

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

SITO MOBILE R&D IP, LLC, and
SITO MOBILE, LTD.,

Plaintiffs,

v.

SFA HOLDINGS INC. f/k/a SAKS
INCORPORATED,

Defendant.

Case No. 1:23-cv-00688

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs SITO Mobile R&D IP, LLC and SITO Mobile, Ltd., by and through their undersigned counsel, file this Complaint against SFA Holdings Inc. f/k/a Saks Incorporated (“Saks”) for patent infringement of United States Patent Nos. 7,191,244; 8,015,307; 8,554,940; 9,349,138; 10,735,781; and 10,769,675 (collectively, the “patents-in-suit” and attached as Exhibits 1-6 respectively) and allege as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

THE PARTIES

2. Plaintiff SITO Mobile, Ltd. is a company organized and existing under the laws of the State of Delaware with its principal place of business located at 123 Town Square Place, Suite 419, Jersey City, New Jersey 07310.

3. Plaintiff SITO Mobile R&D IP, LLC is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business located at 123 Town Square Place, Suite 419, Jersey City, New Jersey 07310. Plaintiff SITO Mobile R&D IP, LLC is a wholly owned subsidiary of Plaintiff SITO Mobile, Ltd. (collectively "SITO"). SITO Mobile R&D IP, LLC is a patent holding company that does not exist separate from its parent SITO Mobile, Ltd. In that regard, SITO Mobile, Ltd. controls all of SITO Mobile R&D IP, LLC's business operations and SITO Mobile R&D IP, LLC's financials roll-up into SITO Mobile, Ltd.

4. On information and belief, Saks is a Tennessee corporation with a principal place of business at 225 Liberty St, Fl 31, New York, NY 10281-1089.

5. On information and belief, Saks maintains a regular and established place of business at 7400 San Pedro Ave., San Antonio, TX 78216.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

7. This Court has personal jurisdiction over Saks in accordance with due process and/or the Texas Long Arm Statute because, because it has committed and

continues to commit acts of infringement giving rise to this action in the State of Texas in violation of at least 35 U.S.C. §§ 271(a). In particular, on information and belief, Saks has made, used, offered to sell and/or sold infringing products, services and/or systems in the State of Texas.

8. This Court has personal jurisdiction over Saks for at least the following reasons: (1) Saks is present in within or has minimum contacts within the State of Texas and the Western District of Texas; (2) Saks has purposefully availed itself of the privileges of conducting business in the State of Texas and in this district; (3) Saks has sought privileges, protections, and benefits from the laws of the State of Texas; and (4) Saks regularly conducts business within the State of Texas and within this district, and Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in this district, including deriving substantial revenue from the infringing goods and services in the State of Texas and this judicial district.

9. On information and belief, Saks owns and operates department stores in this judicial district, including at least at 7400 San Pedro Ave., San Antonio, TX 78216.

10. On information and belief, Saks solicits Texas-based customers through its infringing video streaming services, including through its performance of demonstrations of infringing products and services in the State of Texas and in this Judicial District including by accessing www.saksfifthavenue.com.

11. On information and belief, Saks (or those acting on its behalf) makes, uses, sells, imports and/or offers to sell the infringing video streaming services, including through the www.saksfifthavenue.com website in the United States, and this judicial

district that infringe (literally and/or under the doctrine of equivalents) one or more claims of each of the patents-in-suit.

12. This Court has personal jurisdiction over Saks because Saks has sufficient minimum contacts with this forum as a result of business conducted within the State of Texas and this judicial district. In particular, this Court has personal jurisdiction over Saks because, *inter alia*, Saks, on information and belief (directly and/or through its subsidiaries, affiliates, or intermediaries), has substantial, continuous, and systematic business contacts in this judicial district, and derives substantial revenue from infringing goods and services provided to individuals in the State of Texas and this Judicial District.

13. Saks (directly and/or through its subsidiaries, affiliates, or intermediaries) has purposefully availed itself of the privileges of conducting business within the State of Texas and in this Judicial District, has established sufficient minimum contacts with this Judicial District such that it should reasonably and fairly anticipate being hauled into court in this Judicial District, has purposefully directed activities at residents of this judicial district, and at least a portion of the patent infringement claims alleged in this Complaint arise out of or are related to one or more of the foregoing activities.

14. On information and belief, Saks is subject to the Court's jurisdiction because it regularly markets, conducts, and solicits business, or otherwise engages in other persistent courses of conduct in the State of Texas, and/or derives substantial revenue from the sale and distribution of goods and services provided to individuals and businesses in the State of Texas including with respect to the





accused Saks Video Streaming Service.

15. On information and belief, the accused Saks Video Streaming Service, that Saks uses, makes, markets, distributes, offers to sell, and sells to consumers throughout the United States, including in the State of Texas, infringe one or more claims of the patents-in-suit.

16. Venue is proper pursuant to 28 U.S.C. §§ 1391(b), (c), (d), 1400(b) and the Federal Circuit's decision in *In re Monolithic Power Sys.*, 50 F.4th 157 (Fed. Cir. 2022), because in addition to Saks' physical locations in this judicial district, upon information and belief, Saks has numerous known employees based out of this division of this judicial district as listed on LinkedIn,¹ and, upon information and belief, uses these employees' homes to transact its business including performing secretarial services, and storing literature, documents, and products. Saks has also directly and/or indirectly committed acts of patent infringement in this district.

¹ See e.g., https://www.linkedin.com/search/results/people/?currentCompany=%5B%22157315%22%2C%223961319%22%2C%2293075952%22%2C%2289989306%22%5D&geoUrn=%5B%2290000064%22%5D&heroEntityKey=urn%3Ali%3Aorganization%3A157315&keywords=saks%20fifth%20avenue&origin=FACETED_SEARCH&position=1&searchId=f08ed9a3-724a-4c7f-9683-52e2c05f8a3a&tsid=CB5.

42 results

	Elliott Chenger • 3rd+  Engineering Leader Austin, TX Current: Senior Engineering Manager at Saks Fifth Avenue	Message
	Stacey Conklin • 3rd+ general Manager at Saks Fifth Avenue San Marcos, TX Current: general manager at Saks 5th Avenue Outlet	Connect
	Gamir Shrestha • 3rd+ Senior Mobile Engineer at Saks Austin, TX Current: Senior Mobile Engineer at Saks Fifth Avenue	Message
	LinkedIn Member Director, PR & Special Events, Fifth Avenue Club at Saks Fifth Ave... Austin, TX	
	LinkedIn Member consultant at Saks Fifth Avenue Austin, TX	
	Jasmine Sawyer • 3rd+ Senior Technical Analyst at Saks Fifth Avenue Austin, TX	Message
	Keshun Greene • 3rd+ Fashion/Business Administration at Florida State University Austin, TX Current: Operations Coordinator at Saks Fifth Avenue Provides services - Customer Service, Administrative Assistance, Appointment Scheduling, Advertising, Brand Marketing	Follow

SAKS VIDEO STREAMING SERVICE

17. Saks is the premier destination for luxury fashion, driven by a mission to help customers express themselves through relevant and inspiring style.²

² <https://www.saksfifthavenue.com/>

18. Saks users can access its services through any device including phones, tablets, and computers.³

19. Saks streams videos using a network(s) of servers (“Saks Streaming Platform”). Saks uses HTTP Live Streaming (HLS) protocol to stream video content. HLS is an HTTP-based adaptive bitrate streaming technique that enables high-quality streaming of media content over the Internet from web servers. The operation of HLS is described in standards documents.⁴

20. With HLS, a video may be broken up into thousands of small HTTP-based file segments. Each segment contains a short interval of playback time of the video. The segments are encoded at a variety of different bit rates (speeds). After a video is selected to be streamed, the media player on the subscriber device is provided with a file that informs the player, amongst other things, how to obtain the segments sequentially and how to handle ad breaks (if any). As the video is playing, the subscriber device determines the bit rate that it can handle and requests a segment(s) encoded at that bit rate. The player plays the segments in sequential order and continuously requests segments until the player has received all of the segments that make up the video.

THE PATENTS-IN-SUIT

United States Patent No. 7,191,244

³ *Id.*

⁴ The MPEG-DASH standard is available at <https://www.iso.org/ics/35.040.40/x/>. A copy of the HLS standard is attached hereto as Exhibit 7.

21. On March 13, 2007, the USPTO duly and legally issued United States Patent No. 7,191,244 (“the ‘244 patent”) entitled “System and Method for Routing Media” to inventor Charles A. Jennings et al. The ‘244 patent is attached as Exhibit 1.

22. The ‘244 patent is presumed valid under 35 U.S.C. § 282.

23. SITO Mobile R&D IP, LLC owns all rights, title, and interest in the ‘244 patent.

24. SITO Mobile, Ltd. maintains equitable title over the ‘244 patent as SITO Mobile R&D IP, LLC is a wholly-owned subsidiary of SITO Mobile, Ltd. As part of this ownership, SITO Mobile, Ltd. exercises complete control over SITO Mobile R&D IP, LLC, including control over all of SITO Mobile R&D IP, LLC’s business decisions and SITO Mobile R&D IP, LLC’s patent enforcement, assignment, and licensing policies.

25. Because of the structure of this corporate relationship and SITO Mobile, Ltd.’s complete control over SITO Mobile R&D IP, LLC’s patent licensing and enforcement policies, SITO Mobile, Ltd. has and has had control over the ‘244 patent and has enjoyed exclusive rights thereunder.

United States Patent No. 8,015,307

26. On September 06, 2011, the USPTO duly and legally issued United States Patent No. 8,015,307 (“the ‘307 patent”) entitled “System and Method for Streaming Media” to inventor Charles A. Jennings et al. The ‘307 patent is attached as Exhibit 2.

27. The ‘307 patent is presumed valid under 35 U.S.C. § 282.

28. SITO Mobile R&D IP, LLC owns all rights, title and interest in the '307 patent.

29. SITO Mobile, Ltd. maintains equitable title over the '307 patent as SITO Mobile R&D IP, LLC is a wholly-owned subsidiary of SITO Mobile, Ltd. As part of this ownership, SITO Mobile, Ltd. exercises complete control over SITO Mobile R&D IP, LLC, including control over all of SITO Mobile R&D IP, LLC's business decisions and SITO Mobile R&D IP, LLC's patent enforcement, assignment, and licensing policies.

30. Because of the structure of this corporate relationship and SITO Mobile, Ltd.'s complete control over SITO Mobile R&D IP, LLC's patent licensing and enforcement policies, SITO Mobile, Ltd. has and has had control over the '307 patent and has enjoyed exclusive rights thereunder.

United States Patent No. 8,554,940

31. On October 08, 2013, the USPTO duly and legally issued United States Patent No. 8,554,940 ("the '940 patent") entitled "System and Method for Routing Media" to inventor Charles A. Jennings et al. The '940 patent is attached as Exhibit 3.

32. The '940 patent is presumed valid under 35 U.S.C. § 282.

33. SITO Mobile R&D IP, LLC owns all rights, title and interest in the '940 patent.

34. SITO Mobile, Ltd. maintains equitable title over the '940 patent as SITO Mobile R&D IP, LLC is a wholly-owned subsidiary of SITO Mobile, Ltd. As part of this ownership, SITO Mobile, Ltd. exercises complete control over SITO Mobile R&D IP,

LLC, including control over all of SITO Mobile R&D IP, LLC's business decisions and SITO Mobile R&D IP, LLC's patent enforcement, assignment, and licensing policies.

35. Because of the structure of this corporate relationship and SITO Mobile, Ltd.'s complete control over SITO Mobile R&D IP, LLC's patent licensing and enforcement policies, SITO Mobile, Ltd. has and has had control over the '940 patent and has enjoyed exclusive rights thereunder.

United States Patent No. 9,349,138

36. On May 24, 2016, the USPTO duly and legally issued United States Patent No. 9,349,138 ("the '138 patent") entitled "System and Method for Streaming Media" to inventor Charles A. Jennings et al. The '138 patent is attached as Exhibit 4.

37. The '138 patent is presumed valid under 35 U.S.C. § 282.

38. SITO Mobile R&D IP, LLC owns all rights, title and interest in the '138 patent.

39. SITO Mobile, Ltd. maintains equitable title over the '138 patent as SITO Mobile R&D IP, LLC is a wholly-owned subsidiary of SITO Mobile, Ltd. As part of this ownership, SITO Mobile, Ltd. exercises complete control over SITO Mobile R&D IP, LLC, including control over all of SITO Mobile R&D IP, LLC's business decisions and SITO Mobile R&D IP, LLC's patent enforcement, assignment, and licensing policies.

40. Because of the structure of this corporate relationship and SITO Mobile, Ltd.'s complete control over SITO Mobile R&D IP, LLC's patent licensing and enforcement policies, SITO Mobile, Ltd. has and has had control over the '138 patent and has enjoyed exclusive rights thereunder.

United States Patent No. 10,735,781

41. On August 04, 2020, the USPTO duly and legally issued United States Patent No. 10,735,781 (“the ‘781 patent”) entitled “System and Method for Routing Media” to inventor Charles A. Jennings et al. The ‘781 patent is attached as Exhibit 5.

42. The ‘781 patent is presumed valid under 35 U.S.C. § 282.

43. SITO Mobile R&D IP, LLC owns all rights, title and interest in the ‘781 patent.

44. SITO Mobile, Ltd. maintains equitable title over the ‘781 patent as SITO Mobile R&D IP, LLC is a wholly-owned subsidiary of SITO Mobile, Ltd. As part of this ownership, SITO Mobile, Ltd. exercises complete control over SITO Mobile R&D IP, LLC, including control over all of SITO Mobile R&D IP, LLC’s business decisions and SITO Mobile R&D IP, LLC’s patent enforcement, assignment, and licensing policies.

45. Because of the structure of this corporate relationship and SITO Mobile, Ltd.’s complete control over SITO Mobile R&D IP, LLC’s patent licensing and enforcement policies, SITO Mobile, Ltd. has and has had control over the ‘781 patent and has enjoyed exclusive rights thereunder.

United States Patent No. 10,769,675

46. On September 8, 2020, the USPTO duly and legally issued United States Patent No. 10,769,675 (“the ‘675 patent”) entitled “System and Method for Routing Media” to inventor Charles A. Jennings et al. The ‘675 patent is attached as Exhibit 6.

47. The ‘675 patent is presumed valid under 35 U.S.C. § 282.

48. SITO Mobile R&D IP, LLC owns all rights, title and interest in the '675 patent.

49. SITO Mobile, Ltd. maintains equitable title over the '675 patent as SITO Mobile R&D IP, LLC is a wholly-owned subsidiary of SITO Mobile, Ltd. As part of this ownership, SITO Mobile, Ltd. exercises complete control over SITO Mobile R&D IP, LLC, including control over all of SITO Mobile R&D IP, LLC's business decisions and SITO Mobile R&D IP, LLC's patent enforcement, assignment, and licensing policies.

50. Because of the structure of this corporate relationship and SITO Mobile, Ltd.'s complete control over SITO Mobile R&D IP, LLC's patent licensing and enforcement policies, SITO Mobile, Ltd. has and has had control over the '675 patent and has enjoyed exclusive rights thereunder.

CLAIMS FOR RELIEF

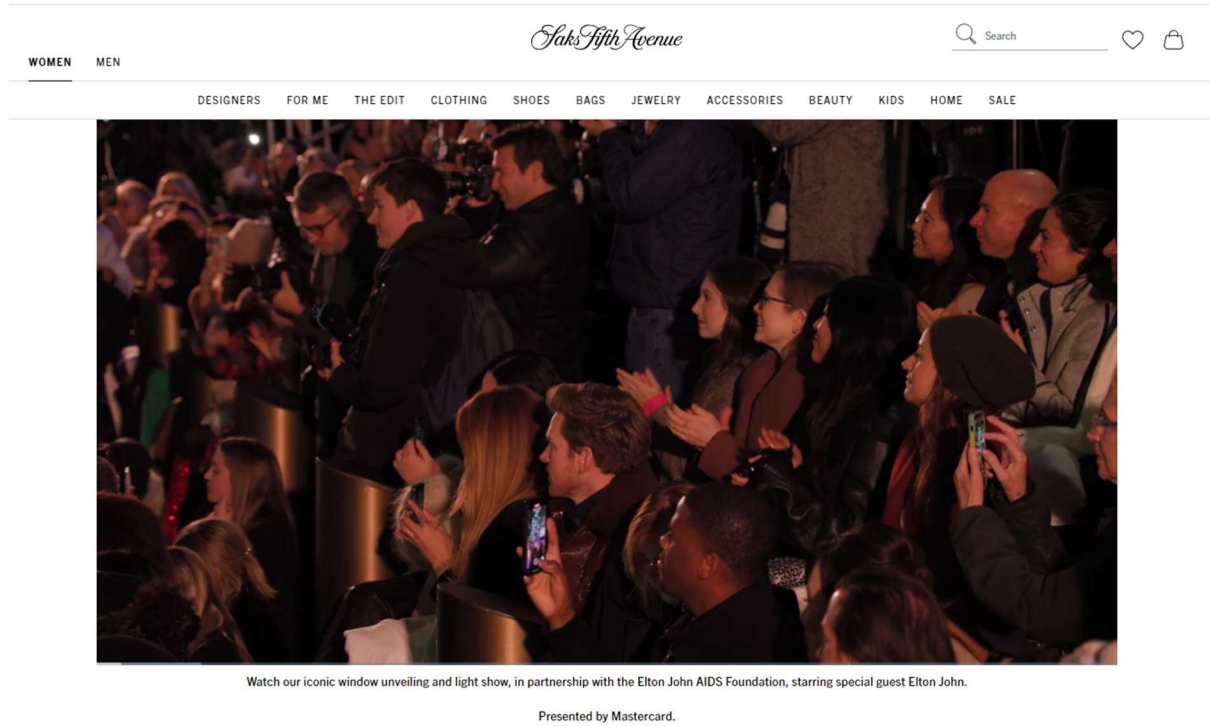
Count I – Infringement of United States Patent No. 7,191,244

51. SITO alleges, and incorporates by reference, as if fully set forth here, the preceding paragraphs of this Complaint.

52. Saks directly infringes (literally and/or under the doctrine of equivalents) the '244 patent by using the method covered by at least claim 2 of the '244 patent.

53. On information and belief, and without SITO's approval, authorization and license, Saks owns, controls, operates, and uses a system for streaming media that includes the Saks Streaming Platform, as well as other Saks networks, systems, devices, components and/or services for streaming media, that practices and infringes the media streaming method recited in at least claim 2 of the '244 patent.

54. Saks performs a method of streaming video content based on a request (e.g., GET request) as demonstrated by the example provided below:



See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

Status	Method	Domain	File	Initi...	Type	Size
200	GET	www.googletag...	a?id=AW-867837652&cv=1&cv=3&t=1&pid=246754650&rv=	72fc...	html	0 B
200	GET	8270149.fls.d...	activitysrc=8270149?type=landi&cat=saks-0ord=1num=27	sub...	html	57...
200	GET	www.google.com	anchor?ar=1&k=6LtzSaYAAAAAKUMeZITBWWAsRo1hkbQhnl	sub...	html	42...
200	GET	www.google.com	anchor?ar=1&k=6LtzSaYAAAAAKUMeZITBWWAsRo1hkbQhnl	sub...	html	43...
200	GET	d.la5-c1-ia4.s...	Availability.jsonp?tsid=undefined&r=11&Availability.prefix=Visi	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.jsonp?tsid=undefined&r=129&Availability.prefix=Vit	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.jsonp?tsid=undefined&r=149&Availability.prefix=Vit	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.jsonp?tsid=undefined&r=152&Availability.prefix=Vit	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.jsonp?tsid=undefined&r=170&Availability.prefix=Vit	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.jsonp?tsid=undefined&r=233&Availability.prefix=Vit	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.jsonp?tsid=undefined&r=239&Availability.prefix=Vit	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.jsonp?tsid=undefined&r=264&Availability.prefix=Vit	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.jsonp?tsid=undefined&r=268&Availability.prefix=Vit	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.jsonp?tsid=undefined&r=280&Availability.prefix=Vit	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.jsonp?tsid=undefined&r=299&Availability.prefix=Vit	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.jsonp?tsid=undefined&r=305&Availability.prefix=Vit	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.jsonp?tsid=undefined&r=330&Availability.prefix=Vit	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.jsonp?tsid=undefined&r=333&Availability.prefix=Vit	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.jsonp?tsid=undefined&r=345&Availability.prefix=Vit	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.jsonp?tsid=undefined&r=390&Availability.prefix=Vit	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.jsonp?tsid=undefined&r=400&Availability.prefix=Vit	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.jsonp?tsid=undefined&r=417&Availability.prefix=Vit	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.jsonp?tsid=undefined&r=419&Availability.prefix=Vit	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.jsonp?tsid=undefined&r=440&Availability.prefix=Vit	72fc...	js	16...

