

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT DELAWARE**

STARZ ENTERTAINMENT, LLC,	)	
	)	
Plaintiff,	)	C.A. No.
	)	
v.	)	<b>JURY TRIAL DEMANDED</b>
	)	
VL COLLECTIVE IP, LLC and	)	
VIDEOLABS, INC.,	)	
	)	
Defendants.	)	

**COMPLAINT FOR DECLARATORY JUDGMENT**

Plaintiff Starz Entertainment, LLC (“Starz”), by its attorneys, files this Complaint against Defendants VL Collective IP, LLC (“VL Collective”) and VideoLabs, Inc. (“VideoLabs”) (collectively, “VL”) and alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for declaratory judgment of non-infringement and invalidity of U.S. Patent Nos. 7,233,790 (the “’790 Patent”), 7,440,559 (the “’559 Patent”), 8,605,794 (the “’794 Patent”), and RE43,113 (the “’113 Patent”) (collectively, the “VL Patents” attached as Exhibits 1-4) against VL, pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201- 02, and the patent laws of the United States, 35 U.S.C. § 1 et seq., and for other relief the Court deems just and proper.

**THE PARTIES**

2. Plaintiff Starz Entertainment, LLC, is a limited liability company organized under the laws of the State of Colorado, with a place of business at 1647 Stewart St., Santa Monica, CA 90404.

3. On information and belief, Defendant VL Collective is a limited liability company organized under the laws of the State of Delaware.

4. On information and belief, Defendant VideoLabs is a corporation organized under the laws of the State of Delaware, with its principal place of business in Palo Alto, California.

### **JURISDICTION AND VENUE**

5. Starz files this Complaint pursuant to the patent laws of the United States, Title 35 of the United States Code, with a specific remedy sought based upon the laws authorizing actions for declaratory judgment in the federal courts of the United States, 28 U.S.C. §§ 2201 and 2202, and under the patent laws of the United States, 35 U.S.C. §§ 1-390.

6. This Court has subject matter jurisdiction over this action, which arises under the United States' patent laws, pursuant to 28 U.S.C. §§ 1331, 1338(a), and 2201(a).

7. For the reasons set forth herein, an actual and justiciable controversy exists under 28 U.S.C. §§ 2201-2202 between Starz and VL regarding the alleged infringement and validity of the VL Patents.

8. This Court has personal jurisdiction over VL Collective and VideoLabs, which, on information and belief, are both incorporated within this district.

9. Venue is proper in this judicial district based on 28 U.S.C. § 1391(b)–(c).

### **FACTUAL BACKGROUND**

#### **THE VL PATENTS**

10. The '790 Patent, titled "Device Capability Based Discovery, Packaging and Provisioning of Content for Wireless Mobile Devices," and attached hereto as Exhibit 1, states on its cover that it was issued on June 19, 2007 to named inventors Rikard M. Kjellberg, Sheng Liang, Tomas G. Lund, William Chan, Ramakrishna Chinta, and Xinbi Chen. On information and belief, the '790 Patent is assigned to VideoLabs.

11. The '559 Patent, titled "System and Associated Terminal, Method and Computer Program Product for Controlling the Flow of Content," and attached hereto as Exhibit 2, states on its cover that it was issued on October 21, 2008 to named inventors Ahti Muhonen, Antti-Pentti Vainio, and Ari Hännikäinen. On information and belief, the '559 Patent is assigned to VL Collective.

12. The '794 Patent, titled "Method for Synchronizing Content-Dependent Data Segments of Files," and attached hereto as Exhibit 3, states on its cover that it was issued on December 10, 2013 to named inventors Hermann Hellwagner, Jörg Heufr, Andreas Hutter, and Michael Ransburg. On information and belief, the '794 Patent is assigned to VL Collective.

13. The '113 Patent, titled "Domain-Based Management of Distribution of Digital Content from Multiple Suppliers to Multiple Wireless Services Subscribers," and attached hereto as Exhibit 4, states on its cover that it was reissued on January 17, 2012 to named inventors Rikard M. Kjellberg, Sheng Liang, Tomas G. Lund, and William Chan. On information and belief, the '113 Patent is assigned to VideoLabs.

