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Attorneys for Plaintiff  
MULTIMEDIA PATENT TRUST

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Multimedia Patent Trust,  
Plaintiff,  
v.

Civil Action No. 10-cv-00146-  
JAH(CAB)

NBC Universal, Inc.; Bravo Media LLC; CNBC, Inc.;  
Focus Features LLC; MSNBC Cable LLC; Oxygen  
Media, LLC; Universal City Studios LLLP; Universal  
Studios Home Entertainment LLC; USA Cable  
Entertainment LLC;

**DEMAND FOR JURY TRIAL**

**PLAINTIFF MULTIMEDIA  
PATENT TRUST'S SECOND  
AMENDED COMPLAINT FOR  
PATENT INFRINGEMENT**

Audiovox Corporation;

Hulu, LLC;

The Weather Channel, Inc.;

Fox Entertainment Group, Inc.; Twentieth Century  
Fox Film Corp.; Twentieth Century Fox Home  
Entertainment, LLC; Fox Searchlight Pictures, Inc.;  
Fox Television Stations, Inc.; Fox Television Studios,  
Inc.; Blue Sky Studios, Inc.; Fox Broadcasting  
Company; Fox News Network, LLC; Fox Cable  
Networks, Inc.; MyNetworkTV, Inc.; Fox Movie  
Channel, Inc.; Fox Interactive Media, Inc. (d/b/a News  
Corporation Digital Media Group); FX Networks,  
LLC; NGC Network US, LLC; NGHT, LLC;

Warner Bros. Entertainment Inc.; Warner Bros. Television Distribution Inc. (a/k/a Warner Bros. Television Group); Warner Bros. Animation Inc.; New Line Cinema LLC; New Line Home Entertainment, Inc.; Turner Broadcasting System, Inc.; Turner Network Television, Inc.; Cable News Network, Inc.; The Cartoon Network, Inc.; Home Box Office, Inc.; and  
Arvato Digital Services LLC,  
Defendants.

Plaintiff Multimedia Patent Trust (“Plaintiff”), by counsel, alleges as follows:

**THE PARTIES**

1. Plaintiff Multimedia Patent Trust is a Delaware statutory trust under the laws of the Delaware Statutory Trust Act, Del. Code title 12, §§ 3801, et seq.

*[Paragraphs 2 through 13 were intentionally omitted.]*

14. On information and belief, Defendant NBC Universal, Inc., is a corporation organized under the laws of the State of Delaware, and having its principal place of business at 30 Rockefeller Plaza, New York, New York 10112.

*[This paragraph was intentionally left blank.]*

16. On information and belief, Defendant Bravo Media LLC is a limited liability company organized under the laws of the State of Delaware, and having its principal place of business at 30 Rockefeller Plaza, New York, New York 10112.

17. On information and belief, Defendant CNBC, Inc., is a corporation organized under the laws of the State of Delaware, and having its principal place of business at 1 CNBC Plaza, Englewood Cliffs, New Jersey 07632.

18. On information and belief, Defendant Focus Features LLC is a limited liability company organized under the laws of the State of Delaware, and having its principal place of business at 100 Universal City Plaza, Universal City, California 91608.

19. On information and belief, Defendant MSNBC Cable LLC is a limited liability company organized under the laws of the State of Delaware, and having its principal place of

1 business at 30 Rockefeller Plaza, New York, New York 10112.

2 20. On information and belief, Defendant Oxygen Media, LLC, is a limited liability  
3 company organized under the laws of the State of Delaware, and having its principal place of  
4 business at 75 9th Avenue, New York, New York 10011.

5 21. On information and belief, Defendant Universal City Studios LLLP, is a limited  
6 liability limited partnership organized under the laws of the State of Delaware, and having its  
7 principal place of business at 100 Universal City Plaza, Universal City, California 91608.

8 22. On information and belief, Defendant Universal Studios Home Entertainment  
9 LLC, is a limited liability company organized under the laws of the State of Delaware, and having  
10 its principal place of business at 100 Universal City Plaza, Universal City, California 91608.

11 23. *[This paragraph was intentionally left blank.]*

12 24. On information and belief, Defendant USA Cable Entertainment LLC is a limited  
13 liability company organized under the laws of the State of Delaware, and having its principal  
14 place of business at 100 Universal City Plaza, Universal City, California 91608.

15 25. On information and belief, Defendant Audiovox Corporation is a corporation  
16 organized under the laws of the State of Delaware, and having its principal place of business at  
17 180 Marcus Boulevard, Hauppauge, New York 11788.

18 26. On information and belief, Defendant Hulu, LLC, is a limited liability company  
19 organized under the laws of the State of Delaware and having its principal place of business at  
20 12312 West Olympic Boulevard, Los Angeles, California 90064.

21 27. On information and belief, Defendant The Weather Channel, Inc., is a corporation  
22 organized under the laws of the State of Georgia, and having its principal place of business at 300  
23 Interstate North Parkway, Atlanta, Georgia 30339.

24 28. On information and belief, Defendant Fox Entertainment Group, Inc., is a  
25 corporation organized under the laws of the State of Delaware, and having its principal place of  
26 business at 10201 West Pico Boulevard, Los Angeles, California 90035.

27 29. On information and belief, Defendant Twentieth Century Fox Film Corp. is a  
28 corporation organized under the laws of the State of Delaware, and having its principal place of

1 business at 10201 West Pico Boulevard, Los Angeles, California 90035.

2 30. On information and belief, Defendant Twentieth Century Fox Home  
3 Entertainment, LLC, is a limited liability company organized under the laws of the State of  
4 Delaware, and having its principal place of business at 10201 West Pico Boulevard, Los Angeles,  
5 California 90035.

6 31. On information and belief, Defendant Fox Searchlight Pictures, Inc., is a  
7 corporation organized under the laws of the State of Delaware, and having its principal place of  
8 business at 10201 West Pico Boulevard, Los Angeles, California 90035.

9 32. On information and belief, Defendant Fox Television Stations, Inc., is a  
10 corporation organized under the laws of the State of Delaware, and having its principal place of  
11 business at 1211 Avenue of the Americas, New York, New York 10036.

12 33. On information and belief, Defendant Fox Television Studios, Inc., is a  
13 corporation organized under the laws of the State of Delaware, and having its principal place of  
14 business at 10201 West Pico Boulevard, Los Angeles, California 90035.

15 34. On information and belief, Defendant Blue Sky Studios, Inc., is a corporation  
16 organized under the laws of the State of Delaware, and having its principal place of business at  
17 10201 West Pico Boulevard, Los Angeles, California 90035.

18 35. On information and belief, Defendant Fox Broadcasting Company is a corporation  
19 organized under the laws of the State of Delaware, and having its principal place of business at  
20 10201 West Pico Boulevard, Los Angeles, California 90035.

21 36. On information and belief, Defendant Fox News Network, LLC, is a limited  
22 liability company organized under the laws of the State of Delaware, and having its principal  
23 place of business at 10201 West Pico Boulevard, Los Angeles, California 90035.

24 37. On information and belief, Defendant Fox Cable Networks, Inc., is a corporation  
25 organized under the laws of the State of Delaware, and having its principal place of business at  
26 10201 North Pico Boulevard, Los Angeles, California 90035.

27 38. On information and belief, Defendant MyNetworkTV, Inc., is a corporation  
28 organized under the laws of the State of Delaware, and having its principal place of business at

1 10201 West Pico Boulevard, Los Angeles, California 90035.

2 39. On information and belief, Defendant Fox Movie Channel, Inc., is a corporation  
3 organized under the laws of the State of Delaware, and having its principal place of business at  
4 10201 West Pico Boulevard, Los Angeles, California 90035.

5 40. On information and belief, Defendant Fox Interactive Media, Inc., (d/b/a News  
6 Corporation Digital Media Group) is a corporation organized under the laws of the State of  
7 Delaware, and having its principal place of business at 10201 West Pico Boulevard, Los Angeles,  
8 California 90035.

9 41. On information and belief, Defendant FX Networks, LLC, is a limited liability  
10 company organized under the laws of the State of Delaware, and having its principal place of  
11 business at 10201 West Pico Boulevard, Los Angeles, California 90035.

12 42. On information and belief, Defendant NGC Network US, LLC, is a limited  
13 liability company organized under the laws of the State of Delaware, and having its principal  
14 place of business at 10201 West Pico Boulevard, Los Angeles, California 90035.

15 43. On information and belief, Defendant NGHT, LLC, is a limited liability company  
16 organized under the laws of the State of Delaware, and having its principal place of business at  
17 1145 17th Street N.W., Washington, DC 20036.

18 44. *[This paragraph was intentionally left blank.]*

19 45. *[This paragraph was intentionally left blank.]*

20 46. On information and belief, Defendant Warner Bros. Entertainment Inc. is a  
21 corporation organized under the laws of the State of Delaware, and having its principal place of  
22 business at 4000 Warner Boulevard, Burbank, California 91522.

23 47. On information and belief, Defendant Warner Bros. Television Distribution Inc.  
24 (a/k/a Warner Bros. Television Group), is a corporation organized under the laws of the State of  
25 Delaware, and having its principal place of business at 4000 Warner Boulevard, Burbank,  
26 California 91522.

27 48. On information and belief, Defendant Warner Bros. Animation Inc. is a  
28 corporation organized under the laws of the State of Delaware, and having its principal place of

1 business at 411 North Hollywood Way, Burbank, California 91505.

2 49. On information and belief, Defendant New Line Cinema LLC is a limited liability  
3 company organized under the laws of the State of Delaware, and having its principal place of  
4 business at 116 North Robertson Boulevard, Los Angeles, California 90048.

5 50. On information and belief, Defendant New Line Home Entertainment, Inc., is a  
6 corporation organized under the laws of the State of New York, and having its principal place of  
7 business at 116 North Robertson Boulevard, Los Angeles, California 90048.

8 51. On information and belief, Defendant Turner Broadcasting System, Inc., is a  
9 corporation organized under the laws of the State of Georgia, and having its principal place of  
10 business at One CNN Center, Atlanta, Georgia 30303.

11 52. On information and belief, Defendant Turner Network Television, Inc., is a  
12 corporation organized under the laws of the State of Delaware, and having its principal place of  
13 business at 1010 Techwood Drive, N.W., Atlanta, Georgia 30318.

14 53. On information and belief, Defendant Cable News Network, Inc., is a corporation  
15 organized under the laws of the State of Delaware, and having its principal place of business at  
16 One CNN Center, Atlanta, Georgia 30303.

17 54. On information and belief, Defendant The Cartoon Network, Inc., is a corporation  
18 organized under the laws of the State of Delaware and having its principal place of business at  
19 300 North Third Street, Burbank, California 91502.

20 55. On information and belief, Defendant Home Box Office, Inc., is a corporation  
21 organized under the laws of the State of Delaware and having its principal place of business at  
22 1100 Avenue of the Americas, New York, New York 10036.

23 56. On information and belief, Defendant Arvato Digital Services LLC is a limited  
24 liability company organized under the laws of the State of Delaware, and having its principal  
25 place of business at 29011 Commerce Center Drive, Valencia, California 91355.

26 **JURISDICTION AND VENUE**

27 57. This is a civil action for patent infringement arising under the United States patent  
28 statute, 35 U.S.C. § 1 et seq.

1           58.     This Court has jurisdiction over the subject matter of this action under 28 U.S.C.  
2 §§ 1331 and 1338(a).

3           59.     *[This paragraph was intentionally left blank.]*

4           60.     Defendants NBC Universal, Inc.; Bravo Media LLC; CNBC, Inc.; Focus Features  
5 LLC; MSNBC Cable LLC; Oxygen Media, LLC; Universal City Studios LLLP; Universal  
6 Studios Home Entertainment LLC; and USA Cable Entertainment LLC (collectively, the “NBC  
7 Defendants”) are each subject to this Court’s personal jurisdiction because they each do and have  
8 done substantial business in this judicial District, including maintaining principal places of  
9 business in California and/or being organized under the laws of the State of California and  
10 regularly doing and soliciting business, engaging in other persistent courses of conduct, and  
11 deriving substantial revenue in this State and in this District. In addition, Defendants NBC  
12 Universal, Inc.; Bravo Media LLC; CNBC, Inc.; Focus Features LLC; MSNBC Cable LLC;  
13 Oxygen Media, LLC; Universal City Studios LLLP; Universal Studios Home Entertainment  
14 LLC; and USA Cable Entertainment LLC have designated an agent for service of process in the  
15 State of California.

16           61.     Defendant Audiovox Corporation is subject to this Court’s personal jurisdiction  
17 because it does and has done substantial business in this judicial District, including regularly  
18 doing or soliciting business, engaging in other persistent courses of conduct, and deriving  
19 substantial revenue in this State and in this District. In addition, Audiovox Corporation has  
20 designated an agent for service of process in the State of California.

21           62.     Defendant Hulu, LLC, is subject to this Court’s personal jurisdiction because it  
22 does and has done substantial business in this judicial District, including maintaining a principal  
23 place of business in California, regularly doing or soliciting business, engaging in other persistent  
24 courses of conduct, and deriving substantial revenue in this State and in this District. In addition,  
25 Hulu, LLC, has designated an agent for service of process in the State of California.

26           63.     Defendant The Weather Channel, Inc. is subject to this Court’s personal  
27 jurisdiction because it does and has done substantial business in this judicial District, including  
28 regularly doing or soliciting business, engaging in other persistent courses of conduct, and



1 deriving substantial revenue in this State and in this District. In addition, The Weather Channel,  
2 Inc. has designated an agent for service of process in the State of California.

