

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

FILED-CLERK
U.S. DISTRICT COURT
2007 OCT 17 AM 10:30
EASTERN-MARSHALL

VIran Media Technologies, LLC,
Plaintiff,

v.

Comcast Corporation,
Charter Communications Inc.,
Verizon Communications Inc. and
Time Warner Cable Inc.,
Defendants.

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BY _____
Civil Action No. **2 - 07 CV - 457**

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff VIran Media Technologies, LLC ("Plaintiff" or "VIran"), by and through its undersigned counsel, files this Original Complaint against Comcast Corporation, Charter Communications Inc., Verizon Communications Inc., and Time Warner Cable Inc (collectively "Defendants") as follows:

NATURE OF THE ACTION

1. This is a patent infringement action to stop each Defendant's infringement of VIran's United States Patent No. 4,890,320 entitled "Television Broadcast System for Selective Transmission of Viewer-Chosen Programs at Viewer-Requested Times" ("the '320 patent"; a copy of which is attached hereto as Exhibit A) and United States Patent No. 4,995,078 entitled "Television Broadcast System for Selective Transmission of Viewer-Chosen Programs at Viewer-Requested Times" ("the '078 patent"; a copy of which is attached hereto as Exhibit B). VIran is the assignee of the '320 patent and the '078 patent. VIran seeks injunctive relief and monetary damages.

PARTIES

2. Plaintiff VTran Media Technologies, LLC is a limited liability company organized and existing under the laws of the State of Texas. VTran maintains its principal place of business at 104 E. Houston Street, Suite 140, Marshall, Texas 75670. VTran is the assignee of all rights, title, and interest in and to the '320 patent and the '078 patent, including the right to sue for infringement and recover past damages.

3. Upon information and belief, Defendant Comcast Corporation ("Comcast") is a corporation organized and existing under the laws of the State of Pennsylvania, with its principal place of business located at 1500 Market Street, Philadelphia, Pennsylvania 19102. Comcast may be served via its registered agent for the service of process, Comcast Capital Corporation, at 1201 Market Street, Suite 1000, Wilmington, Delaware 19801.

4. Upon information and belief, Defendant Charter Communications Inc. ("Charter") is a corporation organized and existing under the laws of the State of Missouri, with its principal place of business located at 12405 Powerscourt Drive, Suite 100, Saint Louis, Missouri 63131. Charter may be served via its registered agent for the service of process, CorpAmerican, Inc., at 30 Old Rudnick Lane, Dover, Delaware 19901.

5. Upon information and belief, Defendant Verizon Communications Inc. ("Verizon") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 140 West Street, 29th Floor, New York, New York, 10007. Verizon may be served via its registered agent for the service of process, CT Corporation System, at 350 North St Paul Street, Dallas, Texas 75201.

6. Upon information and belief, Defendant Time Warner Cable Inc. ("TWC") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 7910 Crescent Executive Drive, Suite 56, Charlotte, North Carolina 28217. TWC may be served via its registered agent for the service of process, CI Corporation System, at 350 North St. Paul Street, Dallas, Texas 75201.

JURISDICTION AND VENUE

7. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 283, and 284. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

8. The Court has personal jurisdiction over each Defendant because: each Defendant has minimum contacts within the State of Texas and the Eastern District of Texas; each Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; each Defendant has sought protection and benefit from the laws of the State of Texas; each Defendant regularly conducts business within the State of Texas and within the Eastern District of Texas; and Plaintiff's causes of action arise directly from Defendants' business contacts and other activities in the State of Texas and in the Eastern District of Texas.

9. More specifically, each Defendant, directly and/or through intermediaries, ships, distributes, offers for sale, sells, and/or advertises its products and services in the United States, the State of Texas, and the Eastern District of Texas. Upon information and belief, each Defendant, through their respective video-on-demand service, has committed patent infringement in the State of Texas and in the Eastern District of Texas, has contributed to patent

infringement in the State of Texas and in the Eastern District of Texas, and/or has induced others to commit patent infringement in the State of Texas and in the Eastern District of Texas. Each Defendant's video-on-demand service solicits customers in the State of Texas and in the Eastern District of Texas. Each Defendant has many paying subscribers who are residents of the State of Texas and the Eastern District of Texas and who each use respective Defendant's video-on-demand service in the State of Texas and in the Eastern District of Texas.

10. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391 and 1400(b).

COUNT I – PATENT INFRINGEMENT OF THE '320 PATENT

11. VTan realleges and incorporates by reference each of Paragraphs 1-10 above.

12. United States Patent No. 4,890,320, entitled "Television Broadcast System for Selective Transmission of Viewer-Chosen Programs at Viewer-Requested Times," was duly and legally issued by the United States Patent and Trademark Office on December 26, 1989 after full and fair examination. VTan is the assignee of all rights, title, and interest in and to the '320 patent, and possesses all rights of recovery under the '320 patent, including the right to sue for infringement and recover past damages.

