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.

118. On information and belief, Service Electric has and continues to directly infringe one or more claims of the '746 patent by selling, offering to sell, making, using, and/or providing and causing to be used products, specifically one or more Service Electric servers used to transmit a stream of data, including, for example, by providing Service Electric television or Internet access services (for the purposes of this section, the "Accused Instrumentalities").

119. On information and belief, the Accused Instrumentalities perform a process for transmitting a stream of data, including internet traffic, video on demand traffic ("VOD"), and voice over IP ("VOIP") traffic over a network utilizing the DOCSIS 3.0 and/or DOCSIS 3.1 protocol, which necessarily infringes at least claims 9-10 and 12 of the '746 patent.

120. Exemplary infringement analysis showing infringement of claims 9-10 and 12 of the '746 patent is set forth in Exhibit P (DOCSIS 3.0) and Exhibit Q (DOCSIS 3.1). This infringement analysis is necessarily preliminary, as it is provided in advance of any discovery provided by Service Electric with respect to the '746 patent. Blue Spike reserves all rights to amend, supplement and modify this preliminary infringement analysis. Nothing in the attached chart should be construed as any express or implied contention or admission regarding the construction of any term or phrase of the claims of the '746 patent.

121. The Accused Instrumentalities have infringed and continue to infringe at least claims 9-10 and 12 of the '746 patent during the pendency of the '746 patent.

122. Discovery is expected to uncover the full extent of Defendants' infringement of the '746 patent beyond the '746 Accused Instrumentalities already identified through public information.

123. On information and belief, Defendants have had notice of this patent and Defendants' infringement since at least the filing of the present Complaint. Additionally, on information and belief, Defendants have been aware of or willfully blind to the existence of this patent and its infringement thereof as a result of the widespread assertion of this patent in its industry through the Prior Litigation.

124. On information and belief, since Defendants have had knowledge of the '746 patent, Defendants have induced and continues to induce the infringement of others at least claims 9-10 and 12 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 the infringement of others, including but not limited to Defendants' partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least claims 9-10 and 12 of the '746 patent.

125. In particular, Defendants' acts of inducement include, *inter alia*: providing the '746 Accused Instrumentalities to its customers and other third parties and intending them to use the '746 Accused Instrumentalities; providing information, advertising, and instructions for these products through its own and third-party websites (*see, e.g.*, <https://www.sectv.com/Web/aspEquipment.aspx?strSystem=LV>, <https://www.secv.com/shop/internet-tv-phone/>); providing potential customers with instructions on how to obtain these products (*see, e.g.*, <https://www.sectv.com/Web/aspEquipment.aspx?strSystem=LV> (providing an "Order" link to obtain products and Accused Instrumentalities), <https://www.secv.com/shop/internet-tv-phone/>

(providing a “Continue” link to obtain products and Accused Instrumentalities)); providing online support, an online portal, and training customers to use the ’746 Accused Instrumentalities in an infringing way (*see, e.g.*, <https://www.sectv.com/Web/aspHelp.aspx?strSystem=LV>, <https://www.secv.com/support/>); providing a call/answer for support and training customers to use the ’746 Accused Instrumentalities in an infringing way (*see, e.g.*, <https://www.sectv.com/Web/aspContactUs.aspx?strSystem=LV>, <https://www.secv.com/contact/>); advertising the ’746 Accused Instrumentalities through press and news releases (*see, e.g.*, <https://www.sectv.com/Web/aspWhatsNew.aspx?strSystem=LV>, <https://www.secv.com/>); and advertising, hiring, and training employees to infringe or promote the infringement of the ’746 Accused Instrumentalities (*see, e.g.*, <https://www.sectv.com/Web/aspEmployment.aspx?strSystem=LV>, <https://www.secv.com/careers/>).

126. On information and belief, at least since Defendants had knowledge of the ’746 patent, Defendants’ infringement has been and continues to be willful.

127. Blue Spike has been harmed by the Defendants’ infringing activities.

COUNT IV – INFRINGEMENT OF U.S. PATENT NO. 7,287,275 B2

128. The allegations set forth in the foregoing paragraphs are hereby incorporated by reference as if fully set forth herein.

129. 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.”

130. Plaintiffs are the assignees and owners of the entire 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.

131. On information and belief, Service Electric has and continues to directly infringe one or more claims of the '275 patent by selling, offering to sell, making, using, and/or providing and causing to be used products, specifically one or more Service Electric servers used to transmit a stream of data, including, for example, by providing Service Electric television or Internet access services (for the purposes of this section, the "Accused Instrumentalities").