Header	Value
Status	200 OK
Version	HTTP/3
Transferred	1.20 kB (575 B size)
Referrer Policy	strict-origin-when-cross-origin
Blocking	Enhanced Tracking Protection
This URL matches a known tracker and it would be blocked with Content Blocking enabled.	
Response Headers (903 B)	
alt-svc	h3="443"; ma=2592000,h3-29="443"; ma=2592000,h3-Q050="443"; ma=2592000,h3-Q046="443"; ma=2592000,h3-Q043="443"; ma=2592000,q uic="443"; ma=2592000; v="46,43"
cache-control	no-cache, must-revalidate
content-encoding	br
content-length	299
content-type	text/html; charset=UTF-8
cross-origin-resource-policy	cross-origin
date	Wed, 28 Dec 2022 10:20:50 GMT
expires	Fri, 01 Jan 1990 00:00:00 GMT
p3p	policyref="https://googleads.g.doubleclick.net/pagead/gen_p3p.xml", CP="CURa ADMa DEVa TAlO P5A0 PSD0 OUR IND UNI PUR INT DEM STA PRE COM NAV OTC NOI DSP COR"
pragma	no-cache
server	cafe
set-cookie	test_cookie=CheckForPermission; expires=Wed, 28-Dec-2022 10:35:5

The screenshot shows the Network tab in a browser's developer tools. The list of requests includes:

- GET www.googletag... a?id=AW-867837652&cv=1&v=3&t=t&pid=246754650&rv=72f... html 0 B
- GET 8270149.fs.d... activity:src=8270149?type=landi0:cat=saks-0:ord=1:num=27 sub... html 57...
- GET www.google.com anchor?ar=1&k=6LfzSaYZAAAAAKUMeZITBWWAsRo1hkbQhnl sub... html 42...
- GET www.google.com anchor?ar=1&k=6LfzSaYZAAAAAKUMeZITBWWAsRo1hkbQhnl sub... html 43...
- GET d.la5-c1-ia4.s... Availability.json?sid=undefined&r=11&Availability.prefix=Vti 72f... js 16...
- GET d.la5-c1-ia4.s... Availability.json?sid=undefined&r=129&Availability.prefix=Vti 72f... js 16...
- GET d.la5-c1-ia4.s... Availability.json?sid=undefined&r=149&Availability.prefix=Vti 72f... js 16...
- GET d.la5-c1-ia4.s... Availability.json?sid=undefined&r=152&Availability.prefix=Vti 72f... js 16...
- GET d.la5-c1-ia4.s... Availability.json?sid=undefined&r=170&Availability.prefix=Vti 72f... js 16...
- GET d.la5-c1-ia4.s... Availability.json?sid=undefined&r=233&Availability.prefix=Vti 72f... js 16...
- GET d.la5-c1-ia4.s... Availability.json?sid=undefined&r=239&Availability.prefix=Vti 72f... js 16...
- GET d.la5-c1-ia4.s... Availability.json?sid=undefined&r=264&Availability.prefix=Vti 72f... js 16...
- GET d.la5-c1-ia4.s... Availability.json?sid=undefined&r=268&Availability.prefix=Vti 72f... js 16...
- GET d.la5-c1-ia4.s... Availability.json?sid=undefined&r=280&Availability.prefix=Vti 72f... js 16...
- GET d.la5-c1-ia4.s... Availability.json?sid=undefined&r=299&Availability.prefix=Vti 72f... js 16...
- GET d.la5-c1-ia4.s... Availability.json?sid=undefined&r=305&Availability.prefix=Vti 72f... js 16...
- GET d.la5-c1-ia4.s... Availability.json?sid=undefined&r=330&Availability.prefix=Vti 72f... js 16...
- GET d.la5-c1-ia4.s... Availability.json?sid=undefined&r=333&Availability.prefix=Vti 72f... js 16...
- GET d.la5-c1-ia4.s... Availability.json?sid=undefined&r=345&Availability.prefix=Vti 72f... js 16...
- GET d.la5-c1-ia4.s... Availability.json?sid=undefined&r=390&Availability.prefix=Vti 72f... js 16...
- GET d.la5-c1-ia4.s... Availability.json?sid=undefined&r=400&Availability.prefix=Vti 72f... js 16...
- GET d.la5-c1-ia4.s... Availability.json?sid=undefined&r=417&Availability.prefix=Vti 72f... js 16...
- GET d.la5-c1-ia4.s... Availability.json?sid=undefined&r=419&Availability.prefix=Vti 72f... js 16...
- GET d.la5-c1-ia4.s... Availability.json?sid=undefined&r=440&Availability.prefix=Vti 72f... js 16...

The selected request's headers are:

```

Filter Headers
content-length: 299
content-type: text/html; charset=UTF-8
cross-origin-resource-policy: cross-origin
date: Wed, 28 Dec 2022 10:20:50 GMT
expires: Fri, 01 Jan 1990 00:00:00 GMT
p3p: policyref="https://googleads.g.doubleclick.net/pagead/gcn_p3p.xml", CP
="CURa ADMa DEVa TAlO PSAo PSDo OUR IND UNI PUR INT DEM STA PRE COM
NAV OTC NOI DSP COR"
pragma: no-cache
server: cafe
set-cookie: test_cookie=CheckForPermission; expires=Wed, 28-Dec-2022 10:35:5
0 GMT; path=/; domain=.doubleclick.net; Secure; HttpOnly; SameSite=none
strict-transport-security: max-age=21600
timing-Allow-Origin: *
x-content-type-options: nosniff
x-xss-protection: 0

Request Headers (796 B)
Accept: text/html,application/xhtml+xml,application/xml;q=0.9,image/avif,image/
webp,*/*;q=0.8
Accept-Encoding: gzip, deflate, br
Accept-Language: en-US,en;q=0.5
Alt-Used: 8270149.fs.doubleclick.net
Connection: keep-alive
Host: 8270149.fs.doubleclick.net
Referer: https://www.saksfifthavenue.com/
Sec-Fetch-Dest: iframe
Sec-Fetch-Mode: navigate
Sec-Fetch-Site: cross-site
Upgrade-Insecure-Requests: 1
User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:108.0) Gecko/201001
01 Firefox/108.0
    
```

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

55. Saks identifies at least one program in which at least a portion of the media is available (e.g., STATUS 200 OK).

The screenshot shows the Network tab in a browser's developer tools. The selected request is:

- GET 8270149.fs.d... activity:src=8270149?type=landi0:cat=saks-0:ord=1:num=27 sub... html 57...

The response headers for this request are:

```

Filter Headers
Status: 200 OK
Version: HTTP/3
Transferred: 1.20 kB (575 B size)
Referrer Policy: strict-origin-when-cross-origin
Blocking: Enhanced Tracking Protection
This URL matches a known tracker and it would be blocked with Content Blocking enabled.

Response Headers (903 B)
alt-svc: h3="443"; ma=2592000,h3-29="443"; ma=2592000,h3-Q050="443";
ma=2592000,h3-Q046="443"; ma=2592000,h3-Q043="443"; ma=2592000,q
uic="443"; ma=2592000; v="46.43"
cache-control: no-cache, must-revalidate
content-encoding: br
content-length: 299
content-type: text/html; charset=UTF-8
cross-origin-resource-policy: cross-origin
date: Wed, 28 Dec 2022 10:20:50 GMT
expires: Fri, 01 Jan 1990 00:00:00 GMT
p3p: policyref="https://googleads.g.doubleclick.net/pagead/gcn_p3p.xml", CP
="CURa ADMa DEVa TAlO PSAo PSDo OUR IND UNI PUR INT DEM STA PRE COM
NAV OTC NOI DSP COR"
pragma: no-cache
server: cafe
set-cookie: test_cookie=CheckForPermission; expires=Wed, 28-Dec-2022 10:35:5
    
```

The screenshot displays the Network tab of a web browser's developer tools. The top section shows a list of 493 requests. The first request is a GET request to `www.googletag...` with a file size of 0 B. The second request is a GET request to `8270149.fs.d...` with a file size of 57... This request is selected, and its headers are visible in the right-hand pane. The headers include `content-length: 299`, `content-type: text/html; charset=UTF-8`, `cross-origin-resource-policy: cross-origin`, `date: Wed, 28 Dec 2022 10:20:50 GMT`, `expires: Fri, 01 Jan 1990 00:00:00 GMT`, `p3p: policyref="https://googleads.g.doubleclick.net/pagead/gcn_p3p.xml", CP="CURa ADMa DEVa TAla PSaO PSDO OUR IND UNI PUR INT DEM STA PRE COM NAV OTC NOI DSP COR"`, `pragma: no-cache`, `server: cafe`, `set-cookie: test_cookie=CheckForPermission; expires=Wed, 28-Dec-2022 10:35:00 GMT; path=/; domain=.doubleclick.net; Secure: HttpOnly; SameSite=none`, `strict-transport-security: max-age=21600`, `timing-Allow-Origin: *`, `x-content-type-options: nosniff`, and `x-xss-protection: 0`. The Request Headers section shows `Accept: text/html,application/xhtml+xml,application/xml;q=0.9,image/avif,image/webp,*/*;q=0.8`, `Accept-Encoding: gzip, deflate, br`, `Accept-Language: en-US,en;q=0.5`, `Alt-Used: 8270149.fs.doubleclick.net`, `Connection: keep-alive`, `Host: 8270149.fs.doubleclick.net`, `Referer: https://www.saksfitthavenue.com/`, `Sec-Fetch-Dest: iframe`, `Sec-Fetch-Mode: navigate`, `Sec-Fetch-Site: cross-site`, `Upgrade-Insecure-Requests: 1`, and `User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:108.0) Gecko/20100101 Firefox/108.0`.

See e.g., <https://www.saksfitthavenue.com/c/live-stream/video>

56. Saks processes the request (e.g., GET request) with at least one program rule of the at least one program to generate a presentation (e.g., M3U8 file) identifying the at least the portion of the media.

The screenshot shows the Chrome DevTools Network tab. The top toolbar includes Inspector, Console, Debugger, Network, Style Editor, Performance, Memory, Storage, Accessibility, and Application. The Network tab is active, displaying a list of requests. The selected request is a GET request to `manifest.prod.bo...rendition.m3u8?fastly_token=NjNhYzoiM2VYVYAyNjBmNjkoZjFj...72f...` with a size of 27 KB. The Headers panel on the right shows the following details:

- Filter Headers:** Block, Resend
- Request Headers (655 B):** Raw
- Accept:** */*
- Accept-Encoding:** gzip, deflate, br
- Accept-Language:** en-US,en;q=0.5
- Connection:** keep-alive
- Host:** manifest.prod.boltdns.net
- Origin:** <https://www.saksfifthavenue.com>
- Referer:** <https://www.saksfifthavenue.com/>
- Sec-Fetch-Dest:** empty
- Sec-Fetch-Mode:** cors
- cache-control:** s-maxage=10800, max-age=10800
- content-length:** 27290
- content-type:** application/x-mpegURL
- date:** Wed, 28 Dec 2022 10:11:50 GMT
- via:** 1.1 varnish
- x-cache:** MISS
- x-cache-hits:** 0
- x-device-group:** desktop-firefox
- X-Firefox-Spdy:** h2
- x-powered-by:** BC
- x-powered-from:** gantry
- x-served-by:** cache-hyd1100024-HYD
- x-timer:** S167222311.560233.V50.VE383

At the bottom, it shows 465 requests, 63.82 MB / 13.86 MB transferred, and a finish time of 24.77 min.

This screenshot is similar to the one above, showing the Chrome DevTools Network tab. The selected request is a GET request to `manifest.prod.bo...rendition.m3u8?fastly_token=NjNhYzoiM2VYVYAyNjBmNjkoZjFj...72f...` with a size of 27 KB. The Headers panel on the right shows the following details:

- Filter Headers:** Block, Resend
- Request Headers (655 B):** Raw
- Accept:** */*
- Accept-Encoding:** gzip, deflate, br
- Accept-Language:** en-US,en;q=0.5
- Connection:** keep-alive
- Host:** manifest.prod.boltdns.net
- Origin:** <https://www.saksfifthavenue.com>
- Referer:** <https://www.saksfifthavenue.com/>
- Sec-Fetch-Dest:** empty
- Sec-Fetch-Mode:** cors
- Sec-Fetch-Site:** cross-site
- User-Agent:** Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:108.0) Gecko/2010101 Firefox/108.0
- cache-control:** s-maxage=10800, max-age=10800
- content-length:** 27290
- content-type:** application/x-mpegURL
- date:** Wed, 28 Dec 2022 10:11:50 GMT
- via:** 1.1 varnish
- x-cache:** MISS
- x-cache-hits:** 0
- x-device-group:** desktop-firefox
- X-Firefox-Spdy:** h2
- x-powered-by:** BC
- x-powered-from:** gantry
- x-served-by:** cache-hyd1100024-HYD
- x-timer:** S167222311.560233.V50.VE383

At the bottom, it shows 467 requests, 63.82 MB / 13.86 MB transferred, and a finish time of 25.02 min.

The screenshot shows the Chrome DevTools Network tab. The left pane displays a list of 468 requests, including several GET requests to 'recaptcha_en.js' and a large number of POST requests to 'rum?ddsource=browser&ddtags=sdksdk_version'. The right pane shows the 'Response Payload' for a selected request, which is a JSON object containing metadata like '#EXTM3U', '#EXT-X-VERSION:3', and a list of URLs for video segments.

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

57. Saks generates a reservation (e.g., connection, session) associated with the presentation as demonstrated by the example provided below:

The screenshot shows the Chrome DevTools Network tab. The left pane displays a list of 493 requests, including a GET request to 'googletag.a?id=AW-867837652&cv=1&v=3&t=1&pid=246754650&rv=72f...' and a large number of GET requests to 'd.la5-c1-ia4.s...'. The right pane shows the 'Response Headers' for a selected request, including status '200 OK', version 'HTTP/3', and various cookies and cache-control headers.

The screenshot shows the Chrome DevTools Network tab. The top table lists network requests with columns for Status, Method, Domain, File, Initia..., Type, and Size. The selected request is a GET to a Google tag with a file size of 0 B. Below the table, the 'Headers' panel is expanded, showing 'Filter Headers' and 'Request Headers (796 B)'. The request headers include 'Accept', 'Accept-Encoding', 'Accept-Language', 'Alt-Used', 'Connection', 'Host', 'Referer', 'Sec-Fetch-Dest', 'Sec-Fetch-Mode', 'Sec-Fetch-Site', 'Upgrade-Insecure-Requests', and 'User-Agent'.

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

The screenshot shows the Chrome DevTools Network tab. The top table lists network requests with columns for Status, Method, Domain, File, Initia..., Type, and Size. The selected request is a GET to manifest.prod.bol... with a file size of 27... Below the table, the 'Headers' panel is expanded, showing 'Filter Headers' and 'Request Headers (655 B)'. The request headers include 'Accept', 'Accept-Encoding', 'Accept-Language', 'Connection', 'Host', 'Origin', 'Referer', 'Sec-Fetch-Dest', and 'Sec-Fetch-Mode'.

The screenshot shows the Network tab in Chrome DevTools. The selected request is a GET request to `manifest.prod.boltdns.net/rendition.m3u8?fastly_token=NjNhYzoiM2VYfjYyNjBmNjk0ZjFj`. The Request Headers section is expanded, showing the following headers:

- Accept: */*
- Accept-Encoding: gzip, deflate, br
- Accept-Language: en-US,en;q=0.5
- Connection: keep-alive
- Host: manifest.prod.boltdns.net
- Origin: <https://www.saksfifthavenue.com>
- Referer: <https://www.saksfifthavenue.com/>
- Sec-Fetch-Dest: empty
- Sec-Fetch-Mode: cors
- Sec-Fetch-Site: cross-site
- User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:108.0) Gecko/20100101 Firefox/108.0

The screenshot shows the Network tab in Chrome DevTools. The selected request is a GET request to `manifest.prod.boltdns.net/rendition.m3u8?fastly_token=NjNhYzoiM2VYfjYyNjBmNjk0ZjFj`. The Response Payload section is expanded, showing the following content:

```

1 #EXTM3U
2 #EXT-X-VERSION:3
3 #EXT-X-PLAYLIST-TYPE:VOD
4 #EXT-X-MEDIA-SEQUENCE:0
5 #EXT-X-TARGETDURATION:10
6 #EXTINF:9.920,
7 https://bcbol1446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
8 #EXTINF:9.920,
9 https://bcbol1446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
10 #EXTINF:9.920,
11 https://bcbol1446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
12 #EXTINF:9.920,
13 https://bcbol1446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
14 #EXTINF:9.920,
15 https://bcbol1446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
16 #EXTINF:9.920,
17 https://bcbol1446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
18 #EXTINF:9.920,
19 https://bcbol1446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
20 #EXTINF:9.920,
21 https://bcbol1446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
22 #EXTINF:9.920,
23 https://bcbol1446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
24 #EXTINF:9.920,
25 https://bcbol1446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
26 #EXTINF:9.920,
27 https://bcbol1446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
28 #EXTINF:9.920,
29 https://bcbol1446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
30 #EXTINF:9.920,
31 https://bcbol1446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
32 #EXTINF:9.920,
33 https://bcbol1446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
34 #EXTINF:9.920,
35 https://bcbol1446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
36 #EXTINF:9.920,
37 https://bcbol1446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
38 #EXTINF:9.920,
39 https://bcbol1446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
40 #EXTINF:9.920,
41 https://bcbol1446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
42 #EXTINF:9.920,
43 https://bcbol1446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
44 #EXTINF:9.920,
45 https://bcbol1446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b

```

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

58. Saks identifies at least one resource (e.g., CDN) to stream the presentation for reception by the viewer (e.g., client device) based on the reservation.

The screenshot shows the Chrome DevTools Network tab. The top toolbar includes Inspector, Console, Debugger, Network, Style Editor, Performance, Memory, Storage, Accessibility, and Application. The Network tab is active, displaying a list of requests. The selected request is a GET request to `manifest.prod.bo...rendition.m3u8?fastly_token=NjNhYzoiM2VYfzYz1NDZlYWJjMDI...` with a size of 27 KB. The Headers panel on the right shows the following details:

- Filter Headers:** Block, Resend
- Request Headers (655 B):**
 - Accept: */*
 - Accept-Encoding: gzip, deflate, br
 - Accept-Language: en-US,en;q=0.5
 - Connection: keep-alive
 - Host: manifest.prod.boltdns.net
 - Origin: <https://www.saksfifthavenue.com>
 - Referer: <https://www.saksfifthavenue.com/>
 - Sec-Fetch-Dest: empty
 - Sec-Fetch-Mode: cors
- Response Headers:**
 - accept-ranges: bytes
 - access-control-allow-headers: X-Requested-With,Origin,Range,Accept-Encodi ng,Referer
 - access-control-allow-methods: GET,HEAD,OPTIONS
 - access-control-allow-origin: *
 - access-control-expose-headers: Server,Range,Content-Length,Content-Range
 - age: 0
 - cache-control: s-maxage=10800, max-age=10800
 - content-length: 27290
 - content-type: application/x-mpegURL
 - date: Wed, 28 Dec 2022 10:11:50 GMT
 - via: 1.1 varnish
 - x-cache: MISS
 - x-cache-hits: 0
 - x-device-group: desktop-firefox
 - X-Firefox-Spdy: h2
 - x-powered-by: BC
 - x-powered-from: gantry
 - x-served-by: cache-hyd1100024-HYD
 - x-timer: S167222311.560233.V50.VE383

At the bottom, the summary shows 465 requests, 63.82 MB / 13.86 MB transferred, and a finish time of 24.77 min.

This screenshot is similar to the one above, showing the same network request and headers. The selected request is a GET request to `manifest.prod.bo...rendition.m3u8?fastly_token=NjNhYzoiM2VYfzYz1NDZlYWJjMDI...` with a size of 27 KB. The Headers panel on the right shows the following details:

- Filter Headers:** Block, Resend
- Request Headers (655 B):**
 - Accept: */*
 - Accept-Encoding: gzip, deflate, br
 - Accept-Language: en-US,en;q=0.5
 - Connection: keep-alive
 - Host: manifest.prod.boltdns.net
 - Origin: <https://www.saksfifthavenue.com>
 - Referer: <https://www.saksfifthavenue.com/>
 - Sec-Fetch-Dest: empty
 - Sec-Fetch-Mode: cors
 - Sec-Fetch-Site: cross-site
 - User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:108.0) Gecko/201 00101 Firefox/108.0
- Response Headers:**
 - accept-ranges: bytes
 - access-control-allow-methods: GET,HEAD,OPTIONS
 - access-control-allow-origin: *
 - access-control-expose-headers: Server,Range,Content-Length,Content-Range
 - age: 0
 - cache-control: s-maxage=10800, max-age=10800
 - content-length: 27290
 - content-type: application/x-mpegURL
 - date: Wed, 28 Dec 2022 10:11:50 GMT
 - via: 1.1 varnish
 - x-cache: MISS
 - x-cache-hits: 0
 - x-device-group: desktop-firefox
 - X-Firefox-Spdy: h2
 - x-powered-by: BC
 - x-powered-from: gantry
 - x-served-by: cache-hyd1100024-HYD
 - x-timer: S167222311.560233.V50.VE383

At the bottom, the summary shows 467 requests, 63.82 MB / 13.86 MB transferred, and a finish time of 25.02 min.

The screenshot shows the Chrome DevTools Network tab. The left pane displays a list of network requests, including several GET requests to 'recaptcha_en.js' and a POST request to 'rum?ddsource=browser&ddtags=sdksdk_version'. The right pane shows the 'Response Payload' for a selected request, displaying a JSON object with fields like '#EXTM3U', '#EXT-X-VERSION:3', and various 'https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/...' URLs.

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

The screenshot shows the Chrome DevTools Network tab with a list of requests. The right pane displays the 'Response Headers' for a selected request, showing various HTTP headers such as 'Accept-Ranges: bytes', 'Access-Control-Allow-Headers', 'Access-Control-Allow-Methods', 'Access-Control-Allow-Origin', 'Access-Control-Expose-Headers', 'Cache-Control', 'Content-Length', 'Content-Type', 'Date', 'ETag', 'Expires', and 'Last-Modified'.

Status	Method	Domain	File	Initi...	Type	Size
304	GET	4461b1a9/de.cd...	script.js	script	js	32...
200	GET	us-u.openx.net	sd?cc=1&id=537073059&val=Q7255092541559044781J	eps...	gif	43 B
200	GET	us-u.openx.net	sd?id=537073059&val=Q7255092541559044781J	eps...	gif	43 B
200	GET	widgets.turnto...	search-page.85faba630c39f13726fdb49839afba1.en_US.js	script	js	56...
200	GET	bcbolt446c5271...	segment1.ts?akamai_token=exp=1672245598~ad=/media/v1 72fc...	mp2t	mp2t	3.1...
200	GET	bcbolt446c5271...	segment1.ts?akamai_token=exp=1672245570~ad=/media/v1 72fc...	mp2t	mp2t	31...
200	GET	bcbolt446c5271...	segment1.ts?akamai_token=exp=1672245598~ad=/media/v1 72fc...	mp2t	mp2t	74...
200	GET	bcbolt446c5271...	segment1.ts?akamai_token=exp=1672245603~ad=/media/v1 72fc...	mp2t	mp2t	17...
200	GET	bcbolt446c5271...	segment10.ts?akamai_token=exp=1672245598~ad=/media/v 72fc...	mp2t	mp2t	91...
200	GET	bcbolt446c5271...	segment10.ts?akamai_token=exp=1672245603~ad=/media/v 72fc...	mp2t	mp2t	19...
200	GET	bcbolt446c5271...	segment11.ts?akamai_token=exp=1672245598~ad=/media/v 72fc...	mp2t	mp2t	74...
200	GET	bcbolt446c5271...	segment11.ts?akamai_token=exp=1672245603~ad=/media/v 72fc...	mp2t	mp2t	17...
200	GET	bcbolt446c5271...	segment12.ts?akamai_token=exp=1672245598~ad=/media/v 72fc...	mp2t	mp2t	49...
200	GET	bcbolt446c5271...	segment12.ts?akamai_token=exp=1672245603~ad=/media/v 72fc...	mp2t	mp2t	17...
200	GET	bcbolt446c5271...	segment13.ts?akamai_token=exp=1672245598~ad=/media/v 72fc...	mp2t	mp2t	44...
200	GET	bcbolt446c5271...	segment13.ts?akamai_token=exp=1672245603~ad=/media/v 72fc...	mp2t	mp2t	17...
200	GET	bcbolt446c5271...	segment14.ts?akamai_token=exp=1672245598~ad=/media/v 72fc...	mp2t	mp2t	38...
200	GET	bcbolt446c5271...	segment14.ts?akamai_token=exp=1672245603~ad=/media/v 72fc...	mp2t	mp2t	17...
200	GET	bcbolt446c5271...	segment15.ts?akamai_token=exp=1672245598~ad=/media/v 72fc...	mp2t	mp2t	47...
200	GET	bcbolt446c5271...	segment15.ts?akamai_token=exp=1672245603~ad=/media/v 72fc...	mp2t	mp2t	17...
200	GET	bcbolt446c5271...	segment16.ts?akamai_token=exp=1672245598~ad=/media/v 72fc...	mp2t	mp2t	63...
200	GET	bcbolt446c5271...	segment16.ts?akamai_token=exp=1672245603~ad=/media/v 72fc...	mp2t	mp2t	16...
200	GET	bcbolt446c5271...	segment17.ts?akamai_token=exp=1672245598~ad=/media/v 72fc...	mp2t	mp2t	62...
200	GET	bcbolt446c5271...	segment17.ts?akamai_token=exp=1672245603~ad=/media/v 72fc...	mp2t	mp2t	17...
200	GET	bcbolt446c5271...	segment18.ts?akamai_token=exp=1672245598~ad=/media/v 72fc...	mp2t	mp2t	58...