13. Upon information and belief, Comcast has infringed and continues to infringe one or more claims of the '320 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, video-on-demand products and/or services.

14. Upon information and belief, Comcast has also contributed to the infringement of the '320 patent, and/or actively induced others to infringe the '320 patent, in this district and elsewhere in the United States.

15. Upon information and belief, Charter has infringed and continues to infringe one or more claims of the '320 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, video-on-demand products and/or services

16. Upon information and belief, Charter has also contributed to the infringement of the '320 patent, and/or actively induced others to infringe the '320 patent, in this district and elsewhere in the United States.

17. Upon information and belief, Verizon has infringed and continues to infringe one or more claims of the '320 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, video-on-demand products and/or services

18. Upon information and belief, Verizon has also contributed to the infringement of the '320 patent, and/or actively induced others to infringe the '320 patent, in this district and elsewhere in the United States.

19. Upon information and belief, TWC has infringed and continues to infringe one or more claims of the '320 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, video-on-demand products and/or services.

20. Upon information and belief, IWC has also contributed to the infringement of one or more claims of the '320 patent, and/or actively induced others to infringe the '320 patent, in this district and elsewhere in the United States.

21. Each Defendant's aforesaid activities have been without authority and/or license from VTran.

22. VTran is entitled to recover from the Defendants the damages sustained by VTran as a result of the Defendants' wrongful acts in an amount subject to proof at trial.

23. Defendants' infringement of VTran's exclusive rights under the '320 patent will continue to damage VTran, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court

COUNT II – PATENT INFRINGEMENT OF THE '078 PATENT

24. VTran realleges and incorporates by reference each of Paragraphs 1-23 above.

25. United States Patent No. 4,995,078, entitled "Television Broadcast System for Selective Transmission of Viewer-Chosen Programs at Viewer-Requested Times," was duly and legally issued by the United States Patent and Trademark Office on February 19, 1991 after full and fair examination. VTran is the assignee of all rights, title, and interest in and to the '078 patent, and possesses all rights of recovery under the '078 patent, including the right to sue for infringement and recover past damages.

26. Upon information and belief, Comcast has infringed and continues to infringe one or more claims of the '078 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, video-on-demand products and/or services.

27. Upon information and belief, Comcast has also contributed to the infringement of the '078 patent, and/or actively induced others to infringe the '078 patent, in this district and elsewhere in the United States.

28. Upon information and belief, Charter has infringed and continues to infringe one or more claims of the '078 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, video-on-demand products and/or services.

29. Upon information and belief, Charter has also contributed to the infringement of the '078 patent, and/or actively induced others to infringe the '078 patent, in this district and elsewhere in the United States.

30. Upon information and belief, Verizon has infringed and continues to infringe one or more claims of the '078 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, video-on-demand products and/or services.

31. Upon information and belief, Verizon has also contributed to the infringement of the '078 patent, and/or actively induced others to infringe the '078 patent, in this district and elsewhere in the United States.

32. Upon information and belief, IWC has infringed and continues to infringe one or more claims of the '078 patent by making, using, providing, offering to sell, and selling (directly or through intermediaries), in this district and elsewhere in the United States, video-on-demand products and/or services.

33. Upon information and belief, TWC has also contributed to the infringement of the '078 patent, and/or actively induced others to infringe the '078 patent, in this district and elsewhere in the United States.

34. Each Defendant's aforesaid activities have been without authority and/or license from VTran

35. VTran is entitled to recover from the Defendants the damages sustained by VTran as a result of the Defendants' wrongful acts in an amount subject to proof at trial.

36. Defendants' infringement of VTran's exclusive rights under the '078 patent will continue to damage VTran, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

JURY DEMAND

37. Plaintiff demands a trial by jury on all issues.

PRAYER FOR RELIEF

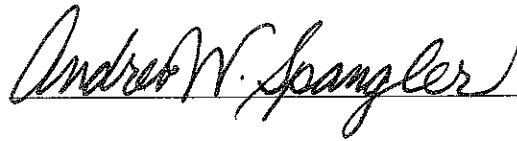
Plaintiff VTran Media Technologies, LLC respectfully requests the following relief:

- A. An adjudication that the Defendants have infringed and continue to infringe claims of the '320 patent and the '078 patent;
- B. Declare that Defendants Comcast, Charter, Verizon, and TWC each induced infringement of the '320 patent and the '078 patent, in violation of 35 U.S.C. § 271(b);
- C. An award to VTran of damages adequate to compensate VTran for the Defendants' acts of infringement together with prejudgment interest;

- D A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining the Defendants from further acts of (1) infringement, (2) contributory infringement, and (3) actively inducing infringement with respect to the claims of the '320 patent and the '078 patent; and
- E Any further relief that this Court deems just and proper.

Respectfully submitted,

Dated: October 17, 2007



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