

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PROGME CORPORATION
208 Clair Hill Drive
Rochester Hills, MI 48309,

Civil Action No.

District Judge

Plaintiff

v.

JURY TRIAL DEMANDED

TWENTY-FIRST CENTURY FOX, INC.
1211 Avenue of the Americas
New York, NY 10036,

FOX NEWS NETWORK, LLC
1211 Avenue of the Americas
New York, NY 10036,

FOX BROADCASTING COMPANY
10201 West Pico Boulevard
Los Angeles, California 90035 and

FOX NETWORKS GROUP, INC.
10201 West Pico Boulevard
Los Angeles, California 90035

FOX ENTERTAINMENT GROUP, INC.
1211 Avenue of the Americas
New York, NY 10036,

Defendants

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Progme Corporation (hereinafter termed “Progme”), by counsel, files this **COMPLAINT FOR PATENT INFRINGEMENT** against Defendant Twenty-First Century Fox, Inc. (hereinafter termed “Twenty-First Century Fox”), Defendant Fox News Network, LLC (hereinafter termed “Fox News”), Defendant Fox Broadcasting Company (hereinafter termed “Fox Broadcasting”), Defendant Fox Networks Group, Inc. (hereinafter termed “Fox Networks”)

for infringement of U.S. Patent No. 8,713,425 (“425 Patent”) and Defendant Fox Entertainment Group, Inc. (hereinafter termed “Fox Entertainment”). A copy of the ’425 Patent is attached as **Exhibit A**.

THE PARTIES

1. Progme is a corporation existing under the laws of Michigan with its principal place of business at 208 Clair Hill Drive, Rochester Hills, MI 48309.
2. On information and belief, Defendant Twenty-First Century Fox is a corporation existing under the laws of Delaware with its principal place of business at 1211 Avenue of the Americas, New York, NY 10036. Defendant Twenty-First Century Fox may be served in Delaware through its registered agent for service of process, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.
3. On information and belief, Fox News is a subsidiary of Defendant Twenty-First Century Fox. Defendant Fox News is a limited liability company organized and existing under the laws of the state of Delaware, with its principal place of business located at 1211 Avenue of the Americas, New York, New York 10036. Defendant Fox News may be served in Delaware through its registered agent for service of process, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.
4. On information and belief, Defendant Fox Broadcasting is a subsidiary of Defendant Twenty-First Century Fox and/or Defendant Fox Networks. Defendant Fox Broadcasting is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 10201 West Pico Boulevard, Los Angeles, California 90035. Defendant Fox Broadcasting may be served in Delaware through its

registered agent for service of process, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

5. On information and belief, Defendant Fox Networks is a subsidiary of Defendant Twenty-First Century Fox. Defendant Fox Networks is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 10201 West Pico Boulevard, Los Angeles, California 90035. Defendant Fox Networks may be served in Delaware through its registered agent for service of process, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.
6. On information and belief, Defendant Fox Entertainment is a subsidiary of Defendant Twenty-First Century Fox. Defendant Fox Entertainment is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 1211 Avenue of the Americas, New York, New York 10036. Defendant Fox Networks may be served in Delaware through its registered agent for service of process, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

JURISDICTION AND VENUE

7. This action arises under the patent laws of the United States, 35 U.S.C. § 1, et seq. including 35 U.S.C. § 271. This Court has exclusive subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).
8. This Court has personal jurisdiction over Defendants for at least the following reasons:
 - 1) Defendants have committed acts of patent infringement in Michigan and specifically in this Judicial District and
 - 2) Defendants have purposefully established systematic and

continuous contacts in this Judicial District and should reasonably expect to be haled into Court here.

9. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c), and 1400(b) because Defendants regularly do or solicit business, engage in other persistent courses of conduct and/or derive substantial revenue from goods and services provided to individuals and/or businesses in Michigan and specifically in this Judicial District.

JOINDER

10. Joinder of Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment is proper under 35 U.S.C. § 299 because, as alleged in **COUNT I-III**, Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment are liable for patent infringement arising out of the same series of transactions or occurrences related to the use of the same method and questions of fact common to all said Defendants will arise in the action.
11. Further, numerous rights to relief are asserted against Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence or series of transactions or occurrences relating to the making, using, importing into the United States, offering to sell or selling of the same accused method and/or process and the same Accused Instrumentalities.
12. Each allegation made herein against Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment is made jointly, individually or in the alternative.