**PRESENCE OF AN ACTUAL CONTROVERSY AND APPREHENSION OF SUIT**

14. Beginning in or about March 2021, VL asserted that Starz practiced certain claims of the VL Patents. For example, VL asserted that, at minimum, (a) Starz's content management services infringed at least one claim of the '790 Patent; (b) Starz's content bookmarking infringed at least one claim of the '559 Patent; (c) Starz's MPEG-DASH streaming infringed at least one claim of the '794 Patent; and (d) Starz's subscriber management services infringed at least one claim of the '113 Patent (collectively, the "Accused Functionalities").

15. In addition, VL sought monetary amounts from Starz for Starz's supposed infringement of the VL Patents. VL further indicated that it would pursue litigation against Starz should Starz refuse to pay the monetary amounts that VL deemed satisfactory.

16. Starz communicated to VL, and continues to maintain, that it does not infringe any of the VL Patents, and that each of the VL Patents is invalid.

17. Over the subsequent months, the parties discussed their respective positions, but were unable to reach an agreement regarding the alleged validity and infringement of the VL Patents.

18. In September 2021, VL communicated to counsel for Starz that it had been six months since VL notified Starz of its alleged infringement of the VL Patents, and that there was a time limit on VL's willingness to continue such discussions. Soon after VL sent this communication to counsel for Starz, VL—ratcheting up the pressure—also expressed this message to Starz's personnel. VL did so despite having known for six months that Starz was represented by counsel. As such, Starz was left with no choice but to file the instant Complaint.

19. Therefore, an actual and justiciable controversy exists between Starz and VL concerning whether Starz infringes one or more claims of any of the VL Patents. Starz now seeks a declaratory judgment that Starz does not infringe the claims of the VL Patents and/or that the VL Patents are invalid.

20. Absent a declaration of non-infringement and invalidity of the VL Patents, VL's continued baseless assertions of infringement related to Starz's products and services will cause Starz substantial harm to its business.

**COUNT I**

**DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '790 PATENT**

21. Starz hereby restates and incorporates by reference the allegations set forth in paragraphs 1 through 20 of this Complaint as if fully set forth herein.

22. On information and belief, VideoLabs owns all right, title, and interest in the '790 Patent by assignment.

23. VL contends that Starz infringes the '790 Patent.

24. Starz and its Accused Functionalities do not include, practice, induce others to practice, or contribute to others practicing at least the following limitations of the claims of the '790 Patent: maintaining "a product catalog containing a description of the items of content, the product catalog including, in association with each item of content, a reference to each implementation of said item of content;" and/or "a product catalog containing a description of the items of digital content, wherein the product catalog includes, in association with each item of digital content, a reference to each implementation of said item of digital content."

25. Starz is entitled to a judgment declaring that Starz does not directly or indirectly infringe any claims of the '790 patent, either literally or under the doctrine of equivalents.

**COUNT II**

**DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '559 PATENT**

26. Starz hereby restates and incorporates by reference the allegations set forth in paragraphs 1 through 25 of this Complaint as if fully set forth herein.

27. On information and belief, VL Collective owns all right, title, and interest in the '559 Patent by assignment.

28. VL contends that Starz infringes the '559 Patent.

29. Starz and its Accused Functionalities do not include, practice, induce others to practice, or contribute to others practicing at least the following limitations of the claims of the '559 Patent: “wherein the processor is configured to send, to the terminal, a response to the content status that instructs the terminal to perform one or more actions to thereby control the flow of content to the terminal based upon the terminal status information and the server status information;” “receive a response to the content status from the network entity that instructs the controller to perform one or more actions to thereby control a flow of content to the terminal based upon the terminal status information;” “sending, from the network entity to the terminal, a response to the content status that instructs the terminal to perform one or more actions to thereby control the flow of content to the terminal based upon the terminal status information;” and “a second executable portion configured to send, from the network entity to the terminal, a response to the content status that instructs the terminal to perform one or more actions to thereby control the flow of content to the terminal based upon the terminal status information.”

30. Starz is entitled to a judgment declaring that Starz does not directly or indirectly infringe any claims of the '559 Patent, either literally or under the doctrine of equivalents.