476 requests | 63.82 MB / 13.86 MB transferred | Finish: 30.94 min

Request Headers (751 B)

- Accept: */*
- Accept-Encoding: gzip, deflate, br
- Accept-Language: en-US,en;q=0.5
- Connection: keep-alive
- Host: bcbolt446c5271-a.akamaihd.net
- Origin: https://www.saksfifthavenue.com
- Referer: https://www.saksfifthavenue.com/
- Sec-Fetch-Dest: empty
- Sec-Fetch-Mode: cors
- Sec-Fetch-Site: cross-site
- User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:108.0) Gecko/20100101 Firefox/108.0

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

59. On information and belief, Saks has been on notice of the '244 patent at least as early as January 26, 2023, when Saks' in-house counsel responded to SITO's counsel's January 9, 2023 letter concerning Saks' infringement of the patents-in-suit.

60. On information and belief, at least since January 26, 2023, Saks knowingly encouraged and continues to encourage, its customers to directly infringe one or more claims of the '244 patent, including by Saks' actions that include, without limitation, instructing and encouraging its customers to use the Saks Video Streaming Services through the publishing, distribution, and propagation of targeted user emails, shopping offers, support documents, blog posts, live events, and instructions, including but not limited to the examples of such materials cited above.

61. On information and belief, at least since acquiring its January 2023 knowledge of the '244 patent, Saks knows the acts Saks induced its customers to take constitute patent infringement and Saks' encouraging acts result in direct infringement of one or more claims of the '244 patent by its customers.

62. On information and belief, Saks' customers directly infringe at least claim 2 of the '244 patent through their use of the Saks Streaming Video Service.

63. On information and belief, Saks is in violation of 35 U.S.C. § 271(b) and has been, at least since its January 2023 knowledge of the '244 patent, indirectly infringing and continues to indirectly infringe at least claim 2 of the '244 patent by knowingly and specifically intending to induce infringement by others (including, without limitation, Saks' users) and possessing specific intent to encourage infringement by Saks' users. The Saks Video Streaming Service is specifically configured to function in accordance with the '244 patent claims.

64. SITO has been damaged by the direct and indirect infringement of Saks, and is suffering and will continue to suffer irreparable harm and damages as a result of this infringement.

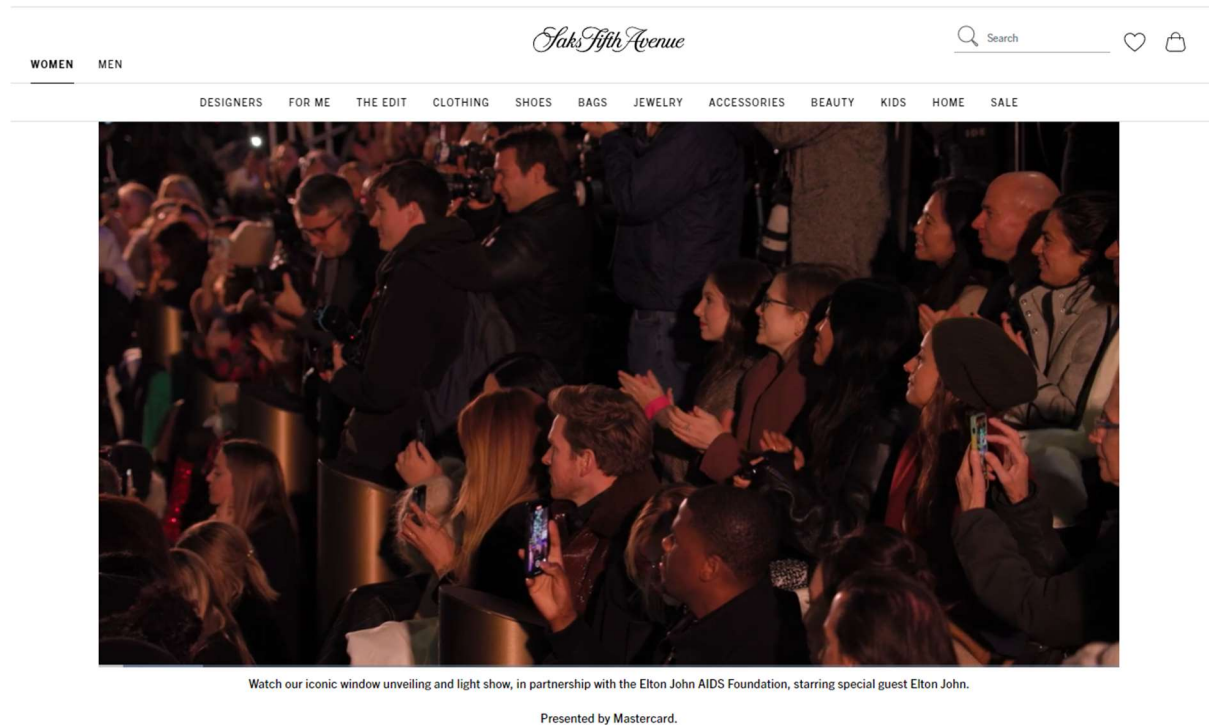
Count II- Infringement of United States Patent No. 8,015,307

65. SITO alleges, and incorporates by reference, as if fully set forth here, the preceding paragraphs of this Complaint.

66. Saks directly infringes (literally and/or under the doctrine of equivalents) the '307 patent by using the method covered by at least claim 30 of the '307 patent.

67. On information and belief, and without SITO's approval, authorization and license, Saks owns, controls, operates and uses a system for streaming media that includes the Saks Streaming Platform, as well as other Saks networks, systems, devices, components and/or services for streaming media, that practices and infringes the media streaming method recited in at least claim 30 of the '307 patent.

68. Saks performs a method of streaming video as demonstrated by the example provided below:



See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

69. Saks processes a request (e.g., GET request) for media at a management system (e.g., contained within Saks streaming service server(s)) and builds in response thereto a reservation (e.g., session or connection) comprising a reservation identification (e.g., the reservation identification is appended with the universal resource locator) and

a presentation identification (e.g., M3U8 file), the presentation identification identifying a presentation (e.g., M3U8 file) comprising at least one network distribution rule (e.g., bandwidth) and a media play list (e.g., segment list for the media) comprising a plurality of media names.

The screenshot shows the Network tab in a browser's developer tools. The top part is a table of network requests:

Status	Method	Domain	File	Initi...	Type	Size
200	GET	www.googletag...	a?id=AW-867837652&cv=1&v=3&t=t&pid=246754650&rv=	72fc...	html	0 B
200	GET	8270149.flv.d...	activitysrc=8270149?type=landi0:cat=saks-Oord=1:num=27	sub...	html	57...
200	GET	www.google.com	anchor?ar=1&k=6LftSaYZAAAAAKUMeZITBWWAsRo1hkbQhnl	sub...	html	42....
200	GET	www.google.com	anchor?ar=1&k=6LftSaYZAAAAAKUMeZITBWWAsRo1hkbQhnl	sub...	html	43....
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=11&Availability.prefix=Vri	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=1298&Availability.prefix=Vri	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=149&Availability.prefix=Vri	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=152&Availability.prefix=Vri	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=170&Availability.prefix=Vri	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=233&Availability.prefix=Vri	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=239&Availability.prefix=Vri	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=264&Availability.prefix=Vri	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=268&Availability.prefix=Vri	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=280&Availability.prefix=Vri	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=299&Availability.prefix=Vri	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=305&Availability.prefix=Vri	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=330&Availability.prefix=Vri	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=333&Availability.prefix=Vri	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=345&Availability.prefix=Vri	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=390&Availability.prefix=Vri	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=400&Availability.prefix=Vri	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=417&Availability.prefix=Vri	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=419&Availability.prefix=Vri	72fc...	js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=440&Availability.prefix=Vri	72fc...	js	16...

The bottom part of the screenshot shows the Headers tab for the selected request. The Response Headers section is expanded, showing the following headers:

- alt-svc: h3="443"; ma=2592000,h3-29="443"; ma=2592000,h3-Q050="443"; ma=2592000,h3-Q046="443"; ma=2592000,h3-Q043="443"; ma=2592000,q-ua="443"; ma=2592000; v="46.43"
- cache-control: no-cache, must-revalidate
- content-encoding: br
- content-length: 299
- content-type: text/html; charset=UTF-8
- cross-origin-resource-policy: cross-origin
- date: Wed, 28 Dec 2022 10:20:50 GMT
- expires: Fri, 01 Jan 1990 00:00:00 GMT
- p3p: policyref="https://googleads.g.doubleclick.net/pagead/gen_p3p.xml", CP="CURa ADMa DEVa TAlO PSAo PSDo OUR IND UNI PUR INT DEM STA PRE COM NAV OTC NOI DSP COR"
- pragma: no-cache
- server: cafe
- set-cookie: test_cookie=CheckForPermission; expires=Wed, 28-Dec-2022 10:35:5

At the bottom left, a summary shows: 493 requests, 63.83 MB / 13.88 MB transferred, Finish: 40.43 min.

The screenshot shows the Network tab in Chrome DevTools. The top table lists requests with columns for Status, Method, Domain, File, Initial URL, Type, and Size. A request to '8270149.fs.d...' is selected. The right pane shows the 'Headers' section with 'Filter Headers' and 'Request Headers (796 B)'. The request headers include 'Accept', 'Accept-Encoding', 'Accept-Language', 'Alt-Used', 'Connection', 'Host', 'Referer', 'Sec-Fetch-Dest', 'Sec-Fetch-Mode', 'Sec-Fetch-Site', 'Upgrade-Insecure-Requests', and 'User-Agent'.

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

The screenshot shows the Network tab in Chrome DevTools. The top table lists requests with columns for Status, Method, Domain, File, Initial URL, Type, and Size. A request to 'manifest.prod.bol...' is selected. The right pane shows the 'Headers' section with 'Filter Headers' and 'Request Headers (655 B)'. The request headers include 'Accept', 'Accept-Encoding', 'Accept-Language', 'Connection', 'Host', 'Origin', 'Referer', 'Sec-Fetch-Dest', and 'Sec-Fetch-Mode'.

The screenshot shows the Chrome DevTools Network tab. The left pane displays a list of 467 requests. The selected request is a GET request to `manifest.prod.bol...rendition.m3u8?fastly_token=NjNhYzoiM2VlYyAyNjBmNjk0ZjFj 72f...`. The right pane shows the request headers for this request:

```

    Filter Headers
    access-control-allow-methods: GET,HEAD,OPTIONS
    access-control-allow-origin: *
    access-control-expose-headers: Server,Range,Content-Length,Content-Range
    age: 0
    cache-control: s-maxage=10800, max-age=10800
    content-length: 27290
    content-type: application/x-mpegURL
    date: Wed, 28 Dec 2022 10:11:50 GMT
    via: 1.1 varnish
    x-cache: MISS
    x-cache-hits: 0
    x-device-group: desktop-firefox
    X-Firefox-Spdy: h2
    x-powered-by: BC
    x-powered-from: gantry
    x-served-by: cache-hyd1100024-HYD
    x-timer: S167222311.560233.V50.VE383

    Request Headers (655 B)
    Accept: */*
    Accept-Encoding: gzip, deflate, br
    Accept-Language: en-US,en;q=0.5
    Connection: keep-alive
    Host: manifest.prod.boltdns.net
    Origin: https://www.saksfifthavenue.com
    Referer: https://www.saksfifthavenue.com/
    Sec-Fetch-Dst: empty
    Sec-Fetch-Mode: cors
    Sec-Fetch-Site: cross-site
    User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:108.0) Gecko/20100101 Firefox/108.0
  
```

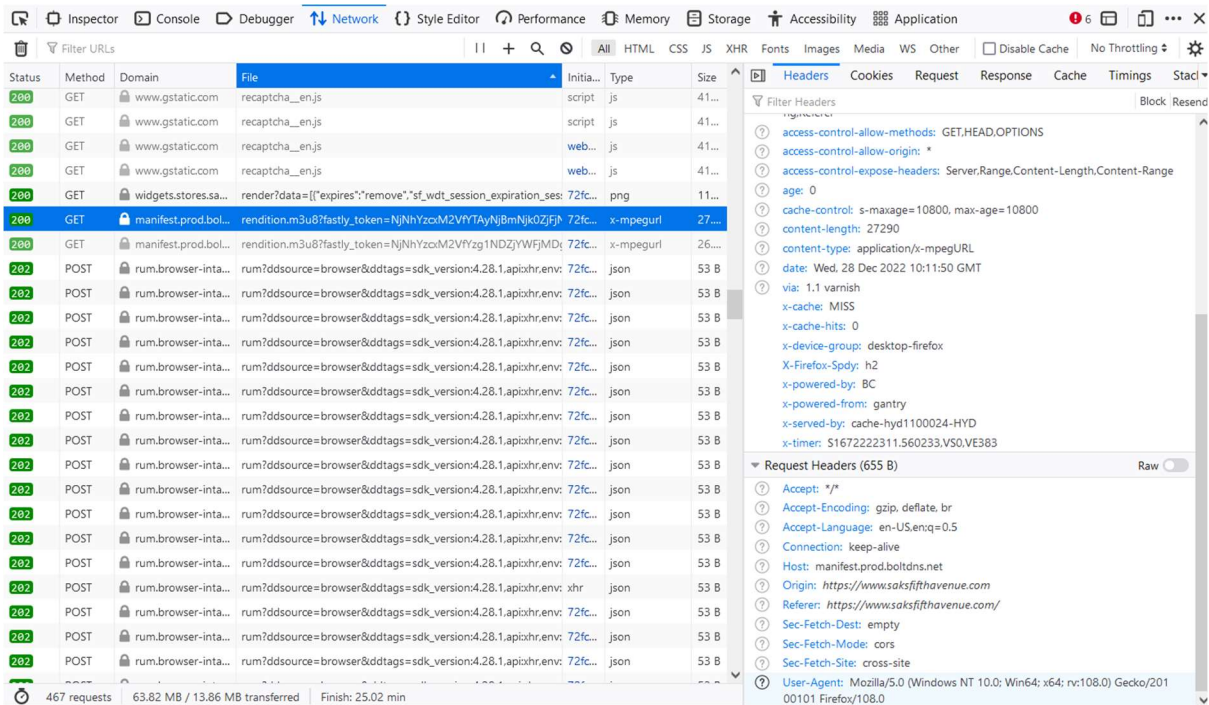
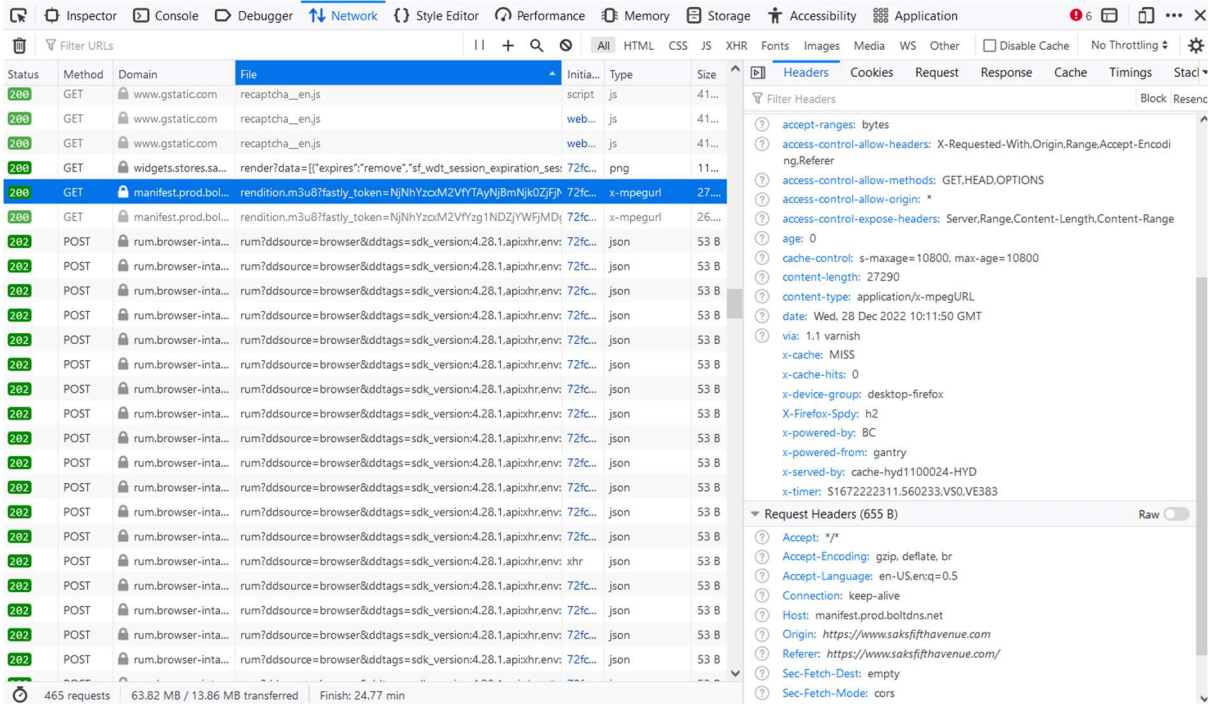
The screenshot shows the Chrome DevTools Network tab. The left pane displays a list of 468 requests. The selected request is a GET request to `manifest.p...rendition.m3u8?fastly_token=NjNhYzoiM2VlYy 7...`. The right pane shows the response payload for this request:

```

    Response Payload
    1 #EXTM3U
    2 #EXT-X-VERSION:3
    3 #EXT-X-PLAYLIST-TYPE:VOD
    4 #EXT-X-MEDIA-SEQUENCE:0
    5 #EXT-X-TARGETDURATION:10
    6 #EXTINF:9.920,
    7 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
    8 #EXTINF:9.920,
    9 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
    10 #EXTINF:9.920,
    11 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
    12 #EXTINF:9.920,
    13 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
    14 #EXTINF:9.920,
    15 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
    16 #EXTINF:9.920,
    17 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
    18 #EXTINF:9.920,
    19 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
    20 #EXTINF:9.920,
    21 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
    22 #EXTINF:9.920,
    23 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
    24 #EXTINF:9.920,
    25 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
    26 #EXTINF:9.920,
    27 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
    28 #EXTINF:9.920,
    29 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
    30 #EXTINF:9.920,
    31 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
    32 #EXTINF:9.920,
    33 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
    34 #EXTINF:9.920,
    35 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
    36 #EXTINF:9.920,
    37 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
    38 #EXTINF:9.920,
    39 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
    40 #EXTINF:9.920,
    41 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
    42 #EXTINF:9.920,
    43 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
    44 #EXTINF:9.920,
    45
  
```

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

70. Saks reserves a resource (e.g., Media server) to stream media for the reservation (e.g., connection, session) at the management system (e.g., contained within Saks streaming service server).



The screenshot displays the Network tab of a web browser's developer tools. The left pane shows a list of network requests, including several GET requests to 'recaptcha_en.js' and a series of POST requests to 'rum.brows...' with a 'rum?ddsouce=browser&ddtags=sdk_version' payload. A specific GET request to 'manifest.p...' is highlighted, showing a response of type 'x-mpegurl'. The right pane shows the 'Response Payload' for this request, which is an M3U8 playlist. The payload includes headers like '#EXTM3U', '#EXT-X-VERSION:3', and '#EXT-X-PLAYLIST-TYPE:VOD', followed by a series of 'https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b' URLs and 'EXTINF:9.920' duration markers.

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

71. Saks transmits the presentation (e.g., M3U8 file) and reservation data comprising a valid reservation identification (e.g., the reservation identification is appended with the universal resource locator) from the management system (e.g., Saks streaming service server(s)) to a routing processor (e.g., Saks streaming server(s)) and transmits the reservation formatted for reception by the viewer.

The screenshot shows the Chrome DevTools Network tab. The top toolbar includes icons for Inspector, Console, Debugger, Network, Style Editor, Performance, Memory, Storage, Accessibility, and Application. Below the toolbar, there are filters for 'Filter URLs' and 'Filter Headers'. The main area displays a list of network requests with columns for Status, Method, Domain, File, Initia..., Type, and Size. A request from 'manifest.prod.bo...' is selected, and its headers are visible in the right-hand pane. The headers are categorized into 'Filter Headers' and 'Request Headers (655 B)'. The 'Request Headers' include: Accept: */*, Accept-Encoding: gzip, deflate, br, Accept-Language: en-US,en;q=0.5, Connection: keep-alive, Host: manifest.prod.boltdns.net, Origin: https://www.saksfifthavenue.com, Referer: https://www.saksfifthavenue.com/, Sec-Fetch-Dest: empty, and Sec-Fetch-Mode: cors. The status bar at the bottom indicates 465 requests, 63.82 MB / 13.86 MB transferred, and a finish time of 24.77 min.

This screenshot is similar to the one above, showing the Chrome DevTools Network tab. The selected request is the same, but the 'Request Headers' list includes an additional entry: User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:108.0) Gecko/2010101 Firefox/108.0. The status bar at the bottom indicates 467 requests, 63.82 MB / 13.86 MB transferred, and a finish time of 25.02 min.

The screenshot displays the Network tab of a browser's developer tools. The left pane shows a list of network requests, including several GET requests to 'recaptcha_en.js' and a series of POST requests to 'rum.brows...' with various query parameters. The right pane shows the 'Response' tab for a selected request, displaying a JSON payload with the following structure:

```

1 #EXTM3U
2 #EXT-X-VERSION:3
3 #EXT-X-PLAYLIST-TYPE:VOD
4 #EXT-X-MEDIA-SEQUENCE:0
5 #EXT-X-TARGETDURATION:10
6 #EXTINF:9.920,
7 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
8 #EXTINF:9.920,
9 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
10 #EXTINF:9.920,
11 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
12 #EXTINF:9.920,
13 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
14 #EXTINF:9.920,
15 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
16 #EXTINF:9.920,
17 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
18 #EXTINF:9.920,
19 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
20 #EXTINF:9.920,
21 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
22 #EXTINF:9.920,
23 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
24 #EXTINF:9.920,
25 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
26 #EXTINF:9.920,
27 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
28 #EXTINF:9.920,
29 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
30 #EXTINF:9.920,
31 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
32 #EXTINF:9.920,
33 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
34 #EXTINF:9.920,
35 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
36 #EXTINF:9.920,
37 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
38 #EXTINF:9.920,
39 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
40 #EXTINF:9.920,
41 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
42 #EXTINF:9.920,
43 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
44 #EXTINF:9.920,
45

```

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

72. Saks selects a media switch (e.g., CDN) at the routing processor based on the at least one network distribution rule, the at least one network distribution rule comprising at least one member of a group comprising a capacity rule, a load rule, a bandwidth rule, a resource rule, and a session rule.

