IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ROBOCAST, INC.,
a Delaware corporation,

       Plaintiff,

v.

NETFLIX, INC., a Delaware limited
liability company,

       Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Robocast, Inc. ("Robocast") brings this action for patent infringement under the laws of the United States relating to patents, 35 U.S.C. §§ 1 *et seq.*, against Defendant Netflix, Inc. ("Netflix"), hereby alleging as follows:

THE PARTIES

1.   Robocast is a corporation organized and existing under the laws of the State of Delaware.

2.   Upon information and belief, Netflix is a limited liability company organized and existing under the laws of the State of Delaware, having a principal place of business at 100 Winchester Circle, Los Gatos, California 95032. Upon information and belief, Netflix has appointed The Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware 19801 as its registered agent for service of process.

JURISDICTION AND VENUE

3.   This Court has exclusive subject matter jurisdiction pursuant to 28 U.S.C. §§

1331 and 1338(a) because this action arises under the patent laws of the United States.

4.   Netflix has elected, upon information and belief, to register under Delaware law and it has thereby acquiesced to personal jurisdiction in the courts of the State of Delaware. Upon further information and belief, Netflix has also submitted to the personal jurisdiction of this Court by committing the acts described below that establish its legal presence within the State of Delaware, including by purposefully providing access to its Netflix website, apps, and services, and directing the supply of information and services to Internet-browsing Delaware residents, and/or contracting to do the same, wherein the provision of such access and the directing of such information and services has involved and necessitated Netflix's unauthorized and infringing practicing of the claimed inventions of the Patents-in-Suit. Said information and services include infringing automated video playlists, their corresponding digital Internet content, and associated digital advertising content. By virtue of its above-described actions, while engaging in the unauthorized and infringing practicing of the claimed inventions of the Patents-in-Suit, Netflix has transacted business, performed services, contracted to supply services, caused tortious injury, regularly done or solicited business, and/or engaged in a persistent course of conduct within the State of Delaware, and Netflix has additionally derived substantial revenues from or as the result of the implicated information and services and/or associated advertising used, consumed, and/or presented in Delaware. In light of Netflix's aforementioned contacts with the State of Delaware and its purposeful availment of the rights and benefits of Delaware law, maintenance of this suit would not offend traditional notions of fair play and substantial justice.

5.   Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), (c), and (d) and 1400(b) because, *inter alia*, a substantial part of the events or omissions giving rise

to the claims occurred in this judicial district, Netflix is subject to personal jurisdiction in and therefore resides in this judicial district, and Netflix has committed acts of patent infringement and has a regular presence in this judicial district.

THE PATENTS-IN-SUIT

6.   On December 26, 2006, United States Patent No. 7,155,451 (the "'451 Patent"), entitled "Automated Browsing System For Publishers And Users On Networks Serving Internet And Remote Devices," was duly and legally issued by the United States Patent and Trademark Office to inventor Damon C. Torres. Robocast is the sole owner by assignment of the entire rights, title, and interest in and to the '451 Patent, including the rights to sue on and recover damages for any past infringements thereof. A true and correct copy of the '451 Patent is attached hereto as Exhibit 1.

7.   On December 10, 2013, United States Patent No. 8,606,819 (the "'819 Patent"), entitled "Automated Content Scheduler And Displayer," was duly and legally issued by the United States Patent and Trademark Office to inventor Damon C. Torres. Robocast is the sole owner by assignment of the entire rights, title, and interest in and to the '819 Patent, including the rights to sue on and recover damages for any past infringements thereof. A true and correct copy of the '819 Patent is attached hereto as Exhibit 2.

8.   On February 24, 2015, United States Patent No. 8,965,932 (the "'932 Patent"), entitled "Automated Content Scheduler And Displayer," was duly and legally issued by the United States Patent and Trademark Office to inventor Damon C. Torres. Robocast is the sole owner by assignment of the entire rights, title, and interest in and to the '932 Patent, including the rights to sue on and recover damages for any past infringements thereof. A true and correct copy of the '932 Patent is attached hereto as Exhibit 3.

9.   The '451 Patent, the '819 Patent, and the '932 Patent shall hereinafter be referred

to together, collectively, as the "Patents-in-Suit." These three Patents-in-Suit all share a common specification, given that the '819 and '932 Patents are each continuations of the application that matured into the '451 Patent.   Moreover, all three Patents-in-Suit share a common priority date of not later than September 3, 1996 based upon underlying provisional patent application No. 60/025,360.

10.   By way of background, through its founder Damon C. Torres, Robocast invented several new paradigms for improving the web browsing experience for Internet users in the mid-1990s at a time when the World Wide Web was still in its relative infancy. As disclosed and claimed in the seminal Patents-in-Suit, these paradigms included innovative and improved methods by which websites can deliver and present web content on a user's computer that is retrieved from a plurality of different Internet-accessible data resources, notably including multimedia resources comprising streamable video and/or streamable audio content. A press release issued by Microsoft confirmed that by December of 2001, the technologies that would ultimately become Robocast's patented inventions had earned it the reputation of being a "pioneering Web company offering viewing automation tools for a variety of display devices."

11.   The Robocast inventions claimed in the Patents-in-Suit are directed to providing a specific and unconventional technological solution, necessarily rooted in computer technology, to a known technological problem that existed with respect to Internet web browsing as it was then being practiced by computer users in the early 1990s-time frame. As expressly taught in the intrinsic record of the Patents-in-Suit and as then understood by ordinarily skilled artisans, the nature of this problem was that computer users browsing the Internet had no easy and efficient means available for accessing, retrieving and consuming content from a multitude of different Internet-accessible resources. *See, e.g.*, ('451 Patent at

Abstract, FIG. 7, 5:51-6:4; Prosecution history for Appl. No. 09/144,906, Response to June 18, 2001 Office Action at p. 13; Prosecution history for Appl. No. 09/144,906, Brief on Appeal dated March 7, 2003 at pp. 5-6; Provisional Appl. No. 60/025,360 at pp. 1-2).   Rather, each resource needed to be accessed one at a time, with the user's web browser requiring substantial decisional input from the user, i.e., laboriously clicking through a series of links and/or web pages in order to individually navigate to each such resource and obtain its corresponding content. (*Id.*). The Patents-in-Suit explain that this prior art approach was problematic because it undesirably "require[d] a significant amount of user effort and decision-making to drive the web surfing experience," and thereby resulted in a "very cumbersome and time consuming" web browsing experience for computer users browsing the Internet. (*Id.*).

12.   The Patents-in-Suit provide a specific and unconventional technology-based solution to this prior art problem by disclosing and claiming innovative methods through which providers offering Internet-based content through, for example, an Internet website, can automatically deliver and present web content on the computer of a user who is surfing the Internet. In particular, at the heart of Robocast's inventive solution is a key active step recited and captured in every method claim of the Patents-in-Suit wherein a provider creates an organized arrangement of Internet-based content corresponding to a plurality of different Internet-accessible resources in the form of a "show structure of nodes." *See, e.g.*, ('451 Patent at Abstract, FIGS. 2B-2F, 1:16-18, 2:51-3:6, 3:22-31, 4:12-14, 5:28-34, 6:65-7:62, 8:31-33). Each of these "nodes" is an identifier of a distinct Internet-accessible resource that includes its address, and the "show structure" specifies one or more paths through the plurality of nodes that can serve to sequence and schedule how content obtained from these resources is provided to the user's computer. (*Id.*). In accordance with certain claimed "show structure of nodes"

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