

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

	X	
CRFD RESEARCH, INC.,	:	C.A. No. _____
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
	:	JURY TRIAL DEMANDED
VERIZON COMMUNICATIONS INC.,	:	
VERIZON ONLINE LLC,	:	
TERREMARK NORTH AMERICA LLC,	:	
VERIZON BUSINESS NETWORK SERVICES INC.,	:	
and CELCO PARTNERSHIP d\b\ a VERIZON	:	
WIRELESS,	:	
	:	
Defendants.	:	
	X	

Complaint for Patent Infringement

Plaintiff CRFD Research, Inc. (“CRFD”) alleges the following for its complaint of patent infringement against Verizon Communications Inc. (“Verizon Communications”), Verizon Online LLC (“Verizon Online”), Terremark North America LLC (“Terremark”), Verizon Business Network Services Inc. (“Verizon Business”), and Cellco Partnership d\b\ a Verizon Wireless (“Verizon Wireless”) (collectively, “Defendants” or “Verizon”).

Nature of the Action

This is an action for patent infringement of United States Patent No. 7,191,233 (the “’233 Patent”) and United States Patent No. 7,574,486 (the “’486 Patent”) (collectively the “Asserted Patents”) 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 CRFD is a Delaware corporation with its principal place of business at 2331 Mill Road, Suite 100, Alexandria, Virginia 22314.

2. On information and belief, Verizon Communications is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 140 West Street, New York, New York 10007. Verizon Communications has appointed the Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801 as its agent for service of process.

3. On information and belief, Verizon Online is a limited liability company organized and existing under the laws of the State of Delaware, with its principal place of business at 22001 Loudoun County Parkway, Mail Code C1-3-507, Ashburn, Virginia 20147. Verizon Online has appointed the Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801 as its agent for service of process.

4. On information and belief, Terremark is a limited liability company organized and existing under the laws of the State of Florida, with its principal place of business at 50 NE 9th Street, Miami, Florida 33132. Terremark has appointed the Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801 as its agent for service of process.

5. On information and belief, Verizon Business is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at One Verizon Way, Basking Ridge, New Jersey 07920. Verizon Business has appointed the Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801 as its agent for service of process.

6. On information and belief, Verizon Wireless is an entity organized and existing under the laws of the State of Delaware, with its principal place of business at One Verizon Way, Basking Ridge, New Jersey 07920. Verizon Wireless has appointed the Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801 as its agent for service of process.

Jurisdiction and Venue

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

8. 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.

9. 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 Delaware, including at least some of the infringements alleged herein.

10. Upon information and belief, this Court has personal jurisdiction over Defendants because they are entities organized under the laws of the State of Delaware and have purposely availed themselves of the privileges and benefits of the laws of the State of Delaware.

Joinder

11. CRFD's rights to relief are asserted against Defendants jointly, severally, or in the alternative, with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences related to the making, using, importing into the United States, offering for sale, or selling of the same accused product or process; and questions of fact common to all Defendants will arise in this action.

The Patents-In-Suit

12. CRFD is the owner by assignment of the '233 Patent, entitled "System for Automated, Mid-Session, User-Directed, Device-to-Device Session Transfer System," which the United States Patent & Trademark Office duly issued on March 13, 2007. A true and correct copy of the '233 Patent is attached hereto as Exhibit A.

13. The inventions of the '233 Patent are applicable to, among other things, a transfer of an on-going software session from one device to another device.

14. CRFD is the owner by assignment of the '486 Patent, entitled "Web Page Content Translator," which the United States Patent & Trademark Office duly issued on August 11, 2009. A true and correct copy of the '486 Patent is attached hereto as Exhibit B.

15. The inventions of the '486 Patent are applicable to, among other things, reformatting of web content into a format for viewing on a mobile device.

Defendants' Infringing Products and Methods

16. Verizon purports to be one of the leading providers of communications, information, and entertainment products and services in the world.¹ Verizon purports to provide video services to approximately 15 million homes in the United States.² Verizon further purports to provide video on demand to its customers by transferring content onto its customers' digital video recorders ("DVRs").

17. Upon information and belief, Verizon makes, uses, sells, leases, imports and offers for sale products that allow users to transfer an on-going software session from one device to another device, including but not limited to its Multi-Room DVR, Multi-Hub DVR, and Home Media DVR products and services ("Defendants' '233 Infringing Products"). For example, a

¹ Verizon Communications Inc., Annual Report (Form 10-K), at 2 (Feb. 27, 2014).

