

09CV0430

JUDGE GETTLEMAN

MAGISTRATE JUDGE SCHENKIER

EDA

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TECHNOLOGY DEVELOPMENT AND	)	
LICENSING, LLC,	)	
	)	Civil Action No.
Plaintiff,	)	
	)	JURY TRIAL DEMANDED
v.	)	
	)	
DISH NETWORK CORPORATION and	)	
ECHOSTAR CORPORATION,	)	
	)	
Defendants.	)	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, Technology Development and Licensing LLC (“Technology Development”), complains of Defendants DISH Network Corporation (“DISH”) and EchoStar Corporation (“EchoStar”)(collectively, “Defendants”) as follows:

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35, United States Code. This Court has exclusive jurisdiction over the subject matter under 28 U.S.C. § 1338(a).

2. Technology Development is a Nevada corporation with its headquarters in Henderson, Nevada. Technology Development has the exclusive right to grant licenses under and to enforce U.S. Patent No. Re. 35,952, “Television Receiver Having Memory Control for Tune-By-Label Feature,” including the right to bring suit and collect damages for any past or future infringement.

3. DISH is a corporation established under the laws of Nevada, with its headquarters at 9601 South Meridian Boulevard, Englewood, Colorado 80112.

4. EchoStar is a corporation established under the laws of Nevada, with its headquarters at 90 Inverness Circle East, Englewood, Colorado 80112.

5. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b). The Defendants' satellite television subscription packages and set top boxes are offered for sale and sold by retailers throughout this judicial district. The Defendants operate several facilities in this judicial district, including a DISH regional office in Chicago, Illinois and an EchoStar facility at 4200 West 40th Street, Chicago, Illinois. EchoStar owns a regional digital broadcast operations center in Monee, Illinois, which, upon information and belief, is leased back to DISH. Through advertising on its website, DISH also targets potential subscribers within this judicial district, stating, for example, "Chicago, It's time to get more TV from your TV."

6. The Defendants have infringed the patent in suit, such as through the manufacture, use and sale of its set top boxes and similar equipment having favorite channel features, including but not limited to their 2000, 2800, 3000, 3750, 3900, 4000, 4900, 5000, 6000, 7100/7200, 111, 211K/211/411, 222, 222K, 301, 311, 322, 351, 381, 501, 508, 510, 522, 612, 622, 625, 721, 722, 811, 921 and 942 model set top boxes which infringe at least claims 8, 37 and 38. Additional products or claims are likely to be identified in the course of discovery. The Defendants have received notice of their infringement of the '952 patent.

7. The Defendants' infringement has injured the plaintiff, and Technology Development is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

8. On information and belief, the Defendants' infringement has been willful and deliberate and has injured and will continue to injure Technology Development unless and until this Court enters an injunction prohibiting further infringement of the '952 Patent.

WHEREFORE, Technology Development respectfully demands judgment against the Defendants and against their subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with it, granting the following relief:

- A. An award of damages adequate to compensate Technology Development for the infringement that has occurred, together with prejudgment interest from the date that infringement of the patent in suit began;
- B. Increased damages as permitted under 35 U.S.C. § 284;
- C. A finding that this case is exceptional and an award to Technology Development of its attorneys' fees and costs as provided by 35 U.S.C. § 285;
- D. A permanent injunction prohibiting further infringement, inducement and contributory infringement of the patent in suit; and,
- E. Such other and further relief as this Court or a jury may deem proper and just.

**JURY DEMAND**

Technology Development and Licensing LLC demands a trial by jury on all issues so triable.

Technology Development and Licensing LLC

/s/ Arthur A. Gasey \_\_\_\_\_

Joseph N. Hosteny

Arthur A. Gasey

Joseph A. Culig

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