

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

InnoBrilliance, LLC,

Plaintiff,

v.

FuboTV, Inc.,

Defendant.

Case No. 1:22-cv-6143

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff InnoBrilliance, LLC (“InnoBrilliance” or “Plaintiff”) files this Complaint for patent infringement against fuboTV, Inc. (“Defendant”), and alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under 35 U.S.C. § 1 *et seq.*

THE PARTIES

2. InnoBrilliance is a limited liability company organized and existing under the laws of the State of Texas with its principal place of business in Waco, Texas.

3. Upon information and belief, fuboTV, Inc. is a Delaware corporation with its principal place of business at 1115 Broadway, 12th Floor, New York, New York, 10010.

JURISDICTION AND VENUE

4. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant because, among other things, as fuboTV has committed, aided, abetted, contributed to or participated in the commission of patent infringement in violation of 35 U.S.C. § 271 in this judicial district and elsewhere that led to harm and injury to Plaintiff.

6. Venue is proper in this district under 28 U.S.C. §§ 1391, 1400 because Defendant has committed acts of patent infringement and has a regular and established place of business in this judicial district. In particular, fuboTV has its corporate headquarters at 1330 6th Avenue, New York, New York 10019. In addition, venue is proper in this judicial district under § 1391(b)(3) because Defendant is subject to this court's personal jurisdiction with respect to this action.

OVERVIEW OF ACCUSED PRODUCTS

7. Defendant has marketed, sold, used, distributed, and provided for its customers the fuboTV Multiview 2.0 software system for use with, for example, Apple TV and HiSense television set devices, including but not limited to the 9602 Smart TV and the A60 series HiSense televisions based on the VIDAA Operating System (“the “Accused Product” or “Accused Products”).

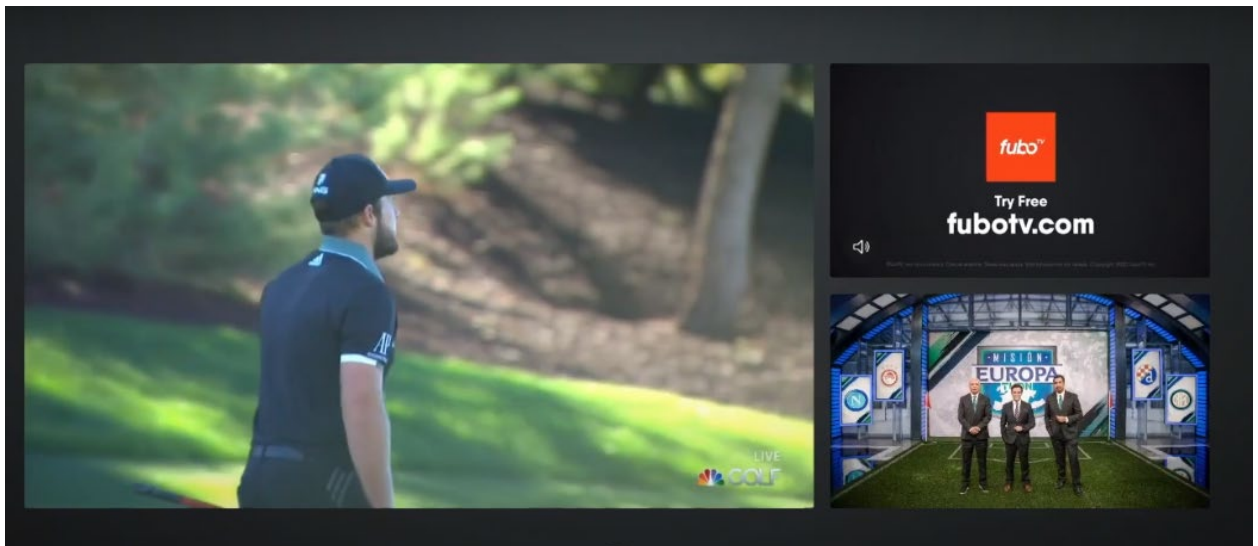
8. The following illustrates usage, functions, and operation of the Accused Product, as it relates to its use on the Apple TV:

Introducing Multiview 2.0

Today, we're proud to debut the totally redesigned Multiview for Apple TV. Last year, we quietly introduced the feature, which allowed subscribers to watch two live channels at the same time. Now, users can max out their screen real estate (and attention spans) by adding up to four live channels to one screen.

We believe fuboTV is the only live TV streaming service (that's "vMVPD" in industry-speak) that allows our customers to watch four channels at once. We've also made Multiview easier to discover, with an intuitive interface, and far more customization options.