### **COUNT III**

#### **DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '794 PATENT**

31. Starz hereby restates and incorporates by reference the allegations set forth in paragraphs 1 through 30 of this Complaint as if fully set forth herein.

32. On information and belief, VL Collective owns all right, title, and interest in the '794 Patent by assignment.

33. VL contends that Starz infringes the '794 Patent.

34. Starz and its Accused Functionalities do not include, practice, induce others to practice, or contribute to others practicing at least the following limitations of the claims of the '794 Patent: “sequentially outputting, by a device for synchronizing content-related data;” “each of the content-related second data segments is output together with an associated one of the content-related first data segments on the basis of an assignment rule for assigning each one of the content-related second data segments to one of the content-related first data segments;” “a synchronization device configured to output each of the content-related first data segments and the content-related second data segments;” “each of the content-related second data segments being output together with an associated one of the content-related first data segments based upon of an assignment rule for assigning each one of the content-related second data segments to each one of the content-related first data segment;” and “assigning, according to an assignment rule, each of the ordered content-related second data segments that are read out from the second data file with a corresponding one of the ordered content-related first data segments that are read out from the first data file.”

35. Starz is entitled to a judgment declaring that Starz does not directly or indirectly infringe any claims of the '794 Patent, either literally or under the doctrine of equivalents.

#### **COUNT IV**

#### **DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '113 PATENT**

36. Starz hereby restates and incorporates by reference the allegations set forth in paragraphs 1 through 35 of this Complaint as if fully set forth herein.

37. On information and belief, VideoLabs owns all right, title, and interest in the '113 Patent by assignment.

38. VL has alleged that Starz infringes the '113 Patent.

39. Starz and its Accused Functionalities do not include, practice, induce others to practice, or contribute to others practicing at least the following limitations of the claims of the '113 Patent: “operating the server system to enable a plurality of digital products suppliers to publish on the server system digital products designed for use in wireless communication devices;” “enabling a plurality of digital product providers to publish the digital products on the server system;” “means for managing publication, management and delivery of digital products by a plurality of digital products suppliers to the subscribers in each of the plurality of domains;” “[a] system to provide digital products from a plurality of digital products suppliers to a plurality of wireless services subscribers using a plurality of wireless communications devices;” “a product manager to manage submission and publication of digital products by a plurality of digital products suppliers;” “operating the server system to enable a plurality of digital products suppliers to provide access through the server system digital merchant offerings available for use in wireless communication devices;” and “the server system operates to enable a plurality of digital products suppliers to provide access through the server system digital merchant offerings.”

40. Starz is entitled to a judgment declaring that Starz does not directly or indirectly infringe any claims of the '113 Patent, either literally or under the doctrine of equivalents.

### **COUNT V**

#### **DECLARATORY JUDGMENT OF INVALIDITY OF THE '790 PATENT**

41. Starz hereby restates and incorporates by reference the allegations set forth in paragraphs 1 through 40 of this Complaint as if fully set forth herein.

42. One or more claims of the '790 Patent are invalid and/or unenforceable because they fail to comply with the applicable requirements of the Patent Act, including, but without



limitation, 35 U.S.C. §§ 101, 102, 103 and/or 112, and for failure to comply with the statutes and regulations governing the application for and prosecution of patents.

43. For example, at least U.S. Patent No. 6,345,279 is prior art to the '790 Patent.

44. All of the limitations of the purported invention claimed in the '790 Patent are either explicitly or implicitly present in the prior art to the '790 Patent, including the above-cited prior art reference, and/or would have been obvious to a person skilled in the art in view of such prior art, so as to render the claims of the '790 Patent invalid as anticipated under 35 U.S.C. § 102 or obvious under 35 U.S.C. § 103.

45. Additionally, one or more claims of the '790 Patent are invalid because the claims are not patent-eligible under 35 U.S.C. § 101, as they are drawn to an abstract idea and add nothing of substance to that abstract idea.

46. One or more claims of the '790 Patent are also invalid under 35 U.S.C. § 112, ¶ 1 because the '790 Patent does not contain an adequate written description of the claimed invention.

