IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MEDIACOM COMMUNICATIONS CORPORATION, Plaintiff, v. CDN INNOVATIONS, LLC, Defendant.	)	C.A. No. _____ **JURY TRIAL DEMANDED**

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff Mediacom Communications Corporation ("Mediacom") files this Complaint and Jury Demand against Defendant CDN Innovations, LLC ("CDN" or "Defendant") upon personal knowledge of Mediacom's own actions, and information and belief as to all other matters, as follows:

NATURE OF THE ACTION

1. This is an action for declaratory judgment of non-infringement and invalidity of U.S. Patent Nos. 6,311,180 ("the '180 patent"), 6,865,532 ("the '532 patent"), 7,130,831 ("the '831 patent"), 7,225,157 ("the '157 patent"), 8,024,227 ("the '227 patent"), 7,164,714 ("the '714 patent"), 7,293,291 ("the '291 patent"), and 7,565,699 ("the '699 patent") (collectively, the "Asserted Patents") under the Federal Declaratory Judgments Act, 28 U.S.C. §§ 2201 and 2202, and the patent laws of the United States, 35 U.S.C. §§ 1 et seq.

2. Mediacom seeks relief because Defendant has made it clear through other lawsuits and correspondence to Mediacom that it intends to assert infringement of the Asserted Patents against Mediacom.

THE PARTIES

3. Mediacom is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 1 Mediacom Way, Chester, NY 10918.

4. Mediacom is a communications and media delivery company that delivers broadband, video, mobile, and other services to its customers.

5. On information and belief, Defendant is a limited liability company under the laws of the State of Georgia with its principal place of business at 44 Milton Ave., Suite 254, Alpharetta, Georgia 30009.

6. On information and belief, Defendant is subsidiary of Brainbox Innovations, LLC ("Brainbox"), which is also a limited liability company under the laws of the State of Georgia with its principal place of business at 44 Milton Ave., Suite 254, Alpharetta, Georgia 30009.

7. On information and belief, Brainbox has at least four additional subsidiaries that assert patent portfolios: DataCloud Technology Innovations, LLC, DigiMedia Tech, LLC, CommWorks Solutions, LLC, and Hanger Solutions, LLC.

FACTUAL BACKGROUND

The Parties' Correspondence

8. On August 1, 2022, Defendant's counsel sent Mediacom's counsel a letter contending that Defendant infringed the Asserted Patents. (See Ex. A.) In particular, Defendant asserted that Mediacom's internet and cable services infringe claim 12 of the '714 patent, claim 1 of the '180 patent, claim 1 of the '532 patent, claim 1 of the '831 patent, claim 6 of the '157 patent, claim 24 of the '227 patent, claim 1 of the '291 patent, and claim 1 of the '699 patent.

9. Thus, Defendant has alleged that Mediacom infringes the following claims (individually, an "Asserted Claim," and collectively, "the Asserted Claims"):

- Claim 12 of the '714 patent,
- Claim 1 of the '180 patent,
- Claim 1 of the '532 patent,
- Claim 1 of the '831 patent,
- Claim 6 of the '157 patent,
- Claim 24 of the '227 patent,
- Claim 1 of the '291 patent, and
- Claim 1 of the '699 patent.

10. Defendant has filed suits alleging infringement of at least some of the Asserted Patents in nine other cases. *See* Case Nos. 6:20-cv-00442 (WDTX), 6:20-cv-00444 (WDTX), 6:20-cv-00445 (WDTX), 4:20-cv-00653 (EDTX), 4:20-cv-00709 (EDTX), 6:20-cv-00959 (WDTX), 4:21-cv-00381 (EDTX), 1:21-cv-02240 (NDGA), and 4:22-cv-661 (EDTX).

The Asserted Patents

11. The '180 patent issued on October 30, 2001 and is entitled "Method for Mapping and Formatting Information for a Display Device" The '180 patent is attached as Exhibit B. Claim 1 of the '180 patent is reproduced below.

> **1.** A method for dynamically creating a display document to fit on at least one display device in a computer network based on one or more display limitations of the display device and one or more viewing preferences of a user of the display device, the method comprising the steps of:
>
> providing one or more source contents in a predetermined format;
>
> recognizing the display limitations of the display device from a first information source;
>
> determining the viewing preferences of the user from a second information source;

selecting one or more preferred display contents from the source contents by a mapping system in conformance with the display limitations and the viewing preferences; and

generating the display document containing the preferred display contents to be displayed on the display device.

12. The '532 patent issued on March 8, 2005 and is entitled "Method for recognizing spoken identifiers having predefined grammars." The '532 patent is attached as Exhibit C. Claim 1 of the '532 patent is reproduced below.

