# IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

SITO MOBILE R&D IP, LLC, and SITO MOBILE, LTD.,

Plaintiffs,

v.

Case No.

Jury Trial Demanded

THIS OLD HOUSE VENTURES, LLC,

Defendant.

## COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs SITO Mobile R&D IP, LLC and SITO Mobile, Ltd., by and through their undersigned counsel, file this Complaint against This Old House Ventures, LLC ("This Old House") for patent infringement of United States Patent Nos. 7,054,949; 7,689,706; 8,825,887; 9,026,673; 9,135,635; 9,135,636; 9,350,777; 9,380,088; 9,591,360; 9,756,362; 10,009,637 and 10,171,846 (collectively, the "patents-in-suit" and attached as Exhibits 1-12 respectively) and allege as follows:

# **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

- 1. Plaintiff SITO Mobile, Ltd. is a company organized and existing under the laws of the State of Delaware with its principal place of business located at 123 Town Square Place, Suite 419, Jersey City, New Jersey 07310.
- 2. Plaintiff SITO Mobile R&D IP, LLC is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business located at 123 Town Square Place, Suite 419, Jersey City, New Jersey 07310. Plaintiff SITO Mobile R&D IP, LLC is a wholly owned subsidiary of Plaintiff SITO Mobile, Ltd. (collectively "SITO"). SITO Mobile R&D IP, LLC is a patent holding company that does not exist separate from its parent SITO Mobile, Ltd. In that regard, SITO Mobile, Ltd. controls all of SITO Mobile R&D IP, LLC's business operations and SITO Mobile R&D IP, LLC's financials roll-up into SITO Mobile, Ltd.
- 3. On information and belief, Defendant This Old House is a broadcast and digital media company organized and existing under the laws of the State of Delaware with a place of business located at 262 Harbor Drive, 1st Floor, Stamford, CT 06902. This Old House may be served with process through its registered agent for service in Delaware: The Company Corporation, 251 Little falls drive, Wilmington DE 19808.

#### **JURISDICTION AND VENUE**

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq*.

- 5. This Old House is subject to this Court's personal jurisdiction in accordance with due process and/or the Delaware Long Arm Statute because, in part and on information and belief, This Old House transacts business in Delaware, contracts to supply services and things in Delaware, and has caused Plaintiff injury in Delaware. *See* Del. Code Ann. Tit. 3, § 3104.
- 6. This Court has personal jurisdiction over This Old House because This Old House (directly and/or through its agents, subsidiaries, affiliates, or intermediaries) has committed and continues to commit acts of infringement in Delaware and this judicial district in violation of at least 35 U.S.C. § 271(a).
- 7. This Court also has personal jurisdiction over This Old House because This Old House has sufficient minimum contacts with this forum as a result of business conducted within the State of Delaware and this judicial district. In particular, this Court has personal jurisdiction over This Old House because, *inter alia*, This Old House, on information and belief: (1) has substantial, continuous, and systematic contacts with this State and this judicial district; (2) enjoys substantial income from its operations and sales in this State and this judicial district; and (3) solicits business and markets products, systems and/or services in this State and this judicial district including, without limitation, related to the accused instrumentalities.
- 8. This Old House has purposefully availed itself of the privileges of conducting business within Delaware and this judicial district, has established sufficient minimum contacts with this judicial district such that it should reasonably and fairly anticipate being hauled into court in this judicial district, has purposefully directed

activities at residents of this judicial district, and at least a portion of the patent infringement claims alleged in this Complaint arise out of or are related to one or more of the foregoing activities.

9. Venue is proper in this judicial district pursuant to 28 U.S.C. § § 1391(b) and (c) and/or 1400(b). This Old House is incorporated and registered to do business in Delaware, is deemed to be a resident of Delaware, and has committed acts of infringement in Delaware.

### THIS OLD HOUSE VIDEO STREAMING SERVICE

- 10. This Old House offers both a subscription-based streaming service, named This Old House Insider and a free of cost streaming service that provides video programming over the Internet.<sup>1</sup> This Old House also provides video nuggets through its YouTube channel having 1.73 million subscribers.<sup>2</sup>
- 11. This Old House's streaming service offers a subscription-based service, named This Old House Insider, which provides unlimited and commercial free content to the subscribers. This service includes 1000+ full episodes, live online Q&As with the cast, and live webcams. Further, the subscribers get the benefit of 25 years of This Old House Magazine, and exclusive giveaways & discounts.<sup>3</sup>

<sup>&</sup>lt;sup>1</sup> https://www.thisoldhouse.com/

https://access.thisoldhouse.com/

<sup>&</sup>lt;sup>2</sup> This Old House - YouTube

<sup>&</sup>lt;sup>3</sup> https://access.thisoldhouse.com/

- 12. This Old House users and subscribers can access its services through smart TVs, and can stream digitally via phones, tablets and computers using various platforms like Roku, This Old House app, IMDb TV, etc. <sup>4</sup> This Old House subscribers can download This Old House apps to their mobile devices from App Store.<sup>5</sup>
- 13. The users can subscribe to This Old house Insider at a cost of \$ 8/month when subscribed annually and \$ 10/month when subscribed monthly.<sup>6</sup>
- 14. This Old House streams videos using a network(s) of servers ("This Old House Streaming Platform"). This Old House uses Dynamic Adaptive Streaming over HTTP Live Streaming (HLS) protocol to stream video content. HLS is HTTP-based adaptive bitrate streaming techniques that enable high quality streaming of media content over the Internet from web servers. The operation of HLS is described in standards documents.<sup>7</sup>
- 15. With HLS, a video may be broken up into thousands of small HTTP-based file segments. Each segment contains a short interval of playback time of the video. The segments are encoded at a variety of different bit rates (resolutions). After a video is selected to be streamed, the media player on the subscriber device is provided with a file that informs the player, amongst other things, how to obtain the segments

<sup>&</sup>lt;sup>4</sup> https://www.thisoldhouse.com/21015660/watch-this-old-house-and-ask-this-old-house-full-episodes

<sup>&</sup>lt;sup>5</sup> https://www.thisoldhouse.com/pages/streaming-app

<sup>&</sup>lt;sup>6</sup> https://access.thisoldhouse.com/

<sup>&</sup>lt;sup>7</sup> A copy of the HLS standard is attached hereto as Exhibit 13.

sequentially and how to handle ad breaks (if any). As the video is playing, the subscriber device determines the bit rate that it can handle and requests a segment(s) encoded at that bit rate. The player retrieves and plays the segments in sequential order and continuously requests segments until the player has received all of the segments that make up the video.

#### THE PATENTS-IN-SUIT

# United States Patent No. 7,054,949

- 16. On May 30, 2006, the USPTO duly and legally issued United States Patent No. 7,054,949 ("the '949 patent") entitled "System and Method for Streaming Media" to inventor Charles A. Jennings et al. The '949 patent is attached as Exhibit 1.
  - 17. The '949 patent is presumed valid under 35 U.S.C. § 282.
- 18. SITO Mobile R&D IP, LLC owns all rights, title and interest in the '949 patent.
- 19. SITO Mobile, Ltd maintains equitable title over the '949 patent as SITO Mobile R&D IP, LLC is a wholly-owned subsidiary of SITO Mobile, Ltd. As part of this ownership, SITO Mobile, Ltd. exercises complete control over SITO Mobile R&D IP, LLC, including control over all of SITO Mobile R&D IP, LLC's business decisions and SITO Mobile R&D IP, LLC's patent enforcement, assignment, and licensing policies.
- 20. Because of the structure of this corporate relationship and SITO Mobile, Ltd.'s complete control over SITO Mobile R&D IP, LLC's patent licensing and enforcement policies, SITO Mobile, Ltd. has and has had control over the '949 patent and has enjoyed exclusive rights thereunder.

#### United States Patent No. 7,689,706

- 21. On March 30, 2010, the USPTO duly and legally issued United States

  Patent No. 7,689,706 ("the '706 patent") entitled "System and Method for Streaming

  Media" to inventor Charles A. Jennings et al. The '706 patent is attached as Exhibit 2.
  - 22. The '706 patent is presumed valid under 35 U.S.C. § 282.
- 23. SITO Mobile R&D IP, LLC owns all rights, title and interest in the '706 patent.
- 24. SITO Mobile, Ltd maintains equitable title over the '706 patent as SITO Mobile R&D IP, LLC is a wholly-owned subsidiary of SITO Mobile, Ltd. As part of this ownership, SITO Mobile, Ltd. exercises complete control over SITO Mobile R&D IP, LLC, including control over all of SITO Mobile R&D IP, LLC's business decisions and SITO Mobile R&D IP, LLC's patent enforcement, assignment, and licensing policies.
- 25. Because of the structure of this corporate relationship and SITO Mobile, Ltd.'s complete control over SITO Mobile R&D IP, LLC's patent licensing and enforcement policies, SITO Mobile, Ltd. has and has had control over the '706 patent and has enjoyed exclusive rights thereunder.

#### United States Patent No. 8,825,887

- 26. On September 2, 2014, the USPTO duly and legally issued United States Patent No. 8,825,887 ("the '887 patent") entitled "System and Method for Streaming Media" to inventor Charles A. Jennings et al. The '887 patent is attached as Exhibit 3.
  - 27. The '887 patent is presumed valid under 35 U.S.C. § 282.

- 28. SITO Mobile R&D IP, LLC owns all rights, title and interest in the '887 patent.
- 29. SITO Mobile, Ltd maintains equitable title over the '887 patent as SITO Mobile R&D IP, LLC is a wholly-owned subsidiary of SITO Mobile, Ltd. As part of this ownership, SITO Mobile, Ltd. exercises complete control over SITO Mobile R&D IP, LLC, including control over all of SITO Mobile R&D IP, LLC's business decisions and SITO Mobile R&D IP, LLC's patent enforcement, assignment, and licensing policies.
- 30. Because of the structure of this corporate relationship and SITO Mobile, Ltd.'s complete control over SITO Mobile R&D IP, LLC's patent licensing and enforcement policies, SITO Mobile, Ltd. has and has had control over the '887 patent and has enjoyed exclusive rights thereunder.

#### United States Patent No. 9,026,673

- 31. On May 5, 2015, the USPTO duly and legally issued United States Patent No. 9,026,673 ("the '673 patent") entitled "System and Method for Routing Media" to inventor Charles A. Jennings et al. The '673 patent is attached as Exhibit 4.
  - 32. The '673 patent is presumed valid under 35 U.S.C. § 282.
- 33. SITO Mobile R&D IP, LLC owns all rights, title and interest in the '673 patent.
- 34. SITO Mobile, Ltd maintains equitable title over the '673 patent as SITO Mobile R&D IP, LLC is a wholly-owned subsidiary of SITO Mobile, Ltd. As part of this ownership, SITO Mobile, Ltd. exercises complete control over SITO Mobile R&D IP,

- LLC, including control over all of SITO Mobile R&D IP, LLC's business decisions and SITO Mobile R&D IP, LLC's patent enforcement, assignment, and licensing policies.
- 35. Because of the structure of this corporate relationship and SITO Mobile, Ltd.'s complete control over SITO Mobile R&D IP, LLC's patent licensing and enforcement policies, SITO Mobile, Ltd. has and has had control over the '673 patent and has enjoyed exclusive rights thereunder.

# United States Patent No. 9,135,635

- 36. On September 15, 2015, the USPTO duly and legally issued United States Patent No. 9,135,635 ("the '635 patent") entitled "System and Method for Routing Media" to inventor Charles A. Jennings et al. The '635 patent is attached as Exhibit 5.
  - 37. The '635 patent is presumed valid under 35 U.S.C. § 282.
- 38. SITO Mobile R&D IP, LLC owns all rights, title and interest in the '635 patent.
- 39. SITO Mobile, Ltd maintains equitable title over the '635 patent as SITO Mobile R&D IP, LLC is a wholly-owned subsidiary of SITO Mobile, Ltd. As part of this ownership, SITO Mobile, Ltd. exercises complete control over SITO Mobile R&D IP, LLC, including control over all of SITO Mobile R&D IP, LLC's business decisions and SITO Mobile R&D IP, LLC's patent enforcement, assignment, and licensing policies.
- 40. Because of the structure of this corporate relationship and SITO Mobile, Ltd.'s complete control over SITO Mobile R&D IP, LLC's patent licensing and

enforcement policies, SITO Mobile, Ltd. has and has had control over the '635 patent and has enjoyed exclusive rights thereunder.

#### United States Patent No. 9,135,636

- 41. On September 15, 2015, the USPTO duly and legally issued United States Patent No. 9,135,636 ("the '636 patent") entitled "System and Method for Routing Media" to inventor Charles A. Jennings et al. The '636 patent is attached as Exhibit 6.
  - 42. The '636 patent is presumed valid under 35 U.S.C. § 282.
- 43. SITO Mobile R&D IP, LLC owns all rights, title and interest in the '636 patent.
- 44. SITO Mobile, Ltd maintains equitable title over the '636 patent as SITO Mobile R&D IP, LLC is a wholly-owned subsidiary of SITO Mobile, Ltd. As part of this ownership, SITO Mobile, Ltd. exercises complete control over SITO Mobile R&D IP, LLC, including control over all of SITO Mobile R&D IP, LLC's business decisions and SITO Mobile R&D IP, LLC's patent enforcement, assignment, and licensing policies.
- 45. Because of the structure of this corporate relationship and SITO Mobile, Ltd.'s complete control over SITO Mobile R&D IP, LLC's patent licensing and enforcement policies, SITO Mobile, Ltd. has and has had control over the '636 patent and has enjoyed exclusive rights thereunder.

#### United States Patent No. 9,350,777

- 46. On May 24, 2016, the USPTO duly and legally issued United States Patent No. 9,350,777 ("the '777 patent") entitled "System and Method for Routing Media" to inventor Charles A. Jennings et al. The '777 patent is attached as Exhibit 7.
  - 47. The '777 patent is presumed valid under 35 U.S.C. § 282.
- 48. SITO Mobile R&D IP, LLC owns all rights, title and interest in the '777 patent.
- 49. SITO Mobile, Ltd maintains equitable title over the '777 patent as SITO Mobile R&D IP, LLC is a wholly-owned subsidiary of SITO Mobile, Ltd. As part of this ownership, SITO Mobile, Ltd. exercises complete control over SITO Mobile R&D IP, LLC, including control over all of SITO Mobile R&D IP, LLC's business decisions and SITO Mobile R&D IP, LLC's patent enforcement, assignment, and licensing policies.
- 50. Because of the structure of this corporate relationship and SITO Mobile, Ltd.'s complete control over SITO Mobile R&D IP, LLC's patent licensing and enforcement policies, SITO Mobile, Ltd. has and has had control over the '777 patent and has enjoyed exclusive rights thereunder.

#### United States Patent No. 9,380,088

- 51. On June 28, 2016, the USPTO duly and legally issued United States Patent No. 9,380,088 ("the '088 patent") entitled "System and Method for Routing Media" to inventor Charles A. Jennings et al. The '088 patent is attached as Exhibit 8.
  - 52. The '088 patent is presumed valid under 35 U.S.C. § 282.

- 53. SITO Mobile R&D IP, LLC owns all rights, title and interest in the '088 patent.
- 54. SITO Mobile, Ltd maintains equitable title over the '088 patent as SITO Mobile R&D IP, LLC is a wholly-owned subsidiary of SITO Mobile, Ltd. As part of this ownership, SITO Mobile, Ltd. exercises complete control over SITO Mobile R&D IP, LLC, including control over all of SITO Mobile R&D IP, LLC's business decisions and SITO Mobile R&D IP, LLC's patent enforcement, assignment, and licensing policies.
- 55. Because of the structure of this corporate relationship and SITO Mobile, Ltd.'s complete control over SITO Mobile R&D IP, LLC's patent licensing and enforcement policies, SITO Mobile, Ltd. has and has had control over the '088 patent and has enjoyed exclusive rights thereunder.

#### United States Patent No. 9,591,360

- 56. On March 7, 2017, the USPTO duly and legally issued United States Patent No. 9,591,360 ("the '360 patent") entitled "System and Method for Routing Media" to inventor Charles A. Jennings et al. The '360 patent is attached as Exhibit 9.
  - 57. The '360 patent is presumed valid under 35 U.S.C. § 282.
- 58. SITO Mobile R&D IP, LLC owns all rights, title and interest in the '360 patent.
- 59. SITO Mobile, Ltd maintains equitable title over the '360 patent as SITO Mobile R&D IP, LLC is a wholly-owned subsidiary of SITO Mobile, Ltd. As part of this ownership, SITO Mobile, Ltd. exercises complete control over SITO Mobile R&D IP,

LLC, including control over all of SITO Mobile R&D IP, LLC's business decisions and SITO Mobile R&D IP, LLC's patent enforcement, assignment, and licensing policies.

60. Because of the structure of this corporate relationship and SITO Mobile, Ltd.'s complete control over SITO Mobile R&D IP, LLC's patent licensing and enforcement policies, SITO Mobile, Ltd. has and has had control over the '360 patent and has enjoyed exclusive rights thereunder.

# United States Patent No. 9,756,362

- 61. On September 5, 2017, the USPTO duly and legally issued United States Patent No. 9,756,362 ("the '362 patent") entitled "System and Method for Routing Media" to inventor Charles A. Jennings et al. The '362 patent is attached as Exhibit 10.
  - 62. The '362 patent is presumed valid under 35 U.S.C. § 282.
- 63. SITO Mobile R&D IP, LLC owns all rights, title and interest in the '362 patent.
- 64. SITO Mobile, Ltd maintains equitable title over the '362 patent as SITO Mobile R&D IP, LLC is a wholly-owned subsidiary of SITO Mobile, Ltd. As part of this ownership, SITO Mobile, Ltd. exercises complete control over SITO Mobile R&D IP, LLC, including control over all of SITO Mobile R&D IP, LLC's business decisions and SITO Mobile R&D IP, LLC's patent enforcement, assignment, and licensing policies.
- 65. Because of the structure of this corporate relationship and SITO Mobile, Ltd.'s complete control over SITO Mobile R&D IP, LLC's patent licensing and

enforcement policies, SITO Mobile, Ltd. has and has had control over the '362 patent and has enjoyed exclusive rights thereunder.

# United States Patent No. 10,009,637

- 66. On June 26, 2018, the USPTO duly and legally issued United States Patent No. 10,009,637 ("the '637 patent") entitled "System and Method for Routing Media" to inventor Charles A. Jennings et al. The '637 patent is attached as Exhibit 11.
  - 67. The '637 patent is presumed valid under 35 U.S.C. § 282.
- 68. SITO Mobile R&D IP, LLC owns all rights, title and interest in the '637 patent.
- 69. SITO Mobile, Ltd maintains equitable title over the '637 patent as SITO Mobile R&D IP, LLC is a wholly-owned subsidiary of SITO Mobile, Ltd. As part of this ownership, SITO Mobile, Ltd. exercises complete control over SITO Mobile R&D IP, LLC, including control over all of SITO Mobile R&D IP, LLC's business decisions and SITO Mobile R&D IP, LLC's patent enforcement, assignment, and licensing policies.
- 70. Because of the structure of this corporate relationship and SITO Mobile, Ltd.'s complete control over SITO Mobile R&D IP, LLC's patent licensing and enforcement policies, SITO Mobile, Ltd. has and has had control over the '637 patent and has enjoyed exclusive rights thereunder.

# United States Patent No. 10,171,846

- 71. On January 1, 2019, the USPTO duly and legally issued United States

  Patent No. 10,171,846 ("the '846 patent") entitled "System and Method for Routing

  Media" to inventor Charles A. Jennings et al. The '846 patent is attached as Exhibit 12.
  - 72. The '846 patent is presumed valid under 35 U.S.C. § 282.
- 73. SITO Mobile R&D IP, LLC owns all rights, title and interest in the '846 patent.
- 74. SITO Mobile, Ltd maintains equitable title over the '846 patent as SITO Mobile R&D IP, LLC is a wholly-owned subsidiary of SITO Mobile, Ltd. As part of this ownership, SITO Mobile, Ltd. exercises complete control over SITO Mobile R&D IP, LLC, including control over all of SITO Mobile R&D IP, LLC's business decisions and SITO Mobile R&D IP, LLC's patent enforcement, assignment, and licensing policies.
- 75. Because of the structure of this corporate relationship and SITO Mobile, Ltd.'s complete control over SITO Mobile R&D IP, LLC's patent licensing and enforcement policies, SITO Mobile, Ltd. has and has had control over the '846 patent and has enjoyed exclusive rights thereunder.

# **CLAIMS FOR RELIEF**

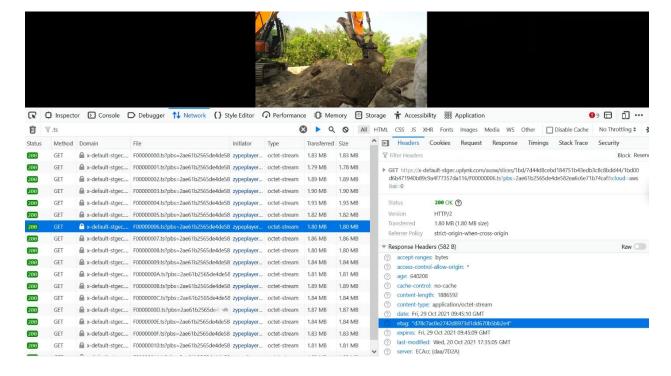
# Count I - Infringement of United States Patent No. 7,054,949

- 76. SITO alleges, and incorporates by reference, as if fully set forth here, the preceding paragraphs of this Complaint.
- 77. This Old House directly infringes (literally and/or under the doctrine of equivalents) the '494 patent by using the method covered by at least claim 49 of the '949 patent.
- 78. On information and belief, and without SITO's approval, authorization and license, This Old House owns, controls, operates and uses a system for streaming media that includes This Old House Streaming Platform, as well as other This Old House networks, systems, devices, components and/or services for streaming media, that practices and infringes the media streaming method recited in at least claim 49 of the '949 patent.
- 79. This Old House performs a method of streaming video as demonstrated by the example provided below:



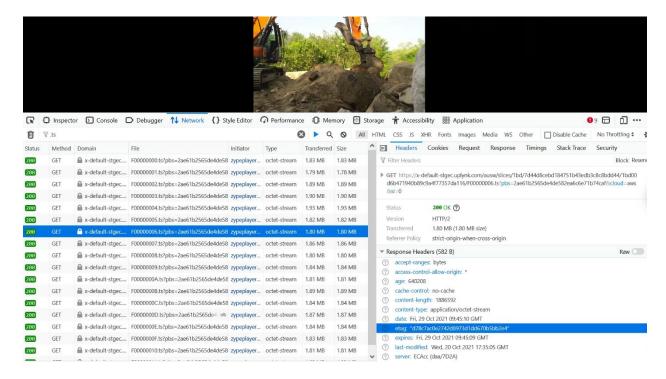
See e.g., https://www.thisoldhouse.com.

80. This Old House receives a request (*e.g.*, GET request) for media (*e.g.*, television program) and in response builds a reservation having a reservation identification (*e.g.*, Etag, session tokens) for the request as demonstrated by the example provided below:

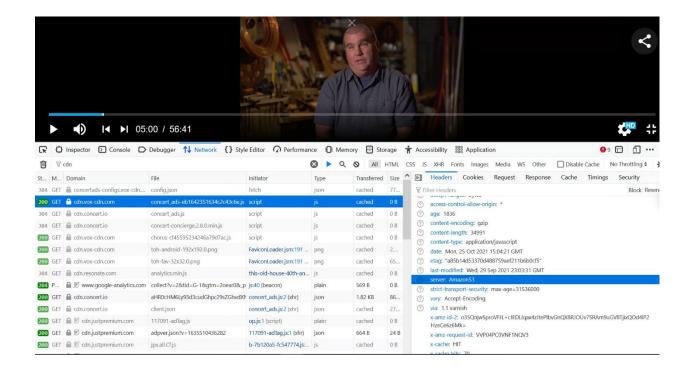


*See e.g.*, https://www.thisoldhouse.com.

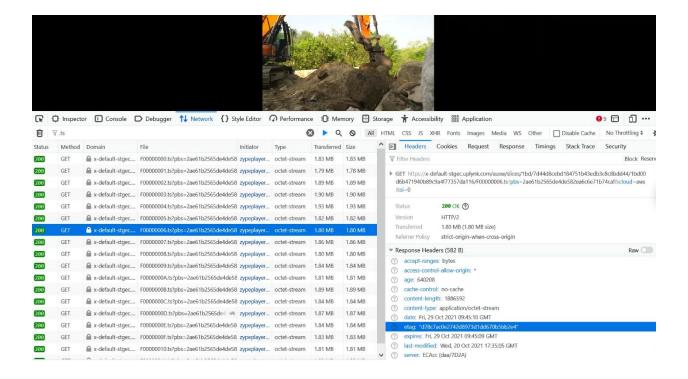
81. This Old House receives, at a routing processor identification, reservation data comprising a valid reservation identification (*e.g.*, Etag, session token) and a media identification (*e.g.*, file name) and determining if a media switch (*e.g.*, CDN server/cache) is configured to stream media for the request as demonstrated by the example provided below:



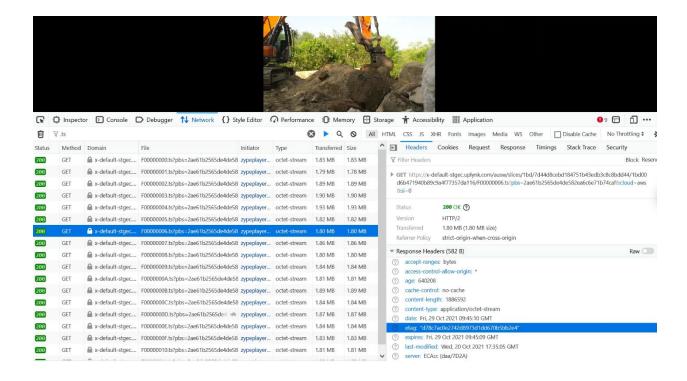
82. On information and belief, This Old House transmits the reservation data (*e.g.*, reservation identification unique to the user and media) to the media switch (*e.g.*, Media streaming servers, CDN server/cache) if the media switch is configured, at least initially, to stream media (*e.g.*, television program) for the request (*e.g.*, GET request) as demonstrated by the example provided below:



83. On information and belief, This Old House's uses a CDN, Akamai, to receive the reservation identification (*e.g.*, Etag, session tokens) at the media switch (*e.g.*, media streaming servers, CDN server/cache) as demonstrated by the example provided below:



- 84. This Old House causes and requires Akamai (*e.g.*, CDN) to process the reservation identification and the reservation data to determine if the reservation identification (*e.g.*, Etag) is valid.
- 85. This Old House causes and requires Akamai to stream at least partial media for the request if the reservation identification (*e.g.*, Etag) is valid as demonstrated by the examples provided below:



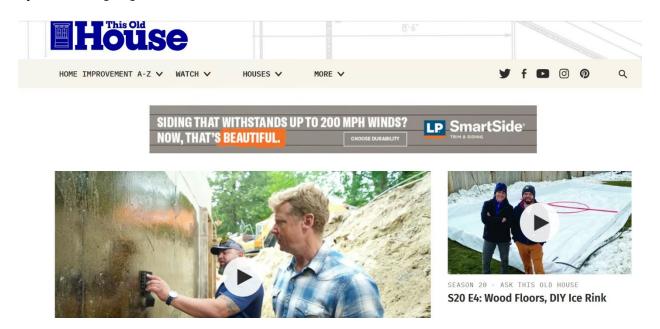
86. SITO has been damaged by the direct infringement of This Old House, and is suffering and will continue to suffer irreparable harm and damages as a result of this infringement.

# Count II - Infringement of United States Patent No. 7,689,706

- 87. SITO alleges, and incorporates by reference, as if fully set forth here, the preceding paragraphs of this Complaint.
- 88. This Old House directly infringes (literally and/or under the doctrine of equivalents) the '706 patent by using the method covered by at least claim 5 of the '706 patent.
- 89. On information and belief, and without SITO's approval, authorization and license, This Old House owns, controls, operates and uses a system for streaming

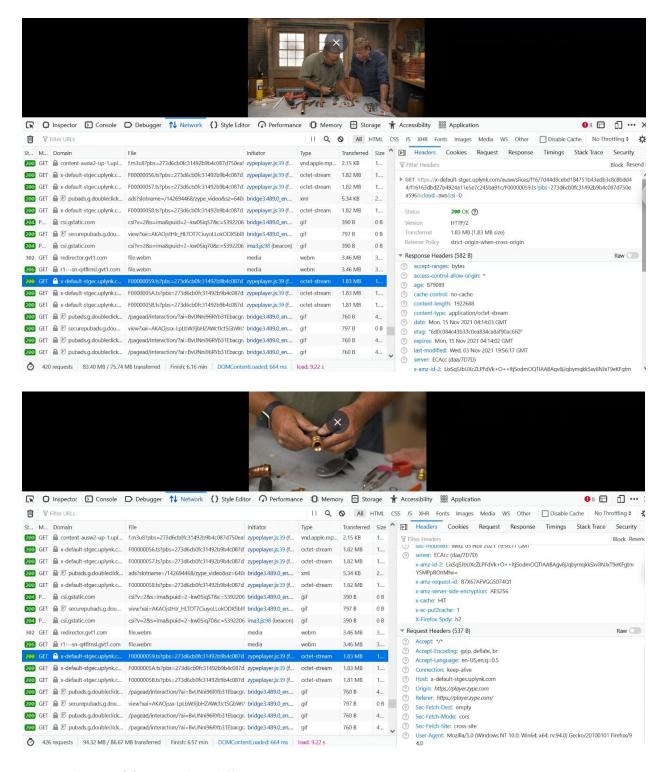
media that includes This Old House Streaming Platform, as well as other This Old House networks, systems, devices, components and/or services for streaming media, that practices and infringes the media streaming method recited in at least claim 5 of the '706 patent.

