

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

REALTIME ADAPTIVE STREAMING LLC,

Plaintiff,

v.

WOWZA MEDIA SYSTEMS, LLC

Defendant.

Case No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

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.* in which Plaintiff Realtime Adaptive Streaming LLC (“Plaintiff” or “Realtime”) makes the following allegations against Defendant Wowza Media Systems, LLC (“Defendant” or “Wowza”).

PARTIES

1. Realtime is a Texas limited liability company. Realtime has a place of business at 1828 E.S.E. Loop 323, Tyler, Texas 75701. Realtime has researched and developed specific solutions for data compression. As recognition of its innovations rooted in this technological field, Realtime holds multiple United States patents and pending patent applications.

2. On information and belief, Defendant Wowza is a Delaware limited liability company with its principal place of business in Golden, Colorado. Wowza has regular and established places of business in this District, including, e.g., at 523 Park Point Drive, Suite 300, Golden, Colorado 80401. Wowza offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Colorado and in this District. Wowza may be served with process

through its registered agent for service Elliot Foster Jordan Miller at 523 Park Point Drive, Suite 300, Golden, Colorado 80401.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendant Wowza in this action because Wowza has committed acts within the District of Colorado giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Wowza would not offend traditional notions of fair play and substantial justice. Defendant Wowza has committed and continues to commit acts of infringement in this District by, among other things, offering to sell and selling products and/or services that infringe the asserted patents.

5. Venue is proper in this district, e.g., under 28 U.S.C. § 1400(b). Wowza is registered to do business in Colorado, and upon information and belief, Wowza has transacted business in the District of Colorado and has committed acts of direct and indirect infringement in the District of Colorado. Wowza has regular and established place(s) of business in this District, as set forth above.

THE PATENTS-IN-SUIT

6. This action arises under 35 U.S.C. § 271 for Wowza infringement of Realtime's United States Patent Nos. 7,386,046 (the "046 patent"), 8,934,535 (the "535 patent"), 9,769,477 (the "477 patent"), 8,634,462 (the "462 patent"), and 9,578,298 (the "298 patent") (the "Patents-In-Suit").

7. The '046 patent, titled “Bandwidth Sensitive Data Compression and Decompression,” was duly and properly issued by the United States Patent and Trademark Office (“USPTO”) on June 10, 2008. A copy of the '046 patent is attached hereto as Exhibit A. Realtime is the owner and assignee of the '046 patent and holds the right to sue for and recover all damages for infringement thereof, including past infringement.

8. The '535 patent, titled “Systems and methods for video and audio data storage and distribution,” was duly and properly issued by the USPTO on January 13, 2015. A copy of the '535 patent is attached hereto as Exhibit B. Realtime is the owner and assignee of the '535 patent and holds the right to sue for and recover all damages for infringement thereof, including past infringement.

9. The '477 patent, titled “Video data compression systems,” was duly and properly issued by the USPTO on September 19, 2017. A copy of the '477 patent is attached hereto as Exhibit C. Realtime is the owner and assignee of the '477 patent and holds the right to sue for and recover all damages for infringement thereof, including past infringement.

10. The '462 patent, titled “Quantization for Hybrid Video Coding,” was duly and properly issued by the USPTO on January 21, 2014. A copy of the '462 patent is attached hereto as Exhibit D. Realtime is the owner and assignee of the '462 patent and holds the right to sue for and recover all damages for infringement thereof, including past infringement.

11. The '298 patent, titled “Method for Decoding 2D-Compatible Stereoscopic Video Flows,” was duly and properly issued by the USPTO on February

21, 2017. A copy of the '298 patent is attached hereto as Exhibit E. Realtime is the owner and assignee of the '298 patent and holds the right to sue for and recover all damages for infringement thereof, including past infringement.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 7,386,046

12. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs, as if fully set forth herein.

13. On information and belief, Wowza has made, used, offered for sale, sold and/or imported into the United States Wowza products that infringe the '046 patent, and continues to do so. By way of illustrative example, these infringing products include, without limitation, Wowza's streaming products/services such as, Wowza's CLEARCASTER appliance, Wowza Streaming Cloud, Wowza Streaming Engine, and Wowza GoCoder, and all versions and variations thereof since the issuance of the '046 patent ("Accused Instrumentalities").

14. On information and belief, Wowza has directly infringed and continues to infringe the '046 patent, for example, through its sale, offer for sale, importation, use and testing of the Accused Instrumentalities, which practices the system claimed by Claim 40 of the '046 patent, namely, a system, comprising: a data compression system for compressing and decompressing data input; a plurality of compression routines selectively utilized by the data compression system, wherein a first one of the plurality of compression routines includes a first compression algorithm and a second one of the plurality of compression routines includes a second compression algorithm; and a controller for tracking throughput and generating a control signal to select a compression

routine based on the throughput, wherein said tracking throughput comprises tracking a number of pending access requests to a storage device; and wherein when the controller determines that the throughput falls below a predetermined throughput threshold, the controller commands the data compression engine to use one of the plurality of compression routines to provide a faster rate of compression so as to increase the throughput. Upon information and belief, Wowza uses the Accused Instrumentalities to practice infringing methods for its own internal non-testing business purposes, while testing the Accused Instrumentalities, and while providing technical support and repair services for the Accused Instrumentalities to Wowza customers.

15. For example, the Accused Instrumentalities utilize H.264 video compression standard, as well as Apple's HTTP Live Streaming (HLS) technology. As such, Wowza streaming services/products "can be configured to deliver a stream to Adobe Flash Player, Microsoft Silverlight; Apple iPhone, iPad, or iPod touch devices; DASH players, and RTSP/RTP-based players at the same time using the streaming protocols." *See e.g.*, <https://www.wowza.com/docs/understanding-streaming-protocols-and-output-file-formats>. Wowza further specifies that its streaming services/products "can stream adaptive bitrate live and VOD H.264, AAC, and MP3 content to iOS-based devices (iPhone/iPad/iPod touch iOS version 3.0 or later), QuickTime player (version 10 or later), Safari browser (version 4.0 or later), and other devices such as the Roku and Amino set-top boxes and some brands of smart TVs using the Apple HTTP Live Streaming (Apple HLS) protocol." *See e.g.*, <https://www.wowza.com/docs/understanding-streaming-protocols-and-output-file-formats>. Moreover, HLS "protocol specification does not limit the encoder selection.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.