1. A method for selecting and recognizing spoken identifiers, comprising:

defining a phrase having a plurality of word slots, the plurality of word slots arranged in the phrase in a predetermined order and according to a predetermined grammatical structure of a target language;

associating a set of unique words with each word slot, the words in each set selected from the target language according to the grammatical structure;

generating a plurality of unique identifiers by selecting one word from each set for each word slot for each identifier such that a concatenating of the selected words in the predetermined order form the unique identifier.

13. The '831 patent issued on October 31, 2006 and is entitled "Limited-use browser and security system." The '831 patent is attached as Exhibit D. Claim 1 of the '831 patent is reproduced below.

1. A method for controlling access to information presented by a web browser executing on a local computer system connected to a computer network, wherein content is downloaded from a source over the computer network to the web browser, the method comprising:

downloading, from the source to the local computer system, authorization information that configures the web browser to process content in a manner determined by the source;

downloading content from the source to the local computer system;

presenting the downloaded content within a browser window of the web browser; and

as determined by the source in accordance with the authorization information, disabling at the local computer system a disallowed user function that affects the downloaded content when the downloaded content is within the browser window.

14. The '157 patent issued on May 29, 2007 and is entitled "Limited-use browser and security system." The '157 is attached as Exhibit E. Claim 6 of the '157 patent is reproduced below.

6. A method of receiving compensation for distributing protected content over a computer network comprising:

(A) providing network accessible protected content from a source;

(B) authorizing downloading of protected content from a source to a client system;

(B1) providing an end-user at the client system with a web browser program configured to disable non-ephemeral reproduction functions of the web browser program while the protected content is detected as being displayed by the web browser program at the client system; and

(C) preventing, until compensation is received, non-ephemeral reproduction of the downloaded content, while the downloaded content is being displayed at the client system.

15. The '227 patent issued on September 20, 2011 and is entitled "Limited-use browser and security system." The '227 patent is attached as Exhibit F. Claim 24 of the '227 patent is reproduced below.

24. A system, comprising:

means for configuring a content viewer to disable non-ephemeral presentation or reproduction of protected material;

means for validating consideration for access to the protected material; and

means for securely providing the protected material to the content viewer.

16. The '714 patent issued on January 16, 2007 and is entitled "Video transmission and processing system for generating a user mosaic." The '714 patent is attached as Exhibit G. Claim 12 of the '714 patent are reproduced below.

12. A digital signal comprising:

a plurality of primary video signals coded in accordance with an MPEG-2 standard,

a plurality of secondary video signals coded in accordance with an MPEG-4 standard, each secondary video signal being obtained successively by sub-sampling and encoding each primary video signal, and

a descriptor corresponding to each secondary signal characterizing the corresponding primary video signal.

17. The '291 patent issued on November 6, 2007 and is entitled "System and method for detecting computer port inactivity." The '291 patent is attached as Exhibit H. Claim 1 of the '291 patent is reproduced below.

1. A system comprising:

a router, including:

a first interface to communicate with a local area network connection at an end user computer;

a second interface to communicate with a wide area network connection to at a distributed computer network;

detection logic responsive to the first interface, the detection logic to detect user inactivity at the end-user computer; and

blocking logic responsive to the detection logic, the blocking logic to selectively initiate a blocking signal to disable communications received at the second interface from being sent over the first interface to the end-user computer; wherein

the detection logic and the blocking logic are embedded within an auto-sensing Ethernet port of the router.

18. The '699 patent issued on July 21, 2009 and is entitled "System and method for detecting computer port inactivity." The '699 patent is attached as Exhibit I. Claim 1 of the '699 patent is reproduced below.

1. A system comprising: a router, including:

a first interface to communicate with a first connection at an end-user computer;

a second interface to communicate with a second connection at a distributed computer network;

detection logic responsive to the first interface to detect inactivity at the end-user computer; and

blocking logic in response to said detection logic, the blocking logic to selectively initiate a blocking signal to disable communicating data received at the second interface to the end-user computer via the first interface,

wherein the detection logic and the blocking logic are embedded within a port of the router.

JURISDICTION AND VENUE

19. The foregoing paragraphs 1-18 are incorporated as if set forth herein in their entirety.

20. This action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq*. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331, 1338, and 2201 based on a definite and concrete, real and substantial, justiciable controversy between Mediacom, on the one hand, and Defendant, on the other hand, for declaratory judgment of patent non-infringement and invalidity under 28 U.S.C. §§ 1331, 1338, 2201 and 2202.

