

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

REALTIME ADAPTIVE STREAMING
LLC,
Plaintiff,

v.

SLING TV L.L.C., SLING MEDIA INC.,
AND SLING MEDIA, L.L.C.,
Defendants.

C.A. No. 1:17-cv-02097-CBS
JURY TRIAL DEMANDED

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 Realtime Adaptive Streaming LLC (“Plaintiff” or “Realtime”) makes the following allegations against Defendants Sling TV L.L.C., Sling Media Inc., and Sling Media, L.L.C.:

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, Defendant Sling TV L.L.C. (“Sling TV”) is a Colorado limited liability company with its principal office at 9601 S. Meridian Blvd., Englewood, CO 80112. On information and belief, Defendant Sling TV has a regular and established place of business in this District and conducts business throughout the United States, including in this District. On information and belief, Sling TV can be

served through its registered agent, R. Dodge Stanton, 9601 S. Meridian Blvd., Englewood, CO 80112.

3. On information and belief, Defendants Sling Media Inc. and Sling Media L.L.C. (collectively, “Sling Media”) are, respectively, a Delaware corporation and a Delaware limited liability company with their principal office at 1051 E. Hillsdale Blvd, Suite 500, Foster City, CA 94404. On information and belief, Sling Media has a regular and established place of business in this District and conducts business throughout the United States, including in this District, for example, at 100 Inverness Terrace E., Englewood, CO 80112 and P.O. Box 6655, Englewood, CO 80155. On information and belief, Sling Media can be served through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

4. On information and belief, Sling TV and Sling Media promotes and offers for sale Sling-branded products and services which infringe certain asserted patents. Accordingly, each of the Defendants is properly joined in this action pursuant to 35 U.S.C. § 299.

JURISDICTION AND VENUE

5. 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).

6. This Court has personal jurisdiction over Sling TV L.L.C. in this action because Sling TV L.L.C. has committed acts within this District giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Sling TV L.L.C. would not offend traditional notions of fair play and substantial justice. Sling TV L.L.C. directly and/or through subsidiaries (including one or more of the named Co-Defendants) or intermediaries (including distributors, retailers, and others), 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. On information and belief, Defendant Sling TV has a regular and established place of business in this District.

7. This Court has personal jurisdiction over Sling Media in this action because Sling Media has committed acts within this District giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Sling Media would not offend traditional notions of fair play and substantial justice. Sling Media directly and/or through subsidiaries (including one or more of the named Co-Defendants) or intermediaries (including distributors, retailers, and others), 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. On information and belief, Sling Media has a regular and established place of business in this District, including, e.g., at 100 Inverness Terrace E., Englewood, CO 80112 and P.O. Box 6655, Englewood, CO 80155.

8. Sling Media and Sling TV have conducted and do conduct business within the State of Colorado. Sling Media and Sling TV ship, distribute, sell, offer for sale and advertise their respective products or services in the United States, the State of Colorado and the District of Colorado. Sling Media and Sling TV have purposefully and voluntarily placed their products and services into the stream of commerce with the expectation that they will be purchased by consumers in the United States, the State of Colorado and the District of Colorado.

9. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). Defendant Sling TV is organized under the laws of Colorado. Sling Media's officers are located in Colorado. Upon information and belief, all Defendants have transacted business in this District and have committed acts of direct and indirect infringement in this District.

ASSERTED PATENTS

10. The asserted patents are U.S. Patent Nos. 8,867,610 (“the ‘610 Patent”)

and 8,934,535 (“the ‘535 patent”) (collectively, “Asserted Patents”).

11. The Asserted Patents have been cited as prior art during the prosecution of at least 400 patent applications of Realtime and other companies. Those other companies include well-known technology companies such as: Quantum, Fujitsu, IBM, Seagate, STMicroelectronics, Cisco, LSI, Skyfire Labs, Chicago Mercantile Exchange, Thomson Reuters, OSR Open Systems Resources, Exegy, RIM, Renesas, Red Hat, Xerox, and Microsoft.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 8,867,610

12. Plaintiff Realtime realleges and incorporates by reference the foregoing paragraphs above, as if fully set forth herein.

13. Plaintiff Realtime is the owner by assignment of United States Patent No. 8,867,610 (“the ‘610 Patent”) entitled “System and methods for video and audio data distribution.” The ‘610 Patent was duly and legally issued by the United States Patent and Trademark Office on October 21, 2014. A true and correct copy of the ‘610 Patent is included as Exhibit A.

14. On information and belief, Sling TV has made, used, offered for sale, sold and/or imported into the United States Sling TV products and services that infringe the ‘610 patent, and continues to do so. By way of illustrative example, these infringing products include, without limitation, Sling TV’s streaming video products and services compliant with various versions of the H.264 video compression standard, such as, *e.g.*, the Sling Orange and Sling Blue TV services, and all versions and variations thereof since the issuance of the ‘610 patent (“Sling TV Accused Instrumentalities”). See, *e.g.*, <https://www.Sling.com/> (“Sling TV offers two domestic streaming services: The single-stream Sling Orange service and the multi-stream Sling Blue service.”); https://www.reddit.com/r/Slingtv/comments/2ynmxx/what_resolutions_are_the_channels_in/ (“OTA broadcasts use MPEG-2, which is far less efficient than the H.264 used by

Sling, which needs far less data than MPEG-2 to deliver similar quality.”).

15. On information and belief, Sling Media has made, used, offered for sale, sold and/or imported into the United States Sling Media products and services that infringe the ‘610 patent, and continues to do so. By way of illustrative example, these infringing products include, without limitation, Sling Media’s streaming video products and services compliant with various versions of the H.264 video compression standard, such as, *e.g.*, Slingbox set-top boxes (including, but not limited to, Slingbox 500, Slingbox M2, Slingbox M1, Slingbox 350, and Sling Adapter), and all versions and variations thereof since the issuance of the ‘610 patent (“Accused Instrumentalities”). *See, e.g.,* <http://www.tivocommunity.com/community/index.php?threads/capturing-Slingbox-350-500-video.504853/> (“For the newer Slingboxes the video is H.264.”); <https://answers.Slingbox.com/thread/3940> (“I have the SlingBox Solo and by all accounts it streams h.264.”).

16. On information and belief, each of Sling TV and Sling Media has directly infringed and continues to infringe the ‘610 patent, for example, through its own use and testing of the Accused Instrumentalities, which when used, practice the method claimed by Claim 1 of the ‘610 patent, namely, a method, comprising: determining, a parameter or an attribute of at least a portion of a data block having video or audio data; selecting one or more compression algorithms from among a plurality of compression algorithms to apply to the at least the portion of the data block based upon the determined parameter or attribute and a throughput of a communication channel, at least one of the plurality of compression algorithms being asymmetric; and compressing the at least the portion of the data block with the selected compression algorithm after selecting the one or more compression algorithms.

17. The Sling TV Accused Instrumentalities determine a parameter of at least a portion of a video data block, *e.g.* based on different types of content. <https://www.cuttingcords.com/home/2015/2/9/Sling-tv-technical-details> (“First off, I

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