90. This Old House performs a method of streaming video as demonstrated by the example provided below:



See e.g., https://www.thisoldhouse.com.

91. On information and belief, This Old House receives at a service processor (e.g., This Old House server(s)), media (e.g., television program), at least one media rule (e.g., geographic restriction on content) indicating at least one of a plurality of media switches (e.g., edge servers or Media distribution servers) to which the media is to be distributed, and at least one order rule (e.g., revenue sharing) indicating settlement for streamed media as demonstrated by the examples provided below:



See e.g., https://www.thisoldhouse.com.

# **Location-Identifying Technologies**

GPS, WiFi, Bluetooth, and other location-aware technologies may be used to collect precise location data when you enable location-based services through your device. Location data may be used for purposes such as verifying your device's location and delivering or restricting relevant content and advertising based on that location.

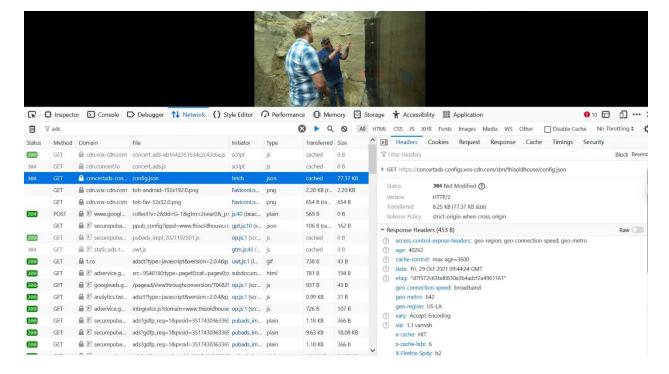
See e.g., https://www.thisoldhouse.com/pages/privacy-notice

92. On information and belief, This Old House distributes the media from the service processor (*e.g.*, This Old House server(s)) to the at least one media switch (*e.g.*, edge servers or media distribution servers) according to the media rule (*e.g.*, Geographic Restriction on content) as demonstrated by the examples provided below:

# **Location-Identifying Technologies**

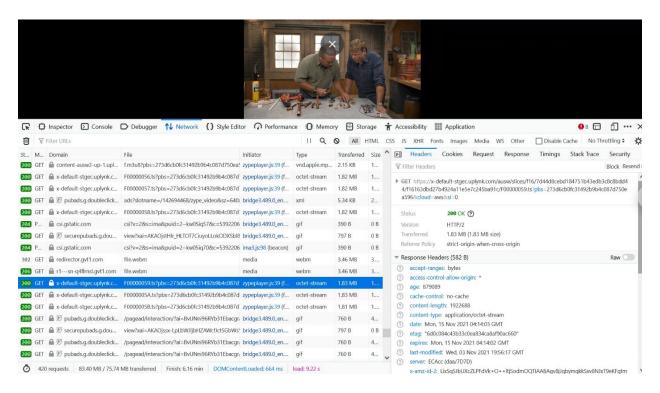
GPS, WiFi, Bluetooth, and other location-aware technologies may be used to collect precise location data when you enable location-based services through your device. Location data may be used for purposes such as verifying your device's location and delivering or restricting relevant content and advertising based on that location.

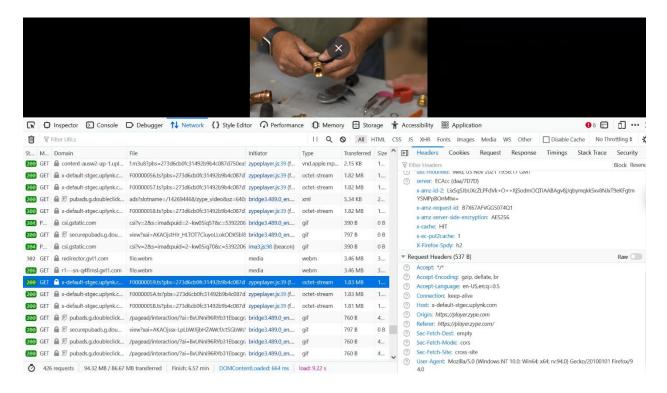
See e.g., https://www.thisoldhouse.com/pages/privacy-notice



*See e.g.,* https://www.thisoldhouse.com.

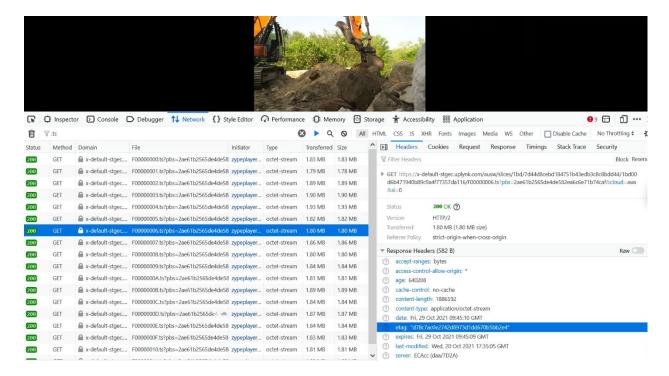
- 93. On information and belief, This Old House transmits a media identification for the media and the order rule to the at least one media.
- 94. On information and belief, This Old House receives signaling from a viewer (*e.g.*, Client Device) at a management system (*e.g.*, This Old House Server(s)), the signaling comprising the media request (*e.g.*, GET request) that identifies a requested media as demonstrated by the example provided below:





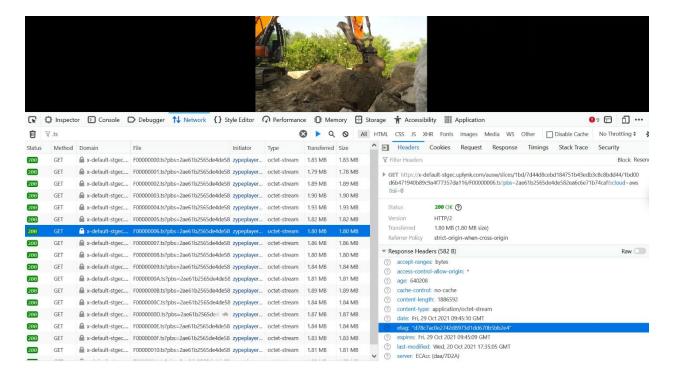
*See e.g.,* https://www.thisoldhouse.com/.

95. On information and belief, This Old House builds a reservation (*e.g.*, connection, session) for the requested media at a reservation server (*e.g.*, Reservation module running on This Old House server(s)), the reservation comprising a reservation identification (*e.g.*, Etag, session token, etc.) and the media identification (*e.g.*, Filename) for the requested media as demonstrated by the example provided below:



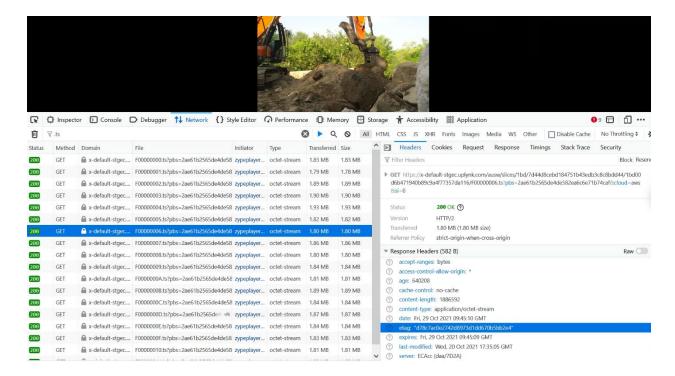
See e.g., https://www.thisoldhouse.com/.

96. On information and belief, This Old House receives at least one information block identifying the reservation identification (*e.g.*, Etag, session token, etc.) and identifies streaming for at least some of the requested media from the at least one media switch (*e.g.*, media streaming server) to the viewer (*e.g.*, client device).



*See e.g.,* https://www.thisoldhouse.com/.

97. On information and belief, This Old House processes the information block with the reservation identification (*e.g.*, Etag, session token, etc.) and according to the order rule (*e.g.*, Revenue Sharing) to generate a settlement record as demonstrated by the example provided below:



*See e.g.*, https://www.thisoldhouse.com/.

98. SITO has been damaged by the direct infringement of This Old House, and is suffering and will continue to suffer irreparable harm and damages as a result of this infringement.

# Count III - Infringement of United States Patent No. 8,825,887

- 99. SITO alleges, and incorporates by reference, as if fully set forth here, the preceding paragraphs of this Complaint.
- 100. This Old House directly infringes (literally and/or under the doctrine of equivalents) the '887 patent by using the method covered by at least claim 39 of the '887 patent.
- 101. On information and belief, and without SITO's approval, authorization and license, This Old House owns, controls, operates and uses a system for streaming media that includes This Old House Streaming Platform, as well as other This Old

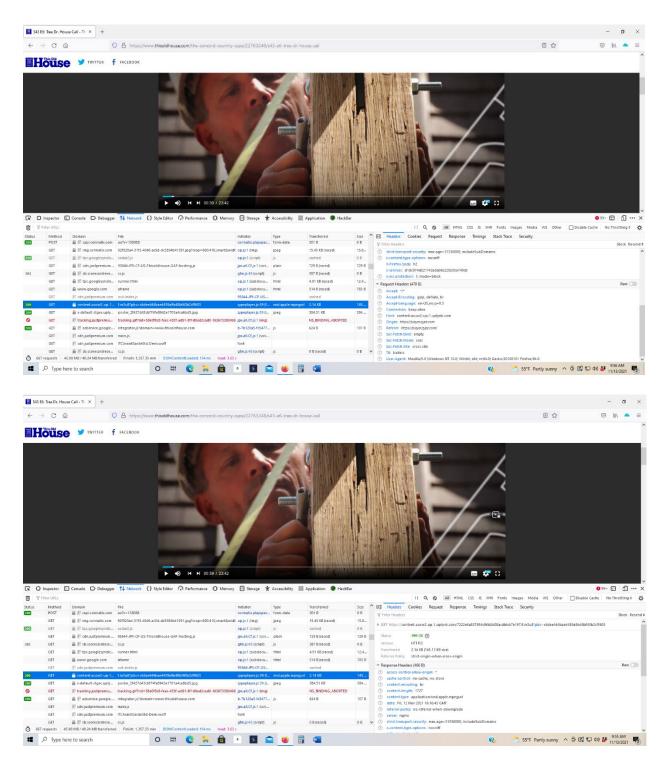
House networks, systems, devices, components and/or services for streaming media, that practices and infringes the media streaming method recited in at least claim 39 of the '887 patent.

102. This Old House performs a method of streaming video as demonstrated by the example provided below:



*See e.g.,* https://www.thisoldhouse.com.

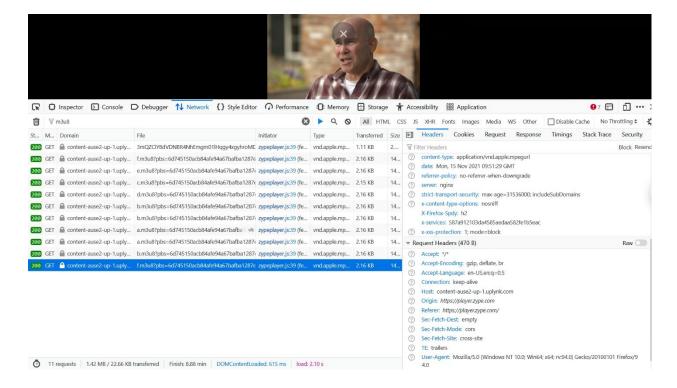
103. This Old House receives, by at least one computing device (*e.g.*, server(s)) via a communication network (*e.g.*, the Internet), a request (*e.g.*, GET request) for media (*e.g.*, television program) from at least one communication device (*e.g.*, client device such as a personal computer, mobile device, and/or television) capable of using instructions (*e.g.*, contained within an M3U8 file(s)) received from the at least one computing device to obtain at least one portion of the requested media using at least one resource (*e.g.*, streaming server(s)) other than the at least one computing device as demonstrated by the example provided below:

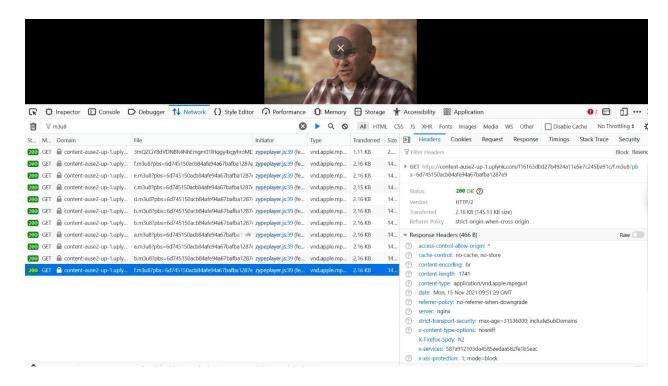


See e.g., https://www.thisoldhouse.com.

104. This Old House identifies, at the at least one computing device (*e.g.*, This Old House server(s), such as https://www.thisoldhouse.com/), whether the requested

media (*e.g.*, television program) is available for streaming to the at least one communication device (*e.g.*, client device, such as a personal computer, mobile device, television) in accordance with at least one program as demonstrated by the examples provided below:





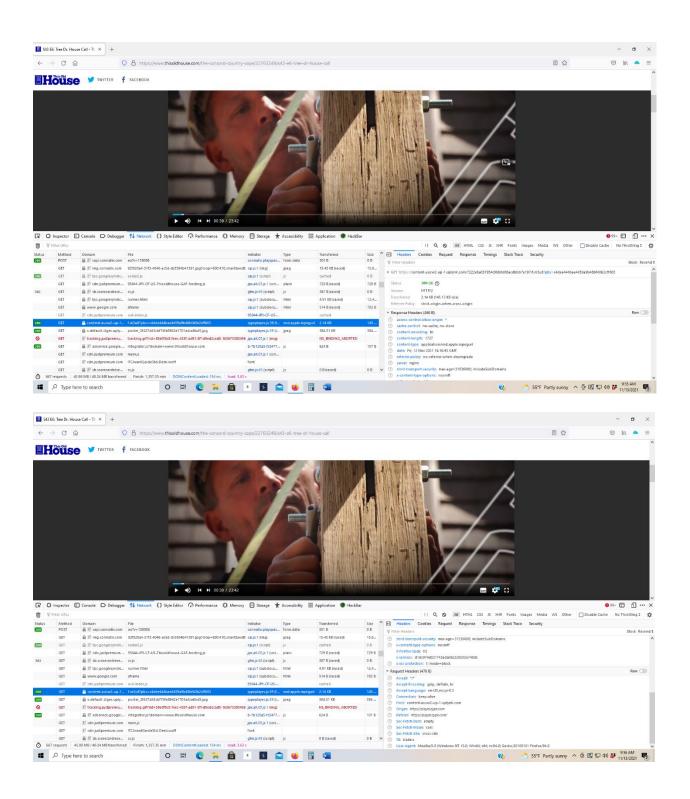


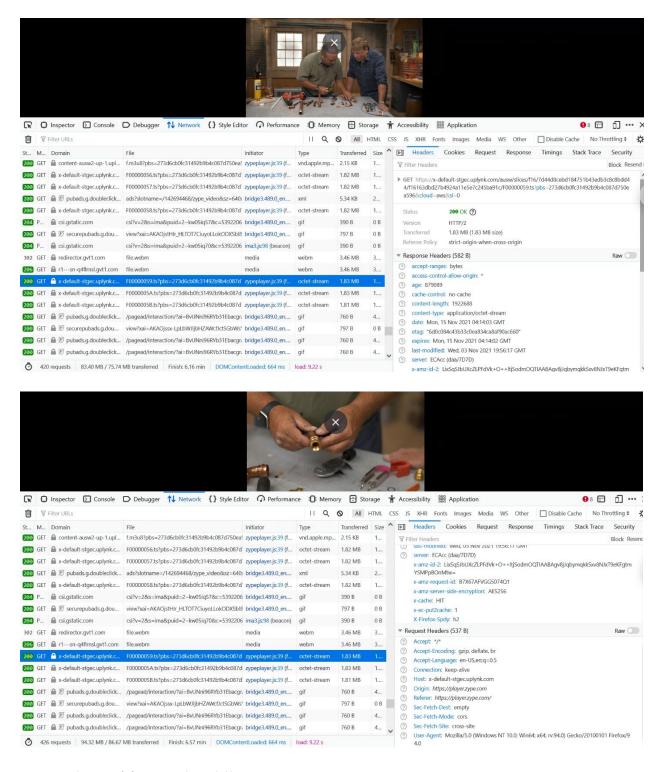
SEASON 20 - ASK THIS OLD HOUSE

# S20 E6: Easier Plumbing, Roofing 101

See e.g., https://www.thisoldhouse.com.

Old House server(s), such as https://www.thisoldhouse.com/) based on the at least one program, one or more capabilities (e.g., type of communication device, operating system, browser, and/or media player) of the communication device, and at least one characteristic associated with a user of the communication device, (i) at least one list (e.g., M3U8 playlist) identifying at least a portion of the requested media (e.g., television program), (ii) at least one identification (e.g., host name) of the at least one resource (e.g., media streaming server(s)) other than the at least one computing device (e.g., This Old House server(s), such as https://www.thisoldhouse.com/) available to facilitate streaming of the at least one portion of the requested media, and (iii) one or more instructions (e.g., segment/file structure) as to how the at least one portion of the requested media is to be streamed to the communication device as demonstrated by the examples provided below:

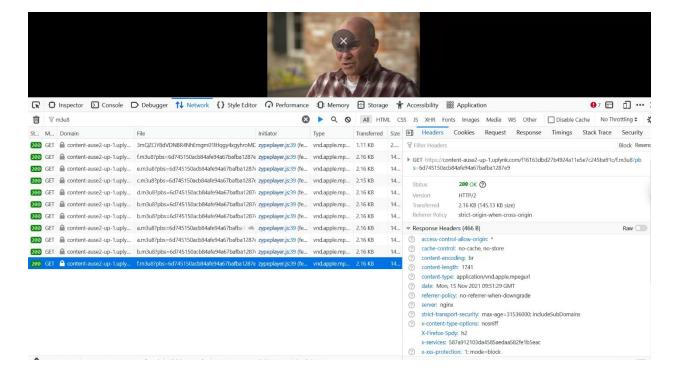


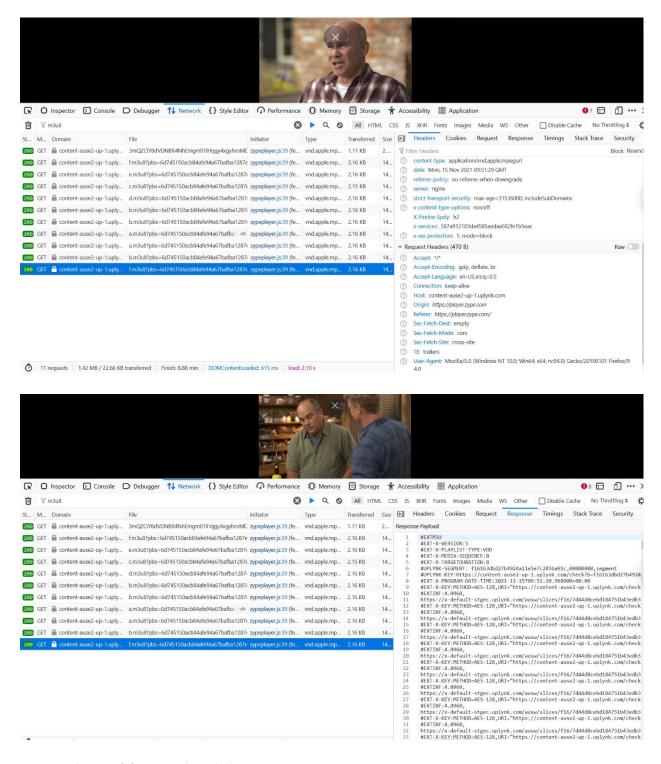


See e.g., https://www.thisoldhouse.com.

106. This Old House transmits, the at least one list (*e.g.*, M3U8 playlist), the least one identification (*e.g.*, host name) of the at least one resource (*e.g.*, media

streaming server(s)), and the one or more instructions (*e.g.*, segment/file structure) from the at least one computing device (*e.g.*, This Old House server(s), such as https://www.thisoldhouse.com/) to the at least one communication device via the communication network as demonstrated by the examples provided below:





*See e.g.,* https://www.thisoldhouse.com.

107. On information and belief, This Old House identifies at least one revenue sharing rule for sharing between at least two parties at least a percentage of revenue

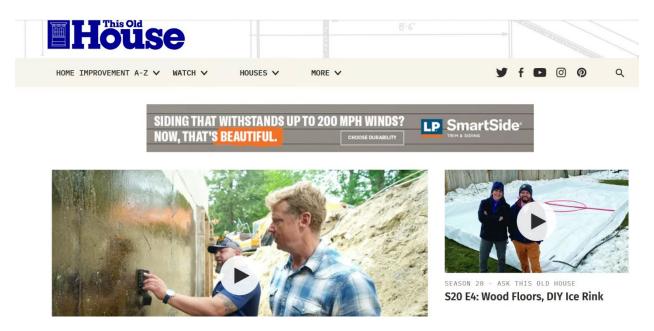
generated by streaming the at least the portion of the requested media (*e.g.*, television program).

- 108. On information and belief, This Old House generates at least one settlement record based on the at least one revenue sharing rule for sharing between the at least two parties the at least the percentage of revenue generated by streaming the at least the portion of the requested media (*e.g.*, television program).
- 109. SITO has been damaged by the direct infringement of This Old House, and is suffering and will continue to suffer irreparable harm and damages as a result of this infringement.

## Count IV - Infringement of United States Patent No. 9,026,673

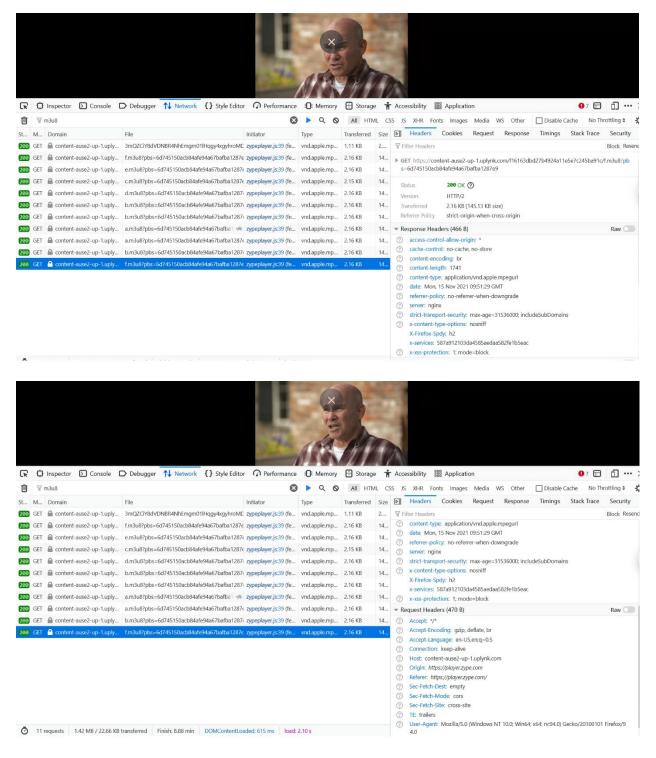
- 110. SITO alleges, and incorporates by reference, as if fully set forth here, the preceding paragraphs of this Complaint.
- 111. This Old House directly infringes (literally and/or under the doctrine of equivalents) the '673 patent by using the method covered by at least claim 1 of the '673 patent.
- 112. On information and belief, and without SITO's approval, authorization and license, This Old House owns, controls, operates and uses a system for streaming media that includes This Old House Streaming Platform, as well as other This Old House networks, systems, devices, components and/or services for streaming media, that practices and infringes the media streaming method recited in at least claim 1 of the '673 patent.

113. This Old House performs a method of streaming video as demonstrated by the example provided below:



See e.g., https://www.thisoldhouse.com.

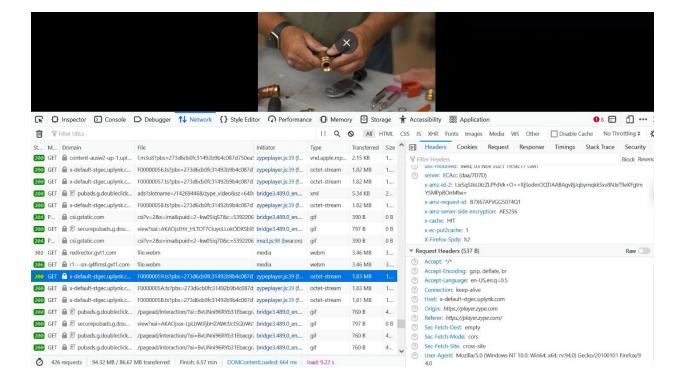
114. This Old House receives, by at least one computing device (*e.g.*, server(s)) via a communication network (*e.g.*, the Internet), a request (*e.g.*, GET request) for media (*e.g.*, television program) from at least one communication device (*e.g.*, client device such as a personal computer, mobile device, and/or television) capable of using instructions (*e.g.*, contained within an M3U8 file(s)) received from the at least one computing device to obtain at least one portion of the requested media using at least one resource (*e.g.*, streaming server(s)) other than the at least one computing device as demonstrated by the example provided below:

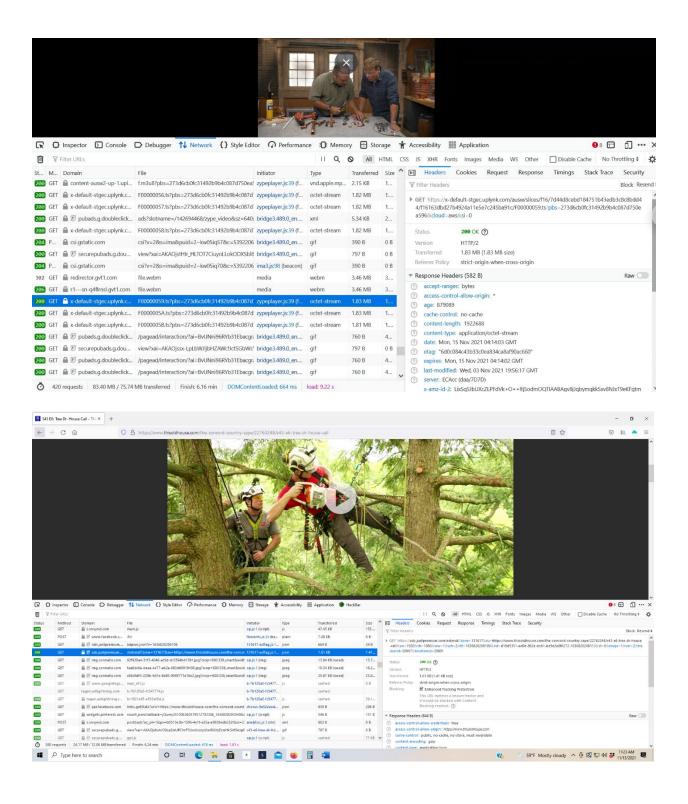


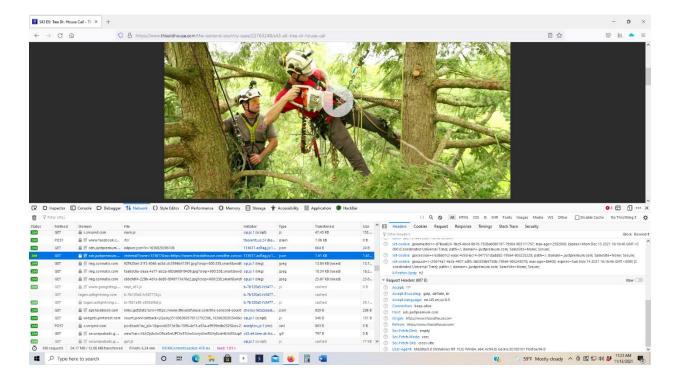
See e.g., https://www.thisoldhouse.com.