U.S. PATENT 8,713,425

13. On April 29, 2014, the U.S. Patent and Trademark Office duly and legally issued U.S. Patent No. 8,713,425 (“the ’425 Patent”), entitled “AUDIO/VIDEO PROGRAM-RELATED HYPERLINK PRINTER”, to Progme as assignee after a full and fair examination.
14. As indicated in the appended **Exhibit B**, Progme became the owner of all rights, title and interest in and to the ’425 Patent by recorded assignment and possesses all rights of recovery under the ’425 Patent, including the right to sue and recover damages for all infringements. Since the date of said assignment, Progme has been and remains the sole owner of said rights, title and interest in and to the ’425 Patent.
15. The ’425 Patent discloses and claims, in part, a method for generating and encoding and an apparatus for receiving and processing an hyperlink address string structured as a PrintWriter method, the hyperlink address string comprising a resource identifier identifying a resource in the initial array position of a list in which resource identifiers uniquely identifying resources corresponding to predetermined program material are arrayed for transmission in conjunction with program signals representative of predetermined program material as a list of print() or println() statements of the PrintWriter method. *See* ’425 Patent at col. 15, lines 27-35 and claim 4.
16. The ’425 Patent further discloses and claims, in part, a predetermined hyperlink address to predetermined hyperlinked content indicated in a first attribute of said hyperlink address string structured as a PrintWriter method comprising a resource identifier to identify i) a resource from resources of threads performed in a Java Virtual Machine (JVM) and ii) an application, in which certain thread objects belong or a resource

consumer related to the resource belongs, executed in said JVM; a resource consumer for each thread using a resource in said JVM; a resource manager to manage resource usage wherein said resource identifier and resource manager are generated using Java language and registered resource managers are stored according to types and a resource allocation policy comprising calling a resource identifier that is in an initial array position of a list in which resource identifiers uniquely identifying resources are arrayed or requesting an initial resource identifier that is first on an array in a resource identifiers list. *See* '425 Patent at col. 21, lines 6-67.

17. After disclosing that said resource identifier is in said initial array position or said initial resource identifier is first on an array in a resource identifiers list, the '425 Patent discloses that said resource identifier, in one embodiment, identifies a request for dynamically generated information wherein said request is mapped by a thread designated to handle said request. *See* '425 Patent at col. 22, lines 1-56.

18. It is well known by those skilled in the art that a VM is customarily defined as a computer programmed to emulate a hypothetical computer for applications relating to the transport of data.

19. It is well known by those skilled in the art that in Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment's respective cable television delivery (distribution or transmission and reception) facilities, a virtual machine comprises either a transmit JVM or VM, for example at a production studio or headend, or a receive JVM or VM, for example at a digital television receiver or set-top box or a mobile television receiver device, wherein each said transmit and receive JVM or VM work together to

communicate and interact with each other using Java code in the Java Programming Language including a list of one or more print() and println() statements of the PrintWriter method wherein said list of one or more print() and println() statements of the PrintWriter method is generated and encoded to be transmitted in conjunction with program signals representative of predetermined program material typically at said transmit JVM or VM and received and processed at a receiver apparatus including said receive JVM or VM.

20. As disclosed and claimed in the '425 Patent, said receiver apparatus processes said hyperlink address string structured as a PrintWriter method to process A) a predetermined hyperlink address comprising said resource identifier to hyperlink to said resource in the initial array position of said list in which resource identifiers uniquely identifying resources corresponding to predetermined program material are arrayed and B) a parameter instructing a PrintWriter to print predetermined printable output of said resource in the initial array position of said list in which resource identifiers uniquely identifying resources corresponding to predetermined program material are arrayed indicated in a second attribute of said hyperlink address string. *See* '425 Patent, for example, at col. 3, lines 33-41, col. 21, lines. 6-10 and claim 14.

