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

AKAMAI TECHNOLOGIES, INC.,	C.A. No. _____
Plaintiff,	
v.	**JURY TRIAL DEMANDED**
AUTOMATED MEDIA PROCESSING SOLUTIONS, INC. D/B/A EQUILIBRIUM,	
Defendant.	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Akamai Technologies, Inc. ("Akamai") for its Complaint for Patent

Infringement and Demand for Jury Trial against Automated Media Processing Solutions, Inc.

d/b/a Equilibrium ("Equilibrium") states the following:

NATURE OF THIS ACTION

1.   This is a civil action for the infringement of U.S. Patent No. 8,543,667 ("the '667

Patent").

PARTIES

2.   Akamai is a corporation duly organized and existing under the laws of Delaware,

with its corporate headquarters and a principal place of business at 145 Broadway, Cambridge,

MA 02142.

3.   On information and belief, Equilibrium is a corporation organized and existing

under the laws of Delaware, with its principal place of business at 500 Tamal Plaza, Suite 528,

Corte Madera, CA 94925.

JURISDICTION AND VENUE

4.   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).

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

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

AKAMAI'S LEADING TECHNOLOGY

7.   Akamai builds, delivers, and secures digital experiences for leading companies around the world—helping billions of people live, work, and play every day. With the world's most distributed compute platform—from cloud to edge—Akamai makes it easier for customers to develop and run applications, while keeping experiences closer to users and threats farther away.

THE '667 PATENT

8.   The '667 Patent, entitled "Policy-Based Content Insertion," issued on September 24, 2013, from U.S. Patent Application No. 12/013,756 filed on January 14, 2008. A true and correct copy of the '667 Patent is attached as Exhibit A.

9.   Akamai is the sole owner and assignee of the entire right, title, and interest in the '667 Patent and has the sole right to sue and recover damages for any current or past infringement.

10.   The '667 Patent "relates generally to computer-based methods and apparatuses, including computer program products, for policy-based content insertion." '667 Patent, 1:5-7.

The '667 Patent provides a specific technological solution to the multiple obstacles in digital content insertion. As the '667 Patent specification explains, prior content insertion systems and methods did not offer an efficient process where streaming of content for insertion was tied to the processing of a content request. '667 Patent at 5:1–5.

11.   The '667 Patent describes a known system with reference to Fig. 1:

> FIG. 1 illustrates a web server and a web client known in the art. The web client issues an HTTP GET request to a web server, where the Uniform Resource Locator (URL) of the content being requested is a part of the GET request. The URL is used to deliver the GET request to the right application (e.g., database application, map application, etc.) on the web server. The application on the web server applies application logic to determine if the request is to be fulfilled and, if so, the application determines the content file, the bit rate, and any other associated attributes. The application then instructs the web server to stream the file to the client based on the determined attributes. The web server constructs a 200 OK response along with the content inserted at the end of the 200 OK message. The client uses the flow control provided by transmission control protocol (TCP) to pace the rate at which it consumes the content. The client displays the content to the end user at the encoded frame rate.

'667 Patent at 2:20–36.

12.   The '667 Patent describes a second known system with reference to Fig. 2:

> FIG. 2 illustrates a web server, a proxy server, and a web client known in the art. The proxy server can operate as a reverse proxy providing a content cache. The HTTP GET request from the client is analyzed by the proxy server to determine if the proxy server has a cached copy of the content and if so, the proxy server provides an immediate response to the web client without forwarding the request to the web server. If the proxy server does not have a cached copy of the content, then the proxy server forwards the HTTP GET request to the web server where the request is analyzed and an HTTP 200 OK response is generated for forwarding via the proxy server to the web client.

'667 Patent at 2:37–48.

13.   Both systems and associated methods did not provide for the ability to scale request processing independent of media streaming. Accordingly, prior to the '667 Patent, there was a need for policy-based content insertion systems and methods that decoupled request processing and media delivery.

14.   The '667 Patent is directed to a new approach of policy-based content insertion that overcomes deficiencies and limitations in prior content insertion approaches. The claims of the '667 Patent are directed to an improvement over prior content insertion systems and methods including, e.g., a content server that modifies a request for content from a user (e.g., a user's client such as a web browser, file browser, application on set top box, etc.) based on a policy, transmits the modified request to a server (e.g., application server, web server, etc.), receives a response from the server that includes a content insertion instruction (e.g., content identification, data rate, etc.), and transmits the content to the user. '667 Patent at 5:37–57.

