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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

LONE STAR TARGETED ADVERTISING, LLC,

Plaintiff,

v.

OCEANMEDIA, LLC,

Defendant.

Civil Action No.

COMPLAINT FOR PATENT
INFRINGEMENT

JURY DEMAND

Plaintiff Lone Star Targeted Advertising, LLC (“LSTA”), for its First Amended Complaint against OceanMedia, LLC, alleges as follows:

PARTIES

1. Plaintiff Lone Star Targeted Advertising, LLC (“LSTA”) is a limited liability company organized under the laws of the State of Texas with its principal place of business in Dallas, Texas.

2. On information and belief, OceanMedia, LLC (“OceanMedia” or “Defendant”) is a company organized under the laws of Delaware. On information and belief, OceanMedia is the owner of www.oceanmedia.com. On information and belief, OceanMedia has a regular and established place of business in this District at 2101 4th Ave #800, Seattle, Washington 98121.

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JURISDICTION AND VENUE

3. This is an action for patent infringement in violation of the Patent Act of the United States, 35 U.S.C. §§ 1 *et seq.*

4. This Court has original and exclusive subject matter jurisdiction over the patent infringement claims for relief under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant because Defendant has transacted and is transacting business in this District that includes, but is not limited to, the use of products and systems that practice the subject matter claimed in the patents involved in this action.

6. Venue is proper in this district under 28 U.S.C. 1400(b) because on information and belief, Defendant has committed acts of infringement within this District. In addition, OceanMedia has a regular and established place of business in this District at 2101 4th Ave #800, Seattle, Washington 98121.

FACTS

7. On October 9, 2001, U.S. Patent No. 6,301,619, entitled “System and Method for Providing Service of Sending Real Time Electronic Information to Selected Individual Viewers of Transmitted Video or Computerized Signals” was duly and legally issued. A true and correct copy of the ’619 Patent is attached hereto as Exhibit A. The ’619 Patent issued from application Serial Number 09/260,035 filed March 2, 1999. The inventors assigned all right, title and interest in the ’619 Patent to Oplus Technologies Ltd. Oplus Technologies Ltd. assigned its entire right, title, and interest in ’619 Patent to Lone Star Technological Innovations, LLC, who then assigned its entire right, title, and interest in the ’619 Patent to LSTA. LSTA is the sole owner of all rights, title, and interest in and to the ’619 Patent including the right to sue for and collect past, present, and future damages and to seek and obtain injunctive or any other relief for infringement of the ’619 Patent.

8. Claim 9 of the ’619 Patent states:

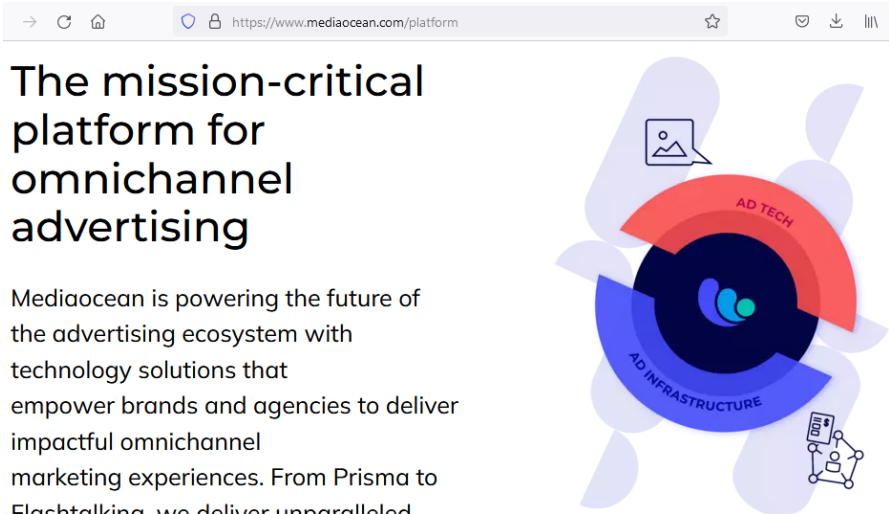
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A method for a sender sending real time electronic information to a viewer of transmitted video signals, the method comprising the steps of:

- (a) providing viewer attribute information related to the viewer;
- (b) receiving and storing said viewer attribute information by an electronic device, included with an in communication with a television belonging to the view, said viewer attribute information input into said electronic device by the viewer;
- (c) providing sender requested electronic information of the sender to be transmitted by request of the sender to the viewer, said sender requested electronic information of the sender is included with a non-viewer provided subset of said viewer attribute information related to the viewer;
- (d) providing a service center for communicating to a television station provider of the transmitted video signals encoding instructions to form encoded sender requested electronic information of the sender;
- (e) transmitting a compound video signal including said non-viewer provided subset of viewer attribute information and said encoded sender requested electronic information of the sender by said television station provider of the transmitted video signals to said electronic device included with and in communication with said television belonging to the viewer;
- (f) making a decision selected from the group consisting of accepting said encoded sender requested electronic information of the sender and not accepting said encoded sender requested electronic information of the sender by said electronic device included with and in communication with said television belonging to the viewer, whereby said decision by said electronic device accepting said encoded sender requested electronic information the sender is made by recognizing said non-viewer provided subset of said viewer attribute information;
- (g) decoding said encoded sender requested electronic information of the sender by said electronic device included with and in communication with said television belonging to the viewer to form decoded sender requested electronic information of the sender;
- (h) formatting said decoded sender requested electronic information of the sender by said electronic device included with and in communication with said television belonging to the viewer to form formatted decoded sender requested electronic information of the sender;
- (i) opening up of a subwindow within said television belonging to the viewer; and
- (j) displaying said formatted decoder sender requested electronic information of the sender within said subwindow within said television belonging to the viewer.

On information and belief, Oceanmedia infringes Claim 9 of the '619 Patent. Specifically,

9. Oceanmedia's system infringes each element of Claim 9 as follows:



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Mediaocean is powering the future of the advertising ecosystem with technology solutions that empower brands and agencies to deliver impactful omnichannel marketing experiences. From Prisma to Flashtalking, we deliver unparalleled transparency, control, and workflow efficiencies.

a. “providing viewer attributable information related to the viewer” –

Oceanmedia utilizes viewer attribute information via advance audience analytics. In particular,

“Cross-device, cross-channel storytelling: Reach customers with one-to-one personalized messaging—no matter which device they use. Efficiently execute people-based messaging with Flashtalking’s native identity solution, FTrack, or through our integrations with the leading identity partners. Unlike other platforms, we specialize in true cross-channel storytelling with the ability to personalize across display, video, social and native. “

See - <https://www.mediaocean.com/flashtalking-by-mediaocean>. Further evidence of this element

is:



Dynamic creative optimization

Deploy large-scale campaigns with sophisticated decisioning and targeting tactics by activating dynamic creative, data, and feeds.

Personalize at scale



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Identity and audience

In addition to view counts, marketers need to know who they reach and how often.

- **First-party:** Advertisers and agencies maintain their own audience/customer data that they can associate with individual views.
- **Third-party (Vendor):** Audience and data specialists aggregate data on viewers and connect it to views.
- **Third-party (Publisher):** Content owners with major reach collect their own info via subscriptions and other means to sell more valuable audience-specific views.

Identity and audience enablers

Various mechanisms exist to identify viewers and persistently associate them with audience attributes.

- **Household data:** Consumer information can be associated with households using purchase, subscription, public, and other data.
- **IP address:** Households can be uniquely identified by numeric internet protocol addresses used to connect homes to the internet.
- **Login data:** Consumers can be required to log in and provide unique identifiers such as emails/phone numbers, as well as agree to viewer data sharing policies.
- **Device ID:** Devices can be uniquely identified by temporary IDs such as cookies, or more persistent hardware or platform IDs.

b. “receiving and storing said viewer attribute information by an electronic device included with an in communication with a television belonging to the viewer, said viewer attribute information input into said electronic device by the viewer” – In order for Oceanmedia to utilize its platform and analytical system, an electronic device of the viewer’s is in communication with a TV in order to obtain “real-time” audience data and insights. For most viewers, on information and belief, this will be a set top box that provides the real-time analytics information to the “sender.”

1 **CTV**

2 Runs CTV campaigns across the full complement of CTV providers, including established broadcast giants
3 Viacom/CBS, NBCUniversal, ESPN and more; streaming powerhouses like Hulu and Discovery+; device
4 platforms like Roku and Samsung; up-and-coming FAST (free ad-supported TV) players like Tubi TV and Pluto
5 TV; and major programmatic platforms such as the TradeDesk, DV360, and MediaMath.

