

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

BLUE SPIKE LLC;
BLUE SPIKE INTERNATIONAL LTD.;
WISTARIA TRADING LTD.

Plaintiffs,

v.

MEDIACOM COMMUNICATIONS
CORPORATION and MEDIACOM
BROADBAND LLC

Defendants.

Civil Action No. 1:20-cv-06600

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Blue Spike LLC (“Blue Spike LLC”), Plaintiff Blue Spike International Ltd. (“Blue Spike Int.”), and Plaintiff Wistaria Trading Ltd. (“Wistaria”) (collectively, “Plaintiffs” or “Blue Spike”), for its Complaint against Defendants, Mediacom Communications Corporation and Mediacom Broadband LLC (referred to herein as “Mediacom” or “Defendants”), allege the following:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

THE PARTIES

2. Plaintiff Blue Spike LLC is a limited liability company organized under the laws of the State of Texas.

3. Plaintiff Blue Spike Int. is a limited liability company established in Ireland with a place of business at Unit 6, Bond House, Bridge Street, Dublin 8. Blue Spike Int. was recently acquired by Blue Spike Inc., a Florida corporation.

4. Plaintiff Wistaria Trading Ltd. is a Bermuda corporation with a place of business at Clarendon House, 2 Church St., Hamilton HM 11, Bermuda.

5. Collectively, all substantive rights to the patents in suit reside with the Plaintiffs, including the rights to grant sublicenses, to exclude others from practicing the inventions taught therein, and to sue and obtain damages and other relief for past and future acts of infringement.

6. On information and belief, Defendant Mediacom Communications Corp. is a Delaware limited liability company with its principal place of business located at 100 Crystal Run Road, Middletown, New York 10941.

7. On information and belief, Defendant Mediacom Broadband LLC is a Delaware limited liability company with its principal place of business located at 100 Crystal Run Road, Middletown, New York 10941.

8. On information and belief, Defendants have a place of business at 808 E. North St. Elburn, IL, 60119.

9. On information and belief, Mediacom sells, offers to sell, and/or uses products and services throughout the United States, including in this judicial district, and introduces infringing products and services into the stream of commerce knowing that they would be sold and/or used in this judicial district and elsewhere in the United States.

10. On information and belief, Mediacom designs, develops, manufactures, sells, offers to sell, and/or imports products, devices, systems, and/or components of systems through

certain accused instrumentalities (as discussed further below) that either infringe or support the infringement of the patents asserted in this action.

11. Plaintiffs seek monetary damages and prejudgment interest for Mediacom's past and ongoing direct and indirect infringement of the Patents in suit.

JURISDICTION AND VENUE

12. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

13. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

14. Venue is proper in this judicial district under 28 U.S.C. § 1400(b).

15. This Court has personal jurisdiction over Mediacom under the laws of the State of Illinois and this judicial District, due at least to its substantial business in Illinois and this judicial District, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in the State of Illinois. Venue is also proper in this district because Mediacom has a regular and established place of business in this District. For instance, Mediacom has offices and customer care representatives in this judicial District. For example, Mediacom has offices in this District located at 808 E. North St. Elburn, IL, 60119, employs persons within the State of Illinois and this District (*See, e.g.*,

<https://phe.tbe.taleo.net/phe01/ats/careers/v2/viewRequisition?org=MEDIACOMCC&cws=46&rid=14733> (Mediacom seeking a "Business Account Executive" in Elburn, IL) (last visited Nov. 2, 2020)), and advertises and conducts business within the State of Illinois and this District (*See, e.g.*, <https://www.mediacombundledeals.com/Elburn-Illinois.html> (last visited Nov. 2, 2020)).

16. Defendants are additionally subject to this Court's general and specific personal jurisdiction because Defendants have sufficient minimum contacts within the State of Illinois and this district, pursuant to due process and/or the Illinois Long Arm Statute, 735 ILCS § 5/2-209. On information and belief, Defendants transact business in the State of Illinois and this district; Defendants committed the tort of patent infringement in the State of Illinois and this district; Defendants own, use, and/or possess real estate in the State of Illinois and this district, including at least at 808 E. North St. Elburn, IL, 60119; Plaintiffs' causes of action arise directly from Defendants' business contacts and other activities in the State of Illinois and this district; and Defendants distribute, make available, import, sell and offer to sell products and services throughout the United States, including in this judicial district, and introduced infringing products and services into the stream of commerce knowing that they would be used and sold in this judicial district and elsewhere in the United States.

17. Furthermore, personal jurisdiction over Mediacom in this action comports with due process. Mediacom has conducted and regularly conducts business within the United States and this District. Mediacom has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in the State of Illinois and this District. Mediacom has sought protection and benefit from the laws of the State of Illinois by making available products and services through accused instrumentalities that infringe the Patents in suit with the awareness and/or intent that they will be used (or visited) by consumers in this District. Having purposefully availed itself of the privilege of conducting business within this District, Mediacom should reasonably and fairly anticipate being brought into court here.

BACKGROUND

The Invention

18. Scott A. Moskowitz is the inventor of U.S. Patent Reissue No. 44,222 (“the ’222 patent”). A true and correct copy of the ’222 patent is attached as Exhibit A.

19. Scott A. Moskowitz is the inventor of U.S. Patent Reissue No. RE 44,307 (“the ’307 patent”). A true and correct copy of the ’307 patent is attached as Exhibit B.

20. Scott A. Moskowitz is the inventor of U.S. Patent No. 8,473,746 (“the ’746 patent”). A true and correct copy of the ’746 patent is attached as Exhibit C.

21. Scott A. Moskowitz is the inventor of U.S. Patent No. 8,224,705 (“the ’705 patent”). A true and correct copy of the ’705 patent is attached as Exhibit D.

22. Scott A. Moskowitz is the inventor of U.S. Patent No. 7,287,275 B2 (“the ’275 patent”) (collectively, with the ’222 patent, the ’307 patent, the ’746 patent, and the ’705 patent (the “Packet Transfer patents”). A true and correct copy of the ’275 patent is attached as Exhibit E.

23. Scott A. Moskowitz and Marc Cooperman are the inventors of U.S. Patent No. 9,021,602 (“the ’602 patent”). A true and correct copy of the ’602 patent is attached as Exhibit F.

24. On March 24, 2018, the ’602 patent expired.

25. Scott A. Moskowitz is the inventor of U.S. Patent No. 9,104,842 (“the ’842 patent”) (collectively, with the ’602 patent, the “Watermarking patents”). A true and correct copy of the ’842 patent is attached as Exhibit G.

26. Scott A. Moskowitz and Michael Berry are the inventors of U.S. Patent No. 8,739,295 (“the ’295 patent”). A true and correct copy of the ’295 patent is attached as Exhibit H.

27. On August 4, 2020, the ’295 patent expired.

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