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Warner Bros. Strikes Deal In InMotion Video Patent Row

By **Liz McKenzie**

Law360, New York (June 07, 2010) -- Warner Bros. Home Entertainment Group has become the first defendant to exit InMotion Imagery Technologies LLC's suit accusing nearly a dozen film production companies of infringing a video indexing patent.

Magistrate Judge Charles Everingham IV of the U.S. District Court for the Eastern District of Texas dismissed Warner Bros. from the suit Thursday, citing a settlement and licensing deal that the parties reached in May.

Further details of the deal were not immediately available, and attorneys for the parties could not immediately be reached for comment..

Marshall, Texas-based InMotion sued Warners Bros., Buena Vista Home Entertainment Inc., New Line Home Entertainment Inc., The Weinstein Co. and several others in March, arguing that the defendants' video indexing programs and services infringe 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.

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

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."

The case is still in the early stages and the defendants have yet to answer the complaint. Judge Everingham has given several defendants — including PHE, Weinstein Co., Vivid and Anchor Bay — additional time to answer InMotion's allegations.

The patent-in-suit is U.S. Patent Number 6,526,219.

InMotion is represented by Ward & Olivo, Heninger Garrison Davis LLC and the Davis Firm PC.

Counsel information for Warner Bros. 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.

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