6 c. “providing sender requested electronic information of the sender to
7 be transmitted by request of the sender to the viewer, said sender requested electronic information
8 of the sender is included with a non-viewer provided subset of said viewer attribute information
9 related to the viewer” -- On information and belief, targeted advertisement based on the
10 campaign being run using Oceanmedia’s platform meets this requirement, as the sender is
11 requesting the sending of information from sender to viewer based on viewer attributable
12 information.

13 **DATA-DRIVEN CREATIVE DECISIONING**

14
15 Flashtalking’s Decision Tree is the leading data-driven decisioning interface in the industry. Our recently
16 redesigned interface streamlines the operational workflow for advertisers to deploy large-scale campaigns
17 with sophisticated decisioning and targeting tactics.



19 **ADVANCED DECISIONING RULES**

20 Deliver relevant creative based on a customer’s circumstance and context, including
21 weather, date, time of day, language, audience segment, past engagement or browsing
22 activity, mobile carrier, browser/OS/device, connection speed, page keyword and more.

23 d. “providing a service center for communicating to a television station
24 provider of the transmitted video signals encoding instructions to form encoded sender requested
25 electronic information of the sender” -- Oceanmedia’s platform is the service center that
26 interfaces in providing information of advertiser, content provider, and the viewer.



Company P

The Future of TV Advertising is here

Audiences for sports, news, entertainment, and other content have dispersed across linear TV, CTV, digital video, and social media.

Mediaocean helps agencies and advertisers capitalize on this trend with well-established linear TV buying and planning tools, an independent digital ad server delivering digital video including CTV, and a robust solution for centralized social ads management.

The future of TV advertising is here. Are you ready?



Ad Infrastructure

Control your advertising workflow for omnichannel planning, buying, and financial accounting at scale with the industry's most trusted partner. Mediaocean Ad Infrastructure (Prisma, Spectra, Ignitia, Lumina, Aura) provides the foundational system of record for major holding companies, publishers, and advertisers alike—whether digital or traditional, direct or programmatic, open web or walled garden.

[Dive into Ad Infrastructure](#)

1 e. “transmitting a compound video signal including said non-viewer
2 provided subset of viewer attribute information and said encoded sender requested electronic
3 information of the sender by said television station provider of the transmitted video signals to said
4 electronic device included with and in communication with said television belonging to the
5 viewer.” -- This element is met as Oceanmedia transmits and sends encoded information, e.g.
6 video to viewers including non-viewer provided information in order to deliver ads targeted to the
7 viewer, especially in regard to the Oceanmedia’s platform’s ability to, for example:

8
9 **DEVICE & HOUSEHOLD**

10 Flashtalking enables both device- and household-level identity orchestration and provides
11 advertisers a robust technical foundation to evolve past IP-address-based household identity for
CTV.”

12 See - <https://www.flashtalking.com/video-identity>



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17 **Personalize CTV and digital
18 video campaigns**

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20 Leverage our Lightning Renderer, data feeds
21 technology, and proven decision tree UI to
22 execute dynamic video campaigns that can
23 operate independently or as extensions of your
sophisticated dynamic display campaigns.

24 f. “making a decision selected from the group consisting of accepting
25 said encoded sender requested electronic information of the sender and not accepting said encoded
26 sender requested electronic information of the sender by said electronic device included with and

1 in communication with said television belonging to the viewer, whereby said decision by said
2 electronic device accepting said encoded sender requested electronic information the sender is
3 made by recognizing said non-viewer provided subset of said viewer attribute information” – On
4 information and belief, inherently, the only logical next step for said device is to determine
5 whether to accept (for purposes of viewing/displaying) said sender requested electronic
6 information based on whether the transmitted subset of viewer attribute information matches
7 viewer attribute information on the device. The device determines whether a given transmission is
8 intended for it by checking if the transmission is tagged with attributes matching its own local
9 attributes.

10 Per the standard process of OTT ad insertion: “Playback devices will read the top level
11 manifest and learn the available profiles. **They will then decide on a profile, read its individual**
12 **manifest and start reading decoding the segments.** If the network conditions change, the
13 playback device may switch to a higher or lower profile as needed. On a live stream, manifests are
14 frequently updated.” See [https://www.tvtechnology.com/opinions/scte10435-and-beyond-a-look-](https://www.tvtechnology.com/opinions/scte10435-and-beyond-a-look-at-ad-insertion-in-an-ott-world)
15 [at-ad-insertion-in-an-ott-world](https://www.tvtechnology.com/opinions/scte10435-and-beyond-a-look-at-ad-insertion-in-an-ott-world).

