

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BLACKBIRD TECH LLC d/b/a
BLACKBIRD TECHNOLOGIES,

Plaintiff,

v.

NETFLIX, INC.,

Defendant.

C.A. No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Blackbird Tech LLC d/b/a Blackbird Technologies (“Blackbird Technologies”) hereby alleges for its Complaint for Patent Infringement against Defendant Netflix, Inc. (“Netflix”) on personal knowledge as to its own activities and on information and belief as to all other matters, as follows:

THE PARTIES

1. Plaintiff Blackbird Technologies is a Delaware limited liability company with its principal place of business located at 200 Baker Avenue, Suite 203, Concord, Massachusetts 01742.

2. On information and belief, Defendant Netflix is a Delaware corporation. Netflix may be served via its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street., Wilmington, Delaware 19801.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code §§ 100, *et seq.*

4. Subject-matter jurisdiction over Blackbird Technologies' claims is conferred upon this Court by 28 U.S.C. § 1331 (federal question jurisdiction) and 28 U.S.C. § 1338(a) (patent jurisdiction).

5. This Court has personal jurisdiction over Netflix because Netflix is subject to general and specific jurisdiction in Delaware. Netflix has also established minimum contacts with this forum. Netflix has been incorporated in Delaware at all relevant times. Netflix regularly conducts business in Delaware, including by marketing, selling, and/or offering for sale subscriptions to movies and TV shows on-demand (the "Netflix Service") through its website, www.netflix.com, which is accessible throughout the United States, including Delaware. Netflix has also specifically promoted the Netflix Service in this district. *See, e.g.*, <http://www.delawareonline.com/story/news/2016/10/05/gilmore-girls-takes-over-loma-coffee/91598378/> (Netflix promotion held at a café in Wilmington, Delaware). The exercise of personal jurisdiction comports with Netflix's right to due process because, as described above, Netflix has purposefully availed itself of the privilege of conducting activities within Delaware such that it should reasonably anticipate being haled into court here. As alleged herein, acts by Netflix in this district have caused injury to Blackbird Technologies.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c) and § 1400(b) at least because Netflix transacts business within this district and has committed acts in this district that infringe U.S. Patent No. 7,174,362.

U.S. PATENT NO. 7,174,362

7. U.S. Patent No. 7,174,362 (the "'362 patent" or "patent-in-suit") entitled, "Method and System for Supplying Products from Pre-Stored Digital Data in Response to Demands Transmitted via Computer Network," was duly and legally issued by the U.S. Patent

and Trademark Office on February 6, 2007. Blackbird Technologies is the owner by assignment of all right, title, and interest in and to the '362 patent, including all right to recover for any and all infringement thereof. The '362 patent is valid and enforceable. A true and correct copy of the '362 patent is attached as Exhibit A.

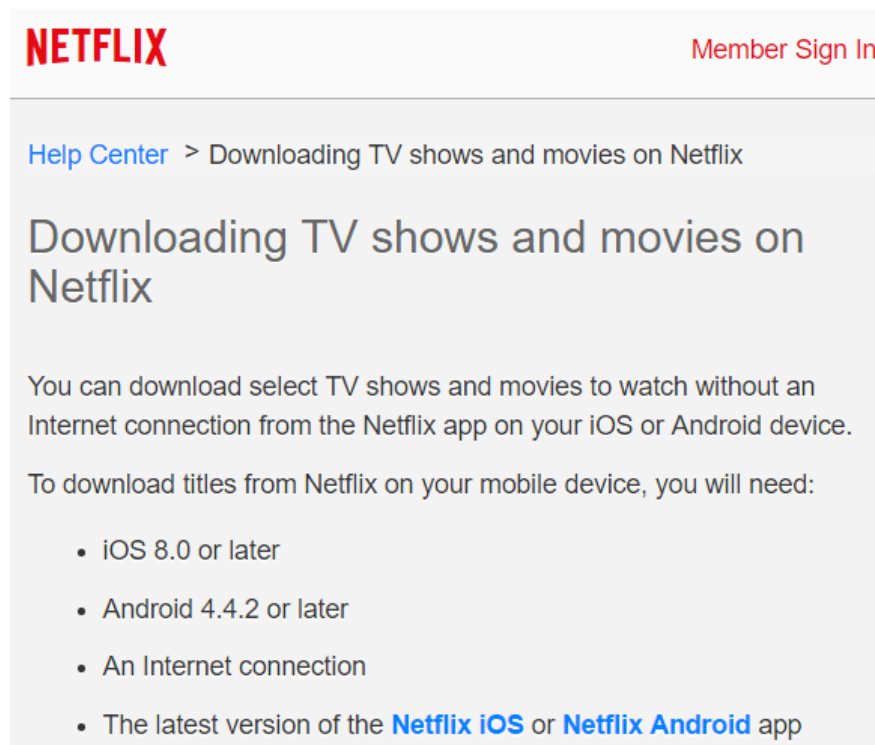
8. Claim 2 of the '362 patent recites, for example, a computer-implemented method of digital data duplication whereby requests are processed by a computer over a network. The computer comprises modules configured to execute the requests: A first module configured to create a task log based on incoming requests; a second module configured to store all available digital data for duplication, which comprises an expandable indexed archive of digital data, and a resource file for an output device; and a third module configured to retrieve requested digital data, download the data to an output device, and command the output device to transfer the data onto media.

