

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

VIDEO STREAMING SOLUTIONS LLC,

Plaintiff,

v.

**MOTOROLA SOLUTIONS, INC.,
MOTOROLA MOBILITY, LLC, AND
ARRIS GROUP, INC.**

Defendants.

CIVIL CASE NO. _____

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT AGAINST
MOTOROLA SOLUTIONS, INC., MOTOROLA MOBILITY, LLC, AND ARRIS
GROUP, INC.**

Plaintiff Video Streaming Solutions LLC files this Complaint against Motorola Solutions, Inc., Motorola Mobility, LLC, and Arris Group, Inc. (collectively “Defendants”) for infringement of U.S. Patent No. 6,629,318 (“the ‘318 patent”), U.S. Patent No. 6,870,886 (“the ‘886 patent”), U.S. Patent No. 6,806,909 (“the ‘909 patent”), U.S. Patent No. 5,566,208 (“the ‘208 patent”), and U.S. Patent No. 6,175,595 (“the ‘595 patent”).

THE PARTIES

1. Video Streaming Solutions LLC (“Video Streaming”) is a limited liability company organized and existing under the laws of the State of Texas, with its principal place of business located in Plano, Texas.

2. Defendant Motorola Solutions, Inc. (“Motorola Solutions”) is a Delaware corporation with its principal place of business in Schaumburg, Illinois. Motorola Solutions may be served with process through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

3. Defendant Motorola Mobility, LLC (“Motorola Mobility”) is a Delaware limited liability corporation and a wholly-owned subsidiary of Google, Inc. Motorola Mobility’s principal place of business is in Libertyville, Illinois. Motorola Mobility may be served with process through its registered agent in the State of Delaware, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

4. Defendant Arris Group, Inc.(“Arris Group”) is a Delaware corporation with its principal place of business in Suwanee, Georgia. Arris Group may be served with process through its registered agent in the State of Delaware, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

5. Defendants Motorola Solutions, Motorola Mobility and Arris Group are referred to collectively herein as “Defendants.”

JURISDICTION AND VENUE

6. Video Streaming brings this action for patent infringement under the patent laws of the United States, namely 35 U.S.C. §§ 271, 281, and 284-285, among others.

7. The United States District Court for the Northern District of Illinois has subject matter jurisdiction over the claims in this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. Venue is proper in the United States District Court for the Northern District of Illinois pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). Each Defendant is deemed to reside in the Northern District of Illinois, has committed acts of infringement in the Northern District of Illinois, has purposely transacted business involving their accused products in the Northern District of Illinois, and/or has regular and established places of business in the Northern District of Illinois. For example, Defendants Motorola Solutions and Motorola Mobility are headquartered in the Northern District of Illinois. In addition, Defendant Arris Group has

purposefully transacted business in the Northern District of Illinois, via at least its acquisition of Motorola's home business line and sales and offers to sell of the accused products in the Northern District of Illinois.

9. Each Defendant is subject to the United States District Court for the Northern District of Illinois's specific and general personal jurisdiction pursuant to due process and/or the Illinois Long Arm Statute, due at least to its substantial business in this State and judicial district, including: (A) at least part of its infringing activities alleged herein; and (B) regularly doing or soliciting business, engaging in other persistent conduct and/or deriving substantial revenue from goods and services provided to Illinois residents.

COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 6,629,318)

10. Video Streaming incorporates paragraphs 1 through 9 herein by reference.

11. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

12. Video Streaming is the exclusive licensee of the '318 patent, entitled "Decoder Buffer for Streaming Video Receiver and Method of Operation," with ownership of all substantial rights in the '318 patent, including the right exclude others and to enforce, sue and recover damages for past and future infringement. A true and correct copy of the '318 patent is attached as Exhibit A.

13. The '318 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

DIRECT INFRINGEMENT (35 U.S.C. § 271(a))

14. Defendant has directly infringed, and continues to directly infringe, one or more claims of the '318 patent in this judicial district and elsewhere in Illinois and the United States, including at least claim 1, without the consent or authorization of Video Streaming, by or through its making, having made, offer for sale, sale, and/or use of the patented systems and methods for decoding streaming video.