The screenshot shows the Chrome DevTools Network tab. The top toolbar includes Inspector, Console, Debugger, Network, Style Editor, Performance, Memory, Storage, Accessibility, and Application. The Network tab is active, displaying a list of requests. The selected request is a GET request to `manifest.prod.bo... rendition.m3u8?fastly_token=NjNhYzoiM2VYfzYz1NDZlYWJMDj...` with a size of 27 KB. The Headers panel on the right shows the following details:

- Filter Headers:** Block, Resend
- Request Headers (655 B):** Raw
- Accept:** */*
- Accept-Encoding:** gzip, deflate, br
- Accept-Language:** en-US,en;q=0.5
- Connection:** keep-alive
- Host:** manifest.prod.boltdns.net
- Origin:** <https://www.saksfifthavenue.com>
- Referer:** <https://www.saksfifthavenue.com/>
- Sec-Fetch-Dest:** empty
- Sec-Fetch-Mode:** cors
- cache-control:** s-maxage=10800, max-age=10800
- content-length:** 27290
- content-type:** application/x-mpegURL
- date:** Wed, 28 Dec 2022 10:11:50 GMT
- via:** 1.1 varnish
- x-cache:** MISS
- x-cache-hits:** 0
- x-device-group:** desktop-firefox
- X-Firefox-Spdy:** h2
- x-powered-by:** BC
- x-powered-from:** gantry
- x-served-by:** cache-hyd1100024-HYD
- x-timer:** S167222311.560233.V50.VE383

At the bottom, it shows 465 requests, 63.82 MB / 13.86 MB transferred, and a finish time of 24.77 min.

This screenshot is similar to the one above, showing the Chrome DevTools Network tab. The selected request is a GET request to `manifest.prod.bo... rendition.m3u8?fastly_token=NjNhYzoiM2VYfzYz1NDZlYWJMDj...` with a size of 27 KB. The Headers panel on the right shows the following details:

- Filter Headers:** Block, Resend
- Request Headers (655 B):** Raw
- Accept:** */*
- Accept-Encoding:** gzip, deflate, br
- Accept-Language:** en-US,en;q=0.5
- Connection:** keep-alive
- Host:** manifest.prod.boltdns.net
- Origin:** <https://www.saksfifthavenue.com>
- Referer:** <https://www.saksfifthavenue.com/>
- Sec-Fetch-Dest:** empty
- Sec-Fetch-Mode:** cors
- Sec-Fetch-Site:** cross-site
- User-Agent:** Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:108.0) Gecko/2010101 Firefox/108.0
- cache-control:** s-maxage=10800, max-age=10800
- content-length:** 27290
- content-type:** application/x-mpegURL
- date:** Wed, 28 Dec 2022 10:11:50 GMT
- via:** 1.1 varnish
- x-cache:** MISS
- x-cache-hits:** 0
- x-device-group:** desktop-firefox
- X-Firefox-Spdy:** h2
- x-powered-by:** BC
- x-powered-from:** gantry
- x-served-by:** cache-hyd1100024-HYD
- x-timer:** S167222311.560233.V50.VE383

At the bottom, it shows 467 requests, 63.82 MB / 13.86 MB transferred, and a finish time of 25.02 min.

The screenshot displays the Network tab of a web browser's developer tools. The left pane shows a list of network requests, including several GET requests for 'recaptcha_en.js' and a POST request for 'rum?ddsourc...'. The right pane shows the 'Response' tab for a selected request, displaying an M3U8 playlist. The playlist content includes headers like '#EXTM3U', '#EXT-X-VERSION:3', and '#EXT-X-PLAYLIST-TYPE:VOD', followed by a series of 'https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b' URLs, each preceded by '#EXTINF:9.920,'.

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

73. Saks determines, at the routing processor, if the media switch (e.g., CDN) is configured to stream the media identified by the media playlist (e.g., segment list contained within the M3U8 file).

The screenshot shows the Chrome DevTools Network tab with a list of 465 requests. The selected request is a GET request to a manifest file. The Headers panel is open, showing the following details:

Header	Value
accept-ranges	bytes
access-control-allow-headers	X-Requested-With, Origin, Range, Accept-Encoding, Referer
access-control-allow-methods	GET, HEAD, OPTIONS
access-control-allow-origin	*
access-control-expose-headers	Server, Range, Content-Length, Content-Range
age	0
cache-control	s-maxage=10800, max-age=10800
content-length	27290
content-type	application/x-mpegURL
date	Wed, 28 Dec 2022 10:11:50 GMT
via	1.1 varnish
x-cache	MISS
x-cache-hits	0
x-device-group	desktop-firefox
X-Firefox-Spdy	h2
x-powered-by	BC
x-powered-from	gantry
x-served-by	cache-hyd1100024-HYD
x-timer	S1672222311.560233.V50.VE383

Request Headers (655 B):

- Accept: */*
- Accept-Encoding: gzip, deflate, br
- Accept-Language: en-US,en;q=0.5
- Connection: keep-alive
- Host: manifest.prod.boltdns.net
- Origin: https://www.saksfifthavenue.com
- Referer: https://www.saksfifthavenue.com/
- Sec-Fetch-Dest: empty
- Sec-Fetch-Mode: cors

The screenshot shows the Chrome DevTools Network tab with a list of 467 requests. The selected request is a GET request to a manifest file. The Headers panel is open, showing the following details:

Header	Value
accept-ranges	bytes
access-control-allow-headers	X-Requested-With, Origin, Range, Accept-Encoding, Referer
access-control-allow-methods	GET, HEAD, OPTIONS
access-control-allow-origin	*
access-control-expose-headers	Server, Range, Content-Length, Content-Range
age	0
cache-control	s-maxage=10800, max-age=10800
content-length	27290
content-type	application/x-mpegURL
date	Wed, 28 Dec 2022 10:11:50 GMT
via	1.1 varnish
x-cache	MISS
x-cache-hits	0
x-device-group	desktop-firefox
X-Firefox-Spdy	h2
x-powered-by	BC
x-powered-from	gantry
x-served-by	cache-hyd1100024-HYD
x-timer	S1672222311.560233.V50.VE383

Request Headers (655 B):

- Accept: */*
- Accept-Encoding: gzip, deflate, br
- Accept-Language: en-US,en;q=0.5
- Connection: keep-alive
- Host: manifest.prod.boltdns.net
- Origin: https://www.saksfifthavenue.com
- Referer: https://www.saksfifthavenue.com/
- Sec-Fetch-Dest: empty
- Sec-Fetch-Mode: cors
- Sec-Fetch-Site: cross-site
- User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:108.0) Gecko/2010101 Firefox/108.0

The screenshot shows the Chrome DevTools Network tab. The left pane displays a list of network requests, including several GET requests to 'recaptcha_en.js' and a series of POST requests to 'rum.brows...' with 'sdk_version' parameters. A specific request to 'manifest.p...' is selected, showing its response payload in the right pane. The payload is a JSON object with fields like '#EXTM3U', '#EXT-X-VERSION:3', and a list of media segments with their respective URLs and durations.

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

This screenshot shows the Chrome DevTools Network tab with a different selection. The left pane shows a series of GET requests to 'segment1.ts?akamai_token=exp=1672245569-ad=/media/v1/72f...' from 'bcbolt446c5271-a.akamaihd.net'. The right pane displays the response headers for one of these requests, including 'Accept-Ranges: bytes', 'Access-Control-Allow-Headers', 'Access-Control-Allow-Methods', 'Access-Control-Allow-Origin: *', 'Access-Control-Expose-Headers', 'Cache-Control: public, max-age=29672241', and 'Content-Type: video/MP2T'.

The screenshot shows the Network tab of a browser's developer tools. The left pane displays a list of requests, with the selected request being a GET request to a video segment from bcbolt446c5271... The right pane shows the headers for this request, including Cache-Control, Content-Type, Date, Expires, Last-Modified, X-Amz-CF-Id, X-Amz-CF-Pop, X-Cache-Hits, X-Powered-By, X-Served-By, and X-Timer. The Request Headers section shows Accept, Accept-Encoding, Accept-Language, Connection, Host, Origin, Referer, Sec-Fetch-Dest, Sec-Fetch-Mode, Sec-Fetch-Site, and User-Agent.

Status	Method	Domain	File	Initi...	Type	Size
304	GET	4a161b1a9/de.cd...	script.js		script	32...
200	GET	us-u.openx.net	sd?cc=1&id=537073059&val=Q7255092541559044781J	eps...	gif	43 B
200	GET	us-u.openx.net	sd?id=537073059&val=Q7255092541559044781J	eps...	gif	43 B
200	GET	widgets.turnto...	search-page.85faba630c39f13726fdb49839afba1.en_US.js		script	56...
200	GET	bcbolt446c5271...	segment1.ts?akamai_token=exp=1672245598~ad=/media/v1.72fc...		mp2t	3.1...
200	GET	bcbolt446c5271...	segment1.ts?akamai_token=exp=1672245570~ad=/media/v1.72fc...		mp2t	31...
200	GET	bcbolt446c5271...	segment1.ts?akamai_token=exp=1672245598~ad=/media/v1.72fc...		mp2t	74...
200	GET	bcbolt446c5271...	segment1.ts?akamai_token=exp=1672245603~ad=/media/v1.72fc...		mp2t	17...
200	GET	bcbolt446c5271...	segment10.ts?akamai_token=exp=1672245598~ad=/media/v1.72fc...		mp2t	91...
200	GET	bcbolt446c5271...	segment10.ts?akamai_token=exp=1672245603~ad=/media/v1.72fc...		mp2t	17...
200	GET	bcbolt446c5271...	segment11.ts?akamai_token=exp=1672245598~ad=/media/v1.72fc...		mp2t	74...
200	GET	bcbolt446c5271...	segment11.ts?akamai_token=exp=1672245603~ad=/media/v1.72fc...		mp2t	17...
200	GET	bcbolt446c5271...	segment12.ts?akamai_token=exp=1672245598~ad=/media/v1.72fc...		mp2t	49...
200	GET	bcbolt446c5271...	segment12.ts?akamai_token=exp=1672245603~ad=/media/v1.72fc...		mp2t	17...
200	GET	bcbolt446c5271...	segment13.ts?akamai_token=exp=1672245598~ad=/media/v1.72fc...		mp2t	44...
200	GET	bcbolt446c5271...	segment13.ts?akamai_token=exp=1672245603~ad=/media/v1.72fc...		mp2t	17...
200	GET	bcbolt446c5271...	segment14.ts?akamai_token=exp=1672245598~ad=/media/v1.72fc...		mp2t	38...
200	GET	bcbolt446c5271...	segment14.ts?akamai_token=exp=1672245603~ad=/media/v1.72fc...		mp2t	17...
200	GET	bcbolt446c5271...	segment15.ts?akamai_token=exp=1672245598~ad=/media/v1.72fc...		mp2t	47...
200	GET	bcbolt446c5271...	segment15.ts?akamai_token=exp=1672245603~ad=/media/v1.72fc...		mp2t	17...
200	GET	bcbolt446c5271...	segment16.ts?akamai_token=exp=1672245598~ad=/media/v1.72fc...		mp2t	63...
200	GET	bcbolt446c5271...	segment16.ts?akamai_token=exp=1672245603~ad=/media/v1.72fc...		mp2t	16...
200	GET	bcbolt446c5271...	segment17.ts?akamai_token=exp=1672245598~ad=/media/v1.72fc...		mp2t	62...
200	GET	bcbolt446c5271...	segment17.ts?akamai_token=exp=1672245603~ad=/media/v1.72fc...		mp2t	17...
200	GET	bcbolt446c5271...	segment18.ts?akamai_token=exp=1672245598~ad=/media/v1.72fc...		mp2t	58...

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

74. Saks transmits the reservation data from the routing processor to the media switch (e.g., CDN) if the media switch is configured, at least initially, to stream the media for the media play list.

The screenshot shows the Chrome DevTools Network tab. The top toolbar includes Inspector, Console, Debugger, Network, Style Editor, Performance, Memory, Storage, Accessibility, and Application. The Network tab is active, displaying a list of requests. The selected request is a GET request to `manifest.prod.bol...` with a file path of `rendition.m3u8?fastly_token=NjNhYzoiM2VYVYAYjBmNjk0ZjFj...`. The Headers panel on the right shows the following details:

- Filter Headers:** Block, Resend
- Request Headers (655 B):** Raw
- Accept:** */*
- Accept-Encoding:** gzip, deflate, br
- Accept-Language:** en-US,en;q=0.5
- Connection:** keep-alive
- Host:** manifest.prod.boltdns.net
- Origin:** <https://www.saksfifthavenue.com>
- Referer:** <https://www.saksfifthavenue.com/>
- Sec-Fetch-Dest:** empty
- Sec-Fetch-Mode:** cors
- cache-control:** s-maxage=10800, max-age=10800
- content-length:** 27290
- content-type:** application/x-mpegURL
- date:** Wed, 28 Dec 2022 10:11:50 GMT
- via:** 1.1 varnish
- x-cache:** MISS
- x-cache-hits:** 0
- x-device-group:** desktop-firefox
- X-Firefox-Spdy:** h2
- x-powered-by:** BC
- x-powered-from:** gantry
- x-served-by:** cache-hyd1100024-HYD
- x-timer:** S167222311.560233.V50.VE383

At the bottom, it shows 465 requests, 63.82 MB / 13.86 MB transferred, and a finish time of 24.77 min.

This screenshot is similar to the one above, showing the Chrome DevTools Network tab. The selected request is a GET request to `manifest.prod.bol...` with a file path of `rendition.m3u8?fastly_token=NjNhYzoiM2VYVYAYjBmNjk0ZjFj...`. The Headers panel on the right shows the following details:

- Filter Headers:** Block, Resend
- Request Headers (655 B):** Raw
- Accept:** */*
- Accept-Encoding:** gzip, deflate, br
- Accept-Language:** en-US,en;q=0.5
- Connection:** keep-alive
- Host:** manifest.prod.boltdns.net
- Origin:** <https://www.saksfifthavenue.com>
- Referer:** <https://www.saksfifthavenue.com/>
- Sec-Fetch-Dest:** empty
- Sec-Fetch-Mode:** cors
- Sec-Fetch-Site:** cross-site
- User-Agent:** Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:108.0) Gecko/2010101 Firefox/108.0
- cache-control:** s-maxage=10800, max-age=10800
- content-length:** 27290
- content-type:** application/x-mpegURL
- date:** Wed, 28 Dec 2022 10:11:50 GMT
- via:** 1.1 varnish
- x-cache:** MISS
- x-cache-hits:** 0
- x-device-group:** desktop-firefox
- X-Firefox-Spdy:** h2
- x-powered-by:** BC
- x-powered-from:** gantry
- x-served-by:** cache-hyd1100024-HYD
- x-timer:** S167222311.560233.V50.VE383

At the bottom, it shows 467 requests, 63.82 MB / 13.86 MB transferred, and a finish time of 25.02 min.

The screenshot shows the Chrome DevTools Network tab. The top toolbar includes icons for Inspector, Console, Debugger, Network, Style Editor, Performance, Memory, Storage, Accessibility, and Application. Below the toolbar, there are filters for 'Filter URLs' and 'Filter Headers'. The main area displays a list of network requests with columns for Status, Method, Domain, File, Initia..., Type, and Size. A request from 'manifest.prod.bo...' is selected, and its headers are visible in the right-hand pane. The headers are categorized into 'Filter Headers', 'Request Headers (655 B)', and 'Response'. The 'Request Headers' include: Accept: */*, Accept-Encoding: gzip, deflate, br, Accept-Language: en-US,en;q=0.5, Connection: keep-alive, Host: manifest.prod.boldns.net, Origin: https://www.saksfifthavenue.com, Referer: https://www.saksfifthavenue.com/, Sec-Fetch-Dest: empty, and Sec-Fetch-Mode: cors. The status bar at the bottom indicates 465 requests, 63.82 MB / 13.86 MB transferred, and a finish time of 24.77 min.

This screenshot is similar to the one above, showing the Chrome DevTools Network tab. The selected request is the same, but the status bar at the bottom indicates 467 requests, 63.82 MB / 13.86 MB transferred, and a finish time of 25.02 min. The 'Request Headers' in the right-hand pane are identical to the previous screenshot, but the 'User-Agent' header is now visible: Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:108.0) Gecko/2010101 Firefox/108.0.

The screenshot shows the Chrome DevTools Network tab. The left pane displays a list of network requests, including several GET requests to 'recaptcha_en.js' and a series of POST requests to 'rum.brows...' with 'sdk_version' tags. A specific request to 'manifest.p...' is selected, showing its response payload in the right pane. The payload is a JSON object with metadata like 'EXTENSION-VERSION:3' and a list of video segments with their respective URLs and durations.

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

This screenshot shows the Chrome DevTools Network tab with a different selection. The left pane shows a series of GET requests to 'segment1.ts?akamai_token=exp=1672245569-ad=/media/v1/72f...'. The right pane displays the response headers for one of these requests, including 'Access-Control-Allow-Headers', 'Access-Control-Allow-Methods', and 'Access-Control-Allow-Origin'. The status is '200 OK' and the content type is 'video/MP2T'.

Status	Method	Domain	File	Initi...	Type	Size
304	GET	4461b1a9/de.cd...	script.js	script	js	32...
200	GET	us-u.openx.net	sd?cc=1&id=537073059&val=Q7255092541559044781J	eps...	gif	43 B
200	GET	us-u.openx.net	sd?id=537073059&val=Q7255092541559044781J	eps...	gif	43 B
200	GET	widgets.turnto...	search-page.85faba630c39f13726fdb49839afba1.en_US.js	script	js	56...
200	GET	bcbolt446c5271...	segment1.ts?akamai_token=exp=1672245598~ad=/media/v1 72fc...	mp2t	mp2t	3.1...
200	GET	bcbolt446c5271...	segment1.ts?akamai_token=exp=1672245570~ad=/media/v1 72fc...	mp2t	mp2t	31...
200	GET	bcbolt446c5271...	segment1.ts?akamai_token=exp=1672245598~ad=/media/v1 72fc...	mp2t	mp2t	74...
200	GET	bcbolt446c5271...	segment1.ts?akamai_token=exp=1672245603~ad=/media/v1 72fc...	mp2t	mp2t	17...
200	GET	bcbolt446c5271...	segment10.ts?akamai_token=exp=1672245598~ad=/media/v1 72fc...	mp2t	mp2t	91...
200	GET	bcbolt446c5271...	segment10.ts?akamai_token=exp=1672245603~ad=/media/v1 72fc...	mp2t	mp2t	19...
200	GET	bcbolt446c5271...	segment11.ts?akamai_token=exp=1672245598~ad=/media/v1 72fc...	mp2t	mp2t	74...
200	GET	bcbolt446c5271...	segment11.ts?akamai_token=exp=1672245603~ad=/media/v1 72fc...	mp2t	mp2t	17...
200	GET	bcbolt446c5271...	segment12.ts?akamai_token=exp=1672245598~ad=/media/v1 72fc...	mp2t	mp2t	49...
200	GET	bcbolt446c5271...	segment12.ts?akamai_token=exp=1672245603~ad=/media/v1 72fc...	mp2t	mp2t	17...
200	GET	bcbolt446c5271...	segment13.ts?akamai_token=exp=1672245598~ad=/media/v1 72fc...	mp2t	mp2t	44...
200	GET	bcbolt446c5271...	segment13.ts?akamai_token=exp=1672245603~ad=/media/v1 72fc...	mp2t	mp2t	17...
200	GET	bcbolt446c5271...	segment14.ts?akamai_token=exp=1672245598~ad=/media/v1 72fc...	mp2t	mp2t	38...
200	GET	bcbolt446c5271...	segment14.ts?akamai_token=exp=1672245603~ad=/media/v1 72fc...	mp2t	mp2t	17...
200	GET	bcbolt446c5271...	segment15.ts?akamai_token=exp=1672245598~ad=/media/v1 72fc...	mp2t	mp2t	47...
200	GET	bcbolt446c5271...	segment15.ts?akamai_token=exp=1672245603~ad=/media/v1 72fc...	mp2t	mp2t	17...
200	GET	bcbolt446c5271...	segment16.ts?akamai_token=exp=1672245598~ad=/media/v1 72fc...	mp2t	mp2t	63...
200	GET	bcbolt446c5271...	segment16.ts?akamai_token=exp=1672245603~ad=/media/v1 72fc...	mp2t	mp2t	16...
200	GET	bcbolt446c5271...	segment17.ts?akamai_token=exp=1672245598~ad=/media/v1 72fc...	mp2t	mp2t	62...
200	GET	bcbolt446c5271...	segment17.ts?akamai_token=exp=1672245603~ad=/media/v1 72fc...	mp2t	mp2t	17...
200	GET	bcbolt446c5271...	segment18.ts?akamai_token=exp=1672245598~ad=/media/v1 72fc...	mp2t	mp2t	58...

476 requests | 63.82 MB / 13.86 MB transferred | Finish: 30.94 min

Request Headers (751 B)

- Accept: */*
- Accept-Encoding: gzip, deflate, br
- Accept-Language: en-US,en;q=0.5
- Connection: keep-alive
- Host: bcbolt446c5271-a.akamaihd.net
- Origin: https://www.saksfifthavenue.com
- Referer: https://www.saksfifthavenue.com/
- Sec-Fetch-Dest: empty
- Sec-Fetch-Mode: cors
- Sec-Fetch-Site: cross-site
- User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:108.0) Gecko/20100101 Firefox/108.0

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

76. On information and belief, Saks has been on notice of the '307 patent at least as early as January 26, 2023, when Saks' in-house counsel responded to SITO's counsel's January 9, 2023 letter concerning Saks' infringement of the patents-in-suit.

77. On information and belief, at least since January 26, 2023, Saks knowingly encouraged and continues to encourage, its customers to directly infringe one or more claims of the '307 patent, including by Saks' actions that include, without limitation, instructing and encouraging its customers to use the Saks Video Streaming Services through the publishing, distribution, and propagation of targeted user emails, shopping offers, support documents, blog posts, live events, and instructions, including but not limited to the examples of such materials cited above.

78. On information and belief, at least since acquiring its January 2023 knowledge of the '307 patent, Saks knows the acts Saks induced its customers to take constitute patent infringement and Saks' encouraging acts result in direct infringement of one or more claims of the '307 patent by its customers.

79. On information and belief, Saks' customers directly infringe at least claim 30 of the '307 patent through their use of the Saks Video Streaming Service.

80. On information and belief, Saks is in violation of 35 U.S.C. § 271(b) and has been, at least since its January 2023 knowledge of the '307 patent, indirectly infringing and continues to indirectly infringe at least claim 30 of the '307 patent by knowingly and specifically intending to induce infringement by others (including, without limitation, Saks' users) and possessing specific intent to encourage infringement by Saks' users. The Saks Video Streaming Service is specifically configured to function in accordance with the '307 patent claims.

