

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
Eastern Division**

QURIO HOLDINGS, INC.,

Plaintiff,

v.

DISH NETWORK CORPORATION, and
DISH NETWORK, LLC,

Defendants.

Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Qurio Holdings, Inc. (“Qurio”), alleges the following for its complaint of patent infringement against Dish Network Corporation and Dish Network, LLC (hereinafter Dish or “Defendants”).

NATURE OF THE ACTION

This is an action for patent infringement of (1) United States Patent No. 8,102,863 entitled “Highspeed WAN To Wireless LAN Gateway” (“the 863 Patent”) and (2) United States Patent No. 7,787,904 entitled “Personal Area Network Having Media Player And Mobile Device Controlling The Same” (“the 904 Patent”), under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, and seeking damages and injunctive and other relief under 35 U.S.C. § 281, *et seq.*

THE PARTIES

1. Plaintiff Qurio is a Delaware corporation with a principal place of business at 20 Depot Street, Suite 2A, Peterborough, New Hampshire 03458-1453. Qurio is a technology company that develops technological solutions for network communications, telephony, and media delivery and distribution, including images, video and music.

2. On information and belief, Defendant Dish Network Corporation is a Colorado-based corporation organized and existing under the laws of the State of Nevada, with its principal place of business at 9601 South Meridian Boulevard, Englewood, Colorado 80112.

3. On information and belief, Defendant Dish Network LLC is a Colorado-based corporation, with its principal place of business at 9601 S. Meridian Blvd., Englewood, CO 80112, and is a wholly-owned subsidiary of Defendant Dish Network Corporation.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because the action concerns the infringement of United States patents.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b) because, among other reasons, Defendants have transacted business in the State of Illinois and Defendants have committed and continue to commit acts of patent infringement in Illinois, and Defendants have regular and established places of business in this Judicial District.

7. Upon information and belief, this Court has personal jurisdiction over each Defendant at least because each transacts substantial business in the State of Illinois, directly or

through intermediaries, including: (i) at least a portion of the infringements alleged herein, and (ii) regularly doing or soliciting business in Illinois, engaging in other persistent courses of conduct, maintaining continuous and systematic contacts in Illinois, purposefully availing itself of the privileges of doing business in Illinois, and/or deriving substantial revenue from goods and services provided to individuals in Illinois.

THE PATENTS-IN-SUIT

8. Plaintiff Qurio is and has been at all relevant times the owner by assignment of the 863 Patent, entitled “High-Speed WAN To Wireless WLAN Gateway,” which the United States Patent and Trademark Office duly issued on January 24, 2012. A true and correct copy of the 863 Patent is attached hereto as Exhibit A.

9. The inventions of the 863 Patent are applicable to, among other things, providing communication between a high-speed wide-area network (“WAN”) network and a lower speed Wireless Local Area Network (“WLAN”).

10. Plaintiff Qurio is and has been at all relevant times the owner by assignment of the 904 Patent, entitled “Personal Area Network Having Media Player And Mobile Device Controlling The Same,” which the United States Patent and Trademark Office duly issued on August 31, 2010. A true and correct copy of the 904 Patent is attached hereto as Exhibit B.

11. The inventions of the 904 Patent are applicable to, among other things, utilization of mobile devices to control content played by a plurality of media devices.

DEFENDANTS’ INFRINGING ACTIVITIES

12. Defendants distribute media content and provide video-on-demand and related services to their customers across the United States, by, among other things, transmitting content to their customers’ televisions, digital video recorders (“DVRs”), set-top boxes (“STBs”), and

wireless and other devices. Defendants purport to be the third largest provider of pay-TV television services in the United States. *See* Exhibit C (select portion of Dish Form 10-K/A (2013 Amended Annual Report), at p. 1. Defendants purport to have over 14 million subscribers for their services in the United States. *See* Exhibit C (select portion of Dish Form 10-K (2013 Amended Annual Report), at p. 1.