115. This Old House determines, by the at least one computing device (*e.g.*, server(s)), whether the at least one portion of the requested media (*e.g.*, video

segment(s)) is available for streaming in accordance with at least one program comprising at least one media selector (*e.g.*, rules/instructions) defining how to select at least one other media (*e.g.*, advertisement) as demonstrated by the example provided below:

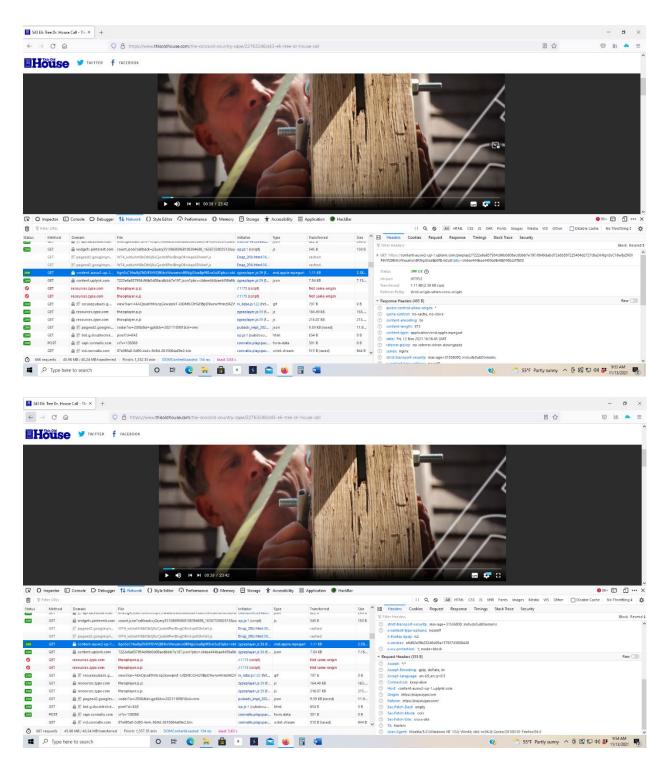






See e.g., https://watch.thisoldhouse.com.

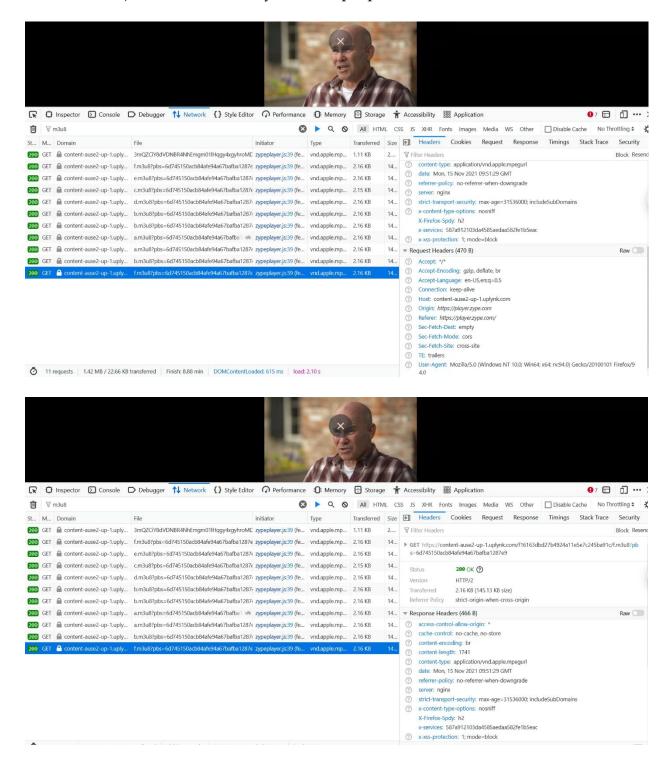
116. On information and belief, This Old House includes a media selector for an advertisement in an M3U8 file(s). On information and belief, a server in This Old House determines the at least one other media based on the at least one media selector as demonstrated by the example provided below:



See e.g., https://watch.thisoldhouse.com.

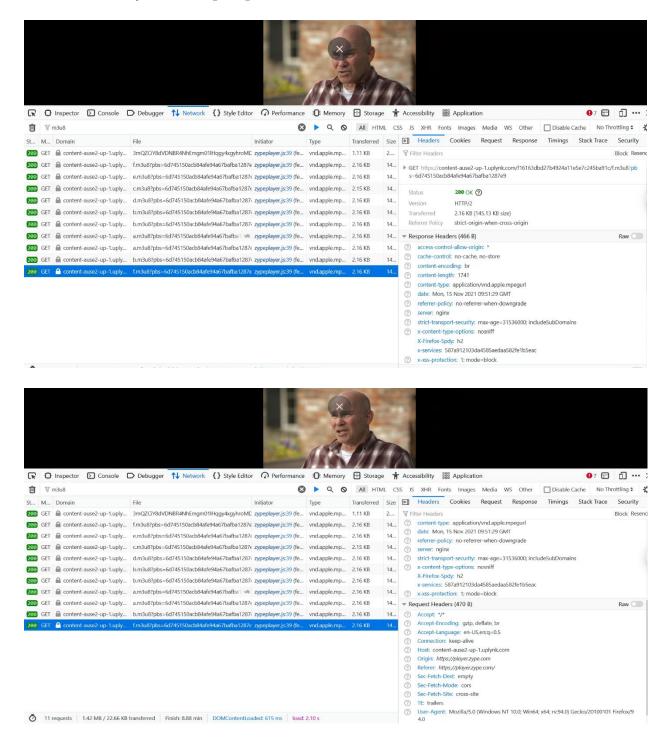
117. This Old House generates, by the at least one computing device and based on one or more capabilities (*e.g.*, type of device (*e.g.*, PC), operating system, browser

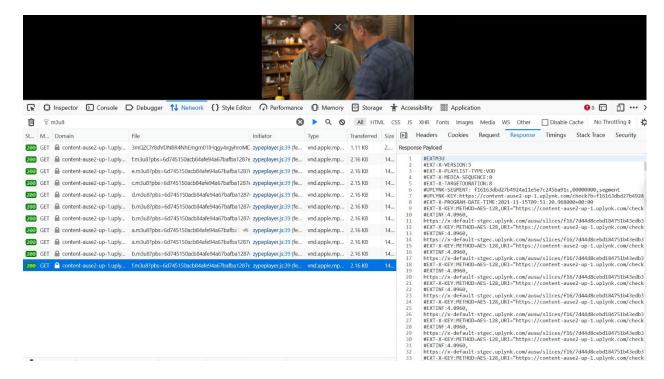
and/or media player) of the communication device, at least one play script (*e.g.*, at least one M3U8 file) as demonstrated by the example provided below:



See e.g., https://www.thisoldhouse.com.

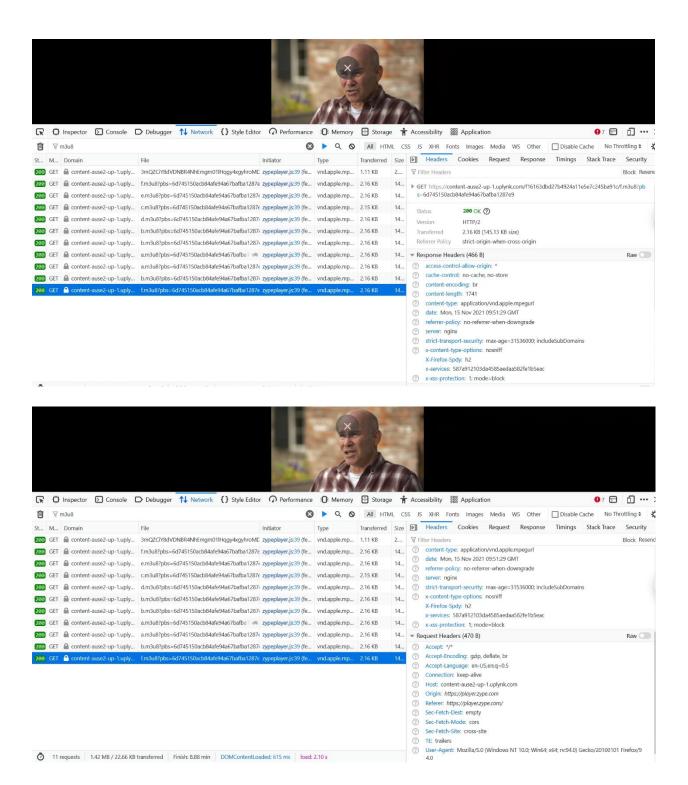
118. The M3U8 file(s) includes an identification (*e.g.*, segment information/segment file name) of the at least one portion of the requested media as demonstrated by the examples provided below:

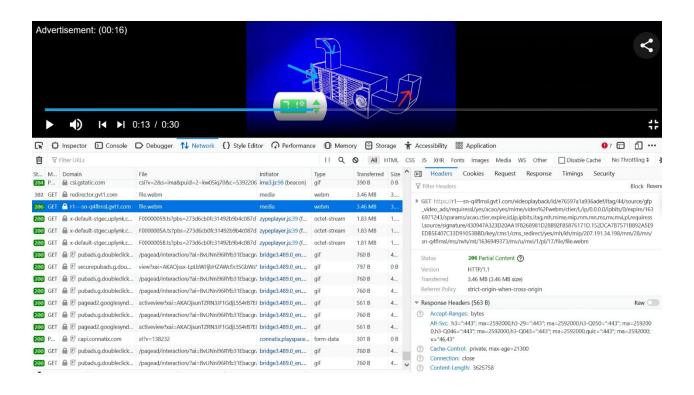


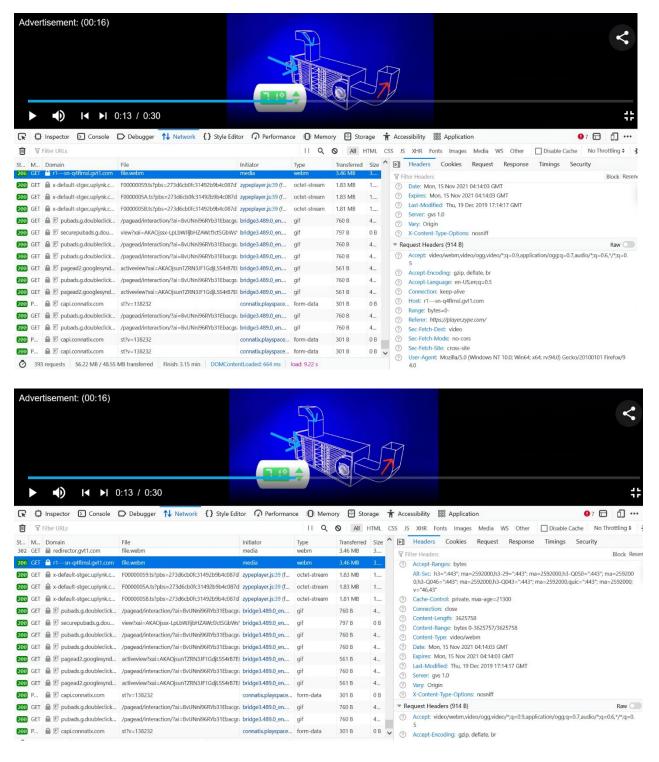


See e.g., https://www.thisoldhouse.com.

119. The M3U8 file(s) includes an identification (*e.g.*, identification of one or more ad breaks between video segments) of the at least one other media (*e.g.*, advertisement) as demonstrated by the examples provided below:

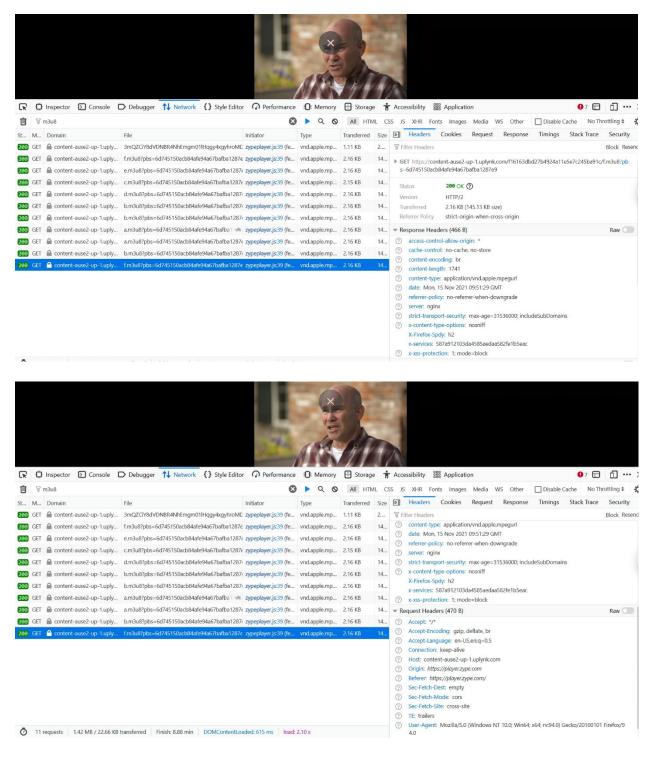






See e.g., https://www.thisoldhouse.com.

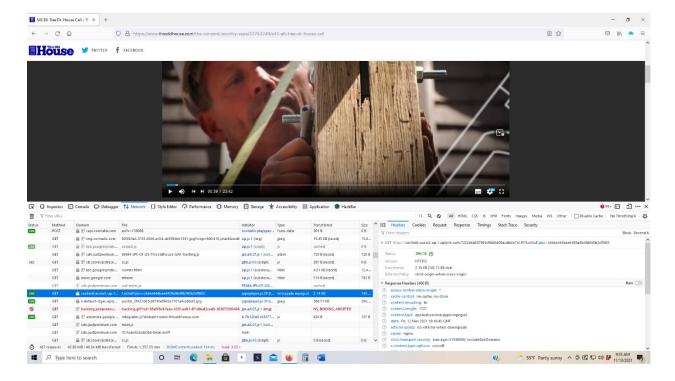
120. The M3U8 file(s) includes a reservation identification associated with the request for media as demonstrated by the examples provided below:

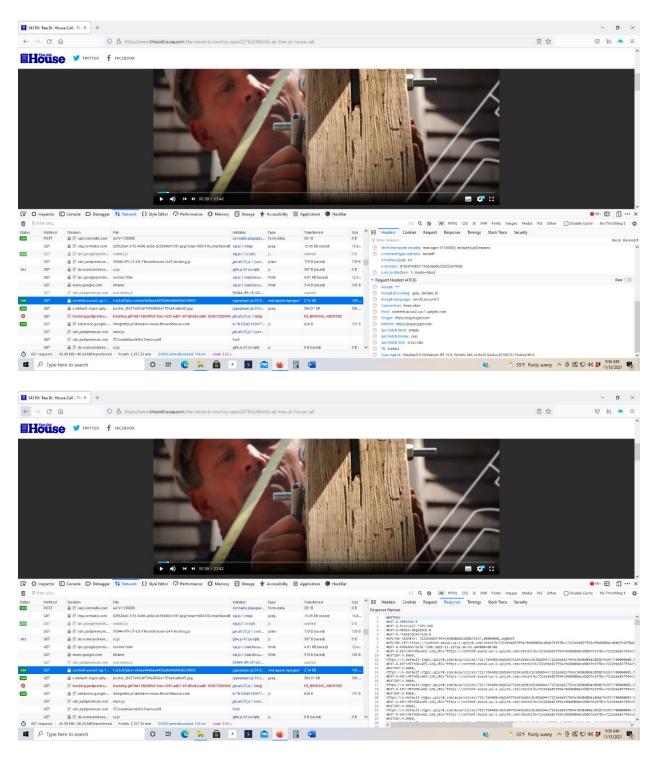


See e.g., https://www.thisoldhouse.com/videos.

121. The M3U8 file(s) includes at least one universal resource locator (URL) associated with at least one of the identification of the at least one portion of the

requested media and the identification of the at least one other media, the at least one URL including at least one identification (*e.g.*, host name) of at least one resource (*e.g.*, streaming server(s)) other than the at least one computing device available to facilitate streaming of at least one of the at least one portion of the requested media and the at least one other media as demonstrated by the examples provided below:

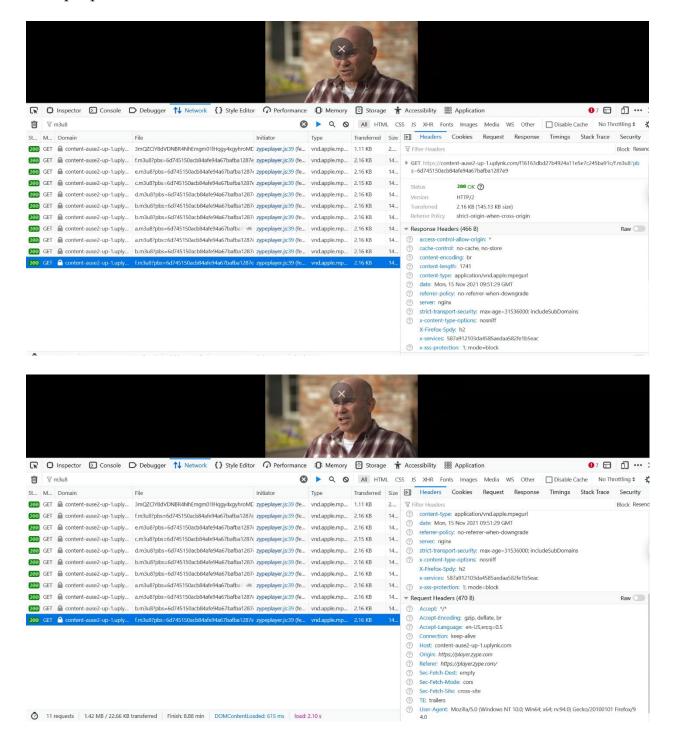




See e.g., https://www.thisoldhouse.com

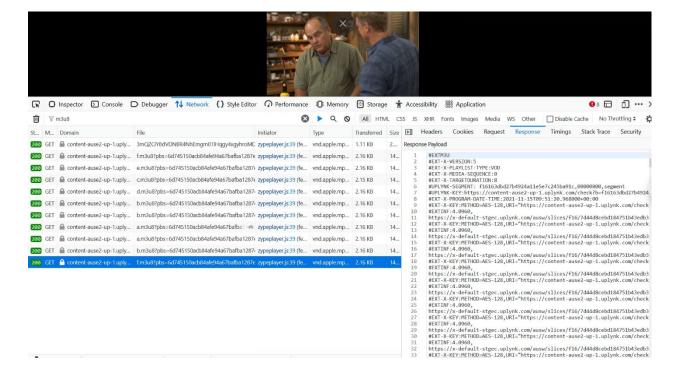
122. The M3U8 file(s) includes one or more instructions for use by the communication device together with the at least one URL and the reservation

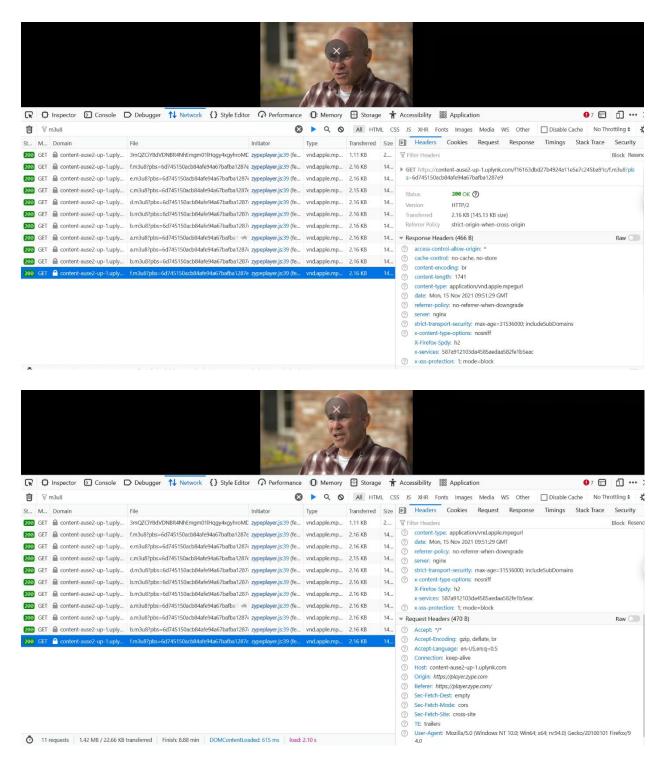
identification to enable the at least one communication device to obtain the at least one portion of the requested media and the at least one other media as demonstrated by the example provided below:



See e.g., https://www.thisoldhouse.com.

123. This Old House transmits, by the at least one computing device to the communication device, the at least one play script to enable the communication device to obtain the at least one portion of the requested media and the at least one other media via the communication network using the at least one resource other than the at least one computing device as demonstrated by the example provided below:





*See e.g.,* https://www.thisoldhouse.com.

124. SITO has been damaged by the direct infringement of This Old House, and is suffering and will continue to suffer irreparable harm and damages as a result of this infringement.

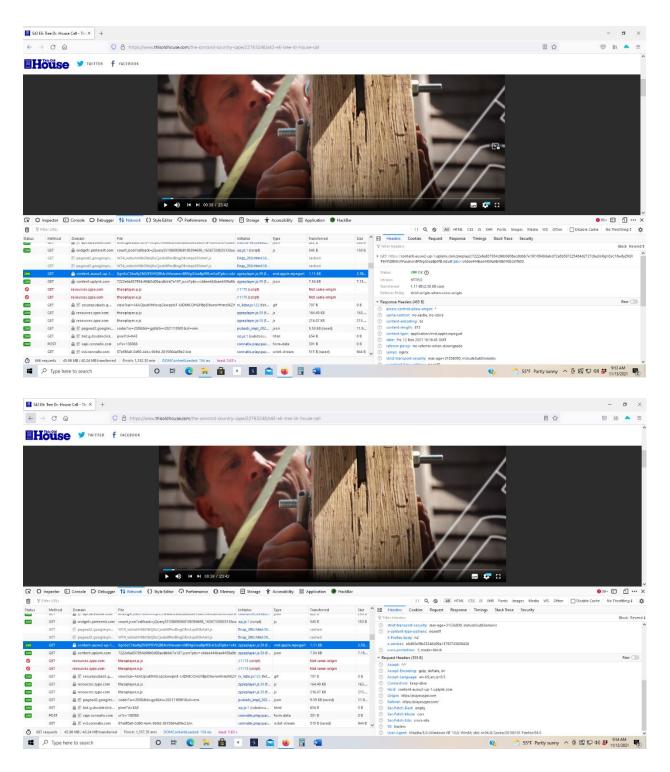
## Count V - Infringement of United States Patent No. 9,135,635

- 125. SITO alleges, and incorporates by reference, as if fully set forth here, the preceding paragraphs of this Complaint.
- 126. This Old House directly infringes (literally and/or under the doctrine of equivalents) the '635 patent by using the method covered by at least claim 1 of the '635 patent.
- 127. On information and belief, and without SITO's approval, authorization and license, This Old House owns, controls, operates, and uses a system for streaming media that includes This Old House Streaming Platform, as well as other This Old House networks, systems, devices, components and/or services for streaming media, that practices and infringes the media streaming method recited in at least claim 1 of the '635 patent.
- 128. This Old House performs a method of streaming media as demonstrated by the example provided below:



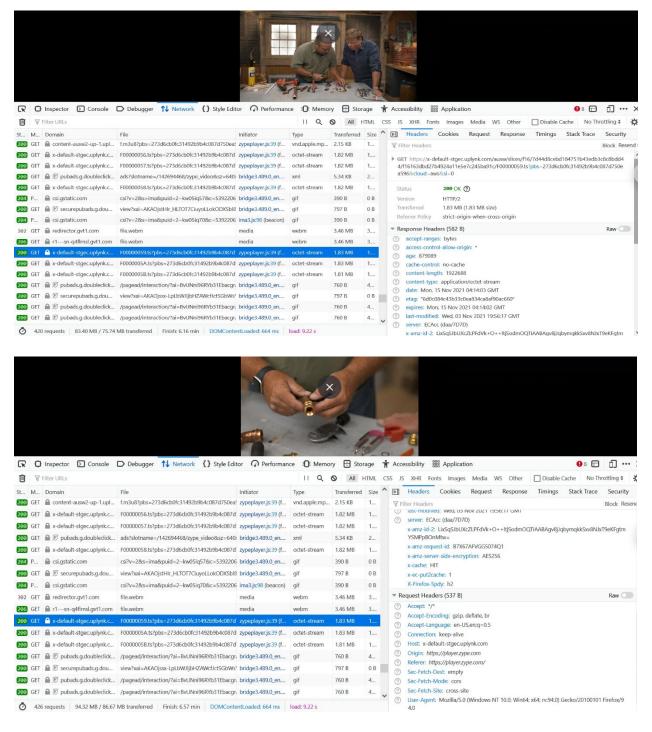
See e.g., https://www.thisoldhouse.com.

129. This Old House receives, by at least one computing device (*e.g.*, server(s)) via a communication network (*e.g.*, the Internet), a request (*e.g.*, GET request) for media (*e.g.*, television program) from a communication device (*e.g.*, client device such as a personal computer, mobile device, and/or television). The at least one computing device comprises a combination of hardware and software as demonstrated by the example provided below:



See e.g., https://www.thisoldhouse.com.

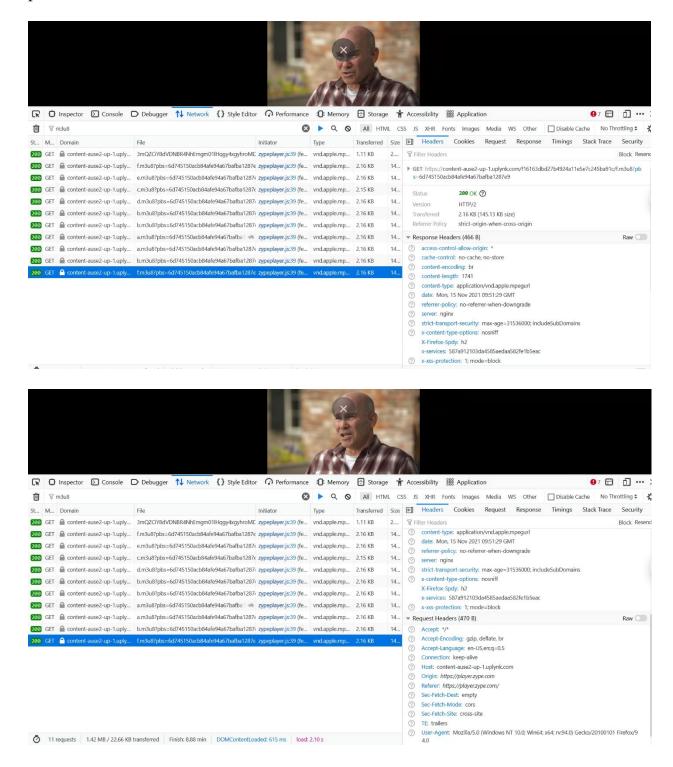
130. This Old House determines, by the at least one computing device, at least one portion of the requested media (*e.g.*, video segment(s)) to be streamed to the

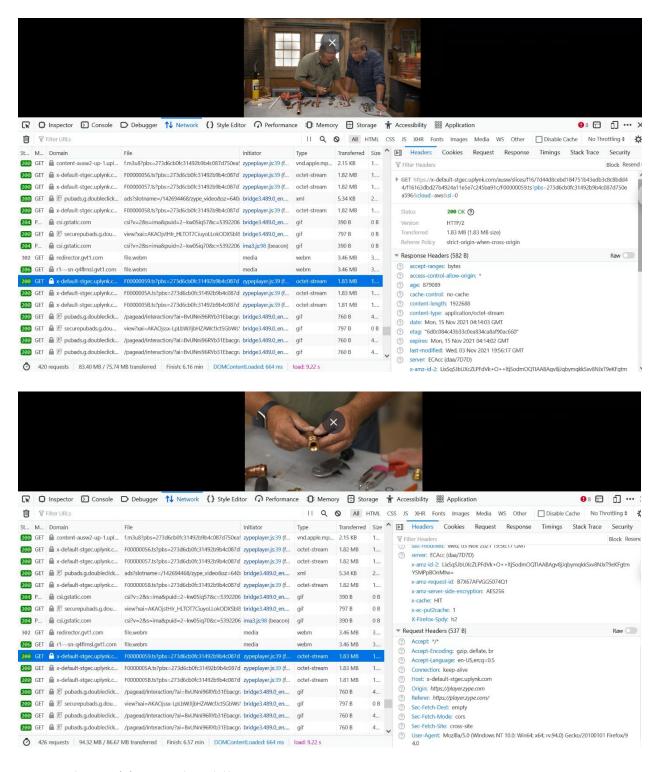


See e.g., https://www.thisoldhouse.com.

