

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

REMBRANDT TECHNOLOGIES, LP.)	
)	
Plaintiff,)	C.A. NO.
)	
v.)	JURY TRIAL DEMANDED
)	
FOX TELEVISION STATIONS, INC.)	
MYNETWORKTV, INC.)	
)	
Defendants.)	

**COMPLAINT FOR PATENT INFRINGEMENT
AND DEMAND FOR JURY TRIAL**

Rembrandt Technologies, LP (“Rembrandt”), for its complaint against Fox Television Stations, Inc. (“Fox Television Stations”) and MyNetworkTV, Inc. (“MyNetworkTV”) (collectively referred to herein as “Defendants”), alleges as follows:

INTRODUCTION

1. Rembrandt previously brought actions for infringement of U.S. Patent No. 5,243,627 (‘627 Patent) against ABC Inc., CBS Corporation, Fox Broadcasting Company, Fox Entertainment Group, Inc. and NBC Universal, Inc., as well as various other parties. These actions were consolidated into Multi-District Litigation *In re: Rembrandt Technologies LP Patent Litigation*, C.A. No. 07-1848-GMS (D. Del.) (the “MDL”). This complaint charges Fox Television Systems and MyNetworkTV with infringement of the ‘627 Patent.

2. The MDL is related by subject matter to the present Complaint.

3. Upon information and belief, Fox Televisions Stations is a wholly owned subsidiary of Fox Entertainment Group, Inc., a defendant in the MDL. Upon information and belief, MyNetworkTV is also part of the Fox corporate family of companies and is believed to be

owned by, or under common ownership with, one or more of the Fox entities named as defendants in the MDL, Fox Entertainment Group, Inc. and Fox Broadcasting Company.

4. Based on discovery in the MDL, Rembrandt learned that Fox Television Stations and MyNetworkTV are infringing the 627 Patent.

5. Rembrandt asked the named Fox defendants in the MDL, Fox Broadcasting Company and Fox Entertainment Group, Inc., whether they would “stipulate that, to the extent that any company in the network family of companies is liable for infringement, the named network defendant will be liable for such infringement, and that discovery will be provided with respect to each of the [Fox owned and operated television] stations as though they were parties, so that the MDL can proceed based on the currently named defendants.” This stipulation included infringement of the ‘627 Patent by Fox Television Stations and MyNetworkTV. The named Fox defendants in the MDL refused to agree to Rembrandt’s request.

6. Rembrandt asked the named Fox defendants in the MDL, Fox Broadcasting Company and Fox Entertainment Group, Inc., whether they would consent to amending the complaint against them in the MDL to add as defendants in the MDL, companies that own and operate Fox television stations or that arrange for Fox network programs to be broadcast by such stations in infringement of the ‘627 Patent, which include Fox Television Stations and MyNetworkTV. The named Fox defendants in the MDL refused to agree to Rembrandt’s request.

7. Rembrandt brings this action because the Fox entities have refused both options that Rembrandt proposed to simplify the proceedings and minimize the burdens on the parties and the Court.

8. In light of the refusal of the named Fox defendants in the MDL to agree to Rembrandt's proposed stipulation, and pursuant to Rule 7.5(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, Rembrandt will request that this action, as a tag-along action to the MDL, be assigned to Chief Judge Sleet of this Court, the Section 1407 transferee judge for the MDL.

PARTIES

9. Rembrandt is a limited partnership organized under the laws of the State of New Jersey, having its principal place of business at 401 City Avenue, Suite 815, Bala Cynwyd, PA 19004.

10. Fox Television Stations is a corporation organized under the laws of the State of Delaware, whose registered agent for service of process is Corporation Service Company, having an address of 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

11. MyNetworkTV is a corporation organized under the laws of the State of Delaware, whose registered agent for service of process is Corporation Service Company, having an address of 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

JURISDICTION AND VENUE

12. This is an action arising under the patent laws of the United States, Title 35, United States Code. This Court has subject matter jurisdiction over this case under 28 U.S.C. §§ 1331 and 1338(a).

13. This Court has personal jurisdiction over Defendants because Defendants are incorporated in the State of Delaware and Defendants have conducted business within the state of Delaware.

14. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c), and 1400(b).

INFRINGEMENT OF U.S. PATENT NO. 5,243,627

15. Rembrandt realleges and incorporates herein by reference the allegations stated in paragraphs 1-14 of this Complaint.

16. United States Patent No. 5,243,627 entitled "Signal Point Interleaving Technique" ("the '627 patent") was duly and legally issued by the United States Patent & Trademark Office on September 7, 1993. A copy of the '627 patent is annexed hereto as Exhibit A.

17. Rembrandt is the owner of all right, title and interest in the '627 patent, with the right to sue, enforce and recover damages for infringement.

18. Fox Television Stations owns and operates television stations and broadcasts television programming and television advertising in many cities within the United States. Fox Television Stations uses apparatus and methods, which comply with the ATSC Digital Television Standard and/or infringe the '627 Patent, to transmit digital television signals, which carry programming and advertising, from its owned and operated television stations. Such digital television signals are transmitted to viewers directly, as well as indirectly through other distributors of television programming such as cable companies. The digital signals so transmitted include advertising that Fox Television Stations has contracted to distribute, as well as advertising that MyNetworkTV and Fox Broadcasting Co. has contracted to distribute and that they provide to Fox Television Stations. Fox Television Stations has and does receive advertising revenue and other money for using apparatuses and methods that infringe the '627 Patent to transmit digital television.

19. Television stations affiliated with MyNetworkTV (“MyNetworkTV’s Affiliates”) include some of Fox Television Stations’ owned and operated television stations as well as other television stations. MyNetworkTV has and does contract with advertisers and in exchange for money uses, and/or causes its MyNetworkTV Affiliates to use, apparatus and methods, which comply with the ATSC Digital Television Standard and/or infringe the ‘627 Patent, to transmit digital television signals.

20. Fox Television Stations has directly and/or indirectly infringed the ‘627 patent under 35 U.S.C. § 271, and is continuing to do so, by, *inter alia*, using and/or inducing others to use apparatuses and methods that infringe the ‘627 Patent to transmit digital television signals at its owned and operated stations.

21. MyNetworkTV has directly and/or indirectly infringed the ‘627 patent under 35 U.S.C. § 271, and is continuing to do so, by, *inter alia*, using and/or inducing others to use apparatus and methods that infringe the ‘627 Patent to transmit digital television signals at the MyNetworkTV Affiliated stations.

22. Rembrandt has been, and will continue to be, damaged by Defendants’ infringement.

23. Upon information and belief, such infringement has been, and will continue to be, willful and deliberate, entitling Rembrandt to increased damages under 35 U.S.C. § 284 and making this an exceptional case entitling Rembrandt to an award of reasonable attorneys’ fees pursuant to 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, Rembrandt respectfully requests the following relief:

- (1) the entry of judgment in favor of Rembrandt, and against Defendants, that Defendants have infringed the '627 patent;
- (2) an order requiring Defendants to pay royalties for future use of any apparatus and method falling within the scope of the claims of the '627 Patent under a license having reasonable and nondiscriminatory terms and conditions as determined by the Court in this action;
- (3) an award of damages;
- (4) an award of increased damages pursuant to 35 U.S.C. § 284;
- (5) an award of all costs and expenses of this action, including reasonable attorneys' fees, pre-judgment interest, and post-judgment interest; and
- (6) such other and further relief, at law and in equity, as the Court deems just and proper.

JURY DEMAND

Rembrandt hereby respectfully requests a jury trial on all issues so triable.

/s/ Collins J. Seitz, Jr.

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