3 64. Defendants Fox Entertainment Group, Inc.; Twentieth Century Fox Film Corp.;  
4 Twentieth Century Fox Home Entertainment, LLC; Fox Searchlight Pictures, Inc.; Fox Television  
5 Stations, Inc.; Fox Television Studios, Inc.; Blue Sky Studios, Inc.; Fox Broadcasting Company;  
6 Fox News Network, LLC; Fox Cable Networks, Inc.; MyNetworkTV, Inc.; Fox Movie Channel,  
7 Inc.; Fox Interactive Media, Inc. (d/b/a News Corporation Digital Media Group); FX Networks,  
8 LLC; NGC Network US, LLC; and NGHT, LLC (collectively the “Fox Defendants”), are each  
9 subject to this Court’s personal jurisdiction because they do and have done substantial business in  
10 this judicial District, including maintaining principal places of business in California and/or being  
11 organized under the laws of the State of California and regularly doing and soliciting business,  
12 engaging in other persistent courses of conduct, and deriving substantial revenue in this State and  
13 in this District. In addition, Fox Entertainment Group, Inc.; Twentieth Century Fox Film Corp.;  
14 Twentieth Century Fox Home Entertainment, LLC; Fox Searchlight Pictures, Inc.; Fox Television  
15 Stations, Inc.; Fox Television Studios, Inc.; Blue Sky Studios, Inc.; Fox Broadcasting Company;  
16 Fox News Network, LLC; Fox Cable Networks, Inc.; MyNetworkTV, Inc.; Fox Movie Channel,  
17 Inc.; Fox Interactive Media, Inc. (d/b/a News Corporation Digital Media Group); FX Networks,  
18 LLC; and NGC Network US, LLC have designated an agent for service of process in the State of  
19 California.

20 65. *[This paragraph was intentionally left blank.]*

21 66. Defendants Warner Bros. Entertainment Inc.; Warner Bros. Television  
22 Distribution Inc. (a/k/a Warner Bros. Television Group); Warner Bros. Animation Inc.; New Line  
23 Cinema LLC; New Line Home Entertainment, Inc.; Turner Broadcasting System, Inc.; Turner  
24 Network Television, Inc.; Cable News Network, Inc.; The Cartoon Network, Inc.; and Home Box  
25 Office, Inc. (collectively the “Warner Bros. Defendants”) are each subject to this Court’s personal  
26 jurisdiction because they do and have done substantial business in this judicial District, including  
27 maintaining principal places of business in California and/or being organized under the laws of  
28 the State of California and regularly doing and soliciting business, engaging in other persistent



1 courses of conduct, and deriving substantial revenue in this State and in this District. In addition  
 2 Defendants Warner Bros. Entertainment Inc.; Warner Bros. Television Distribution Inc. (a/k/a  
 3 Warner Bros. Television Group); Warner Bros. Animation Inc.; New Line Cinema LLC; New  
 4 Line Home Entertainment, Inc.; Turner Broadcasting System, Inc.; and Home Box Office, Inc.  
 5 have designated an agent for service of process in the State of California.

6 67. Defendant Arvato Digital Services LLC (“Arvato”) is subject to this Court’s  
 7 personal jurisdiction because it does and has done substantial business in this judicial District,  
 8 including maintaining a principal place of business in California, regularly doing or soliciting  
 9 business, engaging in other persistent courses of conduct, and deriving substantial revenue in this  
 10 State and in this District. In addition, Arvato has designated an agent for service of process in the  
 11 State of California.

12 68. Venue is proper in this judicial District under 28 U.S.C. §§ 1391(b)-(c) and  
 13 1400(b).

#### 14 **BACKGROUND FACTS & PATENTS-IN-SUIT**

15 69. The patents-in-suit are generally directed to systems and methods of encoding and  
 16 decoding signals representative of moving images (i.e., “video compression”).

17 70. Video compression techniques are used in many industries that involve either the  
 18 transmission of video from one location to another and/or the manufacture and sale of devices to  
 19 receive or store video signals. These industries include, for example, content providers, cable and  
 20 satellite companies, teleconferencing providers, television manufacturers, television broadcasters  
 21 and digital media providers.

22 71. Video compression reduces the amount of digital data needed to represent video so  
 23 that it can be sent more efficiently over communications media, such as the Internet and satellites,  
 24 or stored more efficiently on storage media such as DVDs and Blu-ray disks. Video consists of a  
 25 series of pictures, or frames, with each frame capturing a scene at an instant of time. When  
 26 viewed one after another, the frames form the video sequences. Video compression involves  
 27 reducing the amount of digital data needed to represent information about the content of these  
 28 pictures or frames while allowing a video to ultimately be reproduced from that information.

1           72. There are numerous benefits to video compression. For instance, it enables large  
2 amounts of video data to be stored on smaller memory devices and permits broadcasters to  
3 transmit greater numbers of programs using the same bandwidth over a particular transmission  
4 medium. For example, without video compression it would be impossible to store a feature-  
5 length film on a single DVD. Also, video retrieval via the Internet would not be feasible due to  
6 the huge volume of uncompressed data that would need to be transmitted. The challenge that  
7 comes with video compression, however, is assuring that the video image ultimately reproduced  
8 from the reduced amount of digital data is of sufficient quality.

9           73. A video signal is encoded (compressed) prior to being transmitted over a medium  
10 or before it is stored on a medium. When the video signal is read off the storage medium or is  
11 received at the other end, it is decoded (decompressed) to recreate either the original signal or, in  
12 the case of a lossy compression technique (by which certain unnecessary bits of data are  
13 eliminated), a close approximation of the original signal. When encoding a video, the video  
14 signal is processed using a variety of techniques that reduce the amount of data, such as  
15 transformation, quantization, motion-compensated prediction and variable length encoding.

16           74. On September 18, 1990, the United States Patent and Trademark Office  
17 (“USPTO”) duly and legally issued United States Patent No. 4,958,226 (“the ‘226 Patent”),  
18 entitled “Conditional Motion Compensated Interpolation of Digital Motion Video,” to Barin G.  
19 Haskell and Atul Puri. On July 16, 2007, a third party requested ex parte reexamination of claim  
20 12 of the ‘226 Patent. On October 5, 2007, the USPTO ordered reexamination of claim 12 of the  
21 ‘226 Patent. During reexamination, no amendments were made to the ‘226 Patent and the  
22 patentability of claim 12 was confirmed. The USPTO duly and legally issued a Reexamination  
23 Certificate for the ‘226 Patent on September 1, 2009. A copy of the ‘226 Patent and its  
24 Reexamination Certificate are attached as Exhibit A.

25           75. On July 13, 1993, the USPTO duly and legally issued United States Patent No.  
26 5,227,878 (“the ‘878 Patent”), entitled “Adaptive Coding and Decoding of Frames and Fields of  
27 Video,” to Atul Puri and Rangarajan Aravind. The USPTO duly and legally issued a Certificate  
28 of Correction to the ‘878 Patent on October 25, 2005. A copy of the ‘878 Patent and its

1 Certificate of Correction are attached as Exhibit B.

2 76. On March 19, 1996, the USPTO duly and legally issued United States Patent No.  
3 5,500,678 (“the ‘678 Patent”), entitled “Optimized Scanning of Transform Coefficients in Video  
4 Coding,” to Atul Puri. The USPTO duly and legally issued a Certificate of Correction to the ‘678  
5 Patent on May 29, 2007. A copy of the ‘678 Patent and its Certificate of Correction are attached  
6 as Exhibit C.

7 77. On August 4, 1992, the USPTO duly and legally issued United States Patent No.  
8 5,136,377 (“the ‘377 Patent”), entitled “Adaptive Non-Linear Quantizer,” to James D. Johnston,  
9 et al. A copy of the ‘377 Patent is attached as Exhibit D.

10 78. On November 28, 2006, all rights, title and interest in and to the ‘226, ‘377, ‘878,  
11 and ‘678 Patents (collectively, the “Patents-in-Suit”), including the right to sue for past  
12 infringement, were assigned to the Multimedia Patent Trust. On November 30 and December 21,  
13 2006, the USPTO issued Notices of the recordation of the assignments.

14 79. Plaintiff Multimedia Patent Trust is the sole holder of the entire right, title and  
15 interest in the ‘226, ‘377, ‘878, and ‘678 Patents.

16 *[COUNT I and Paragraphs 80 through 160 were intentionally omitted.]*

## 17 **COUNT II**

### 18 **(PATENT INFRINGEMENT BY THE NBC DEFENDANTS)**

19 161. Plaintiff Multimedia Patent Trust realleges and incorporates by reference  
20 paragraphs 1-79 of this Complaint as if fully set forth herein.

#### 21 **NBC Universal, Inc.**

22 162. Defendant NBC Universal has infringed directly and continues to infringe directly,  
23 within the United States, at least one claim of the ‘377 patent by encoding video that is stored on  
24 DVD discs.

25 163. Defendant NBC Universal has infringed directly and continues to infringe directly,  
26 within the United States, at least one claim of each of the ‘878, ‘377, ‘226, and ‘678 patents by  
27 encoding video in VC-1 and H.264 format that is stored on Blu-ray discs.

28 164. Defendant NBC Universal has infringed directly and continues to infringe directly,

1 within the United States, at least one claim of the '377 patent by encoding video in MPEG-2  
2 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video in H.264  
3 format, during movie production, such as movie dailies, rushes, and sharing video with directors,  
4 producers, editors, cast, and other members of the film crew.

5 165. Defendant NBC Universal has infringed directly and continues to infringe directly,  
6 within the United States, at least one claim of the '878 and '226 patents by decoding video in  
7 H.264 format during movie production, such as movie dailies, rushes, and sharing video with  
8 directors, producers, editors, cast, and other members of the film crew.

9 166. Defendant NBC Universal has infringed directly and continues to infringe directly,  
10 within the United States, at least one claim of the '377 patent by encoding video in MPEG-2  
11 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding video in  
12 H.264 format, for television programming, such as providing video from the site of live news,  
13 entertainment and sporting events.

14 167. Defendant NBC Universal has infringed directly and continues to infringe directly,  
15 within the United States, at least one claim of the '377 patent by encoding video in MPEG-2  
16 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding video in  
17 H.264 format, for television broadcast transmission such as providing video to cable and satellite  
18 providers.

19 168. Defendant NBC Universal has infringed directly and continues to infringe directly,  
20 within the United States, at least one claim of the '377 patent by encoding video in MPEG-2  
21 format for television broadcast transmission over the air.

22 169. Defendant NBC Universal has infringed directly and continues to infringe directly,  
23 within the United States, at least one claim of the '377 patent by encoding video in MPEG-2  
24 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video in H.264  
25 format, during production of television programs, such as "TV dailies," rushes, sweatboxes, and  
26 sharing video with directors, producers, editors, cast, hosts, anchors, and other members of the  
27 crew.

28 170. Defendant NBC Universal has infringed directly and continues to infringe directly,

1 within the United States, at least one claim of the '878 and '226 patents by decoding video in  
2 H.264 format for television programming, such as providing video from the site of live news,  
3 entertainment and sporting events.

4 171. Defendant NBC Universal has infringed directly and continues to infringe directly,  
5 within the United States, at least one claim of the '878 and '226 patents by decoding video in  
6 H.264 format, during production of television programs for television broadcast transmission,  
7 such as "TV dailies," rushes, sweatboxes, and sharing video with directors, producers, editors,  
8 cast, hosts, anchors, and other members of the crew.

9 172. Defendant NBC Universal has infringed directly and continues to infringe directly,  
10 within the United States, at least one claim of the '878, '377, '226, and '678 patents by encoding  
11 video in H.264 format for streaming over the Internet, such as live sporting events, movie trailers,  
12 movie clips, and interviews.

13 173. On information and belief, defendant NBC Universal has infringed the '678 patent  
14 by importing into the United States products that defendant and defendants' agents made by a  
15 patented process, such as Blu-ray discs containing video encoded in VC-1 and H.264 format  
16 pursuant to the methods claimed in the '678 patent.

17 174. Defendant NBC Universal has actively and knowingly induced, and continues to  
18 actively and knowingly induce, third-party end users, such as consumers, renters, and purchasers  
19 of Blu-ray discs, to infringe directly within the United States at least one claim of the '878 and  
20 '226 patents by decoding video in VC-1 and H.264 format by playing defendant's Blu-ray disc  
21 products in Blu-ray players. In particular, defendant has known of the '878 and '226 patents at  
22 times it has supplied Blu-ray discs, but nevertheless encoded and continues to encode video in  
23 VC-1 and H.264 format on the Blu-ray discs in such a manner that defendant knows the end users  
24 would decode the video in a manner that infringes the '878 and '226 patents. Further, defendant  
25 intends end users to use Blu-ray players to decode VC-1 and H.264 video on Blu-ray discs.  
26 Accordingly, defendant knew or should have known that its supply of such Blu-ray discs would  
27 induce infringement, and defendant has possessed and continues to possess the specific intent to  
28 induce such infringement.

175. Defendant NBC Universal has had constructive knowledge of the method claims of the '678 patent since March 19, 1996, the issue date of the patent. Defendant has had actual knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no later than October 6, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement of the Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and continues to infringe the patents willfully and deliberately in disregard of MPT's patent rights.

176. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined by this Court.