81. SITO has been damaged by the direct and indirect infringement of Saks, and is suffering and will continue to suffer irreparable harm and damages as a result of this infringement.

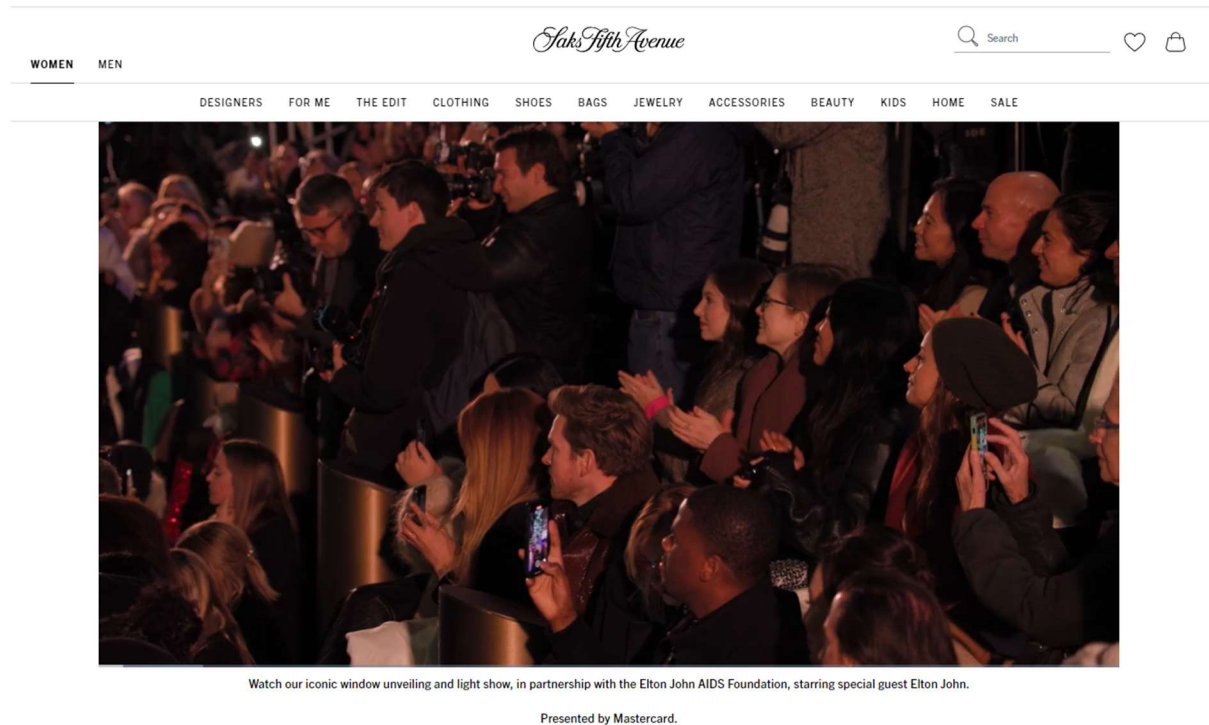
Count III- Infringement of United States Patent No. 8,554,940

82. SITO alleges, and incorporates by reference, as if fully set forth here, the preceding paragraphs of this Complaint.

83. Saks directly infringes (literally and/or under the doctrine of equivalents) the '940 patent by using the method covered by at least claim 1 of the '940 patent.

84. On information and belief, and without SITO's approval, authorization and license, Saks owns, controls, operates and uses a system for streaming media that includes the Saks Streaming Platform, as well as other Saks networks, systems, devices, components and/or services for streaming media, that practices and infringes the media streaming method recited in at least claim 1 of the '940 patent.

85. Saks performs a method of streaming video as demonstrated by the example provided below:



See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

86. Saks processes a request (e.g., GET request) at a reservation system (e.g., Saks Streaming Service server(s)) to identify at least one program (e.g., requested media or video) comprising at least one program routing rule (e.g., geographic restrictions) and a list of media from which at least a portion of the media is identified.

The screenshot shows the Chrome DevTools Network tab. The top panel displays a list of 493 requests. The selected request is a GET request to `https://8270149.fs.doubleclick.net/activitysrc=8270149?type=landi0:cat=saks-Oord=1num=27 sub...`. The right panel shows the response headers for this request, including:

- Status: 200 OK
- Version: HTTP/3
- Transferred: 1.20 kB (575 B size)
- Referer Policy: strict-origin-when-cross-origin
- Blocking: Enhanced Tracking Protection (This URL matches a known tracker and it would be blocked with Content Blocking enabled.)
- Response Headers (903 B):
 - alt-svc: h3="443"; ma=2592000,h3-29="443"; ma=2592000,h3-Q050="443"; ma=2592000,h3-Q046="443"; ma=2592000,h3-Q043="443"; ma=2592000,q-uc="443"; ma=2592000; v="46.43"
 - cache-control: no-cache, must-revalidate
 - content-encoding: br
 - content-length: 299
 - content-type: text/html; charset=UTF-8
 - cross-origin-resource-policy: cross-origin
 - date: Wed, 28 Dec 2022 10:20:50 GMT
 - expires: Fri, 01 Jan 1990 00:00:00 GMT
 - p3p: policyref="https://googleads.g.doubleclick.net/pagead/gen_p3p.xml", CP="CURa ADMa DEVa TAla PSaO PSDo OUR IND UNI PUR INT DEM STA PRE COM NAV OTC NOI DSP COR"
 - pragma: no-cache
 - server: cafe
 - set-cookie: test_cookie=CheckForPermission; expires=Wed, 28-Dec-2022 10:35:5

The screenshot shows the Chrome DevTools Network tab. The top panel displays a list of 493 requests. The selected request is a GET request to `https://8270149.fs.doubleclick.net/activitysrc=8270149?type=landi0:cat=saks-Oord=1num=27 sub...`. The right panel shows the request headers for this request, including:

- content-length: 299
- content-type: text/html; charset=UTF-8
- cross-origin-resource-policy: cross-origin
- date: Wed, 28 Dec 2022 10:20:50 GMT
- expires: Fri, 01 Jan 1990 00:00:00 GMT
- p3p: policyref="https://googleads.g.doubleclick.net/pagead/gen_p3p.xml", CP="CURa ADMa DEVa TAla PSaO PSDo OUR IND UNI PUR INT DEM STA PRE COM NAV OTC NOI DSP COR"
- pragma: no-cache
- server: cafe
- set-cookie: test_cookie=CheckForPermission; expires=Wed, 28-Dec-2022 10:35:5 0 GMT; path=/; domain=.doubleclick.net; Secure: HttpOnly; SameSite=none
- strict-transport-security: max-age=21600
- timing-Allow-Origin: *
- x-content-type-options: nosniff
- x-xss-protection: 0
- Request Headers (796 B):
 - Accept: text/html,application/xhtml+xml,application/xml;q=0.9,image/avif,image/webp,*/*;q=0.8
 - Accept-Encoding: gzip, deflate, br
 - Accept-Language: en-US,en;q=0.5
 - Alt-Used: 8270149.fs.doubleclick.net
 - Connection: keep-alive
 - Host: 8270149.fs.doubleclick.net
 - Referer: https://www.saksfifthavenue.com/
 - Sec-Fetch-Dest: iframe
 - Sec-Fetch-Mode: navigate
 - Sec-Fetch-Site: cross-site
 - Upgrade-Insecure-Requests: 1
 - User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:108.0) Gecko/20100101 Firefox/108.0

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

87. Saks processes the request (e.g., GET request) with the at least one program routing rule and the list of media of the program to generate a presentation

(e.g., M3U8 file) identifying the at least the portion of the media, the presentation being in a format receivable by the viewer.

The screenshot shows the Chrome DevTools Network tab. The top toolbar includes Inspector, Console, Debugger, Network, Style Editor, Performance, Memory, Storage, Accessibility, and Application. The Network tab is active, displaying a list of requests. The selected request is a GET request to manifest.prod.boltdns.net with a file type of x-mpegurl. The Headers panel on the right shows the following details:

- Filter Headers: Block, Resend
- Filter Headers: accept-ranges: bytes, access-control-allow-headers: X-Requested-With, Origin, Range, Accept-Encoding, Referer, access-control-allow-methods: GET, HEAD, OPTIONS, access-control-allow-origin: *, access-control-expose-headers: Server, Range, Content-Length, Content-Range, age: 0, cache-control: s-maxage=10800, max-age=10800, content-length: 27290, content-type: application/x-mpegURL, date: Wed, 28 Dec 2022 10:11:50 GMT, via: 1.1 varnish, x-cache: MISS, x-cache-hits: 0, x-device-group: desktop-firefox, X-Firefox-Spdy: h2, x-powered-by: BC, x-powered-from: gantry, x-served-by: cache-hyd1100024-HYD, x-timer: S1672222311.560233.V50.VE383
- Request Headers (655 B): Raw
- Accept: /*/*
- Accept-Encoding: gzip, deflate, br
- Accept-Language: en-US,en;q=0.5
- Connection: keep-alive
- Host: manifest.prod.boltdns.net
- Origin: https://www.saksfitthavenue.com
- Referer: https://www.saksfitthavenue.com/
- Sec-Fetch-Dest: empty
- Sec-Fetch-Mode: cors

This screenshot is identical to the one above, showing the same network request and headers in the Chrome DevTools interface. The selected request is a GET to manifest.prod.boltdns.net with a file type of x-mpegurl. The Headers panel displays the same information as in the first screenshot.

The screenshot shows the Chrome DevTools Network tab. The left pane displays a list of 468 requests, including several GET requests to 'recaptcha_en.js' and a large number of POST requests to 'rum?ddsource=browser&ddtags=sdksdk_version'. The right pane shows the 'Response Payload' for a selected request, which is an M3U8 file. The payload includes headers like '#EXTM3U', '#EXT-X-VERSION:3', and '#EXT-X-PLAYLIST-TYPE:VOD', followed by a series of 'https://bcbo1t446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b' URLs.

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

88. Saks generates and transmits a reservation (e.g., session or connection) associated with the presentation (e.g., M3U8 file) from the reservation system.

The screenshot shows the Chrome DevTools Network tab. The left pane displays a list of 493 requests, including a GET request to 'activityid=8270149' and a series of GET requests to 'dJa5-c1-ia4.s...'. The right pane shows the 'Response Headers' for a selected request, including 'Status: 200 OK', 'Version: HTTP/3', 'Content-Type: text/html; charset=UTF-8', and 'Set-Cookie: test_cookie=CheckForPermission; expires=Wed, 28-Dec-2022 10:35:5'. The 'Raw' tab is also visible, showing the raw header data.

The screenshot shows the Chrome DevTools Network tab. The top panel displays a list of network requests. The first request is a GET to www.google.com with a file path containing 'a?id=AW-867837652&cv=1&v=3&t=t&pid=246754650&rv=72f...'. The second request is a GET to 8270149.fs.d... with a file path containing 'activitysrc=8270149?type=landi&cat=saks-0&ord=1&num=27'. The right panel shows the headers for the selected request, including 'content-length: 299', 'content-type: text/html; charset=UTF-8', 'cross-origin-resource-policy: cross-origin', 'date: Wed, 28 Dec 2022 10:20:50 GMT', 'expires: Fri, 01 Jan 1990 00:00:00 GMT', 'p3p: policyref="https://googleads.g.doubleclick.net/pagead/gen_p3p.xml", CP="CURA ADMa DEVa TAla PSaO PSDa OUR IND UNI PUR INT DEM STA PRE COM NAV OTC NOI DSP COR"', 'pragma: no-cache', 'server: cafe', 'set-cookie: test_cookie=CheckForPermission; expires=Wed, 28-Dec-2022 10:35:50 GMT; path=/; domain=.doubleclick.net; Secure: HttpOnly; SameSite=none', 'strict-transport-security: max-age=21600', 'timing-Allow-Origin: *', 'x-content-type-options: nosniff', and 'x-xss-protection: 0'. The bottom status bar shows 493 requests, 63.83 MB / 13.88 MB transferred, and a finish time of 40.43 min.

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

The screenshot shows the Chrome DevTools Network tab. The top panel displays a list of network requests. The first request is a GET to www.gstatic.com with a file path containing 'recaptcha_en.js'. The second request is a GET to manifest.prod.bol... with a file path containing 'rendition.m3u8?fastly_token=NjNhYzcoM2VhYTAyNmNmNjQ0ZjFj...'. The right panel shows the headers for the selected request, including 'accept-ranges: bytes', 'access-control-allow-headers: X-Requested-With, Origin, Range, Accept-Encoding, Referer', 'access-control-allow-methods: GET, HEAD, OPTIONS', 'access-control-allow-origin: *', 'access-control-expose-headers: Server, Range, Content-Length, Content-Range', 'age: 0', 'cache-control: s-maxage=10800, max-age=10800', 'content-length: 27290', 'content-type: application/x-mpegURL', 'date: Wed, 28 Dec 2022 10:11:50 GMT', and 'via: 1.1 varnish'. The bottom status bar shows 465 requests, 63.82 MB / 13.86 MB transferred, and a finish time of 24.77 min.

The screenshot shows the Network tab of a browser's developer tools. The top part displays a list of requests with columns for Status, Method, Domain, File, Initiator, Type, and Size. A request to `manifest.prod.bol...` is selected. The right pane shows the 'Request Headers' for this request, including:

- Accept: */*
- Accept-Encoding: gzip, deflate, br
- Accept-Language: en-US,en;q=0.5
- Connection: keep-alive
- Host: manifest.prod.boltdns.net
- Origin: <https://www.saksfifthavenue.com>
- Referer: <https://www.saksfifthavenue.com/>
- Sec-Fetch-Dest: empty
- Sec-Fetch-Mode: cors
- Sec-Fetch-Site: cross-site
- User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:108.0) Gecko/20100101 Firefox/108.0

The screenshot shows the Network tab of a browser's developer tools. The top part displays a list of requests. A request to `manifest.p...` is selected. The right pane shows the 'Response Payload' for this request, which is a list of headers:

```

1 #EXTM3U
2 #EXT-X-VERSION:3
3 #EXT-X-PLAYLIST-TYPE:VOD
4 #EXT-X-MEDIA-SEQUENCE:0
5 #EXT-X-TARGETDURATION:10
6 #EXTINF:9.920,
7 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
8 #EXTINF:9.920,
9 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
10 #EXTINF:9.920,
11 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
12 #EXTINF:9.920,
13 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
14 #EXTINF:9.920,
15 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
16 #EXTINF:9.920,
17 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
18 #EXTINF:9.920,
19 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
20 #EXTINF:9.920,
21 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
22 #EXTINF:9.920,
23 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
24 #EXTINF:9.920,
25 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
26 #EXTINF:9.920,
27 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
28 #EXTINF:9.920,
29 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
30 #EXTINF:9.920,
31 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
32 #EXTINF:9.920,
33 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
34 #EXTINF:9.920,
35 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
36 #EXTINF:9.920,
37 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
38 #EXTINF:9.920,
39 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
40 #EXTINF:9.920,
41 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
42 #EXTINF:9.920,
43 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
44 #EXTINF:9.920,
45

```

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

89. On information and belief, Saks receives the reservation (e.g., session, connection) at a routing processor (e.g., Saks streaming server(s)) and, at the routing processor (e.g., Saks streaming server(s)) determines a priority for a plurality of media

switches (e.g., edge servers of the CDN) available to stream the at least the portion of the media (e.g., media segments contained within the M3U8 file) identified in the presentation (e.g., M3U8 file) based on the at least one program routing rule.

90. On information and belief, Saks receives the reservation (e.g., session, connection) at a routing processor (e.g., Saks streaming server(s)) and, at the routing processor (e.g., Saks streaming server(s)) selects at least one of the plurality of media switches (e.g., edge servers of the CDN) to stream the at least the portion of the media (e.g., media segments contained within the M3U8 file) identified in the presentation (e.g., M3U8 file) based on the priority.

91. On information and belief, Saks receives the reservation (e.g., session, connection) at a routing processor (e.g., Saks streaming server(s)) and, at the routing processor (e.g., Saks streaming server(s)) generates an address (e.g., URL) of the selected at least one of the plurality of media switches (e.g., e.g., edge servers of the CDN) in a format receivable by the viewer.

The screenshot shows the Chrome DevTools Network tab. The top toolbar includes icons for Inspector, Console, Debugger, Network, Style Editor, Performance, Memory, Storage, Accessibility, and Application. Below the toolbar, there are filters for 'Filter URLs' and 'Filter Headers'. The main area displays a list of network requests with columns for Status, Method, Domain, File, Initia..., Type, and Size. A request to 'manifest.prod.bo...' is selected, and its headers are visible in the right-hand pane. The headers are categorized into Filter Headers and Request Headers (655 B). The Request Headers include: Accept: */*, Accept-Encoding: gzip, deflate, br, Accept-Language: en-US,en;q=0.5, Connection: keep-alive, Host: manifest.prod.boltdns.net, Origin: https://www.saksfifthavenue.com, Referer: https://www.saksfifthavenue.com/, Sec-Fetch-Dest: empty, and Sec-Fetch-Mode: cors. The bottom status bar shows 465 requests, 63.82 MB / 13.86 MB transferred, and a finish time of 24.77 min.

This screenshot is similar to the one above, showing the Chrome DevTools Network tab. The selected request is the same, but the bottom status bar now shows 467 requests, 63.82 MB / 13.86 MB transferred, and a finish time of 25.02 min. The Headers panel on the right is identical to the previous screenshot, showing the same request headers.

The screenshot shows the Chrome DevTools Network tab. The left pane displays a list of 468 requests, with the selected request being a GET to a manifest file. The right pane shows the response payload, which is a JSON object containing metadata for a video stream, including headers like #EXTM3U, #EXT-X-VERSION:3, and various timestamps and URLs.

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

The screenshot shows the Chrome DevTools Network tab with a different request selected. The left pane shows a list of 469 requests, including a GET to a video segment. The right pane displays the response headers, showing various access control and cache-related headers such as Access-Control-Allow-Headers, Cache-Control, and Expires.

Status	Method	Domain	File	Initi...	Type	Size
304	GET	4461b1a9/de.cd...	script.js	script	js	32...
200	GET	us-u.openx.net	sd?cc=1&id=537073059&val=Q7255092541559044781J	eps...	gif	43 B
200	GET	us-u.openx.net	sd?id=537073059&val=Q7255092541559044781J	eps...	gif	43 B
200	GET	widgets.turnto...	search-page.85faba630c39f13726fdb49839afba1.en_US.js	script	js	56...
200	GET	bcbolt446c5271...	segment1.ts?akamai_token=exp=1672245598~ad=/media/v1 72fc...	mp2t	mp2t	3.1...
200	GET	bcbolt446c5271...	segment1.ts?akamai_token=exp=1672245570~ad=/media/v1 72fc...	mp2t	mp2t	31...
200	GET	bcbolt446c5271...	segment1.ts?akamai_token=exp=1672245598~ad=/media/v1 72fc...	mp2t	mp2t	74...
200	GET	bcbolt446c5271...	segment1.ts?akamai_token=exp=1672245603~ad=/media/v1 72fc...	mp2t	mp2t	17...
200	GET	bcbolt446c5271...	segment10.ts?akamai_token=exp=1672245598~ad=/media/v1 72fc...	mp2t	mp2t	91...
200	GET	bcbolt446c5271...	segment10.ts?akamai_token=exp=1672245603~ad=/media/v1 72fc...	mp2t	mp2t	19...
200	GET	bcbolt446c5271...	segment11.ts?akamai_token=exp=1672245598~ad=/media/v1 72fc...	mp2t	mp2t	74...
200	GET	bcbolt446c5271...	segment11.ts?akamai_token=exp=1672245603~ad=/media/v1 72fc...	mp2t	mp2t	17...
200	GET	bcbolt446c5271...	segment12.ts?akamai_token=exp=1672245598~ad=/media/v1 72fc...	mp2t	mp2t	49...
200	GET	bcbolt446c5271...	segment12.ts?akamai_token=exp=1672245603~ad=/media/v1 72fc...	mp2t	mp2t	17...
200	GET	bcbolt446c5271...	segment13.ts?akamai_token=exp=1672245598~ad=/media/v1 72fc...	mp2t	mp2t	44...
200	GET	bcbolt446c5271...	segment13.ts?akamai_token=exp=1672245603~ad=/media/v1 72fc...	mp2t	mp2t	17...
200	GET	bcbolt446c5271...	segment14.ts?akamai_token=exp=1672245598~ad=/media/v1 72fc...	mp2t	mp2t	38...
200	GET	bcbolt446c5271...	segment14.ts?akamai_token=exp=1672245603~ad=/media/v1 72fc...	mp2t	mp2t	17...
200	GET	bcbolt446c5271...	segment15.ts?akamai_token=exp=1672245598~ad=/media/v1 72fc...	mp2t	mp2t	47...
200	GET	bcbolt446c5271...	segment15.ts?akamai_token=exp=1672245603~ad=/media/v1 72fc...	mp2t	mp2t	17...
200	GET	bcbolt446c5271...	segment16.ts?akamai_token=exp=1672245598~ad=/media/v1 72fc...	mp2t	mp2t	63...
200	GET	bcbolt446c5271...	segment16.ts?akamai_token=exp=1672245603~ad=/media/v1 72fc...	mp2t	mp2t	16...
200	GET	bcbolt446c5271...	segment17.ts?akamai_token=exp=1672245598~ad=/media/v1 72fc...	mp2t	mp2t	62...
200	GET	bcbolt446c5271...	segment17.ts?akamai_token=exp=1672245603~ad=/media/v1 72fc...	mp2t	mp2t	17...
200	GET	bcbolt446c5271...	segment18.ts?akamai_token=exp=1672245598~ad=/media/v1 72fc...	mp2t	mp2t	58...

476 requests | 63.82 MB / 13.86 MB transferred | Finish: 30.94 min

Request Headers (751 B)

- Accept: */*
- Accept-Encoding: gzip, deflate, br
- Accept-Language: en-US,en;q=0.5
- Connection: keep-alive
- Host: bcbolt446c5271-a.akamaihd.net
- Origin: https://www.saksfifthavenue.com
- Referer: https://www.saksfifthavenue.com/
- Sec-Fetch-Dest: empty
- Sec-Fetch-Mode: cors
- Sec-Fetch-Site: cross-site
- User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:108.0) Gecko/20100101 Firefox/108.0

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

92. On information and belief, Saks has been on notice of the '940 patent at least as early as January 26, 2023, when Saks' in-house counsel responded to SITO's counsel's January 9, 2023 letter concerning Saks' infringement of the patents-in-suit.

93. On information and belief, at least since January 26, 2023, Saks knowingly encouraged and continues to encourage, its customers to directly infringe one or more claims of the '940 patent, including by Saks' actions that include, without limitation, instructing and encouraging its customers to use the Saks Video Streaming Services through the publishing, distribution, and propagation of targeted user emails, shopping offers, support documents, blog posts, live events, and instructions, including but not limited to the examples of such materials cited above.