132. On information and belief, the Accused Instrumentalities performs a process for transmitting a stream of data, including internet traffic, video on demand traffic ("VOD"), and voice over IP ("VOIP") traffic over a network utilizing the DOCSIS 3.0 and/or DOCSIS 3.1 protocol, which necessarily infringes at least claim 15 of the '275 patent.

133. Exemplary infringement analysis showing infringement of claim 15 of the '275 patent is set forth in Exhibit R (DOCSIS 3.0) and Exhibit S (DOCSIS 3.1). This infringement analysis is necessarily preliminary, as it is provided in advance of any discovery provided by Service Electric with respect to the '275 patent. Blue Spike reserves all rights to amend, supplement and modify this preliminary infringement analysis. Nothing in the attached chart should be construed as any express or implied contention or admission regarding the construction of any term or phrase of the claims of the '275 patent.

134. The Accused Instrumentalities have infringed and continue to infringe at least claim 15 of the '275 patent during the pendency of the '275 patent.

135. Discovery is expected to uncover the full extent of Defendants' infringement of the '275 patent beyond the '275 Accused Instrumentalities already identified through public information.

136. On information and belief, Defendants have had notice of this patent and Defendants' infringement since at least the filing of the present Complaint. Additionally, on

information and belief, Defendants have been aware of or willfully blind to the existence of this patent and its infringement thereof as a result of the widespread assertion of this patent in its industry through the Prior Litigation.

137. On information and belief, since Defendants have had knowledge of the '275 patent, Defendants have induced and continues to induce the infringement of others at least claim 15 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 the infringement of others, including but not limited to Defendants' partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least claim 15 of the '275 patent.

138. In particular, Defendants' acts of inducement include, *inter alia*: providing the '275 Accused Instrumentalities to its customers and other third parties and intending them to use the '275 Accused Instrumentalities; providing information, advertising, and instructions for these products through its own and third-party websites (*see, e.g.*, <https://www.sectv.com/Web/aspEquipment.aspx?strSystem=LV>, <https://www.secv.com/shop/internet-tv-phone/>); providing potential customers with instructions on how to obtain these products (*see, e.g.*, <https://www.sectv.com/Web/aspEquipment.aspx?strSystem=LV> (providing an "Order" link to obtain products and Accused Instrumentalities), <https://www.secv.com/shop/internet-tv-phone/> (providing a "Continue" link to obtain products and Accused Instrumentalities)); providing online support, an online portal, and training customers to use the '275 Accused Instrumentalities in an infringing way (*see, e.g.*, <https://www.sectv.com/Web/aspHelp.aspx?strSystem=LV>, <https://www.secv.com/support/>); providing a call/answer for support and training customers to use the '275 Accused Instrumentalities in an infringing way (*see, e.g.*,

<https://www.sectv.com/Web/aspContactUs.aspx?strSystem=LV>,
<https://www.secv.com/contact/>); advertising the '275 Accused Instrumentalities through press and news releases (*see, e.g.*, <https://www.sectv.com/Web/aspWhatsNew.aspx?strSystem=LV>, <https://www.secv.com/>); and advertising, hiring, and training employees to infringe or promote the infringement of the '275 Accused Instrumentalities (*see, e.g.*, <https://www.sectv.com/Web/aspEmployment.aspx?strSystem=LV>, <https://www.secv.com/careers/>).

139. On information and belief, at least since Defendants had knowledge of the '275 patent, Defendants' infringement has been and continues to be willful.

140. Blue Spike has been harmed by the Defendants' infringing activities.

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

141. The allegations set forth in the foregoing paragraphs are hereby incorporated by reference as if fully set forth herein.

142. 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."

143. Plaintiffs are the assignees and owners of the entire 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.

144. On information and belief, Service Electric has and continues to directly infringe one or more claims of the '705 patent by selling, offering to sell, making, using, and/or providing and causing to be used products, specifically one or more Service Electric servers used to transmit a stream of data, including, for example, by providing Service Electric television or

Internet access services including an electronic method for selling at least one item and/or service using said method (for the purposes of this section, the “Accused Instrumentalities”).

145. On information and belief, the Accused Instrumentalities performs a process for transmitting a stream of data, including internet traffic, video on demand traffic (“VOD”), and voice over IP (“VOIP”) traffic over a network utilizing the DOCSIS 3.0 and/or DOCSIS 3.1 protocol, which necessarily infringes at least claim 8 of the ’705 patent.

146. Exemplary infringement analysis showing infringement of claim 8 of the ’705 patent is set forth in Exhibit T (DOCSIS 3.0) and Exhibit U (DOCSIS 3.1). This infringement analysis is necessarily preliminary, as it is provided in advance of any discovery provided by Service Electric with respect to the ’705 patent. Blue Spike reserves all rights to amend, supplement and modify this preliminary infringement analysis. Nothing in the attached chart should be construed as any express or implied contention or admission regarding the construction of any term or phrase of the claims of the ’705 patent.