15.   As the '667 Patent explains, this policy-based content insertion approach decouples a client-side control plane from a greater bandwidth, server-side media plane. '667 Patent at 5:58–64. This decoupling permits service-side "introduction of new media streaming elements that integrate in a standards compliant way within the protocol framework (e.g., RTSP, HTTP, etc.)," while preserving existing client-side "web server control and application compute platforms." '667 Patent at 6:2–7. Media streaming can be "off-loaded from a web and/or other application server allowing the use of special purpose media streaming components to achieve a high-performance, cost-effective solution for the delivery of high quality video. On the client side, the decoupling, typically, does not impose any changes regarding the request of the video stream." '667 Patent at 6:7–14.

16.   Thus, the '667 Patent's policy-based content insertion techniques provide advantages over prior content insertion systems. For example, "[a]n advantage is that the streaming of data separated from the processing of a request for the data enables the processing and the streaming to be scaled independently of the other." '667 Patent at 5:3–5.

17.   As discussed above, the claims of the '667 Patent are directed to improvements over prior content insertion systems and methods and have certain advantages over those systems as described in the specification. For example, claim 28 of the '667 Patent recites:

> A computer program product, tangibly embodied in a non-transitory computer readable storage medium, the computer program product including instructions being operable to cause a data processing apparatus to:
>
> receive, at a content server, a content request from a requesting computing device;
>
> modify, at the content server, the content request by adding data to the content request, the data comprising one or more headers, attributes, or both, based on the content request;
>
> transmit, by the content server, the modified content request to a second server based on one or more routing policies; and
>
> receive, at the content server, a reply message responsive to the modified content request from the second server, the reply comprising a content insertion instruction comprising data indicative of content to transmit to the requesting computing device.

18.   Akamai has complied with its obligations under 35 U.S.C. § 287 with respect to the '667 Patent at least as of November 22, 2022, when Equilibrium received Akamai's letter (the "Cease and Desist Letter," Ex. G), which included a draft of this Complaint. The Cease and Desist Letter placed Equilibrium on actual notice of its infringement of the '667 Patent.

<center>**EQUILIBRIUM'S TWEEKIT**</center>

19.   Almost eight years after the '667 Patent issued, on February 3, 2021, Equilibrium announced its TweekIT.io ("TweekIT") product. *See* Ex. B.[1] TweekIT is a decentralized server application ("DApp") for modifying content (e.g., rendering and normalizing) to meet a user's domain specific requirements. *Id.* TweekIT is powered by partner company CPUcoin's

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[1] tweekit.io, https://equilibrium.com/news/equilibrium-launches-tweekit-io-a-new-saas-solution-to-solve-the-most-common-problems-with-file-importing-for-any-website-app-or-service-instantly/.

Computing Global Network (CGN) and is tied to Equilibrium's MediaRich content servers to process its users' content modification requests for more than 400 supported filetypes. *Id.*

20.   CPUcoin's CGN is a "global association of independently operating regional CGN nodes, each delivering computational power through use of its own pool of local, on-reserve worker node machines, each contributed to the CGN by a user wishing to offer their extra CPU power to earn CPUcoin in exchange." Ex. C[2] at 37. The CGN is an "Infrastructure-as-a-Service" offering that is intended to utilize unused processing on computer devices in its network to provide processing power for "DServices (Decentralized Server Applications)" that can be utilized by DApps. *Id* at 1. Equilibrium's TweekIT is a DApp developed for Equilibrium's own customers. *Id.* at 6. Equilibrium has licensed its MediaRich Server technology (along with its patents and trademarks related to the MediaRich Server) to provide its content modification processing features for use as a DService called MediaGen on CPUcoin's CGN. *Id.* TweekIT uses the MediaGen DService. *Id.*

21.   Using TweekIT, a file is sent to an endpoint of the CGN along with a request for modification. *See* Ex. D. After an authentication process, the request initially returns a document ID (DocId) in both the body and in the response header (e.g., under "X-TweekIT-DocId"). *Id.* The DocId is required for processing the uploaded file. *Id.* When the DocId is returned, the request is passed to the CGN for processing according to modification parameters in the request. *Id.* The CGN returns a transformed output of the uploaded document. *Id.*