21. Defendant sent a letter to Mediacom (Ex. A) alleging that Mediacom is "infringing one or more claims" of the Asserted Patents. Defendant asserted that "we have determined that you infringe" the Asserted Claims, and provided "a non-exhaustive list of Infringing Products." The list totaled over 50 products. Defendant stated that "as a result of your actions, CDN and its predecessors have suffered and will continue to suffer patent infringement damages." Defendant further advised that "if you have legal counsel, please direct us to them."

22. Defendant files suit after sending a letter such as the one it sent to Mediacom. For example, Defendant sent a "letter regarding notice of infringement" to Cox Communications, Inc. on February 23, 2021, and then filed suit against Cox on May 28, 2021. (Case No. 1-21-cv-02240 (NDGA), D.I. 1 at ¶ 38.) Similarly, Defendant sent a "letter regarding notice of infringement" to Cequel Communications, LLC on February 23, 2021, and then filed suit against Cequel on May 18, 2021. (Case No. 4-21-cv-00381 (EDTX), D.I. 1 at ¶ 36.)

23. The Court has specific personal jurisdiction over Defendant pursuant to Delaware's Long Arm Statute, 10 Del. C. § 3104 and the Due Process Clause of the Fourteenth Amendment by virtue of the Defendant's contacts with Delaware.

24. Defendant has purposefully directed its enforcement activity at Delaware by virtue of its demand letter campaign targeting Delaware corporations, including Mediacom.

25. Defendant has further directed its enforcement activity at Delaware by hiring a Delaware law firm, the Devlin Law Firm, to handle its licensing and patent assertion campaign. For example, the August 1, 2022 demand letter sent to Mediacom was sent from the Devlin Law Firm address at 1526 Gilpin Avenue, Wilmington, Delaware. (*See* Ex. A.) Attorneys from The Devlin Law Firm have also represented Defendant in at least thirteen patent infringement cases, listing a Delaware address on Defendant's Court submissions. *See* Case Nos. 6-20-cv-00442

(WDTX), 6-20-cv-00443 (WDTX), 6-20-cv-00444 (WDTX), 6-20-cv-00445 (WDTX), 6-20-cv-00446 (WDTX), 6-20-cv-00447 (WDTX), 6-20-cv-00448 (WDTX), 4-20-cv-00653 (EDTX), 4-20-cv-00709 (EDTX), 6-20-cv-00959 (WDTX), 4-21-cv-00381 (EDTX), 1-21-cv-02240 (NDGA), and 4:22-cv-661 (EDTX).

26. Defendant has further directed its enforcement activity at Delaware by virtue of its litigation campaign. Defendant's enforcement campaign has targeted numerous entities organized under the laws of, or incorporated in, Delaware.

27. In Case No. 6:20-cv-00442 (WDTX), Defendant targeted Broadcom, Inc., a Delaware corporation, asserting certain of the Asserted Patents.

28. In Case No. 6:20-cv-00444 (WDTX), Defendant targeted MediaTek US, Inc., a Delaware corporation, asserting certain of the Asserted Patents.

29. In Case No. 6:20-cv-00445 (WDTX), Defendant targeted Microchip Technologies Incorporated, a Delaware corporation, asserting certain of the Asserted Patents.

30. In Case No. 4:20-cv-00653 (EDTX), Defendant targeted Grande Communications Networks, LLC, a Delaware LLC, asserting certain of the Asserted Patents.

31. In Case No. 4:20-cv-00709 (EDTX), Defendant targeted Cable One, Inc., a Delaware corporation, asserting certain of the Asserted Patents.

32. In Case No. 6:20-cv-00959 (WDTX), Defendant targeted TDS Broadband Service LLC, a Delaware LLC, asserting certain of the Asserted Patents.

33. In Case No. 1:21-cv-02240 (NDGA), Defendant targeted Cox Communications, Inc., a Delaware corporation, asserting certain of the Asserted Patents.

34. On information and belief, Defendant availed itself of the protections of the State of Delaware by entering into settlement agreements with Delaware corporations that are governed by Delaware law.

35. Defendant also purposefully availed itself of the protections of the State of Delaware upon assignment of the Asserted Patents. On information and belief, the assignors of any interest Defendant has in the Asserted Patents are Delaware LLCs, Intellectual Ventures Assets 144 LLC and Intellectual Ventures Assets 147 LLC (together, "Intellectual Ventures"), which each recorded an address at 251 Little Falls Drive, Wilmington, DE 19808. Intellectual Ventures conveyed the Asserted Patents to Defendant over four separate conveyances on November 15, 2019. (Exs. J, K, L, M.)