147. The Accused Instrumentalities have infringed and continue to infringe at least claim 8 of the ’705 patent during the pendency of the ’705 patent.

148. Discovery is expected to uncover the full extent of Defendants’ infringement of the ’705 patent beyond the ’705 Accused Instrumentalities already identified through public information.

149. On information and belief, Defendants have had notice of this patent and Defendants’ infringement since at least the filing of the present Complaint. Additionally, on information and belief, Defendants have been aware of or willfully blind to the existence of this patent and its infringement thereof as a result of the widespread assertion of this patent in its industry through the Prior Litigation.

150. On information and belief, since Defendants have had knowledge of the '705 patent, Defendants have induced and continues to induce the infringement of others 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 the infringement of others, including but not limited to Defendants' partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least claim 8 of the '705 patent.

151. In particular, Defendants' acts of inducement include, *inter alia*: providing the '705 Accused Instrumentalities to its customers and other third parties and intending them to use the '705 Accused Instrumentalities; providing information, advertising, and instructions for these products through its own and third-party websites (*see, e.g.*, <https://www.sectv.com/Web/aspEquipment.aspx?strSystem=LV>, <https://www.secv.com/shop/internet-tv-phone/>); providing potential customers with instructions on how to obtain these products (*see, e.g.*, <https://www.sectv.com/Web/aspEquipment.aspx?strSystem=LV> (providing an "Order" link to obtain products and Accused Instrumentalities), <https://www.secv.com/shop/internet-tv-phone/> (providing a "Continue" link to obtain products and Accused Instrumentalities)); providing online support, an online portal, and training customers to use the '705 Accused Instrumentalities in an infringing way (*see, e.g.*, <https://www.sectv.com/Web/aspHelp.aspx?strSystem=LV>, <https://www.secv.com/support/>); providing a call/answer for support and training customers to use the '705 Accused Instrumentalities in an infringing way (*see, e.g.*, <https://www.sectv.com/Web/aspContactUs.aspx?strSystem=LV>, <https://www.secv.com/contact/>); advertising the '705 Accused Instrumentalities through press and news releases (*see, e.g.*, <https://www.sectv.com/Web/aspWhatsNew.aspx?strSystem=LV>,

<https://www.secv.com/>); and advertising, hiring, and training employees to infringe or promote the infringement of the '705 Accused Instrumentalities (*see, e.g.*, <https://www.sectv.com/Web/aspEmployment.aspx?strSystem=LV>, <https://www.secv.com/careers/>).

152. On information and belief, at least since Defendants have had knowledge of the '705 patent, Defendants' infringement has been and continues to be willful.

153. Blue Spike has been harmed by the Defendants' infringing activities.

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

154. The allegations set forth in the foregoing paragraphs are hereby incorporated by reference as if fully set forth herein.

155. 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."

156. Plaintiffs are the assignees and owners of the entire 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.

157. On information and belief, Service Electric has directly infringed (by itself and jointly with its customers and partners) one or more claims of the '602 patent by selling, offering to sell, making, using, and/or providing and causing to be used products and services, specifically including but not limited to (1) TV boxes, modems, and gateways compatible with Service Electric cable, internet, and/or VOIP services (collectively, "STBs"); and (2) computers, software, and servers supporting the above (for the purposes of this section, the "Accused Instrumentalities") during the pendency of the '602 patent.

158. On information and belief, the Accused Instrumentalities infringed at least claims 1 and 8 of the '602 patent. The Accused Instrumentalities include a computer-based method for

accessing functionality provided by an application software. Said computer-based method is found in the Accused Instrumentalities. For example, during relevant time periods, for Service Electric's STBs sold and/or leased by Service Electric, Service Electric conditioned the benefit of the receipt of its products and services upon requiring the STBs to be authenticated when connected to a TV or computer for the first time (i.e. a computer-based method for accessing functionality) in accordance with the DOCSIS 3.0 and/or DOCSIS 3.1 protocol.

159. Exemplary infringement analysis showing infringement of claims 1 and 8 of the '602 patent is set forth in Exhibit V (DOCSIS 3.0) and Exhibit W (DOCSIS 3.1). This infringement analysis is necessarily preliminary, as it is provided in advance of any discovery provided by Service Electric with respect to the '602 patent. Blue Spike reserves all rights to amend, supplement and modify this preliminary infringement analysis. Nothing in the attached chart should be construed as any express or implied contention or admission regarding the construction of any term or phrase of the claims of the '602 patent.