47. One or more claims of the '790 Patent are also invalid under 35 U.S.C. § 112, ¶ 1 because the '790 Patent does not adequately describe the manner and process of making and using the claimed invention in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the invention.

48. One or more claims of the '790 Patent are also invalid under 35 U.S.C. § 112, ¶ 2 because the patent claims are vague and indefinite, and do not particularly point out and distinctly claim the subject matter which the applicant regarded as its invention.

49. There is an actual and justiciable controversy between Starz and VL over the validity of the '790 Patent, as set forth herein.

50. Starz is therefore entitled to a declaratory judgment that the claims of the '790 Patent are invalid.

## COUNT VI

### DECLARATORY JUDGMENT OF INVALIDITY OF THE '559 PATENT

51. Starz hereby restates and incorporates by reference the allegations set forth in paragraphs 1 through 50 of this Complaint as if fully set forth herein.

52. One or more claims of the '559 Patent are invalid and/or unenforceable because they fail to comply with the applicable requirements of the Patent Act, including, but without limitation, 35 U.S.C. §§ 101, 102, 103 and/or 112, and for failure to comply with the statutes and regulations governing the application for and prosecution of patents.

53. For example, at least U.S. Patent Publication No. 2011/0137728 is prior art to the '559 Patent.

54. All of the limitations of the purported invention claimed in the '559 Patent are either explicitly or implicitly present in the prior art to the '559 Patent, including the above-cited prior art reference, and/or would have been obvious to a person skilled in the art in view of such prior art, so as to render the claims of the '559 Patent invalid as anticipated under 35 U.S.C. § 102 or obvious under 35 U.S.C. § 103.

55. Additionally, one or more claims of the '559 Patent are invalid because the claims are not patent-eligible under 35 U.S.C. § 101, as they are drawn to an abstract idea and add nothing of substance to that abstract idea.

56. One or more claims of the '559 Patent are also invalid under 35 U.S.C. § 112, ¶ 1 because the '559 Patent does not contain an adequate written description of the claimed invention.

57. One or more claims of the '559 Patent are also invalid under 35 U.S.C. § 112, ¶ 1 because the '559 Patent does not adequately describe the manner and process of making and using the claimed invention in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the invention.

58. One or more claims of the '559 Patent are also invalid under 35 U.S.C. § 112, ¶ 2 because the patent claims are vague and indefinite, and do not particularly point out and distinctly claim the subject matter which the applicant regarded as its invention.

59. There is an actual and justiciable controversy between Starz and VL over the validity of the '559 patent, as set forth herein.

60. Starz is therefore entitled to a declaratory judgment that the claims of the '559 Patent are invalid.

## **COUNT VII**

### **DECLARATORY JUDGMENT OF INVALIDITY OF THE '794 PATENT**

61. Starz hereby restates and incorporates by reference the allegations set forth in paragraphs 1 through 60 of this Complaint as if fully set forth herein.

62. One or more claims of the '794 Patent are invalid and/or unenforceable because they fail to comply with the applicable requirements of the Patent Act, including, but without limitation, 35 U.S.C. §§ 101, 102, 103 and/or 112, and for failure to comply with the statutes and regulations governing the application for and prosecution of patents.

63. For example, at least U.S. Patent No. 8,015,480 is prior art to the '794 Patent.

64. All of the limitations of the purported invention claimed in the '794 Patent are either explicitly or implicitly present in the prior art to the '794 Patent, including the above-cited prior art reference, and/or would have been obvious to a person skilled in the art in view of such prior

art, so as to render the claims of the '794 Patent invalid as anticipated under 35 U.S.C. § 102 or obvious under 35 U.S.C. § 103.

65. Additionally, one or more claims of the '794 Patent are invalid because the claims are not patent-eligible under 35 U.S.C. § 101, as they are drawn to an abstract idea and add nothing of substance to that abstract idea.

66. One or more claims of the '794 Patent are also invalid under 35 U.S.C. § 112, ¶ 1 because the '794 Patent does not contain an adequate written description of the claimed invention.

67. One or more claims of the '794 Patent are also invalid under 35 U.S.C. § 112, ¶ 1 because the '794 Patent does not adequately describe the manner and process of making and using the claimed invention in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the invention.