36. On information and belief, Intellectual Ventures maintains a security interest in the patents it assigned to Defendant, including the Asserted Patents, which has been recorded in Georgia. The associated UCC financing statements, which were filed on December 5, 2019, reference an agreement between Intellectual Ventures and Defendant governing the secured sale of the patent portfolio. (Exs. N, O.)

37. By virtue of the secured assignment of rights in the Asserted Patents from the two Intellectual Ventures LLCs, Defendant has further purposefully directed its enforcement activity at Delaware by creating an ongoing relationship of obligation to Delaware entities that subjects it to this Court's personal jurisdiction.

38. Defendant's campaign of patent licensing and assertion is part of a broader, coordinated patent assertion campaign driven by Brainbox and executed through Defendant and its sister LLCs, including the other Brainbox subsidiaries DataCloud Technologies, LLC, CommWorks Solutions, LLC, and DigiMedia Tech, LLC. Each of these entities obtained

assignments of patent portfolios from one or more Delaware LLCs, each of which is a differently numbered "Intellectual Ventures Assets" LLC.

39. DataCloud Technologies, LLC obtained its patent portfolio through conveyances from Intellectual Ventures Assets 148, LLC and Intellectual Ventures Assets 151, LLC, both Delaware LLCs. (Exs. P, Q, R, S.) These assignments were also executed on November 15, 2019, the same day as Defendant's assignments referenced above. UCC financing statements for these assignments were filed on December 5, 2019, the same day as Defendant's financing statements referenced above. (Exs. T, U.)

40. CommWorks Solutions, LLC obtained its patent portfolio through conveyances from Intellectual Ventures Assets 130, LLC and Intellectual Ventures Assets 135, LLC, both Delaware LLCs. (Exs., V, W, X, Y, Z.) These assignments were also executed on November 15, 2019, the same day as Defendant's assignments referenced above. UCC financing statements for these assignments were filed on December 5, 2019, the same day as Defendant's financing statements referenced above. (Exs. AA, BB.)

41. DigiMedia Tech, LLC obtained its patent portfolio through conveyances from Intellectual Ventures Assets 142, LLC and Intellectual Ventures Assets 145, LLC, both Delaware LLCs. (Exs. CC, DD, EE, FF.) These assignments were also executed on November 15, 2019, the same day as Defendant's assignments referenced above. UCC financing statements for these assignments were filed on December 5, 2019, the same day as Defendant's financing statements referenced above. (Exs. GG, HH.)

42. As part of the coordinated Brainbox patent assertion campaign, Defendant's sister entities DigiMedia Tech, LLC and DataCloud Technologies, LLC have litigated claims against accused infringers in the District of Delaware. *See, e.g.,* Case Nos. 1:21-cv-01629 (DDE), 1:21-

cv-01020 (DDE), 1:21-cv-00837 (DDE), 1:21-cv-00170 (DDE), 1:21-cv-00164 (DDE), 1:21-cv-00155 (DDE), 1:21-cv-01313 (DDE), 1:21-cv-01314 (DDE), 1:21-cv-00763 (DDE), 1:21-cv-00764 (DDE), 1:21-cv-00227 (DDE), and 1:22-cv-01178 (DDE).

43. As part of the coordinated Brainbox patent assertion campaign, Defendant's sister entity DataCloud Technologies, LLC continues to litigate claims in the District of Delaware as of the date of this Complaint. *See, e.g.*, Case No. 1:21-cv-00164 (DDE), 1:22-cv-01178 (DDE).

44. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b)-(c). Because Defendant is subject to the personal jurisdiction of the District of Delaware for this action, Defendant is deemed to reside in the District of Delaware under 28 U.S.C. § 1391(c)(2), and venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(1).

COUNT I

(Declaratory Judgment of Non-infringement of the '180 patent)

45. The foregoing paragraphs 1-44 are incorporated as if set forth herein in their entirety.

46. By virtue of Defendant's past litigation history and assertion letter to Mediacom, an actual controversy exists between Mediacom and Defendant as to whether Mediacom infringes claim 1 of the '180 patent.

47. Specifically, Defendant has asserted that the Mediacom's "display documents adapted to meet user preferences and device display limitations" infringes claim 1 of the '180 patent.

48. Mediacom does not infringe claim 1 of the '180 patent.

49. Without limiting the generality of the foregoing and by way of example only, Defendant cannot show that Mediacom meets, either literally or under the doctrine of equivalents,

many of the claim limitations found in claim 1 because display documents are not created "dynamically."

COUNT II

(Declaratory Judgment of Invalidity of the '180 patent)

50. The foregoing paragraphs 1-49 are incorporated as if set forth herein in their entirety.

51. By virtue of Defendant's past litigation history and assertion letters to Mediacom, an actual controversy exists between Mediacom and Defendant as to whether claim 1 of the '180 patent is valid.