**Bravo Media LLC**

177. Defendant Bravo Media has infringed directly and continues to infringe directly, within the United States, at least one claim of the '377 patent by encoding video in MPEG-2 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding video in H.264 format, for television broadcast transmission such as providing video to cable and satellite providers.

178. Defendant Bravo Media has infringed directly and continues to infringe directly, within the United States, at least one claim of the '377 patent by encoding video in MPEG-2 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video in H.264 format, during production of television programs, such as "TV dailies," rushes, sweatboxes, and sharing video with directors, producers, editors, cast, hosts, anchors, and other members of the crew.

179. Defendant Bravo Media has infringed directly and continues to infringe directly, within the United States, at least one claim of the '878 and '226 patents by decoding video in H.264 format, during production of television programs for television broadcast transmission, such as "TV dailies," rushes, sweatboxes, and sharing video with directors, producers, editors, cast, hosts, anchors, and other members of the crew.

180. Defendant Bravo Media has had constructive knowledge of the method claims of the '678 patent since March 19, 1996, the issue date of the patent. Defendant has had actual

1 knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no later than October  
 2 6, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement of the  
 3 Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and continues to  
 4 infringe the patents willfully and deliberately in disregard of MPT's patent rights.

5 181. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
 6 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
 7 by this Court.

8 **CNBC, Inc.**

9 182. Defendant CNBC has infringed directly and continues to infringe directly, within  
 10 the United States, at least one claim of the '377 patent by encoding video in MPEG-2 format, and  
 11 at least one claim of the '878, '377, '226, and '678 patents by encoding video in H.264 format,  
 12 for television programming, such as providing video from the site of live news, entertainment and  
 13 sporting events.

14 183. Defendant CNBC has infringed directly and continues to infringe directly, within  
 15 the United States, at least one claim of the '377 patent by encoding video in MPEG-2 format, and  
 16 at least one claim of the '878, '377, '226, and '678 patents by encoding video in H.264 format,  
 17 for television broadcast transmission such as providing video to cable and satellite providers.

18 184. Defendant CNBC has infringed directly and continues to infringe directly, within  
 19 the United States, at least one claim of the '377 patent by encoding video in MPEG-2 format, and  
 20 at least one claim of '878, '377, '226, and '678 patents by encoding video in H.264 format,  
 21 during production of television programs, such as "TV dailies," rushes, sweatboxes, and sharing  
 22 video with directors, producers, editors, cast, hosts, anchors, and other members of the crew.

23 185. Defendant CNBC has infringed directly and continues to infringe directly, within  
 24 the United States, at least one claim of the '878 and '226 patents by decoding video in H.264  
 25 format for television programming, such as providing video from the site of live news,  
 26 entertainment and sporting events.

27 186. Defendant CNBC has infringed directly and continues to infringe directly, within  
 28 the United States, at least one claim of the '878 and '226 patents by decoding video in H.264



1 format, during production of television programs for television broadcast transmission, such as  
 2 “TV dailies,” rushes, sweatboxes, and sharing video with directors, producers, editors, cast, hosts,  
 3 anchors, and other members of the crew.

4 187. Defendant CNBC has had constructive knowledge of the method claims of the  
 5 ‘678 patent since March 19, 1996, the issue date of the patent. Defendant has had actual  
 6 knowledge of the apparatus claims of the ‘377, ‘678, ‘226, and ‘878 patents no later than October  
 7 6, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement of the  
 8 Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and continues to  
 9 infringe the patents willfully and deliberately in disregard of MPT’s patent rights.

10 188. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
 11 irreparably harmed by defendant’s infringement, which will continue unless defendant is enjoined  
 12 by this Court.

13 **MSNBC Cable LLC**

14 189. Defendant MSNBC Cable has infringed directly and continues to infringe directly,  
 15 within the United States, at least one claim of the ‘377 patent by encoding video in MPEG-2  
 16 format, and at least one claim of the ‘878, ‘377, ‘226, and ‘678 patents by encoding video in  
 17 H.264 format, for television programming, such as providing video from the site of live news,  
 18 entertainment and sporting events.

19 190. Defendant MSNBC Cable has infringed directly and continues to infringe directly,  
 20 within the United States, at least one claim of the ‘377 patent by encoding video in MPEG-2  
 21 format, and at least one claim of the ‘878, ‘377, ‘226, and ‘678 patents by encoding video in  
 22 H.264 format, for television broadcast transmission such as providing video to cable and satellite  
 23 providers.

24 191. Defendant MSNBC Cable has infringed directly and continues to infringe directly,  
 25 within the United States, at least one claim of the ‘377 patent by encoding video in MPEG-2  
 26 format, and at least one claim of ‘878, ‘377, ‘226, and ‘678 patents by encoding video in H.264  
 27 format, during production of television programs, such as “TV dailies,” rushes, sweatboxes, and  
 28 sharing video with directors, producers, editors, cast, hosts, anchors, and other members of the

1 crew.

2 192. Defendant MSNBC Cable has infringed directly and continues to infringe directly,  
3 within the United States, at least one claim of the '878 and '226 patents by decoding video in  
4 H.264 format for television programming, such as providing video from the site of live news,  
5 entertainment and sporting events.

6 193. Defendant MSNBC Cable has infringed directly and continues to infringe directly,  
7 within the United States, at least one claim of the '878 and '226 patents by decoding video in  
8 H.264 format, during production of television programs for television broadcast transmission,  
9 such as "TV dailies," rushes, sweatboxes, and sharing video with directors, producers, editors,  
10 cast, hosts, anchors, and other members of the crew.

11 194. Defendant MSNBC Cable has had constructive knowledge of the method claims of  
12 the '678 patent since March 19, 1996, the issue date of the patent. Defendant has had actual  
13 knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no later than October  
14 6, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement of the  
15 Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and continues to  
16 infringe the patents willfully and deliberately in disregard of MPT's patent rights.

17 195. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
18 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
19 by this Court.

20 **Oxygen Media, LLC**

21 196. Defendant Oxygen Media has infringed directly and continues to infringe directly,  
22 within the United States, at least one claim of the '377 patent by encoding video that is stored on  
23 DVD discs.

24 197. Defendant Oxygen Media has infringed directly and continues to infringe directly,  
25 within the United States, at least one claim of the '377 patent by encoding video in MPEG-2  
26 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding video in  
27 H.264 format, for television broadcast transmission such as providing video to cable and satellite  
28 providers.

198. Defendant Oxygen Media has infringed directly and continues to infringe directly, within the United States, at least one claim of the '377 patent by encoding video in MPEG-2 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video in H.264 format, during production of television programs, such as "TV dailies," rushes, sweatboxes, and sharing video with directors, producers, editors, cast, hosts, anchors, and other members of the crew.

199. Defendant Oxygen Media has infringed directly and continues to infringe directly, within the United States, at least one claim of the '878 and '226 patents by decoding video in H.264 format, during production of television programs for television broadcast transmission, such as "TV dailies," rushes, sweatboxes, and sharing video with directors, producers, editors, cast, hosts, anchors, and other members of the crew.

200. Defendant Oxygen Media has had constructive knowledge of the method claims of the '678 patent since March 19, 1996, the issue date of the patent. Defendant has had actual knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no later than October 6, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement of the Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and continues to infringe the patents willfully and deliberately in disregard of MPT's patent rights.

201. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined by this Court.

#### **Universal City Studios LLLP**

202. On information and belief, defendant Universal City Studios has infringed directly and continues to infringe directly, within the United States, at least one claim of the '377 patent by encoding video in MPEG-2 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video in H.264 format, during movie production, such as movie dailies, rushes, and sharing video with directors, producers, editors, cast, and other members of the film crew.

203. On information and belief, defendant Universal City Studios has infringed directly and continues to infringe directly, within the United States, at least one claim of the '878 and '226

1 patents by decoding video in H.264 format during movie production, such as movie dailies,  
 2 rushes, and sharing video with directors, producers, editors, cast, and other members of the film  
 3 crew.

4 204. Defendant Universal City Studios has had constructive knowledge of the method  
 5 claims of the '678 patent since March 19, 1996, the issue date of the patent. Defendant has had  
 6 actual knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no later than  
 7 October 6, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement of  
 8 the Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and  
 9 continues to infringe the patents willfully and deliberately in disregard of MPT's patent rights.

10 205. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
 11 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
 12 by this Court.

13 *[Paragraphs 206 through 210 were intentionally omitted.]*

14 **USA Cable Entertainment LLC**

15 211. Defendant USA Cable Entertainment has infringed directly and continues to  
 16 infringe directly, within the United States, at least one claim of the '377 patent by encoding video  
 17 in MPEG-2 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding  
 18 video in H.264 format, for television programming, such as providing video from the site of live  
 19 news, entertainment and sporting events.

20 212. Defendant USA Cable Entertainment has infringed directly and continues to  
 21 infringe directly, within the United States, at least one claim of the '377 patent by encoding video  
 22 in MPEG-2 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding  
 23 video in H.264 format, for television broadcast transmission such as providing video to cable and  
 24 satellite providers.

25 213. Defendant USA Cable Entertainment has infringed directly and continues to  
 26 infringe directly, within the United States, at least one claim of the '377 patent by encoding video  
 27 in MPEG-2 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video  
 28 in H.264 format, during production of television programs, such as "TV dailies," rushes,

1 sweatboxes, and sharing video with directors, producers, editors, cast, hosts, anchors, and other  
2 members of the crew.

3 214. Defendant USA Cable Entertainment has infringed directly and continues to  
4 infringe directly, within the United States, at least one claim of the '878 and '226 patents by  
5 decoding video in H.264 format for television programming, such as providing video from the  
6 site of live news, entertainment and sporting events.

7 215. Defendant USA Cable Entertainment has infringed directly and continues to  
8 infringe directly, within the United States, at least one claim of the '878 and '226 patents by  
9 decoding video in H.264 format, during production of television programs for television  
10 broadcast transmission, such as "TV dailies," rushes, sweatboxes, and sharing video with  
11 directors, producers, editors, cast, hosts, anchors, and other members of the crew.

12 216. Defendant USA Cable Entertainment has had constructive knowledge of the  
13 method claims of the '678 patent since March 19, 1996, the issue date of the patent. Defendant  
14 has had actual knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no  
15 later than October 6, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its  
16 infringement of the Patents-in-Suit. Despite such knowledge, defendant has refused to take a  
17 license and continues to infringe the patents willfully and deliberately in disregard of MPT's  
18 patent rights.

19 217. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
20 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
21 by this Court.

## 22 **Universal Studios Home Entertainment LLC**

23 218. Defendant Universal Studios Home Entertainment has infringed directly and  
24 continues to infringe directly, within the United States, at least one claim of the '377 patent by  
25 encoding video that is stored on DVD discs.

26 219. Defendant Universal Studios Home Entertainment has infringed directly and  
27 continues to infringe directly, within the United States, at least one claim of each of the '878,  
28 '377, '226, and '678 patents by encoding video in VC-1 and H.264 format that is stored on Blu-

1 ray discs.

2 220. On information and belief, defendant Universal Studios Home Entertainment has  
3 infringed the '678 patent by importing into the United States products that defendant and  
4 defendants' agents made by a patented process, such as Blu-ray discs containing video encoded in  
5 VC-1 and H.264 format pursuant to the methods claimed in the '678 patent.

6 220.1. Defendant Universal Studios Home Entertainment has infringed directly and  
7 continues to infringe directly, within the United States, at least one claim of the '878, '377, '226,  
8 and '678 patents by encoding video in H.264 format for streaming over the Internet, such as  
9 movie trailers.

10 221. Defendant Universal Studios Home Entertainment has actively and knowingly  
11 induced, and continues to actively and knowingly induce, third-party end users, such as  
12 consumers, renters, and purchasers of Blu-ray discs, to infringe directly within the United States  
13 at least one claim of the '878 and '226 patents by decoding video in VC-1 and H.264 format by  
14 playing defendant's Blu-ray disc products in Blu-ray players. In particular, defendant has known  
15 of the '878 and '226 patents at times it has supplied Blu-ray discs, but nevertheless encoded and  
16 continues to encode video in VC-1 and H.264 format on the Blu-ray discs in such a manner that  
17 defendant knows the end users would decode the video in a manner that infringes the '878 and  
18 '226 patents. Further, defendant intends end users to use Blu-ray players to decode VC-1 and  
19 H.264 video on Blu-ray discs. Accordingly, defendant knew or should have known that its  
20 supply of such Blu-ray discs would induce infringement, and defendant has possessed and  
21 continues to possess the specific intent to induce such infringement.

22 222. Defendant Universal Studios Home Entertainment has had constructive knowledge  
23 of the method claims of the '678 patent since March 19, 1996, the issue date of the patent.  
24 Defendant has had actual knowledge of the apparatus claims of the '377, '678, '226, and '878  
25 patents no later than October 6, 2008 when Plaintiff Multimedia Patent Trust notified defendant  
26 of its infringement of the Patents-in-Suit. Despite such knowledge, defendant has refused to take  
27 a license and continues to infringe the patents willfully and deliberately in disregard of MPT's  
28 patent rights.

1           223. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
2 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
3 by this Court.

4           *[Paragraphs 224 through 227 were intentionally omitted.]*

5           **Focus Features LLC**

6           228. Defendant Focus Features has infringed directly and continues to infringe directly,  
7 within the United States, at least one claim of the '377 patent by encoding video in MPEG-2  
8 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video in H.264  
9 format, during movie production, such as movie dailies, rushes, and sharing video with directors,  
10 producers, editors, cast, and other members of the film crew.