<https://www.fubo.tv/news/fubotv-subscribers-with-apple-tv-just-got-a-big-upgrade>



<https://www.youtube.com/watch?v=ZGDPFGlo9WU&feature=youtu.be>

Stream Live TV from 100+ Channels You Love



https://www.fubo.tv/lp/preview/?page_slug=USAN&title=Watch%20USA%20with%20fuboTV

How it works

- You can enter Multiview mode in a couple of ways. Select “Watch in Multiview” in the options menu for any live program. Or, swipe up while watching one channel, and press and hold on another one to add it to the screen.
- To add even more channels, use “Add channel” at the bottom of the screen.
- Customize your Multiview experience by pressing and holding on a channel. Options include removing the channel, changing the channel, moving it to elsewhere on the screen, or watching in fullscreen.

<https://www.fubo.tv/news/fubotv-subscribers-with-apple-tv-just-got-a-big-upgrade/>

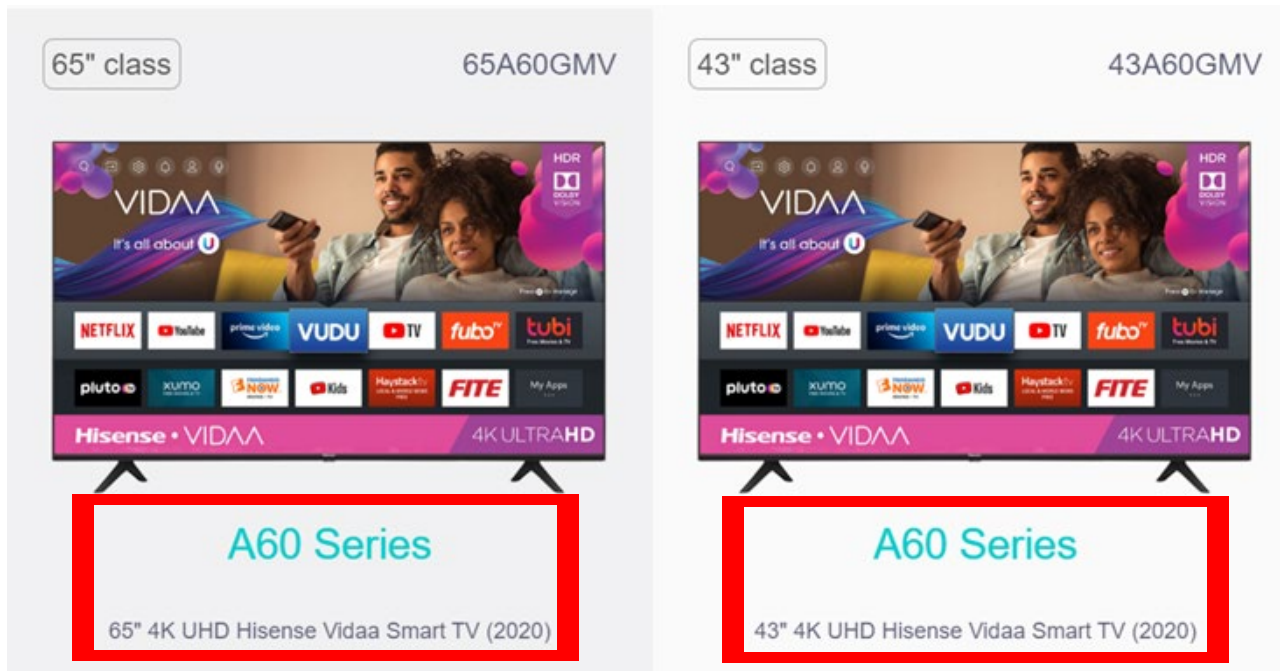
How do I make a channel bigger/fullscreen?

If one channel is larger than the others:

- Select one of the smaller channels to swap it to the larger window.
- Select the larger channel to make it fullscreen.
- Press menu while viewing a channel fullscreen to return to Multiview.

<https://support.fubo.tv/hc/en-us/articles/360051428731-How-does-Multiview-work-on-Apple-TV->

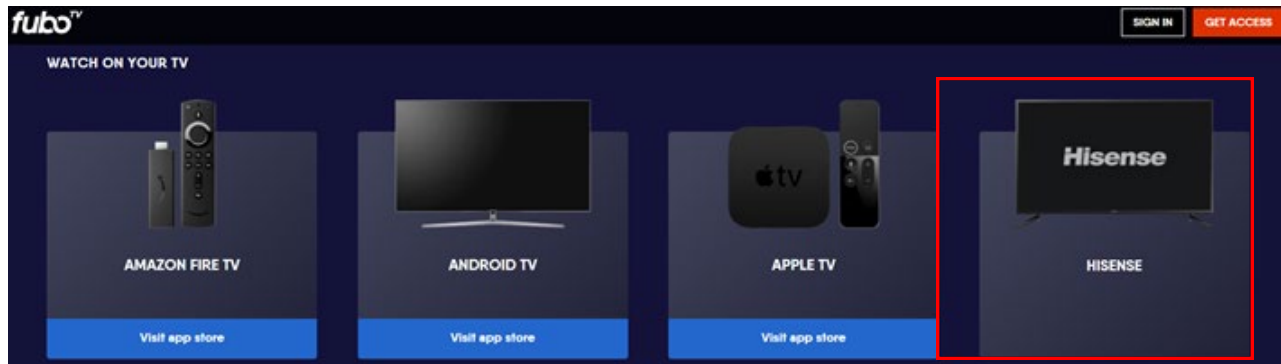
9. The following illustrates usage, functions, and operation of the Accused Product, as it relates to its use on the HiSense TV:



