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## Walt Disney Unit Resolves Video Indexing Patent Spat

By **Jesse Greenspan**

Law360, New York (June 21, 2010) -- The home video distribution division of the Walt Disney Co. has become the latest defendant to exit a lawsuit that accused it and nearly a dozen similar companies of infringing a video indexing patent.

Judge T. John Ward of the U.S. District Court for the Eastern District of Texas signed an order Monday that dismissed with prejudice all claims brought by InMotion Imagery Technologies LLC against Buena Vista Home Entertainment Inc. pursuant to the terms of a settlement and license agreement.

Further details of the deal were not immediately available, other than that all attorneys' fees and costs will be borne by the party that incurred them.

Marshall, Texas-based InMotion initiated the suit in March, accusing Buena Vista — which does business as Walt Disney Studios Home Entertainment — Warner Bros. Home Entertainment Group, the Weinstein Co. and several others of infringing U.S. Patent Number 6,526,219, which was issued in 2003 and covers a picture-based indexing system.

The patent describes a method for using thumbnail images that are representative of recorded programming to assist viewers in determining the content of a video without having to view the program itself. The cataloging aide is especially handy in vast video libraries, according to InMotion.

The plaintiff has asked the court for an injunction barring the defendants from using or selling any system that infringes the patent-in-suit, as well as damages for infringement.

InMotion is also seeking treble damages and a judgment that "one or more of the defendants' acts of infringement be found to be willful."

New Line Home Entertainment Inc., Anchor Bay Entertainment LLC, Penthouse Digital Media Productions Inc., Magnolia Pictures LLC, Vivid Entertainment Group, PHE Inc., Bang Productions Inc. and DNA Movies LLC were also named as defendants in the suit.

The case is still in the early stages, but at the beginning of June, InMotion settled with Warner Bros. and New Line, which is a Warner Bros. affiliate. The allegations are still pending against the remaining defendants.

InMotion Imagery Technologies is represented in the matter by the Davis Firm PC. Counsel information for Buena Vista Home Entertainment was not immediately available.

The case is InMotion Imagery Technologies LLC v. Penthouse Digital Media Productions Inc. et al., case number 2:10-cv-00084, in the U.S. District Court for the Eastern District of Texas.

--Additional reporting by Liz McKenzie

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