160. The Accused Instrumentalities have infringed at least claims 1 and 8 of the '602 patent during the pendency of the '602 patent until at least March 24, 2018.

161. Discovery is expected to uncover the full extent of Defendants' infringement of the '602 patent beyond the '602 Accused Instrumentalities already identified through public information.

162. To the extent any step of any claimed method of the '602 patent was performed by a customer or partner of Defendants, Defendants are liable for such infringement. Defendants conditioned the receipt of the benefits of their cable, internet, and/or VOIP services on the customer or partner's performance of the claimed method step and/or the infringing use of hardware or software, as further disclosed in Exhibit V and Exhibit W.

163. On information and belief, Defendants have had notice of this patent and Defendants' infringement since at least the filing of the present Complaint. Additionally, on information and belief, Defendants have been aware of or willfully blind to the existence of this patent and its infringement thereof as a result of the widespread assertion of this patent in its industry through the Prior Litigation.

164. On information and belief, at least since Defendants have had knowledge of the '602 patent, Defendants' infringement has been willful.

165. Blue Spike has been harmed by the Defendants' infringing activities.

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

166. The allegations set forth in the foregoing paragraphs are hereby incorporated by reference as if fully set forth herein.

167. 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."

168. Plaintiffs are the assignees and owners of the entire 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.

169. On information and belief, Service Electric has and continues to jointly and/or induce the directly infringe (by itself and jointly with its customers and partners) infringement of one or more claims of the '842 patent by selling, offering to sell, making, using, and/or providing and causing to be used products and services, specifically including but not limited to (1) and Service Electric's TV boxes, modems, and gateways compatible with Service Electric cable, internet, and/or VOIP services (collectively, "STBs"); and (2) computers, servers, and software supporting the above (for the purposes of this section, the "Accused Instrumentalities")

170. On information and belief, the Accused Instrumentalities infringe at least claim 1 of the '842 patent. The Accused Instrumentalities include a method for licensed software use. Said computer-based method is found in the Accused Instrumentalities. For example, for Service Electric's STBs sold and/or leased by Service Electric, Service Electric conditions the benefit of the receipt of its products and services upon requiring the STBs to be authenticated when connected to a TV or computer for the first time (i.e. a computer-based method for accessing functionality) in accordance with the DOCSIS 3.0 and/or DOCSIS 3.1 protocol.

171. Exemplary infringement analysis showing infringement of claim 1 of the '842 patent is set forth in Exhibit X (DOCSIS 3.0) and Exhibit Y (DOCSIS 3.1). This infringement analysis is necessarily preliminary, as it is provided in advance of any discovery provided by Service Electric with respect to the '842 patent. Blue Spike reserves all rights to amend, supplement and modify this preliminary infringement analysis. Nothing in the attached chart should be construed as any express or implied contention or admission regarding the construction of any term or phrase of the claims of the '842 patent.

172. The Accused Instrumentalities have infringed and continue to infringe at least claim 1 of the '842 patent during the pendency of the '842 patent.

173. Discovery is expected to uncover the full extent of Defendants' infringement of the '842 patent beyond the '842 Accused Instrumentalities already identified through public information.

174. To the extent any step of any claimed method of the '842 patent is performed by a customer or partner of Defendants, Defendants are liable for such infringement. Defendants condition the receipt of the benefits of their cable, internet, and/or VOIP services on the

customer or partner's performance of the claimed method step and/or the infringing use of hardware or software, as further disclosed in Exhibit X and Exhibit Y.

175. On information and belief, Defendants have had notice of this patent and Defendants' infringement since at least the filing of the present Complaint. Additionally, on information and belief, Defendants have been aware of or willfully blind to the existence of this patent and its infringement thereof as a result of the widespread assertion of this patent in its industry through the Prior Litigation.

176. On information and belief, since Defendants have had knowledge of the '842 patent, Defendants have induced and continues to induce the infringement of others 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 the infringement of others, including but not limited to Defendants' partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least claim 1 of the '842 patent.