(<https://www.hisense-usa.com/tv-and-audio/televisions/all-tvs>)

The VIDAA TV OS is available in over 160 countries on TVs by world-class manufacturers such as Hisense, Toshiba, Loewe, We by Loewe, Newsan, BGH, Element, Schneider, Nordmende, Shinon, Vortex, AKAI, NIKAI, BRUHM, General Gold, and hundreds more.

(<https://www.VIDAA.com/VIDAA-os/>)



(<https://www.fubo.tv/welcome/apps>)

Live TV Streaming Platform Comes Pre-installed in all Hisense Smart TVs with VIDAA Smart OS & Integrated into Hisense Remote Control

NEW YORK--(BUSINESS WIRE)-- fuboTV (NYSE: FUBO), the sports-first live TV streaming platform, has officially launched on Hisense Smart TVs with the VIDAA Smart operating system, giving consumers instant access to live sports and entertainment through one click on the Hisense remote control. The partnership was previously announced at CES 2020.

fuboTV comes pre-installed in every model of the new Hisense 9602 smart TV with the VIDAA Smart operating system now available online and in stores exclusively at Wal-Mart locations across the country. The Hisense 9602 remote control also comes with a 'Sports' button that brings consumers directly to fubo Sports Network, fuboTV's linear sports channel, so they can start streaming for free right away. fubo Sports Network features live sports, award-winning original programming, sports movies and documentaries.

(<https://ir.fubo.tv/news/news-details/2020/fuboTV-Now-Available-in-Market-on-VIDAA-Smart-OS/default.aspx>)

10. Whenever the Accused Product was used (and continues to be used) on the Apple TV, the HiSense television, or another platform, by Defendant, its customers, or other users, the Defendant controlled the operation and use of the Accused Product.

COUNT I
(INFRINGEMENT OF U.S. PATENT NO. 9,247,299)

11. InnoBrilliance incorporates the above paragraphs as if fully set forth herein.

12. Plaintiff is the owner, by assignment, of U.S. Patent No. 9,247,299 (the “’299 Patent”), entitled METHOD AND SYSTEM FOR TELEVISION CHANNEL GROUP, which issued on January 26, 2016. A copy of the ’299 Patent is attached as Exhibit 1.

13. The ’299 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

14. Defendant has been and is now infringing one or more claims of the ’299 Patent under 35 U.S.C. § 271 by importing, offering to sell, selling or using the Accused Products in the United States without authority.

15. Defendant has also infringed the ’299 Patent by encouraging users of the Accused Products to use the Accused Product to practice one or more of the claims of the ’299 Patent. Defendant has notice of the ’299 Patent at least as of the date of service of this complaint.

16. Claim 1 recites:

1. A television system, comprising:
an input interface for receiving video data from a plurality of video streams; and
a frame controller causing the video data to be displayed in a plurality of pictures on a display coupled to the television system, each picture

occupying an area of the display separate from an area occupied by any other picture, the frame controller further:

receives a first user selection to display a video group related to an attribute, the video group comprising at least a first video stream and a second video stream of the plurality of video streams;

receives the first and the second video streams of the video group from the input interface;

displays the first and the second video streams in a first picture and a second picture of the plurality of pictures;

receives a second user selection to change the display in a given picture of the plurality of pictures to a given video stream of the video group, wherein the given video stream is not currently displayed on the display; and

displays the given video stream in the given picture.

17. Defendant has infringed and continues to infringe at least Claim 1 of the '299 Patent. *See generally* Ex. 2 (claim chart that provides evidence of exemplary infringing products by Defendant).

18. Each of the Accused Products is a television system.

19. Each of the Accused Products includes an input interface for receiving video data from a plurality of video streams.

20. Each of the Accused Products includes a frame controller that causes the video data to be displayed in a plurality of pictures on a display coupled to the television system, each picture occupying an area of the display separate from an area occupied by any other picture, the frame controller further.

21. Each of the Accused Products receives a first user selection to display a video group related to an attribute, the video group comprising at least a first video stream and a second video stream of the plurality of video streams.

22. Each of the Accused Products receives the first and the second video streams of the video group from the input interface.

