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

FASTVDO LLC,	
Plaintiff,	
v.	**Civil Action No.**
AUTODESK, INC.,	**DEMAND FOR JURY TRIAL**
Defendant.	

COMPLAINT

Plaintiff FastVDO LLC ("FastVDO") alleges as follows:

PARTIES

1.   FastVDO is a Florida limited liability corporation with a principal place of business at 750 N. Atlantic Ave., Cocoa Beach, FL 32931.

2.   On information and belief, Autodesk, Inc. ("Autodesk") is a Delaware corporation with a principal place of business at 111 McInnis Parkway, San Rafael, CA 94903.

JURISDICTION AND VENUE

3.   This is an action for patent infringement arising under the patent laws of the United States of America, 35 U.S.C. § 1, *et seq.*, including § 271. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

4.   This Court has personal jurisdiction over Autodesk because, among other reasons, Autodesk is incorporated under the laws of the State of Delaware, and Autodesk has conducted and continues to conduct regular and ongoing business in Delaware. Additionally, on information and belief, Autodesk has committed and continues to commit acts of direct and indirect infringement in this District by making, using, importing, offering for sale, and/or selling infringing products, and inducing others to perform method steps claimed by FastVDO's patent in Delaware.

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5.   Venue is proper in this district under 28 U.S.C. §§ 1391(b)-(c) and 1400(b) because, among other reasons, Autodesk is incorporated under the laws of the State of Delaware, and Autodesk has conducted and continues to conduct regular and ongoing business in Delaware. Additionally, on information and belief, Autodesk has committed and continues to commit acts of direct and indirect infringement in this District by making, using, importing, offering for sale, and/or selling infringing products, and inducing others to perform method steps claimed by FastVDO's patent in Delaware.

<center>COUNT I</center>

<center>(Infringement of U.S. Patent No. RE 40,081)</center>

6.   FastVDO is the owner by assignment and merger of United States Patent No. RE 40,081 ("the '081 patent"), entitled "Fast Signal Transforms With Lifting Steps." The '081 patent reissued on February 19, 2008, based on an initial application filed December 16, 1998. A true and correct copy of the '081 patent is attached hereto as Exhibit A. The '081 patent enables digital video compression through the coding and decoding of blocks of digital image intensities with a block coder and transform coder that utilizes an invertible linear transform having a +/-1 butterfly step, a lifting step, and a scaling factor. International Telecommunications Union – Telecommunication Standardization Sector (ITU-T) H.264 (also known as MPEG-4 Part 10, Audio Video Coding or AVC) (herein "H.264" or "MPEG-4 AVC") is a video compression standard that performs digital image compression by coding and decoding blocks of digital image intensities with a block coder and with a transform coder that includes an invertible linear transform, which is representable as a cascade using at least one +/-1 butterfly step, at least one lifting step, and at least one scaling factor. The FastVDO patent is essential to the H.264 standard, and it was properly identified to the International Telecommunications Union on May 14, 2003, before the promulgation of the H.264 standard in March 2005.

7.   On information and belief, in violation of one or more provisions of 35 U.S.C. § 271, Autodesk has infringed one or more claims of the '081 patent by making, using, importing, selling, or offering to sell design software and solutions that use H.264 to code and/or

<center>2</center>

decode video, including, but not limited to, Smoke and Flame, and Autodesk® WiretapCentral

2010 Extension 1. Additionally, Autodesk has had knowledge of the '081 patent since at least

November 8, 2012[1], or alternatively since being served with this complaint, and Autodesk has

induced others, such as its customers and/or consumers of H.264 content produced by its

customers, to code and/or decode video with H.264 and practice the method steps of the '081

patent with its marketing materials, advertising materials, manuals and customer support services

since at least this time. For example, Autodesk's website explains that WiretapCentral 2010

Extension 1 is "a fully integrated Web application that provides interactive access to all media

assets in your facility network. … The intuitive Web interface eliminates the need to be at an

Autodesk creative workstation to import, play, encode media, or to submit and monitor

background jobs. This allows the artist to offload media management and transcoding, and stay

focused on creative tasks."[2] An overview of the WireTap Central workflow is shown in the

figure below:[3]