131. This Old House transmits, by the at least one computing device for reception by the communication device, at least one play script (*e.g.*, M3U8 file(s))

including at least one identification (*e.g.*, segment information/segment file name) of the at least one portion of the requested media as demonstrated by the examples provided below:

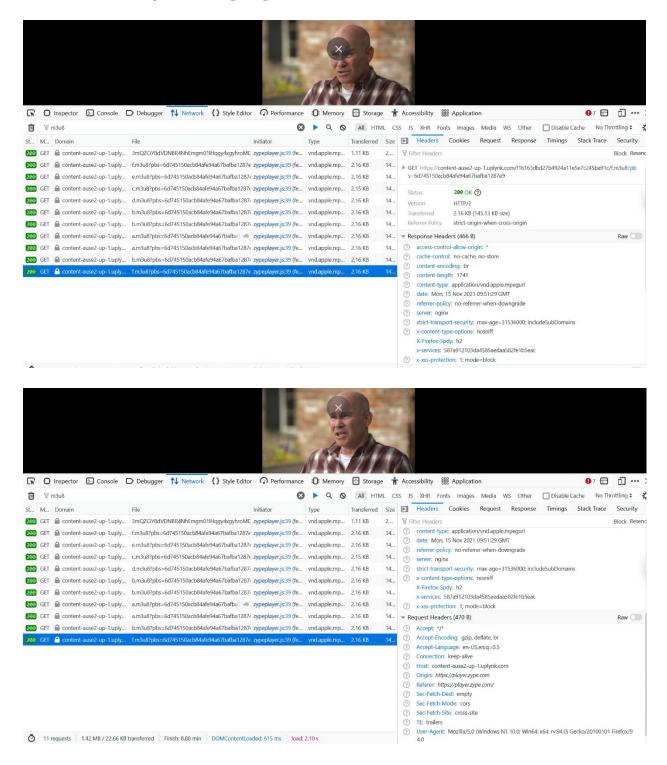


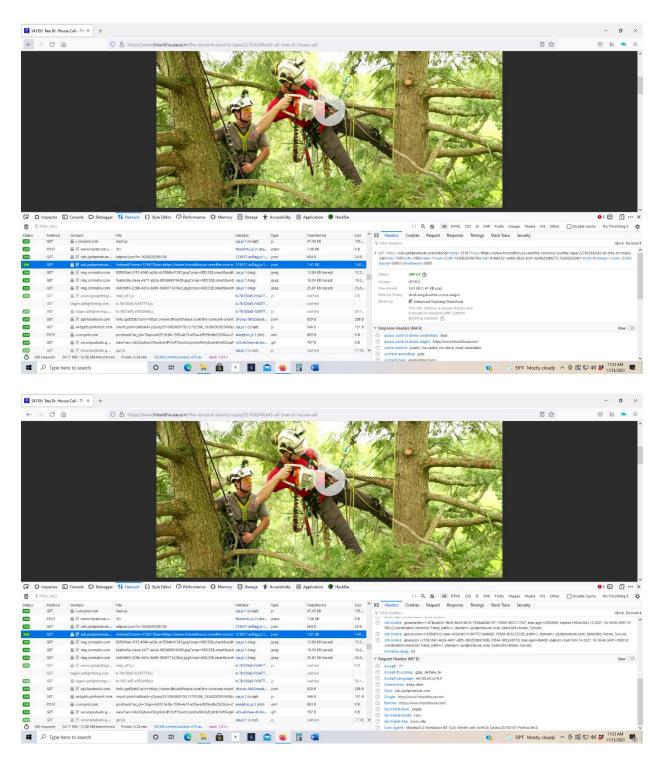


See e.g., https://www.thisoldhouse.com.

132. This Old House transmits, by the at least one computing device for reception by the communication device, at least one play script (*e.g.*, M3U8 file(s))

including an indication (*e.g.*, identification of one or more ad breaks between video segments) that an advertising media clip is to be streamed to the communication device as demonstrated by the examples provided below:

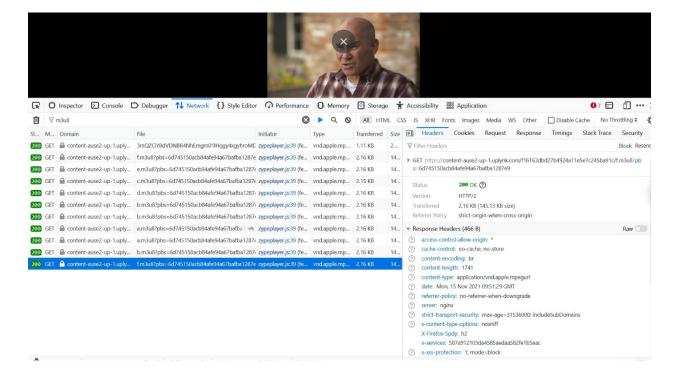


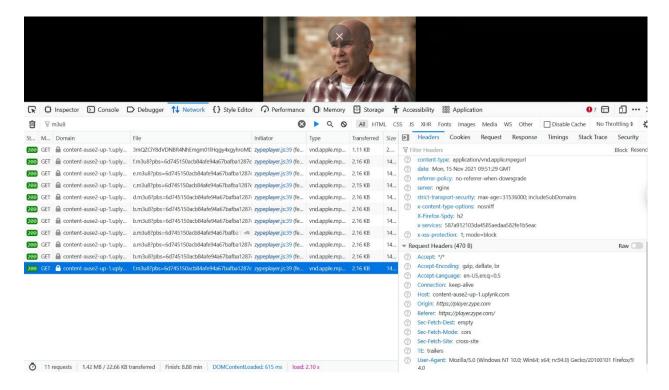


See e.g., https://www.thisoldhouse.com.

133. This Old House transmits, by the at least one computing device for reception by the communication device, at least one play script (*e.g.*, M3U8 file(s))

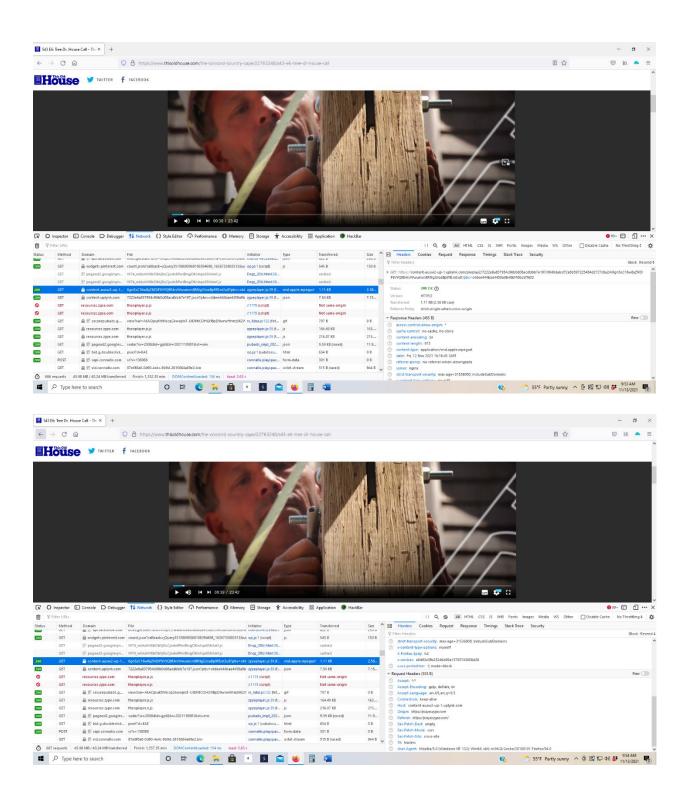
including at least one universal resource locator (URL) associated with the identification of the at least one portion of the requested media, the at least one URL including at least one identification (*e.g.*, host name) of at least one resource (*e.g.*, streaming server(s)) other than the at least one computing device to facilitate streaming of the at least one portion of the requested media as demonstrated by the examples provided below:

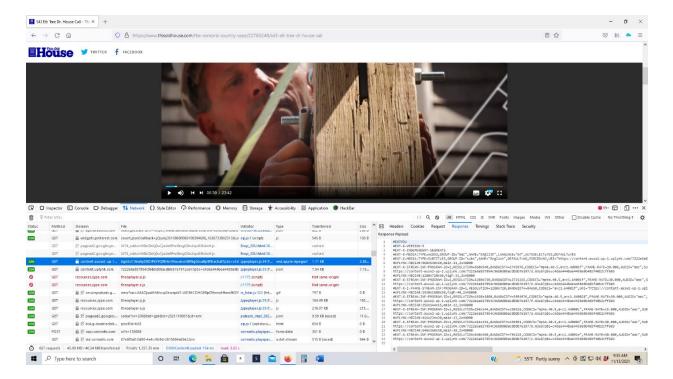




*See e.g.,* https://www.thisoldhouse.com.

134. On information and belief, This Old House transmits, by the at least one computing device for reception by the communication device, at least one play script (e.g., M3U8 file(s)) including one or more instructions for use by the communication device together with the at least one URL to cause the at least one portion of the requested media to be streamed to the communication device as demonstrated by the examples provided below:





*See e.g.,* https://www.thisoldhouse.com.

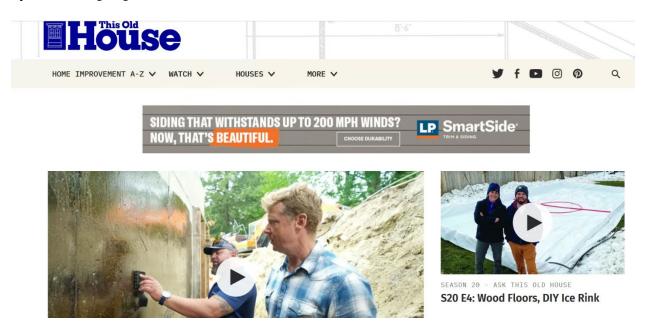
135. SITO has been damaged by the direct infringement of This Old House, and is suffering and will continue to suffer irreparable harm and damages as a result of this infringement.

## Count VI - Infringement of United States Patent No. 9,135,636

- 136. SITO alleges, and incorporates by reference, as if fully set forth here, the preceding paragraphs of this Complaint.
- 137. This Old House directly infringes (literally and/or under the doctrine of equivalents) the '636 patent by using the method covered by at least claim 1 of the '636 patent.
- 138. On information and belief, and without SITO's approval, authorization and license, This Old House owns, controls, operates and uses a system for streaming

media that includes This Old House Streaming Platform, as well as other This Old House networks, systems, devices, components and/or services for streaming media, that practices and infringes the media streaming method recited in at least claim 1 of the '636 patent.

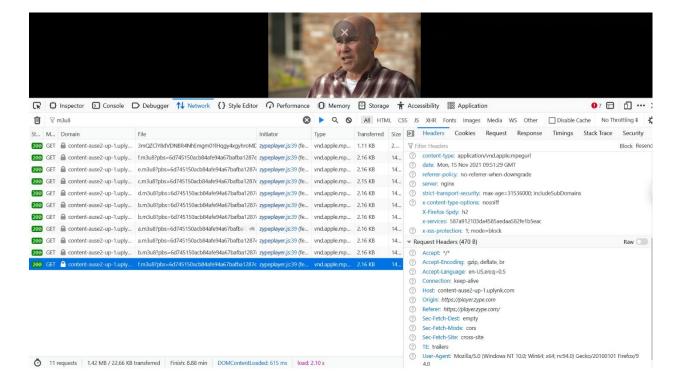
- 139. This Old House system that infringes one or more claims of the '636 patent includes, but is not limited to, This Old House Streaming Platform, and any other This Old House network, system, device, and/or service that practices a media streaming method as claimed in the '636 patent.
- 140. This Old House performs a method of streaming media as demonstrated by the example provided below:

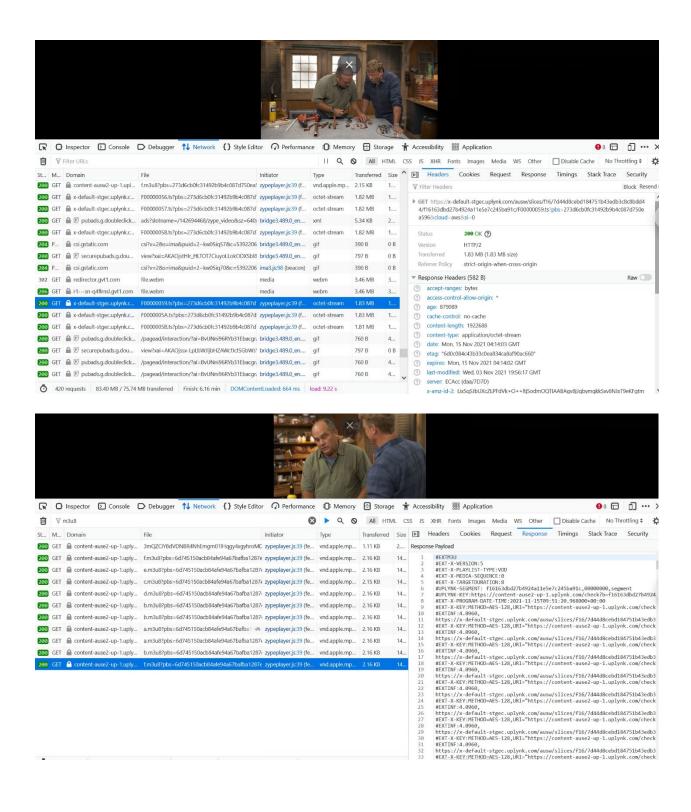


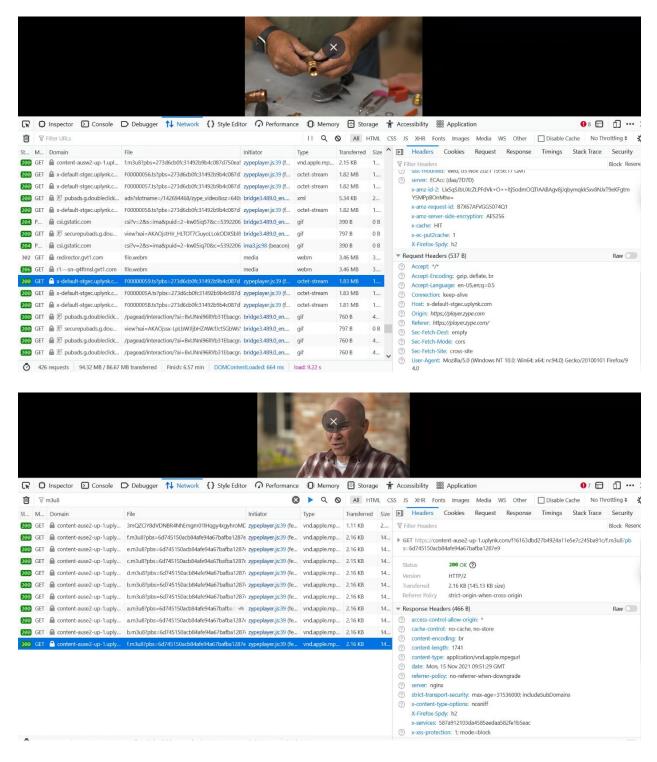
See e.g., https://www.thisoldhouse.com.

141. This Old House receives, by at least one computing device (*e.g.*, server(s)) via a communication network (*e.g.*, the Internet), a request (*e.g.*, GET request) for media (*e.g.*, television program) from a communication device (*e.g.*, client device such as a

personal computer, mobile device, and/or television), capable of using instructions (e.g., contained within an M3U8 file(s)) received from the at least one computing device to obtain at least one portion of the requested media (e.g., video segment(s)) using at least one resource (e.g., streaming server(s)) other than the at least one computing device as demonstrated by the examples provided below:



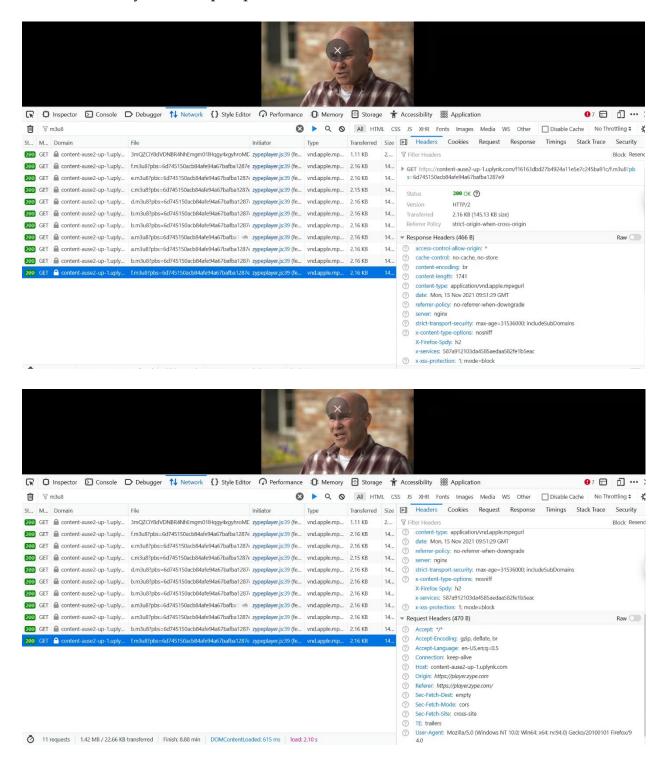


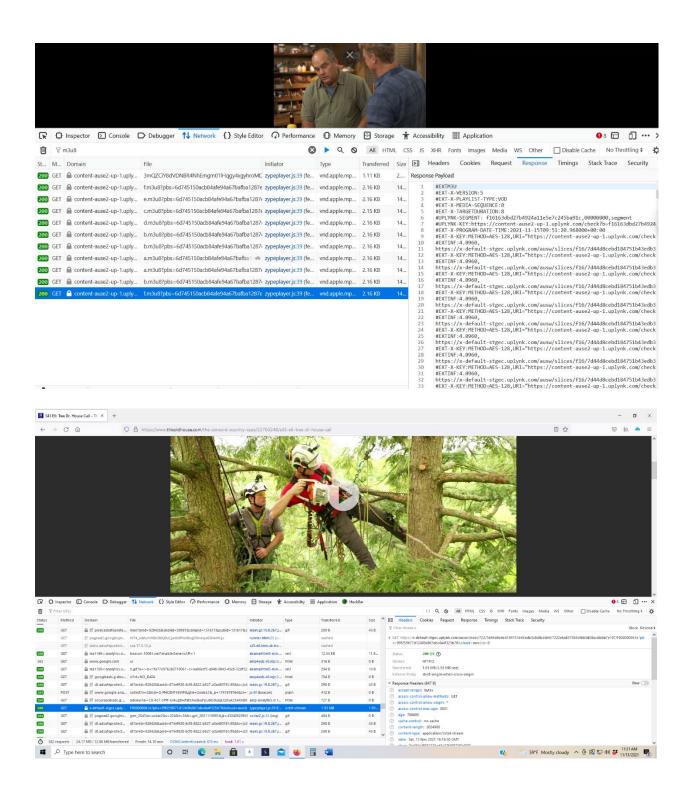


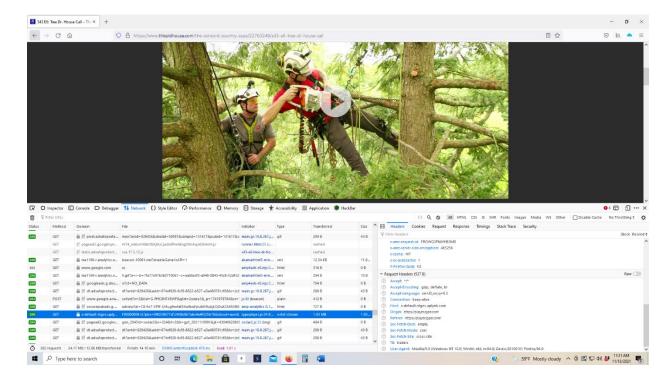
See e.g., https://www.thisoldhouse.com.

142. This Old House generates, by the at least one computing device, at least one play script (*e.g.*, M3U8 file(s)) including at least one identification (*e.g.*, segment

information/segment file name) of the at least one portion of the requested media as demonstrated by the examples provided below:

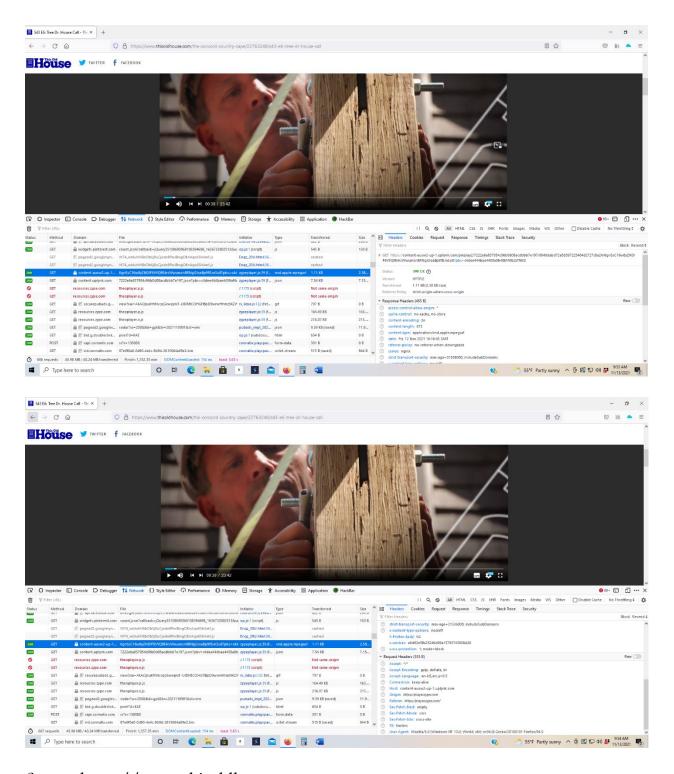






See e.g., https://www.thisoldhouse.com.

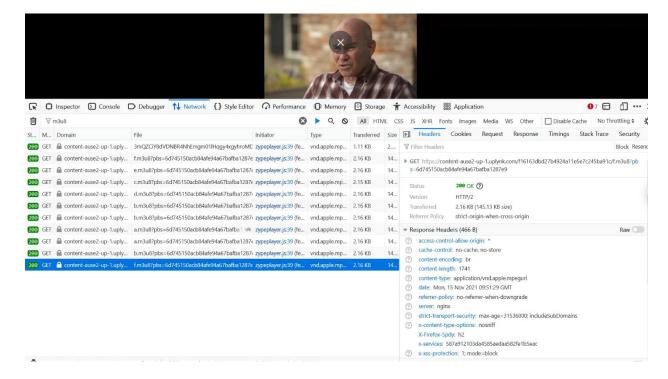
143. This Old House generates, by the at least one computing device, at least one play script (*e.g.*, M3U8 file(s)) including a reservation identification associated with the request for media as demonstrated by the example provided below:

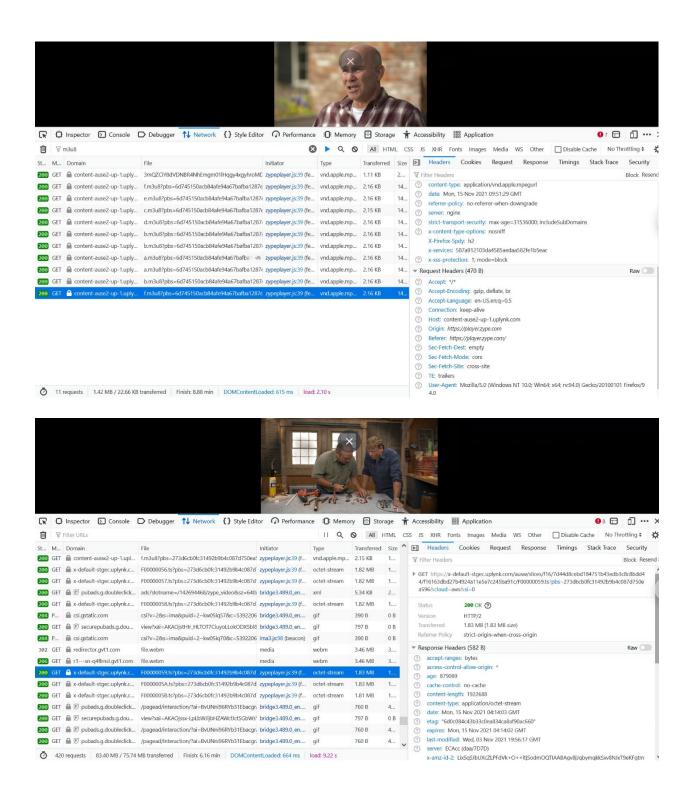


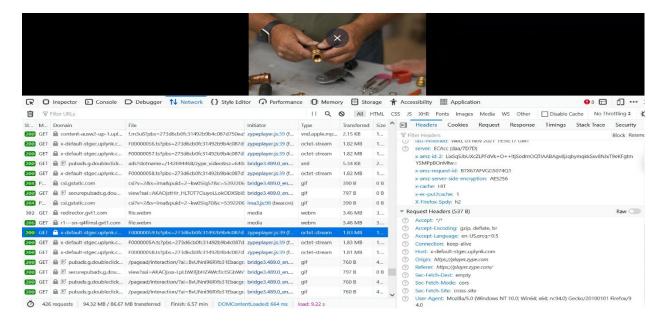
*See e.g.*, https://www.thisoldhouse.com.

144. This Old House generates, by the at least one computing device, at least one play script (*e.g.*, M3U8 file(s)) including at least one universal resource locator

(URL) associated with the at least one identification of the at least one portion of the requested media, the at least one URL including at least one identification (*e.g.*, host name) of the at least one resource (*e.g.*, streaming server(s)) other than the at least one computing device available to facilitate streaming of at least one of the at least one portion of the requested media as demonstrated by the example provided below:

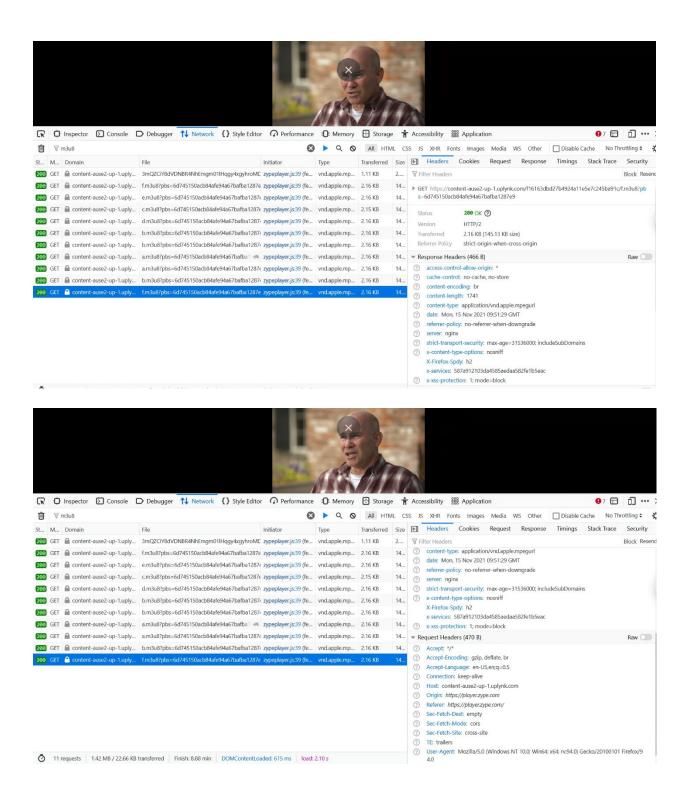


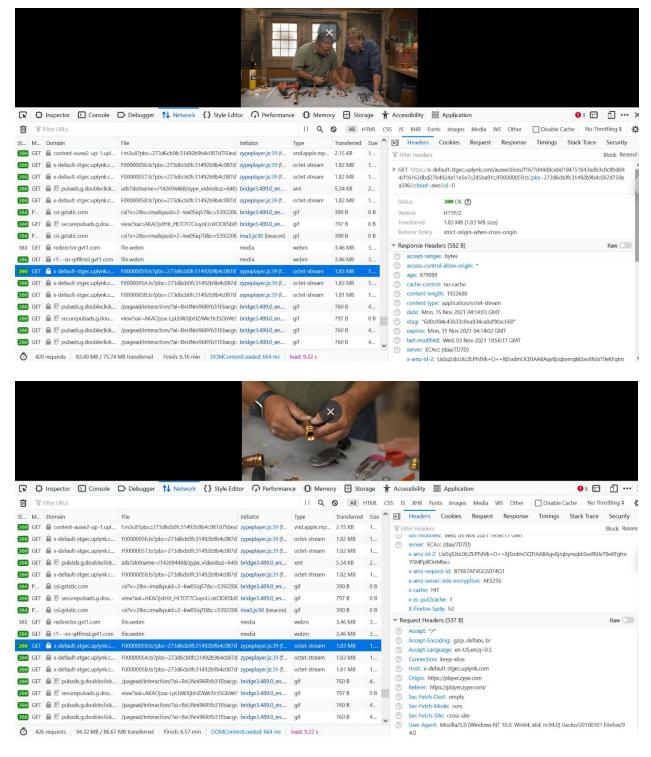




*See e.g.,* https://www.thisoldhouse.com.

