

Exhibit 1 (Claim Chart for U.S. Patent No. 10,028,026)

Infringement Contentions for U.S. Patent No. 10,028,026 vs. DISH

Plaintiff Broadband iTV, Inc. accuses Defendant DISH Network, L.L.C. (“DISH”) of making, using, offering for sale and/or importing into the United States DISH’s video-on-demand service, set-top boxes (“STBs”), including the Hopper, Sling, Hopper, Hopper Duo, Wally, 4K Joey, Wired Joey, Wireless Joey, Super Joey, device apps, such as DISH’s “DISH Anywhere” App available for Apple and iOS devices (including the Apple TV, iPads, iPhones and iPod touch), Android devices (including tablets), and Amazon Fire devices (including the Fire TV Stick, Cube, and Fire TV edition Smart TV), where such apps are downloaded to subscribers’ Internet-connected devices, and Xbox One and PlayStation 4 devices, (collectively, the “Accused Product(s)”), all of which provide subscribers with access to DISH’s video-on-demand service via the Internet. The “Accused Product(s)” includes the associated computer software and data, associated hardware, and processes and methods related to the Accused Product(s). DISH directly infringes U.S. Patent No. 10,028,026 (the “’026 Patent”) by making, using, offering for sale, selling in and/or importing into the United States the Accused Products, which meet each and every limitation of the claims as shown in the charts below. DISH directly infringes the ’026 patent by making, using, offering for sale, selling in and/or importing into the United States including all variants of the Hopper, Wally, and Joey STBs, which as shown below meet each and every limitation of the claims charted below. DISH is therefore liable for infringement of the ’026 Patent under 35 U.S.C. § 271(a).

DISH induces infringement of the ’026 Patent by providing to third parties including users, customers, agents and other third parties the Accused Products to utilize in an infringing manner, as charted below. DISH intends to cause infringement by such third parties by instructing and/or controls and directs third parties to use the Accused Products in an infringing manner, including with the Accused Products, including providing instructions, guides, online materials. See, e.g. STB feature and set up guides <https://my.dish.com/support/products/hopper/how-to>, <https://my.dish.com/cms-files/support/products/hopper/joeywired/joey3.pdf>, other device setup instructions <https://my.dish.com/dish-anywhere/fire-tv>, <https://my.dish.com/support/services/tv/pay-per-view/how-to-order>, and online guide to watching VOD content <https://www.dish.com/features/dish-anywhere/>, and online guide to watching VOD content <https://my.dish.com/support/services/tv/pay-per-view/how-to-order>, <https://www.dish.com/features/dish-anywhere/>. DISH manifests this intent by providing technical support for the Accused Products, including providing instructions, guides, online materials and technical support. See, e.g., DISH support web page <https://my.dish.com/support>, Apple App Store listing for the DISH Anywhere App, Google Play Store listing for the Android DISH Anywhere App, Amazon listing for Amazon Anywhere App, and in-app instructions in the iOS, Android, and Fire DISH Anywhere Apps. DISH is therefore liable for infringement of the ’026 Patent under 35 U.S.C. § 271(b).

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DISH contributes to infringement of the '026 patent by offering to commercially distribute, commercially distributing, and distributing a video-on-demand service and device apps to users, which in combination with a subscriber device, such as a smartphone, satisfy each and every limitation of the charted claims, as charted below. DISH provides device apps to users, who then use the apps on their devices, such as smartphones and tablets. The combination of the VOD service and the device apps constitute a substantial portion of the invention and has no substantial non-infringing uses. DISH knows portions of the Accused Products to be made or especially adapted for use in infringement of the '026 Patent, and not to be staple articles, and not to be commodities of commerce suitable for a substantial noninfringing use. To the extent DISH STBs are manufactured by third-party vendors, DISH contributes to infringement of the '026 Patent by providing material parts of the invention, including EPG software licensed to the STBs. The third-party vendor infringes claims of the '026 patent by making, using (e.g., testing), offering for sale, and distributing in the United States STBs that use DISH's EPG software to access DISH's VOD platform, in violation of 35 U.S.C. § 271(c). DISH knows the EPG software to be especially made or especially adapted for use in infringement of the '026 Patent, and not to be staple articles or commodities of commerce suitable for substantial noninfringing use. DISH is thereby liable for infringement of the '026 Patent under 35 U.S.C. § 271(c).

