

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

REALTIME ADAPTIVE STREAMING LLC,

Plaintiff,

v.

HAIVISION NETWORK VIDEO INC.,
HAIVISION NETWORK VIDEO CORP., and
HAIVISION KB INC.,

Defendants.

Case No. 17-1520-JFB-SRF

JURY TRIAL DEMANDED

SECOND AMENDED 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 Adaptive Streaming LLC (“Plaintiff” or “Realtime”) makes the following allegations against Defendants Haivision Network Video Inc., Haivision Network Video Corp., and Haivision KB Inc. (collectively “Defendants” or “Haivision”).

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, including, for example, those that increase the speeds at which data can be stored and accessed. 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, Defendants are Delaware corporations with their principal place of business at 13975 W Polo Trail Drive, Lake Forest, Illinois 60045-5119. Defendants reside in this District because they are incorporated in

Delaware. Defendants offer their products and/or services, including those accused herein of infringement, to customers and potential customers located in Delaware and in this District. Defendant Haivision KB Inc. may be served with process through its registered agent for service at: The Corporation Trust Company, Corporation Trust Center 1209 Orange St., Wilmington, DE 19801. Defendants Haivision Network Video Corp. and Haivision Network Video Inc. may be served with process through its registered agent for service at: Corporation Service Company, 251 Little Falls Dr., Wilmington, DE 19808.

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 Defendants in this action because Defendants have committed acts within the District of Delaware giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice. Defendants have also committed and continue 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). Defendants reside in this District because they are incorporated in Delaware. Furthermore, upon information and belief, Defendants have transacted business in the

District of Delaware and have committed acts of direct and indirect infringement in the District of Delaware.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 8,934,535

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

7. Plaintiff Realtime is the owner by assignment of United States Patent No. 8,934,535 (“the ’535 patent”) entitled “Systems and methods for video and audio data storage and distribution.” The ’535 patent was duly and legally issued by the United States Patent and Trademark Office on January 13, 2015. A true and correct copy of the ’535 patent is included as Exhibit A.

8. On information and belief, Defendants have made, used, offered for sale, sold and/or imported into the United States products that infringe the ’535 patent, and continue to do so. By way of illustrative example, these infringing products include, without limitation, Defendants’ video encoding products, such as, *e.g.*, products that use Haivision Media Platform, the Makito X H.264, Makito X HEVC, Makito X with Storage, Makito Air, Makito XCR, and Makito X HARSH, KB Mini, KB Encoder/Transcoder Server, KB 4K Encoder/Transcoder, Kraken Series (S-KR-Base; S-KR-Base-KLV; S-KR-PREMIUM; S-KR-PREMIUM-KLV; S-KR-ULTRA; S-KR-ULTRA-KLV), Kraken CR, and streaming cloud services, such as, *e.g.*, the Haivision Video Cloud and Connect DVR services, and all versions and variations thereof since the issuance of the ’535 patent (“Accused Instrumentalities”).

9. On information and belief, Defendants have directly infringed and continue to infringe the '535 patent, for example, through its own use and testing of the Accused Instrumentalities, which when used, practices the method claimed by Claim 15 of the '535 patent, namely, a method, comprising: determining a parameter of at least a portion of a data block; selecting one or more asymmetric compressors from among a plurality of compressors based upon the determined parameter or attribute; compressing the at least the portion of the data block with the selected one or more asymmetric compressors to provide one or more compressed data blocks; and storing at least a portion of the one or more compressed data blocks. Upon information and belief, Defendants use the Accused Instrumentalities to practice infringing methods for their own internal non-testing business purposes, while testing the Accused Instrumentalities, and while providing technical support and repair services for the Accused Instrumentalities to their customers.

10. For example, the Accused Instrumentalities utilize the H.264 video compression standard, as well as Secure Reliable Transport (SRT) technology. "SRT detects the real-time network performance between the encode / decode / transcode endpoints. The endpoints can be dynamically adjusted for optimal stream performance and quality." *See, e.g.,* <https://www.haivision.com/products/srt-secure-reliable-transport/>. At least Haivision's Makito X and KB series devices use H.264 and SRT. *Id.* On information and belief, all of the Accused Instrumentalities detect real-time network performance between the encode / decode / transcode endpoints and dynamically select a compression technique for optimal stream performance.

11. Furthermore, as can be seen by the highlighted text in the below graphic, “All Haivision Media Platforms” support “H.264” as an “Audio/Video Format”. See

Haivision Media Platform

ALL HAIVISION MEDIA PLATFORMS:

Management Interfaces:

- Haivision Media Platform Portal
- REST API
- Command Line API
- Console UI

Audio/Video Formats:

- **H.264**
- ACC-LDTS Audio

Inputs:

- MPEG-2 Transport Stream
- SRT (Secure Reliable Transport)

Outputs:

- MPEG-2 Transport Stream
- SRT (Secure Reliable Transport)
- HLS (with end-to-end encryption)
- RTMP, RTMPS, RTMFP

Standard Features:

- Web-based admin & management
- User authentication, conditional access, LDAP/AD
- HTML5 Player with Flash optional
- Roles & permissions
- Stream source management
- Set-top box management
- System & user activity reporting

page 7/8 of the datasheet available at <http://www3.haivision.com/hmp-datasheet>:

12. In addition, from this below webpage listing a Haivision product, “Haivision’s award-winning Makito X H.264 encoder transports secure, low latency HD video over any network at extremely low bitrates, making it ideal for live, interactive and bandwidth constrained applications.” See <https://www.haivision.com/products/makito-series/makito-x-h264/> (with “H.264 encoder” being highlighted):

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