² *Id.* at 8.

Multi-Hub DVR can be a primary receiver, which is coupled to additional set top boxes. Verizon purports that when these devices are networked, the recordings on the Multi-Hub DVR can be accessed by all networked set top boxes. Verizon further purports that a user “can pause a program in one room, and then resume playing it another room.”³

18. Upon information and belief, Verizon makes, uses, sells, leases, imports and offers for sale products that reformat web content into an optimized format readable by mobile devices, including but not limited to its Optimized View for Mobile Web platform, products and services (“Defendants’ ’486 Infringing Products”). Verizon purports that “Optimized View for Mobile Web ... will expand the range of content that can be viewed, by optimizing HTML pages based on each mobile device’s capabilities and screen size.”⁴

COUNT I: INFRINGEMENT OF THE ’233 PATENT

19. Plaintiff incorporates paragraphs 1-18 herein by reference as if set forth here in full.

20. Upon information and belief, Defendants have been and are currently directly infringing, literally or under the doctrine of equivalents, one or more claims of the ’233 Patent by making, using, offering to sell, and/or selling within the United States, and/or importing into the United States, without authority, products and services that transfer an on-going software session from one device to another device. Without limitation, and by example only, Defendants directly infringe and continue to directly infringe at least claim 23 of the ’233 Patent by making, selling, using and offering for sale at least the Multi-Hub DVR, Home Media DVR, and Multi-Room DVR services. Additionally, Defendants directly infringe and continue to directly infringe at

³ *Can I Pause a Flex View Video on My TV and Resume Watching It on My Computer?* - FiOS TV, Verizon.com, <http://www.verizon.com/support/residential/tv/fiosv/guide/flex+view/128870.htm> (last visited Mar. 6, 2014).

⁴ *Optimized View for Mobile Web FAQs* - Verizon Wireless, VerizonWireless.com, http://support.verizonwireless.com/support/faqs/MobileWeb/optimized_mobile_web.html (last visited Mar. 6, 2014).

least claim 1 of the '233 Patent by making, using, selling, and offering for sale at least the Multi-Hub DVR, Home Media DVR, and Multi-Room DVR services.

21. Defendants also directly infringe one or more claims of the '233 Patent by directing and/or controlling their employees, executives, users, agents, affiliates, suppliers and customers to use the aforementioned products that transfer an on-going software session from one device to another device within the United States.

22. To the extent that any claim is construed to require a system, Defendants also directly infringe one or more claims of the '233 Patent by providing to users software, hardware and/or platforms that transfer an on-going software session from one device to another device, thus putting the aforementioned system into use.

23. By using the methods claimed in the '233 Patent and by making, selling, importing, offering for sale and/or using the aforementioned products that transfer an on-going software session from one device to another device, Defendants have been and are now directly infringing under 35 U.S.C. § 271(a) one or more claims of the '233 Patent, either literally or under the doctrine of equivalents.

24. Upon information and belief, upon knowledge of the '233 Patent (at least since the filing date of this Complaint) Defendants are contributing to the infringement of the '233 Patent by, among other things, knowingly and with intent, actively encouraging their customers, suppliers, agents, users and affiliates to make, use, sell and/or offer for sale at least the Multi-Hub DVR, Home Media DVR, and Multi-Room DVR services, which constitutes infringement of at least claims 1 and 23 of the '233 Patent. For example, to the extent that any claim is construed to require a system, Defendants provide components, including software, hardware and/or platforms, for use in networked systems, which transfer an on-going software session

from one device to another device. Defendants know that such products constitute a material part of the inventions of the '233 Patent, know those products to be especially made or adapted to infringe the '233 Patent, and know that those products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

25. By contributing to their customers', suppliers', agents', users' and affiliates' use of the apparatus and methods claimed in the '233 Patent and their making and/or using the aforementioned session transfer products and/or services, Defendants have been and are now indirectly infringing under 35 U.S.C. § 271(c) one or more claims of the '233 Patent, either literally or under the doctrine of equivalents.