21. The '425 Patent is valid and enforceable.

**COUNT I: DEFENDANTS TWENTY-FIRST CENTURY FOX, FOX NEWS, FOX
BROADCASTING, FOX NETWORKS AND FOX ENTERTAINMENT'S
DIRECT INFRINGEMENT OF U.S. PATENT 8,713,425**

22. Progme re-alleges paragraphs 1-21 as if fully set forth herein.

23. On information and belief, Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment have purposefully, actively and voluntarily sold, leased or otherwise distributed applications, devices, platforms and/or services with the expectation that they will be purchased, used and/or licensed by businesses and/or consumers in the Eastern District of Michigan. Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment have committed acts of patent infringement within the State of Michigan and, in particular, within the Eastern District of Michigan. By purposefully and voluntarily distributing one or more of its infringing products and services, Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment have injured Progme and are jointly, severally and individually liable to Progme for infringement of the '425 Patent pursuant to 35 USC § 271.

24. On information and belief, Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment, jointly and individually and without permission of Progme, have been and are presently infringing the '425 Patent, as infringement is defined by 35 USC § 271(a), including through using, selling, offering for sale and/or importing one or more methods and/or Accused Instrumentalities infringing one or more of the respective method claims 2-13 and/or apparatus claims 14-25 of the '425 Patent. Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and

Defendant Fox Entertainment are thus liable jointly and individually for direct infringement of the '425 Patent pursuant to 35 USC § 271(a).

25. At least since Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment received service of this Complaint, Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment have each had knowledge of the '425 Patent-in-suit or has been willfully blind to the existence of the '425 Patent-in-suit.
26. Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment continued to infringe the '425 Patent after being made aware of the existence of the '425 Patent at least from actual notice from said service given by serving this Complaint.
27. Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment have generated and continue to generate said print() or println() statements of the PrintWriter method to be transmitted in conjunction with program signals representative of predetermined program material via Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment's cable television delivery facilities.
28. On information and belief, said program signals representative of predetermined program material transmitted via Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment's respective cable television delivery facilities comprise program streams

for the following programming services: Fox News, Fox Business, Fox Sports 1 and Big Ten Network and movie/film program signals.

29. On information and belief, The Fox VFX Lab operated by and/or for Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment directly infringes the '425 Patent by generating said print() or println() statements of the PrintWriter method to be transmitted in conjunction with program signals representative of predetermined program material for virtual production and visual effects program signals.
30. Said print() or println() statements of the PrintWriter method generated by Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment to be transmitted in conjunction with program signals representative of predetermined program material via Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment's respective cable television delivery facilities comprise one or more of print() or println() statements of the PrintWriter method having a predetermined parameter.
31. Said print() or println() statements of the PrintWriter method generated by Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment to be transmitted in conjunction with program signals representative of predetermined program material via Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment's respective cable television delivery

facilities comprise one or more of print() or println() statements of the PrintWriter method having an out parameter.

32. Said print() or println() statements of the PrintWriter method generated by Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment to be transmitted in conjunction with program signals representative of predetermined program material via Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment's respective cable television delivery facilities comprise one or more of print() or println() statements of the PrintWriter method having an writer parameter.

33. Said print() or println() statements of the PrintWriter method generated by Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment to be transmitted in conjunction with program signals representative of predetermined program material via Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment's respective cable television delivery facilities comprise one or more of print() or println() statements of the PrintWriter method having an pw parameter.

34. Said print() or println() statements of the PrintWriter method generated by Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment to be transmitted in conjunction with program signals representative of predetermined program material via Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox

Networks and Defendant Fox Entertainment's respective cable television delivery facilities comprise one or more of print() or println() statements of the PrintWriter method having an ps parameter.

35. Said print() or println() statements of the PrintWriter method to be transmitted in conjunction with program signals representative of predetermined program material via Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment's respective cable television delivery facilities comprise a first attribute indicating a predetermined hyperlink address comprising a resource identifier identifying a resource in the initial array position of a list in which resource identifiers uniquely identifying resources corresponding to said program signals representative of predetermined program material transmitted via Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment's respective cable television delivery facilities are arrayed and a second attribute defining predetermined printable output of said resource in the initial array position instructing a PrintWriter to print said predetermined printable output of said resource in the initial array position.
36. By generating said print() or println() statements of the PrintWriter method to be transmitted in conjunction with program signals representative of predetermined program material, Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment jointly, individually or alternatively directly infringe the '425 Patent.
37. By encoding said print() or println() statements of the PrintWriter method to be transmitted in conjunction with program signals representative of predetermined program

material via Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment's respective cable television delivery facilities, Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment jointly, individually or alternatively directly infringe the '425 Patent.