11           229. Defendant Focus Features has infringed directly and continues to infringe directly,  
12 within the United States, at least one claim of the '878 and '226 patents by decoding video in  
13 H.264 format during movie production, such as movie dailies, rushes, and sharing video with  
14 directors, producers, editors, cast, and other members of the film crew.

15           230. Defendant Focus Features has infringed directly and continues to infringe directly,  
16 within the United States, at least one claim of the '878, '377, '226, and '678 patents by encoding  
17 video in H.264 format for streaming over the Internet, such as movie trailers, movie clips, and  
18 interviews.

19           231. Defendant Focus Features has had constructive knowledge of the method claims of  
20 the '678 patent since March 19, 1996, the issue date of the patent. Defendant has had actual  
21 knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no later than October  
22 6, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement of the  
23 Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and continues to  
24 infringe the patents willfully and deliberately in disregard of MPT's patent rights.

25           232. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
26 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
27 by this Court.

28



1 [Paragraphs 233 through 240 were intentionally omitted.]

2 **COUNT III**

3 **(PATENT INFRINGEMENT BY HULU, LLC)**

4 241. Plaintiff Multimedia Patent Trust realleges and incorporates by reference  
5 paragraphs 1-79 of this Complaint as if fully set forth herein.

6 242. Defendant Hulu has infringed directly and continues to infringe directly, within the  
7 United States, at least one claim of the '878, '377, '226, and '678 patents by encoding video in  
8 H.264 format for streaming over the Internet.

9 243. Defendant Hulu has infringed directly and continues to infringe directly, within the  
10 United States, at least one claim of the '878 and '226 patents by decoding video in H.264 format  
11 during the preparation of video for streaming over the Internet.

12 244. Defendant Hulu has had constructive knowledge of the method claims of the '678  
13 patent since March 19, 1996, the issue date of the patent. Defendant has had actual knowledge of  
14 the apparatus claims of the '377, '678, '226, and '878 patents no later than October 6, 2008 when  
15 Plaintiff Multimedia Patent Trust notified defendant of its infringement of the Patents-in-Suit.  
16 Despite such knowledge, defendant has refused to take a license and continues to infringe the  
17 patents willfully and deliberately in disregard of MPT's patent rights.

18 245. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
19 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
20 by this Court.

21 **COUNT IV**

22 **(PATENT INFRINGEMENT BY THE WEATHER CHANNEL, INC.)**

23 246. Plaintiff Multimedia Patent Trust realleges and incorporates by reference  
24 paragraphs 1-79 of this Complaint as if fully set forth herein.

25 247. Defendant The Weather Channel has infringed directly and continues to infringe  
26 directly, within the United States, at least one claim of the '377 patent by encoding video in  
27 MPEG-2 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding  
28 video in H.264 format, for television programming, such as providing video from the site of live

1 news, entertainment and sporting events.

2 248. Defendant The Weather Channel has infringed directly and continues to infringe  
3 directly, within the United States, at least one claim of the '377 patent by encoding video in  
4 MPEG-2 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding  
5 video in H.264 format, for television broadcast transmission such as providing video to cable and  
6 satellite providers.

7 249. Defendant The Weather Channel has infringed directly and continues to infringe  
8 directly, within the United States, at least one claim of the '377 patent by encoding video in  
9 MPEG-2 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video in  
10 H.264 format, during production of television programs, such as "TV dailies," rushes,  
11 sweatboxes, and sharing video with directors, producers, editors, cast, hosts, anchors, and other  
12 members of the crew.

13 250. Defendant The Weather Channel has infringed directly and continues to infringe  
14 directly, within the United States, at least one claim of the '878 and '226 patents by decoding  
15 video in H.264 format for television programming, such as providing video from the site of live  
16 news, entertainment and sporting events.

17 251. Defendant The Weather Channel has infringed directly and continues to infringe  
18 directly, within the United States, at least one claim of the '878 and '226 patents by decoding  
19 video in H.264 format, during production of television programs for television broadcast  
20 transmission, such as "TV dailies," rushes, sweatboxes, and sharing video with directors,  
21 producers, editors, cast, hosts, anchors, and other members of the crew.

22 252. Defendant The Weather Channel has had constructive knowledge of the method  
23 claims of the '678 patent since March 19, 1996, the issue date of the patent. Defendant has had  
24 actual knowledge of the apparatus claims of the '377, '678, '226, and '878 patents at least as  
25 early as January 19, 2010 when Plaintiff Multimedia Patent Trust notified defendant of its  
26 infringement of the Patents-in-Suit. Despite such knowledge, defendant has refused to take a  
27 license and continues to infringe the patents willfully and deliberately in disregard of MPT's  
28 patent rights.



1 products, and has provided and continues to provide the end users with user manuals and other  
2 instructions explaining how to operate the products in order to encode H.264 video in an  
3 infringing manner, knowing that the end user would operate the products in an infringing manner.  
4 Further, defendant intends end users to use these products to encode H.264 video. Accordingly,  
5 defendant knew or should have known that its supply of such products would induce  
6 infringement, and defendant has possessed and continues to possess the specific intent to induce  
7 such infringement.

8 259. Defendant Audiovox has actively and knowingly induced, and continues to  
9 actively and knowingly induce, third-party end users, such as consumers, to infringe directly  
10 within the United States at least one claim of the '377 patent by using an infringing product,  
11 including Small Wonder Memory Makers and DVD Recorders, to encode video in MPEG-2  
12 format. In particular, defendant has known of the '377 patent at times it has supplied these  
13 products, and has provided and continues to provide the end users with user manuals and other  
14 instructions explaining how to operate the products in order to encode MPEG-2 video in an  
15 infringing manner, knowing that the end user would operate the products in an infringing manner.  
16 Further, defendant intends end users to use these products to encode MPEG-2 video.  
17 Accordingly, defendant knew or should have known that its supply of such products would  
18 induce infringement, and defendant has possessed and continues to possess the specific intent to  
19 induce such infringement.

20 260. Defendant Audiovox has actively and knowingly induced, and continues to  
21 actively and knowingly induce, third-party end users, such as consumers, to infringe directly  
22 within the United States at least one claim of the '226 and '878 patents by using an infringing  
23 product, including Personal Video Recorders, Multimedia Players, Multimedia Player/Recorders,  
24 Camcorders, HD-DVD Players, Video Flash Recorders, and Easy Rip Media Software, to decode  
25 video in H.264, MPEG-4 part 2, and VC-1 format. In particular, defendant has known of the '226  
26 and '878 patents at times it has supplied these products, and has provided and continues to  
27 provide the end users with user manuals and other instructions explaining how to operate the  
28 products in order to decode H.264, MPEG-4 part 2, and VC-1 video in an infringing manner,

1 knowing that the end user would operate the products in an infringing manner. Further, defendant  
 2 intends end users to use these products to decode H.264, MPEG-4 part 2, and VC-1 video.  
 3 Accordingly, defendant knew or should have known that its supply of such products would  
 4 induce infringement, and defendant has possessed and continues to possess the specific intent to  
 5 induce such infringement.

6 261. Defendant Audiovox has had constructive knowledge of the method claims of the  
 7 ‘678 patent since March 19, 1996, the issue date of the patent. Defendant has had actual  
 8 knowledge of the apparatus claims of the ‘377, ‘678, ‘226, and ‘878 patents no later than July 3,  
 9 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement of the Patents-  
 10 in-Suit. Despite such knowledge, defendant has refused to take a license and continues to  
 11 infringe the patents willfully and deliberately in disregard of MPT’s patent rights.

12 262. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
 13 irreparably harmed by defendant’s infringement, which will continue unless defendant is enjoined  
 14 by this Court.

## 15 COUNT VI

### 16 **(PATENT INFRINGEMENT BY THE FOX DEFENDANTS)**

17 263. Plaintiff Multimedia Patent Trust realleges and incorporates by reference  
 18 paragraphs 1-79 of this Complaint as if fully set forth herein.

#### 19 **Fox Entertainment Group, Inc.**

20 264. Defendant Fox Entertainment Group has infringed directly and continues to  
 21 infringe directly, within the United States, at least one claim of the ‘377 patent by encoding video  
 22 that is stored on DVD discs.

23 265. Defendant Fox Entertainment Group has infringed directly and continues to  
 24 infringe directly, within the United States, at least one claim of each of the ‘878, ‘377, ‘226, and  
 25 ‘678 patents by encoding video in H.264 format that is stored on Blu-ray discs.

26 266. Defendant Fox Entertainment Group has infringed directly and continues to  
 27 infringe directly, within the United States, at least one claim of the ‘377 patent by encoding video  
 28 in MPEG-2 format, and at least one claim of ‘878, ‘377, ‘226, and ‘678 patents by encoding video

1 in H.264 format, during movie production, such as movie dailies, rushes, and sharing video with  
2 directors, producers, editors, cast, and other members of the film crew.

3 267. Defendant Fox Entertainment Group has infringed directly and continues to  
4 infringe directly, within the United States, at least one claim of the '878 and '226 patents by  
5 decoding video in H.264 format during movie production, such as movie dailies, rushes, and  
6 sharing video with directors, producers, editors, cast, and other members of the film crew.

7 268. Defendant Fox Entertainment Group has infringed directly and continues to  
8 infringe directly, within the United States, at least one claim of the '377 patent by encoding video  
9 in MPEG-2 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding  
10 video in H.264 format, for television programming, such as providing video from the site of live  
11 news, entertainment and sporting events.

12 269. Defendant Fox Entertainment Group has infringed directly and continues to  
13 infringe directly, within the United States, at least one claim of the '377 patent by encoding video  
14 in MPEG-2 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding  
15 video in H.264 format, for television broadcast transmission such as providing video to cable and  
16 satellite providers.

17 270. Defendant Fox Entertainment Group has infringed directly and continues to  
18 infringe directly, within the United States, at least one claim of the '377 patent by encoding video  
19 in MPEG-2 format for television broadcast transmission over the air.

20 271. Defendant Fox Entertainment Group has infringed directly and continues to  
21 infringe directly, within the United States, at least one claim of the '377 patent by encoding video  
22 in MPEG-2 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video  
23 in H.264 format, during production of television programs, such as "TV dailies," rushes,  
24 sweatboxes, and sharing video with directors, producers, editors, cast, hosts, anchors, and other  
25 members of the crew.

26 272. Defendant Fox Entertainment Group has infringed directly and continues to  
27 infringe directly, within the United States, at least one claim of the '878 and '226 patents by  
28 decoding video in H.264 format for television programming, such as providing video from the

1 site of live news, entertainment and sporting events.

2 273. Defendant Fox Entertainment Group has infringed directly and continues to  
3 infringe directly, within the United States, at least one claim of the '878 and '226 patents by  
4 decoding video in H.264 format, during production of television programs for television  
5 broadcast transmission, such as "TV dailies," rushes, sweatboxes, and sharing video with  
6 directors, producers, editors, cast, hosts, anchors, and other members of the crew.

7 274. Defendant Fox Entertainment Group has infringed directly and continues to  
8 infringe directly, within the United States, at least one claim of the '878, '377, '226, and '678  
9 patents by encoding video in H.264 format for streaming over the Internet, such as news clips,  
10 music videos, TV show clips, full TV episodes, movie trailers, movie clips, interviews, short  
11 animation movies, and advertisements.

12 275. On information and belief, defendant Fox Entertainment Group has infringed the  
13 '678 patent by importing into the United States products that defendant and defendants' agents  
14 made by a patented process, such as Blu-ray discs containing video encoded in H.264 format  
15 pursuant to the methods claimed in the '678 patent.

16 276. Defendant Fox Entertainment Group has actively and knowingly induced, and  
17 continues to actively and knowingly induce, third-party end users, such as consumers, renters, and  
18 purchasers of Blu-ray discs, to infringe directly within the United States at least one claim of the  
19 '878 and '226 patents by decoding video in H.264 format by playing defendant's Blu-ray disc  
20 products in Blu-ray players. In particular, defendant has known of the '878 and '226 patents at  
21 times it has supplied Blu-ray discs, but nevertheless encoded and continues to encode video in  
22 H.264 format on the Blu-ray discs in such a manner that defendant knows the end users would  
23 decode the video in a manner that infringes the '878 and '226 patents. Further, defendant intends  
24 end users to use Blu-ray players to decode H.264 video on Blu-ray discs. Accordingly, defendant  
25 knew or should have known that its supply of such Blu-ray discs would induce infringement, and  
26 defendant has possessed and continues to possess the specific intent to induce such infringement.

27 277. Defendant Fox Entertainment Group has had constructive knowledge of the  
28 method claims of the '678 patent since March 19, 1996, the issue date of the patent. Defendant



1 has had actual knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no  
 2 later than October 9, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its  
 3 infringement of the Patents-in-Suit. Despite such knowledge, defendant has refused to take a  
 4 license and continues to infringe the patents willfully and deliberately in disregard of MPT's  
 5 patent rights.

6 278. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
 7 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
 8 by this Court.

9 **Twentieth Century Fox Film Corp.**

10 279. Defendant Twentieth Century Fox Film has infringed directly and continues to  
 11 infringe directly, within the United States, at least one claim of the '377 patent by encoding video  
 12 that is stored on DVD discs.