52. Claim 1 of the '180 patent is invalid and void because it fails to comply with one or more of the conditions and requirements of the patent laws, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112, and/or the rules, regulations, laws, and decisions pertaining thereto.

53. Claim 1 of the '180 patent is invalid under 35 U.S.C. § 101 because it is directed to the patent-ineligible abstract idea of sizing an image to fit a display.

54. Claim 1 of the '180 patent is further invalid under 35 U.S.C. §§ 102 and/or 103. As a non-limiting example, the claims are anticipated or rendered obvious in view of U.S. Pat. No 6,430,624.

55. Claim 1 of the '180 patent is further invalid under 35 U.S.C. § 112. As a non-limiting example, the '180 patent fails to provide a sufficient written description to enable a person of skill in the art to generate the claimed customized display.

56. Pursuant to 28 U.S.C. §§ 2201 and 2202, a judicial determination of the respective rights of the parties with respect to whether the Asserted Claim of the '180 patent is invalid and void is necessary and appropriate under the circumstances.

COUNT III

(Declaratory Judgment of Non-infringement of the '532 patent)

57. The foregoing paragraphs 1-56 are incorporated as if set forth herein in their entirety.

58. By virtue of Defendant's past litigation history and assertion letter to Mediacom, an actual controversy exists between Mediacom and Defendant as to whether Mediacom infringes claim 1 of the '532 patent.

59. Specifically, Defendant has asserted that the Xtreme Voice Remote infringes claim 1 of the '532 patent.

60. Mediacom does not infringe claim 1 of the '532 patent.

61. Without limiting the generality of the foregoing and by way of example only, Mediacom does not meet, either literally or under the doctrine of equivalents, many of the claim limitations found in claim 1 of the '532 patent because Defendant cannot show that the Xtreme Voice Remote meets the "generating a plurality of unique identifiers" or "form[ing] the unique identifier" limitations. (*See, e.g.*, *CDN Innovations, LLC v. Grande Communications Networks, LLC*, Case No. 4-20-cv-00653 (EDTX), D.I. 54 at 65 (rejecting "CDN's contention that the 'unique identifiers' cover more than just physical devices").)

COUNT IV

(Declaratory Judgment of Invalidity of the '532 patent)

62. The foregoing paragraphs 1-61 are incorporated as if set forth herein in their entirety.

63. By virtue of Defendant's past litigation history and assertion letters to Mediacom, an actual controversy exists between Mediacom and Defendant as to whether claim 1 of the '532 patent is valid.

64. Claim 1 of the '532 patent is invalid and void because it fails to comply with one or more of the conditions and requirements of the patent laws, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112, and/or the rules, regulations, laws, and decisions pertaining thereto.

65. Claim 1 of the '532 patent is invalid under 35 U.S.C. § 101 because it is directed to the patent-ineligible abstract idea of converting a word phrase into a numerical equivalent.

66. Claim 1 of the '532 patent is further invalid under 35 U.S.C. §§ 102 and/or 103. As a non-limiting example, the claims are anticipated or rendered obvious in view of Daniel M. Bikel et al. *An Algorithm that Learns What's in a Name*, 35 Mach. Learning 211 (1999).

67. Claim 1 of the '532 patent is further invalid under 35 U.S.C. § 112. As a non-limiting example, the '532 patent fails to provide a written description to enable a person of skill in the art to convert spoken words into electronic commands. Additionally, the phrase **"**such that a concatenating of the selected words in the predetermined order form the unique identifier" is indefinite.

68. Pursuant to 28 U.S.C. §§ 2201 and 2202, a judicial determination of the respective rights of the parties with respect to whether the Asserted Claim of the '532 patent is invalid and void is necessary and appropriate under the circumstances.

COUNT V

(Declaratory Judgment of Non-infringement of the '831 patent)

69. The foregoing paragraphs 1-68 are incorporated as if set forth herein in their entirety.

70. By virtue of Defendant's past litigation history and assertion letter to Mediacom, an actual controversy exists between Mediacom and Defendant as to whether Mediacom infringes claim 1 of the '831 patent.

71. Specifically, Defendant has asserted that Mediacom instrumentalities that control access to information presented on a web browser infringe claim 1 of the '831 patent.

72. Mediacom does not infringe claim 1 of the '831 patent.

73. Without limiting the generality of the foregoing and by way of example only, Mediacom does not meet, either literally or under the doctrine of equivalents, many of the claim limitations found in claim 1 of the '831 patent because, even to the extent that Mediacom, rather than a third party, practices any of the steps recited in claim 1, Defendant cannot show that Mediacom "downloads content from the source to the local computer system" because content is not saved in the user's storage system.

