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DDB Targets AOL In New Web Broadcast Patent Suit

By **Samuel Howard**

Law360, New York (May 11, 2010) -- DDB Technologies Inc. has accused AOL Inc. of infringing several patents covering Internet broadcast simulation technology, marking the latest suit in a litigation rampage that has targeted a number of Web media companies and major sports broadcasters.

The complaint, filed Monday in the U.S. District Court for the Western District of Texas, claims that AOL's online score reporting service willfully infringes four patents covering an Internet broadcast system that simulates live sporting events.

Specifically, AOL's ScoreCast service incorporates the simulation technology protected by U.S. Patent Numbers 5,526,479; 5,671,347; and 6,204,862 — all titled "Method and apparatus for broadcasting live events to another location and producing a computer simulation of the events at that location" — and 7,373,587, titled "Representing sub-events with physical exertion actions," according to the complaint.

Between 2000 and 2003, DDB offered AOL a license to the simulation technology, but the defendant rejected the overture and instead developed an online sports reporting service that infringes the patents, the suit claims.

"Without DDB's permission, AOL began providing simulation products/ services over the Internet that embody the invention(s) set forth in the DDB patents," the complaint said. "For example, AOL's 'ScoreCast' product/ service permits remote users to watch a simulation of live sporting events."

The patents describe a method for broadcasting live events that uses computer simulations to characterize actions, allowing viewers to manipulate the perspective and select information about real-time events.

A representative for AOL could not immediately be reached for comment Tuesday.

In the past month, DDB has made several efforts to enforce its intellectual property rights, filing at least five infringement actions against major sports broadcasters like NBA Media Ventures LLC, ESPN Inc. and NFL Enterprises LLC. In April, DDB also branched out and filed suit against Yahoo Inc.

The spate of litigation follows a favorable turn for DDB in an earlier suit over Major League Baseball's use of computerized simulations.

MLB Advanced Media LP failed in August to nix DDB's case against it after a federal judge ruled that the plaintiff owned the patents despite an employment contract between the patent-holding company's owner

and a former employer.

The defendant asked the U.S. Court of Appeals for the Federal Circuit for permission to file an interlocutory appeal, but that request was denied, and the parties subsequently reached a nonexclusive licensing agreement in March.

The patents-in-suit in the current matter are U.S. Patent Numbers 5,526,479; 5,671,347; 6,204,862; and 7,373,587.

DDB is represented by McDonnell Boehnen Hulbert & Berghoff LLP and Winstead PC.

Counsel information for AOL was not immediately available.

The case is DDB Technologies LLC v. AOL Inc., case number 1:10-cv-00313 in the U.S. District Court for the Western District of Texas.

--Additional reporting by Hilary Russ

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