The asserted claims include elements that are implemented, at least in part, by proprietary and specialized electronic components and software in the Accused Products. The precise designs, processes, and algorithms used in them are held secret, at least in part, and not publicly available in their entirety. An analysis of DISH's documentation and/or source code may be necessary to accurately describe all infringing features and functionality of the Accused Products and, accordingly, Plaintiffs reserve the right to supplement these contentions once such information is made available to Plaintiffs. Furthermore, Plaintiffs reserve the right to amend these contentions, including as discovery in the case progresses, in view of any non-infringement arguments DISH may make (including to allege infringement under the doctrine of equivalents), in view of the Court's final claim construction in this action and in light of the provision of expert reports.

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Claim Language¹	Evidence of Infringement by DISH
<p>1. An Internet-connected digital device for receiving, via the Internet, video content to be viewed by a subscriber of a video-on-demand system using a hierarchically arranged electronic program guide, the Internet-connected digital device being configured to obtain and present to the subscriber an electronic program guide as a templated video-on-demand display, which uses at least one of a plurality of different display templates to which the Internet-connected digital device has access, to enable a subscriber using the Internet-connected digital device to navigate in a drill-down manner through titles by category information in order to locate a particular one of the titles whose associated video content is desired for viewing on the Internet-connected digital device using the</p>	<p>To the extent that the preamble is limiting, the Accused Products include an Internet-connected digital device for receiving, via the Internet, video content to be viewed by a subscriber of a video-on-demand system using a hierarchically arranged electronic program guide, the Internet-connected digital device being configured to obtain and present to the subscriber an electronic program guide as a templated video-on-demand display, which uses at least one of a plurality of different display templates to which the Internet-connected digital device has access, to enable a subscriber using the Internet-connected digital device to navigate in a drill-down manner through titles by category information in order to locate a particular one of the titles whose associated video content is desired for viewing on the Internet-connected digital device using the same information as was designated by a video content provider in metadata associated with the video content.</p> <p>DISH STBs</p> <p>DISH provides subscribers with Set-Top-Boxes (“STBs”) as part of its TV packages.</p> <p>For example, in each of DISH’s packages, it advertises a “Smart HD DVR Includ</p>

¹ Words in bold were changed by certificates of correction.

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same category information as was designated by a video content provider in metadata associated with the video content;

The screenshot displays a grid of satellite TV packages. It is divided into two main sections: 'English Packages' and 'Latino Packages'. Each package card features a dark header with the number of channels and the price per month. Below the header, there is a red 'CHECKOUT' button, followed by a list of included features: Smart HD DVR, a free Google Voice Remote, and an online exclusive offer of two free Google Home Minis. At the bottom of each card, there is a 'View All Channels' button and a small decorative image of a wreath.

Package Type	Channels	Price
English Packages	290+	\$89.99/mo.
English Packages	240+	\$79.99/mo.
English Packages	190+	\$69.99/mo.
Latino Packages	1	\$59.99/mo.

[Satellite TV Packages - Compare Packages & Prices. Available at <https://www.dish.com/programming/packages/>. Captured 1/8/2020]

DISH requires users to purchase or lease DISH-compatible equipment in order to receive service.

7. EQUIPMENT

A. Equipment. In order to receive Services, you must purchase or lease certain reception equipment, primarily of a DISH-compatible receiver(s) and applicable Smart Card(s), remote control(s), satellite antenna(s), and noise block converter feed(s) (LNBF) with integrated feed(s) (collectively, "Equipment").

[Residential Customer Agreement. Available at

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<https://www.dish.com/downloads/legal/residential-agreement.pdf>. Captured 1/8/2020]

One example of a DISH STB is the Hopper 3.



[DISH Hopper 3 Receiver Support. <https://my.dish.com/support/receivers/hopper-3>. Captured 1/8/2020]

DISH also makes numerous other STB devices available, including:

Hopper w/ Sling

<https://mydish.com/support/receivers/hopper-w-sling>. Captured 2/27/2020]

Hopper

<https://my.dish.com/support/receivers/hopper>. Captured 2/27/2020]

Hopper Duo

<https://my.dish.com/support/receivers/hopper-duo>. Captured 2/27/2020]

Wally

<https://my.dish.com/upgrades/products/receivers/wally>. Captured 2/27/2020]

4K Joey

<https://my.dish.com/support/receivers/4k-joey>. Captured 2/27/2020]

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