177. In particular, Defendants' acts of inducement include, *inter alia*: providing the '842 Accused Instrumentalities to its customers and other third parties and intending them to use the '842 Accused Instrumentalities; providing information, advertising, and instructions for these products through its own and third-party websites (*see, e.g.*, <https://www.sectv.com/Web/aspEquipment.aspx?strSystem=LV>, <https://www.secv.com/shop/internet-tv-phone/>); providing potential customers with instructions on how to obtain these products (*see, e.g.*, <https://www.sectv.com/Web/aspEquipment.aspx?strSystem=LV> (providing an "Order" link to obtain products and Accused Instrumentalities), <https://www.secv.com/shop/internet-tv-phone/> (providing a "Continue" link to obtain products and Accused Instrumentalities)); providing

online support, an online portal, and training customers to use the '842 Accused Instrumentalities in an infringing way (*see, e.g.*, <https://www.sectv.com/Web/aspHelp.aspx?strSystem=LV>, <https://www.secv.com/support/>); providing a call/answer for support and training customers to use the '842 Accused Instrumentalities in an infringing way (*see, e.g.*, <https://www.sectv.com/Web/aspContactUs.aspx?strSystem=LV>, <https://www.secv.com/contact/>); advertising the '842 Accused Instrumentalities through press and news releases (*see, e.g.*, <https://www.sectv.com/Web/aspWhatsNew.aspx?strSystem=LV>, <https://www.secv.com/>); and advertising, hiring, and training employees to infringe or promote the infringement of the '842 Accused Instrumentalities (*see, e.g.*, <https://www.sectv.com/Web/aspEmployment.aspx?strSystem=LV>, <https://www.secv.com/careers/>).

178. On information and belief, at least since Defendants have had knowledge of this patent, Defendants are liable as contributory infringers under 35 U.S.C. § 271(c). The Accused Instrumentalities are especially made or adapted for use in an infringement of this patent. The Accused Instrumentalities are a material component for use in practicing this patent, are specifically made in a way to enable its infringement, and are not a staple article of commerce suitable for substantial non-infringing use.

179. On information and belief, since Defendants had knowledge of the '842 patent, Defendants' infringement has been and continues to be willful.

180. Blue Spike has been harmed by the Defendants' infringing activities.

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

181. The allegations set forth in the foregoing paragraphs are hereby incorporated by reference as if fully set forth herein.

182. 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."

183. Plaintiffs are the assignees and owners of the entire 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.

184. On information and belief, Service Electric has directly infringed (by itself and jointly with its customers and partners) one or more claims of the '295 patent by selling, offering to sell, making, using, and/or providing and causing to be used products and services, specifically including but not limited to (1) Service Electric set-top boxes or TV boxes; and (2) services associated with the same, including but not limited to HD, digital television channels, and DVR services (for the purposes of this section, the "Accused Instrumentalities") during the pendency of the '295 patent.

185. On information and belief, the Accused Instrumentalities infringed at least claim 13 of the '295 patent. The Accused Instrumentalities perform a method for using a local content server system ("LCS") comprising a LCS communications port, storage unit for storing digital data, and domain processor that imposes a plurality of rules and procedures for content being transferred between said LCS and devices outside said LCS. For example, during relevant time periods, Service Electric sells/offers for sale and/or leases the Accused Instrumentalities and conditioned the receipt of its products/and or services upon the Accused Instrumentalities including a TV Box or DVR (i.e. LCS), including a communications port, memory (i.e. storage unit for storing digital data) connecting via a network to Service Electric's authentication server.

186. Exemplary infringement analysis showing infringement of claim 13 of the '295 patent is set forth in Exhibit Z. This infringement analysis is necessarily preliminary, as it is

provided in advance of any discovery provided by Service Electric with respect to the '295 patent. Blue Spike reserves all rights to amend, supplement and modify this preliminary infringement analysis. Nothing in the attached chart should be construed as any express or implied contention or admission regarding the construction of any term or phrase of the claims of the '295 patent.

187. The Accused Instrumentalities have infringed at least claim 13 of the '295 patent during the pendency of the '295 patent until at least August 4, 2020.

188. Discovery is expected to uncover the full extent of Defendants' infringement of the '295 patent beyond the '295 Accused Instrumentalities already identified through public information.

189. To the extent any step of any claimed method of the '295 patent was performed by a customer or partner of Defendants, Defendants are liable for such infringement. Defendants conditioned the receipt of the benefits of their cable, internet, and/or VOIP services on the customer or partner's performance of the claimed method step and/or the infringing use of hardware or software, as further disclosed in Exhibit Z.

190. On information and belief, Defendants have had notice of this patent and Defendants' infringement since at least the filing of the present Complaint. Additionally, on information and belief, Defendants have been aware of or willfully blind to the existence of this patent and its infringement thereof as a result of the widespread assertion of this patent in its industry through the Prior Litigation.

191. On information and belief, at least since Defendants have had knowledge of the '295 patent, Defendants' infringement has been willful.

192. Blue Spike has been harmed by the Defendants' infringing activities.

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

193. The allegations set forth in the foregoing paragraphs are hereby incorporated by reference as if fully set forth herein.

194. 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."

