

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
MANHATTAN DIVISION**

Cedar Lane Technologies Inc., Plaintiff, v. Aspiro, Inc., Defendant.	Case No. 1:20-cv-3159 Patent Case Jury Trial Demanded
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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Cedar Lane Technologies Inc. (“Plaintiff”), through its attorneys, complains of Aspiro, Inc. (“Defendant”), and alleges the following:

PARTIES

1. Plaintiff Cedar Lane Technologies Inc. is a corporation organized and existing under the laws of Canada that maintains its principal place of business at 560 Baker Street, Suite 1, Nelson, BC V1L 4H9.

2. Defendant Aspiro, Inc. is a corporation organized and existing under the laws of Delaware that maintains an established place of business at 540 W 26th Street, 8th Floor, New York, NY 10001.

JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

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

5. This Court has personal jurisdiction over Defendant because it has engaged in systematic and continuous business activities in this District. As described below, Defendant has committed acts of patent infringement giving rise to this action within this District.

VENUE

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant has committed acts of patent infringement in this District, and has an established place of business in this District. In addition, Plaintiff has suffered harm in this district.

PATENTS-IN-SUIT

7. Plaintiff is the assignee of all right, title and interest in United States Patent Nos. 6,452,609 (the “’609 Patent”); 6,502,194 (the “’194 Patent”); 6,526,411 (the “’411 Patent”); 6,721,489 (the “’489 Patent”); 6,806,889 (the “’889 Patent”); 7,173,177 (the “’177 Patent”); 7,610,394 (the “’394 Patent”); 8,549,097 (the “’097 Patent”); 8,805,830 (the “’830 Patent”); (collectively the “Patents-in-Suit”); including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patents-in-Suit. Accordingly, Plaintiff possesses the exclusive right and standing to prosecute the present action for infringement of the Patents-in-Suit by Defendant.

The ’609 Patent

8. The ’609 Patent is entitled “Web application for accessing media streams,” and issued 9/17/2002. The application leading to the ’609 Patent was filed on 11/06/1998. A true and correct copy of the ’609 Patent is attached hereto as Exhibit 1 and incorporated herein by reference.

9. The ’609 Patent is valid and enforceable.

The ’194 Patent

10. The '194 Patent is entitled "System for playback of network audio material on demand," and issued 12/31/2002. The application leading to the '194 Patent was filed on 4/16/1999. A true and correct copy of the '194 Patent is attached hereto as Exhibit 2 and incorporated herein by reference.

11. The '194 Patent is valid and enforceable.

The '411 Patent

12. The '411 Patent is entitled "System and method for creating dynamic playlists," and issued 2/25/2003. The application leading to the '411 Patent was filed on 11/15/2000. A true and correct copy of the '411 Patent is attached hereto as Exhibit 3 and incorporated herein by reference.

13. The '411 Patent is valid and enforceable.

The '489 Patent

14. The '489 Patent is entitled "Play list manager," and issued 4/13/2004. The application leading to the '489 Patent was filed on 3/8/2000. A true and correct copy of the '489 Patent is attached hereto as Exhibit 4 and incorporated herein by reference.

15. The '489 Patent is valid and enforceable.

The '889 Patent

16. The '889 Patent is entitled "Interactive applications," and issued 10/19/2004. The application leading to the '889 Patent was filed on 12/3/1999. A true and correct copy of the '889 Patent is attached hereto as Exhibit 5 and incorporated herein by reference.

17. The '889 Patent is valid and enforceable.

The '177 Patent

18. The '177 Patent is entitled "User interface for simultaneous management of owned and unowned inventory," and issued 2/6/2007. The application leading to the '177 Patent was filed on 10/29/2003. A true and correct copy of the '177 Patent is attached hereto as Exhibit 6 and incorporated herein by reference.

19. The '177 Patent is valid and enforceable.

The '394 Patent

20. The '394 Patent is entitled "Web application for accessing media streams," and issued 10/27/2009. The application leading to the '394 Patent was filed on 7/31/2002. A true and correct copy of the '394 Patent is attached hereto as Exhibit 7 and incorporated herein by reference.

21. The '394 Patent is valid and enforceable.

The '097 Patent

22. The '097 Patent is entitled "Web application for accessing media streams," and issued 10/1/2013. The application leading to the '097 Patent was filed on 8/30/2006. A true and correct copy of the '097 Patent is attached hereto as Exhibit 8 and incorporated herein by reference.

23. The '097 Patent is valid and enforceable.

The '830 Patent

24. The '830 Patent is entitled "Web application for accessing media streams," and issued 8/12/2014. The application leading to the '830 Patent was filed on 6/16/2009. A true and correct copy of the '830 Patent is attached hereto as Exhibit 9 and incorporated herein by reference.

25. The '830 Patent is valid and enforceable.

COUNT 1: INFRINGEMENT OF THE '609 PATENT

26. Plaintiff incorporates the above paragraphs herein by reference.

27. **Direct Infringement.** Defendant has been and continues to directly infringe one or more claims of the '609 Patent in at least this District by making, using, offering to sell, selling and/or importing, without limitation, at least the Defendant products identified in the charts incorporated into this Count below (among the "Exemplary Defendant Products") that infringe at least the exemplary claims of the '609 Patent also identified in the charts incorporated into this Count below (the "Exemplary '609 Patent Claims") literally or by the doctrine of equivalents. On information and belief, numerous other devices that infringe the claims of the '609 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

28. Defendant also has and continues to directly infringe, literally or under the doctrine of equivalents, the Exemplary '609 Patent Claims, by having its employees internally test and use these Exemplary Products.

29. Exhibit 10 includes charts comparing the Exemplary '609 Patent Claims to the Exemplary Defendant Products. As set forth in these charts, the Exemplary Defendant Products practice the technology claimed by the '609 Patent. Accordingly, the Exemplary Defendant Products incorporated in these charts satisfy all elements of the Exemplary '609 Patent Claims.

30. Plaintiff therefore incorporates by reference in its allegations herein the claim charts of Exhibit 10.

31. Plaintiff is entitled to recover damages adequate to compensate for Defendant's infringement.

COUNT 2: INFRINGEMENT OF THE '194 PATENT

32. Plaintiff incorporates the above paragraphs herein by reference.

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