COUNT VI

(Declaratory Judgment of Invalidity of the '831 patent)

74. The foregoing paragraphs 1-73 are incorporated as if set forth herein in their entirety.

75. By virtue of Defendant's past litigation history and assertion letters to Mediacom, an actual controversy exists between Mediacom and Defendant as to whether claim 1 of the '831 patent is valid.

76. Claim 1 of the '831 patent is invalid and void because it fails to comply with one or more of the conditions and requirements of the patent laws, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112, and/or the rules, regulations, laws, and decisions pertaining thereto.

77. Claim 1 of the '831 patent is invalid under 35 U.S.C. § 101 because it is directed to the patent-ineligible abstract idea of limiting access to content based on user permissions.

78. Claim 1 of the '831 patent is further invalid under 35 U.S.C. §§ 102 and/or 103. As a non-limiting example, the claim is anticipated or rendered obvious in view of typical authentication processes already widespread in standard web browsers at the time of the alleged invention. Additionally, as a non-limiting example, claim 1 of the '831 patent is anticipated or rendered obvious in view of at least U.S. Pat. No. 5,987,611 and Brenda S. Baker & Eric Grosse, *Local Control over Filtered WWW Access*, Fourth Int'l World Wide Web Conf. (Dec. 11-14, 1995).

79. Pursuant to 28 U.S.C. §§ 2201 and 2202, a judicial determination of the respective rights of the parties with respect to whether the Asserted Claim of the '831 patent is invalid and void is necessary and appropriate under the circumstances.

COUNT VII

(Declaratory Judgment of Non-infringement of the '157 patent)

80. The foregoing paragraphs 1-79 are incorporated as if set forth herein in their entirety.

81. By virtue of Defendant's past litigation history and assertion letter to Mediacom, an actual controversy exists between Mediacom and Defendant as to whether Mediacom infringes claim 6 of the '157 patent.

82. Specifically, Defendant has asserted that Mediacom instrumentalities that control access to information presented on a web browser infringe claim 6 of the '157 patent.

83. Mediacom does not infringe claim 6 of the '157 patent.

84. Without limiting the generality of the foregoing and by way of example only, Defendant cannot show that Mediacom meets, either literally or under the doctrine of equivalents, many of the claim limitations found claim 6 of the '157 patent because, to the extent that Mediacom, rather than a third party, practices any of the steps recited in claim 1, Defendant cannot show that Mediacom "downloads" content because content is not saved in the user's storage system.

COUNT VIII

(Declaratory Judgment of Invalidity of the '157 patent)

85. The foregoing paragraphs 1-84 are incorporated as if set forth herein in their entirety.

86. By virtue of Defendant's past litigation history and assertion letters to Mediacom, an actual controversy exists between Mediacom and Defendant as to whether claim 6 of the '157 patent is valid.

87. Claim 6 of the '157 is invalid and void because it fails to comply with one or more of the conditions and requirements of the patent laws, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112, and/or the rules, regulations, laws, and decisions pertaining thereto.

88. Claim 6 of the '157 patent is invalid under 35 U.S.C. § 101 because it is directed to the patent-ineligible abstract idea of limiting access to content based on user permissions.

89. Claim 6 of the '157 patent is further invalid under 35 U.S.C. §§ 102 and/or 103. As a non-limiting example, the claims are anticipated or rendered obvious in view of typical authentication processes already widespread in standard web browsers at the time of the alleged invention. Additionally, as a non-limiting example, claim 6 of the '157 patent is anticipated or rendered obvious in view of U.S. Pub. No. 2002/0002688 and/or Brenda S. Baker & Eric Grosse, *Local Control over Filtered WWW Access*, Fourth Int'l World Wide Web Conf. (Dec. 11-14, 1995).

90. Pursuant to 28 U.S.C. §§ 2201 and 2202, a judicial determination of the respective rights of the parties with respect to whether the Asserted Claim of the '157 patent is invalid and void is necessary and appropriate under the circumstances.

COUNT IX

(Declaratory Judgment of Non-infringement of the '227 patent)

91. The foregoing paragraphs 1-90 are incorporated as if set forth herein in their entirety.

92. By virtue of Defendant's past litigation history and assertion letter to Mediacom, an actual controversy exists between Mediacom and Defendant as to whether Mediacom infringes claim 24 of the '227 patent.

93. Specifically, Defendant has asserted that Mediacom instrumentalities that control access to information presented on a web browser infringe claim 24 of the '227 patent.

