

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

FILED-CLERK  
U.S. DISTRICT COURT

2008 SEP 29 PM 1:01

TX EASTERN-MARSHALL

FRONT ROW TECHNOLOGIES, LLC, §

Plaintiff, §

vs. §

KANGAROO MEDIA, INC., §

KANGAROO TV, INC., §

SPRINT NEXTEL CORPORATION, §

THE DIRECTV GROUP, INC., §

NATIONAL ASSOCIATION FOR STOCK §

CAR AUTO RACING, INC., §

THE NATIONAL FOOTBALL LEAGUE, §

NFL ENTERPRISES LLC, §

NFL PRODUCTIONS LLC, §

NFL PRODUCTIONS, INC., and §

NFL PROPERTIES LLC. §

Defendants. §

CIVIL ACTION NO. 6:08-CV-384  
LED

JURY TRIAL DEMANDED

---

**PLAINTIFF FRONT ROW TECHNOLOGIES, LLC'S  
ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT  
AND JURY DEMAND**

---

Plaintiff Front Row Technologies, LLC ("Front Row Technologies") files this Original Complaint for patent infringement against Defendants Kangaroo Media, Inc. and Kangaroo TV, Inc. (collectively "Kangaroo"), Defendant Sprint Nextel Corporation ("Sprint"), Defendant The DirecTV Group, Inc. ("DirecTV"), Defendant National Association for Stock Car Auto Racing, Inc. ("NASCAR"), and Defendants The National Football League, NFL Enterprises LLC, NFL Productions LLC, NFL Productions, Inc., NFL Properties LLC (collectively the "NFL"), and alleges as follows upon information and belief:

## I. PARTIES

1. Plaintiff Front Row Technologies is a Texas corporation having its principal place of business at 115 Wellington, Marshall, Texas 75670.

2. Defendant Kangaroo Media, Inc. is a Canadian corporation having its principal place of business at 17510 Chemin Charles, Suite 500, Mirabel, Quebec, Canada J7J-1X9. Kangaroo Media, Inc. is a non-resident of Texas who engages in business in the State of Texas and this action arises, in part, out of Kangaroo Media, Inc.'s business directed to and in the State of Texas. Kangaroo Media, Inc. resides in this jurisdiction within the meaning of 28 U.S.C. § 1400(b). Kangaroo Media, Inc. may be served with process through its registered agent at 11600 Louis-Bisson, Mirabel, Quebec J7N 1G9. Kangaroo Media, Inc. may be served with process in Canada pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents. Kangaroo Media, Inc. is in the business of commercializing electronic and wireless instrumentalities in interstate commerce and in this judicial district.

3. Defendant Kangaroo TV, Inc. is a Canadian corporation having its principal place of business at 11600 Lousi-Bisson, Bloc A, Mirabel, Quebec, Canada J7N-1G9. Kangaroo TV, Inc. is a non-resident of Texas who engages in business in the State of Texas and this proceeding arises, in part, out of Kangaroo TV, Inc.'s business directed to and in the State of Texas. Kangaroo TV, Inc. resides in this jurisdiction within the meaning of 28 U.S.C. § 1400(b). Kangaroo TV, Inc. may be served with process through its registered agent at 11600 Louis-Bisson, Mirabel, Quebec J7N 1G9. Kangaroo TV, Inc. may be served with process in Canada pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents. Kangaroo TV, Inc. is in the business of commercializing electronic and wireless instrumentalities in interstate commerce and in this judicial district.

4. Defendant Sprint is a corporation organized and existing under the laws of the State of Kansas, with its principal place of business located at 6200 Sprint Parkway, Overland Park, Kansas 66251. Sprint is authorized to do business in the State of Texas and in this judicial district and may be served through its registered agent, Corporation Service Company, 701 Brazos, Suite 1050, Austin, Texas 78701. Sprint is in the business of commercializing telecommunications, wireless, and Internet-related instrumentalities in interstate commerce and in this judicial district.