13 280. Defendant Twentieth Century Fox Film has infringed directly and continues to  
 14 infringe directly, within the United States, at least one claim of the '377 patent by encoding video  
 15 in MPEG-2 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video  
 16 in H.264 format, during movie production, such as movie dailies, rushes, and sharing video with  
 17 directors, producers, editors, cast, and other members of the film crew.

18 281. Defendant Twentieth Century Fox Film has infringed directly and continues to  
 19 infringe directly, within the United States, at least one claim of the '878 and '226 patents by  
 20 decoding video in H.264 format during movie production, such as movie dailies, rushes, and  
 21 sharing video with directors, producers, editors, cast, and other members of the film crew.

22 282. Defendant Twentieth Century Fox Film has infringed directly and continues to  
 23 infringe directly, within the United States, at least one claim of the '878, '377, '226, and '678  
 24 patents by encoding video in H.264 format for streaming over the Internet, such as movie trailers.

25 283. Defendant Twentieth Century Fox Film has had constructive knowledge of the  
 26 method claims of the '678 patent since March 19, 1996, the issue date of the patent. Defendant  
 27 has had actual knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no  
 28 later than October 9, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its

1 infringement of the Patents-in-Suit. Despite such knowledge, defendant has refused to take a  
 2 license and continues to infringe the patents willfully and deliberately in disregard of MPT's  
 3 patent rights.

4 284. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
 5 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
 6 by this Court.

7 **Twentieth Century Fox Home Entertainment, LLC**

8 285. Defendant Twentieth Century Fox Home Entertainment has infringed directly and  
 9 continues to infringe directly, within the United States, at least one claim of the '377 patent by  
 10 encoding video that is stored on DVD discs.

11 286. Defendant Twentieth Century Fox Home Entertainment has infringed directly and  
 12 continues to infringe directly, within the United States, at least one claim of each of the '878,  
 13 '377, '226, and '678 patents by encoding video in H.264 format that is stored on Blu-ray discs.

14 287. On information and belief, defendant Twentieth Century Fox Home Entertainment  
 15 has infringed the '678 patent by importing into the United States products that defendant and  
 16 defendants' agents made by a patented process, such as Blu-ray discs containing video encoded in  
 17 H.264 format pursuant to the methods claimed in the '678 patent.

18 288. Defendant Twentieth Century Fox Home Entertainment has actively and  
 19 knowingly induced, and continues to actively and knowingly induce, third-party end users, such  
 20 as consumers, renters, and purchasers of Blu-ray discs, to infringe directly within the United  
 21 States at least one claim of the '878 and '226 patents by decoding video in H.264 format by  
 22 playing defendant's Blu-ray disc products in Blu-ray players. In particular, defendant has known  
 23 of the '878 and '226 patents at times it has supplied Blu-ray discs, but nevertheless encoded and  
 24 continues to encode video in H.264 format on the Blu-ray discs in such a manner that defendant  
 25 knows the end users would decode the video in a manner that infringes the '878 and '226 patents.  
 26 Further, defendant intends end users to use Blu-ray players to decode H.264 video on Blu-ray  
 27 discs. Accordingly, defendant knew or should have known that its supply of such Blu-ray discs  
 28 would induce infringement, and defendant has possessed and continues to possess the specific

1 intent to induce such infringement.

2 289. Defendant Twentieth Century Fox Home Entertainment has had constructive  
3 knowledge of the method claims of the '678 patent since March 19, 1996, the issue date of the  
4 patent. Defendant has had actual knowledge of the apparatus claims of the '377, '678, '226, and  
5 '878 patents no later than October 9, 2008 when Plaintiff Multimedia Patent Trust notified  
6 defendant of its infringement of the Patents-in-Suit. Despite such knowledge, defendant has  
7 refused to take a license and continues to infringe the patents willfully and deliberately in  
8 disregard of MPT's patent rights.

9 290. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
10 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
11 by this Court.

12 **Fox Searchlight Pictures, Inc.**

13 291. Defendant Fox Searchlight Pictures has infringed directly and continues to infringe  
14 directly, within the United States, at least one claim of the '377 patent by encoding video that is  
15 stored on DVD discs.

16 292. Defendant Fox Searchlight Pictures has infringed directly and continues to infringe  
17 directly, within the United States, at least one claim of the '377 patent by encoding video in  
18 MPEG-2 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video in  
19 H.264 format, during movie production, such as movie dailies, rushes, and sharing video with  
20 directors, producers, editors, cast, and other members of the film crew.

21 293. Defendant Fox Searchlight Pictures has infringed directly and continues to infringe  
22 directly, within the United States, at least one claim of the '878 and '226 patents by decoding  
23 video in H.264 format during movie production, such as movie dailies, rushes, and sharing video  
24 with directors, producers, editors, cast, and other members of the film crew.

25 294. Defendant Fox Searchlight Pictures has infringed directly and continues to infringe  
26 directly, within the United States, at least one claim of the '878, '377, '226, and '678 patents by  
27 encoding video in H.264 format for streaming over the Internet, such as movie trailers, movie  
28 clips, and interviews.

295. Defendant Fox Searchlight Pictures has had constructive knowledge of the method claims of the '678 patent since March 19, 1996, the issue date of the patent. Defendant has had actual knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no later than October 9, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement of the Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and continues to infringe the patents willfully and deliberately in disregard of MPT's patent rights.

296. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined by this Court.

**Fox Television Stations, Inc.**

297. Defendant Fox Television Stations has infringed directly and continues to infringe directly, within the United States, at least one claim of the '377 patent by encoding video in MPEG-2 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding video in H.264 format, for television programming, such as providing video from the site of live news, entertainment and sporting events.

298. Defendant Fox Television Stations has infringed directly and continues to infringe directly, within the United States, at least one claim of the '377 patent by encoding video in MPEG-2 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding video in H.264 format, for television broadcast transmission such as providing video to cable and satellite providers.

299. Defendant Fox Television Stations has infringed directly and continues to infringe directly, within the United States, at least one claim of the '377 patent by encoding video in MPEG-2 format for television broadcast transmission over the air.

300. Defendant Fox Television Stations has infringed directly and continues to infringe directly, within the United States, at least one claim of the '878 and '226 patents by decoding video in H.264 format for television programming, such as providing video from the site of live news, entertainment and sporting events.

301. Defendant Fox Television Stations has had constructive knowledge of the method

1 claims of the '678 patent since March 19, 1996, the issue date of the patent. Defendant has had  
2 actual knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no later than  
3 October 9, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement of  
4 the Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and  
5 continues to infringe the patents willfully and deliberately in disregard of MPT's patent rights.

6 302. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
7 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
8 by this Court.

9 **Fox Television Studios, Inc.**

10 303. Defendant Fox Television Studios has infringed directly and continues to infringe  
11 directly, within the United States, at least one claim of the '377 patent by encoding video in  
12 MPEG-2 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video in  
13 H.264 format, during production of television programs, such as "TV dailies," rushes,  
14 sweatboxes, and sharing video with directors, producers, editors, cast, hosts, anchors, and other  
15 members of the crew.

16 304. Defendant Fox Television Studios has infringed directly and continues to infringe  
17 directly, within the United States, at least one claim of the '878 and '226 patents by decoding  
18 video in H.264 format, during production of television programs for television broadcast  
19 transmission, such as "TV dailies," rushes, sweatboxes, and sharing video with directors,  
20 producers, editors, cast, hosts, anchors, and other members of the crew.

21 305. Defendant Fox Television Studios has had constructive knowledge of the method  
22 claims of the '678 patent since March 19, 1996, the issue date of the patent. Defendant has had  
23 actual knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no later than  
24 October 9, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement of  
25 the Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and  
26 continues to infringe the patents willfully and deliberately in disregard of MPT's patent rights.

27 306. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
28 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined

1 by this Court.

2 **Blue Sky Studios, Inc.**

3 307. Defendant Blue Sky Studios has infringed directly and continues to infringe  
4 directly, within the United States, at least one claim of the '377 patent by encoding video in  
5 MPEG-2 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video in  
6 H.264 format, during movie production, such as movie dailies, rushes, and sharing video with  
7 directors, producers, editors, cast, and other members of the film crew.

8 308. Defendant Blue Sky Studios has infringed directly and continues to infringe  
9 directly, within the United States, at least one claim of the '878 and '226 patents by decoding  
10 video in H.264 format during movie production, such as movie dailies, rushes, and sharing video  
11 with directors, producers, editors, cast, and other members of the film crew.

12 309. Defendant Blue Sky Studios has infringed directly and continues to infringe  
13 directly, within the United States, at least one claim of the '878, '377, '226, and '678 patents by  
14 encoding video in H.264 format for streaming over the Internet, such as short animation movies.

15 310. Defendant Blue Sky Studios has had constructive knowledge of the method claims  
16 of the '678 patent since March 19, 1996, the issue date of the patent. Defendant has had actual  
17 knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no later than October  
18 9, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement of the  
19 Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and continues to  
20 infringe the patents willfully and deliberately in disregard of MPT's patent rights.

21 311. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
22 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
23 by this Court.

24 **Fox Broadcasting Company**

25 312. Defendant Fox Broadcasting Company has infringed directly and continues to  
26 infringe directly, within the United States, at least one claim of the '377 patent by encoding video  
27 in MPEG-2 format for television broadcast transmission over the air.

28 313. Defendant Fox Broadcasting Company has infringed directly and continues to

1 infringe directly, within the United States, at least one claim of the '377 patent by encoding video  
2 in MPEG-2 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding  
3 video in H.264 format, for television programming, such as providing video from the site of live  
4 news, entertainment and sporting events.

5 314. Defendant Fox Broadcasting Company has infringed directly and continues to  
6 infringe directly, within the United States, at least one claim of the '377 patent by encoding video  
7 in MPEG-2 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding  
8 video in H.264 format, for television broadcast transmission such as providing video to cable and  
9 satellite providers.

10 315. Defendant Fox Broadcasting Company has infringed directly and continues to  
11 infringe directly, within the United States, at least one claim of the '377 patent by encoding video  
12 in MPEG-2 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video  
13 in H.264 format, during production of television programs, such as "TV dailies," rushes,  
14 sweatboxes, and sharing video with directors, producers, editors, cast, hosts, anchors, and other  
15 members of the crew.

16 316. Defendant Fox Broadcasting Company has infringed directly and continues to  
17 infringe directly, within the United States, at least one claim of the '878 and '226 patents by  
18 decoding video in H.264 format for television programming, such as providing video from the  
19 site of live news, entertainment and sporting events.

20 317. Defendant Fox Broadcasting Company has infringed directly and continues to  
21 infringe directly, within the United States, at least one claim of the '878 and '226 patents by  
22 decoding video in H.264 format, during production of television programs for television  
23 broadcast transmission, such as "TV dailies," rushes, sweatboxes, and sharing video with  
24 directors, producers, editors, cast, hosts, anchors, and other members of the crew.

25 318. Defendant Fox Broadcasting Company has had constructive knowledge of the  
26 method claims of the '678 patent since March 19, 1996, the issue date of the patent. Defendant  
27 has had actual knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no  
28 later than October 9, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its



1 infringement of the Patents-in-Suit. Despite such knowledge, defendant has refused to take a  
2 license and continues to infringe the patents willfully and deliberately in disregard of MPT's  
3 patent rights.

4 319. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
5 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
6 by this Court.

7 **Fox News Network, LLC**

8 320. Defendant Fox News Network has infringed directly and continues to infringe  
9 directly, within the United States, at least one claim of the '377 patent by encoding video in  
10 MPEG-2 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding  
11 video in H.264 format, for television programming, such as providing video from the site of live  
12 news, entertainment and sporting events.

13 321. Defendant Fox News Network has infringed directly and continues to infringe  
14 directly, within the United States, at least one claim of the '377 patent by encoding video in  
15 MPEG-2 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding  
16 video in H.264 format, for television broadcast transmission such as providing video to cable and  
17 satellite providers.

18 322. Defendant Fox News Network has infringed directly and continues to infringe  
19 directly, within the United States, at least one claim of the '377 patent by encoding video in  
20 MPEG-2 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video in  
21 H.264 format, during production of television programs, such as "TV dailies," rushes,  
22 sweatboxes, and sharing video with directors, producers, editors, cast, hosts, anchors, and other  
23 members of the crew.

24 323. Defendant Fox News Network has infringed directly and continues to infringe  
25 directly, within the United States, at least one claim of the '878 and '226 patents by decoding  
26 video in H.264 format for television programming, such as providing video from the site of live  
27 news, entertainment and sporting events.

28 324. Defendant Fox News Network has infringed directly and continues to infringe

1 directly, within the United States, at least one claim of the ‘878 and ‘226 patents by decoding  
 2 video in H.264 format, during production of television programs for television broadcast  
 3 transmission, such as “TV dailies,” rushes, sweatboxes, and sharing video with directors,  
 4 producers, editors, cast, hosts, anchors, and other members of the crew.

5 325. Defendant Fox News Network has had constructive knowledge of the method  
 6 claims of the ‘678 patent since March 19, 1996, the issue date of the patent. Defendant has had  
 7 actual knowledge of the apparatus claims of the ‘377, ‘678, ‘226, and ‘878 patents no later than  
 8 October 9, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement of  
 9 the Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and  
 10 continues to infringe the patents willfully and deliberately in disregard of MPT’s patent rights.

11 326. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
 12 irreparably harmed by defendant’s infringement, which will continue unless defendant is enjoined  
 13 by this Court.