COUNT II: DEFENDANTS TWENTY-FIRST CENTURY FOX, FOX NEWS, FOX BROADCASTING, FOX NETWORKS AND FOX ENTERTAINMENT'S DIRECT INFRINGEMENT OF U.S. PATENT 8,713,425

38. Plaintiff re-alleges paragraphs 1-21 as if fully set forth herein.
39. On information and belief, Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment distributes program signals representative of predetermined program material via a list of one or more `print()` or `println()` statements of the `PrintWriter` method having a `pw` parameter in the `Android BroadcastReceiver` service. *See* generally <https://android.googlesource.com/platform/frameworks/base.git+/jb-mr2-release/core/java/android/content/BroadcastReceiver.java>.
40. Alphabet Inc. (previously "Google") operates a mobile communications infrastructure called the Android Platform connecting to applications from applications developers and devices from device manufacturers. The Android Platform includes a software development kit for developing Android applications and an operating system featuring the "Dalvik" virtual machine for applications to run on, *inter alia*, the `Android broadcastreceiver` service.

41. The Android operating system software deploys a “stack” consisting of Java applications running on a java-based object oriented application framework and core libraries running on a Dalvik virtual machine that features just-in-time (JIT) compilation.
42. Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment distributes said program signals representative of predetermined program material to be generated and encoded into a list of one or more print() or println() statements of the PrintWriter method having a pw parameter in the Android broadcastreceiver service to be transmitted to and received and processed by the Dalvik virtual machine to hyperlink to predetermined content from said one or more print() or println() statements of the PrintWriter method having a pw parameter for temporarily storage in a PrintWriter buffer of predetermined size until said buffer is full and/or flushed, when said predetermined hyperlinked content is automatically printed to a predetermined destination file or stream linked to said pw parameter.
43. In generating and encoding predetermined program material via said list of one or more print() or println() statements of the PrintWriter method having a pw parameter in the Android broadcast receiver service, Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment jointly, severally or alternatively indirectly infringe the ‘425 Patent by encouraging or instructing Android (including without limitation the Dalvik virtual machine and the Android software development kit) and devices that operate Android to directly infringe respectively one or more of the methods claimed in claims 2-13 and/or apparatus claims 14-25 of the ‘425 Patent.

44. Said print() or println() statements of the PrintWriter method to be transmitted in conjunction with program signals representative of predetermined program material via Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment's respective cable television delivery facilities comprise a first attribute indicating a predetermined hyperlink address comprising a resource identifier identifying a resource in the initial array position of a list in which resource identifiers uniquely identifying resources corresponding to said program signals representative of predetermined program material transmitted via Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment's respective cable television delivery facilities are arrayed and a second attribute defining predetermined printable output of said resource in the initial array position instructing a PrintWriter to print said predetermined printable output of said resource in the initial array position.
45. On information and belief, said program signals representative of predetermined program material transmitted via Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment's respective cable television delivery facilities comprise program streams for the following programming services: Fox News, Fox Business, Fox Sports 1 and Big Ten Network and movie/film program signals.

**COUNT III: DEFENDANTS TWENTY-FIRST CENTURY FOX, FOX NEWS, FOX BROADCASTING AND FOX NETWORKS'S
INDIRECT INFRINGEMENT OF U.S. PATENT 8,713,425**

46. Progme re-alleges paragraphs 1-20 as if fully set forth herein.

47. At least since Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment received service of this Complaint, Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment have each had knowledge of the '425 Patent-in-suit or has been willfully blind to the existence of the '425 Patent-in-suit.
48. Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment continued to jointly, severally and alternatively indirectly infringe the '425 Patent after being made aware of the existence of the '425 Patent at least from actual notice from said service given by serving this Complaint.
49. Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment have individually contracted or otherwise agreed with third parties such as advertising agencies and local affiliates to generate and continue to contract or otherwise agree with third parties such as advertising agencies and local affiliates to generate said print() or println() statements of the PrintWriter method to be transmitted in conjunction with program signals representative of predetermined program material via Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment's respective cable television delivery facilities.
50. On information and belief, said program signals representative of predetermined program material transmitted via Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox

Entertainment's respective cable television delivery facilities comprise program signals for the following programming services: Fox News, Fox Business, Fox Sports 1 and Big Ten Network and movie/film program signals.