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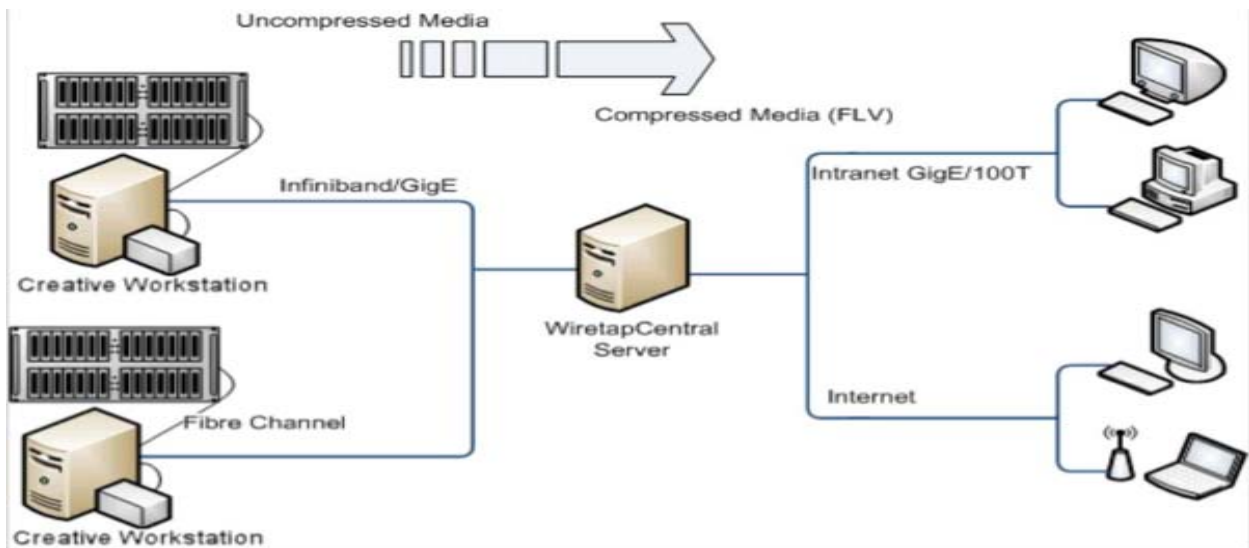
[1] *See* Exhibit B.

[2] *See*
http://www.autodesk.com/us/systemdocs/help/extensions/2010/Flare_Inferno/index.html?url=WS1a9193826455f5ff13fb901511d1f95f40b-7dc2.htm,topicNumber=d0e155814 (attached hereto as Exhibit C).

[3] *See*
http://www.autodesk.com/us/systemdocs/help/extensions/2010/Flare_Inferno/index.html?url=WS1a9193826455f5ff13fb901511d1f95f40b-7dc2.htm,topicNumber=d0e155814 (attached hereto as Exhibit D).

WiretapCentral can export clips in the H.264 format, and Autodesk advises its customers to use the H.264 main profile "when you want to minimize the use of computing resources" and the H.264 high profile "for broadcast or disc storage at high-definition, such as for HD DVD or Blu-Ray":[4]

WiretapCentral can export clips in the following formats.

Codec	Comments
H.264	Main, High. Use Main when you want to minimize the use of computing resources. This is the setting used by QuickTime Pro. Use High for broadcast or disc storage at high-definition, such as for HD DVD or Blu-Ray.

Autodesk's website also shows its customers how to encode clips using H.264 with WiretapCentral:[5]