195. Plaintiffs are the assignees and owners of the entire 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.

196. On information and belief, Service Electric has and continues to directly infringe (by itself and jointly with its customers and partners) one or more claims of the '246 patent by selling, offering to sell, making, using, and/or providing and causing to be used products and services, specifically including but not limited to (1) Service Electric set-top boxes or TV boxes; and (2) services associated with the same, including but not limited to HD, digital television channels, and DVR services (for the purposes of this section, the "Accused Instrumentalities").

197. On information and belief, the Accused Instrumentalities infringe at least claim 1 of the '246 patent. The Accused Instrumentalities perform a method for using a local content server system ("LCS") for creating a secure environment for digital content. For example, Service Electric sells/offers for sale and/or leases the Accused Instrumentalities. Service Electric also offers for sale and/or leases the Service Electric TV and DVR service for use with the Accused Instrumentalities, which also contain a secure environment for digital content.

198. Exemplary infringement analysis showing infringement of claim 1 of the '246 patent is set forth in Exhibit AA. This infringement analysis is necessarily preliminary, as it is provided in advance of any discovery provided by Service Electric with respect to the '246 patent. Blue Spike reserves all rights to amend, supplement and modify this preliminary

infringement analysis. Nothing in the attached chart should be construed as any express or implied contention or admission regarding the construction of any term or phrase of the claims of the '246 patent.

199. The Accused Instrumentalities have infringed and continue to infringe at least claim 1 of the '246 patent during the pendency of the '246 patent.

200. Discovery is expected to uncover the full extent of Defendants' infringement of the '246 patent beyond the '246 Accused Instrumentalities already identified through public information.

201. On information and belief, Defendants have had notice of this patent and Defendants' infringement since at least the filing of the present Complaint. Additionally, on information and belief, Defendants have been aware of or willfully blind to the existence of this patent and its infringement thereof as a result of the widespread assertion of this patent in its industry through the Prior Litigation.

202. On information and belief, since Defendants have had knowledge of the '246 patent, Defendants have induced and continues to induce the infringement of others 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 the infringement of others, including but not limited to Defendants' partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least claim 1 of the '246 patent.

203. In particular, Defendants' acts of inducement include, *inter alia*: providing the '246 Accused Instrumentalities to its customers and other third parties and intending them to use the '246 Accused Instrumentalities; providing information, advertising, and instructions for these products through its own and third-party websites (*see, e.g.*,

<https://www.sectv.com/Web/aspEquipment.aspx?strSystem=LV>,
<https://www.secv.com/shop/internet-tv-phone/>); providing potential customers with instructions on how to obtain these products (*see, e.g.*,
<https://www.sectv.com/Web/aspEquipment.aspx?strSystem=LV> (providing an “Order” link to obtain products and Accused Instrumentalities), <https://www.secv.com/shop/internet-tv-phone/> (providing a “Continue” link to obtain products and Accused Instrumentalities)); providing online support, an online portal, and training customers to use the ’246 Accused Instrumentalities in an infringing way (*see, e.g.*, <https://www.sectv.com/Web/aspHelp.aspx?strSystem=LV>, <https://www.secv.com/support/>); providing a call/answer for support and training customers to use the ’246 Accused Instrumentalities in an infringing way (*see, e.g.*,
<https://www.sectv.com/Web/aspContactUs.aspx?strSystem=LV>,
<https://www.secv.com/contact/>); advertising the ’246 Accused Instrumentalities through press and news releases (*see, e.g.*, <https://www.sectv.com/Web/aspWhatsNew.aspx?strSystem=LV>, <https://www.secv.com/>); and advertising, hiring, and training employees to infringe or promote the infringement of the ’246 Accused Instrumentalities (*see, e.g.*,
<https://www.sectv.com/Web/aspEmployment.aspx?strSystem=LV>,
<https://www.secv.com/careers/>).

204. On information and belief, at least since Defendants have had knowledge of this patent, Defendants are liable as contributory infringers under 35 U.S.C. § 271(c). The Accused Instrumentalities are especially made or adapted for use in an infringement of this patent. The Accused Instrumentalities are a material component for use in practicing this patent, are specifically made in a way to enable its infringement, and are not a staple article of commerce suitable for substantial non-infringing use.

205. On information and belief, at least since Defendants have had knowledge of the '246 patent, Defendants' infringement has been and continues to be willful.

206. Blue Spike has been harmed by the Defendants' infringing activities.

COUNT X – INFRINGEMENT OF U.S. PATENT NO. 7,159,116 B2

207. The allegations set forth in the foregoing paragraphs are hereby incorporated by reference as if fully set forth herein.

208. 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."