14 **Fox Cable Networks, Inc.**

15 327. Defendant Fox Cable Networks has infringed directly and continues to infringe  
 16 directly, within the United States, at least one claim of the ‘377 patent by encoding video in  
 17 MPEG-2 format, and at least one claim of the ‘878, ‘377, ‘226, and ‘678 patents by encoding  
 18 video in H.264 format, for television programming, such as providing video from the site of live  
 19 news, entertainment and sporting events.

20 328. Defendant Fox Cable Networks has infringed directly and continues to infringe  
 21 directly, within the United States, at least one claim of the ‘377 patent by encoding video in  
 22 MPEG-2 format, and at least one claim of the ‘878, ‘377, ‘226, and ‘678 patents by encoding  
 23 video in H.264 format, for television broadcast transmission such as providing video to cable and  
 24 satellite providers.

25 329. Defendant Fox Cable Networks has infringed directly and continues to infringe  
 26 directly, within the United States, at least one claim of the ‘377 patent by encoding video in  
 27 MPEG-2 format, and at least one claim of ‘878, ‘377, ‘226, and ‘678 patents by encoding video in  
 28 H.264 format, during production of television programs, such as “TV dailies,” rushes,

1 sweatboxes, and sharing video with directors, producers, editors, cast, hosts, anchors, and other  
2 members of the crew.

3 330. Defendant Fox Cable Networks has infringed directly and continues to infringe  
4 directly, within the United States, at least one claim of the '878 and '226 patents by decoding  
5 video in H.264 format for television programming, such as providing video from the site of live  
6 news, entertainment and sporting events.

7 331. Defendant Fox Cable Networks has infringed directly and continues to infringe  
8 directly, within the United States, at least one claim of the '878 and '226 patents by decoding  
9 video in H.264 format, during production of television programs for television broadcast  
10 transmission, such as "TV dailies," rushes, sweatboxes, and sharing video with directors,  
11 producers, editors, cast, hosts, anchors, and other members of the crew.

12 332. Defendant Fox Cable Networks has had constructive knowledge of the method  
13 claims of the '678 patent since March 19, 1996, the issue date of the patent. Defendant has had  
14 actual knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no later than  
15 October 9, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement of  
16 the Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and  
17 continues to infringe the patents willfully and deliberately in disregard of MPT's patent rights.

18 333. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
19 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
20 by this Court.

21 **MyNetworkTV, Inc.**

22 334. Defendant MyNetworkTV has infringed directly and continues to infringe directly,  
23 within the United States, at least one claim of the '377 patent by encoding video in MPEG-2  
24 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding video in  
25 H.264 format, for television broadcast transmission such as providing video to cable and satellite  
26 providers.

27 335. Defendant MyNetworkTV has infringed directly and continues to infringe directly,  
28 within the United States, at least one claim of the '377 patent by encoding video in MPEG-2

1 format for television broadcast transmission over the air.

2 336. Defendant MyNetworkTV has had constructive knowledge of the method claims  
3 of the '678 patent since March 19, 1996, the issue date of the patent. Defendant has had actual  
4 knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no later than October  
5 9, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement of the  
6 Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and continues to  
7 infringe the patents willfully and deliberately in disregard of MPT's patent rights.

8 337. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
9 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
10 by this Court.

11 **Fox Movie Channel, Inc.**

12 338. Defendant Fox Movie Channel has infringed directly and continues to infringe  
13 directly, within the United States, at least one claim of the '377 patent by encoding video in  
14 MPEG-2 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding  
15 video in H.264 format, for television broadcast transmission such as providing video to cable and  
16 satellite providers.

17 339. Defendant Fox Movie Channel has infringed directly and continues to infringe  
18 directly, within the United States, at least one claim of the '377 patent by encoding video in  
19 MPEG-2 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video in  
20 H.264 format, during production of television programs, such as "TV dailies," rushes,  
21 sweatboxes, and sharing video with directors, producers, editors, cast, hosts, anchors, and other  
22 members of the crew.

23 340. Defendant Fox Movie Channel has infringed directly and continues to infringe  
24 directly, within the United States, at least one claim of the '878 and '226 patents by decoding  
25 video in H.264 format, during production of television programs for television broadcast  
26 transmission, such as "TV dailies," rushes, sweatboxes, and sharing video with directors,  
27 producers, editors, cast, hosts, anchors, and other members of the crew.

28 341. Defendant Fox Movie Channel has infringed directly and continues to infringe

1 directly, within the United States, at least one claim of the '878, '377, '226, and '678 patents by  
2 encoding video in H.264 format for streaming over the Internet, such as advertisements.

3 342. Defendant Fox Movie Channel has had constructive knowledge of the method  
4 claims of the '678 patent since March 19, 1996, the issue date of the patent. Defendant has had  
5 actual knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no later than  
6 October 9, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement of  
7 the Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and  
8 continues to infringe the patents willfully and deliberately in disregard of MPT's patent rights.

9 343. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
10 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
11 by this Court.

12 **Fox Interactive Media, Inc. (d/b/a News Corporation Digital Media Group)**

13 344. Defendant Fox Interactive Media has infringed directly and continues to infringe  
14 directly, within the United States, at least one claim of the '878, '377, '226, and '678 patents by  
15 encoding video in H.264 format for streaming over the Internet, such as news clips, music videos,  
16 advertisements, TV show clips, movie trailers, and full TV episodes.

17 345. Defendant Fox Interactive Media has infringed directly and continues to infringe  
18 directly, within the United States, at least one claim of the '878 and '226 patents by decoding  
19 video in H.264 format during the preparation of video for streaming over the Internet.

20 346. Defendant Fox Interactive Media has had constructive knowledge of the method  
21 claims of the '678 patent since March 19, 1996, the issue date of the patent. Defendant has had  
22 actual knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no later than  
23 October 9, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement of  
24 the Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and  
25 continues to infringe the patents willfully and deliberately in disregard of MPT's patent rights.

26 347. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
27 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
28 by this Court.

1 **FX Networks, LLC**

2 348. Defendant FX Networks has infringed directly and continues to infringe directly,  
3 within the United States, at least one claim of the '377 patent by encoding video in MPEG-2  
4 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding video in  
5 H.264 format, for television broadcast transmission such as providing video to cable and satellite  
6 providers.

7 349. Defendant FX Networks has infringed directly and continues to infringe directly,  
8 within the United States, at least one claim of the '377 patent by encoding video in MPEG-2  
9 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video in H.264  
10 format, during production of television programs, such as "TV dailies," rushes, sweatboxes, and  
11 sharing video with directors, producers, editors, cast, hosts, anchors, and other members of the  
12 crew.

13 350. Defendant FX Networks has infringed directly and continues to infringe directly,  
14 within the United States, at least one claim of the '878 and '226 patents by decoding video in  
15 H.264 format, during production of television programs for television broadcast transmission,  
16 such as "TV dailies," rushes, sweatboxes, and sharing video with directors, producers, editors,  
17 cast, hosts, anchors, and other members of the crew.

18 351. Defendant FX Networks has infringed directly and continues to infringe directly,  
19 within the United States, at least one claim of the '878, '377, '226, and '678 patents by encoding  
20 video in H.264 format for streaming over the Internet, such full TV episodes.

21 352. Defendant FX Networks has had constructive knowledge of the method claims of  
22 the '678 patent since March 19, 1996, the issue date of the patent. Defendant has had actual  
23 knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no later than October  
24 9, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement of the  
25 Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and continues to  
26 infringe the patents willfully and deliberately in disregard of MPT's patent rights.

27 353. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
28 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined

1 by this Court.

2 **NGC Network US, LLC**

3 354. Defendant NGC Network US has infringed directly and continues to infringe  
4 directly, within the United States, at least one claim of the '377 patent by encoding video that is  
5 stored on DVD discs.

6 355. Defendant NGC Network US has infringed directly and continues to infringe  
7 directly, within the United States, at least one claim of each of the '878, '377, '226, and '678  
8 patents by encoding video in VC-1, MPEG-2 and H.264 format that is stored on Blu-ray discs.

9 356. On information and belief, defendant NGC Network US has infringed the '678  
10 patent by importing into the United States products that defendant and defendants' agents made  
11 by a patented process, such as Blu-ray discs containing video encoded in VC-1 and H.264 format  
12 pursuant to the methods claimed in the '678 patent.

13 357. Defendant NGC Network US has actively and knowingly induced, and continues  
14 to actively and knowingly induce, third-party end users, such as consumers, renters, and  
15 purchasers of Blu-ray discs, to infringe directly within the United States at least one claim of the  
16 '878 and '226 patents by decoding video in VC-1 and H.264 format by playing defendant's Blu-  
17 ray disc products in Blu-ray players. In particular, defendant has known of the '878 and '226  
18 patents at times it has supplied Blu-ray discs, but nevertheless encoded and continues to encode  
19 video in VC-1 and H.264 format on the Blu-ray discs in such a manner that defendant knows the  
20 end users would decode the video in a manner that infringes the '878 and '226 patents. Further,  
21 defendant intends end users to use Blu-ray players to decode VC-1 and H.264 video on Blu-ray  
22 discs. Accordingly, defendant knew or should have known that its supply of such Blu-ray discs  
23 would induce infringement, and defendant has possessed and continues to possess the specific  
24 intent to induce such infringement.

25 358. Defendant NGC Network US has infringed directly and continues to infringe  
26 directly, within the United States, at least one claim of the '377 patent by encoding video in  
27 MPEG-2 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding  
28 video in H.264 format, for television broadcast transmission such as providing video to cable and



1 satellite providers.

2 359. Defendant NGC Network US has infringed directly and continues to infringe  
3 directly, within the United States, at least one claim of the '377 patent by encoding video in  
4 MPEG-2 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video in  
5 H.264 format, during production of television programs, such as "TV dailies," rushes,  
6 sweatboxes, and sharing video with directors, producers, editors, cast, hosts, anchors, and other  
7 members of the crew.

8 360. Defendant NGC Network US has infringed directly and continues to infringe  
9 directly, within the United States, at least one claim of the '878 and '226 patents by decoding  
10 video in H.264 format, during production of television programs for television broadcast  
11 transmission, such as "TV dailies," rushes, sweatboxes, and sharing video with directors,  
12 producers, editors, cast, hosts, anchors, and other members of the crew.

13 361. Defendant NGC Network US has had constructive knowledge of the method  
14 claims of the '678 patent since March 19, 1996, the issue date of the patent. Defendant has had  
15 actual knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no later than  
16 October 9, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement of  
17 the Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and  
18 continues to infringe the patents willfully and deliberately in disregard of MPT's patent rights.

19 362. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
20 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
21 by this Court.

22 **NGHT, LLC**

23 363. Defendant NGHT has infringed directly and continues to infringe directly, within  
24 the United States, at least one claim of the '377 patent by encoding video in MPEG-2 format, and  
25 at least one claim of '878, '377, '226, and '678 patents by encoding video in H.264 format,  
26 during production of television programs, such as "TV dailies," rushes, sweatboxes, and sharing  
27 video with directors, producers, editors, cast, hosts, anchors, and other members of the crew.

28 364. Defendant NGHT has infringed directly and continues to infringe directly, within

1 the United States, at least one claim of the '878 and '226 patents by decoding video in H.264  
 2 format, during production of television programs for television broadcast transmission, such as  
 3 "TV dailies," rushes, sweatboxes, and sharing video with directors, producers, editors, cast, hosts,  
 4 anchors, and other members of the crew.

5 365. Defendant NGHT has had constructive knowledge of the method claims of the  
 6 '678 patent since March 19, 1996, the issue date of the patent. Defendant has had actual  
 7 knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no later than October  
 8 9, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement of the  
 9 Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and continues to  
 10 infringe the patents willfully and deliberately in disregard of MPT's patent rights.

11 366. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
 12 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
 13 by this Court.

14 *[COUNT VII and Paragraphs 367 through 379 were intentionally omitted.]*

## 15 **COUNT VIII**

### 16 **(PATENT INFRINGEMENT BY THE WARNER BROS. DEFENDANTS)**

17 380. Plaintiff Multimedia Patent Trust realleges and incorporates by reference  
 18 paragraphs 1-79 of this Complaint as if fully set forth herein.

#### 19 **Warner Bros. Entertainment Inc.**

20 381. Defendant Warner Bros. Entertainment has infringed directly and continues to  
 21 infringe directly, within the United States, at least one claim of the '377 patent by encoding video  
 22 that is stored on DVD discs.

23 382. Defendant Warner Bros. Entertainment has infringed directly and continues to  
 24 infringe directly, within the United States, at least one claim of each of the '878, '377, '226, and  
 25 '678 patents by encoding video in VC-1 and H.264 format that is stored on Blu-ray discs.

26 383. Defendant Warner Bros. Entertainment has infringed directly and continues to  
 27 infringe directly, within the United States, at least one claim of the '377 patent by encoding video  
 28 in MPEG-2 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video

1 in H.264 format, during movie production, such as movie dailies, rushes, and sharing video with  
2 directors, producers, editors, cast, and other members of the film crew.

3 384. Defendant Warner Bros. Entertainment has infringed directly and continues to  
4 infringe directly, within the United States, at least one claim of the '878 and '226 patents by  
5 decoding video in H.264 format during movie production, such as movie dailies, rushes, and  
6 sharing video with directors, producers, editors, cast, and other members of the film crew.