15. More particularly, Defendants have and continue to infringe at least claim 1 by, among other things, making, using, offering for sale, selling, and/or importing set-top boxes, including but not limited to the Motorola IPTV Set-Top VIP1002E, the Motorola IPTV Set-Top VIP1002, and Motorola IPTV Set-Top VIP1003 (“’318 Accused Products”). Defendants are liable for these direct infringements of the ‘318 patent pursuant to 35 U.S.C. § 271.

INDIRECT INFRINGEMENT (INDUCEMENT – 35 U.S.C. § 271(b))

16. Based on information presently available to Video Streaming, absent discovery, and in the alternative to direct infringement, Video Streaming contends that Defendants have indirectly infringed, and continue to indirectly infringe, one or more claims of the ‘318 patent by inducing direct infringement by users who use the ‘318 Accused Products.

17. Defendants have had knowledge of the ‘318 patent and the infringing nature of their activities at least since Video Streaming effected service of this Complaint.

18. On information and belief, despite having knowledge of the ‘318 patent, Defendants have specifically intended for persons who acquire and use the ‘318 Accused Products, such as Defendants’ customers, to acquire and use such devices in a way that infringes the ‘318 patent, including at least claim 1, and Defendants knew or should have known that their actions were inducing infringement. Specifically, Defendants instruct users of the ‘318 Accused

Products to use the '318 Accused Products in a manner that infringes the '318 patent. See, e.g., http://moto.arrisi.com/Video-Solutions/US-EN/Products-and-Services/Video-Consumer-Premise-Equipment/IP-Set-Tops/VIP1002_US-EN.

19. Further, on information and belief, Defendants instruct users to use the '318 Accused Products in a manner that infringes the '318 patent by providing, for example, instruction and/or user manuals with the '318 Accused Products.

20. Based on information presently available to Video Streaming, Defendants have neither relied on an opinion of counsel related to the '318 patent, nor have they produced evidence as to any investigation of patent enforceability or validity. In accordance with Fed. R. Civ. P. 11(b)(3), Video Streaming will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

21. Furthermore, based on information presently available to Video Streaming, Defendants have not implemented a design around or otherwise taken any remedial action with respect to the '318 patent. In accordance with Fed. R. Civ. P. 11(b)(3), Video Streaming will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

22. Video Streaming has been damaged as a result of Defendants' infringing conduct described in this Count I. Defendants are, thus, liable to Video Streaming in an amount that adequately compensates it for Defendants' infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT II

(INFRINGEMENT OF U.S. PATENT NO. 6,870,886)

23. Video Streaming incorporates paragraphs 1 through 22 herein by reference.

24. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, et seq.

25. Video Streaming is the exclusive licensee of the '886 patent, entitled "Method and Apparatus for Transcoding a Digitally Compressed High Definition Television Bitstream to a Standard Definition Television Bitstream," with ownership of all substantial rights in the '886 patent, including the right exclude others and to enforce, sue and recover damages for past and future infringement. A true and correct copy of the '886 patent is attached as Exhibit B.

26. The '886 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

DIRECT INFRINGEMENT (35 U.S.C. § 271(a))

27. Defendants have directly infringed, and continue to directly infringe, one or more claims of the '866 patent in this judicial district and elsewhere in Illinois and the United States.

28. In particular, Defendants have and continue to infringe at least claim 1, by, among other things, making, using, offering for sale, selling, and/or importing video transcoders, including but not limited to the Motorola GT-3 ABR Transcoder ("886 Accused Products"). Defendants are liable for these direct infringements of the '886 patent pursuant to 35 U.S.C. § 271.

INDIRECT INFRINGEMENT (INDUCEMENT – 35 U.S.C. § 271(b))

29. Based on information presently available to Video Streaming, absent discovery, and in the alternative to direct infringement, Video Streaming contends that Defendants have indirectly infringed, and continue to indirectly infringe, one or more claims of the '886 patent by inducing direct infringement by users who use the '886 Accused Products.

30. Defendants have had knowledge of the '886 patent and the infringing nature of their activities at least since Video Streaming effected service of this Complaint.

31. On information and belief, despite having knowledge of the '886 patent, Defendants have specifically intended for persons who acquire and use the '886 Accused Products, such as Defendants' customers, to acquire and use such devices in a way that infringes the '886 patent, including at least claim 1, and Defendants knew or should have known that their actions were inducing infringement. Specifically, Defendants instruct users of the '886 Accused Products to use the '886 Accused Products in a manner that infringes the '886 patent. See, e.g., <http://moto.arrisi.com/Video-Solutions/US-EN/Products-and-Services/Video-Infrastructure/Encoders/GT-3-ABR-Transcoder-US-EN>.