51. Said print() or println() statements of the PrintWriter method generated by Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment to be transmitted in conjunction with program signals representative of predetermined program material via Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment's respective cable television delivery facilities comprise one or more of print() or println() statements of the PrintWriter method having a predetermined parameter.
52. Said print() or println() statements of the PrintWriter method generated by Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment to be transmitted in conjunction with program signals representative of predetermined program material via Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment's respective cable television delivery facilities comprise one or more of print() or println() statements of the PrintWriter method having an out parameter.
53. Said print() or println() statements of the PrintWriter method generated by Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment to be transmitted in conjunction with program signals representative of predetermined program material via Defendant Twenty-

First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment's respective cable television delivery facilities comprise one or more of print() or println() statements of the PrintWriter method having an writer parameter.

54. Said print() or println() statements of the PrintWriter method generated by Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment to be transmitted in conjunction with program signals representative of predetermined program material via Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment's respective cable television delivery facilities comprise one or more of print() or println() statements of the PrintWriter method having an pw parameter.

55. Said print() or println() statements of the PrintWriter method generated by Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment to be transmitted in conjunction with program signals representative of predetermined program material via Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment's respective cable television delivery facilities comprise one or more of print() or println() statements of the PrintWriter method having an ps parameter.

56. Said print() or println() statements of the PrintWriter method to be transmitted in conjunction with program signals representative of predetermined program material via Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting,

Defendant Fox Networks and Defendant Fox Entertainment's respective cable television delivery facilities comprise a first attribute indicating a predetermined hyperlink address comprising a resource identifier identifying a resource in the initial array position of a list in which resource identifiers uniquely identifying resources corresponding to said program signals representative of predetermined program material transmitted via Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment's respective cable delivery facilities are arrayed and a second attribute defining predetermined printable output of said resource in the initial array position instructing a PrintWriter to print said predetermined printable output of said resource in the initial array position.

57. Since obtaining knowledge of the '425 Patent, Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment have jointly, individually or alternatively indirectly infringed and continue to jointly, individually or alternatively indirectly infringe the '425 Patent by actively inducing infringement by others of one or more of the respective method claims 2-13 and/or apparatus claims 14-25 of the '425 Patent in violation of 35 USC § 271(b) and contributorily infringing one or more of the respective method claims 2-13 and/or apparatus claims 14-25 of the '425 Patent based on others' direct infringement in violation of 35 USC § 271(c).
58. Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment actively and knowingly have each indirectly infringed and are jointly and individually continuing to indirectly infringe the '425 Patent with knowledge of Progme's patent rights therein and without reasonable

basis for believing that their respective conduct is lawful. Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment have each also induced and contributed to the infringement of the '425 Patent by purchaser, lessors, licensees and users of their respective products and services and are continuing to induce and contribute to the infringement of the '425 Patent by purchasers, lessors, licensees and users of their respective products and services. Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment's acts of infringement have been and continue to be willful, deliberate and in reckless disregard of Progme's patent rights. Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment are jointly, severally and individually liable to Progme for infringement of the '425 Patent pursuant to 35 USC § 271.

59. Upon information and belief, Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment's end users, advertisers, local affiliates and/or third party content delivery providers including program producers, alone and in conjunction with, respectively, Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment, directly infringe the '425 Patent by performing one or more of the claimed methods in the '425 Patent and using the Accused Instrumentalities in violation of 35 USC § 271(a).
60. Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment's active inducement of

infringement and contributory infringement has occurred with actual knowledge of the '425 Patent.

61. Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment's active inducement of infringement has occurred with the specific intent of encouraging others to infringe or willful blindness to the fact that its activities would induce infringement of the '425 Patent as demonstrated by, *inter alia*, providing specifications and instructions for the installation and operation of its Accused Instrumentalities, including uses that infringe one or more claims of the '425 Patent and/or causing, urging, encouraging and/or aiding others through contracts, agreements and/or computerized instructions to perform one or more of the methods claimed in claims 2-13 and/or apparatus claims 14-25 of the '425 Patent.

62. One information and belief, Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment's contributory infringement has occurred with knowledge that its respective Accused Instrumentalities are a material part of the invention and are especially made or adapted for a use that infringes one or more claims of the '425 Patent and are not a staple article or commodity of commerce suitable for substantial non-infringing uses.

RELIEF WARRANTED FOR INFRINGEMENT OF U.S. PATENT 8,713,425

63. Defendants' infringing activity alleged above comprises the compelling reason Defendants' respective cable television delivery facilities and product are acquired in the consumer marketplace.

64. Defendants' infringing activity alleged above creates a performance advantage in Defendants' respective cable television delivery facilities that drives demand for Defendants' respective cable television delivery facilities and product.
65. Progme has no adequate remedy at law against Defendants' acts of infringement and, unless Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment are each enjoined from continuing to infringe the '425 Patent, Progme will suffer irreparable harm.
66. Defendants each have prior constructive notice by marking of the '425 Patent as indicated in **Exhibit C**, the patent number "**Patent 8,713,425**" marked on the PrintHD.TV home page (located at www.printhd.tv) web page, labelling at the bottom of the page on 5/27/14, to provide constructive notice thereof pursuant to 35 U.S.C. § 287.
67. Progme has at all times complied with 35 U.S.C. § 287, providing Defendants with prior constructive notice, which constituted consistent and continuous notice of the '425 Patent being infringed to Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment.
68. The method of generating and encoding the hyperlink address string structured as a PrintWriter method claimed in the '425 Patent and alleged infringed herein is capable of being produced in a physical device, a web page, and has been and is noticed in said web page for constructive notice by marking pursuant to 35 U.S.C. § 287.
69. Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment received actual notice thereof from service of this Complaint.

70. As a result of Defendants' acts of infringement, Progme has suffered and will continue to suffer damages in an amount to be proved at trial. Pursuant to 35 U.S.C § 284, Progme is entitled to adequate damages to compensate for infringement including a reasonable royalty from the date of Defendants' notice of the '425 Patent. Progme has no means of ascertaining the full extent of Defendants' infringement of the '425 Patent and the amount of Progme's damages resulting from said infringement except through the production of evidence thereof in Defendants' sole possession and control.

PRAYER FOR RELIEF

71. WHEREFORE, Progme prays for the following relief:

72. A judgment in favor of Progme that Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox

Entertainment, jointly, severally and alternatively

- a. have infringed, directly, literally and/or under the doctrine of equivalents, and indirectly at least one claim of the '425 Patent;
- b. a permanent injunction enjoining Defendant Twenty-First Century Fox, Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment and their respective officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents, and all others acting in concert or privity with any of them from infringing the '425 Patent;
- c. award to Progme the damages to which it is entitled by law and under 35 U.S.C. § 284 for Defendants' past infringement and any continuing or future infringement up until the date Defendant Twenty-First Century Fox,

Defendant Fox News, Defendant Fox Broadcasting, Defendant Fox Networks and Defendant Fox Entertainment are each finally and permanently enjoined from further infringement, including both compensatory damages and treble damages for willful infringement;

- d. a finding that this is an “exceptional action” and a judgment and order requiring Defendants to pay the costs of this action (including all disbursements) as well as attorneys’ fees as provided by 35 U.S.C. § 285;
- e. award to Progme pre-judgment and post-judgment interest on its damages and
- f. such other further relief in law or equity to which Progme may be justly entitled.

DEMAND FOR JURY TRIAL

73. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Progme hereby demands a trial by jury as to all issues so triable.

Date: April 2, 2018

Respectfully submitted,

/s/ David A. Reams
David A. Reams, P62855
Law Office of David A. Reams, P.C.
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Rochester Hills, MI 48309
248-376-2840
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