209. Plaintiffs are the assignees and owners of the entire 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.

210. On information and belief, Service Electric has and continues to directly infringe (by itself and jointly with its customers and partners) one or more claims of the '116 patent by selling, offering to sell, making, using, and/or providing and causing to be used products and services, specifically one or more Service Electric applications ("Service Electric Apps") and servers supporting Service Electric Apps (for the purposes of this section, the "Accused Instrumentalities") which include, by way of example, the Watch SECV app. *See, e.g.*, <https://help.secv.com/help/how-do-i-access-the-watch-secv-tivo-app>.

211. On information and belief, the Accused Instrumentalities include a device for conducting a trusted transaction between at least two parties who agree to transact. For example, the multiple apps provided by Service Electric to its users or customers, including the Service Electric Apps, are maintained by Service Electric servers on which the Service Electric Apps'

downloading and authentication services are hosted, which necessarily infringes at least claims 14 and 16-19 of the '116 patent.

212. Exemplary infringement analysis showing infringement of claims 14 and 16-19 of the '116 patent is set forth in Exhibit AB. This infringement analysis is necessarily preliminary, as it is provided in advance of any discovery provided by Service Electric with respect to the '116 patent. Blue Spike reserves all rights to amend, supplement and modify this preliminary infringement analysis. Nothing in the attached chart should be construed as any express or implied contention or admission regarding the construction of any term or phrase of the claims of the '116 patent.

213. The Accused Instrumentalities have infringed and continue to infringe at least of claims 14 and 16-19 of the '116 patent during the pendency of the '116 patent.

214. Discovery is expected to uncover the full extent of Defendants' infringement of the '116 patent beyond the '116 Accused Instrumentalities already identified through public information.

215. On information and belief, Defendants have had notice of this patent and Defendants' infringement since at least the filing of the present Complaint. Additionally, on information and belief, Defendants have been aware of or willfully blind to the existence of this patent and its infringement thereof as a result of the widespread assertion of this patent in its industry through the Prior Litigation.

216. On information and belief, since Defendants have had knowledge of the '116 patent, Defendants have induced and continues to induce the infringement of others at least of 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 the infringement of others,

including but not limited to Defendants' partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least of claims 14 and 16-19 of the '116 patent.

217. In particular, Defendants' acts of inducement include, *inter alia*: providing the '116 Accused Instrumentalities to its customers and other third parties and intending them to use the '116 Accused Instrumentalities; providing information, advertising, and instructions for these products through its own and third-party websites (*see, e.g.*, <https://www.sectv.com/Web/aspEquipment.aspx?strSystem=LV>, <https://www.secv.com/shop/internet-tv-phone/>); providing potential customers with instructions on how to obtain these products (*see, e.g.*, <https://www.sectv.com/Web/aspEquipment.aspx?strSystem=LV> (providing an "Order" link to obtain products and Accused Instrumentalities), <https://www.secv.com/shop/internet-tv-phone/> (providing a "Continue" link to obtain products and Accused Instrumentalities)); providing online support, an online portal, and training customers to use the '116 Accused Instrumentalities in an infringing way (*see, e.g.*, <https://www.sectv.com/Web/aspHelp.aspx?strSystem=LV>, <https://www.secv.com/support/>); providing a call/answer for support and training customers to use the '116 Accused Instrumentalities in an infringing way (*see, e.g.*, <https://www.sectv.com/Web/aspContactUs.aspx?strSystem=LV>, <https://www.secv.com/contact/>); advertising the '116 Accused Instrumentalities through press and news releases (*see, e.g.*, <https://www.sectv.com/Web/aspWhatsNew.aspx?strSystem=LV>, <https://www.secv.com/>); and advertising, hiring, and training employees to infringe or promote the infringement of the '116 Accused Instrumentalities (*see, e.g.*,

<https://www.sectv.com/Web/aspEmployment.aspx?strSystem=LV>,

<https://www.secv.com/careers/>).

218. On information and belief, at least since Defendants have had knowledge of this patent, Defendants are liable as contributory infringers under 35 U.S.C. § 271(c). The Accused Instrumentalities are especially made or adapted for use in an infringement of this patent. The Accused Instrumentalities are a material component for use in practicing this patent, are specifically made in a way to enable its infringement, and are not a staple article of commerce suitable for substantial non-infringing use.

219. On information and belief, at least since Defendants have had knowledge of the '116 patent, Defendants' infringement has been and continues to be willful.

220. Blue Spike has been harmed by the Defendants' infringing activities.

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

221. The allegations set forth in the foregoing paragraphs are hereby incorporated by reference as if fully set forth herein.

222. 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."