13. In filings with the United States Securities and Exchange Commission, Defendants describe their business activities as follows:

OVERVIEW

DISH Network Corporation was organized in 1995 as a corporation under the laws of the State of Nevada. We started offering the DISH branded pay-TV service in March 1996 and are the nation's third largest pay-TV provider. . . .

- **DISH.** The DISH branded pay-TV service (“DISH”) had 14.057 million subscribers in the United States as of December 31, 2013. The DISH branded pay-TV service consists of Federal Communications Commission (“FCC”) licenses authorizing us to use direct broadcast satellite (“DBS”) and Fixed Satellite Service (“FSS”) spectrum, our satellites, receiver systems, third-party broadcast operations, customer service facilities, a leased fiber network, in-home service and call center operations, and certain other assets utilized in our operations. In addition, we market broadband services under the dishNET™ brand.

* * *

- **High-Quality Products.** We offer a wide selection of local and national programming, featuring more national and local high definition (“HD”) channels than most pay-TV providers. We have been a technology leader in our industry, introducing award-winning DVRs, dual tuner receivers, 1080p video on demand, and external hard drives. To maintain and enhance our competitiveness over the long term, we introduced the Hopper® set-top box during the first quarter 2012, which a consumer can use, at his or her option, to view recorded programming in HD in multiple rooms. During the first quarter 2013, we introduced the Hopper set-top box with Sling, which promotes a suite of integrated features and functionality designed to maximize the convenience and ease of watching TV anytime and anywhere, which we refer to as DISH Anywhere,™ that includes, among other things, online access and Slingbox “placeshifting” technology. In addition, the Hopper with Sling has several innovative

features that a consumer can use, at his or her option, to watch and record television programming through certain tablet computers and combines program-discovery tools, social media engagement and remote-control capabilities through the use of certain tablet computers and smart phones. We recently introduced the Super Joey receiver. A consumer can use, at his or her option, the Super Joey combined with the Hopper to record up to eight shows at the same time.

* * *

Programming. We provide programming that includes more than: (i) 280 basic video channels, including, but not limited to, 25 regional sports channels and 70 channels of pay-per-view content, (ii) 70 Sirius Satellite Radio music channels, (iii) 30 premium movie channels, (iv) 10 specialty sports channels, (v) 3,100 standard definition and HD local channels, and (vi) 300 Latino and international channels. . . . As of December 31, 2013, we provided local channels in standard definition in all 210 TV markets in the U.S. and local channels in HD in more than 190 markets in the U.S.

* * *

DISH Anywhere. A consumer can use DISH Anywhere, at his or her option, to remotely control certain features of their DVRs as well as view live TV and DVR recordings (with required compatible hardware) using the DISH Anywhere application on compatible devices such as smartphones and tablets, or on laptops and home computers by accessing dishanywhere.com. Dishanywhere.com offers more than 85,000 movies, television shows, clips and trailers.

Content Delivery

Satellites. Our DISH branded programming is primarily delivered to customers using satellites that operate in the “Ku” band portion of the microwave radio spectrum. The Ku-band is divided into two spectrum segments. The portion of the Ku-band that allows the use of higher power satellites – 12.2 to 12.7 GHz over the United States – is known as the Broadcast Satellite Service band, which is also referred to as the DBS band. The portion of the Ku-band that utilizes lower power satellites – 11.7 to 12.2 GHz over the United States – is known as the FSS band. . . . We own or lease capacity on 14 DBS satellites in geostationary orbit approximately 22,300 miles above the equator.

Conditional Access System. Our conditional access system secures our programming content using encryption so that only authorized customers can access our programming. We use microchips embedded in credit card-sized access cards, called “smart cards,” or security chips in our receiver systems to control access to authorized programming content (“Security Access Devices”).

See Exhibit C (select portion of Dish Form 10-K (2013 Amended Annual Report)), at pp. 1-3.

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