145. This Old House generates, by the at least one computing device, at least one play script (*e.g.*, M3U8 file(s)) including one or more instructions for use by the communication device together with the at least one URL and the reservation identification to enable the communication device to obtain the at least one portion of the requested media as demonstrated by the example provided below:

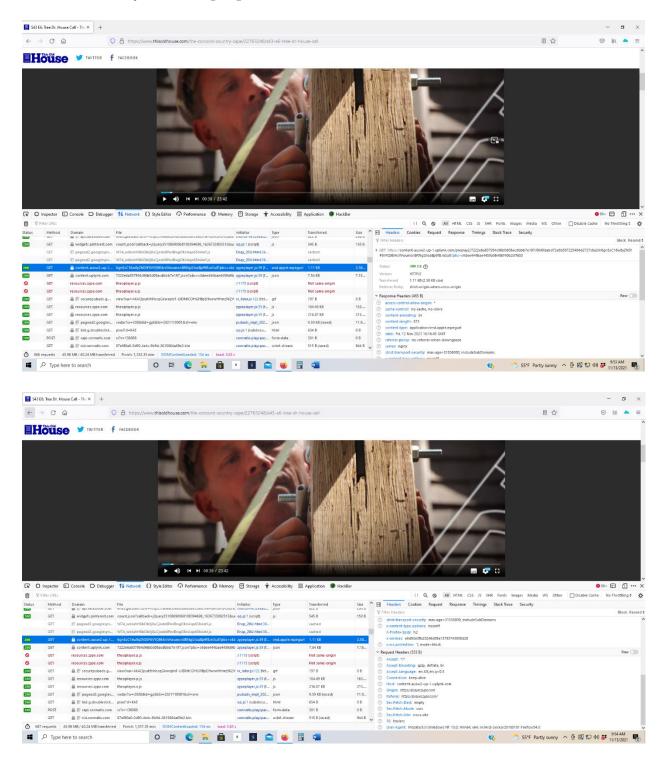




See e.g., https://www.thisoldhouse.com/videos.

146. This Old House transmits, by the at least one computing device to the communication device, the at least one play script to enable the communication device

to obtain the at least one portion of the requested media via the communication network using the at least one resource other than the at least one computing device as demonstrated by the example provided below:



*See e.g.*, https://www.thisoldhouse.com.

147. SITO has been damaged by the direct infringement of This Old House, and is suffering and will continue to suffer irreparable harm and damages as a result of this infringement.

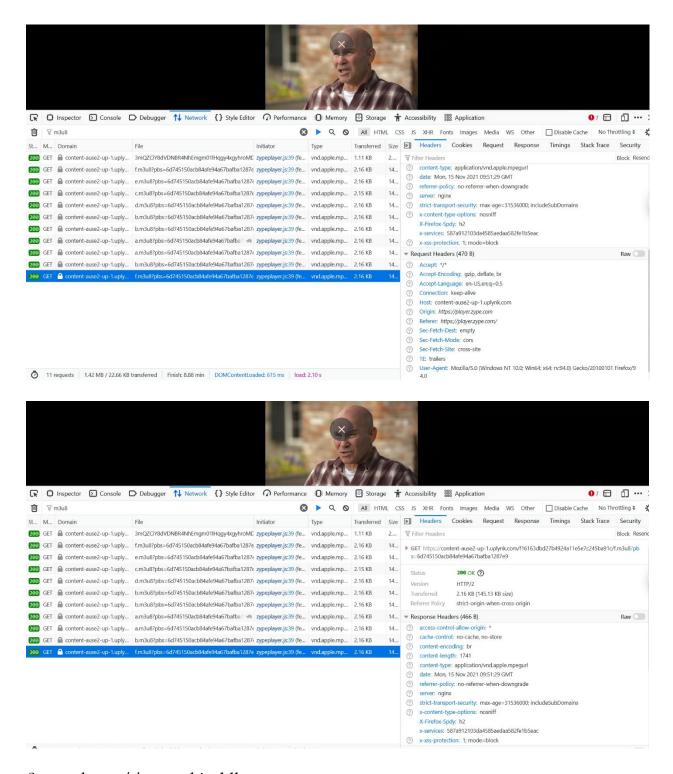
## Count VII - Infringement of United States Patent No. 9,350,777

- 148. SITO alleges, and incorporates by reference, as if fully set forth here, the preceding paragraphs of this Complaint.
- 149. This Old House directly infringes (literally and/or under the doctrine of equivalents) the '777 patent by using the method covered by at least claim 59 of the '777 patent.
- 150. On information and belief, and without SITO's approval, authorization and license, This Old House owns, controls, operates and uses a system for streaming media that includes This Old House Streaming Platform, as well as other This Old House networks, systems, devices, components and/or services for streaming media, that practices and infringes the media streaming method recited in at least claim 59 of the '777 patent.
- 151. This Old House performs a media streaming management method as demonstrated by the example provided below:



See e.g., https://www.thisoldhouse.com.

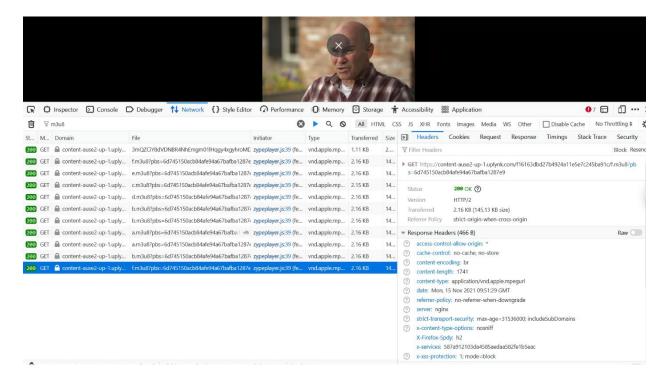
152. This Old House receives, by at least one computing device (*e.g.*, server(s)) comprising a combination of hardware and software, a request (*e.g.*, GET request) to receive media (*e.g.*, television program) from at least one communication device (*e.g.*, client device such as a personal computer, mobile device, and/or television) capable of playing the requested media as demonstrated by the example provided below:

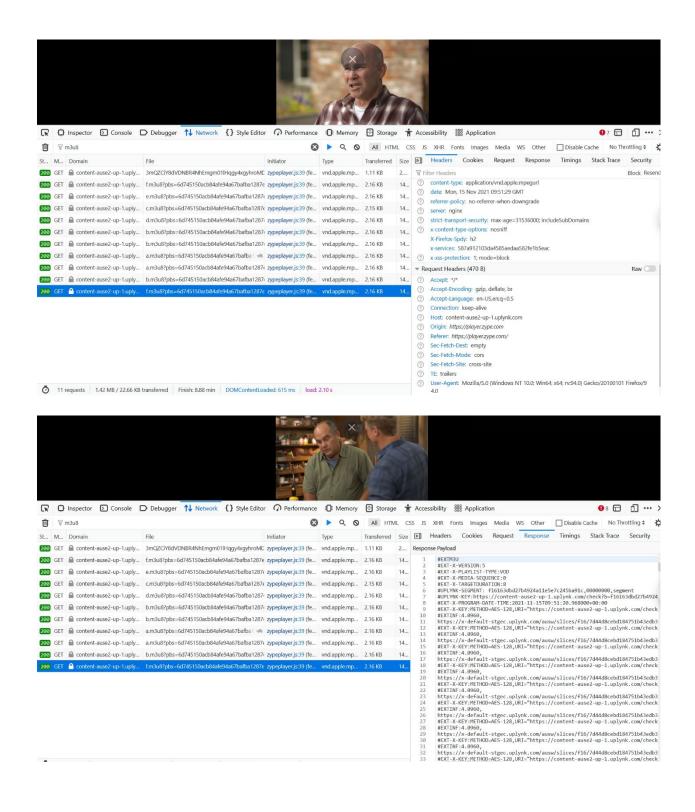


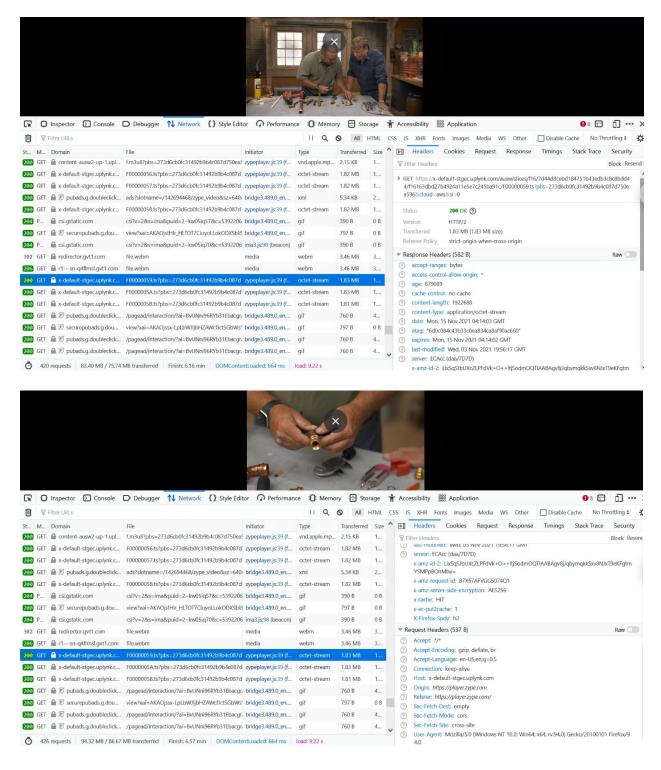
See e.g., https://www.thisoldhouse.com.

153. In response to the request for media and based on one or more attributes (*e.g.*, type of device (*e.g.*, PC), operating system, browser and/or media player) of the

communication device and one or more rules associated with the requested media, This Old House transmits (*e.g.*, within an M3U8 file(s)), to the communication device by the at least one computing device over a communication network (*e.g.*, the Internet) at least one identification (*e.g.*, segment information/segment file name) of the at least one portion of the requested media (video segment(s)) as demonstrated by the examples provided below:



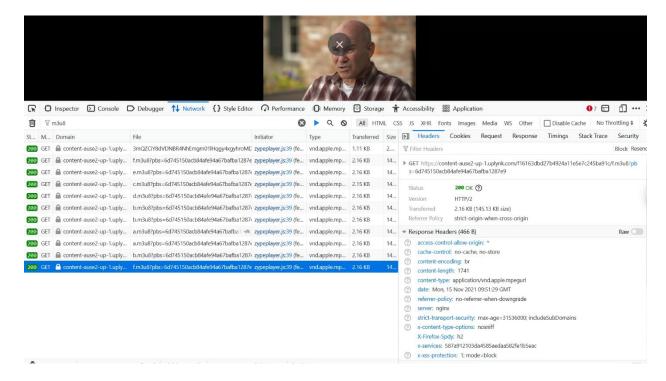


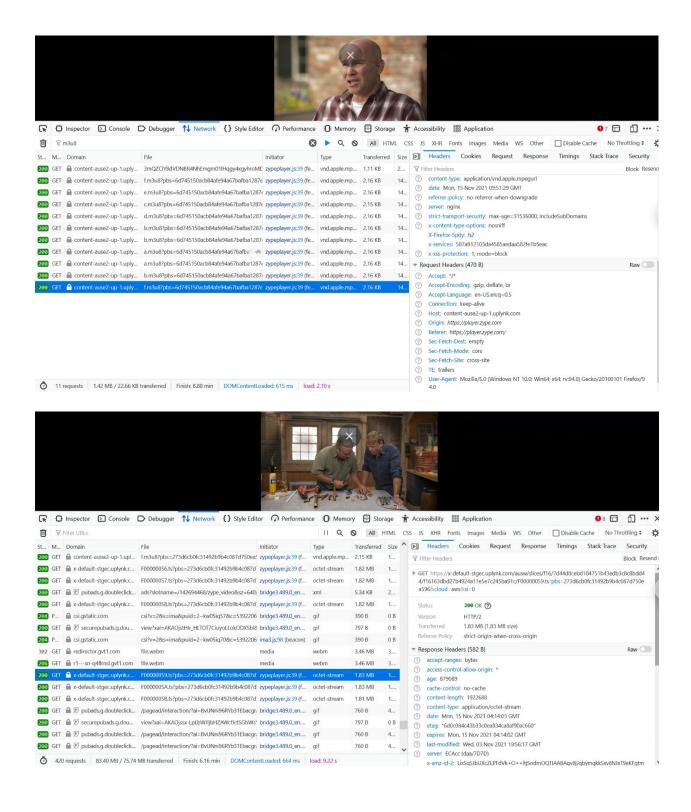


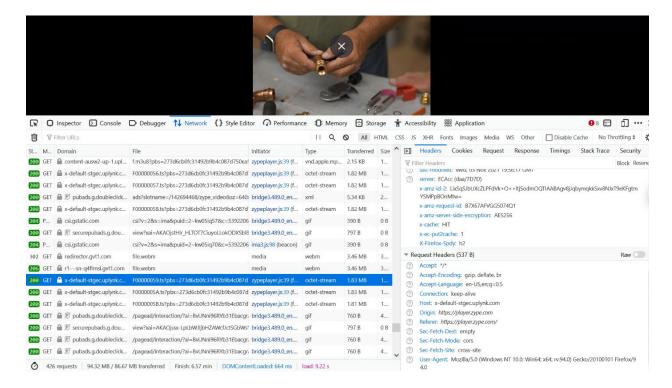
See e.g., https://www.thisoldhouse.com.

154. In response to the request for media and based on one or more attributes (*e.g.*, type of device (*e.g.*, PC), operating system, browser and/or media player) of the

communication device and one or more rules associated with the requested media, This Old House transmits (*e.g.*, within an M3U8 file(s)), to the communication device by the at least one computing device over a communication network (*e.g.*, the Internet) at least one identification (*e.g.*, host name) of at least one resource (*e.g.*, streaming server(s)) other than the at least one computing device to facilitate streaming of the at least one portion of the requested media as demonstrated by the examples provided below:

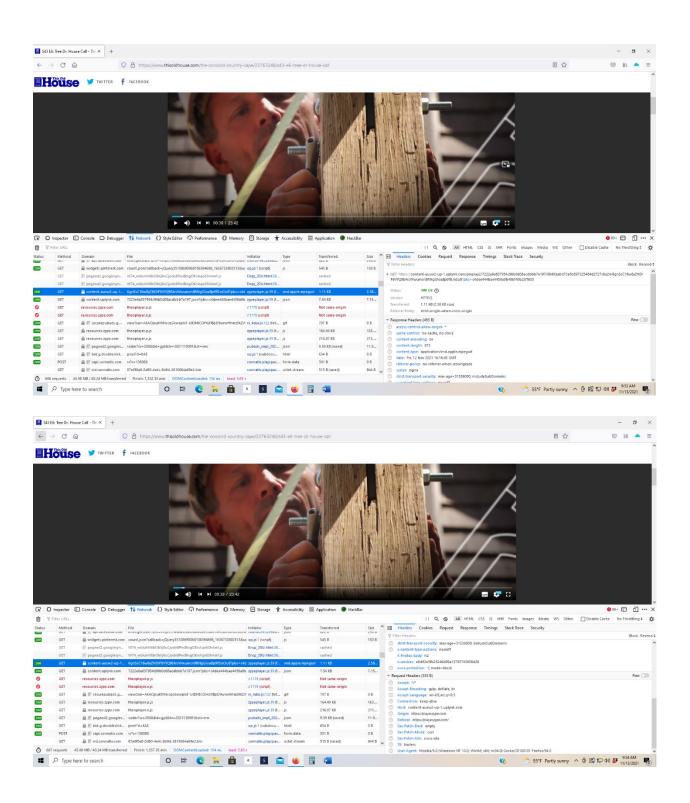


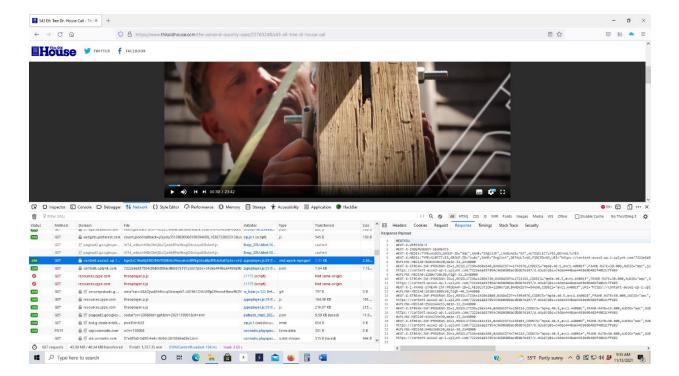




*See e.g.,* https://www.thisoldhouse.com.

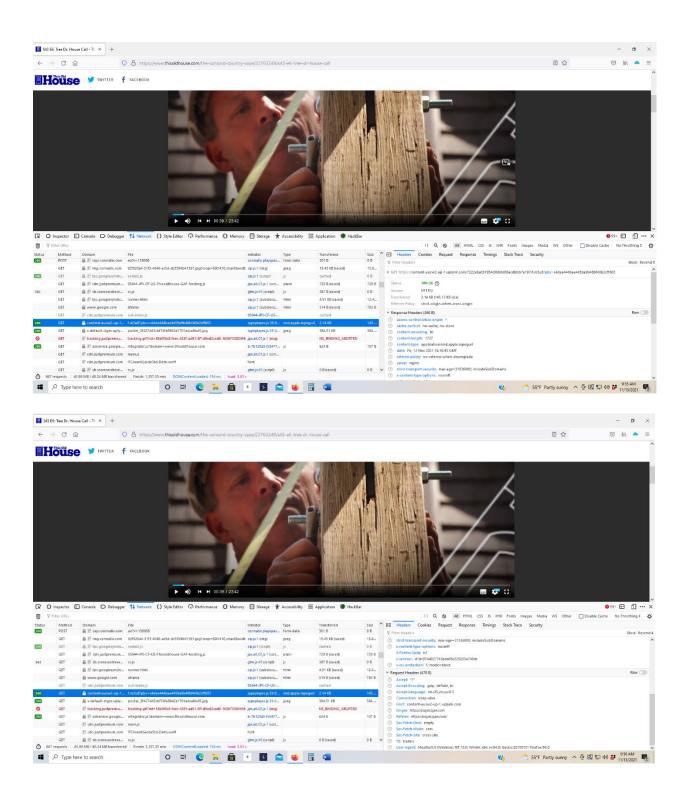
155. In response to the request for media and based on one or more attributes (e.g., type of device (e.g., PC), operating system, browser and/or media player) of the communication device and one or more rules associated with the requested media, This Old House transmits (e.g., within an M3U8 file(s)), to the communication device by the at least one computing device over a communication network (e.g., the Internet) information (e.g., segment information/segment file name, title identifier of the segment, type of file of the segment, and/or format of the segment) for use by the communication device as to how the at least one portion of the requested media is to be presented to a user of the communication device as demonstrated by the examples provided below:

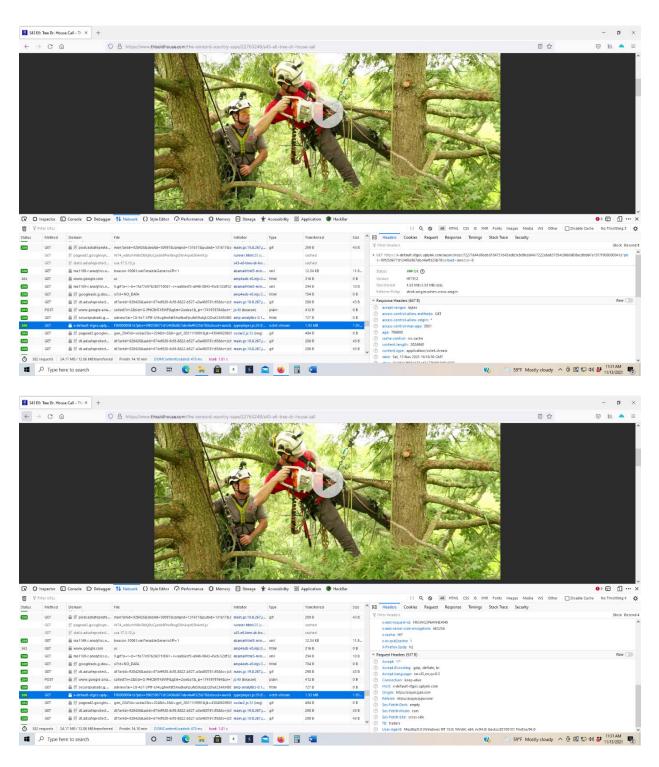




*See e.g.*, https://www.thisoldhouse.com/.

156. In response to the request for media and based on one or more attributes (e.g., type of device (e.g., PC), operating system, browser and/or media player) of the communication device and one or more rules associated with the requested media, This Old House transmits (e.g., within an M3U8 file(s)), to the communication device by the at least one computing device over a communication network (e.g., the Internet) a unique identifier (e.g., user ID and additional identifier information) for use by at least the communication device to enable the at least one portion of the requested media to be streamed to the communication device as demonstrated by the example provided below:



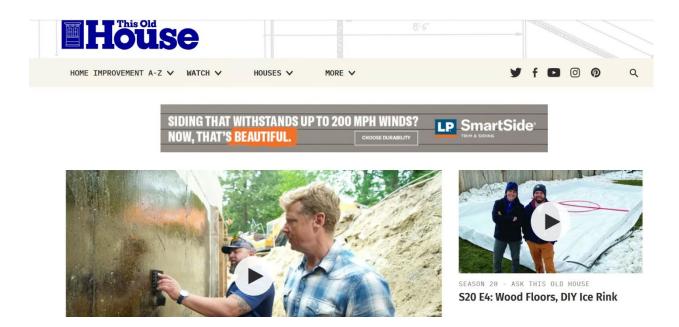


*See e.g.,* https://www.thisoldhouse.com.

157. SITO has been damaged by the direct infringement of This Old House, and is suffering and will continue to suffer irreparable harm and damages as a result of this infringement.

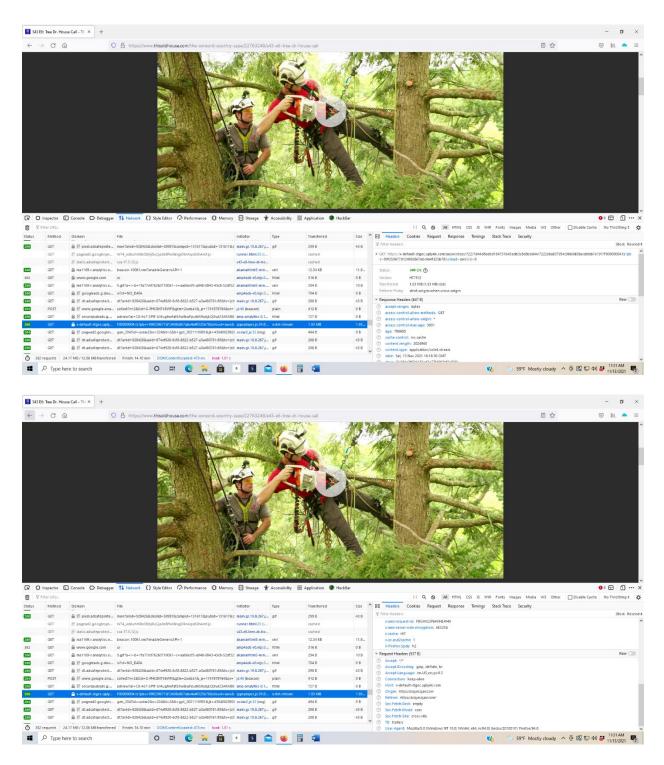
## Count VIII - Infringement of United States Patent No. 9,380,088

- 158. SITO alleges, and incorporates by reference, as if fully set forth here, the preceding paragraphs of this Complaint.
- 159. This Old House directly infringes (literally and/or under the doctrine of equivalents) the '088 patent by using the method covered by at least claim 36 of the '088 patent.
- 160. On information and belief, and without SITO's approval, authorization and license, This Old House owns, controls, operates and uses a system for streaming media that includes This Old House Streaming Platform, as well as other This Old House networks, systems, devices, components and/or services for streaming media, that practices and infringes the media streaming method recited in at least claim 36 of the '088 patent.
- 161. This Old House performs a media streaming management method as demonstrated by the example provided below:



See e.g., https://www.thisoldhouse.com.

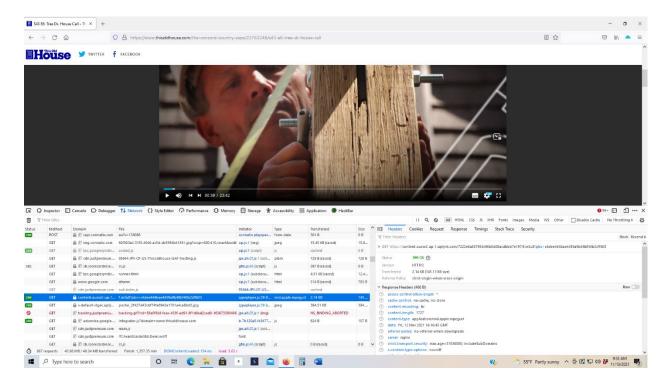
162. This Old House receives, by at least one computing device (*e.g.*, server(s)) comprising a combination of hardware and software, a request (*e.g.*, GET request) for media (*e.g.*, television program) from a communication device (*e.g.*, client device such as a personal computer, mobile device, and/or television) capable of playing the requested media as demonstrated by the example provided below:

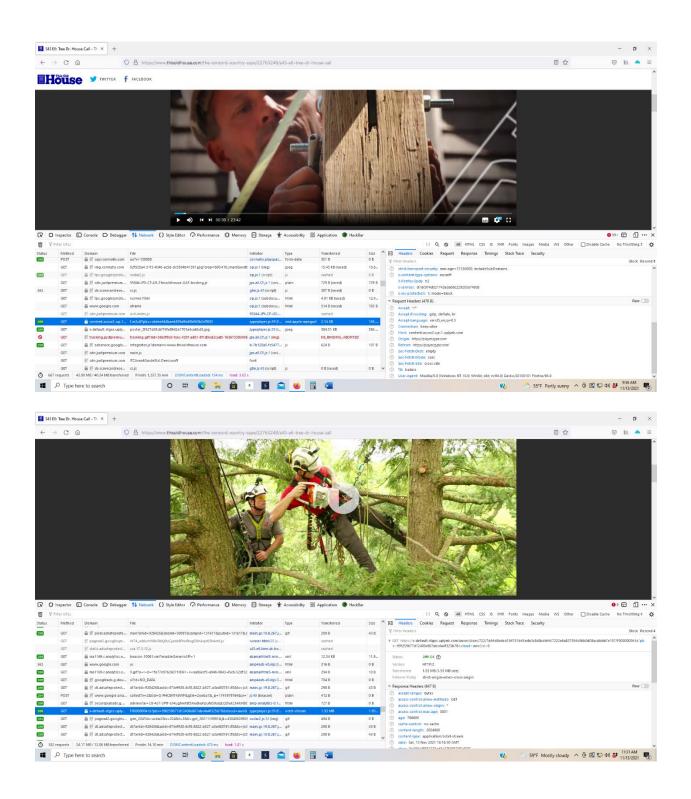


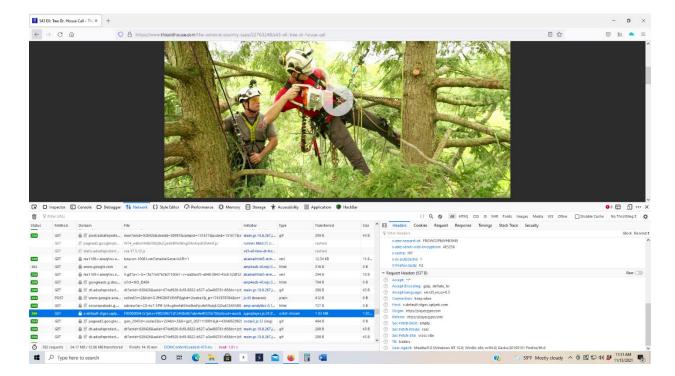
*See e.g.,* https://www.thisoldhouse.com/.

163. In response to the request for media and based on one or more attributes (e.g., type of device (e.g., PC), operating system, browser and/or media player) of the

communication device and one or more rules associated with the requested media, This Old House transmits (*e.g.*, within an M3U8 file(s)), from the at least one computing device to the communication device over a communication network (*e.g.*, the Internet) at least one identification (*e.g.*, segment information/segment file name) of at least one portion of the requested media (*e.g.*, video segment(s)) as demonstrated by the examples provided below:

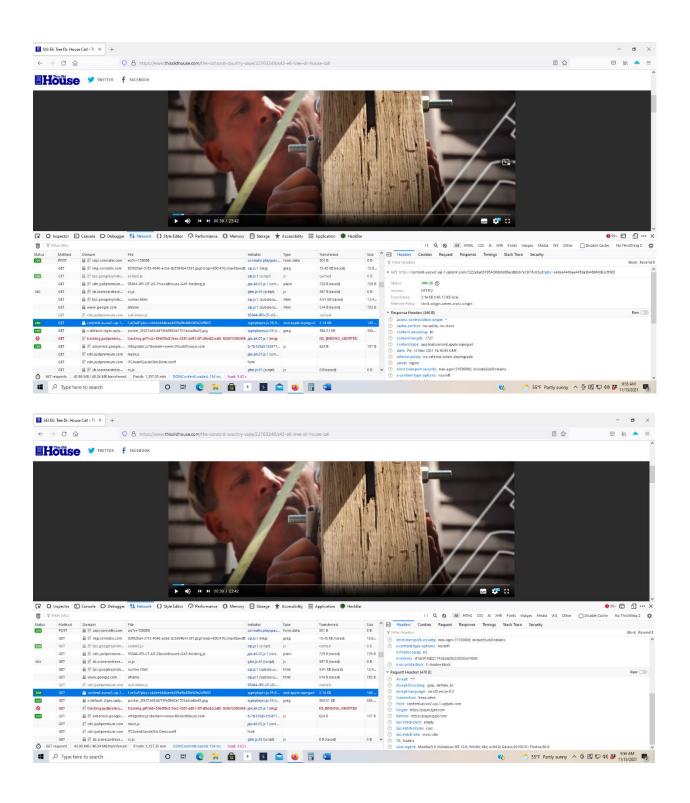


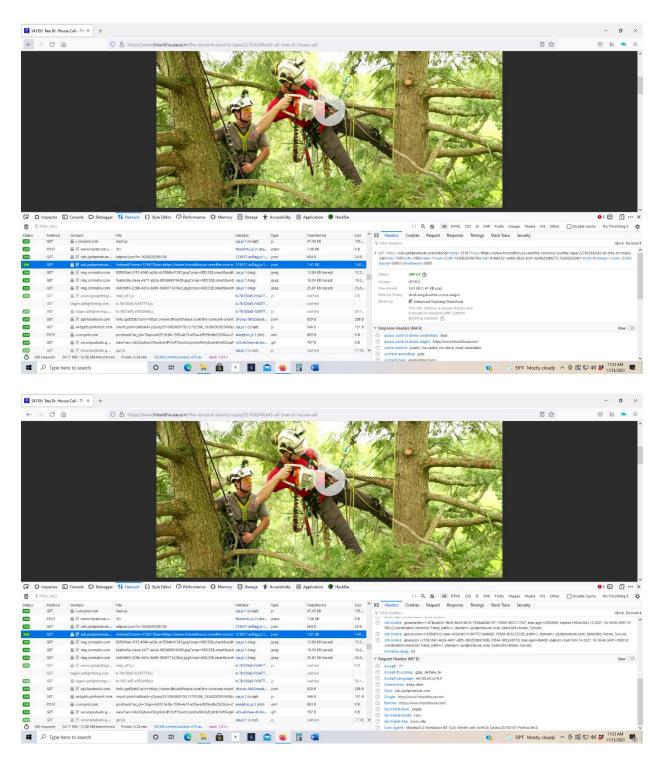




*See e.g.,* https://www.thisoldhouse.com.