94. On information and belief, at least since acquiring its January 2023 knowledge of the '940 patent, Saks knows the acts Saks induced its customers to take constitute patent infringement and Saks' encouraging acts result in direct infringement of one or more claims of the '940 patent by its customers.

95. On information and belief, Saks' customers directly infringe at least claim 1 of the '940 patent through their use of the Saks Video Streaming Service.

96. On information and belief, Saks is in violation of 35 U.S.C. § 271(b) and has been, at least since its January 2023 knowledge of the '940 patent, indirectly infringing and continues to indirectly infringe at least claim 1 of the '940 patent by knowingly and specifically intending to induce infringement by others (including, without limitation, Saks' users) and possessing specific intent to encourage infringement by Saks' users. The Saks Video Streaming Service is specifically configured to function in accordance with the '940 patent claims.

97. SITO has been damaged by the direct and indirect infringement of Saks, and is suffering and will continue to suffer irreparable harm and damages as a result of this infringement.

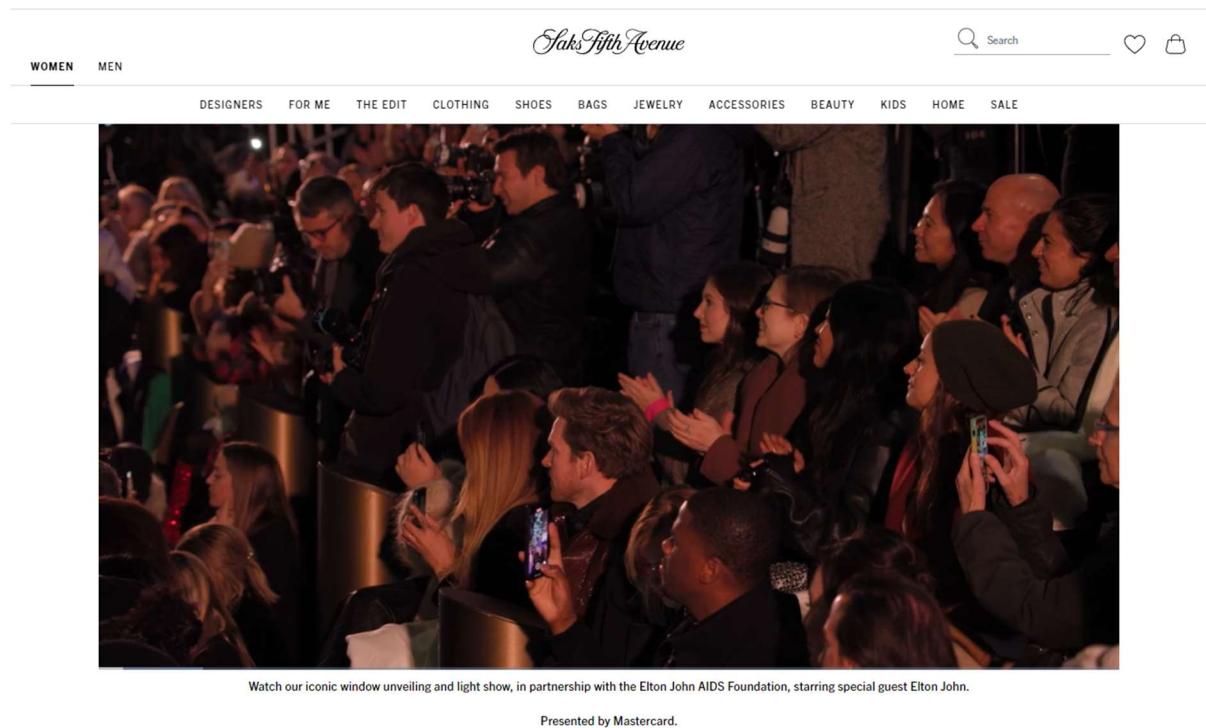
Count IV - Infringement of United States Patent No. 9,349,138

98. SITO alleges, and incorporates by reference, as if fully set forth here, the preceding paragraphs of this Complaint.

99. Saks directly infringes (literally and/or under the doctrine of equivalents) claim 11 of the '138 patent.

100. On information and belief, and without SITO's approval, authorization and license, Saks owns, controls, operates and uses a system for streaming media that includes the Saks Streaming Platform, as well as other Saks networks, systems, devices, components and/or services for streaming media, that practices and infringes claim 11 of the '138 patent.

101. Saks performs a method for managing streaming of video content to a client device (e.g., personal computer, mobile device, and/or television) as demonstrated by the example provided below:



See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

102. On information and belief, Saks causes a media switch (e.g., Content delivery network, CDN) to generate a media switch state model, the media switch state model comprises at least one state change for at least one state (e.g., streaming paused,

resumed, or skipped to the next segment) occurring for a session of streaming the media to at least one of a plurality of viewers (e.g., client devices), the at least one state change comprising at least one member selected from a group consisting of a session initiation state, a viewing event state, and a session termination state, each comprising a reservation identification (e.g., the reservation identification is appended with the universal resource locator) for the reservation.

103. On information and belief, Saks generates a routing processor state model of a routing processor (e.g., contained within the Saks streaming server), the routing processor state model comprising an identification of the media switch (e.g., CDN) selected to stream the media and the reservation identification (e.g., the reservation identification is appended with the universal resource locator) to the at least one of a plurality of viewers, wherein the media switch is selected based on at least one network distribution rule (e.g., bandwidth supported by the client device).

The screenshot shows the Chrome DevTools Network tab. The top toolbar includes icons for Inspector, Console, Debugger, Network, Style Editor, Performance, Memory, Storage, Accessibility, and Application. Below the toolbar, there are filters for 'Filter URLs' and 'Filter Headers'. The main area displays a list of network requests with columns for Status, Method, Domain, File, Initia..., Type, and Size. A request to 'manifest.prod.bo...' is selected, and its headers are visible in the right-hand pane. The headers are categorized into Filter Headers and Request Headers (655 B). The Request Headers include: Accept: */*, Accept-Encoding: gzip, deflate, br, Accept-Language: en-US,en;q=0.5, Connection: keep-alive, Host: manifest.prod.boldns.net, Origin: https://www.saksfifthavenue.com, Referer: https://www.saksfifthavenue.com/, Sec-Fetch-Dest: empty, and Sec-Fetch-Mode: cors. The bottom status bar shows 465 requests, 63.82 MB / 13.86 MB transferred, and a finish time of 24.77 min.

This screenshot is similar to the one above, showing the Chrome DevTools Network tab. The selected request is the same, but the bottom status bar now shows 467 requests, 63.82 MB / 13.86 MB transferred, and a finish time of 25.02 min. The Headers panel on the right is identical to the previous screenshot, showing the same request headers.

The screenshot displays the Network tab of a web browser's developer tools. The left pane shows a list of network requests, including several GET requests to 'recaptcha_en.js' and a series of POST requests to 'rum.brows...' with a 'rum?ddsource=browser&ddtags=sd_k_version' payload. A specific GET request to 'manifest.p...' is selected, and its response payload is shown in the right pane. The response is an HLS manifest with the following structure:

```

1 #EXTM3U
2 #EXT-X-VERSION:3
3 #EXT-X-PLAYLIST-TYPE:VOD
4 #EXT-X-MEDIA-SEQUENCE:0
5 #EXT-X-TARGETDURATION:10
6 #EXTINF:9.920,
7 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
8 #EXTINF:9.920,
9 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
10 #EXTINF:9.920,
11 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
12 #EXTINF:9.920,
13 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
14 #EXTINF:9.920,
15 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
16 #EXTINF:9.920,
17 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
18 #EXTINF:9.920,
19 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
20 #EXTINF:9.920,
21 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
22 #EXTINF:9.920,
23 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
24 #EXTINF:9.920,
25 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
26 #EXTINF:9.920,
27 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
28 #EXTINF:9.920,
29 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
30 #EXTINF:9.920,
31 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
32 #EXTINF:9.920,
33 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
34 #EXTINF:9.920,
35 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
36 #EXTINF:9.920,
37 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
38 #EXTINF:9.920,
39 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
40 #EXTINF:9.920,
41 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
42 #EXTINF:9.920,
43 https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b
44 #EXTINF:9.920,
45

```

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

104. On information and belief, Saks receives, by at least one processor, a routing processor identification (e.g., contained within the Saks streaming server) and a reservation identification for the reservation (e.g., the reservation identification is appended with the universal resource locator), the routing processor identification identifying a routing processor to select a media switch to stream the media to at least one of a plurality of viewers, the routing processor selecting the media switch based on the at least one network distribution rule.

The screenshot shows the Chrome DevTools Network tab. The top toolbar includes icons for Inspector, Console, Debugger, Network, Style Editor, Performance, Memory, Storage, Accessibility, and Application. Below the toolbar, there are filters for 'Filter URLs' and 'Filter Headers'. The main area displays a list of network requests with columns for Status, Method, Domain, File, Initia..., Type, and Size. A request from 'manifest.prod.bo...' is selected, and its headers are visible in the right-hand pane. The headers are categorized into 'Filter Headers', 'Request Headers (655 B)', and 'Response'. The 'Request Headers' section includes fields like 'Accept: */*', 'Accept-Encoding: gzip, deflate, br', 'Accept-Language: en-US,en;q=0.5', 'Connection: keep-alive', 'Host: manifest.prod.boltdns.net', 'Origin: https://www.saksfifthavenue.com', 'Referer: https://www.saksfifthavenue.com/', 'Sec-Fetch-Dest: empty', and 'Sec-Fetch-Mode: cors'. The status bar at the bottom indicates '465 requests', '63.82 MB / 13.86 MB transferred', and a 'Finish: 24.77 min'.

This screenshot is similar to the one above, showing the Chrome DevTools Network tab. The selected request is the same one from 'manifest.prod.bo...'. The 'Request Headers' section in the right-hand pane includes an additional field: 'User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:108.0) Gecko/2010101 Firefox/108.0'. The status bar at the bottom indicates '467 requests', '63.82 MB / 13.86 MB transferred', and a 'Finish: 25.02 min'.

The screenshot shows the Chrome DevTools Network tab. The left pane displays a list of network requests, with the selected request being a GET to `manifest.p... rendition.m3u8?fastly_token=NjNhYzoiM2VYfj...`. The right pane shows the response payload, which is a JSON object containing metadata such as `#EXTM3U`, `#EXT-X-VERSION:3`, and various `#EXTINF` and `https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b` entries.

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

The screenshot shows the Chrome DevTools Network tab. The left pane displays a list of network requests, with the selected request being a GET to `segment1.ts?akamai_token=exp=1672245569-ad=/media/v1/72f...`. The right pane shows the response headers, including `Accept-Ranges: bytes`, `Access-Control-Allow-Headers: X-Requested-With,Origin,Range,Accept-Encodin...`, `Access-Control-Allow-Methods: GET,HEAD,OPTIONS`, `Access-Control-Allow-Origin: *`, `Access-Control-Expose-Headers: Server-Range,Content-Length,Content-Range,A...`, `Alt-Svc: h3-Q050=":443"; ma=93600,quic=":443"; ma=93600; v="46,43"`, `Backend-IP: 13.35.90.38`, `BC-MID: true`, `Cache-Control: public, max-age=29672241`, `Connection: keep-alive`, `Content-Length: 3164792`, `Content-Type: video/MP2T`, `Date: Wed, 28 Dec 2022 10:11:33 GMT`, `Etag: "511d1266fe0a5e003d095c7fb70e2164"`, `Expires: Wed, 06 Dec 2023 20:28:54 GMT`, and `Last-Modified: Fri, 01 Jan 2016 00:00:00 GMT`.

Status	Method	Domain	File	Initi...	Type	Size
304	GET	4461b1fa9/de.cd...	script.js		js	32...
200	GET	us-u.openx.net	sd?cc=1&id=537073059&val=Q7255092541559044781j	eps...	gif	43 B
302	GET	us-u.openx.net	sd?id=537073059&val=Q7255092541559044781j	eps...	gif	43 B
200	GET	widgets.turnto...	search-page.85faba630c39f13726fdb49839afba1.en_US.js	script	js	56...
200	GET	bcbolt446c5271...	segment11.ts?akamai_token=exp=1672245598~ad=/media/v1.72fc...		mp2t	3.1...
200	GET	bcbolt446c5271...	segment11.ts?akamai_token=exp=1672245570~ad=/media/v1.72fc...		mp2t	31...
200	GET	bcbolt446c5271...	segment11.ts?akamai_token=exp=1672245598~ad=/media/v1.72fc...		mp2t	74...
200	GET	bcbolt446c5271...	segment11.ts?akamai_token=exp=1672245603~ad=/media/v1.72fc...		mp2t	17...
200	GET	bcbolt446c5271...	segment10.ts?akamai_token=exp=1672245598~ad=/media/v1.72fc...		mp2t	91...
200	GET	bcbolt446c5271...	segment10.ts?akamai_token=exp=1672245603~ad=/media/v1.72fc...		mp2t	17...
200	GET	bcbolt446c5271...	segment11.ts?akamai_token=exp=1672245598~ad=/media/v1.72fc...		mp2t	74...
200	GET	bcbolt446c5271...	segment11.ts?akamai_token=exp=1672245603~ad=/media/v1.72fc...		mp2t	17...
200	GET	bcbolt446c5271...	segment12.ts?akamai_token=exp=1672245598~ad=/media/v1.72fc...		mp2t	49...
200	GET	bcbolt446c5271...	segment12.ts?akamai_token=exp=1672245603~ad=/media/v1.72fc...		mp2t	17...
200	GET	bcbolt446c5271...	segment13.ts?akamai_token=exp=1672245598~ad=/media/v1.72fc...		mp2t	44...
200	GET	bcbolt446c5271...	segment13.ts?akamai_token=exp=1672245603~ad=/media/v1.72fc...		mp2t	17...
200	GET	bcbolt446c5271...	segment14.ts?akamai_token=exp=1672245598~ad=/media/v1.72fc...		mp2t	38...
200	GET	bcbolt446c5271...	segment14.ts?akamai_token=exp=1672245603~ad=/media/v1.72fc...		mp2t	17...
200	GET	bcbolt446c5271...	segment15.ts?akamai_token=exp=1672245598~ad=/media/v1.72fc...		mp2t	47...
200	GET	bcbolt446c5271...	segment15.ts?akamai_token=exp=1672245603~ad=/media/v1.72fc...		mp2t	17...
200	GET	bcbolt446c5271...	segment16.ts?akamai_token=exp=1672245598~ad=/media/v1.72fc...		mp2t	63...
200	GET	bcbolt446c5271...	segment16.ts?akamai_token=exp=1672245603~ad=/media/v1.72fc...		mp2t	16...
200	GET	bcbolt446c5271...	segment17.ts?akamai_token=exp=1672245598~ad=/media/v1.72fc...		mp2t	62...
200	GET	bcbolt446c5271...	segment17.ts?akamai_token=exp=1672245603~ad=/media/v1.72fc...		mp2t	17...
200	GET	bcbolt446c5271...	segment18.ts?akamai_token=exp=1672245598~ad=/media/v1.72fc...		mp2t	58...

476 requests | 63.82 MB / 13.86 MB transferred | Finish: 30.94 min

Headers

Cache-Control: public, max-age=29672241
 Connection: keep-alive
 Content-Length: 3164792
 Content-Type: video/MP2T
 Date: Wed, 28 Dec 2022 10:11:33 GMT
 ETag: "511d1266e0a5e003d095c7fb70e2164"
 Expires: Wed, 06 Dec 2023 20:28:54 GMT
 Last-Modified: Fri, 01 Jan 2016 00:00:00 GMT
 X-Amz-CF-Id: qmJ9DxzZvCivLDdt6CynYMSwTLySjyalYHCw9EshW_nrU_bM7s0z
 A=
 X-Amz-CF-Pop: JFK50-P8
 X-Cache-Hits: 1
 X-Powered-By: BC
 X-Powered-From: gantry
 X-Served-By: cache-ewr18140-EWR
 X-Timer: S1672217999.582938.VS0.VE15

Request Headers (751 B)

Accept: */*
 Accept-Encoding: gzip, deflate, br
 Accept-Language: en-US,en;q=0.5
 Connection: keep-alive
 Host: bcbolt446c5271-a.akamaihd.net
 Origin: https://www.saksfifthavenue.com
 Referer: https://www.saksfifthavenue.com/
 Sec-Fetch-Dest: empty
 Sec-Fetch-Mode: cors
 Sec-Fetch-Site: cross-site
 User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:108.0) Gecko/20100101 Firefox/108.0

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

105. On information and belief, Saks receives, by the at least one processor, a media switch identification and the reservation identification for the reservation, the media switch identification identifying the media switch selected to stream the media.

106. On information and belief, Saks receives, by the at least one processor, a state change identification and the reservation identification for the reservation, the state change identification identifying the at least one state change for the at least one state occurring for the session of streaming the media to the at least one of a plurality of viewers, wherein the session initiation state and the session termination state each comprise a reservation identification for the reservation.

107. On information and belief, Saks has been on notice of the '138 patent at least as early as January 26, 2023, when Saks' in-house counsel responded to SITO's counsel's January 9, 2023 letter concerning Saks' infringement of the

patents-in-suit.

108. On information and belief, at least since January 26, 2023, Saks knowingly encouraged and continues to encourage, its customers to directly infringe one or more claims of the '138 patent, including by Saks' actions that include, without limitation, instructing and encouraging its customers to use the Saks Video Streaming Services through the publishing, distribution, and propagation of targeted user emails, shopping offers, support documents, blog posts, live events, and instructions, including but not limited to the examples of such materials cited above.

109. On information and belief, at least since acquiring its January 2023 knowledge of the '138 patent, Saks knows the acts Saks induced its customers to take constitute patent infringement and Saks' encouraging acts result in direct infringement of one or more claims of the '138 patent by its customers.

110. On information and belief, Saks' customers directly infringe at least claim 11 of the '138 patent through their use of the Saks Video Streaming Service.

111. On information and belief, Saks is in violation of 35 U.S.C. § 271(b) and has been, at least since its January 2023 knowledge of the '138 patent, indirectly infringing and continues to indirectly infringe at least claim 11 of the '138 patent by knowingly and specifically intending to induce infringement by others (including, without limitation, Saks' users) and possessing specific intent to encourage infringement by Saks' users. The Saks Video Streaming Service is specifically configured to function in accordance with the '138 patent claims.

112. SITO has been damaged by the direct and indirect infringement of Saks, and is suffering and will continue to suffer irreparable harm and damages as a result of this infringement.

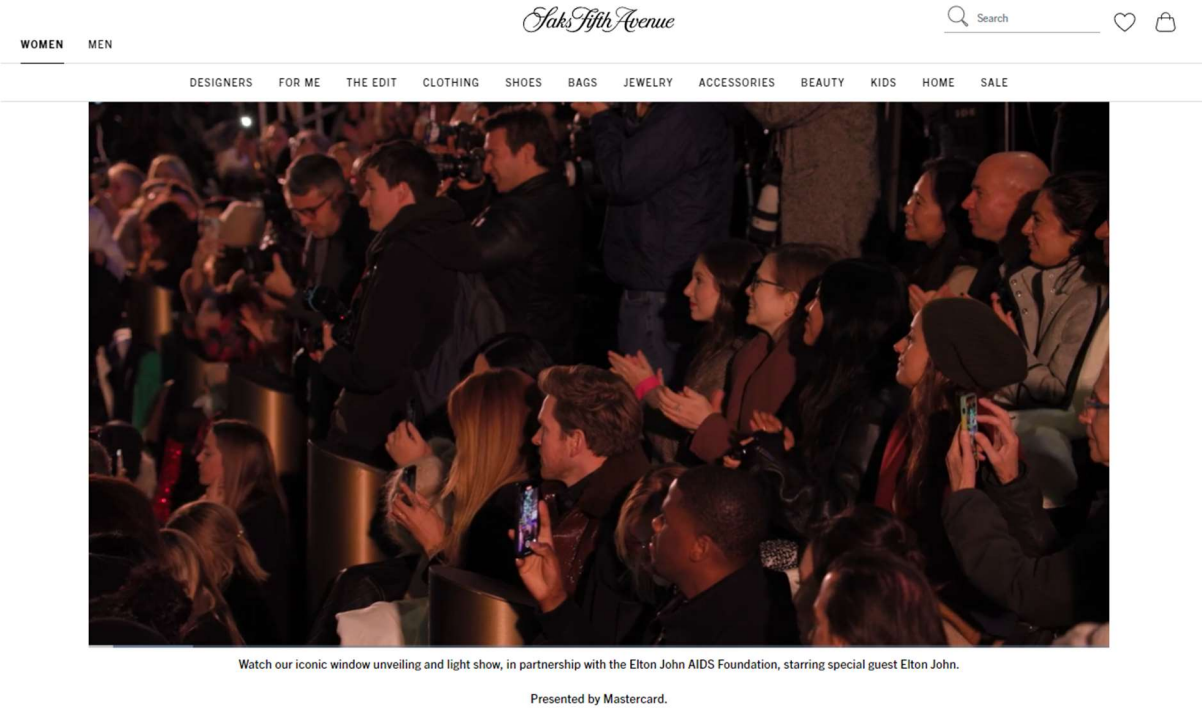
Count V - Infringement of United States Patent No. 10,735,781

113. SITO alleges, and incorporates by reference, as if fully set forth here, the preceding paragraphs of this Complaint.

114. Saks directly infringes (literally and/or under the doctrine of equivalents) the '781 patent by using the method covered by at least claim 1 of the '781 patent.

115. On information and belief, and without SITO's approval, authorization and license, Saks owns, controls, operates, and uses a system for streaming media that includes the Saks Streaming Platform, as well as other Saks networks, systems, devices, components, and/or services for streaming media, that practices and infringes the media streaming method recited in at least claim 1 of the '781 patent.

116. Saks performs a method of streaming video content to a client device (*e.g.*, a client device such as a personal computer, mobile device, and/or television) as demonstrated by the example provided below:



See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

117. On information and belief, Saks provides the video content to a content distribution network for storage in a plurality of geographically separated resources of the content distribution network.

118. Saks selects one or more advertisement media clips based on statistical information associated with a user of the client device.

From Automatic Site or App Data Collection Technologies: We, or third parties working on our behalf, may use cookies, web beacons, javascript and pixel tags, log files, or other technologies to collect certain non-personally identifying information about visitors to our Site or App, users of our online Services, and interactions with our emails and online advertisements, and to allow Saks to keep track of analytics and certain statistical information. For example, we may collect information such as your browser type, operating system type or mobile device model, viewed webpages, links that are clicked, IP address, mobile device identifier or other unique identifier, sites or apps visited before coming to our Site or App, the amount of time you spend viewing or using the Site or App, the number of times you return, or other click-stream or site usage data, emails we send that you open, forward, or click through to our Site or App. Collecting this information, and linking it with your personal information, helps us to tailor our Site and App and enhance your online shopping experience by saving your preferences while you are visiting a particular Site or App, and to help identify Site or App features, promotions, advertisements, and offers that may be of particular interest to you and retarget online and mobile advertisements to you across computers or devices you may use.

