

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

Antor Media Corporation,

Plaintiff,

V.

(1) AEBN, Inc.,

(2) Univision Communications Inc.,

(3) Automatic Data Processing, Inc.,

(4) Dole Food Company, Inc.,

(5) TouchTunes Music Corporation,

(6) Wal-Mart Stores, Inc.,

(7) Circuit City Stores, Inc.,

(8) ALLTEL Corporation,

(9) Gannett Co., Inc.,

(10) McGraw-Hill Companies, Inc.,

(11) Ford Motor Company,

(12) E.I. du Pont de Nemours and Co.,

(13) Cisco Systems, Inc., and

(14) Xerox Corporation

Defendants.

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Antor Media Corporation (“Antor”) for its Complaint against Defendants AEBN, Inc. (“AEBN”), Univision Communications Inc. (“Univision”), Automatic Data Processing, Inc. (“ADP”), Dole Food Company, Inc. (“Dole”), TouchTunes Music Corporation (“TouchTunes”), Wal-Mart Stores, Inc. (“Wal-Mart”), Circuit City Stores, Inc. (“Circuit City”), ALLTEL Corporation (“ALLTEL”), Gannett Co., Inc. (“Gannett”), McGraw-Hill Companies, Inc. (“McGraw-Hill”), Ford Motor Company (“Ford”), E.I. du Pont de Nemours and Co. (“DuPont”), Cisco Systems, Inc. (“Cisco”), and Xerox Corporation (“Xerox”).

THE PARTIES

1. Antor is a corporation duly organized and existing under the laws of the state of

Texas, having a principal place of business in Plano, Texas.

2. AEBN is a corporation duly organized and existing under the laws of the state of South Carolina, having a principal place of business at 5300 Old Pineville Road, Charlotte, NC 28217. AEBN has an agent for service of process as: Larry A. McKinney, 5751 Augusta Road, Greenville, SC 29605.

3. Univision is a corporation duly organized and existing under the laws of the state of Delaware, having a principal place of business at 1999 Avenue of the Stars, Suite 3050, Los Angeles, CA 90067. Univision has an agent for service of process as: Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

4. ADP is a corporation duly organized and existing under the laws of the state of Delaware, having a principal place of business at One ADP Boulevard, Roseland, NJ 07068. ADP has an agent for service of process as: National Registered Agents, Inc., 160 Greentree Dr., Suite 101, Dover, DE 19904.

5. Dole is a corporation duly organized and existing under the laws of the state of Delaware, having a principal place of business at One Dole Drive, Westlake Village, CA 91362. Dole has an agent for service of process as: CT Corporation System, 350 N. St. Paul Street, Dallas, TX 75201.

6. TouchTunes is a corporation duly organized and existing under the laws of the state of Delaware, having a principal place of business at 1800 E. Sahara Ave., Suite 107, Las Vegas, NV 89104. TouchTunes has an agent for service of process as: Corporation Trust Company, 1209 Orange Street, Wilmington, DE 19801.

7. Wal-Mart is a corporation duly organized and existing under the laws of the state of Delaware, having a principal place of business at 702 Southwest 8th Street, Bentonville, AR 72716. Wal-Mart has an agent for service of process as: CT Corporation System, 350 N. St. Paul Street, Dallas, TX 75201.

8. Circuit City is a corporation duly organized and existing under the laws of the commonwealth of Virginia, having a principal place of business at 9950 Maryland Drive, Richmond, VA 23233. Circuit City has an agent for service of process as: Prentice Hall Corporation System, 701 Brazos Street, Suite 1050, Austin, TX 78701.

9. ALLTEL is a corporation duly organized and existing under the laws of the state of Delaware, having a principal place of business at One Allied Drive, Little Rock, AR 72202. ALLTEL has an agent for service of process as: Corporation Trust Company, 1209 Orange Street, Wilmington, DE 19801.

10. Gannett is a corporation duly organized and existing under the laws of the state of Delaware, having a principal place of business at 7950 Jones Beach Dr., McLean, VA 22107. Gannett has an agent for service of process as: Corporation Trust Company, 1209 Orange Street, Wilmington, DE 19801.

11. McGraw-Hill is a corporation duly organized and existing under the laws of the state of New York, having a principal place of business at 1221 Avenue of the Americas, New York, NY 10020. McGraw-Hill has an agent for service of process as: Kenneth M. Vittor, Esq., The McGraw-Hill Companies, Inc., 1221 Avenue of the Americas, New York, NY 10020.