94. Mediacom does not infringe claim 24 of the '227 patent.

95. Without limiting the generality of the foregoing and by way of example only, Mediacom does not meet, either literally or under the doctrine of equivalents, many of the claim limitations found in claim 24 of the '227 patent because, to the extent that Mediacom, rather than a third party, practices any of the steps recited in claim 24, Defendant cannot show that Mediacom performs the "receiving a disablement acknowledgment indicating one or more non-transient output functions associated with the browser are disabled" limitation.

COUNT X

(Declaratory Judgment of Invalidity of the '227 patent)

96. The foregoing paragraphs 1-95 are incorporated as if set forth herein in their entirety.

97. By virtue of Defendant's past litigation history and assertion letters to Mediacom, an actual controversy exists between Mediacom and Defendant as to whether claim 24 of the '227 patent is valid.

98. Claim 24 of the '227 patent is invalid and void because it fails to comply with one or more of the conditions and requirements of the patent laws, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112, and/or the rules, regulations, laws, and decisions pertaining thereto.

99. Claim 24 of the '227 patent is invalid under 35 U.S.C. § 101 because it is directed to the patent-ineligible abstract idea of limiting access to content based on user permissions.

100. Claim 24 of the '227 patent is further invalid under 35 U.S.C. §§ 102 and/or 103. As a non-limiting example, the claims are anticipated or rendered obvious in view of typical authentication processes already widespread in standard web browsers at the time of the alleged invention. The claims are at least rendered obvious by traditional cinemas in view of web browsers. Additionally, as a non-limiting example, claim 24 of the '227 patent is anticipated or rendered obvious in view of U.S. Pub. No. 2002/0002688 and/or Brenda S. Baker & Eric Grosse, *Local Control over Filtered WWW Access*, Fourth Int'l World Wide Web Conf. (Dec. 11-14, 1995).

101. Pursuant to 28 U.S.C. §§ 2201 and 2202, a judicial determination of the respective rights of the parties with respect to whether the Asserted Claim of the '227 patent is invalid and void is necessary and appropriate under the circumstances.

COUNT XI

(Declaratory Judgment of Non-infringement of the '714 patent)

102. The foregoing paragraphs 1-101 are incorporated as if set forth herein in their entirety.

103. By virtue of Defendant's past litigation history and assertion letter to Mediacom, an actual controversy exists between Mediacom and Defendant as to whether Mediacom infringes claim 12 of the '714 patent.

104. Specifically, Defendant has asserted that Mediacom's "television guidance systems" infringe claim 12 of the '714 patent.

105. Mediacom does not infringe claim 12 of the '714 patent.

106. Without limiting the generality of the foregoing and by way of example only, Mediacom does not meet, either literally or under the doctrine of equivalents, many of the claim

limitations found in claim 12 of the '714 patent because Defendant cannot show that Mediacom meets the "plurality of secondary video signals . . . obtained successively by sub-sampling and encoding each primary video signal" limitation because Defendant cannot show that any guide sub-samples a plurality of video signals to display within the guide.

COUNT XII

(Declaratory Judgment of Invalidity of the '714 patent)

107. The foregoing paragraphs 1-106 are incorporated as if set forth herein in their entirety.

108. By virtue of Defendant's past litigation history and assertion letters to Mediacom, an actual controversy exists between Mediacom and Defendant as to whether claim 12 of the '714 patent is valid.

109. Claim 12 of the '714 patent is invalid and void because it fails to comply with one or more of the conditions and requirements of the patent laws, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112, and/or the rules, regulations, laws, and decisions pertaining thereto.

110. Claim 12 of the '714 patent is invalid under 35 U.S.C. §§ 102 and/or 103. As a non-limiting example, the claims are anticipated or rendered obvious by TV guides with video thumbnails, which the '714 patent admits were known in the art, in view of prioritized or categorized television listing and guides. Additionally, as a non-limiting example, claim 12 of the '714 patent is anticipated or rendered obvious in view of U.S. Pat. No. 6,005,562 and/or U.S. Patent No. 5,822,014.

111. Pursuant to 28 U.S.C. §§ 2201 and 2202, a judicial determination of the respective rights of the parties with respect to whether the Asserted Claims of the '714 patent is invalid and void is necessary and appropriate under the circumstances.

COUNT XIII

(Declaratory Judgment of Non-infringement of the '291 patent)

112. The foregoing paragraphs 1-111 are incorporated as if set forth herein in their entirety.

113. By virtue of Defendant's past litigation history and assertion letter to Mediacom, an actual controversy exists between Mediacom and Defendant as to whether Mediacom infringes claim 1 of the '291 patent.