From Third-Party Sources: We may acquire information from other sources to update or supplement the information that you provide or that we collect automatically (such as information to validate or update your address or other demographic information), or when you connect with the company through a third party (including through social networks) based on your registration and privacy settings on those third-party sites.

Combination of Information: We may combine the information we receive from or about you, including information you provide to us and information we automatically collect through the Site or App, as well as information across other computers or devices that you use, with information we collect or receive about you from other online and offline sources, or from other third-party sources. This may also include using technologies to recognize multiple interactions and combine them into a single customer profile where appropriate.

From Third-Party Analytics and Advertisements: We also may use third-party advertisements, analytics, and tracking tools to better understand who is using the Site or App, how people are using the Site or App, how to improve the effectiveness of the Services and related content, and to help us or those third parties serve more targeted advertising to you across our media channels. These third parties may use technology such as cookies, web beacons, javascript and pixel tags, log files, flash cookies, or other technologies to collect and store information. They may also combine information they collect from your interaction with the Site or App with information they collect from other sources, which combination may be subject to the third party's control and privacy policy.

See e.g., <https://www.saksfifthavenue.com/c/content/privacy-policy>

119. Saks receives, from the client device (e.g., personal computer, mobile device, television) via a packet-based telecommunication network (e.g., Internet), signaling (e.g., GET request) to have the stored video content streamed to the client device as demonstrated by the example provided below:

The screenshot shows the Chrome DevTools Network tab with a list of 493 requests. The selected request is a GET request to `https://8270149.fs.d...` with a status of 200 OK. The Headers panel is open, showing the following details:

- Status:** 200 OK
- Version:** HTTP/3
- Transferred:** 1.20 kB (575 B size)
- Referrer Policy:** strict-origin-when-cross-origin
- Blocking:** Enhanced Tracking Protection (This URL matches a known tracker and it would be blocked with Content Blocking enabled.)
- Response Headers (903 B):**
 - `alt-svc:` h3="443"; ma=2592000,h3-29="443"; ma=2592000,h3-Q050="443"; ma=2592000,h3-Q046="443"; ma=2592000,h3-Q043="443"; ma=2592000,q-uc="443"; ma=2592000; v="46.43"
 - `cache-control:` no-cache, must-revalidate
 - `content-encoding:` br
 - `content-length:` 299
 - `content-type:` text/html; charset=UTF-8
 - `cross-origin-resource-policy:` cross-origin
 - `date:` Wed, 28 Dec 2022 10:20:50 GMT
 - `expires:` Fri, 01 Jan 1990 00:00:00 GMT
 - `p3p:` policyref="https://googleads.g.doubleclick.net/pagead/privacy_policy", CP="CURa ADMa DEVa TAlo PSAo PSDo OUR IND UNI PUR INT DEM STA PRE COM NAV OTC NOI DSP COR"
 - `pragma:` no-cache
 - `server:` cafe
 - `set-cookie:` test_cookie=CheckForPermission; expires=Wed, 28-Dec-2022 10:35:5

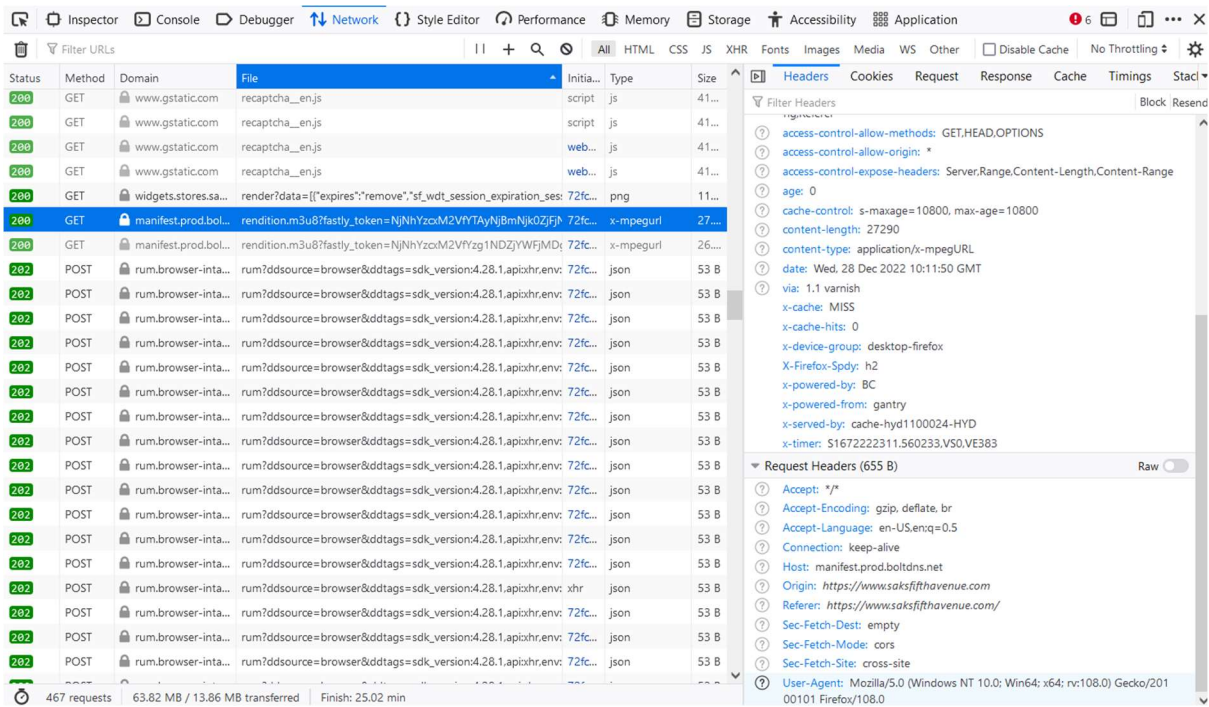
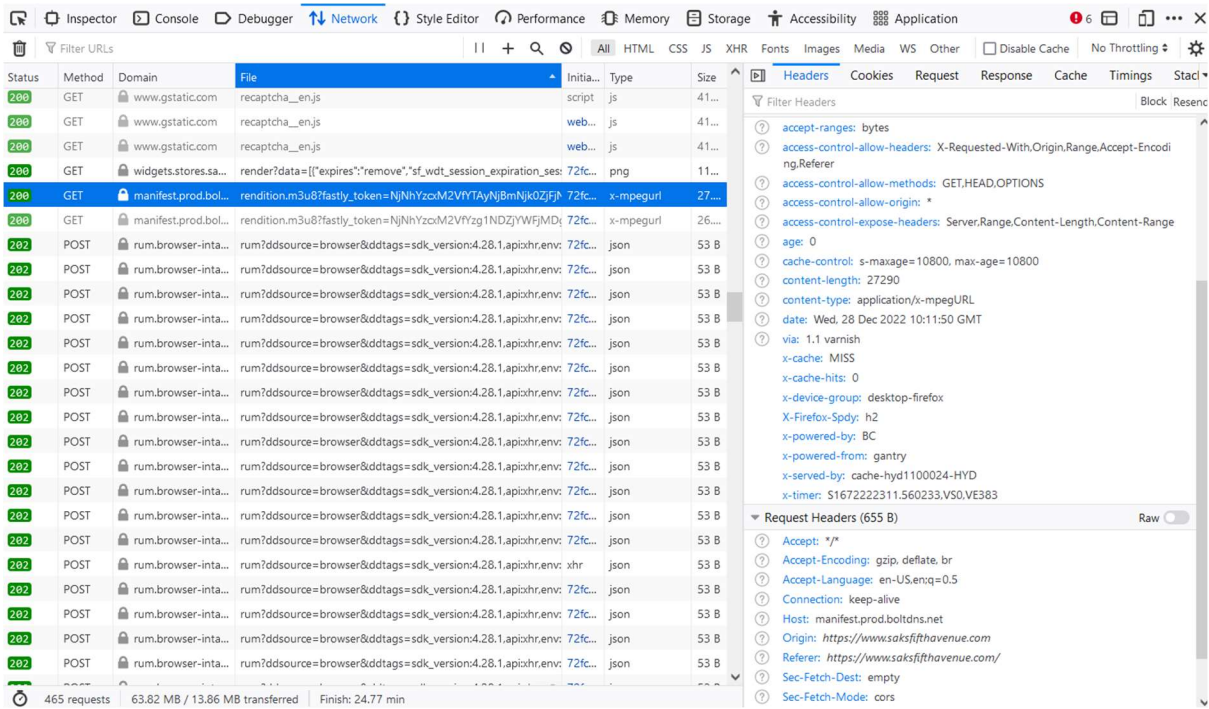
The screenshot shows the Chrome DevTools Network tab with a list of 493 requests. The selected request is a GET request to `https://8270149.fs.d...` with a status of 200 OK. The Request Headers panel is open, showing the following details:

- `content-length:` 299
- `content-type:` text/html; charset=UTF-8
- `cross-origin-resource-policy:` cross-origin
- `date:` Wed, 28 Dec 2022 10:20:50 GMT
- `expires:` Fri, 01 Jan 1990 00:00:00 GMT
- `p3p:` policyref="https://googleads.g.doubleclick.net/pagead/privacy_policy", CP="CURa ADMa DEVa TAlo PSAo PSDo OUR IND UNI PUR INT DEM STA PRE COM NAV OTC NOI DSP COR"
- `pragma:` no-cache
- `server:` cafe
- `set-cookie:` test_cookie=CheckForPermission; expires=Wed, 28-Dec-2022 10:35:50 GMT; path=/; domain=.doubleclick.net; Secure: HttpOnly; SameSite=none
- `strict-transport-security:` max-age=21600
- `timing-Allow-Origin:` *
- `x-content-type-options:` nosniff
- `x-xss-protection:` 0
- Request Headers (796 B):**
 - `Accept:` text/html,application/xhtml+xml,application/xml;q=0.9,image/avif,image/webp,*/*;q=0.8
 - `Accept-Encoding:` gzip, deflate, br
 - `Accept-Language:` en-US,en;q=0.5
 - `Alt-Used:` 8270149.fs.doubleclick.net
 - `Connection:` keep-alive
 - `Host:` 8270149.fs.doubleclick.net
 - `Referer:` https://www.saksfifthavenue.com/
 - `Sec-Fetch-Dest:` iframe
 - `Sec-Fetch-Mode:` navigate
 - `Sec-Fetch-Site:` cross-site
 - `Upgrade-Insecure-Requests:` 1
 - `User-Agent:` Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:108.0) Gecko/20100101 Firefox/108.0

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

120. In response to the received signaling (e.g., GET request), Saks transmits one or more files (e.g., (M3U8 file)) having a format compatible with a media player to the client device (e.g., personal computer, mobile device, television) over the packet-

based telecommunication network (e.g., the Internet) as demonstrated by the example provided below:



The screenshot displays the Network tab of a web browser's developer tools. The left pane shows a list of requests, including several GET requests for 'recaptcha_en.js' and a POST request for 'manifest.p...'. The right pane shows the 'Response Payload' for a selected request, which is a JSON object containing metadata such as '#EXTM3U', '#EXT-X-VERSION:3', and '#EXT-X-PLAYLIST-TYPE:VOD'. The response also includes a list of URLs for video segments, such as 'https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b/...'. The status bar at the bottom indicates 468 requests, 63.82 MB / 13.86 MB transferred, and a finish time of 25.81 min.

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

121. The M3U8 includes an identification (e.g., URL that resolves an IP address) of one or more of the resources (e.g., media streaming server(s) of the content distribution network available to facilitate streaming of one or more segments of the stored video content to the client device (e.g., personal computer, mobile device, television), the identification is dependent at least in part on a relationship between a geographic location of the client device and geographic locations (e.g., CDNs) of the resources of the content distribution network as demonstrated by the examples provided below:

The screenshot shows the Chrome DevTools Network tab with a list of 465 requests. The selected request is a GET request to `manifest.prod.bo.../rendition.m3u8?fastly_token=NjNhYzoiM2VYfzYz1NDZlYWJlMDI...`. The Headers panel is open, showing the following request headers:

- Accept: */*
- Accept-Encoding: gzip, deflate, br
- Accept-Language: en-US,en;q=0.5
- Connection: keep-alive
- Host: manifest.prod.boltdns.net
- Origin: <https://www.saksfifthavenue.com>
- Referer: <https://www.saksfifthavenue.com/>
- Sec-Fetch-Dest: empty
- Sec-Fetch-Mode: cors

Other visible headers include `access-control-allow-headers`, `access-control-allow-methods`, `access-control-allow-origin`, `access-control-expose-headers`, `age`, `cache-control`, `content-length`, `content-type`, `date`, `via`, `x-cache`, `x-cache-hits`, `x-device-group`, `X-Firefox-Spdy`, `x-powered-by`, `x-powered-from`, `x-served-by`, and `x-timer`.

This screenshot is similar to the one above, showing the same network request and headers. The status bar at the bottom indicates 467 requests, 63.82 MB transferred, and a finish time of 25.02 min. The Headers panel shows the same request headers as the previous screenshot, but with an additional `User-Agent` header:

- User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:108.0) Gecko/2010101 Firefox/108.0

The screenshot shows the Chrome DevTools Network tab. The left pane displays a list of network requests. The selected request is a GET request to `manifest.p... rendition.m3u8?fastly_token=NjNhYzozM2VYf...` with a response type of `x-mpegurl`. The right pane shows the response payload, which is a list of metadata for a video stream, including fields like `#EXTM3U`, `#EXT-X-VERSION:3`, `#EXT-X-PLAYLIST-TYPE:VOD`, and various `#EXTINF` and `https://` URLs.

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

The screenshot shows the Chrome DevTools Network tab. The left pane displays a list of network requests. The selected request is a GET request to `bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b-b51c-716d13526265/be274a22-17c2-49f4-99a2-01a9c8237646/5x/segment1.ts?akamai_token=exp=1672245569-ad=/media/v1/72f...` with a response type of `mp2t`. The right pane shows the response headers, including `Accept-Ranges: bytes`, `Access-Control-Allow-Headers: X-Requested-With,Origin,Range,Accept-Encodin...`, `Access-Control-Allow-Methods: GET,HEAD,OPTIONS`, `Access-Control-Allow-Origin: *`, `Access-Control-Expose-Headers: Server,Range,Content-Length,Content-Range,Akamai-Mon-lucid-Ing,Akamai-Mon-lucid-Del,Akamai-Request-BCAkamai-Mon-lucid-Del: 1315351`, `Alt-Svc: h3-Q050="443"; ma=93600,quic="443"; ma=93600; v="46.43"`, `Backend-IP: 13.35.90.38`, `BC-MID: true`, `Cache-Control: public, max-age=29672241`, `Connection: keep-alive`, `Content-Length: 3164792`, `Content-Type: video/MP2T`, `Date: Wed, 28 Dec 2022 10:11:33 GMT`, `Etag: "511d1266fe0a5e003d095c7fb70e2164"`, `Expires: Wed, 06 Dec 2023 20:28:54 GMT`, and `Last-Modified: Fri, 01 Jan 2016 00:00:00 GMT`.

The screenshot shows the Network tab of a web browser's developer tools. The left pane displays a list of network requests, including several GET requests to segments from domain bcbolt446c5271... The right pane shows the 'Headers' section for a selected request, displaying both Request Headers (751 B) and Response Headers. The Request Headers include fields like Accept, Accept-Encoding, Accept-Language, Connection, Host, Origin, Referer, Sec-Fetch-Dest, Sec-Fetch-Mode, Sec-Fetch-Site, and User-Agent. The Response Headers include Cache-Control, Connection, Content-Length, Content-Type, Date, ETag, Expires, Last-Modified, X-Amz-CF-Id, X-Amz-CF-Pop, X-Cache-Hits, X-Powered-By, X-Powered-From, X-Served-By, and X-Timer.

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

122. The M3U8 includes an identification of an advertising server, the identification of the advertising server being dependent at least in part on a relationship between the geographic location (e.g., CDNs) of the client device (e.g., personal computer, mobile device, television) and a geographic location of the advertising server.

From Automatic Site or App Data Collection Technologies: We, or third parties working on our behalf, may use cookies, web beacons, javascript and pixel tags, log files, or other technologies to collect certain non-personally identifying information about visitors to our Site or App, users of our online Services, and interactions with our emails and online advertisements, and to allow Saks to keep track of analytics and certain statistical information. For example, we may collect information such as your browser type, operating system type or mobile device model, viewed webpages, links that are clicked, IP address, mobile device identifier or other unique identifier, sites or apps visited before coming to our Site or App, the amount of time you spend viewing or using the Site or App, the number of times you return, or other click-stream or site usage data, emails we send that you open, forward, or click through to our Site or App. Collecting this information, and linking it with your personal information, helps us to tailor our Site and App and enhance your online shopping experience by saving your preferences while you are visiting a particular Site or App, and to help identify Site or App features, promotions, advertisements, and offers that may be of particular interest to you and retarget online and mobile advertisements to you across computers or devices you may use.

From Third-Party Sources: We may acquire information from other sources to update or supplement the information that you provide or that we collect automatically (such as information to validate or update your address or other demographic information), or when you connect with the company through a third party (including through social networks) based on your registration and privacy settings on those third-party sites.

Combination of Information: We may combine the information we receive from or about you, including information you provide to us and information we automatically collect through the Site or App, as well as information across other computers or devices that you use, with information we collect or receive about you from other online and offline sources, or from other third-party sources. This may also include using technologies to recognize multiple interactions and combine them into a single customer profile where appropriate.

From Third-Party Analytics and Advertisements: We also may use third-party advertisements, analytics, and tracking tools to better understand who is using the Site or App, how people are using the Site or App, how to improve the effectiveness of the Services and related content, and to help us or those third parties serve more targeted advertising to you across our media channels. These third parties may use technology such as cookies, web beacons, javascript and pixel tags, log files, flash cookies, or other technologies to collect and store information. They may also combine information they collect from your interaction with the Site or App with information they collect from other sources, which combination may be subject to the third party's control and privacy policy.

See e.g., <https://www.saksfifthavenue.com/c/content/privacy-policy>

123. The M3U8 causes the client device to communicate with resources (e.g., media streaming servers) of the content distribution network and the advertising server to cause the one or more segments of the stored video to be streamed to the client device (e.g., personal computer, mobile device, television) by the identified one or more resources of the content distribution network and cause one or more advertisements to be streamed from the advertising server to the client device.

The screenshot shows the Chrome DevTools Network tab. The top panel displays a list of network requests. The selected request is a GET request to `https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b-b51c-716d13526265/be274a22-17c2-49f4-99a2-01a9c8237646/5x/segment1.ts?akamai_token=exp=1672245569~ad=/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b-b51c-716d13526265/be274a22-17c2-49f4-99a2-01a9c8237646/*~hmac=fd90d7b25c6b475aa457adb1eb984702941d9ab2b755fe71625a9207c1661638`. The response status is 200 OK. The response headers are expanded, showing various metadata and control headers.

Status	Method	Domain	File	Initi...	Type	Size
200	POST	rum.browser-int...	rum?ddsource=browser&ddtags=sd&sd_version=4.28.1.apiahr.en	72fc...	json	53 B
200	GET	px.cdn.cloudflare.net	saks.js	72fc...	js	14...
200	GET	cdn.cloudflare.org	Saks_540x540px.jpg	72fc...	octet-stream	51...
200	GET	4af61bfa97de.cd...	script.js	72fc...	js	32...
200	GET	us-u.openx.net	sd?cc=1&id=537073059&val=Q7255092541559044781j	eps...	gif	43 B
200	GET	us-u.openx.net	sd?id=537073059&val=Q7255092541559044781j	eps...	gif	43 B
200	GET	widgets.turnto.c...	search-page.85faba630c39f13726fdb49839afba1.en_US.js	script	js	56...
200	GET	bcbolt446c5271...	segment1.ts?akamai_token=exp=1672245569~ad=/media/v1	72fc...	mp2t	3.1...

Response Headers (1.034 kB):

- Accept-Ranges: bytes
- Access-Control-Allow-Headers: X-Requested-With,Origin,Range,Accept-Encoding,Referer,CMCD-Request,CMCD-Object,CMCD-Status,CMCD-Session
- Access-Control-Allow-Methods: GET,HEAD,OPTIONS
- Access-Control-Allow-Origin: *
- Access-Control-Expose-Headers: Server,Range,Content-Length,Content-Range,Akamai-Mon-lucid-Ing,Akamai-Mon-lucid-Del,Akamai-Request-BC
- Akamai-Mon-lucid-Del: 1315351
- Alt-Svc: h3-Q050="443"; ma=93600,quic="443"; ma=93600; v="46,43"
- Backend-IP: 13.35.90.38
- BC-MID: true
- Cache-Control: public,max-age=29672241
- Connection: keep-alive
- Content-Length: 3164792
- Content-Type: video/MP2T
- Date: Wed, 28 Dec 2022 10:11:33 GMT
- Etag: "511d1266fe0a5e003d095c7b70e2164"
- Expires: Wed, 06 Dec 2023 20:28:54 GMT
- Last-Modified: Fri, 01 Jan 2016 00:00:00 GMT

The screenshot shows the Chrome DevTools Network tab. The selected request is a GET request to `https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b-b51c-716d13526265/be274a22-17c2-49f4-99a2-01a9c8237646/5x/segment1.ts?akamai_token=exp=1672245569~ad=/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b-b51c-716d13526265/be274a22-17c2-49f4-99a2-01a9c8237646/*~hmac=fd90d7b25c6b475aa457adb1eb984702941d9ab2b755fe71625a9207c1661638`. The request headers are expanded, showing various metadata and control headers.

Status	Method	Domain	File	Initi...	Type	Size
200	GET	us-u.openx.net	sd?cc=1&id=537073059&val=Q7255092541559044781j	eps...	gif	43 B
200	GET	us-u.openx.net	sd?id=537073059&val=Q7255092541559044781j	eps...	gif	43 B
200	GET	widgets.turnto.c...	search-page.85faba630c39f13726fdb49839afba1.en_US.js	script	js	56...
200	GET	bcbolt446c5271...	segment1.ts?akamai_token=exp=1672245569~ad=/media/v1	72fc...	mp2t	3.1...

Request Headers (751 B):

- Accept: */*
- Accept-Encoding: gzip,deflate,br
- Accept-Language: en-US,en;q=0.5
- Connection: keep-alive
- Host: bcbolt446c5271-a.akamaihd.net
- Origin: https://www.saksfifthavenue.com
- Referer: https://www.saksfifthavenue.com/
- Sec-Fetch-Dest: empty
- Sec-Fetch-Mode: cors
- Sec-Fetch-Site: cross-site
- User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:108.0) Gecko/20100101 Firefox/108.0

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

From Automatic Site or App Data Collection Technologies: We, or third parties working on our behalf, may use cookies, web beacons, javascript and pixel tags, log files, or other technologies to collect certain non-personally identifying information about visitors to our Site or App, users of our online Services, and interactions with our emails and online advertisements, and to allow Saks to keep track of analytics and certain statistical information. For example, we may collect information such as your browser type, operating system type or mobile device model, viewed webpages, links that are clicked, IP address, mobile device identifier or other unique identifier, sites or apps visited before coming to our Site or App, the amount of time you spend viewing or using the Site or App, the number of times you return, or other click-stream or site usage data, emails we send that you open, forward, or click through to our Site or App. Collecting this information, and linking it with your personal information, helps us to tailor our Site and App and enhance your online shopping experience by saving your preferences while you are visiting a particular Site or App, and to help identify Site or App features, promotions, advertisements, and offers that may be of particular interest to you and retarget online and mobile advertisements to you across computers or devices you may use.