32. Further, on information and belief, Defendants instruct users to use the '886 Accused Products in a manner that infringes the '886 patent by providing, for example, instruction and/or user manuals with the '886 Accused Products.

33. Based on information presently available to Video Streaming, Defendants have neither relied on an opinion of counsel related to the '886 patent, nor have they produced evidence as to any investigation of patent enforceability or validity. In accordance with Fed. R. Civ. P. 11(b)(3), Video Streaming will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

34. Furthermore, based on information presently available to Video Streaming, Defendants have not implemented a design around or otherwise taken any remedial action with respect to the '886 patent. In accordance with Fed. R. Civ. P. 11(b)(3), Video Streaming will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

35. Video Streaming has been damaged as a result of Defendants' infringing conduct described in this Count II. Defendants are, thus, liable to Video Streaming in an amount that adequately compensates it for Defendants' infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT III

(INFRINGEMENT OF U.S. PATENT NO. 6,806,909)

36. Video Streaming incorporates paragraphs 1 through 35 herein by reference.

37. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, et seq.

38. Video Streaming is the exclusive licensee of the '909 patent, entitled "Seamless Splicing of MPEG-2 Multimedia Data Streams," with ownership of all substantial rights in the '909 patent, including the right exclude others and to enforce, sue and recover damages for past and future infringement. A true and correct copy of the '909 patent is attached as Exhibit C.

39. The '909 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

DIRECT INFRINGEMENT (35 U.S.C. § 271(a))

40. Defendants have directly infringed, and continue to directly infringe, one or more claims of the '909 patent in this judicial district and elsewhere in Illinois and the United States.

41. In particular, Defendants have and continue to infringe at least claim 9, by, among other things, making, using, offering for sale, selling, and/or importing video encoders, including but not limited to the Motorola SE-6600 Video Encoder ("'909 Accused Products"). Defendants are liable for these direct infringements of the '909 patent pursuant to 35 U.S.C. § 271.

INDIRECT INFRINGEMENT (INDUCEMENT – 35 U.S.C. § 271(b))

42. Based on information presently available to Video Streaming, absent discovery, and in the alternative to direct infringement, Video Streaming contends that Defendants have indirectly infringed, and continue to indirectly infringe, one or more claims of the ‘909 patent by inducing direct infringement by users who use the ‘909 Accused Products.

43. Defendants have had knowledge of the ‘909 patent and the infringing nature of their activities at least since Video Streaming effected service of this Complaint.

44. On information and belief, despite having knowledge of the ‘909 patent, Defendants have specifically intended for persons who acquire and use the ‘909 Accused Products, such as Defendants’ customers, to acquire and use such devices in a way that infringes the ‘909 patent, including at least claim 9, and Defendants knew or should have known that their actions were inducing infringement. Specifically, Defendants instruct users of the ‘909 Accused Products to use the ‘909 Accused Products in a manner that infringes the ‘909 patent. See, e.g., <http://moto.arrisi.com/Video-Solutions/US-EN/Products-and-Services/Video-Infrastructure/Encoders/SE-6400-6600-Series-US-EN>.

45. Further, on information and belief, Defendants instruct users to use the ‘909 Accused Products in a manner that infringes the ‘909 patent by providing, for example, instruction and/or user manuals with the ‘909 Accused Products.

46. Based on information presently available to Video Streaming, Defendants have neither relied on an opinion of counsel related to the ‘909 patent, nor have they produced evidence as to any investigation of patent enforceability or validity. In accordance with Fed. R. Civ. P. 11(b)(3), Video Streaming will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

47. Furthermore, based on information presently available to Video Streaming, Defendants have not implemented a design around or otherwise taken any remedial action with respect to the '909 patent. In accordance with Fed. R. Civ. P. 11(b)(3), Video Streaming will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

48. Video Streaming has been damaged as a result of Defendants' infringing conduct described in this Count III. Defendants are, thus, liable to Video Streaming in an amount that adequately compensates it for Defendants' infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT IV

(INFRINGEMENT OF U.S. PATENT NO. 5,566,208)

49. Video Streaming incorporates paragraphs 1 through 48 herein by reference.

50. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, et seq.