164. In response to the request for media and based on one or more attributes (*e.g.*, type of device (*e.g.*, PC), operating system, browser and/or media player) of the communication device and one or more rules associated with the requested media, This Old House transmits (*e.g.*, within an M3U8 file(s)), from the at least one computing device to the communication device over a communication network (*e.g.*, the Internet) an indication (*e.g.*, identification of one or more ad breaks between video segments) that at least one advertising media clip is to be streamed to the communication device as demonstrated by the examples provided below:

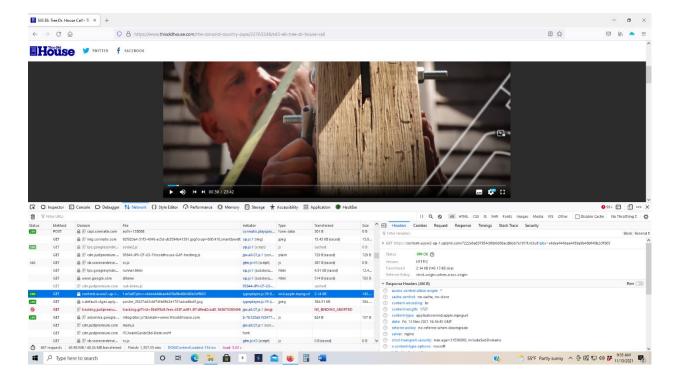


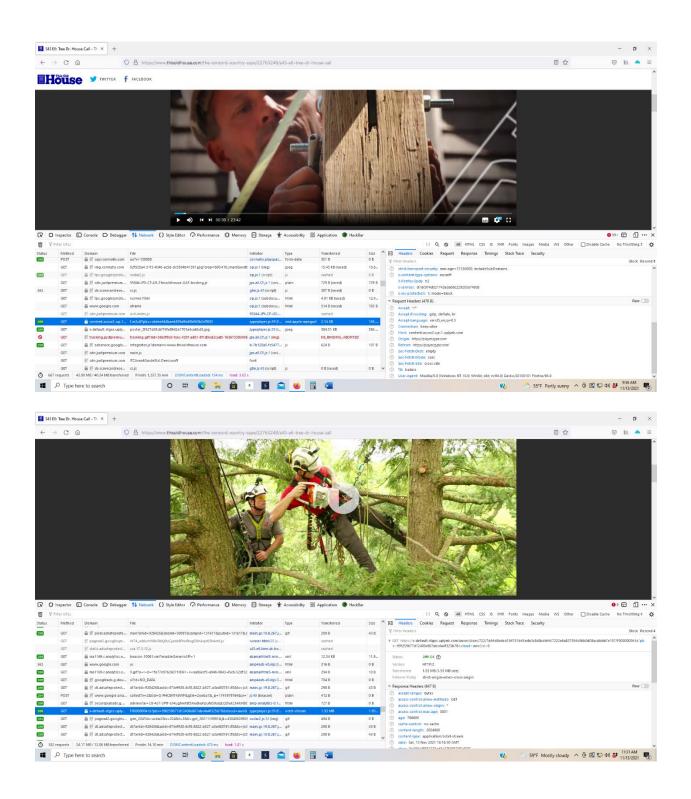


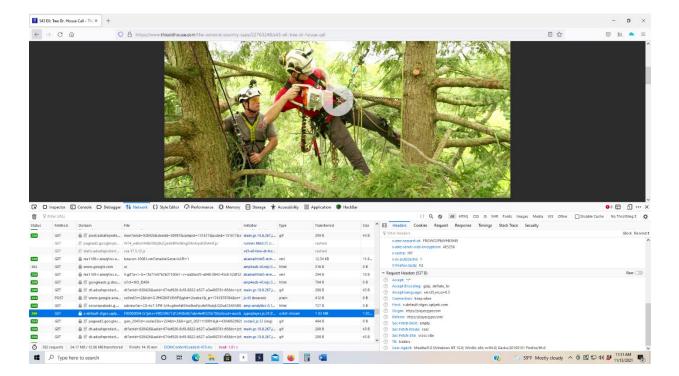
See e.g., https://www.thisoldhouse.com/.

165. In response to the request for media and based on one or more attributes (e.g., type of device (e.g., PC), operating system, browser and/or media player) of the

communication device and one or more rules associated with the requested media, This Old House transmits (*e.g.*, within an M3U8 file(s)), from the at least one computing device to the communication device over a communication network (*e.g.*, the Internet) at least one identification (*e.g.*, host name) of at least one resource (*e.g.*, streaming server(s)) other than the at least one computing device available to facilitate streaming of the at least one portion of the requested media as demonstrated by the examples provided below:

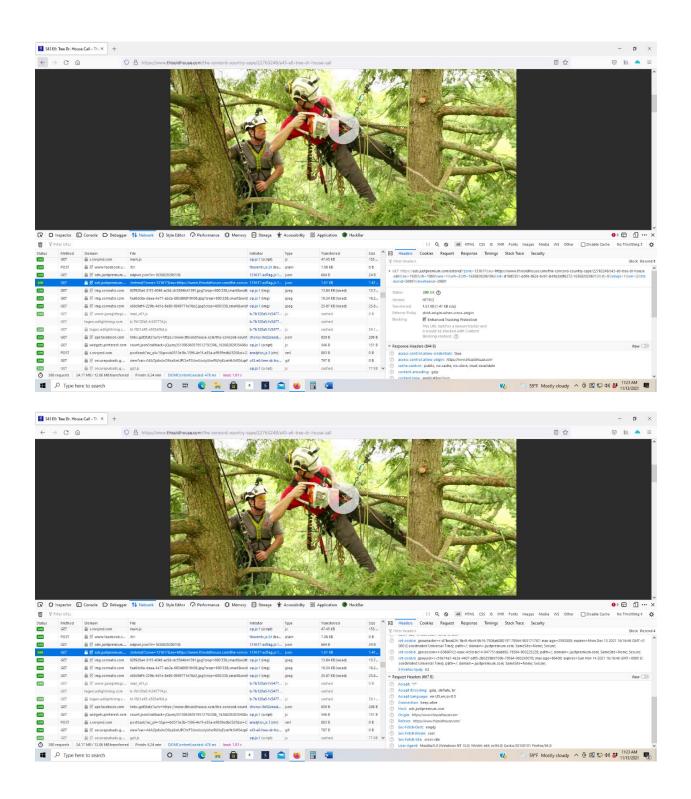


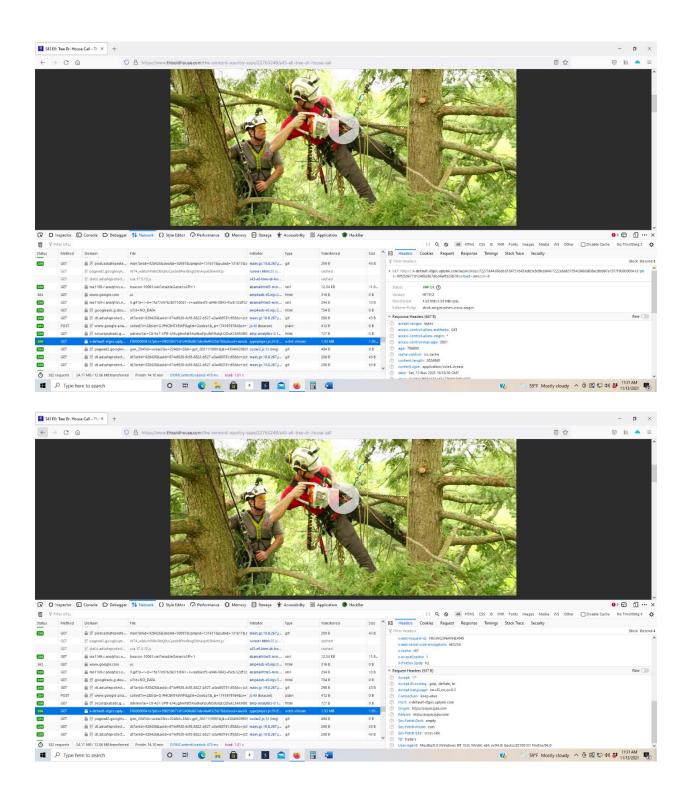


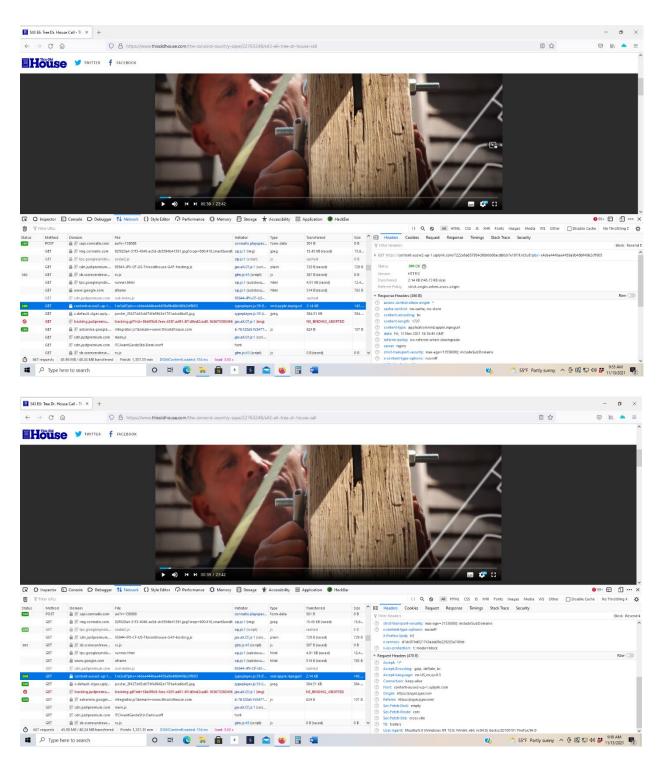


*See e.g.,* https://www.thisoldhouse.com.

166. In response to the request for media and based on one or more attributes (e.g., type of device (e.g., PC), operating system, browser and/or media player) of the communication device and one or more rules associated with the requested media, This Old House transmits (e.g., within an M3U8 file(s)), from the at least one computing device to the communication device over a communication network (e.g., the Internet) information (e.g., segment information/segment file name, title identifier of the segment, type of file of the segment, and/or format of the segment) for use by the communication device as to how the at least one portion of the requested media and the at least one advertising media clip are to be presented to a user of the communication device as demonstrated by the examples provided below:







*See e.g.*, https://www.thisoldhouse.com/.

*See e.g.,* https://www.thisoldhouse.com/.

167. SITO has been damaged by the direct infringement of This Old House, and is suffering and will continue to suffer irreparable harm and damages as a result of this infringement.

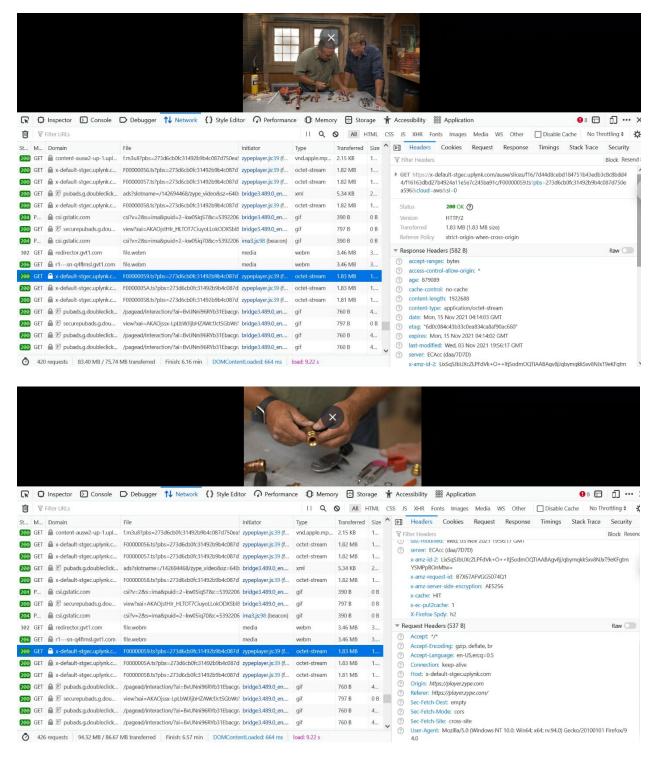
#### Count IX - Infringement of United States Patent No. 9,591,360

- 168. SITO alleges, and incorporates by reference, as if fully set forth here, the preceding paragraphs of this Complaint.
- 169. This Old House directly infringes (literally and/or under the doctrine of equivalents) the '360 patent by using the method covered by at least claim 15 of the '360 patent.
- 170. On information and belief, and without SITO's approval, authorization and license, This Old House owns, controls, operates and uses a system for streaming media that includes This Old House Streaming Platform, as well as other This Old House networks, systems, devices, components and/or services for streaming media, that practices and infringes the media streaming method recited in at least claim 15 of the '360 patent.
- 171. This Old House performs a media streaming management method as demonstrated by the example provided below:



See e.g., https://www.thisoldhouse.com.

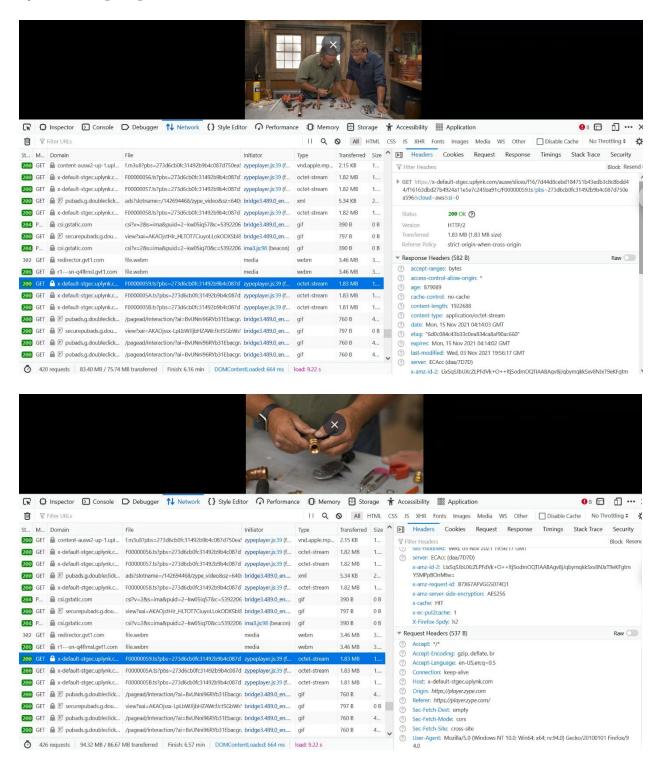
172. This Old House Streaming Service receives from a client device (*e.g.*, personal computer, mobile device, television) via a packet-based telecommunication network (*e.g.*, the Internet) signaling (*e.g.*, GET request) to have video content (*e.g.*, television program) streamed to the client device as demonstrated by the example provided below:

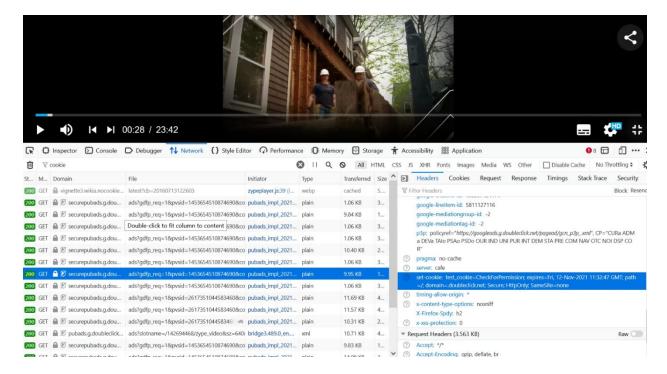


See e.g., https://www.thisoldhouse.com.

173. On information and belief, in response to the received signaling (*e.g.*, GET request), This Old House Streaming Service generates an identifier (*e.g.*, session cookie -

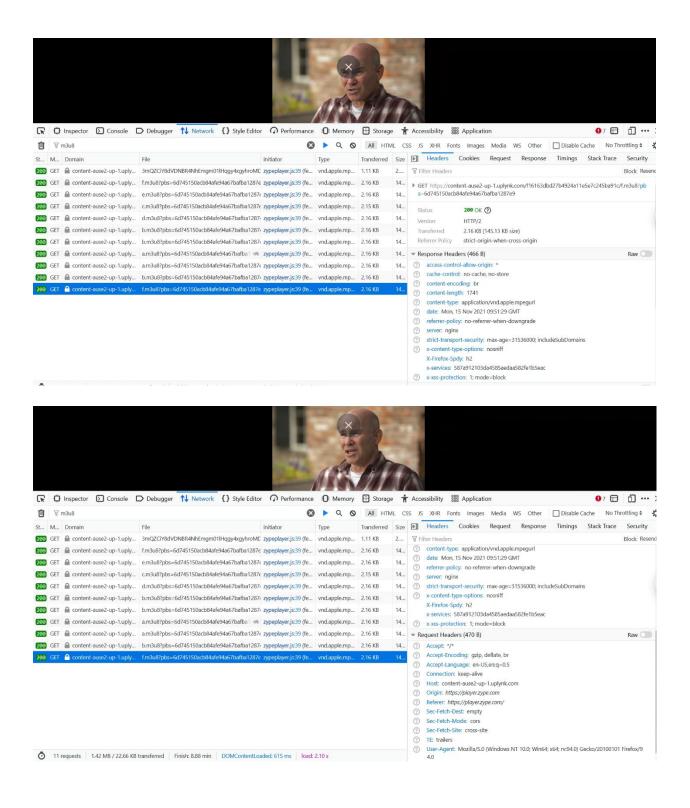
Set cookie – alid) uniquely associated with the client device (*e.g.*, personal computer, mobile device, television) and a viewing session for the video content as demonstrated by the examples provided below:

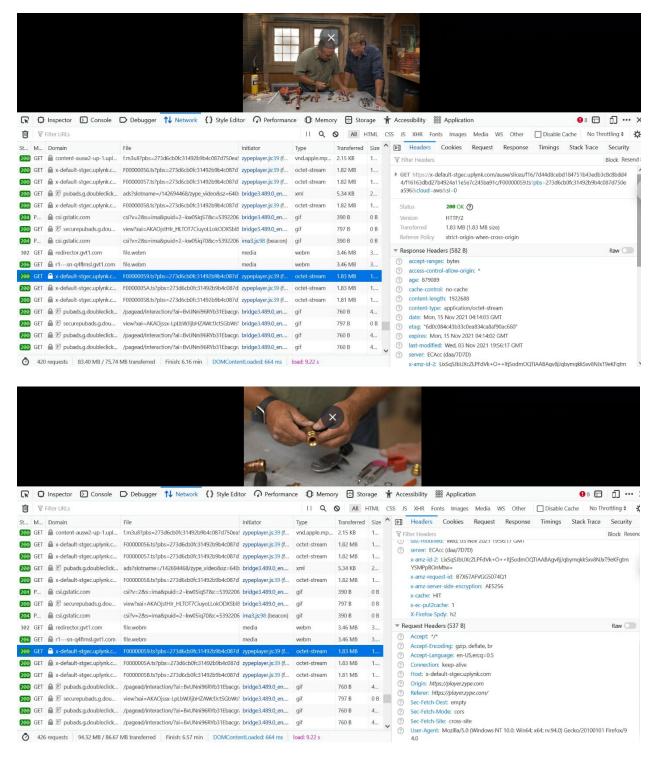




See e.g., https://www.thisoldhouse.com.

174. This Old House transmits, to the client device, via the packet-based telecommunication network (*e.g.*, Internet) and in one or more files (*e.g.*, M3U8 file(s)), each of the one or more files being in a format compatible with a media player on the client device (*e.g.*, client device such as a personal computer, mobile device, and/or television) an indication (*e.g.*, segment information/segment file name) of one or more segments of the video content as demonstrated by the examples provided below:

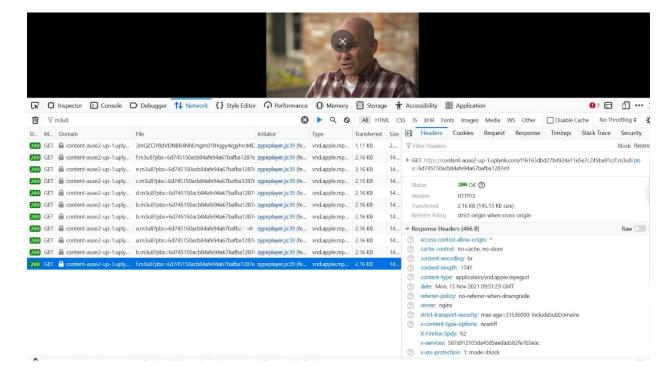


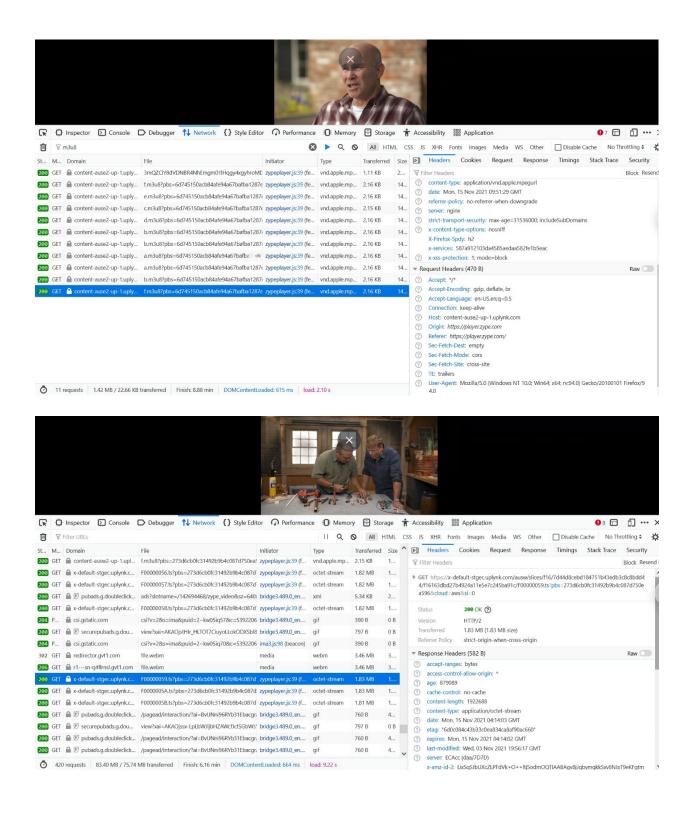


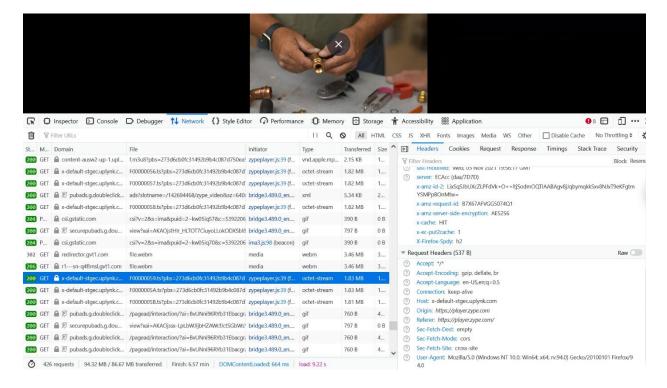
See e.g., https://www.thisoldhouse.com.

175. This Old House transmits, to the client device, via the packet-based telecommunication network (*e.g.*, Internet) and in one or more files (*e.g.*, M3U8 file(s)),

each of the one or more files being in a format compatible with a media player on the client device (*e.g.*, client device such as a personal computer, mobile device, and/or television) a URL (including an identification of one or more resources (*e.g.*, host name) of a content distribution network available to facilitate streaming of the one or more segments to the client device as demonstrated by the examples provided below:

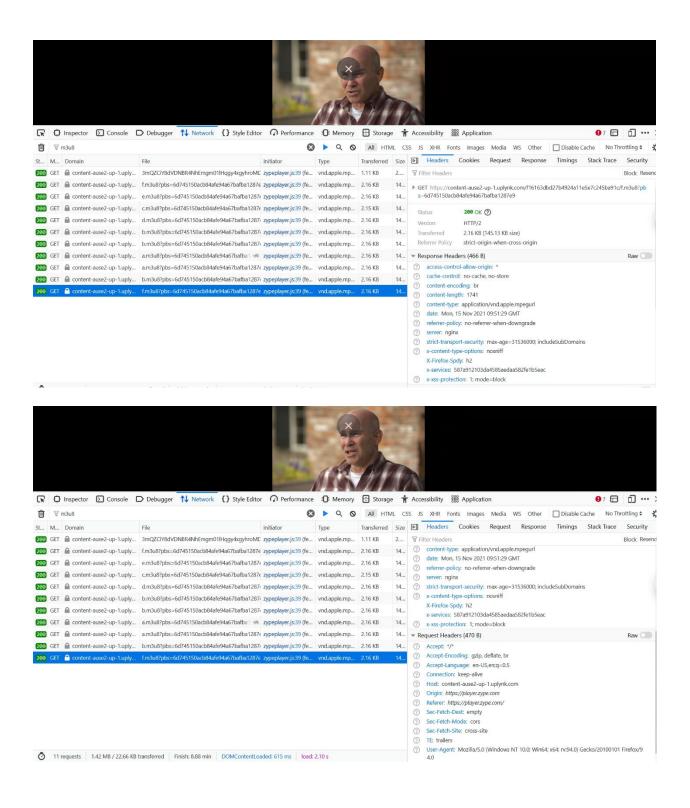


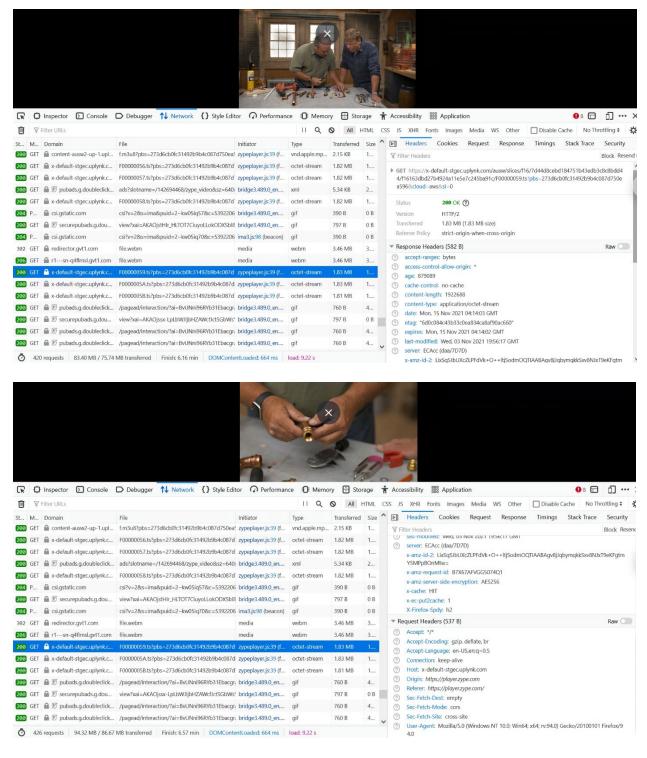




*See e.g.,* https://www.thisoldhouse.com.