223. Plaintiffs are the assignees and owners of the entire 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.

224. On information and belief, Service Electric has and continues to directly infringe (by itself and jointly with its customers and partners) one or more claims of the '011 patent by selling, offering to sell, making, using, and/or providing and causing to be used products and

services, specifically one or more Service Electric applications (“Service Electric Apps”) and servers supporting Service Electric Apps (for the purposes of this section, the “Accused Instrumentalities”) which include, by way of example, the Watch SECV app. *See, e.g.*, <https://help.secv.com/help/how-do-i-access-the-watch-secv-tivo-app>.

225. On information and belief, the Accused Instrumentalities include a device for conducting a trusted transaction between at least two parties who agree to transact. For example, the multiple apps provided by Service Electric to its users or customers, including the Service Electric Apps, are maintained by Service Electric servers on which the Service Electric Apps’ downloading and authentication services are hosted, which necessarily infringes at least claim 35 of the ’011 patent.

226. Exemplary infringement analysis showing infringement claim 35 of the ’011 patent is set forth in Exhibit AC. This infringement analysis is necessarily preliminary, as it is provided in advance of any discovery provided by Service Electric with respect to the ’011 patent. Blue Spike reserves all rights to amend, supplement and modify this preliminary infringement analysis. Nothing in the attached chart should be construed as any express or implied contention or admission regarding the construction of any term or phrase of the claims of the ’011 patent.

227. The Accused Instrumentalities have infringed and continue to infringe at least of claim 35 of the ’011 patent during the pendency of the ’011 patent.

228. Discovery is expected to uncover the full extent of Defendants’ infringement of the ’011 patent beyond the ’011 Accused Instrumentalities already identified through public information.

229. On information and belief, Defendants have had notice of this patent and Defendants' infringement since at least the filing of the present Complaint. Additionally, on information and belief, Defendants have been aware of or willfully blind to the existence of this patent and its infringement thereof as a result of the widespread assertion of this patent in its industry through the Prior Litigation.

230. On information and belief, since Defendants have had knowledge of the '011 patent, Defendants have induced and continues to induce the infringement of others at least of 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 the infringement of others, including but not limited to Defendants' partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least of claim 35 of the '011 patent.

231. In particular, Defendants' acts of inducement include, *inter alia*: providing the '011 Accused Instrumentalities to its customers and other third parties and intending them to use the '011 Accused Instrumentalities; providing information, advertising, and instructions for these products through its own and third-party websites (*see, e.g.*, <https://www.sectv.com/Web/aspEquipment.aspx?strSystem=LV>, <https://www.secv.com/shop/internet-tv-phone/>); providing potential customers with instructions on how to obtain these products (*see, e.g.*, <https://www.sectv.com/Web/aspEquipment.aspx?strSystem=LV> (providing an "Order" link to obtain products and Accused Instrumentalities), <https://www.secv.com/shop/internet-tv-phone/> (providing a "Continue" link to obtain products and Accused Instrumentalities)); providing online support, an online portal, and training customers to use the '011 Accused Instrumentalities in an infringing way (*see, e.g.*, <https://www.sectv.com/Web/aspHelp.aspx?strSystem=LV>,

<https://www.secv.com/support/>); providing a call/answer for support and training customers to use the '011 Accused Instrumentalities in an infringing way (*see, e.g.*, <https://www.sectv.com/Web/aspContactUs.aspx?strSystem=LV>, <https://www.secv.com/contact/>); advertising the '011 Accused Instrumentalities through press and news releases (*see, e.g.*, <https://www.sectv.com/Web/aspWhatsNew.aspx?strSystem=LV>, <https://www.secv.com/>); and advertising, hiring, and training employees to infringe or promote the infringement of the '011 Accused Instrumentalities (*see, e.g.*, <https://www.sectv.com/Web/aspEmployment.aspx?strSystem=LV>, <https://www.secv.com/careers/>).

232. On information and belief, at least since Defendants have had knowledge of this patent, Defendants are liable as contributory infringers under 35 U.S.C. § 271(c). The Accused Instrumentalities are especially made or adapted for use in an infringement of this patent. The Accused Instrumentalities are a material component for use in practicing this patent, are specifically made in a way to enable its infringement, and are not a staple article of commerce suitable for substantial non-infringing use.

233. On information and belief, at least since Defendants have had knowledge of the '011 patent, Defendants' infringement has been and continues to be willful.

234. Blue Spike has been harmed by the Defendants' 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, Blue Spike demands judgment for itself and against Defendants as follows:

- A. An adjudication that the Defendants have infringed the patents in suit;
- B. An award of damages to be paid by Defendants adequate to compensate Blue Spike for Defendants' past infringement of the patents in suit, 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 such further relief at law or in equity as the Court deems just and proper.

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