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[2] The Computing Global Network,
https://861758.app.netsuite.com/core/media/media.nl?id=535565&c=861758&h=304d85ce78fe6 c3d1705&_xt=.pdf.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 8,543,667

22.   Akamai repeats and re-alleges each of the allegations in paragraphs 1-21 of this Complaint.

23.   Equilibrium and its customers have infringed and continue to infringe the '667 Patent, either literally or under the doctrine of equivalents, including at least claim 28 of the '667 Patent, under 35 U.S.C. § 271(a) by making, using, selling, and/or offering for sale TweekIT in the United States without the authority of Akamai.

24.   For example, as demonstrated in Exhibit F, Equilibrium's TweekIT infringes at least claim 28 of the '667 Patent.

25.   Equilibrium has had knowledge of the '667 Patent at least since___, when Equilibrium received Akamai's Cease and Desist Letter providing Equilibrium with actual notice of the '667 Patent, and Equilibrium's infringement of the '667 Patent.

26.   On information and belief, Equilibrium has induced and continues to induce infringement of the '667 Patent, either literally or under the doctrine of equivalents, including at least claim 28 of the '667 Patent, in violation of 35 U.S.C. § 271(b), by knowingly encouraging and instructing users, including Equilibrium's customers, to develop custom programs in TweekIT that directly infringe the '667 Patent.

27.   Equilibrium provides usage instructions to its customers and end users of TweekIT on how to develop custom programs in TweekIT that directly infringe the '667 Patent, with knowledge of the '667 Patent, with knowledge or willful blindness that such use by its customers and end users results in direct infringement of the '667 Patent, and with the intent of inducing infringement of at least claim 28 of the '667 Patent.

28.   Equilibrium has contributed to infringement and continues to contribute to infringement of the '667 Patent by users, including its customers, by offering for sale and selling

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in this judicial district and throughout the United States Equilibrium's TweekIT product, which embodies a computer program product that constitutes a material part of the claimed invention of the '667 Patent, has no substantial non-infringing uses, and is known by Equilibrium to be especially made or especially adapted for use in infringing the '667 Patent.

29.   Equilibrium's TweekIT product is a component that is a material part of the '667 Patent because it provides computer program code and instructions for using that code to develop custom programs in TweekIT that directly infringe the '667 Patent.

30.   On information and belief, and based on a review of Equilibrium's marketing and instructional material for its TweekIT, there is no substantial non-infringing use for its TweekIT product. The only use for TweekIT identified by Equilibrium is to directly infringe the '667 Patent with Equilibrium's TweekIT programs or for users to use the TweekIT computer program code to develop custom programs in TweekIT that directly infringe the '667 Patent.

31.   TweekIT is known by Equilibrium to be especially made or especially adapted for use in infringing the '667 Patent. As set forth above, Equilibrium has knowledge of the patent-in-suit, instructs its customers and end users of TweekIT to use the TweekIT computer program code to develop custom programs in TweekIT that infringe the '667 Patent, and provides no instructions on how to use TweekIT in any other manner.

32.   Akamai has been damaged and harmed by Equilibrium's infringement.

DEMAND FOR A JURY TRIAL

Akamai hereby demands trial by jury on all claims and issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Akamai respectfully requests that the Court enter judgement in favor of Akamai and against Equilibrium as follows:

A. Finding that Equilibrium has infringed at least the '667 Patent.

B. Awarding Akamai the damages it sustained and continues to sustain as a result of

Equilibrium's patent infringement, including but not limited to at least a

reasonable royalty.

C. Restraining and enjoining Equilibrium, its officers, agents, attorneys, and

employees, and those acting in privity or concert with Equilibrium, from making,

using, offering for sale, and selling TweekIT and any other infringing products

within the United States until after the expiration date of the '667 Patent.

D. Finding this to be an exceptional case under 35 U.S.C. § 285 and awarding

Akamai its attorney fees.

E. Awarding Akamai its costs incurred in this action.

F. Granting Akamai such other and further relief as the Court may deem just, proper,

and appropriate.

Dated: November 23, 2022   Respectfully submitted,

                                             /s/ Adam W. Poff
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