51. Video Streaming is the exclusive licensee of the '208 patent, entitled "Encoder Buffer Having an Effective Size Which Varies Automatically with the Channel Bit-Rate," with ownership of all substantial rights in the '208 patent, including the right exclude others and to enforce, sue and recover damages for past and future infringement. A true and correct copy of the '208 patent is attached as Exhibit D.

52. The '208 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

DIRECT INFRINGEMENT (35 U.S.C. § 271(a))

53. Defendants have directly infringed, and continue to directly infringe, one or more claims of the ‘208 patent in this judicial district and elsewhere in Illinois and the United States.

54. In particular, Defendants have and continue to infringe at least claim 1, by, among other things, making, using, offering for sale, selling, and/or importing video encoders and set-top boxes, including but not limited to the Motorola SE-6600 Video Encoder and Motorola DCX3200 Set-Top (“‘208 Accused Products”). Defendants are liable for these direct infringements of the ‘208 patent pursuant to 35 U.S.C. § 271.

INDIRECT INFRINGEMENT (INDUCEMENT – 35 U.S.C. § 271(b))

55. Based on information presently available to Video Streaming, absent discovery, and in the alternative to direct infringement, Video Streaming contends that Defendants have indirectly infringed, and continue to indirectly infringe, one or more claims of the ‘208 patent by inducing direct infringement by users who use the ‘208 Accused Products.

56. Defendants have had knowledge of the ‘208 patent and the infringing nature of their activities at least since Video Streaming effected service of this Complaint.

57. On information and belief, despite having knowledge of the ‘208 patent, Defendants have specifically intended for persons who acquire and use the ‘208 Accused Products, such as Defendants’ customers, to acquire and use such devices in a way that infringes the ‘208 patent, including at least claim 1, and Defendants knew or should have known that their actions were inducing infringement. Specifically, Defendants instruct users of the ‘208 Accused Products to use the ‘208 Accused Products in a manner that infringes the ‘208 patent. See, e.g., <http://moto.arrisi.com/Video-Solutions/US-EN/Products-and-Services/Video-Infrastructure/Encoders/SE-6400-6600-Series-US-EN> and

http://www.motorola.com/web/Business/Products/TV%20Video%20Distribution/Customer%20Premises%20Equipment/All%20Digital%20QAM%20Set-tops/DCX3200/_Documents/staticfile/DCX3200%20P2%20User%20Guide%20571325-001-a.pdf.

58. Further, on information and belief, Defendants instruct users to use the ‘208 Accused Products in a manner that infringes the ‘208 patent by providing, for example, instruction and/or user manuals with the ‘208 Accused Products.

59. Based on information presently available to Video Streaming, Defendants have neither relied on an opinion of counsel related to the ‘208 patent, nor have they produced evidence as to any investigation of patent enforceability or validity. In accordance with Fed. R. Civ. P. 11(b)(3), Video Streaming will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

60. Furthermore, based on information presently available to Video Streaming, Defendants have not implemented a design around or otherwise taken any remedial action with respect to the ‘208 patent. In accordance with Fed. R. Civ. P. 11(b)(3), Video Streaming will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

61. Video Streaming has been damaged as a result of Defendants’ infringing conduct described in this Count IV. Defendants are, thus, liable to Video Streaming in an amount that adequately compensates it for Defendants’ infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT V

(INFRINGEMENT OF U.S. PATENT NO. 6,175,595)

62. Video Streaming incorporates paragraphs 1 through 61 herein by reference.

63. This cause of action arises under the patent law of the United States, and in particular, 35 U.S.C. §§ 271, et seq.

64. Video Streaming is the exclusive licensee of the '595 patent, entitled "Method and Device for Decoding Digital Video Bitstreams and Reception Equipment Including Such a Device," with ownership of all substantial rights in the '595 patent, including the right exclude others and to enforce, sue and recover damages for past and future infringement. A true and correct copy of the '595 patent is attached as Exhibit E.

65. The '595 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

DIRECT INFRINGEMENT (35 U.S.C. § 271(a))

66. Defendants have directly infringed, and continue to directly infringe, one or more claims of the '595 patent in this judicial district and elsewhere in Illinois and the United States.