26. Upon information and belief, upon knowledge of the '233 Patent (at least since the filing date of this Complaint), Defendants are inducing infringement of the '233 Patent by, among other things, knowingly and with intent, actively encouraging their customers, suppliers, users, agents and affiliates to make, use, sell and/or offer for sale Defendants' aforementioned products and services that transfer an on-going software session from one device to another device in a manner that constitutes infringement of one or more claims of the '233 Patent, with the knowledge and specific intent to encourage, direct and facilitate those infringing activities, and knowing that such activities infringe the '233 Patent, including through the creation and dissemination of promotional and marketing materials, instructional materials, product materials and technical materials. For example, Defendants provide users with a Verizon FiOS User Guide, which provides instructions on how to resume watching a prior, partially-played DVR recording from a second television.⁵

27. To the extent that Defendants' users can be considered to put the aforementioned

⁵ See *Home Media DVR*, Verizon FiOS User Guide, Verizon.com, at 25, http://www.verizon.com/cs/groups/public/documents/onecmsresource/wk_user_guide_f515.pdf (last visited Mar. 6, 2014).

products that transfer an on-going software session from one device to another device into use (for example, to the extent any claim is construed to require such a system), Defendants would also be inducing infringement of the '233 Patent by, among other things, knowingly and with intent (at least since the filing date of this Complaint) actively encouraging their users to make and use Defendants' aforementioned products that transfer an on-going software session from one device to another device in a manner that constitutes infringement of one or more claims of the '233 Patent, with the knowledge and specific intent to encourage, direct and facilitate those infringing activities, and knowing that such activities infringe the '233 Patent, including through the creation and dissemination of promotional and marketing materials, instructional materials, product materials and technical materials.

28. By inducing their customers', suppliers', users', agents' and affiliates' use of the apparatus and methods claimed in the '233 Patent and their making and/or using at least the Multi-Hub DVR, Home Media DVR, and Multi-Room DVR services, Defendants have been and are now indirectly infringing under 35 U.S.C. § 271(b) at least claims 1 and 23 of the '233 Patent, either literally or under the doctrine of equivalents.

29. As a result of Defendants' unlawful infringement of the '233 Patent, CRFD has suffered and will continue to suffer damage. CRFD is entitled to recover from Defendants the damages adequate to compensate for such infringement, which have yet to be determined.

30. Defendants will continue to infringe the '233 Patent unless and until they are enjoined by this Court.

31. Defendants, by way of their infringing activities, have caused and continue to cause CRFD to suffer damages in an amount to be determined at trial. CRFD has no adequate remedy at law against Defendants' acts of infringement and, unless Defendants are enjoined from

their infringement of the '233 Patent, CRFD will suffer irreparable harm.

COUNT II: INFRINGEMENT OF THE '486 PATENT

32. Plaintiff incorporates paragraphs 1-31 herein by reference as if set forth here in full.

33. Upon information and belief, Defendants have been and are currently directly infringing, literally or under the doctrine of equivalents, one or more claims of the '486 Patent by making, using, offering to sell, and/or selling within the United States, and/or importing into the United States, without authority, products and services that reformat web content. For example, and without limitation, Defendants directly infringed and continue to directly infringe the '486 Patent in Delaware and elsewhere in the United States. Defendants directly infringe and continue to directly infringe at least claims 11 and 12 of the '486 Patent by making, selling, using and offering for sale at least their Optimized View for Mobile Web products, platforms, services and/or tools.

34. Defendants also directly infringe one or more claims of the '486 Patent by directing and/or controlling their employees, executives, users, agents, affiliates, suppliers and customers to use the aforementioned web content reformatting products within the United States.

35. To the extent that any claim is construed to require a system, Defendants also directly infringe one or more claims of the '486 Patent by providing web content reformatting software, platforms and/or hardware to users, thus putting the aforementioned web content reformatting products into use.

36. By using the methods claimed in the '486 Patent and by making, selling, importing, offering for sale and/or using the aforementioned web content reformatting products, Defendants have been and are now directly infringing under 35 U.S.C. § 271 one or more claims

of the '486 Patent, either literally or under the doctrine of equivalents.

37. Upon information and belief, upon knowledge of the '486 Patent (at least since the filing date of this Complaint) Defendants are contributing to the infringement of the '486 Patent by, among other things, knowingly and with intent, actively encouraging their customers, suppliers, agents, users and affiliates to make, use, sell and/or offer for sale Defendants' products and services, such as, but not limited to their Optimized View for Mobile Web products, platforms, services and/or tools, which infringe at least claims 11 and 12 of the '486 Patent. For example, to the extent that any claim is construed to require a system, Defendants provide components, including web content reformatting software, platforms and/or hardware for use in systems with mobile devices. Defendants know that such products constitute a material part of the inventions of the '486 Patent, know those products to be especially made or adapted to infringe the '486 Patent, and know that those products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

38. By contributing to their customers', suppliers', agents', users' and affiliates' use of the apparatus and methods claimed in the '486 Patent and their making and/or using the aforementioned web content reformatting products, Defendants have been and are now indirectly infringing under 35 U.S.C. § 271(c) one or more claims of the '486 Patent, either literally or under the doctrine of equivalents.