16 g. “decoding said encoded sender requested electronic information of
17 the sender by said electronic device included with and in communication with said television
18 belonging to the viewer to form decoded sender requested electronic information of the sender” –
19 On information and belief, encoded information is decoded in order for the information to be
20 displayed to the viewer.

21 h. “formatting said decoded sender requested electronic information of
22 the sender by said electronic device included with and in communication with said television
23 belonging to the viewer to form formatted decoded sender requested electronic information of the
24 sender” – On information and belief, decoded information is necessarily formatted in an
25 appropriate manner consistent with the display requirements of the television with which it is in
26 communication.

1 i. “opening up of a subwindow within said television belonging to the
2 viewer” – A television screen displays content. Within the television, on information and belief,
3 there are other windows, such as when choosing the menu which pops up. At least for example,
4 when dynamic brand insertion is utilized.

5 j. “and, displaying said formatted decoder sender requested electronic
6 information of the sender within said subwindow within said television belonging to the viewer” -
7 - On information and belief, after accepting, decoding, and formatting sender requested electronic
8 information, the electronic device necessarily displays said sender requested electronic
9 information.

10
11 **FIRST CLAIM FOR RELIEF**

12 **Patent Infringement of the '619 Patent (35 U.S.C. §§ 101, et seq.)**

13 11. LSTA refers to and incorporates herein by reference paragraphs 1-10.

14 12. Defendant directly infringed at least Claim 9 of the '619 Patent in this judicial
15 district and the United States, through the services they provided as outlined at
16 www.Oceanmedia.com and as described above.

17 13. Defendant, therefore, by the acts complained of herein, made, used, sold, or offered
18 for sale in the United States, including in the District of Washington, products and/or services
19 embodying the patented method, and have in the past infringed the '619 Patent, either literally or
20 under the doctrine of equivalents, pursuant to 35 U.S.C. §271(a).

21 14. To the extent that some elements of claim 9 were performed by a different party
22 than Oceanmedia, Oceanmedia participated in the infringement (as described above) and received
23 a benefit upon performance of the steps of the patented method. For example, Oceanmedia
24 provided the software and technology that established viewer attribute information related to the
25 viewer that can be collected, and how that information was transmitted, received, stored and acted
26 upon in accordance with the patented method. Oceanmedia received a benefit from such actions

1 by the customer and television station provider as it allowed targeted advertising to be displayed
2 through the top set box.

3 15. Plaintiff has complied with the notice requirement of 35 U.S.C. § 287 and does not
4 currently make, use, sell offer for sale products or services embodying the '619 Patent.

5 16. Plaintiff reserves the right to modify its infringement theories as discovery
6 progresses in this case; it shall not be estopped for infringement contentions or claim construction
7 purposes by the infringement allegations that it provides with this Complaint. The element-by-
8 element analysis herein is intended to satisfy the notice requirements of Rule 8(a)(2) of the Federal
9 Rule of Civil Procedure and does not represent Plaintiff's preliminary or final infringement
10 contentions or preliminary or final claim construction positions.

11 17. By reason of the acts of Oceanmedia alleged herein, LSTA has suffered damage in
12 an amount to be proved at trial.

13 **JURY DEMAND**

14 LSTA demands a jury trial on all issues so triable.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, LSTA prays for relief as follows:

17 A. Judgment that Defendant has directly infringed the '619 Patent either literally
18 and/or under the doctrine of equivalents;

19 B. Judgment awarding LSTA general and/or specific damages, including a reasonable
20 royalty and/or lost profits, in amounts to be fixed by the Court in accordance with proof, including
21 enhanced and/or exemplary damages, as appropriate, as well as all of Defendant's profits or gains
22 of any kind from their acts of patent infringement from six years prior to the filing of the complaint
23 until March 2, 2019;

24 C. Judgment awarding LSTA all of its costs, including its attorneys' fees, incurred in
25 prosecuting this action, including, without limitation, pursuant to 35 U.S.C. § 285 and other
26 applicable law;

- 1 D. Judgment awarding LSTA pre-judgment and post-judgment interest; and
- 2 E. Judgment awarding LSTA such other and further relief as the Court may deem just
- 3 and proper.

4 Dated: April 12, 2023

5 Respectfully submitted,

6 BANIE & ISHIMOTO LLP

7 By: /s/ John A. Lee, WSBA No. 35,550

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