68. One or more claims of the '794 Patent are also invalid under 35 U.S.C. § 112, ¶ 2 because the patent claims are vague and indefinite, and do not particularly point out and distinctly claim the subject matter which the applicant regarded as its invention.

69. There is an actual and justiciable controversy between Starz and VL over the validity of the '794 Patent, as set forth herein.

70. Starz is therefore entitled to a declaratory judgment that the claims of the '794 Patent are invalid.

### **COUNT VIII**

#### **DECLARATORY JUDGMENT OF INVALIDITY OF THE '113 PATENT**

71. Starz hereby restates and incorporates by reference the allegations set forth in paragraphs 1 through 70 of this Complaint as if fully set forth herein.

72. One or more claims of the '113 Patent are invalid and/or unenforceable because they fail to comply with the applicable requirements of the Patent Act, including, but without limitation, 35 U.S.C. §§ 101, 102, 103 and/or 112, and for failure to comply with the statutes and regulations governing the application for and prosecution of patents.

73. For example, at least U.S. Patent No. 6,757,740 is prior art to the '113 Patent.

74. All of the limitations of the purported invention claimed in the '113 Patent are either explicitly or implicitly present in the prior art to the '113 Patent, including the above-cited prior art reference, and/or would have been obvious to a person skilled in the art in view of such prior art, so as to render the claims of the '113 Patent invalid as anticipated under 35 U.S.C. § 102 or obvious under 35 U.S.C. § 103.

75. Additionally, one or more claims of the '113 patent are invalid because the claims are not patent-eligible under 35 U.S.C. § 101, as they are drawn to an abstract idea and add nothing of substance to that abstract idea.

76. One or more claims of the '113 Patent are also invalid under 35 U.S.C. § 112, ¶ 1 because the '113 Patent does not contain an adequate written description of the claimed invention.

77. One or more claims of the '113 Patent are also invalid under 35 U.S.C. § 112, ¶ 1 because the '113 Patent does not adequately describe the manner and process of making and using the claimed invention in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the invention.

78. One or more claims of the '113 Patent are also invalid under 35 U.S.C. § 112, ¶ 2 because the patent claims are vague and indefinite, and do not particularly point out and distinctly claim the subject matter which the applicant regarded as its invention.

79. There is an actual and justiciable controversy between Starz and VL over the validity of the '113 Patent, as set forth herein.

80. Starz is therefore entitled to a declaratory judgment that the claims of the '113 Patent are invalid.

**STARZ'S PRAYER FOR RELIEF**

Starz respectfully requests this Court grant relief as follows:

A. Declaring that Starz does not directly or indirectly infringe any claim of the '790 Patent, either literally or under the doctrine of equivalents;

B. Declaring that Starz does not directly or indirectly infringe any claim of the '559 Patent, either literally or under the doctrine of equivalents;

C. Declaring that Starz does not directly or indirectly infringe any claim of the '794 Patent, either literally or under the doctrine of equivalents;

D. Declaring that Starz does not directly or indirectly infringe any claim of the '113 Patent, either literally or under the doctrine of equivalents;

E. Declaring the claims of the '790 Patent to be invalid, unenforceable, and void in law;

F. Declaring the claims of the '559 Patent to be invalid, unenforceable, and void in law;

G. Declaring the claims of the '794 Patent to be invalid, unenforceable, and void in law;

H. Declaring the claims of the '113 Patent to be invalid, unenforceable, and void in law;

I. Declaring that judgment be entered in favor of Starz and against VL on all of Starz's claims;

J. Order that this case is "exceptional" pursuant to 35 U.S.C. § 285 entitling Starz to an award of its reasonable and necessary attorneys' fees, expenses, and costs, and pre-judgment interest thereon;

K. Order awarding Starz its costs of suit incurred in this action; and

L. Granting to Starz such other and further relief as this Court deems just and proper.

**DEMAND FOR A JURY TRIAL**

In accordance with Federal Rule of Civil Procedure 38, Starz hereby respectfully demands a trial by jury of all issues and claims so triable.

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Dated: October 13, 2021

/s/ Kelly E. Farnan

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