5. Defendant DirecTV is a corporation organized and existing under the laws of the State of California, with its principal place of business located at 2230 E. Imperial Highway, El Segundo, California 90245. DirecTV is authorized to do business in the State of Texas and in this judicial district and may be served through its registered agent, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701. DirecTV is in the business of commercializing digital satellite television in interstate commerce and in this judicial district.

6. Defendant NASCAR is a corporation organized and existing under the laws of the State of Florida, with its principal place of business located at 1801 W International Speedway Blvd., Daytona Beach, Florida. NASCAR is authorized to do business in the State of Texas and in this judicial district. NASCAR may be served through its registered agent, Corporation Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701. NASCAR is in the business of commercializing automobile racing in interstate commerce and in this judicial district.

7. Defendant The National Football League is an unincorporated association of thirty-two member teams, with its principal place of business at 280 Park Avenue, 15<sup>th</sup> Floor,

New York, New York 10017. The National Football League may be served through its appointed Commissioner, currently Roger Goodell, at 280 Park Avenue, 15th Floor, New York, New York 10017. The National Football League is in the business of commercializing American rules football games in interstate commerce and in this judicial district.

8. Defendant NFL Enterprises LLC, is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 280 Park Avenue, 15th Floor, New York, New York 10017, and may be served through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. NFL Enterprises LLC is in the business of commercializing American rules football games in interstate commerce and in this judicial district.

9. Defendant NFL Productions LLC is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 280 Park Avenue, 15th Floor, New York, New York, 10017, and may be served through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. NFL Productions LLC is in the business of commercializing American rules football games and producing media relating thereto in interstate commerce and in this judicial district.

10. Defendant NFL Productions, Inc. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 280 Park Avenue, 15th Floor, New York, New York, 10017, and may be served through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. NFL Productions, Inc. is in the business of commercializing

American rules football games and producing media relating thereto in interstate commerce and in this judicial district.

11. Defendant NFL Properties LLC is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 280 Park Avenue, 15th Floor, New York, New York, 10017, and may be served through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. NFL Properties LLC is in the business of commercializing and policing use of NFL-related intellectual property in interstate commerce and in this judicial district.

## II. JURISDICTION AND VENUE

12. This action arises under the patent laws of the United States, Title 35 of the United States Code. The Court's jurisdiction over this action is proper under the above statutes, including 35 U.S.C. § 271 *et seq.*, and 28 U.S.C. §§ 1331 and 1338(a).

13. Personal jurisdiction exists generally over each Defendant because each Defendant has sufficient minimum contacts with the forum as a result of business regularly conducted within the State of Texas and within the Eastern District of Texas. Personal jurisdiction also exists specifically over Defendants as a result of, at least, Defendants' distribution network wherein Defendants, individually and collectively, placed instrumentalities that practice the claimed inventions within the stream of commerce, which stream is directed at this district, and by committing the tort of patent infringement within the Eastern District of Texas.

14. Venue is proper in this Court under 28 U.S.C. §§ 1391 (b), (c), and (d), as well as 28 U.S.C. § 1400(b).

### III. PATENT INFRINGEMENT

15. Plaintiff Front Row Technologies is the owner of all rights, title and interest in and under United States Patent No. 7,149,549 (“‘549 patent”), titled “Providing Multiple Perspectives for a Venue Activity Through an Electronic Hand Held Device,” which duly and legally issued on December 12, 2006. A true and correct copy of the ‘549 patent is attached hereto as Exhibit A.

16. Plaintiff Front Row Technologies is the owner of all rights, title and interest in and under United States Patent No. 7,376,388 (“‘388 Patent”), titled “Broadcasting Venue Data to a Wireless Hand Held Device,” which duly and legally issued on May 20, 2008. A true and correct copy of the ‘388 patent is attached hereto as Exhibit B.