12. Ford is a corporation duly organized and existing under the laws of the state of Delaware, having a principal place of business at One American Road, Dearborn, MI 48126.

Ford has an agent for service of process as: CT Corporation System, 350 N. St. Paul Street, Dallas, TX 75201.

13. DuPont is a corporation duly organized and existing under the laws of the state of Delaware, having a principal place of business at 1007 Market Street, Wilmington, DE 19898. DuPont has an agent for service of process as: E.I. du Pont de Nemours and Company, 1007 Market Street, D-4076 DuPont Legal, Wilmington, DE 19898.

14. Cisco is a corporation duly organized and existing under the laws of the state of California, having a principal place of business at 170 West Tasman Drive, San Jose, CA 95134. Cisco has an agent for service of process as: Prentice Hall Corporation System, 701 Brazos Street, Suite 1050, Austin, TX 78701.

15. Xerox is a corporation duly organized and existing under the laws of the state of New York, having a principal place of business at 800 Long Ridge Road, Stamford, CT 06904. Xerox has an agent for service of process as: Prentice Hall Corporation System, 701 Brazos Street, Suite 1050, Austin, TX 78701.

JURISDICTION

16. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 *et seq.* This Court has personal jurisdiction over the Defendants in that each of them has committed acts within Texas and this judicial district giving rise to this action and each of the Defendants has established minimum contacts with the forum such that the exercise of jurisdiction over each of the Defendants would not offend traditional notions of fair play and substantial justice.

VENUE

17. Antor does business and has an office in Collin County, Texas, in this district.

Each of the Defendants has committed acts within this judicial district giving rise to this action and does business in this district, including advertising and/or providing services to their respective customers in this district. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), (c), and 1400(b).

INFRINGEMENT OF U.S. PATENT NO. 5,734,961

18. On March 31, 1998, United States Patent No. 5,734,961 (“the ‘961 Patent”) was duly and legally issued for an invention entitled “Method and Apparatus for Transmitting Information Recorded on Information Storage Means from a Central Server to Subscribers via a High Data Rate Digital Telecommunications Network.” Antor was assigned the ‘961 Patent and Antor continues to hold all rights and interest in the ‘961 Patent. A true and correct copy of the ‘961 Patent is attached hereto as Exhibit 1.

19. Each of the Defendants has infringed and continues to infringe the ‘961 Patent. The infringing acts include, but are not limited to, the manufacture, use, sale, importation, and/or offer for sale of products and services related to the streaming and/or downloading of media, such as video and audio, to devices via a network, such as the Internet; the practice of the methods claimed in the ‘961 Patent; and inducing and contributing to the manufacture, use, sale, importation, and/or offer for sale of such products and services and the practice of the methods claimed in the ‘961 Patent. Each of the Defendants is liable for infringement of the ‘961 Patent pursuant to 35 U.S.C. § 271.

20. Each of the Defendants’ acts of infringement has caused damage to Antor, and Antor is entitled to recover from each Defendant the damages sustained by Antor as a result of their individual wrongful acts in an amount subject to proof at trial. Each of the Defendants’ infringement of Antor’s exclusive rights under the ‘961 Patent will continue to damage Antor’s business, causing irreparable harm, for which there is no adequate remedy at law, unless it is

enjoined by this Court.

21. Upon information and belief, Defendants' infringement of the '961 Patent is willful and deliberate, entitling Antor to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, Antor prays for judgment and seeks relief against each of the Defendants as follows:

- (a) For judgment that the '961 Patent has been and continues to be infringed by each Defendant;
- (b) For an accounting of all damages sustained by Antor as the result of the acts of infringement by each Defendant;
- (c) For preliminary and permanent injunctions enjoining the aforesaid acts of infringement by each Defendant, their officers, agents, servants, employees, subsidiaries and attorneys, and those persons acting in concert with them, including related individuals and entities, customers, representatives, OEMS, dealers, and distributors;
- (d) For actual damages together with prejudgment interest;
- (e) For enhanced damages pursuant to 35 U.S.C. § 284;
- (f) For an award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;
- (g) For all costs of suit; and,
- (h) For such other and further relief as the Court may deem just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff Antor Media Corporation demands a trial by jury.

Respectfully submitted this 7th day of November, 2007.

/s/Brett C. Govett

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