5. Click the Output Settings tab and set your encoding options, as desired. You can select multiple output widths.
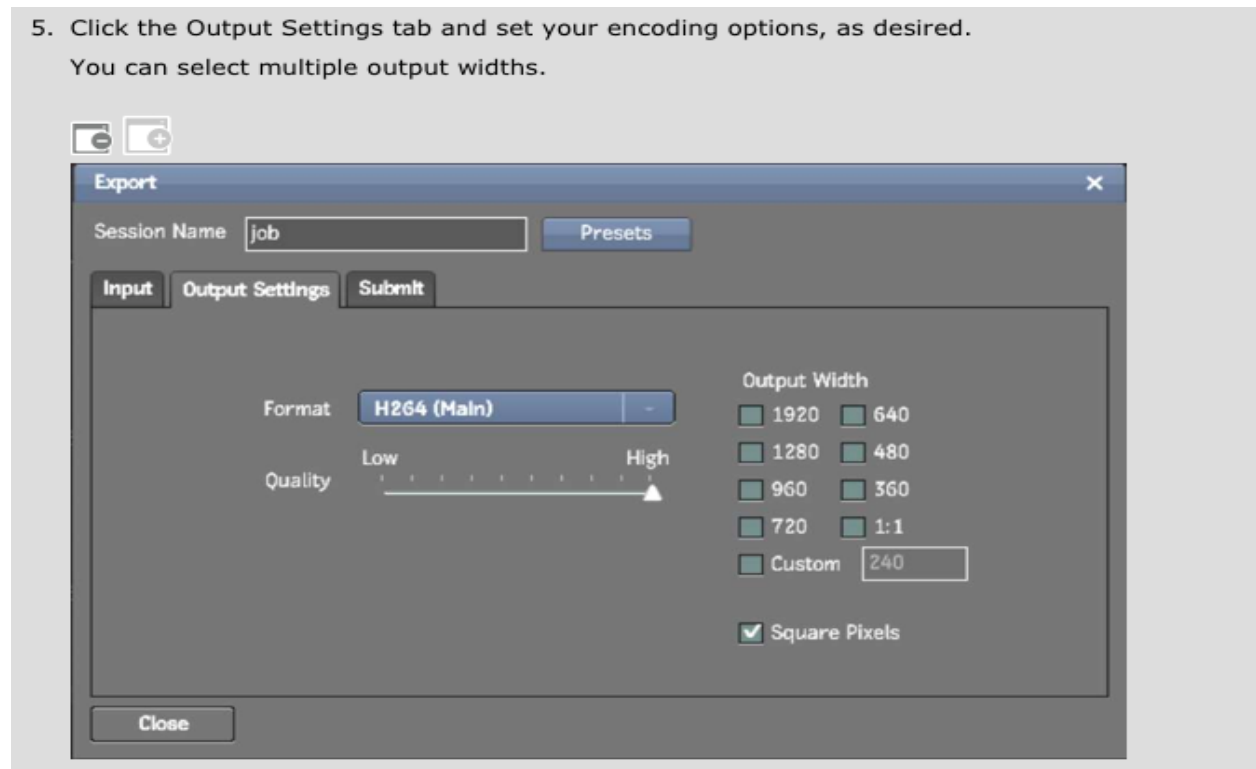
[4] *See* http://www.autodesk.com/us/systemdocs/help/extensions/2010/Flare_Inferno/index.html?url=WS1a9193826455f5ff13fb901511d1f95f40b-7dc2.htm,topicNumber=d0e155814.
[5] *See* http://www.autodesk.com/us/systemdocs/help/extensions/2010/Flare_Inferno/index.html?url=WS1a9193826455f5ff13fb901511d1f95f40b-7dc2.htm,topicNumber=d0e155814.

These marketing and technical support materials exemplify how Autodesk induces its customers to use its accused products to code and/or decode video with H.264, and/or code video with H.264 and transmit compressed video to others for decoding and viewing to perform the method steps of the '081 patent (e.g., coding and decoding blocks of digital image intensities with a block coder and transform coder that utilizes an invertible linear transform having a +/-1 butterfly step, a lifting step, and a scaling factor). By continuing the representative aforementioned activities with knowledge of the '081 patent and its essentiality to the H.264 standard, Autodesk has known, or should have known, that it was inducing infringement by causing the method steps of the '081 patent to be performed.

PRAYER FOR RELIEF

FastVDO prays for the following relief:

1.   A judgment that Autodesk has directly infringed (either literally or under the doctrine of equivalents) one or more claims of the '081 patent;

2.   A judgment that Autodesk has induced the infringement of one or more claims of the '081 patent;

3.   A permanent injunction enjoining Autodesk and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with them, from infringing each of the '081 patent;

4.   An award of damages resulting from Autodesk's acts of infringement in accordance with 35 U.S.C. § 284;

5.   A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to FastVDO its reasonable attorneys' fees;

6.   A judgment and order requiring Autodesk to provide an accounting and to pay supplemental damages to FastVDO, including without limitation, pre-judgment and post-judgment interest; and

7.   Any and all other relief to which FastVDO may show itself to be entitled.

DEMAND FOR JURY TRIAL

FastVDO demands a trial by jury on all issues so triable.

Dated: November 9, 2012

FARNAN LLP

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