9. Claim 10 of the '362 patent recites, for example, a computer-implemented method of digital data duplication whereby requests are processed by a computer over a network. The computer comprises modules configured to execute the requests: A first module configured to create a task log based on incoming requests; a second module configured to store all available digital data for duplication; and a third module configured to retrieve requested digital data, download the data to an output device, and command the output device to transfer the data onto media. The storage capacity remaining in an output device is tracked.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,174,362

10. Blackbird Technologies reasserts and incorporates by reference Paragraphs 1 through 9 of this Complaint as if fully set forth herein.

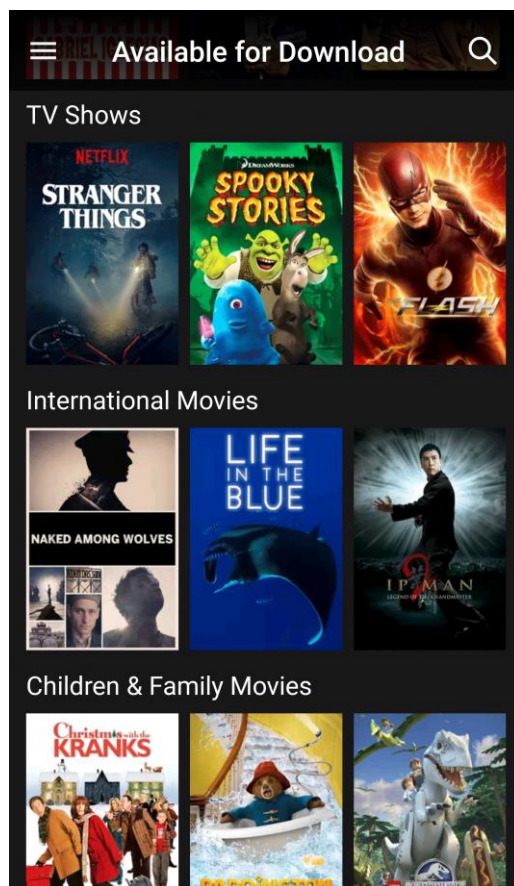
11. The Netflix Service is accessible from multiple devices, including mobile devices. The latest version of the Netflix iOS app or Netflix Android app enables Netflix Service subscribers to download certain TV shows and movies to their mobile device for offline viewing (the “Netflix App”):



(*Downloading TV shows and movies on Netflix*, NETFLIX,


<https://help.netflix.com/en/node/54816>.)

12. Netflix stores an expandable indexed archive of TV shows and movies, certain of which are available for download to a mobile device with the Netflix App:



(screenshot from Netflix App for Android 4.12.2 build 14444 (listing TV shows and movies available for download onto the mobile device.)

13. Netflix takes download requests for certain TV shows and movies from the

Netflix App upon selection of a download icon . For example:

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