7 385. Defendant Warner Bros. Entertainment has infringed directly and continues to  
8 infringe directly, within the United States, at least one claim of the '878, '377, '226, and '678  
9 patents by encoding video in H.264 format for streaming over the Internet, such as trailers,  
10 episode clips, episode previews, and interviews.

11 386. On information and belief, defendant Warner Bros. Entertainment has infringed  
12 the '678 patent by importing into the United States products that defendant and defendants'  
13 agents made by a patented process, such as Blu-ray discs containing video encoded in VC-1 and  
14 H.264 format pursuant to the methods claimed in the '678 patent.

15 387. Defendant Warner Bros. Entertainment has actively and knowingly induced, and  
16 continues to actively and knowingly induce, third-party end users, such as consumers, renters, and  
17 purchasers of Blu-ray discs, to infringe directly within the United States at least one claim of the  
18 '878 and '226 patents by decoding video in VC-1 and H.264 format by playing defendant's Blu-  
19 ray disc products in Blu-ray players. In particular, defendant has known of the '878 and '226  
20 patents at times it has supplied Blu-ray discs, but nevertheless encoded and continues to encode  
21 video in VC-1 and H.264 format on the Blu-ray discs in such a manner that defendant knows the  
22 end users would decode the video in a manner that infringes the '878 and '226 patents. Further,  
23 defendant intends end users to use Blu-ray players to decode VC-1 and H.264 video on Blu-ray  
24 discs. Accordingly, defendant knew or should have known that its supply of such Blu-ray discs  
25 would induce infringement, and defendant has possessed and continues to possess the specific  
26 intent to induce such infringement.

27 388. Defendant Warner Bros. Entertainment has had constructive knowledge of the  
28 method claims of the '678 patent since March 19, 1996, the issue date of the patent. Defendant

1 has had actual knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no  
 2 later than September 8, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its  
 3 infringement of the Patents-in-Suit. Despite such knowledge, defendant has refused to take a  
 4 license and continues to infringe the patents willfully and deliberately in disregard of MPT's  
 5 patent rights.

6 389. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
 7 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
 8 by this Court.

9 **Warner Bros. Television Distribution Inc. (a/k/a Warner Bros. Television Group)**

10 390. Defendant Warner Bros. Television has infringed directly and continues to infringe  
 11 directly, within the United States, at least one claim of the '377 patent by encoding video in  
 12 MPEG-2 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding  
 13 video in H.264 format, for television broadcast transmission such as providing video to cable and  
 14 satellite providers.

15 391. Defendant Warner Bros. Television has infringed directly and continues to infringe  
 16 directly, within the United States, at least one claim of the '377 patent by encoding video in  
 17 MPEG-2 format for television broadcast transmission over the air.

18 392. Defendant Warner Bros. Television has infringed directly and continues to infringe  
 19 directly, within the United States, at least one claim of the '377 patent by encoding video in  
 20 MPEG-2 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video in  
 21 H.264 format, during production of television programs, such as "TV dailies," rushes,  
 22 sweatboxes, and sharing video with directors, producers, editors, cast, hosts, anchors, and other  
 23 members of the crew.

24 393. Defendant Warner Bros. Television has infringed directly and continues to infringe  
 25 directly, within the United States, at least one claim of the '878 and '226 patents by decoding  
 26 video in H.264 format, during production of television programs for television broadcast  
 27 transmission, such as "TV dailies," rushes, sweatboxes, and sharing video with directors,  
 28 producers, editors, cast, hosts, anchors, and other members of the crew.

394. Defendant Warner Bros. Television has had constructive knowledge of the method claims of the '678 patent since March 19, 1996, the issue date of the patent. Defendant has had actual knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no later than September 8, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement of the Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and continues to infringe the patents willfully and deliberately in disregard of MPT's patent rights.

395. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined by this Court.

**Warner Bros. Animation Inc.**

396. Defendant Warner Bros. Animation has infringed directly and continues to infringe directly, within the United States, at least one claim of the '377 patent by encoding video in MPEG-2 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video in H.264 format, during production of television programs, such as "TV dailies," rushes, sweatboxes, and sharing video with directors, producers, editors, cast, hosts, anchors, and other members of the crew.

397. Defendant Warner Bros. Animation has infringed directly and continues to infringe directly, within the United States, at least one claim of the '878 and '226 patents by decoding video in H.264 format, during production of television programs for television broadcast transmission, such as "TV dailies," rushes, sweatboxes, and sharing video with directors, producers, editors, cast, hosts, anchors, and other members of the crew.

398. Defendant Warner Bros. Animation has infringed directly and continues to infringe directly, within the United States, at least one claim of the '878, '377, '226, and '678 patents by encoding video in H.264 format for streaming over the Internet, such as full TV episodes.

399. Defendant Warner Bros. Animation has had constructive knowledge of the method claims of the '678 patent since March 19, 1996, the issue date of the patent. Defendant has had actual knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no later than

1 September 8, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement  
 2 of the Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and  
 3 continues to infringe the patents willfully and deliberately in disregard of MPT's patent rights.

4 400. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
 5 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
 6 by this Court.

7 **New Line Cinema LLC**

8 401. Defendant New Line Cinema has infringed directly and continues to infringe  
 9 directly, within the United States, at least one claim of the '377 patent by encoding video that is  
 10 stored on DVD discs.

11 402. Defendant New Line Cinema has infringed directly and continues to infringe  
 12 directly, within the United States, at least one claim of each of the '878, '377, '226, and '678  
 13 patents by encoding video in VC-1 format that is stored on Blu-ray discs.

14 403. Defendant New Line Cinema has infringed directly and continues to infringe  
 15 directly, within the United States, at least one claim of the '377 patent by encoding video in  
 16 MPEG-2 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video in  
 17 H.264 format, during movie production, such as movie dailies, rushes, and sharing video with  
 18 directors, producers, editors, cast, and other members of the film crew.

19 404. Defendant New Line Cinema has infringed directly and continues to infringe  
 20 directly, within the United States, at least one claim of the '878 and '226 patents by decoding  
 21 video in H.264 format during movie production, such as movie dailies, rushes, and sharing video  
 22 with directors, producers, editors, cast, and other members of the film crew.

23 405. Defendant New Line Cinema has infringed directly and continues to infringe  
 24 directly, within the United States, at least one claim of the '878, '377, '226, and '678 patents by  
 25 encoding video in H.264 format for streaming over the Internet, such as trailers.

26 406. On information and belief, defendant New Line Cinema has infringed the '678  
 27 patent by importing into the United States products that defendant and defendants' agents made  
 28 by a patented process, such as Blu-ray discs containing video encoded in VC-1 format pursuant to

1 the methods claimed in the '678 patent.

2 407. Defendant New Line Cinema has actively and knowingly induced, and continues  
3 to actively and knowingly induce, third-party end users, such as consumers, renters, and  
4 purchasers of Blu-ray discs, to infringe directly within the United States at least one claim of the  
5 '878 and '226 patents by decoding video in VC-1 format by playing defendant's Blu-ray disc  
6 products in Blu-ray players. In particular, defendant has known of the '878 and '226 patents at  
7 times it has supplied Blu-ray discs, but nevertheless encoded and continues to encode video in  
8 VC-1 format on the Blu-ray discs in such a manner that defendant knows the end users would  
9 decode the video in a manner that infringes the '878 and '226 patents. Further, defendant intends  
10 end users to use Blu-ray players to decode VC-1 video on Blu-ray discs. Accordingly, defendant  
11 knew or should have known that its supply of such Blu-ray discs would induce infringement, and  
12 defendant has possessed and continues to possess the specific intent to induce such infringement.

13 408. Defendant New Line Cinema has had constructive knowledge of the method  
14 claims of the '678 patent since March 19, 1996, the issue date of the patent. Defendant has had  
15 actual knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no later than  
16 September 8, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement  
17 of the Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and  
18 continues to infringe the patents willfully and deliberately in disregard of MPT's patent rights.

19 409. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
20 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
21 by this Court.

22 **New Line Home Entertainment, Inc.**

23 410. Defendant New Line Home Entertainment has infringed directly and continues to  
24 infringe directly, within the United States, at least one claim of the '377 patent by encoding video  
25 that is stored on DVD discs.

26 411. Defendant New Line Home Entertainment has infringed directly and continues to  
27 infringe directly, within the United States, at least one claim of each of the '878, '377, '226, and  
28 '678 patents by encoding video in VC-1 format that is stored on Blu-ray discs.



1           412. On information and belief, defendant New Line Home Entertainment has infringed  
2 the '678 patent by importing into the United States products that defendant and defendants'  
3 agents made by a patented process, such as Blu-ray discs containing video encoded in VC-1  
4 format pursuant to the methods claimed in the '678 patent.

5           413. Defendant New Line Home Entertainment has actively and knowingly induced,  
6 and continues to actively and knowingly induce, third-party end users, such as consumers, renters,  
7 and purchasers of Blu-ray discs, to infringe directly within the United States at least one claim of  
8 the '878 and '226 patents by decoding video in VC-1 format by playing defendant's Blu-ray disc  
9 products in Blu-ray players. In particular, defendant has known of the '878 and '226 patents at  
10 times it has supplied Blu-ray discs, but nevertheless encoded and continues to encode video in  
11 VC-1 format on the Blu-ray discs in such a manner that defendant knows the end users would  
12 decode the video in a manner that infringes the '878 and '226 patents. Further, defendant intends  
13 end users to use Blu-ray players to decode VC-1 video on Blu-ray discs. Accordingly, defendant  
14 knew or should have known that its supply of such Blu-ray discs would induce infringement, and  
15 defendant has possessed and continues to possess the specific intent to induce such infringement.

16           414. Defendant New Line Home Entertainment has had constructive knowledge of the  
17 method claims of the '678 patent since March 19, 1996, the issue date of the patent. Defendant  
18 has had actual knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no  
19 later than September 8, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its  
20 infringement of the Patents-in-Suit. Despite such knowledge, defendant has refused to take a  
21 license and continues to infringe the patents willfully and deliberately in disregard of MPT's  
22 patent rights.

23           415. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
24 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
25 by this Court.

26 **Turner Broadcasting System, Inc.**

27           416. Defendant Turner Broadcasting System has infringed directly and continues to  
28 infringe directly, within the United States, at least one claim of the '377 patent by encoding video

1 in MPEG-2 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding  
2 video in H.264 format, for television programming, such as providing video from the site of live  
3 news, entertainment and sporting events.

4 417. Defendant Turner Broadcasting System has infringed directly and continues to  
5 infringe directly, within the United States, at least one claim of the '377 patent by encoding video  
6 in MPEG-2 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding  
7 video in H.264 format, for television broadcast transmission such as providing video to cable and  
8 satellite providers.

9 418. Defendant Turner Broadcasting System has infringed directly and continues to  
10 infringe directly, within the United States, at least one claim of the '377 patent by encoding video  
11 in MPEG-2 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video  
12 in H.264 format, during production of television programs, such as "TV dailies," rushes,  
13 sweatboxes, and sharing video with directors, producers, editors, cast, hosts, anchors, and other  
14 members of the crew.

15 419. Defendant Turner Broadcasting System has infringed directly and continues to  
16 infringe directly, within the United States, at least one claim of the '878 and '226 patents by  
17 decoding video in H.264 format, during production of television programs for television  
18 broadcast transmission, such as "TV dailies," rushes, sweatboxes, and sharing video with  
19 directors, producers, editors, cast, hosts, anchors, and other members of the crew.

20 420. Defendant Turner Broadcasting System has infringed directly and continues to  
21 infringe directly, within the United States, at least one claim of the '878 and '226 patents by  
22 decoding video in H.264 format for television programming, such as providing video from the  
23 site of live news, entertainment and sporting events.

24 421. Defendant Turner Broadcasting System has had constructive knowledge of the  
25 method claims of the '678 patent since March 19, 1996, the issue date of the patent. Defendant  
26 has had actual knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no  
27 later than September 8, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its  
28 infringement of the Patents-in-Suit. Despite such knowledge, defendant has refused to take a

1 license and continues to infringe the patents willfully and deliberately in disregard of MPT's  
2 patent rights.

3 422. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
4 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
5 by this Court.

6 **Turner Network Television, Inc.**

7 423. Defendant Turner Network Television has infringed directly and continues to  
8 infringe directly, within the United States, at least one claim of the '377 patent by encoding video  
9 in MPEG-2 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding  
10 video in H.264 format, for television programming, such as providing video from the site of live  
11 news, entertainment and sporting events.

12 424. Defendant Turner Network Television has infringed directly and continues to  
13 infringe directly, within the United States, at least one claim of the '377 patent by encoding video  
14 in MPEG-2 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding  
15 video in H.264 format, for television broadcast transmission such as providing video to cable and  
16 satellite providers.

17 425. Defendant Turner Network Television has infringed directly and continues to  
18 infringe directly, within the United States, at least one claim of the '377 patent by encoding video  
19 in MPEG-2 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video  
20 in H.264 format, during production of television programs, such as "TV dailies," rushes,  
21 sweatboxes, and sharing video with directors, producers, editors, cast, hosts, anchors, and other  
22 members of the crew.

23 426. Defendant Turner Network Television has infringed directly and continues to  
24 infringe directly, within the United States, at least one claim of the '878 and '226 patents by  
25 decoding video in H.264 format for television programming, such as providing video from the  
26 site of live news, entertainment and sporting events.