176. This Old House transmits, to the client device, via the packet-based telecommunication network (*e.g.*, Internet) and in one or more files (*e.g.*, M3U8 file(s)), each of the one or more files being in a format compatible with a media player on the client device (*e.g.*, client device such as a personal computer, mobile device, and/or television) information instructing the client device how to communicate with the one or more resources of the content distribution network to cause the plurality of segments to be streamed to the client device by the content distribution network as demonstrated by the examples provided below:

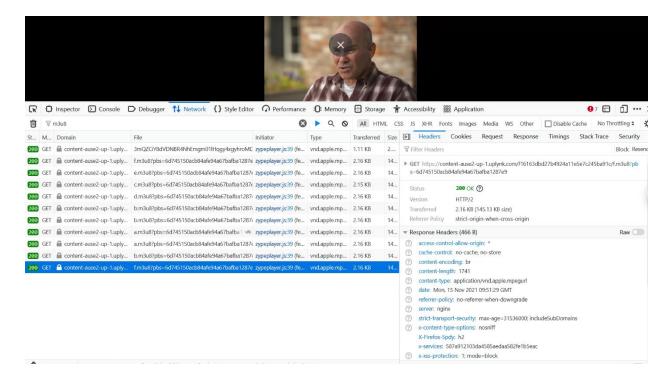


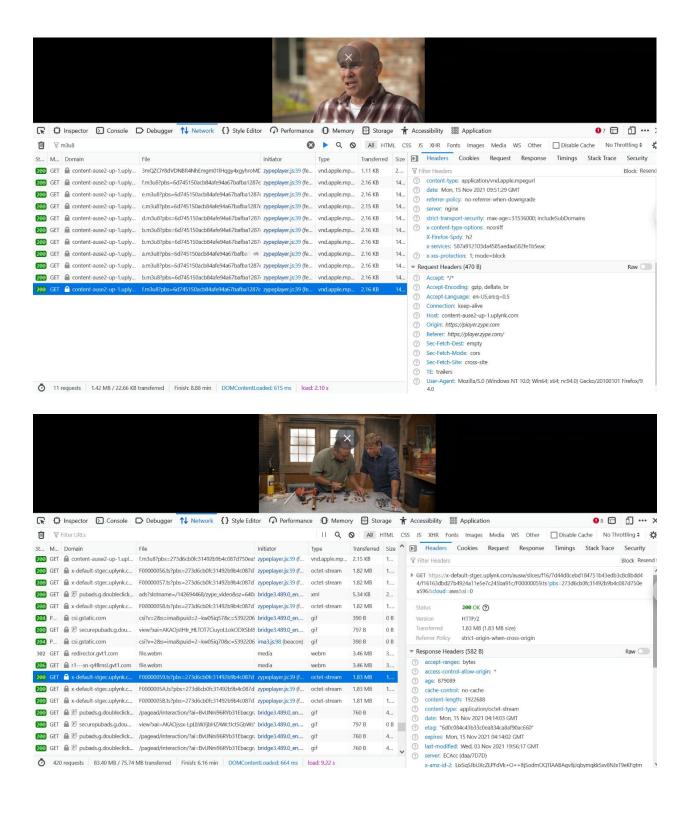


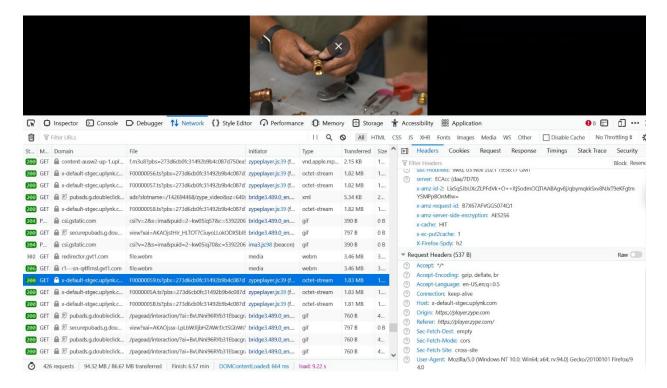
See e.g., https://www.thisoldhouse.com.

177. This Old House transmits, to the client device, via the packet-based telecommunication network (*e.g.*, Internet) and in one or more files (*e.g.*, M3U8 file(s)),

each of the one or more files being in a format compatible with a media player on the client device (*e.g.*, client device such as a personal computer, mobile device, and/or television) information instructing the client device how to communicate with an advertising server to cause one or more advertisements to be streamed from the advertising server to the client device in sequence with the streaming of the plurality of segments to the client device by the content distribution network as demonstrated by the examples provided below:

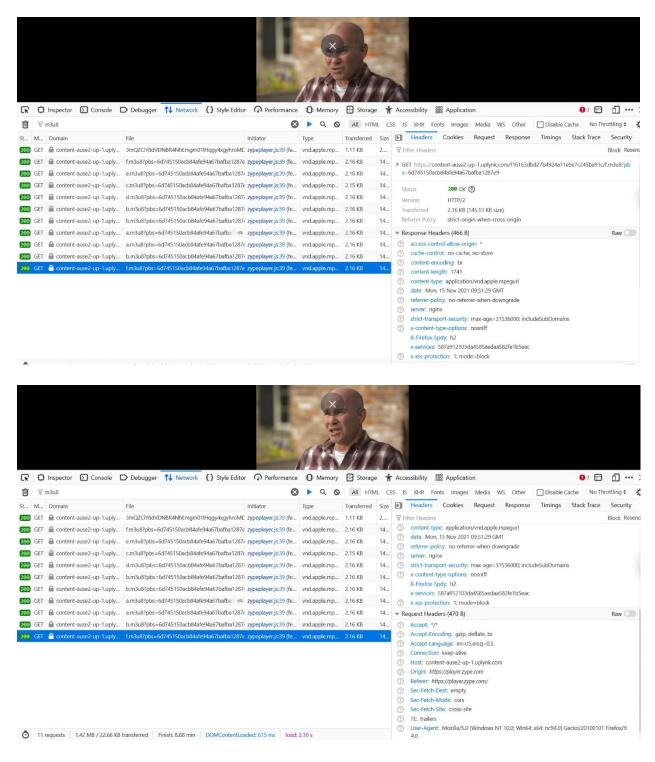






See e.g., https://www.thisoldhouse.com.

178. This Old House transmits, to the client device, via the packet-based telecommunication network (*e.g.*, Internet) and in one or more files (*e.g.*, M3U8 file(s)), each of the one or more files being in a format compatible with a media player on the client device (*e.g.*, client device such as a personal computer, mobile device, and/or television) the identifier.

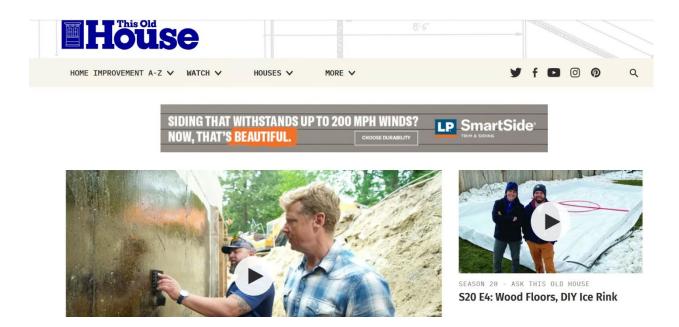


See e.g., https://www.thisoldhouse.com.

179. SITO has been damaged by the direct infringement of This Old House, and is suffering and will continue to suffer irreparable harm and damages as a result of this infringement.

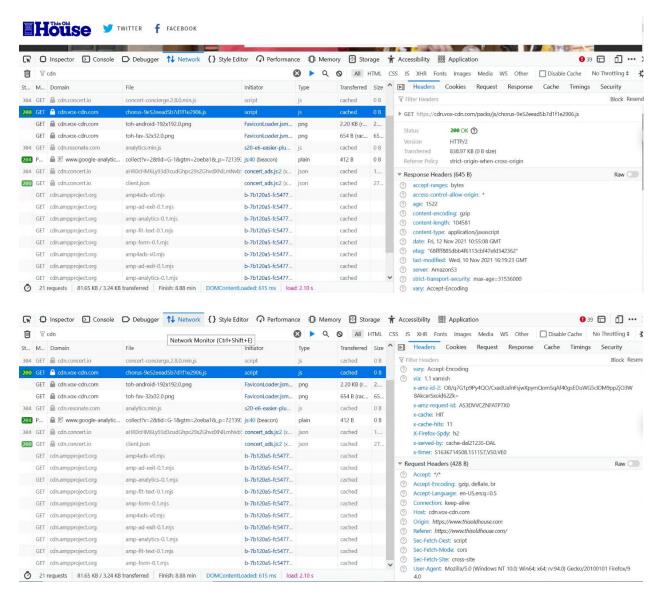
### Count X - Infringement of United States Patent No. 9,756,362

- 180. SITO alleges, and incorporates by reference, as if fully set forth here, the preceding paragraphs of this Complaint.
- 181. This Old House directly infringes (literally and/or under the doctrine of equivalents) claim 1 of the '362 patent.
- 182. On information and belief, and without SITO's approval, authorization and license, This Old House owns, controls, operates and uses a system for streaming media that includes This Old House Streaming Platform, as well as other This Old House networks, systems, devices, components and/or services for streaming media, that practices and infringes claim 1 of the '362 patent.
- 183. On information and belief, This Old House is a video streaming system comprising a plurality of servers, each of the plurality of servers including one or more processors and a memory as demonstrated by the example provided below:



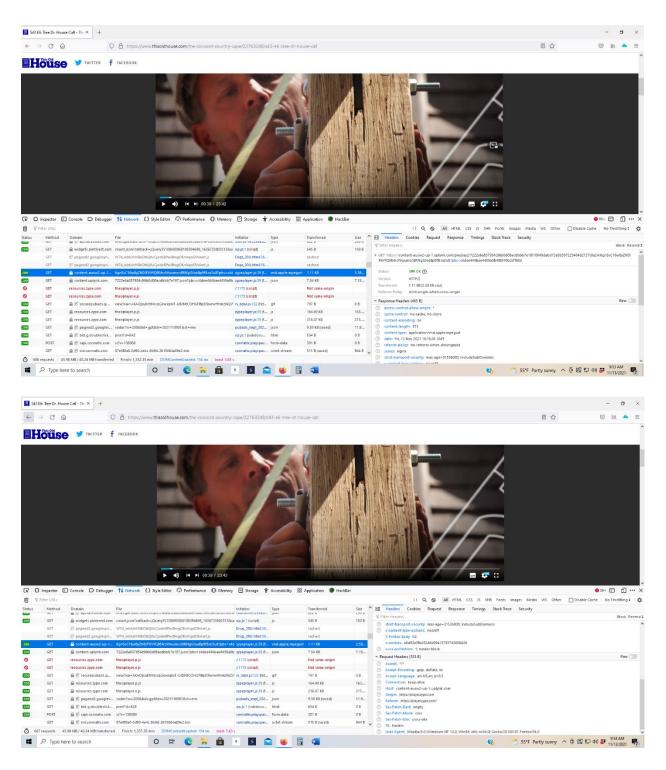
See e.g., https://www.thisoldhouse.com.

- 184. On information and belief, This Old House receives video content (*e.g.*, television program) from video content owners.
- 185. This Old House stores the received videos content (*e.g.*, television program) in a plurality of geographically separated resources (*e.g.*, media streaming servers) of a content distribution network (*e.g.*, distributed network of servers) as demonstrated by the example provided below:



See e.g., https://www.thisoldhouse.com/

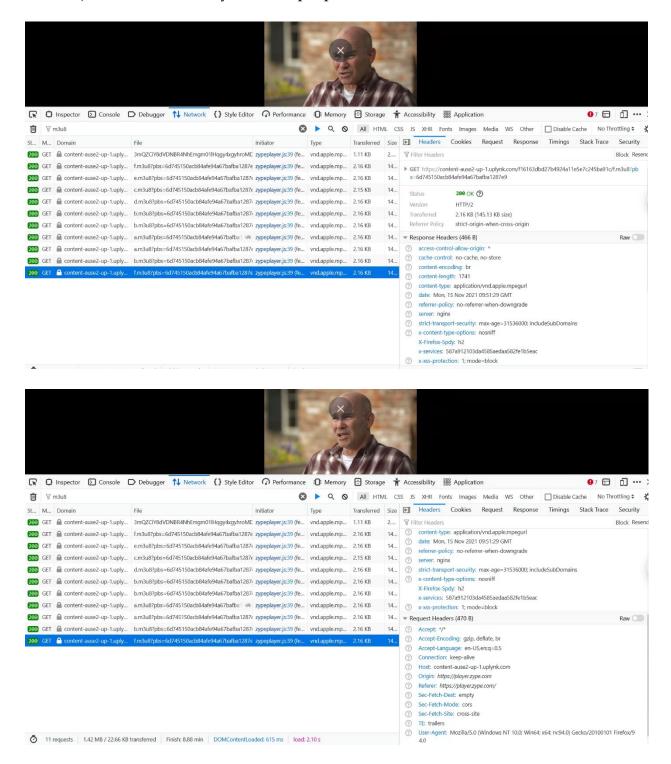
186. This Old House receives, from the client device (*e.g.*, personal computer, mobile device, television) via a packet-based telecommunication network (*e.g.*, Internet), signaling (*e.g.*, GET request) to have the stored video content (*e.g.*, television program) streamed to the client device from one or more of the resources of the content distribution network as demonstrated by the example provided below:



See e.g., https://www.thisoldhouse.com/.

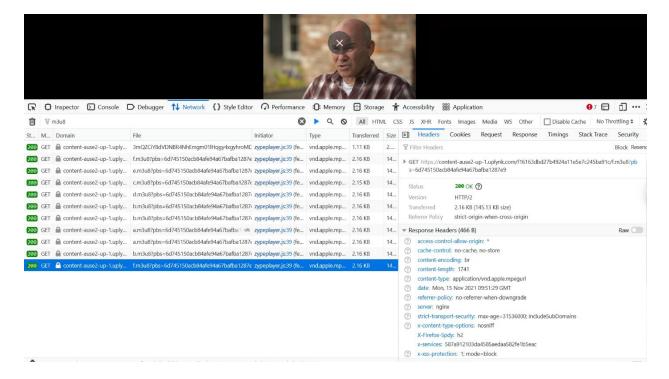
187. In response to the received signaling (*e.g.*, GET request), This Old House transmits one or more files (*e.g.*, (M3U8)) to the client device (*e.g.*, personal computer,

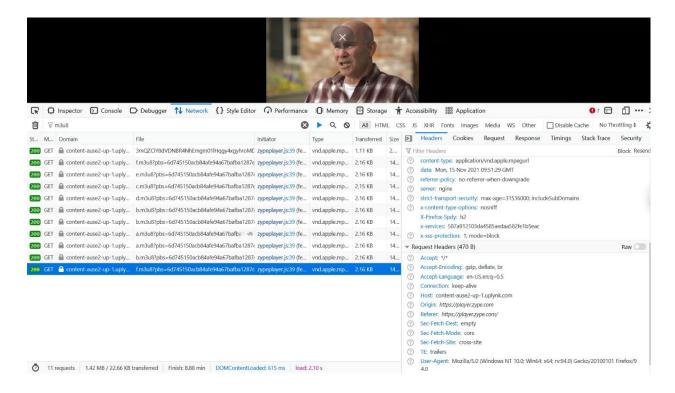
mobile device, television) over the packet-based telecommunication network (*e.g.*, the Internet) as demonstrated by the example provided below:



See e.g., https://www.thisoldhouse.com/.

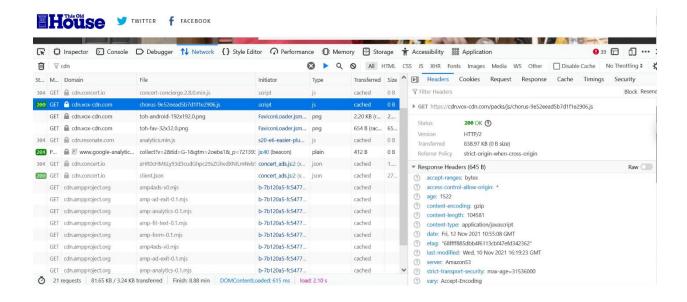
address) of one or more of the resources (*e.g.*, media streaming server(s)) of the content distribution network available to facilitate streaming of one or more segments of the stored video content (*e.g.*, television program) to the client device (*e.g.*, personal computer, mobile device, television), the identification is dependent at least in part on a relationship between a geographic location of the client device and geographic locations (*e.g.*, CDNs) of the resources of the content distribution network as demonstrated by the examples provided below:

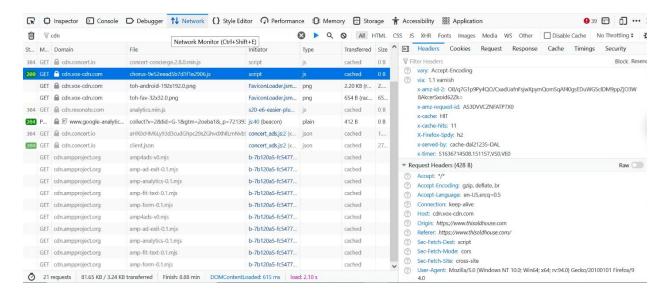




## **Location-Identifying Technologies**

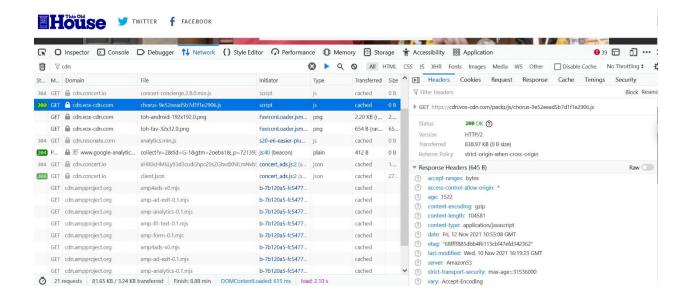
GPS, WiFi, Bluetooth, and other location-aware technologies may be used to collect precise location data when you enable location-based services through your device. Location data may be used for purposes such as verifying your device's location and delivering or restricting relevant content and advertising based on that location.

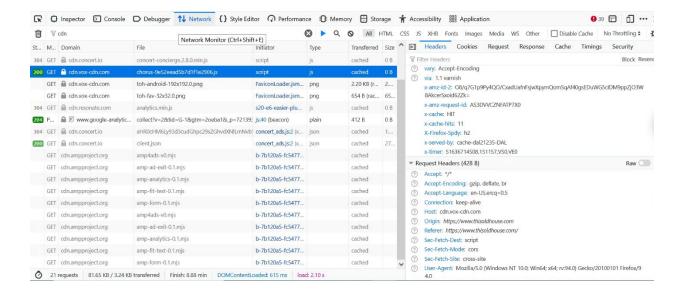




See e.g., https://www.thisoldhouse.com/.

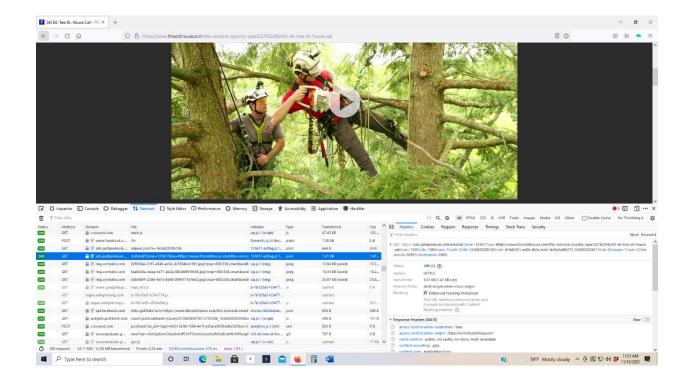
189. The M3U8 includes an identification of an advertising server, the identification of the advertising server being dependent at least in part on a relationship between the geographic location (*e.g.*, CDNs) of the client device (*e.g.*, personal computer, mobile device, television) and a geographic location of the advertising server as demonstrated by the examples provided below:

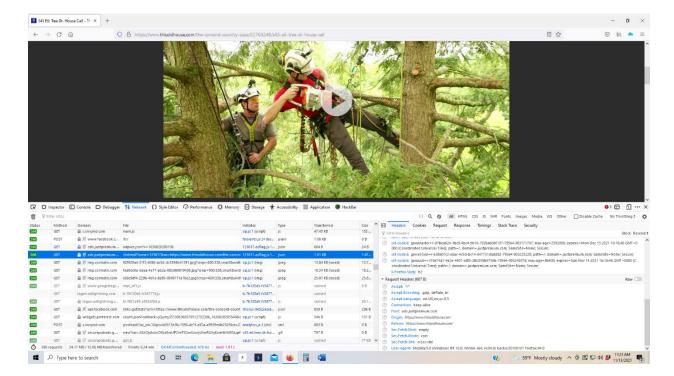




# **Location-Identifying Technologies**

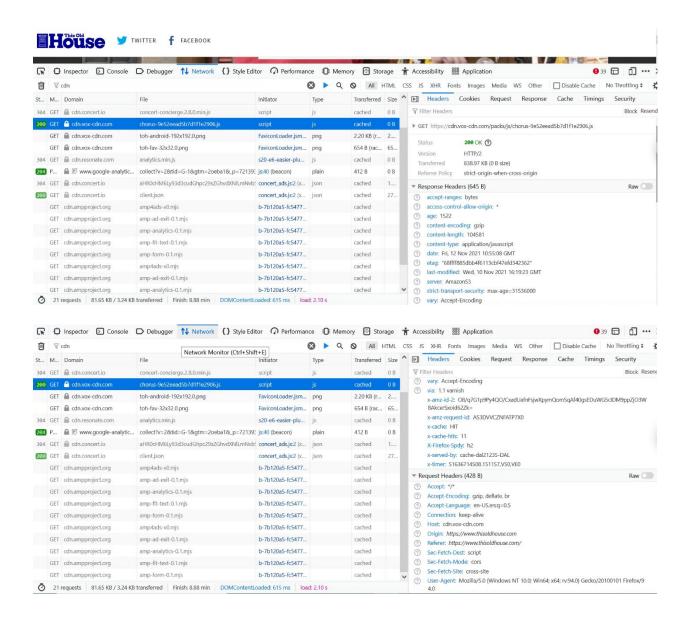
GPS, WiFi, Bluetooth, and other location-aware technologies may be used to collect precise location data when you enable location-based services through your device. Location data may be used for purposes such as verifying your device's location and delivering or restricting relevant content and advertising based on that location.

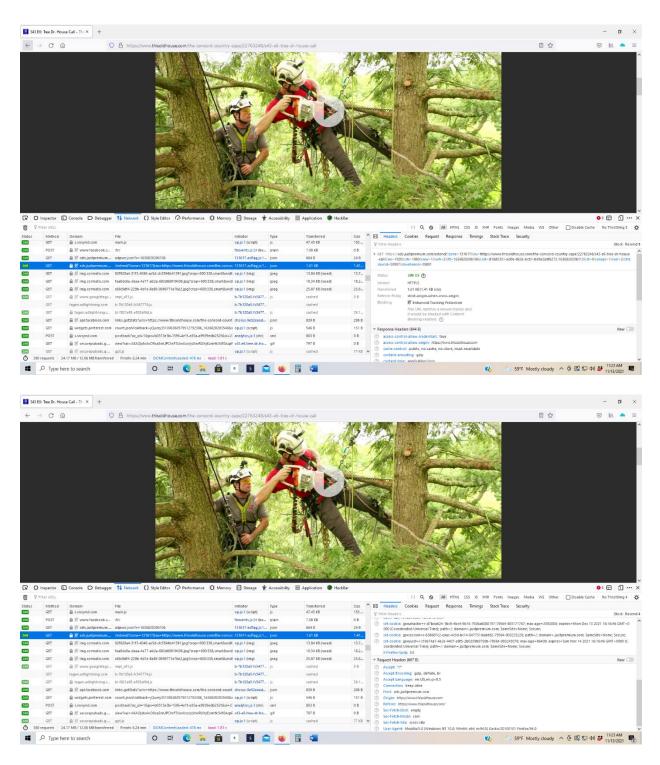




*See e.g.*, https://www.thisoldhouse.com/.

190. The M3U8 causes the client device to communicate with resources (*e.g.*, media streaming servers) of the content distribution network and the advertising server to cause the one or more segments of the stored video (*e.g.*, television program) to be streamed to the client device (*e.g.*, personal computer, mobile device, television) by the identified one or more resources of the content distribution network and cause one or more advertisements to be streamed from the advertising server to the client device as demonstrated by the examples provided below:





*See e.g.,* https://www.thisoldhouse.com/.

191. SITO has been damaged by the direct infringement of This Old House, and is suffering and will continue to suffer irreparable harm and damages as a result of this infringement.

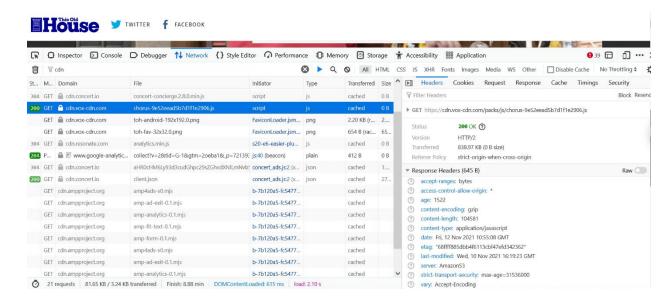
### Count XI - Infringement of United States Patent No. 10,009,637

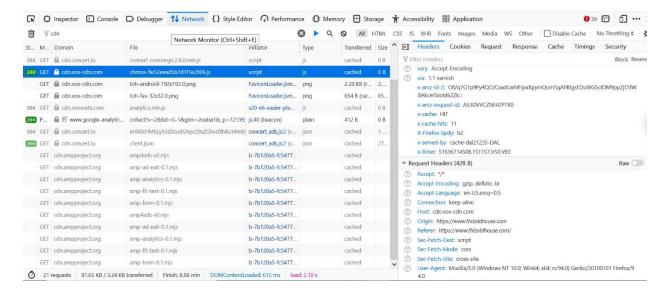
- 192. SITO alleges, and incorporates by reference, as if fully set forth here, the preceding paragraphs of this Complaint.
- 193. This Old House directly infringes (literally and/or under the doctrine of equivalents) the '637 patent by using the method covered by at least claim 1 of the '637 patent.
- 194. On information and belief, and without SITO's approval, authorization and license, This Old House owns, controls, operates and uses a system for streaming media that includes This Old House Streaming Platform, as well as other This Old House networks, systems, devices, components and/or services for streaming media, that practices and infringes the media streaming method recited in at least claim 1 of the '637 patent.
- 195. This Old House performs a method for managing streaming of video content (*e.g.*, television program) to a client device (*e.g.*, personal computer, mobile device, and/or television) as demonstrated by the example provided below:



See e.g., https://www.thisoldhouse.com.

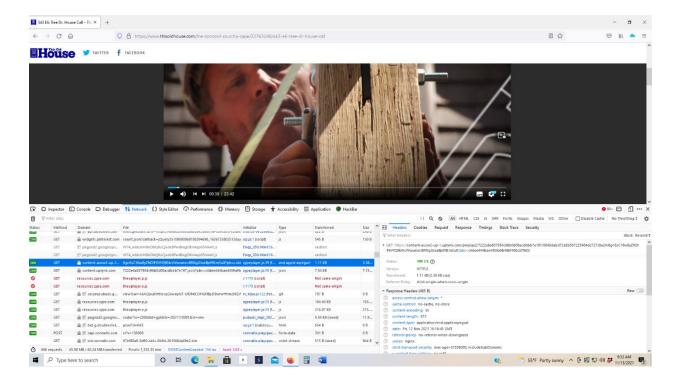
196. This Old House provides the video content to a content distribution network (*e.g.*, content delivery network (CDN)) for storage in a plurality of geographically separated resources (*e.g.*, streaming servers located throughout the United States) of the content distribution network as demonstrated by the examples provided below:

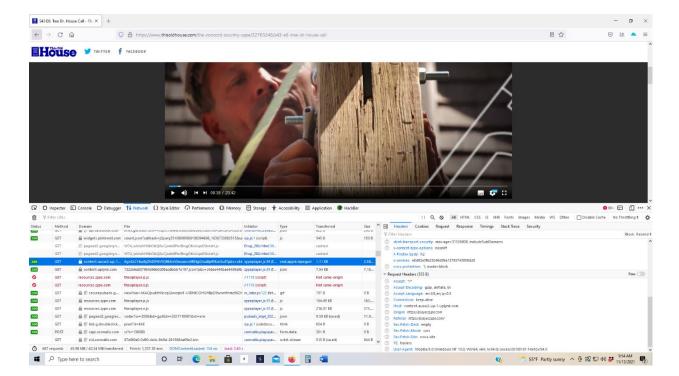




See e.g., https://www.thisoldhouse.com/.