23. Each of the Accused Products displays the first and the second video streams in a first picture and a second picture of the plurality of pictures.

24. Each of the Accused Products receives a second user selection to change the display in a given picture of the plurality of pictures to a given video stream of the video group, wherein the given video stream is not currently displayed on the display.

25. Each of the Accused Products displays the given video stream in the given picture.

26. InnoBrilliance has been damaged by Defendant's infringing activities.

COUNT II

INFRINGEMENT OF UNITED STATES PATENT NO. 10,148,902

27. InnoBrilliance incorporates the above paragraphs as though fully set forth herein.

28. Plaintiff is the owner, by assignment, of U.S. Patent No. 10,148,902 (the “’902 Patent”), entitled METHOD AND SYSTEM FOR PRESENTING MULTIPLE PICTURES ON A TELEVISION, which issued on December 4, 2018. A copy of the ’902 Patent is attached as Exhibit 3.

29. The ’902 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

30. Defendant has been and is now infringing one or more method claims of the ’902 Patent under 35 U.S.C. § 271 by using the Accused Product in the United States without authority.

31. Defendant has also infringed the ’902 Patent by encouraging users of the Accused Product to use the Accused Product, and to thereby practice the method claims of the ’902 Patent. Defendant has notice of the ’902 Patent at least as of the date of service of this complaint.

32. Claim 12 recites:

12. A method comprising:

receiving a plurality of video streams from a plurality of video sources and transferring the plurality of video streams to a frame controller, wherein the plurality of video streams comprises a first video stream from a first video source of the plurality of video sources, a second video stream from a second video source of the plurality of video sources, and a third video stream from a third video source of the plurality of video sources, wherein the first video stream, the second video stream, and the third video stream are communicated via a common path;

causing and the third video stream to be concurrently displayed in corresponding separate, non-overlapping frames on a display, each frame occupying an area of the display separate from an area occupied by any other frame, wherein the non-overlapping frames comprise at least a first frame displaying the first video stream, second frame different in size than the first frame and a third frame different in size than the first frame, the second frame displaying the second video stream, the third frame displaying the third video stream;

receiving a change command from a control device; and in response to receiving the change command:

selecting the second frame and a fourth video stream from a fourth video source of the plurality of video sources, wherein the fourth video stream is not displayed via the display at a time of receipt of the change command, and

causing the fourth video stream to be displayed in the second frame.

33. More particularly, Defendant's use of the Accused Product infringes method claim 12 of the '902 Patent as follows.

34. The Accused Product, when used, receives a plurality of video streams from a plurality of video sources, wherein the plurality of video streams comprises a first video stream from a first video source of the plurality of video sources, a second video stream from a second video source of the plurality of video sources, and a third video stream from a third video source of the plurality of video sources, wherein the first video stream, the second video stream, and the third video stream are communicated via a common path.

35. The Accused Product, when used, receives a change command from a control device.

36. The Accused Product, when used, causes each of the first video stream, the second video stream, and the third video stream to be concurrently displayed in corresponding separate, non-overlapping frames on a display, each frame occupying an area of the display separate from an area occupied by any other frame.

37. The non-overlapping frames include a first frame configured to display the first video stream from the first video source, a second frame different in size than the first frame, the second frame configured to display the second video stream from the second video source, and a third frame different in size than the first frame, the third frame configured to display the third video stream from the third video source.

38. The Accused Product, when used, selects the second frame and a fourth video stream from a fourth video source of the plurality of video sources, wherein the fourth video stream is not displayed via the display at a time of receipt of the change command and causes the fourth video stream to be displayed in the second frame.

39. Thus, the Accused Product, when used by Defendant or others, performs each of the elements of method claim 12.

40. On information and belief, Defendant actively induces, the infringement of the method claims of the '902 Patent by actively encouraging others, including its customers, to infringe the '902 Patent, including but not limited to through its user manuals, instruction pamphlets, and advertisements, knowing that the acts Defendant induced, and continues to induce, constitutes patent infringement and

Defendant's encouraging acts actually results in the direct infringement of the '902 Patent.

41. *See generally* Ex. 4 (claim chart that provides evidence of exemplary infringing products by Defendant).

42. InnoBrilliance has been damaged by Defendant's infringing activities.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court enter judgment against Defendant:

- (a) declaring that the Defendant has infringed the '902 Patent;
- (b) awarding Plaintiff its damages suffered as a result of Defendant's infringement of the '902 Patent;
- (c) awarding Plaintiff its costs, attorneys' fees, expenses, and interest;
- and
- (d) granting Plaintiff such further relief as the Court finds appropriate.

JURY DEMAND

Plaintiff demands trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: July 20, 2022

Respectfully submitted,

BUETHER JOE & COUNSELORS, LLC

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