17. The ‘549 patent is valid and enforceable.

18. The ‘388 patent is valid and enforceable.

19. All requirements under 35 U.S.C. § 287 have been satisfied with respect to the ‘549 patent and the ‘388 patent.

20. Defendants have been and are continuing to directly infringe, literally and/or under the doctrine of equivalents, the ‘549 patent by making, using, offering for sale, and/or importing in or into the United States, without authority, instrumentalities that fall within the scope of one or more claims of the ‘549 patent.

21. Defendants have been and are continuing to induce infringement of the ‘549 patent under 35 U.S.C. § 271(b) and contribute to infringement of the ‘549 Patent under 35 U.S.C. § 271(c), in conjunction with such acts of making, using, offering for sale, and/or importing in or into the United States, without authority, instrumentalities that fall within the

scope of one or more claims of the '549 patent. The infringing instrumentalities have no substantial non-infringing uses.

22 Defendants had and continue to have actual knowledge of the '549 patent and its coverage of Defendants' infringing instrumentalities, but have nonetheless engaged in their infringing conduct. Defendants' infringement of the '549 patent was and continues to be willful.

23. Defendants have been and are continuing to directly infringe, literally and/or under the doctrine of equivalents, the '388 patent by making, using, offering for sale, and/or importing in or into the United States, without authority, instrumentalities that fall within the scope of one or more claims of the '388 patent.

24. Defendants have been and are continuing to induce infringement of the '388 patent under 35 U.S.C. § 271(b) and contribute to infringement of the '388 Patent under 35 U.S.C. § 271(c), in conjunction with such acts of making, using, offering for sale, and/or importing in or into the United States, without authority, instrumentalities that fall within the scope of one or more claims of the '388 patent. The infringing instrumentalities have no substantial non-infringing uses.

25. Defendants had and continue to have actual knowledge of the '388 patent and its coverage of Defendants' infringing instrumentalities, but have nonetheless engaged in their infringing conduct. Defendants' infringement of the '388 patent was and continues to be willful.

26 Plaintiff Front Row Technologies has no adequate remedy at law against Defendants' acts of patent infringement. Unless Defendants are permanently enjoined from their unlawful and willful infringement of the '549 and '388 patents, Front Row Technologies will suffer irreparable harm.

27. As a direct and proximate result of Defendants' acts of patent infringement, Front Row Technologies has been and continues to be injured and has sustained and will continue to sustain substantial damages.

28. Front Row Technologies has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. § 285, and Front Row Technologies is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

#### **IV. PRAYER FOR RELIEF**

Plaintiff Front Row Technologies, LLC respectfully requests that judgment be entered in its favor and against Defendants Kangaroo Media, Inc., Kangaroo TV, Inc., National Association for Stock Car Auto Racing, Inc., Sprint Nextel Corporation, The DirecTV Group, Inc., The National Football League, NFL Enterprises LLC, NFL Productions LLC, NFL Productions, Inc. and NFL Properties LLC, and respectfully requests that the Court grant the following relief to Front Row Technologies:

(a) Declare that the '549 and '388 patents are exclusively owned by Plaintiff Front Row Technologies, LLC;

(b) Declare that the '549 and '388 patents are valid and enforceable;

(c) Declare that Defendants Kangaroo Media, Inc., Kangaroo TV, Inc., National Association for Stock Car Auto Racing, Inc., Sprint Nextel Corporation, The DirecTV Group, Inc., The National Football League, NFL Enterprises LLC, NFL Productions LLC, NFL Productions, Inc., and NFL Properties LLC, are liable for past and present direct infringement, both literal and under the doctrine of equivalents, of the '549 and '388 patents;



(d) Declare that Defendants Kangaroo Media, Inc., Kangaroo TV, Inc., National Association for Stock Car Auto Racing, Inc., Sprint Nextel Corporation, The DirecTV Group, Inc., The National Football League, NFL Enterprises LLC, NFL Productions LLC, NFL Productions, Inc., and NFL Properties LLC, are liable for inducing infringement and contributing to infringement of the '549 and '388 patents, both in the past and presently.

