

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

EQUIL IP HOLDINGS LLC,	)	
	)	
Plaintiff,	)	C.A. No. 22-677-RGA
	)	
v.	)	<b>JURY TRIAL DEMANDED</b>
	)	
AKAMAI TECHNOLOGIES, INC.,	)	
	)	
Defendant.	)	

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), Plaintiff Equil IP Holdings LLC (“Equil IP”) files this First Amended Complaint for Patent Infringement against Akamai Technologies, Inc. (“Akamai”). This First Amended Complaint supersedes the initial complaint filed on May 24, 2022 (D.I. 1). Equil IP states the following:

**NATURE OF THIS ACTION**

1. This is a civil action for the infringement of the following United States patents (the “Asserted Patents”) as described herein:

- U.S. Patent No. 8,495,242 (“Automated media delivery system”), issued on July 23, 2013 (the “242 Patent”);
- U.S. Patent No. 9,158,745 (“Optimization of media content using generated intermediate media content”), issued on October 13, 2015 (the “745 Patent”); and
- U.S. Patent No. 6,792,575 (“Automated processing and delivery of media to web servers”), issued on September 14, 2004 (the “575 Patent”).

2. The Asserted Patents are members of a family that also includes U.S. Patent No. 6,964,009 (“Automated media delivery system”), issued on November 8, 2005 (the “009 Patent”), and U.S. Patent No. 8,381,110 (“Automated media delivery system”), issued on

February 19, 2013 (the “110 Patent”) (collectively with the Asserted Patents, the “Equilibrium Patents”).

3. The Equilibrium Patents disclose revolutionary innovations regarding how rich-media content such as images and videos can be optimized and rapidly delivered to Internet-connected devices such as phones and computers.

### **PARTIES**

4. Plaintiff Equil IP is a limited liability company duly organized and existing under the laws of Delaware having its principal place of business at 500 Tamal Plaza, Suite 528, Corte Madera, CA 94925. Equil IP is the owner by assignment of the Equilibrium Patents.

5. With respect to the Equilibrium Patents, Equil IP is the successor-in-interest to Automated Media Processing Solutions, Inc. d/b/a Equilibrium (“Equilibrium”), a corporation duly organized and existing under the laws of Delaware having its principal place of business at 500 Tamal Plaza, Suite 528, Corte Madera, CA 94925.

6. Equilibrium is an industry pioneer and leader in developing patented automated media processing solutions to help its customers manage, modify, and efficiently deploy media-rich content such as images, video, and sound optimized for delivery over the Internet and customized for use on Internet-connected end-user devices such as desktop and laptop computers and mobile phones.

7. On information and belief, Akamai is a corporation organized and existing under the laws of the State of Delaware, with its corporate headquarters and a principal place of business at 145 Broadway, Cambridge, MA 02142.

## JURISDICTION AND VENUE

8. This is an action for patent infringement arising under the Patent Act, 35 U.S.C. § 1 *et seq.* Accordingly, this Court has subject-matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

9. This Court has personal jurisdiction over Akamai, as Delaware is Akamai's state of incorporation, and Akamai therefore resides in Delaware. Akamai has also derived revenue from its infringing acts within this District.

10. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and 1400(b), as Delaware is Akamai's state of incorporation, and Akamai therefore resides in Delaware.

### THE EQUILIBRIUM PATENTS AND "MEDIARICH SERVER"

11. The technology at issue in this suit traces its roots to the early 1990s when Equilibrium, founded by Sean Barger,<sup>1</sup> acquired and further developed a software product called "DeBabelizer." Sold starting in the early 1990s to industry power-users and consumers alike, DeBabelizer enabled users to automatically edit ("batch process") collections of graphic images, animation, and video across over fifty different file types. It was powerful software, the full version of which sold for hundreds of dollars. The name "DeBabelizer" referred to the program's ability to import and normalize any format, then systematically edit a wide variety of otherwise incompatible media file types and then export them to any format automatically. After selling over 1 million copies of DeBabelizer Lite and DeBabelizer Pro for Macintosh, Windows OS's and Silicon Graphics, Equilibrium believed a logical expansion of the franchise was to develop a way to deliver high-speed, dynamic content through a system tied directly into web servers. The

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<sup>1</sup> Equilibrium was originally formed to develop computer games.

team set out to build a next-generation technology which solved the automatic rendition management problem to enable Web 2.0 for scaling any size website while providing unique device support without having to pre-process content for all viewing scenarios. They called the project “Freeride.”

12. With the growth of the web in the late 1990s, Equilibrium foresaw the Freeride project developing a new kind of Internet-based service that web developers could use to simplify the process of optimizing and maintaining rich media content automatically on websites. Equilibrium envisioned a system that would enable next-generation ecommerce and other applications.

13. On October 21, 1999, in order to protect this system, Equilibrium filed the first in a series of U.S. patent applications that would ultimately issue as the Equilibrium Patents. All the Equilibrium Patents are members of the same family and share substantially similar disclosures.

14. That first application (Application No. 09/425,326) issued as the ’575 Patent on September 14, 2004. A copy of the ’575 Patent is attached as Exhibit A.

15. On August 16, 2000, Equilibrium filed Provisional Application No. 60/226,043, and on August 14, 2001, it filed Continuation-in-Part Application No. 09/929,904, which issued as the ’009 Patent on November 8, 2005. A copy of the ’009 Patent is attached as Exhibit B.

16. On September 26, 2008, Equilibrium filed Divisional Application No. 12/238,842, which issued as the ’110 Patent on February 19, 2013. A copy of the ’110 Patent is attached as Exhibit C.

17. On February 26, 2010, Equilibrium filed Divisional Application No. 12/713,637, which issued as the '242 Patent on July 23, 2013. A copy of the '242 Patent is attached as Exhibit D.

18. On July 15, 2008, Equilibrium filed Divisional Application No. 12/173,747, which issued as U.S. Patent No. 8,656,046 on February 18, 2014. A copy of the '046 Patent is attached as Exhibit E.

19. On January 28, 2013, Equilibrium filed Continuation Application No. 13/752,110, which issued as the '745 Patent on October 13, 2015. A copy of the '745 Patent is attached as Exhibit F.

20. On December 17, 2021, Equilibrium assigned the Equilibrium Patents to Equil IP Holdings LLC.

21. The Equilibrium Patents individually and collectively disclose substantial improvements to then-existing systems of Internet media delivery. Existing systems did not enable on-the-fly rich media generation and caching of rich media that was optimized for each user. In the novel methods described in the Equilibrium Patents, each user's request contains information identifying the requested media and further indicating incremental optimizations that are performed prior to delivery to the user. The incrementally optimized media is cached for future delivery if another user request is received containing information requesting the same media and indicating the same incremental optimizations.

22. The technology disclosed in the Equilibrium Patents is widely used today to power the intelligent edge networks that content providers rely on to deliver media-rich Internet web pages and videos quickly and with very high quality. Without the innovations of the Equilibrium Patents, media-rich Internet content would be much slower to deliver and of lower

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