

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff OpenTV, Inc. (“OpenTV”), by and through the undersigned counsel, hereby brings this action and makes the following allegations of patent infringement relating to U.S. Patent Nos. 7,996,861, 7,421,729, 7,028,327, 7,950,033, 7,055,169, 7,020,888 and 6,233,736 against Defendant NFL Enterprises, LLC. (“NFLE”), and alleges as follows upon actual knowledge with respect to itself and its own acts, and upon information and belief as to all other matters:

NATURE OF THE ACTION

1. This is an action for patent infringement. OpenTV alleges that NFLE infringes U.S. Patent No. 7,996,861 (“the ’861 Patent”), U.S. Patent No. 7,421,729 (“the ’729 Patent”), U.S. Patent No. 7,028,327 (“the ’327 Patent”), U.S. Patent No. 7,950,033 (“the ’033 Patent”), U.S. Patent No. 7,055,169 (“the ’169 Patent”), U.S. Patent No. 7,020,888 (“the ’888 Patent”) and U.S. Patent No. 6,233,736 (“the ’736 Patent) copies of which are attached as Exhibits A-G, respectively (collectively “the OpenTV Patents”).

2. NFLE has been on notice of its infringement of all of the OpenTV Patents except the ’888 Patent since at least November 30, 2015 by virtue of a letter emailed from Joe Chernesky, Senior Vice President, IP & Innovation of the Kudelski Group to Michael Buchwald, counsel of the National Football League (NFL). NFLE has been on notice of its infringement of the ’888 Patent by no later than the filing date of this Complaint.

3. OpenTV alleges that NFLE directly and indirectly infringes the OpenTV Patents by making, using, offering for sale, and selling its online video services and inducing and contributing to the infringement of others. OpenTV seeks damages and other relief for NFLE’s infringement of the OpenTV Patents.

THE PARTIES

4. Plaintiff OpenTV is a Delaware corporation with its principal place of business at 275 Sacramento St., San Francisco, California, 94111.

5. Upon information and belief, Defendant NFLE is a Delaware limited liability corporation with its principal office at 280 Park Avenue, 15th Floor, New York, NY 10017. NFLE can be served through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

6. According to NFLE's website, NFLE offers infringing products and services for sale and use throughout the United States, including in the Eastern District of Texas. In addition, NFLE advertises its infringing products and services throughout the Eastern District of Texas and claims financial benefits through conducting its business in Texas.

JURISDICTION AND VENUE

7. This action for patent infringement arises under the Patent Laws of the United States, 35 U.S.C. § 1 et. seq. This Court has original jurisdiction under 28 U.S.C. §§ 1331 and 1338.

8. This Court has both general and specific personal jurisdiction over NFLE because NFLE has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over NFLE would not offend traditional notions of fair play and substantial justice. Defendant NFLE, directly and through subsidiaries and intermediaries (including distributors, retailers, franchisees and others), has committed and continues to commit acts of infringement in this District by, among other things, making, using, testing, selling, licensing, importing, and/or offering for sale/license products and services that infringe the OpenTV Patents.

9. Venue is proper in this district and division under 28 U.S.C. §§1391(b)-(d) and 1400(b) because NFLE has transacted business in the Eastern District of Texas and has committed acts of direct and indirect infringement in the Eastern District of Texas.

BACKGROUND

A. OpenTV

10. OpenTV is a U.S. subsidiary company of Kudelski SA. Kudelski SA and its subsidiaries, including OpenTV, make up the various companies of The Kudelski Group. The history of The Kudelski Group is one highlighted by 60 years of innovation, award winning products, and loyal, long-term customers who entrust The Kudelski Group with their business. Today, The Kudelski Group is a major employer in the United States, Europe, Asia, and elsewhere, providing jobs in manufacturing, engineering, research and development, marketing, sales, and many other specialties, with headquarters in Cheseaux-sur-Lausanne, Switzerland and Phoenix, Arizona.

11. The Kudelski Group was founded in 1951 by Stefan Kudelski successfully launching portable recording devices for cinema, TV and radio recording. The success of its products allowed The Kudelski Group to expand its technology into the digital television domain. In 1989, The Kudelski Group launched its first conditional access systems for pay TV. Over the next 10 years (1990-1999) The Kudelski Group continued to expand its technology development in the digital TV space, providing global, universally compatible solutions to manage, organize, enhance, market, and secure digital content, regardless of whether it was transmitted over managed or unmanaged networks and broadcasted linearly or on demand. Today, The Kudelski Group is led by Stefan's son, Andre Kudelski, and Andre Kudelski has led the company into an era where digital television is The Kudelski Group's core business.

12. Throughout his career, Stefan Kudelski received numerous awards and honors for his technological achievements. For example, Mr. Kudelski received four Oscars from the Academy of Motion Picture Arts and Sciences: three Scientific or Technical Awards in 1965, 1977, 1978, and the Gordon E. Sawyer Award in 1990. Mr. Kudelski also received two Emmy Awards, as well as Gold Medals from L. Warner, Audio Engineering Society, Lyra and Eurotechnica. Mr. Kudelski was also recognized by the FBI for his technology contribution in audio recording.

13. Today, digital television is The Kudelski Group's core business. With that, The Kudelski Group has become a world leader in digital security and convergent media solutions for the delivery of digital and interactive content. The Kudelski Group's innovations are continuously contributing to the evolution of the digital television ecosystem, enabling operators to extend their multimedia offerings across the entire digital ecosystem to numerous client devices through traditional managed networks as well as Internet delivery.

14. The Kudelski Group has also grown as a leader in the digital television domain through acquisitions of pioneering technology companies, including such notable companies as Lysis (2001), Livewire (2001), MediaGuard (2004), SmarDTV (2006), OpenTV (2007), and Conax (2014).

15. OpenTV is headquartered in San Francisco, California, has offices throughout the world, and employs hundreds of people worldwide, including more than 120 in the United States. OpenTV develops software that provides its customers with high quality technology, services, and end-to-end solutions enabling intuitive and personalized viewing experiences for consumers. OpenTV's software solutions enable a variety of advanced and interactive services for television, including advanced user interfaces, video-on-demand ("VOD"), personal video

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.