27 427. Defendant Turner Network Television has infringed directly and continues to  
28 infringe directly, within the United States, at least one claim of the '878 and '226 patents by

1 decoding video in H.264 format, during production of television programs for television  
2 broadcast transmission, such as “TV dailies,” rushes, sweatboxes, and sharing video with  
3 directors, producers, editors, cast, hosts, anchors, and other members of the crew.

4 428. Defendant Turner Network Television has had constructive knowledge of the  
5 method claims of the ‘678 patent since March 19, 1996, the issue date of the patent. Defendant  
6 has had actual knowledge of the apparatus claims of the ‘377, ‘678, ‘226, and ‘878 patents no  
7 later than September 8, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its  
8 infringement of the Patents-in-Suit. Despite such knowledge, defendant has refused to take a  
9 license and continues to infringe the patents willfully and deliberately in disregard of MPT’s  
10 patent rights.

11 429. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
12 irreparably harmed by defendant’s infringement, which will continue unless defendant is enjoined  
13 by this Court.

14 **Cable News Network, Inc.**

15 430. Defendant Cable News Network has infringed directly and continues to infringe  
16 directly, within the United States, at least one claim of the ‘377 patent by encoding video in  
17 MPEG-2 format, and at least one claim of the ‘878, ‘377, ‘226, and ‘678 patents by encoding  
18 video in H.264 format, for television programming, such as providing video from the site of live  
19 news, entertainment and sporting events.

20 431. Defendant Cable News Network has infringed directly and continues to infringe  
21 directly, within the United States, at least one claim of the ‘377 patent by encoding video in  
22 MPEG-2 format, and at least one claim of the ‘878, ‘377, ‘226, and ‘678 patents by encoding  
23 video in H.264 format, for television broadcast transmission such as providing video to cable and  
24 satellite providers.

25 432. Defendant Cable News Network has infringed directly and continues to infringe  
26 directly, within the United States, at least one claim of the ‘377 patent by encoding video in  
27 MPEG-2 format, and at least one claim of ‘878, ‘377, ‘226, and ‘678 patents by encoding video in  
28 H.264 format, during production of television programs, such as “TV dailies,” rushes,

1 sweatboxes, and sharing video with directors, producers, editors, cast, hosts, anchors, and other  
2 members of the crew.

3 433. Defendant Cable News Network has infringed directly and continues to infringe  
4 directly, within the United States, at least one claim of the '878 and '226 patents by decoding  
5 video in H.264 format for television programming, such as providing video from the site of live  
6 news, entertainment and sporting events.

7 434. Defendant Cable News Network has infringed directly and continues to infringe  
8 directly, within the United States, at least one claim of the '878 and '226 patents by decoding  
9 video in H.264 format, during production of television programs for television broadcast  
10 transmission, such as "TV dailies," rushes, sweatboxes, and sharing video with directors,  
11 producers, editors, cast, hosts, anchors, and other members of the crew.

12 435. Defendant Cable News Network has had constructive knowledge of the method  
13 claims of the '678 patent since March 19, 1996, the issue date of the patent. Defendant has had  
14 actual knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no later than  
15 September 8, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement  
16 of the Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and  
17 continues to infringe the patents willfully and deliberately in disregard of MPT's patent rights.

18 436. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
19 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
20 by this Court.

21 **The Cartoon Network, Inc.**

22 437. Defendant Cartoon Network has infringed directly and continues to infringe  
23 directly, within the United States, at least one claim of the '377 patent by encoding video in  
24 MPEG-2 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding  
25 video in H.264 format, for television broadcast transmission such as providing video to cable and  
26 satellite providers.

27 438. Defendant Cartoon Network has infringed directly and continues to infringe  
28 directly, within the United States, at least one claim of the '377 patent by encoding video in

1 MPEG-2 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video in  
2 H.264 format, during production of television programs, such as "TV dailies," rushes,  
3 sweatboxes, and sharing video with directors, producers, editors, cast, hosts, anchors, and other  
4 members of the crew.

5 439. Defendant Cartoon Network has infringed directly and continues to infringe  
6 directly, within the United States, at least one claim of the '878 and '226 patents by decoding  
7 video in H.264 format, during production of television programs for television broadcast  
8 transmission, such as "TV dailies," rushes, sweatboxes, and sharing video with directors,  
9 producers, editors, cast, hosts, anchors, and other members of the crew.

10 440. Defendant Cartoon Network has had constructive knowledge of the method claims  
11 of the '678 patent since March 19, 1996, the issue date of the patent. Defendant has had actual  
12 knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no later than  
13 September 8, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement  
14 of the Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and  
15 continues to infringe the patents willfully and deliberately in disregard of MPT's patent rights.

16 441. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
17 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
18 by this Court.

19 **Home Box Office, Inc.**

20 442. Defendant Home Box Office has infringed directly and continues to infringe  
21 directly, within the United States, at least one claim of the '377 patent by encoding video that is  
22 stored on DVD discs.

23 443. Defendant Home Box Office has infringed directly and continues to infringe  
24 directly, within the United States, at least one claim of each of the '878, '377, '226, and '678  
25 patents by encoding video in VC-1 and H.264 format that is stored on Blu-ray discs.

26 444. Defendant Home Box Office has infringed directly and continues to infringe  
27 directly, within the United States, at least one claim of the '377 patent by encoding video in  
28 MPEG-2 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video in

1 H.264 format, during movie production, such as movie dailies, rushes, and sharing video with  
2 directors, producers, editors, cast, and other members of the film crew.

3 445. Defendant Home Box Office has infringed directly and continues to infringe  
4 directly, within the United States, at least one claim of the '878 and '226 patents by decoding  
5 video in H.264 format during movie production, such as movie dailies, rushes, and sharing video  
6 with directors, producers, editors, cast, and other members of the film crew.

7 446. Defendant Home Box Office has infringed directly and continues to infringe  
8 directly, within the United States, at least one claim of the '377 patent by encoding video in  
9 MPEG-2 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding  
10 video in H.264 format, for television programming, such as providing video from the site of live  
11 news, entertainment and sporting events.

12 447. Defendant Home Box Office has infringed directly and continues to infringe  
13 directly, within the United States, at least one claim of the '377 patent by encoding video in  
14 MPEG-2 format, and at least one claim of the '878, '377, '226, and '678 patents by encoding  
15 video in H.264 format, for television broadcast transmission such as providing video to cable and  
16 satellite providers.

17 448. Defendant Home Box Office has infringed directly and continues to infringe  
18 directly, within the United States, at least one claim of the '377 patent by encoding video in  
19 MPEG-2 format, and at least one claim of '878, '377, '226, and '678 patents by encoding video in  
20 H.264 format, during production of television programs, such as "TV dailies," rushes,  
21 sweatboxes, and sharing video with directors, producers, editors, cast, hosts, anchors, and other  
22 members of the crew.

23 449. Defendant Home Box Office has infringed directly and continues to infringe  
24 directly, within the United States, at least one claim of the '878 and '226 patents by decoding  
25 video in H.264 format for television programming, such as providing video from the site of live  
26 news, entertainment and sporting events.

27 450. Defendant Home Box Office has infringed directly and continues to infringe  
28 directly, within the United States, at least one claim of the '878 and '226 patents by decoding



1 video in H.264 format, during production of television programs for television broadcast  
2 transmission, such as “TV dailies,” rushes, sweatboxes, and sharing video with directors,  
3 producers, editors, cast, hosts, anchors, and other members of the crew.

4 451. Defendant Home Box Office has infringed directly and continues to infringe  
5 directly, within the United States, at least one claim of the ‘878, ‘377, ‘226, and ‘678 patents by  
6 encoding video in H.264 format for streaming over the Internet, such as episode clips, episode  
7 previews, and interviews.

8 452. On information and belief, defendant Home Box Office has infringed the ‘678  
9 patent by importing into the United States products that defendant and defendants’ agents made  
10 by a patented process, such as Blu-ray discs containing video encoded in VC-1 and H.264 format  
11 pursuant to the methods claimed in the ‘678 patent.

12 453. Defendant Home Box Office has actively and knowingly induced, and continues to  
13 actively and knowingly induce, third-party end users, such as consumers, renters, and purchasers  
14 of Blu-ray discs, to infringe directly within the United States at least one claim of the ‘878 and  
15 ‘226 patents by decoding video in VC-1 and H.264 format by playing defendant’s Blu-ray disc  
16 products in Blu-ray players. In particular, defendant has known of the ‘878 and ‘226 patents at  
17 times it has supplied Blu-ray discs, but nevertheless encoded and continues to encode video in  
18 VC-1 and H.264 format on the Blu-ray discs in such a manner that defendant knows the end users  
19 would decode the video in a manner that infringes the ‘878 and ‘226 patents. Further, defendant  
20 intends end users to use Blu-ray players to decode VC-1 and H.264 video on Blu-ray discs.  
21 Accordingly, defendant knew or should have known that its supply of such Blu-ray discs would  
22 induce infringement, and defendant has possessed and continues to possess the specific intent to  
23 induce such infringement.

24 454. Defendant Home Box Office has had constructive knowledge of the method claims  
25 of the ‘678 patent since March 19, 1996, the issue date of the patent. Defendant has had actual  
26 knowledge of the apparatus claims of the ‘377, ‘678, ‘226, and ‘878 patents no later than  
27 September 8, 2008 when Plaintiff Multimedia Patent Trust notified defendant of its infringement  
28 of the Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and

continues to infringe the patents willfully and deliberately in disregard of MPT's patent rights.

455. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined by this Court.

## COUNT IX

### **(PATENT INFRINGEMENT BY ARVATO)**

456. Plaintiff Multimedia Patent Trust realleges and incorporates by reference paragraphs 1-79 of this Complaint as if fully set forth herein

457. Defendant Arvato has infringed directly and continues to infringe directly, within the United States, at least one claim of the '377 patent by encoding video that is stored on DVD discs.

458. Defendant Arvato has infringed directly and continues to infringe directly, within the United States, at least one claim of each of the '878, '377, '226, and '678 patents by encoding video in VC-1, MPEG-2 and H.264 format that is stored on Blu-ray discs.

459. Defendant Arvato has infringed directly and continues to infringe directly, within the United States, at least one claim of each of the '878, '377, '226, and '678 patents by encoding video in VC-1, MPEG-2 and H.264 format for storage and distribution purposes.

460. Defendant Arvato has actively and knowingly induced, and continues to actively and knowingly induce, third-party end users, such as consumers, renters, and purchasers of Blu-ray discs, to infringe directly within the United States at least one claim of the '878 and '226 patents by decoding video in VC-1 and H.264 format by playing defendant's Blu-ray disc products in Blu-ray players. In particular, defendant has known of the '878 and '226 patents at times it has supplied Blu-ray discs, but nevertheless encoded and continues to encode video in VC-1 and H.264 format on the Blu-ray discs in such a manner that defendant knows the end users would decode the video in a manner that infringes the '878 and '226 patents. Further, defendant intends end users to use Blu-ray players to decode VC-1 and H.264 video on Blu-ray discs. Accordingly, defendant knew or should have known that its supply of such Blu-ray discs would induce infringement, and defendant has possessed and continues to possess the specific intent to

1 induce such infringement.

2 461. On information and belief, defendant Arvato has infringed the '678 patent by  
3 importing into the United States products that defendant made by a patented process, such video  
4 encoded in VC-1 and H.264 format pursuant to the methods claimed in the '678 patent.

5 462. Defendant Arvato has had constructive knowledge of the method claims of the  
6 '678 patent since March 19, 1996, the issue date of the patent. Defendant has had actual  
7 knowledge of the apparatus claims of the '377, '678, '226, and '878 patents no later than March  
8 23, 2009 when Plaintiff Multimedia Patent Trust notified defendant of its infringement of the  
9 Patents-in-Suit. Despite such knowledge, defendant has refused to take a license and continues to  
10 infringe the patents willfully and deliberately in disregard of MPT's patent rights.

11 463. Plaintiff Multimedia Patent Trust has been, and continues to be, damaged and  
12 irreparably harmed by defendant's infringement, which will continue unless defendant is enjoined  
13 by this Court.

#### 14 **REQUEST FOR RELIEF**

15 WHEREFORE, Plaintiff Multimedia Patent Trust respectfully requests the following  
16 relief:

17 A. A judgment holding the Defendants liable for infringement of the Patents-in-Suit  
18 asserted against them;

19 B. A permanent injunction against the Defendants, their officers, agents, servants,  
20 employees, attorneys, parent and subsidiary corporations, assigns and successors in interest, and  
21 those persons in active concert or participation with them, enjoining them from continued acts of  
22 infringement of the Patents-in-Suit asserted against them;

23 C. An accounting for damages resulting from the Defendants' infringement of the  
24 Patents-in-Suit asserted against them, together with pre-judgment and post-judgment interest;

25 D. A judgment holding that the Defendants' infringement is willful, and a trebling of  
26 damages pursuant to 35 U.S.C. § 284;

27 E. A judgment holding this Action to be an exceptional case, and an award to  
28 Plaintiff Multimedia Patent Trust for its attorneys' fees and costs pursuant to 35 U.S.C. § 285;

1 F. Such other and further relief as this Court deems just and proper.

2 Dated: October 4, 2010

Respectfully submitted,

3 By: /s/ John S. Kyle

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24 *Attorneys for Plaintiff Multimedia Patent*  
25 *Trust*

**DEMAND FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff Multimedia Patent Trust hereby demands trial by jury.

Dated: October 4, 2010

Respectfully submitted,

By: /s/ John S. Kyle

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