From Third-Party Sources: We may acquire information from other sources to update or supplement the information that you provide or that we collect automatically (such as information to validate or update your address or other demographic information), or when you connect with the company through a third party (including through social networks) based on your registration and privacy settings on those third-party sites.

Combination of Information: We may combine the information we receive from or about you, including information you provide to us and information we automatically collect through the Site or App, as well as information across other computers or devices that you use, with information we collect or receive about you from other online and offline sources, or from other third-party sources. This may also include using technologies to recognize multiple interactions and combine them into a single customer profile where appropriate.

From Third-Party Analytics and Advertisements: We also may use third-party advertisements, analytics, and tracking tools to better understand who is using the Site or App, how people are using the Site or App, how to improve the effectiveness of the Services and related content, and to help us or those third parties serve more targeted advertising to you across our media channels. These third parties may use technology such as cookies, web beacons, javascript and pixel tags, log files, flash cookies, or other technologies to collect and store information. They may also combine information they collect from your interaction with the Site or App with information they collect from other sources, which combination may be subject to the third party's control and privacy policy.

See e.g., <https://www.saksfifthavenue.com/c/content/privacy-policy>

124. On information and belief, Saks has been on notice of the '781 patent at least as early as January 26, 2023, when Saks' in-house counsel responded to SITO's counsel's January 9, 2023 letter concerning Saks' infringement of the patents-in-suit.

125. On information and belief, at least since January 26, 2023, Saks knowingly encouraged and continues to encourage, its customers to directly infringe one or more claims of the '781 patent, including by Saks' actions that include, without limitation, instructing and encouraging its customers to use the Saks Video Streaming Services through the publishing, distribution, and propagation of targeted user emails, shopping offers, support documents, blog

posts, live events, and instructions, including but not limited to the examples of such materials cited above.

126. On information and belief, at least since acquiring its January 2023 knowledge of the '781 patent, Saks knows the acts Saks induced its customers to take constitute patent infringement and Saks' encouraging acts result in direct infringement of one or more claims of the '781 patent by its customers.

127. On information and belief, Saks' customers directly infringe at least claim 1 of the '781 patent through their use of the Saks Video Streaming Service.

128. On information and belief, Saks is in violation of 35 U.S.C. § 271(b) and has been, at least since its January 2023 knowledge of the '781 patent, indirectly infringing and continues to indirectly infringe at least claim 1 of the '781 patent by knowingly and specifically intending to induce infringement by others (including, without limitation, Saks' users) and possessing specific intent to encourage infringement by Saks' users. The Saks Video Streaming Service is specifically configured to function in accordance with the '781 patent claims.

129. SITO has been damaged by the direct and indirect infringement of Saks, and is suffering and will continue to suffer irreparable harm and damages as a result of this infringement.

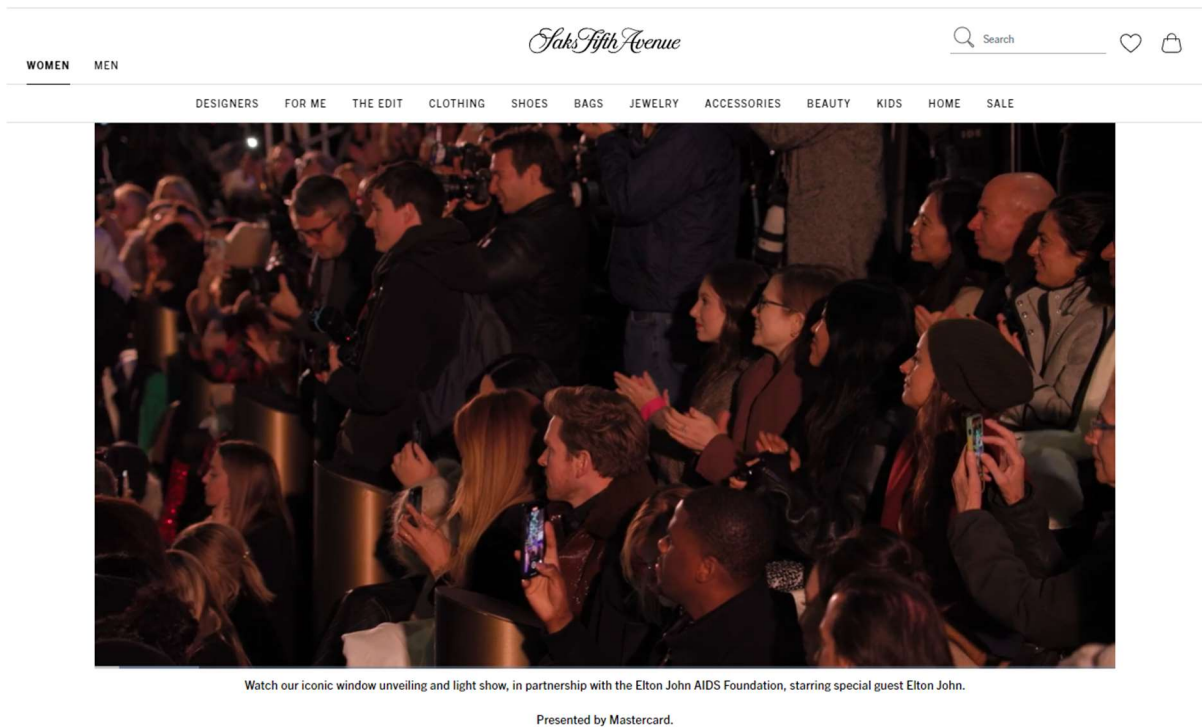
Count VI - Infringement of United States Patent No. 10,769,675

130. SITO alleges, and incorporates by reference, as if fully set forth here, the preceding paragraphs of this Complaint.

131. Saks directly infringes (literally and/or under the doctrine of equivalents) the '675 patent by using the method covered by at least claim 31 of the '675 patent.

132. On information and belief, and without SITO's approval, authorization and license, Saks owns, controls, operates, and uses a system for streaming media that includes the Saks Streaming Platform, as well as other Saks networks, systems, devices, components, and/or services for streaming media, that practices and infringes the media streaming method recited in at least claim 31 of the '675 patent.

133. Saks performs a method of streaming video as demonstrated by the example provided below:



See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

134. On information and belief, Saks receives, from each of a plurality of media owners, media for a plurality of events (*e.g.*, media files/videos) for streaming and one or more media rules (*e.g.*, geographic restrictions) governing transmission of the received media, wherein the one or more media rules are used by the streaming system to determine a streaming sequence for the transmission of the received media and determine one or more streaming resources (*e.g.*, CDNs) to which the received media is to be distributed.

135. Saks receives, from a communication device (*e.g.*, personal computer, mobile device, television) via a communication network (*e.g.*, Internet), a request (*e.g.*, GET request) for media for one of the plurality of events to be streamed to the communication device, the media for the requested event comprising a plurality of segments and the requested event being selected by a user of the communication device from a plurality of event options (*e.g.*, media files/videos).

The screenshot shows the Network tab in Chrome DevTools. The top toolbar includes Inspector, Console, Debugger, Network, Style Editor, Performance, Memory, Storage, Accessibility, and Application. The Network tab is active, displaying a list of requests. The selected request is a GET request to `https://8270149.fs.doubleclick.net/activity?src=8270149&type=landi&cat=saks-0&ord=1&num=27&sub=...`. The response headers for this request are visible on the right side of the panel.

Status	Method	Domain	File	Initi...	Type	Size
200	GET	www.googletag...	a?id=AW-867837652&cv=1&v=3&t=1&pid=246754650&rv=72f...		html	0 B
200	GET	8270149.fs.d...	activity?src=8270149&type=landi&cat=saks-0&ord=1&num=27&sub=...		html	57...
200	GET	www.google.com	anchor?ar=1&k=6LtzSaYZAAAAKUZeZIBWVAsRo1hkbQhnl sub...		html	42...
200	GET	www.google.com	anchor?ar=1&k=6LtzSaYZAAAAKUZeZIBWVAsRo1hkbQhnl sub...		html	43...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=11&Availability.prefix=Visi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=129&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=149&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=152&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=170&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=233&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=239&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=264&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=268&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=280&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=299&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=305&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=330&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=333&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=345&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=390&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=400&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=417&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=419&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=440&Availability.prefix=Vi...		js	16...

493 requests | 63.83 MB / 13.88 MB transferred | Finish: 40.43 min

Response Headers (903 B)

- alt-svc: h3="443"; ma=2592000,h3-29="443"; ma=2592000,h3-Q050="443"; ma=2592000,h3-Q046="443"; ma=2592000,h3-Q043="443"; ma=2592000,q-ua="443"; ma=2592000; v="46.43"
- cache-control: no-cache, must-revalidate
- content-encoding: br
- content-length: 299
- content-type: text/html; charset=UTF-8
- cross-origin-resource-policy: cross-origin
- date: Wed, 28 Dec 2022 10:20:50 GMT
- expires: Fri, 01 Jan 1990 00:00:00 GMT
- p3p: policyref="https://googleads.g.doubleclick.net/pagead/gen_p3p.xml", CP="CURa ADMa Deva TAlo PSAo PSDo OUR IND UNI PUR INT DEM STA PRE COM NAV OTC NOI DSP COR"
- pragma: no-cache
- server: cafe
- set-cookie: test_cookie=CheckForPermission; expires=Wed, 28-Dec-2022 10:35:5

The screenshot shows the Network tab in Chrome DevTools. The top toolbar includes Inspector, Console, Debugger, Network, Style Editor, Performance, Memory, Storage, Accessibility, and Application. The Network tab is active, displaying a list of requests. The selected request is a GET request to `https://8270149.fs.doubleclick.net/activity?src=8270149&type=landi&cat=saks-0&ord=1&num=27&sub=...`. The request headers for this request are visible on the right side of the panel.

Status	Method	Domain	File	Initi...	Type	Size
200	GET	www.googletag...	a?id=AW-867837652&cv=1&v=3&t=1&pid=246754650&rv=72f...		html	0 B
200	GET	8270149.fs.d...	activity?src=8270149&type=landi&cat=saks-0&ord=1&num=27&sub=...		html	57...
200	GET	www.google.com	anchor?ar=1&k=6LtzSaYZAAAAKUZeZIBWVAsRo1hkbQhnl sub...		html	42...
200	GET	www.google.com	anchor?ar=1&k=6LtzSaYZAAAAKUZeZIBWVAsRo1hkbQhnl sub...		html	43...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=11&Availability.prefix=Visi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=129&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=149&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=152&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=170&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=233&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=239&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=264&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=268&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=280&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=299&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=305&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=330&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=333&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=345&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=390&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=400&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=417&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=419&Availability.prefix=Vi...		js	16...
200	GET	d.la5-c1-ia4.s...	Availability.json?sid=undefined&r=440&Availability.prefix=Vi...		js	16...

493 requests | 63.83 MB / 13.88 MB transferred | Finish: 40.43 min

Request Headers (796 B)

- Accept: text/html,application/xhtml+xml,application/xml;q=0.9,image/avif,image/webp/*;q=0.8
- Accept-Encoding: gzip, deflate, br
- Accept-Language: en-US,en;q=0.5
- Alt-Used: 8270149.fs.doubleclick.net
- Connection: keep-alive
- Host: 8270149.fs.doubleclick.net
- Referer: https://www.saksfifthavenue.com/
- Sec-Fetch-Dest: iframe
- Sec-Fetch-Mode: navigate
- Sec-Fetch-Site: cross-site
- Upgrade-Insecure-Requests: 1
- User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:108.0) Gecko/20100101 Firefox/108.0

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

The screenshot shows the Chrome DevTools Network tab. The top toolbar includes Inspector, Console, Debugger, Network, Style Editor, Performance, Memory, Storage, Accessibility, and Application. The Network tab is active, displaying a list of requests. The selected request is a GET request to `manifest.prod.bo... rendition.m3u8?fastly_token=NjNhYzoiM2VYfzYz1NDZlYWJMDj...` with a size of 27 KB. The Headers panel on the right shows the following request headers:

- Accept: */*
- Accept-Encoding: gzip, deflate, br
- Accept-Language: en-US,en;q=0.5
- Connection: keep-alive
- Host: manifest.prod.boltdns.net
- Origin: <https://www.saksfifthavenue.com>
- Referer: <https://www.saksfifthavenue.com/>
- Sec-Fetch-Dest: empty
- Sec-Fetch-Mode: cors

At the bottom, the summary shows 465 requests, 63.82 MB transferred, and a finish time of 24.77 min.

This screenshot is similar to the one above, showing the Chrome DevTools Network tab. The selected request is a GET request to `manifest.prod.bo... rendition.m3u8?fastly_token=NjNhYzoiM2VYfzYz1NDZlYWJMDj...` with a size of 27 KB. The Headers panel on the right shows the following request headers:

- Accept: */*
- Accept-Encoding: gzip, deflate, br
- Accept-Language: en-US,en;q=0.5
- Connection: keep-alive
- Host: manifest.prod.boltdns.net
- Origin: <https://www.saksfifthavenue.com>
- Referer: <https://www.saksfifthavenue.com/>
- Sec-Fetch-Dest: empty
- Sec-Fetch-Mode: cors
- Sec-Fetch-Site: cross-site
- User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:108.0) Gecko/2010101 Firefox/108.0

At the bottom, the summary shows 467 requests, 63.82 MB transferred, and a finish time of 25.02 min.

The screenshot displays the Network tab of a web browser's developer tools. The left pane shows a list of network requests, including several GET requests for 'recaptcha_en.js' and a GET request for 'manifest.p...'. The right pane shows the 'Response Payload' for the selected request, which is an M3U8 playlist. The payload includes headers such as '#EXTM3U', '#EXT-X-VERSION:3', '#EXT-X-PLAYLIST-TYPE:VOD', '#EXT-X-MEDIA-SEQUENCE:0', and '#EXT-X-TARGETDURATION:10'. The main content of the response is a list of video segments, each starting with 'https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b' followed by a duration and a file extension (e.g., '.m3u8').

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

136. In response to the received request (e.g., GET request), Saks transmits one or more files (e.g., (M3U8 file)) to the communication device (e.g., personal computer, mobile device, television) over the packet-based telecommunication network (e.g., the Internet) as demonstrated by the example provided below:

The screenshot shows the Chrome DevTools Network tab. The top toolbar includes icons for Inspector, Console, Debugger, Network, Style Editor, Performance, Memory, Storage, Accessibility, and Application. Below the toolbar, there are filters for 'Filter URLs' and 'Filter Headers'. The main area displays a list of network requests with columns for Status, Method, Domain, File, Initia..., Type, and Size. A request from 'manifest.prod.bo...' is selected, and its headers are visible in the right-hand pane. The headers are categorized into Filter Headers and Request Headers (655 B). The Request Headers include: Accept: */*, Accept-Encoding: gzip, deflate, br, Accept-Language: en-US,en;q=0.5, Connection: keep-alive, Host: manifest.prod.boitdns.net, Origin: https://www.saksfifthavenue.com, Referer: https://www.saksfifthavenue.com/, Sec-Fetch-Dest: empty, and Sec-Fetch-Mode: cors. The bottom status bar shows 465 requests, 63.82 MB / 13.86 MB transferred, and a finish time of 24.77 min.

This screenshot is similar to the one above, showing the Chrome DevTools Network tab. The selected request is the same, but the bottom status bar now shows 467 requests, 63.82 MB / 13.86 MB transferred, and a finish time of 25.02 min. The Headers panel on the right is identical to the previous screenshot, showing the same request headers.

The screenshot shows the Chrome DevTools Network tab. The left pane displays a list of network requests. The selected request is a GET request to a manifest file with a response payload visible in the right pane. The payload is a JSON object containing metadata for an M3U8 file, including 'EXTM3U', 'EXT-X-VERSION:3', 'EXT-X-PLAYLIST-TYPE:VOD', 'EXT-X-MEDIA-SEQUENCE:0', 'EXT-X-TARGETDURATION:10', and a list of media segments with their respective URLs and durations.

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

137. The M3U8 file includes one or more references (e.g., URLs/filename) to one or more of the segments of the media for the requested event (e.g., video).

The screenshot shows the Chrome DevTools Network tab. The left pane displays a list of network requests. The selected request is a GET request to a manifest file. The right pane shows the request headers for this request, including 'accept-ranges: bytes', 'access-control-allow-headers: X-Requested-With,Origin,Range,Accept-Encoding,Referer', 'access-control-allow-methods: GET,HEAD,OPTIONS', 'access-control-allow-origin: *', 'access-control-expose-headers: Server,Range,Content-Length,Content-Range', 'age: 0', 'cache-control: s-maxage=10800, max-age=10800', 'content-length: 27290', 'content-type: application/x-mpegURL', 'date: Wed, 28 Dec 2022 10:11:50 GMT', 'via: 1.1 varnish', 'x-cache: MISS', 'x-cache-hits: 0', 'x-device-group: desktop-firefox', 'X-Firefox-Spdy: h2', 'x-powered-by: BC', 'x-powered-from: gantry', 'x-served-by: cache-hyd1100024-HYD', and 'x-timer: S1672222311.560233.VS0.VE383'. The 'Request Headers (655 B)' section is expanded to show 'Accept: */*', 'Accept-Encoding: gzip, deflate, br', 'Accept-Language: en-US,en;q=0.5', 'Connection: keep-alive', 'Host: manifest.prod.boltdns.net', 'Origin: https://www.saksfifthavenue.com', 'Referer: https://www.saksfifthavenue.com/', 'Sec-Fetch-Dest: empty', and 'Sec-Fetch-Mode: cors'.

The screenshot shows the Network tab of a browser's developer tools. The top part displays a list of requests with columns for Status, Method, Domain, File, Initiator, Type, and Size. A request to 'manifest.prod.bol...' is selected. The right pane shows the 'Request Headers' for this request, including 'Accept: */*', 'Accept-Encoding: gzip, deflate, br', 'Host: manifest.prod.boltdns.net', and 'User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:108.0) Gecko/20100101 Firefox/108.0'.

This screenshot shows the Network tab with the 'Response' pane open for the selected request. The 'Response Payload' is visible, starting with '#EXTM3U' and '#EXT-X-VERSION:3'. It lists several media rules with URLs like 'https://bcbo1t446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b'. The list of requests on the left is also visible, showing a sequence of GET and POST requests.

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

138. On information and belief, the M3U8 file includes information, the information being based at least in part on the one or more media rules (e.g., geographic restrictions), for use by the communication device identifying how to communicate

The screenshot shows the Chrome DevTools Network tab. The top panel displays a list of requests with columns for Status, Method, Domain, File, Initiator, Type, and Size. A request to `manifest.prod.bol...` is selected. The right panel shows the request headers for this request, including `Accept: */*`, `Accept-Encoding: gzip, deflate, br`, `Accept-Language: en-US,en;q=0.5`, `Connection: keep-alive`, `Host: manifest.prod.boltdns.net`, `Origin: https://www.saksfifthavenue.com/`, `Referer: https://www.saksfifthavenue.com/`, `Sec-Fetch-Dest: empty`, `Sec-Fetch-Mode: cors`, `Sec-Fetch-Site: cross-site`, and `User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:108.0) Gecko/20100101 Firefox/108.0`.

The screenshot shows the Chrome DevTools Network tab. The top panel displays a list of requests. A request to `manifest.p...` is selected. The right panel shows the response payload for this request, which is a list of 45 lines of text, including `#EXTM3U`, `#EXT-X-VERSION:3`, `#EXT-X-PLAYLIST-TYPE:VOD`, `#EXT-X-MEDIA-SEQUENCE:0`, `#EXT-X-TARGETDURATION:10`, and a series of `https://bcbolt446c5271-a.akamaihd.net/media/v1/hls/v4/clear/5680571043001/c02c33ee-7436-469b` URLs.

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

See e.g., <https://www.saksfifthavenue.com/c/live-stream/video>

139. On information and belief, Saks has been on notice of the ‘675 patent at least as early as January 26, 2023, when Saks’ in-house counsel responded to SITO’s counsel’s January 9, 2023 letter concerning Saks’ infringement of the

patents-in-suit.

140. On information and belief, at least since January 26, 2023, Saks knowingly encouraged and continues to encourage, its customers to directly infringe one or more claims of the '675 patent, including by Saks' actions that include, without limitation, instructing and encouraging its customers to use the Saks Video Streaming Services through the publishing, distribution, and propagation of targeted user emails, shopping offers, support documents, blog posts, live events, and instructions, including but not limited to the examples of such materials cited above.

141. On information and belief, at least since acquiring its January 2023 knowledge of the '675 patent, Saks knows the acts Saks induced its customers to take constitute patent infringement and Saks' encouraging acts result in direct infringement of one or more claims of the '675 patent by its customers.

142. On information and belief, Saks' customers directly infringe at least claim 31 of the '675 patent through their use of the Saks Video Streaming Service.

143. On information and belief, Saks is in violation of 35 U.S.C. § 271(b) and has been, at least since its January 2023 knowledge of the '675 patent, indirectly infringing and continues to indirectly infringe at least claim 31 of the '675 patent by knowingly and specifically intending to induce infringement by others (including, without limitation, Saks' users) and possessing specific intent to encourage infringement by Saks' users. The Saks Video Streaming Service is specifically configured to function in accordance with the '675 patent claims.

144. SITO has been damaged by the direct and indirect infringement of Saks, and is suffering and will continue to suffer irreparable harm and damages as a result of this infringement.

JURY DEMANDED

145. Pursuant to Federal Rule of Civil Procedure 38(b), SITO hereby requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

SITO respectfully requests this Court to enter judgment in SITO's favor and against Saks as follows:

- a. finding that Saks directly infringes, literally and/or under the doctrine of equivalents, one or more claims of each of the patents-in-suit;
- b. finding that Saks indirectly infringes, literally and/or under the doctrine of equivalents, one or more claims of each of the patents-in-suit;
- c. awarding SITO damages under 35 U.S.C. § 284, or otherwise permitted by law, including supplemental damages for any continued post-verdict infringement;
- d. awarding SITO pre-judgment and post-judgment interest on the damages award and costs;
- e. awarding costs of this action (including all disbursements) and attorney fees pursuant to 35 U.S.C. § 285, or as otherwise permitted by the law; and
- f. awarding such other costs and further relief that the Court determines to be just and equitable.

June 16, 2023

Respectfully submitted,

/s/ Zachary H. Ellis _____

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