(e) Declare that Defendants Kangaroo Media, Inc.'s, Kangaroo TV, Inc.'s, National Association for Stock Car Auto Racing, Inc.'s, Sprint Nextel Corporation's, The DirecTV Group, Inc.'s, The National Football League's, NFL Enterprises LLC's, NFL Productions LLC's, NFL Productions, Inc.'s, and NFL Properties LLC's, acts of direct infringement, inducement of infringement, and contributory infringement of the '549 and '388 patents were and presently are willful;

(e) Award damages to Front Row Technologies to which it is entitled for patent infringement of the '549 and '388 patents;

(f) Enter a preliminary, and thereafter, permanent injunction against Defendants Kangaroo Media, Inc., Kangaroo TV, Inc., National Association for Stock Car Auto Racing, Inc., Sprint Nextel Corporation, The DirecTV Group, Inc., The National Football League, NFL Enterprises LLC, NFL Productions LLC, NFL Productions, Inc., and NFL Properties LLC for their acts of direct infringement of the '549 and '388 patents.

(g) Enter a preliminary, and thereafter, permanent injunction against Defendants Kangaroo Media, Inc., Kangaroo TV, Inc., National Association for Stock Car Auto Racing, Inc., Sprint Nextel Corporation, The DirecTV Group, Inc., The National Football League, NFL Enterprises LLC, NFL Productions LLC, NFL Productions, Inc., and NFL Properties LLC for

active inducement of infringement and/or contributory infringement of the '549 and '388 patents by others;

(h) Award Front Row Technologies its expenses, costs, and attorneys fees pursuant to 35 U.S.C. § 285;

(i) Award Front Row Technologies increased damages in an amount not less than three (3) times the amount of damages found by the jury or assessed by this Court for Defendants Kangaroo Media, Inc.'s, Kangaroo TV, Inc.'s, National Association for Stock Car Auto Racing, Inc.'s, Sprint Nextel Corporation's, The DirecTV Group, Inc.'s, The National Football League's, NFL Enterprises LLC's, NFL Productions LLC's, NF Productions, Inc.'s and NFL Properties LLC's willful infringement pursuant to 35 U.S.C. § 284;

(j) Award interest on Front Row Technologies, LLC's damages; and

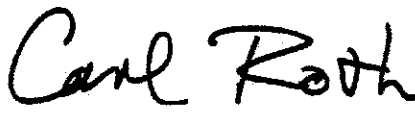
(k) Such other relief as the Court deems just and proper.

#### **V. JURY DEMAND**

In accordance with Federal Rules of Civil Procedure 38 and 39, Plaintiff Front Row Technologies, LLC asserts its rights under the Seventh Amendment of the United States Constitution and demands a trial by jury on all issues.

Dated: September 29, 2008

Respectfully submitted,

By: 

CARL R. ROTH, Attorney-In-Charge  
Texas State Bar No. 17312000  
THE ROTH LAW FIRM, P.C.  
P. O. Box 876  
Marshall, Texas 75671  
Telephone: (903) 935-1665  
Facsimile: (903) 935-1797  
[cr@rothfirm.com](mailto:cr@rothfirm.com)

MICHAEL W. SHORE  
Texas State Bar No. 18294915  
ALFONSO GARCIA CHAN  
Texas State Bar No. 24012408  
WINSTON O. HUFF  
Illinois State Bar No. 6275158  
SHORE CHAN BRAGALONE LLP  
Bank of America Plaza  
901 Main Street, Suite 3300  
Dallas, Texas 75202  
214-593-9110 Telephone  
214-593-9111 Facsimile  
[shore@shorechan.com](mailto:shore@shorechan.com)  
[achan@shorechan.com](mailto:achan@shorechan.com)  
[whuff@shorechan.com](mailto:whuff@shorechan.com)

Attorneys for Plaintiff  
FRONT ROW TECHNOLOGIES, LLC