67. In particular, Defendants have and continue to infringe at least claim 1, by, among other things, making, using, offering for sale, selling, and/or importing KreaTV software and set-top boxes, including but not limited to the Motorola KreaTV Application Platform, Motorola IPTV Set-Top VIP1002E, Motorola IPTV Set-Top VIP1002, and Motorola IPTV Set-Top VIP1003 ("595 Accused Products"). Defendants are liable for these direct infringements of the '595 patent pursuant to 35 U.S.C. § 271.

INDIRECT INFRINGEMENT (INDUCEMENT – 35 U.S.C. § 271(b))

68. Based on information presently available to Video Streaming, absent discovery, and in the alternative to direct infringement, Video Streaming contends that Defendants have indirectly infringed, and continue to indirectly infringe, one or more claims of the ‘595 patent by inducing direct infringement by users who use the ‘595 Accused Products.

69. Defendants have had knowledge of the ‘595 patent and the infringing nature of their activities at least since Video Streaming effected service of this Complaint.

70. On information and belief, despite having knowledge of the ‘595 patent, Defendants have specifically intended for persons who acquire and use ‘595 Accused Products, such as Defendants’ customers, to acquire and use such devices in a way that infringes the ‘595 patent, including at least claim 1, and Defendants knew or should have known that their actions were inducing infringement. Specifically, Defendants instruct users of the ‘595 Accused Products to use the ‘595 Accused Products in a manner that infringes the ‘595 patent. See, e.g., http://moto.arrisi.com/Video-Solutions/US-EN/Products-and-Services/Video-Consumer-Premise-Equipment/Set-Top-Software/KreaTV_US-EN and http://moto.arrisi.com/Video-Solutions/US-EN/Products-and-Services/Video-Consumer-Premise-Equipment/IP-Set-Tops/VIP1002_US-EN.

71. Further, on information and belief, Defendants instruct users to use the ‘595 Accused Products in a manner that infringes the ‘595 patent by providing, for example, instruction and/or user manuals with the ‘595 Accused Products.

72. Based on information presently available to Video Streaming, Defendants have neither relied on an opinion of counsel related to the ‘595 patent, nor have they produced evidence as to any investigation of patent enforceability or validity. In accordance with Fed. R.

Civ. P. 11(b)(3), Video Streaming will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

73. Furthermore, based on information presently available to Video Streaming, Defendants have not implemented a design around or otherwise taken any remedial action with respect to the '595 patent. In accordance with Fed. R. Civ. P. 11(b)(3), Video Streaming will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

74. Video Streaming has been damaged as a result of Defendants' infringing conduct described in this Count V. Defendants are, thus, liable to Video Streaming in an amount that adequately compensates it for Defendants' infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

Video Streaming hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

Video Streaming requests that the Court find in its favor and against Defendants, and that the Court grant Video Streaming the following relief:

- a. Judgment that one or more claims of the '318, '886, '909, '208, and '595 patents have been infringed, either literally and/or under the doctrine of equivalents, by Defendants;
- b. Judgment that Defendants account for and pay to Video Streaming all damages to and costs incurred by Video Streaming because of Defendants' infringing activities and other conduct complained of herein;
- c. Judgment that Defendants account for and pay to Video Streaming a reasonable, on-going, post-judgment royalty because of Defendants' infringing activities and other conduct complained of herein;

- d. That Video Streaming be granted pre-judgment and post-judgment interest on the damages caused by Defendants' infringing activities and other conduct complained of herein; and
- e. That Video Streaming be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: May 30, 2013

Respectfully submitted,

/s/ Timothy E. Grochocinski
Timothy E. Grochocinski
Illinois State Bar No. 6295055
Aaron W. Purser
Illinois State Bar No. 6301930
INNOVALAW, P.C.
1900 Ravina Place
Orland Park, IL 60462
(708) 675-1975
teg@innovalaw.com
apurser@innovalaw.com

Anthony G. Simon
Illinois State Bar No. 6209056
THE SIMON LAW FIRM, P.C.
800 Market Street, Suite 1700
St. Louis, MO 63101
(314) 241-2929
asimon@simonlawpc.com

**ATTORNEYS FOR PLAINTIFF
VIDEO STREAMING SOLUTIONS LLC**