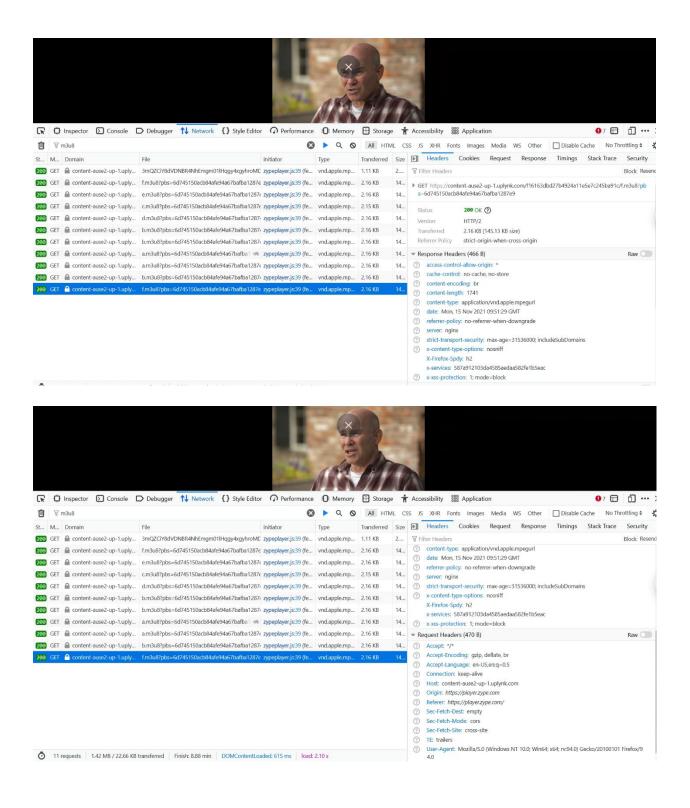
197. A server(s) of This Old House receives, from the client device via a packet-based telecommunication network (*e.g.*, the Internet), signaling (*e.g.*, GET request) to have the stored video content streamed to the client device as demonstrated by the example provided below:

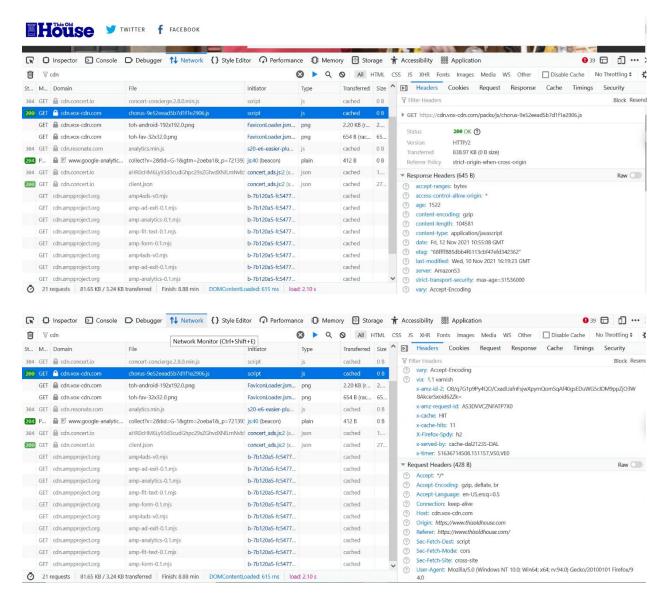




See e.g., https://www.thisoldhouse.com.

198. In response to the received signaling, a server transmits one or more files (e.g., M3U8 file(s)) to the client device via the packet-based telecommunication network, each of the one or more files being in a format compatible with a media player on the client device, the one or more files comprising an identification (e.g., host name) of one or more of the resources (e.g., streaming server(s)) of the content distribution network available to facilitate streaming of one or more segments of the stored video content to the client device, the identification being dependent at least in part on a relationship between a geographic location of the client device and geographic locations of the resources of the content distribution network (e.g., the host name will resolve an IP address of a streaming server of a CDN that is geographically close to the client device) as demonstrated by the examples provided below:

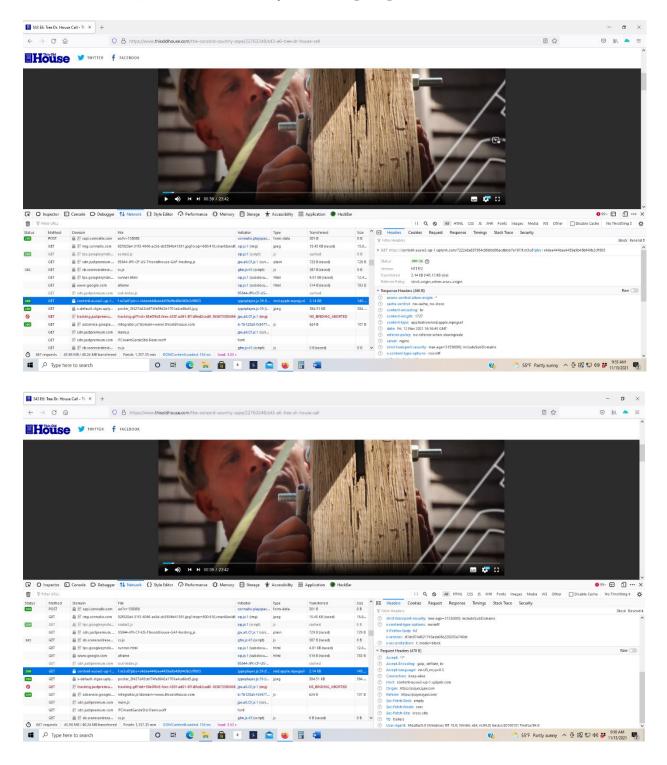


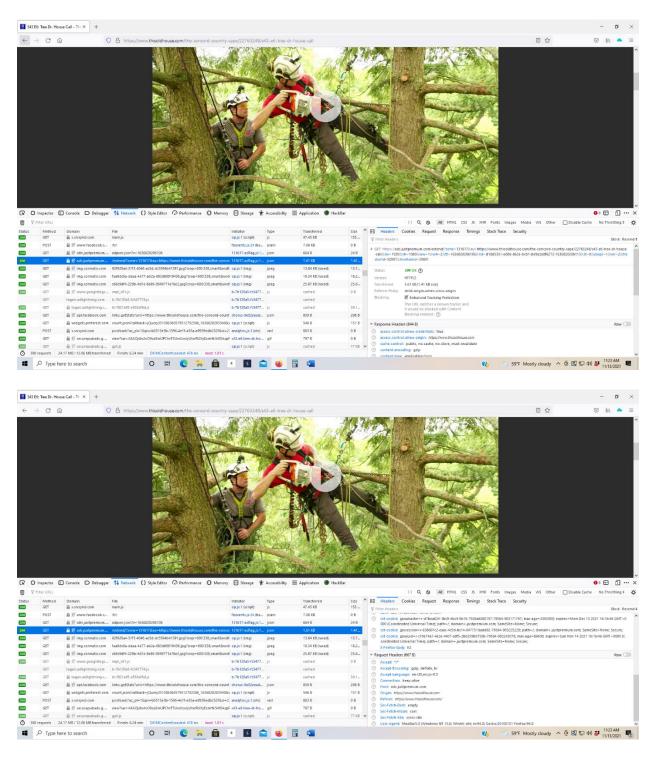


*See e.g.*, https://www.thisoldhouse.com/.

199. In response to the received signaling, a server transmits one or more files (e.g., M3U8 file(s)) to the client device via the packet-based telecommunication network, each of the one or more files being in a format compatible with a media player on the client device, the one or more files comprising an identification (e.g., host name) of an advertising server, the identification of the advertising server being dependent at least in part on a relationship between the geographic location of the client device and a

geographic location of the advertising server (*e.g.*, on information and belief, the host name will resolve an IP address of an advertising server that is geographically close to the client device) as demonstrated by the examples provided below:

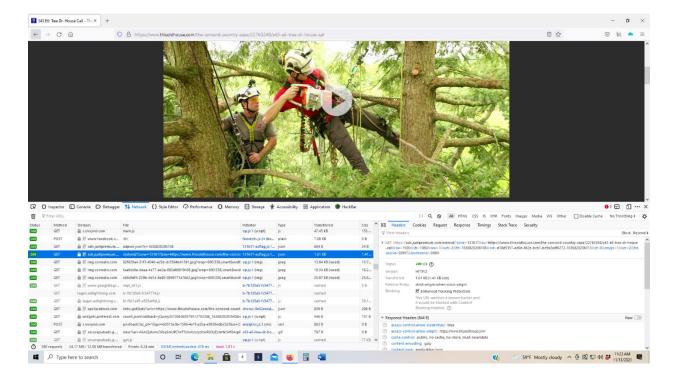


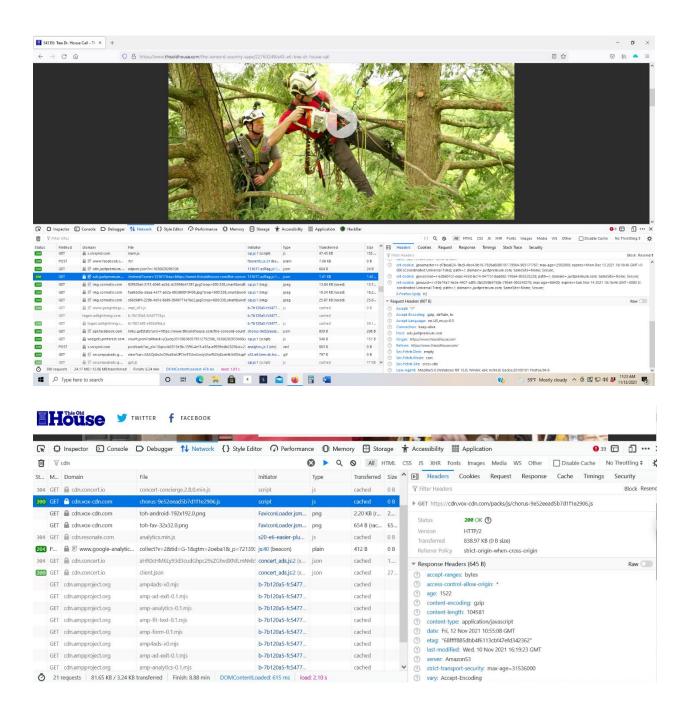


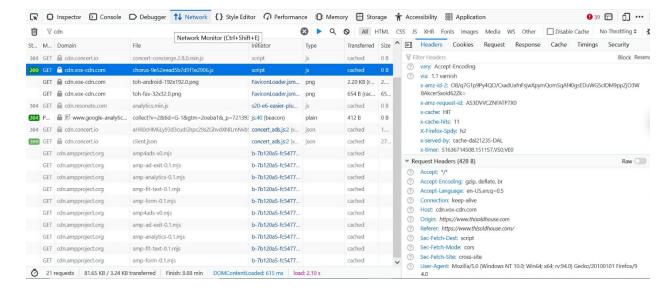
See e.g., https://www.thisoldhouse.com/.

200. The one or more files, when processed by the client device, cause the client device to communicate with the identified one or more resources of the content

distribution network and the advertising server to cause the one or more segments of the stored video to be streamed to the client device by the identified one or more resources of the content distribution network and cause one or more advertisements to be streamed from the advertising server to the client device as demonstrated by the example provided below:







See e.g., https://www.thisoldhouse.com/.

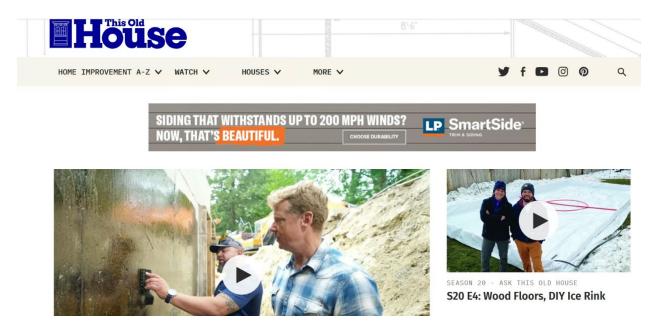
201. SITO has been damaged by the direct infringement of This Old House, and is suffering and will continue to suffer irreparable harm and damages as a result of this infringement.

## Count XII - Infringement of United States Patent No. 10,171,846

- 202. SITO alleges, and incorporates by reference, as if fully set forth here, the preceding paragraphs of this Complaint.
- 203. This Old House directly infringes (literally and/or under the doctrine of equivalents) the '846 patent by using the method covered by at least claim 1 of the '846 patent.
- 204. On information and belief, and without SITO's approval, authorization and license, This Old House owns, controls, operates and uses a system for streaming media that includes This Old House Streaming Platform, as well as other This Old House networks, systems, devices, components and/or services for streaming media,

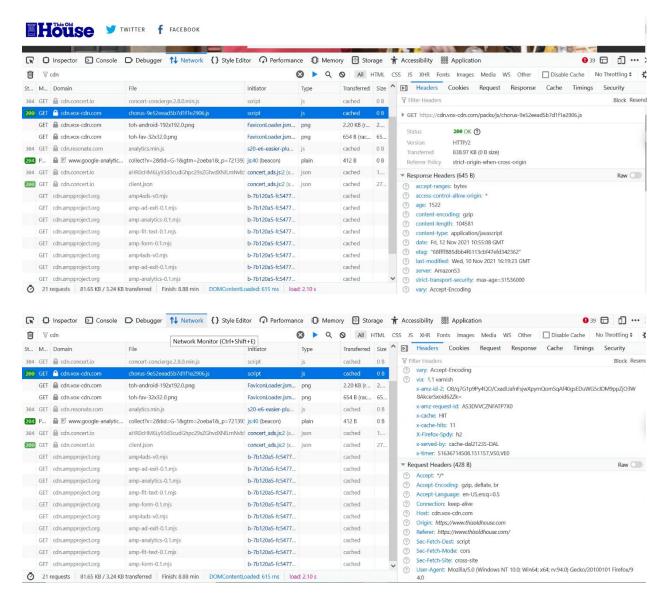
that practices and infringes the media streaming method recited in at least claim 1 of the '846 patent.

205. This Old House performs a method for managing streaming of video content (*e.g.*, television program) to a client device (*e.g.*, personal computer, mobile device, and/or television) as demonstrated by the example provided below:



See e.g., https://www.thisoldhouse.com.

206. This Old House provides the video content to a content distribution network (*e.g.*, content delivery network (CDN)) for storage in a plurality of geographically separated resources (*e.g.*, streaming servers located throughout the United States) of the content distribution network as demonstrated by the examples provided below:



*See e.g.*, https://www.thisoldhouse.com/.

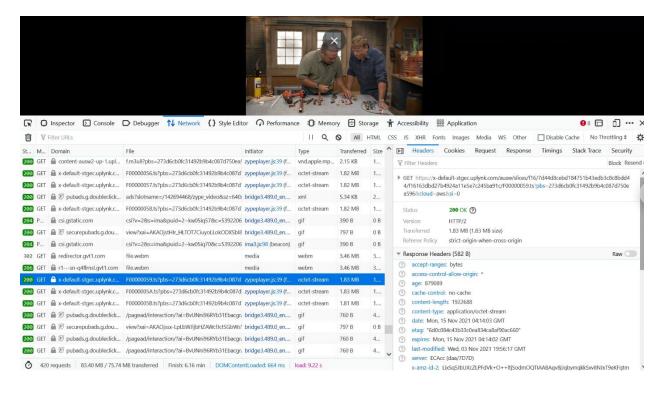
207. On information and belief, This Old House dynamically selects one or more advertisement media clips (*e.g.*, targeted advertisement(s)) based on statistical information (*e.g.*, user interest/behavior, demographics) associated with a user of the client device.

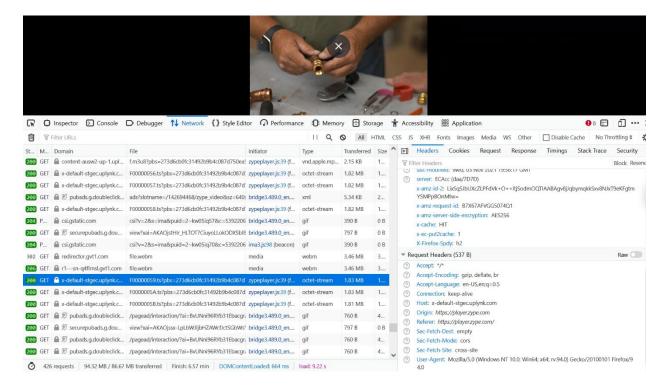
### **Targeted Advertising**

In order to serve offers and advertisements that may be of interest to our users, we display targeted advertisements on the Services, or other digital properties or applications in conjunction with our content, based on information provided to us by our users and information provided to us by third parties that they have independently collected.

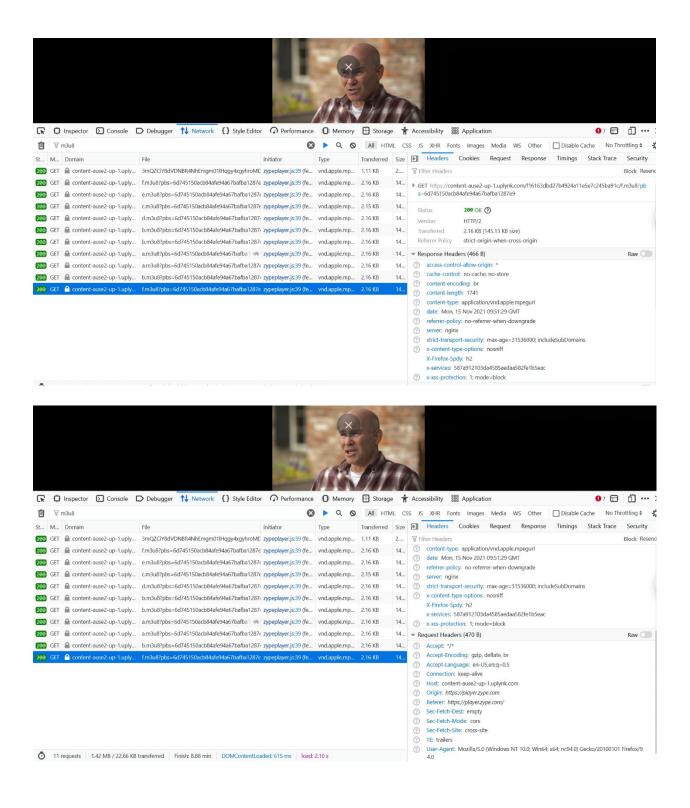
*See e.g.*, https://www.thisoldhouse.com/pages/privacy-notice

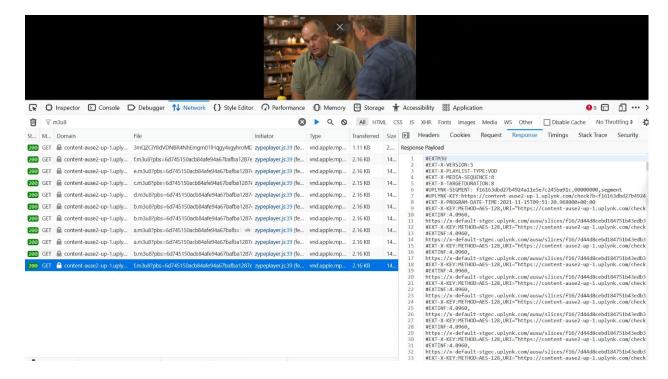
208. A server receives, from the client device (*e.g.*, personal computer, mobile device, and/or television) via a packet-based telecommunication network (*e.g.*, the Internet), signaling (*e.g.*, GET request) to have the stored video content streamed to the client device as demonstrated by the example provided below:





209. In response to the received signaling, a server transmits to the client device, via the packet-based telecommunication network and in one or more files (*e.g.*, M3U8 file(s)) having a format compatible with a media player on the client device, an identification (*e.g.*, host name) of one or more of the resources (*e.g.*, streaming server(s)) of the content distribution network available to facilitate streaming of one or more segments of the stored video content to the client device, the identification being dependent at least in part on a relationship between a geographic location of the client device and geographic locations of the resources of the content distribution network (*e.g.*, the host name will resolve an IP address of a streaming server of a CDN that is geographically close to the client device) as demonstrated by the examples provided below:



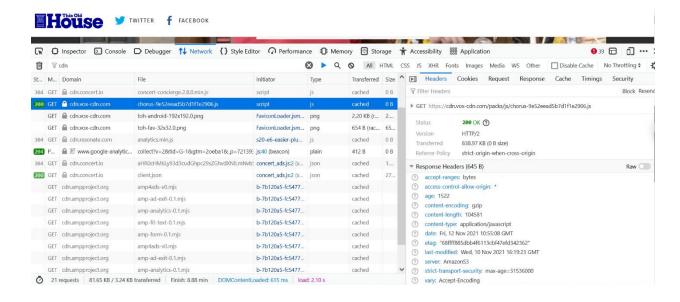


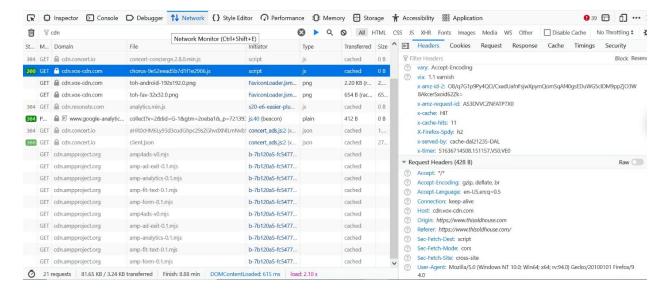
*See e.g.*, https://www.thisoldhouse.com/.

# **Location-Identifying Technologies**

GPS, WiFi, Bluetooth, and other location-aware technologies may be used to collect precise location data when you enable location-based services through your device. Location data may be used for purposes such as verifying your device's location and delivering or restricting relevant content and advertising based on that location.

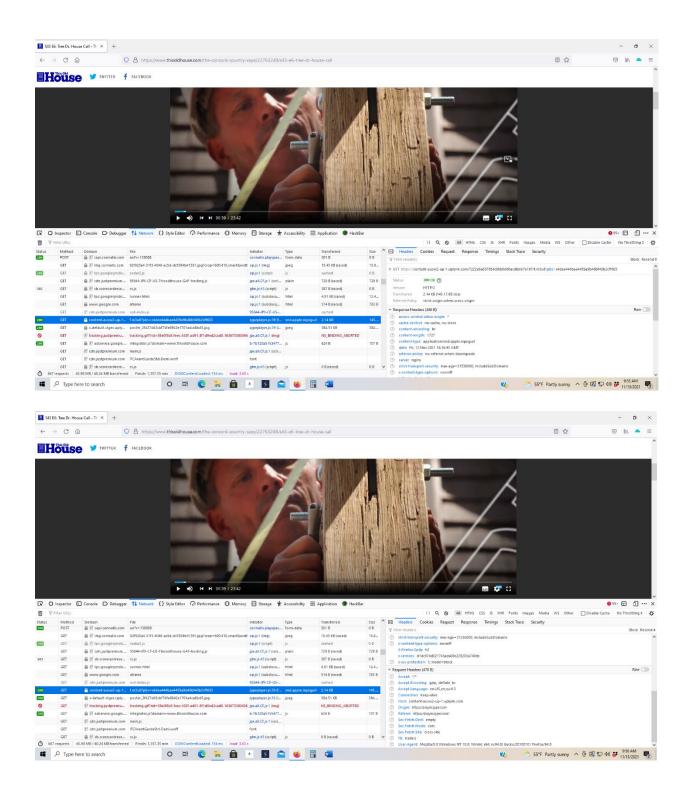
See e.g., https://www.thisoldhouse.com/pages/privacy-notice

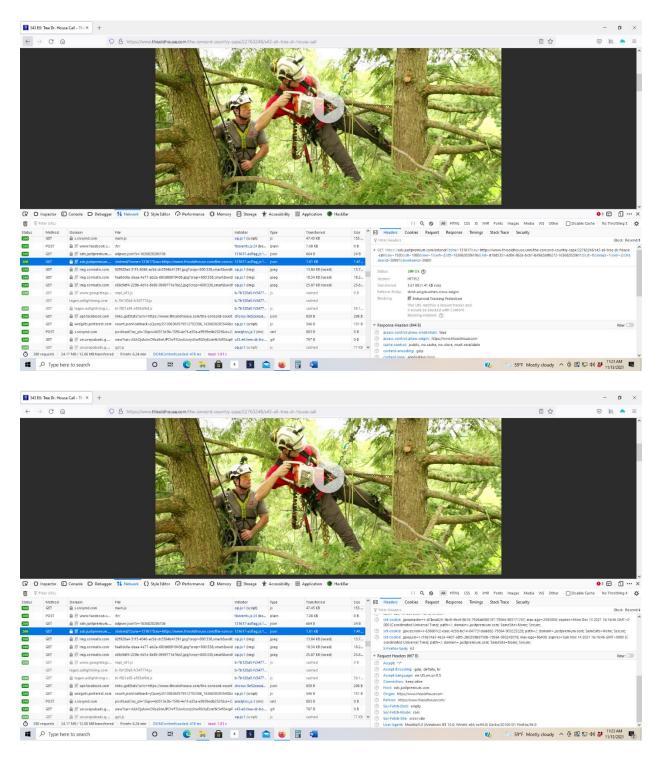




See e.g., https://www.thisoldhouse.com/.

210. In response to the received signaling, a server transmits to the client device, via the packet-based telecommunication network and in one or more files (*e.g.*, M3U8 file(s)) having a format compatible with a media player on the client device, an identification (*e.g.*, host name) of an advertising server, the identification of the advertising server being dependent at least in part on a relationship between the geographic location of the client device and a geographic location of the advertising server (*e.g.*, on information and belief, the host name will resolve an IP address of an advertising server that is geographically close to the client device) as demonstrated by the examples provided below:

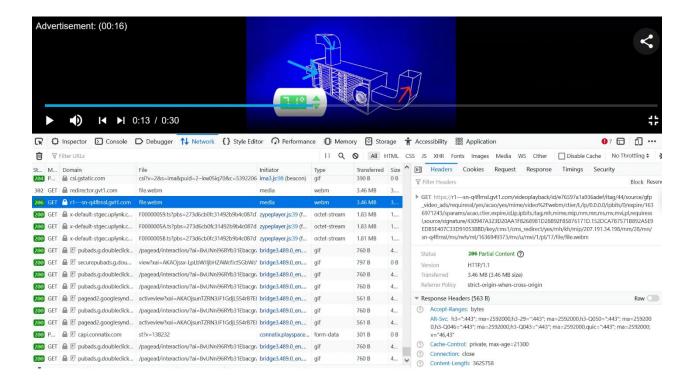


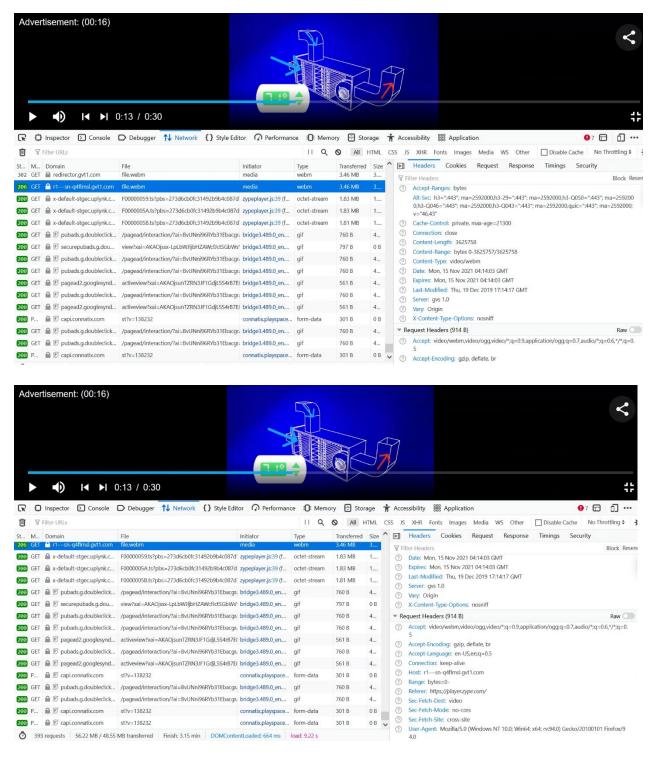


See e.g., https://www.thisoldhouse.com.

211. The one or more files, when processed by the client device, cause the client device to communicate with the identified one or more resources of the content

distribution network and the advertising server to cause the one or more segments of the stored video to be streamed to the client device by the identified one or more resources of the content distribution network and cause the one or more selected advertisement media clips to be streamed from the advertising server to the client device as demonstrated by the examples provided below:





See e.g., https://www.thisoldhouse.com.

212. SITO has been damaged by the direct infringement of This Old House, and is suffering and will continue to suffer irreparable harm and damages as a result of this infringement.

#### **JURY DEMANDED**

213. Pursuant to Federal Rule of Civil Procedure 38(b), SITO hereby requests a trial by jury on all issues so triable.

#### PRAYER FOR RELIEF

SITO respectfully requests this Court to enter judgment in SITO's favor and against This Old House as follows:

- a. finding that This Old House directly infringes, literally and/or under the doctrine of equivalents, one or more claims of each of the patents-in-suit;
- b. awarding SITO damages under 35 U.S.C. § 284, or otherwise permitted by law, including supplemental damages for any continued post-verdict infringement;
- c. awarding SITO pre-judgment and post-judgment interest on the damages award and costs;
- d. awarding costs of this action (including all disbursements) and attorney fees pursuant to 35 U.S.C. § 285, or as otherwise permitted by the law; and
- e. awarding such other costs and further relief that the Court determines to be just and equitable.

#### November 15, 2021

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## Respectfully submitted,

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