114. Specifically, Defendant has asserted that Mediacom products with a "Port Triggering feature" infringe claim 1 of the '291 patent.

115. Mediacom and the routers Mediacom supplies to customers do not infringe claim 1 of the '291 patent.

116. Without limiting the generality of the foregoing and by way of example only, Defendant cannot show that Mediacom meets, either literally or under the doctrine of equivalents, many of the claim limitations found in claim 1 of the of the '291 patent, such as "initiating a blocking signal" in response to "detecting at the routing equipment that the end-user computer has been idle for an idle time greater than an idle time activity threshold."

COUNT XIV

(Declaratory Judgment of Invalidity of the '291 patent)

117. The foregoing paragraphs 1-116 are incorporated as if set forth herein in their entirety.

118. By virtue of Defendant's past litigation history and assertion letters to Mediacom, an actual controversy exists between Mediacom and Defendant as to whether claim 1 of the '291 patent is valid.

119. Claim 1 of the '291 patent is invalid and void because it fails to comply with one or more of the conditions and requirements of the patent laws, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112, and/or the rules, regulations, laws, and decisions pertaining thereto.

120. Claim 1 of the '291 patent is invalid under 35 U.S.C. §§ 102 and/or 103. As a non-limiting example, claim 1 of the '291 patent is anticipated or rendered obvious in view of U.S. Pat. No. 6,643,780 and/or U.S. Pub. No. 2004/0162992.

121. Pursuant to 28 U.S.C. §§ 2201 and 2202, a judicial determination of the respective rights of the parties with respect to whether the Asserted Claim of the '291 patent is invalid and void is necessary and appropriate under the circumstances.

COUNT XV

(Declaratory Judgment of Non-infringement of the '699 patent)

122. The foregoing paragraphs 1-121 are incorporated as if set forth herein in their entirety.

123. By virtue of Defendant's past litigation history and assertion letter to Mediacom, an actual controversy exists between Mediacom and Defendant as to whether Mediacom infringes claim 1 of the '699 patent.

124. Specifically, Defendant has asserted that Mediacom products with a "Port Triggering feature" infringe claim 1 of the '699 patent.

125. Mediacom and the routers Mediacom supplies to customers do not infringe claim

1 of the '699 patent.

126. Without limiting the generality of the foregoing and by way of example only, Defendant cannot show that Mediacom meets, either literally or under the doctrine of equivalents, many of the claim limitations found in claim 1 of the of the '699 patent, such as "initiating a blocking signal" in response to "detecting at the routing equipment that the end-user computer has been idle for an idle time greater than an idle time activity threshold."

COUNT XVI

(Declaratory Judgment of Invalidity of the '699 patent)

127. The foregoing paragraphs 1-126 are incorporated as if set forth herein in their entirety.

128. By virtue of Defendant's past litigation history and assertion letters to Mediacom, an actual controversy exists between Mediacom and Defendant as to whether claim 1 of the '699 patent is valid.

129. Claim 1 of the '699 patent is invalid and void because it fails to comply with one or more of the conditions and requirements of the patent laws, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112, and/or the rules, regulations, laws, and decisions pertaining thereto.

130. Claim 1 of the '699 patent is invalid under 35 U.S.C. §§ 102 and/or 103. As a non-limiting example, claim 1 of the '699 patent is anticipated or rendered obvious in view of U.S. Pat. No. 6,643,780 and/or U.S. Pub. No. 2004/0162992.

131. Pursuant to 28 U.S.C. §§ 2201 and 2202, a judicial determination of the respective rights of the parties with respect to whether the Asserted Claim of the '699 patent is invalid and void is necessary and appropriate under the circumstances.

PRAYER FOR RELIEF

132. WHEREFORE, Mediacom requests entry of judgement in its favor against Defendant as follows:

a. For a declaration that Mediacom does not infringe any valid and enforceable Asserted Claim of the Asserted Patents;

b. For a declaration that the Asserted Claims of the Asserted Patents are invalid and void because each fails to comply with one or more of the conditions and requirements of the patent laws, including without limitation 35 U.S.C. §§ 101, 102, 103, and 112;

c. Finding the case exceptional and awarding Mediacom its attorneys' fees and costs pursuant to 35 U.S.C. § 285 and 28 U.S.C. § 1927, and this Court's inherent equitable powers; and

d. For other such relief as the Court may deem just and proper.

Demand for Jury Trial

Pursuant to Federal Rule of Civil Procedure 38(b), Mediacom hereby demands a trial by jury of all issues so triable in this action.

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/s/ Jennifer Ying

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