

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

REALTIME ADAPTIVE STREAMING LLC,

Plaintiff,

v.

CHARTER COMMUNICATIONS, INC., and  
SPECTRUM MANAGEMENT HOLDING  
COMPANY, LLC F/K/A TIME WARNER  
CABLE, INC.,

Defendants.

Case No. 18CV1345

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 Charter Communications, Inc. and Spectrum Management Holding Company, LLC f/k/a Time Warner Cable, Inc. (collectively, “Charter”).

**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 Charter Communications, Inc. and Defendant Spectrum Management Holding Company, LLC, formerly known as Time Warner Cable, Inc., are each a Delaware corporation with its principal place of business

in Stamford, Connecticut. Charter has regular and established places of business in this District, including, e.g., in Denver, Colorado (e.g., “Fiddler’s Green Campus”). *See, e.g.*, <https://jobs.spectrum.com/denver> Charter offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Colorado and in this District. Charter may be served with process through its registered agent for service at Corporation Service Company, 1900 W. Littleton Boulevard, Littleton, CO 80120.

### **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 Charter in this action because Charter 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 Charter would not offend traditional notions of fair play and substantial justice. Defendant Charter 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). Charter is registered to do business in Colorado, and upon information and belief, Charter has transacted business in the District of Colorado and has committed acts of direct and indirect infringement in the District of Colorado. Charter 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 Charter’s infringement of Realtime’s United States Patent Nos. 7,386,046 (the “’046 patent”), 8,934,535 (the “’535 patent”), and 9,769,477 (the “’477 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.

### **COUNT I**

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

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

11. On information and belief, Charter has made, used, offered for sale, sold and/or imported into the United States Charter products that infringe the '046 patent, and continues to do so. By way of illustrative example, these infringing products include, without limitation, Charter's video broadcasting services/products e.g., Spectrum TV, Spectrum TV App, Spectrum TV Select, and all versions and variations thereof since the issuance of the '046 patent ("Accused Instrumentalities").

12. On information and belief, Charter 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, Charter 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 Charter’s customers.

13. The Accused Instrumentalities use H.264 video compression standard to deliver HD video broadcasting products/services to its customers. For example, Charter provides a list of high-definition receivers that implement H.264 decoders supporting various H.264 encoding profiles with maximum level 4.0 (“MPEG-4 (H.264) up to HP@L4.0”). Profiles define encoding/decoding methods available in the H.264 standard. While profiles define algorithmic complexities of the encoder/decoder and their processing power needs, levels specify the maximum picture resolution, frame rate, and bit rate that H.264 compatible encoders or decoders may use.

Tuning	Analog (4650HDC), QAM 64 or 256, In-Band 54 MHz–1 GHz, QPSK out-of-band (OOB) 70–130 MHz, DOCSIS 91–867 MHz, A/V in display
Video Decoders	MPEG-2 MP@ML, MP@HL (SD, 720 x 480i), MPEG-4 (H.264) up to HP@L4.0 (HD), VC1, Video Scaling, software controlled

*See e.g.*, Cisco Explorer 4640HDC and 4650HDC High-Definition Set-Tops with Multi-Stream CableCARD Interface at 3.

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