39. Upon information and belief, upon knowledge of the '486 Patent (at least since the filing date of this Complaint), Defendants are inducing infringement of the '486 Patent by, among other things, knowingly and with intent, actively encouraging their customers, suppliers, users, agents and affiliates to make, use, sell and/or offer for sale Defendants' aforementioned web content reformatting products in a manner that constitutes infringement of at least claims 11

and 12 of the '486 Patent, with the knowledge and specific intent to encourage, direct and facilitate those infringing activities, and knowing that such activities infringe the '486 Patent, including through the creation and dissemination of promotional and marketing materials, instructional materials, product materials and technical materials. For example, Defendants provide Optimized View for Mobile Web literature promoting the features and benefits of front end optimization, among other things.⁶

40. To the extent that Defendants' users can be considered to put the aforementioned web content reformatting products into use (for example, to the extent any claim is construed to require such a system), then Defendants would also be inducing infringement of the '486 Patent by, among other things, knowingly and with intent (at least since the filing date of this Complaint), actively encouraging their users to make and use Defendants' aforementioned web content reformatting products in a manner that constitutes infringement of one or more claims of the '486 Patent, with the knowledge and specific intent to encourage, direct and facilitate those infringing activities, and knowing that such activities infringe the '486 Patent, including through the creation and dissemination of promotional and marketing materials, instructional materials, product materials and technical materials.

41. By inducing their customers', suppliers', users', agents' and affiliates' use of the apparatus and methods claimed in the '486 Patent and their making and/or using at least Optimized View for Mobile Web products, platforms, services and/or tools, Defendants have been and are now indirectly infringing under 35 U.S.C. § 271(b) at least claims 11 and 12 of the '486 Patent, either literally or under the doctrine of equivalents.

42. As a result of Defendants' unlawful infringement of the '486 Patent, CRFD has

⁶ See, e.g., *Verizon Wireless Optimized View for Mobile Web - Website Developers' Guide*, Verizon Wireless, http://www.vzwdevelopers.com/aims/downloads/wapoptout/Optimized_View_for_Mobile_Website_Developers_Guide.pdf (last visited Mar. 6, 2014); *Optimized View for Mobile Web FAQs - Verizon Wireless*, *supra* note 4.

suffered and will continue to suffer damage. CRFD is entitled to recover from Defendants the damages adequate to compensate for such infringement, which have yet to be determined.

43. Defendants will continue to infringe the '486 Patent unless and until they are enjoined by this Court.

44. Defendants, by way of their infringing activities, have caused and continue to cause CRFD to suffer damages in an amount to be determined at trial. CRFD has no adequate remedy at law against Defendants' acts of infringement and, unless Defendants are enjoined from their infringement of the '486 Patent, CRFD will suffer irreparable harm.

PRAYER FOR RELIEF

WHEREFORE, CRFD respectfully requests that this Court enter judgment in its favor as follows:

A. Holding that Defendants have directly infringed, literally and/or under the doctrine of equivalents, one or more of the claims of the Asserted Patents;

B. Holding that Defendants have indirectly infringed, literally and/or under the doctrine of equivalents, one or more of the claims of the Asserted Patents;

C. Permanently enjoining Defendants and their officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with any of them from infringing, inducing the infringement of, or contributing to the infringement of the Asserted Patents;

D. Permanently enjoining the use of the products that transfer an on-going software session from one device to another device and the web content reformatting products created or used according to the patented methods of the Asserted Patents;

E. Awarding to CRFD the damages to which it is entitled under 35 U.S.C. § 284 for Defendants' past infringement and any continuing or future infringement up until the date Defendants are finally and permanently enjoined from further infringement, including compensatory damages;

F. Declaring this to be an exceptional case and awarding CRFD's attorneys' fees under 35 U.S.C. § 285;

G. Awarding CRFD costs and expenses in this action;

H. Awarding CRFD pre- and post-judgment interest on its damages; and

I. Awarding CRFD such other and further relief in law or in equity as this Court deems just and proper.

JURY DEMAND

CRFD, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any and all issues so triable by right.

Dated: March 7, 2014

Respectfully submitted,

FARNAN LLP

/s/ Brian E. Farnan

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