

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

POST MEDIA SYSTEMS LLC

Plaintiff,

v.

SAAVN MEDIA PVT. LTD.

Defendant.

Civil Action No.: 4:20-cv-432

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Post Media Systems LLC (“Post Media” or “Plaintiff”), for its Complaint against Defendant Saavn Media Pvt. Ltd. (“Saavn” or “Defendant”), alleges 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 is a corporation organized under the laws of the State of Texas with a place of business at 556 County Road 557, Farmersville, TX 75442.

3. Upon information and belief, Saavn is a private corporation organized and existing under the laws of India, and is registered at Registrar of Companies, Mumbai. Upon information and belief, Saavn’s headquarters is located at A Wing, 19th Floor, One BKC, G Block, Bandra-Kurla Complex, Bandra East Mumbai Mumbai City MH 400051 IN.

JURISDICTION AND VENUE

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

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

6. Venue is proper in this judicial district under 28 U.S.C. § 1391 and 28 U.S.C. § 1400(b).

7. On information and belief, Defendant is subject to this Court's general and specific personal jurisdiction because Defendant has sufficient minimum contacts within the State of Texas and this District, pursuant to due process and/or the Texas Long Arm Statute, Tex. Civ. Prac. & Rem. Code § 17.042, because Defendant purposefully availed itself of the privileges of conducting business in the State of Texas and in this District, because Defendant regularly conducts and solicits business within the State of Texas and within this District, and because Plaintiff's causes of action arise directly from Defendant's business contacts and other activities in the State of Texas and this District. Upon information and belief, Saavn distributes, makes available, sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services that into the stream of commerce and that incorporate infringing technology knowing that they would be used and sold in this judicial district and elsewhere in the United States.

BACKGROUND

8. This lawsuit initially asserts infringement of four United States patents, Nos. 7,069,310; 7,472,175; 8,725,832; and 8,959,181 (the "patents in suit"), which are part of a broader family of five issued patents. Alan Bartholomew is the sole inventor on each of the five issued patents.

9. Raised in a family with a Quaker background, Alan Bartholomew studied music and performance with the cello, earning the BFA and MFA degrees from the California Institute of Arts. While studying music he taught himself programming and started a software development business that became a source of income to support his family. While developing

office productivity software products for customers, he worked in his spare time to find creative ways of combining his musical interests and software expertise. This led to his developing a way to broadcast audio files over shared networks, now often referred to as podcasting, such as used for entertainment, marketing and educational purposes (*e.g.* for distance learning). His work led to the patents in suit. His research also led to the development of audio and video recording software products that he has successfully sold through his company SoniClear, helping customers record government meetings and court proceedings, including cities, school districts, and courts around the country.

10. Now nearing retirement, and concerned about maintaining his software business in the volatile economy, he has chosen to stay focused on the development of software products related to his SoniClear business rather than developing and patenting new technologies. Having spent much money and effort to develop his inventions and procure patents, Mr. Bartholomew hopes to recoup his costs without incurring financial risk to his family. Mr. Bartholomew turned to Post Media, whose purpose in part is to conduct the work necessary to reward and provide compensation to Mr. Bartholomew for the patents in suit.

11. Plaintiff Post Media is the assignee and owner of all right, title and interest in and to each of the patents in suit. Post Media's ownership interest includes but is not limited to the right to assert all causes of action and obtain any remedies for infringement of the patents in suit, including damages for infringement that predates their assignment to Post Media.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,069,310

12. The allegations set forth in the paragraphs 1 through 11 above are incorporated into this First Count for Relief.

13. On June 27, 2006, U.S. Patent No. 7,069,310 (“the ’310 patent”), entitled “System and Method for Creating and Posting Media Lists for Purposes of Subsequent Playback,” was

duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '310 patent is attached as Exhibit 1.

14. The inventive embodiments of the '310 patent resolve technical problems related to a specific functionality of computers and networks (*e.g.* Internet or other networks) to post, share, and playback media, overcoming posting and interface issues specific to different computing systems and accounts on shared networks.

15. The claims of the '310 patent do not merely recite the performance of some business practice known from the pre-Internet world along with a requirement to perform it on the Internet. Instead, the claims of the '310 patent recite one or more inventive concepts that are rooted in computerized electronic data communications networks, and an improved method to deliver content and provide interface among different accounts and computing systems.

16. The claims of the '310 patent recite an invention that is not merely the routine or conventional use of electronic devices for communications. Instead, among other things, the invention adds new features to deliver content, integrate application interfaces and other protocols together on shared networks. The '310 patent claims thus include improvements for, for example, embedding media information and propagating changes in the media information to yield a desired result.

17. The technology claimed in the '310 patent does not preempt all ways of using computerized devices or transmitting information over networks, nor does it preempt any other well-known or prior art technology.

18. Accordingly, each claim of the '310 patent recites a combination of elements sufficient to ensure that the claim in practice amounts to significantly more than a patent on an ineligible concept.

19. Upon information and belief, Defendant has and continues to directly infringe at least claim 1 of the '310 patent by making, using, selling, importing and/or providing and causing to be used without authority within the United States, a system directed to a specific functionality of computers and networks to share media for playback (the "'310 Accused Instrumentalities"). The '310 Accused Instrumentalities include at least the JioSaavn service, as well as equipment, software, and applications implementing that service.

20. On information and belief, the '310 Accused Instrumentalities infringe at least claim 1 of the '310 patent. A comparison of the JioSaavn service with the claim 1 of the '310 patent is attached as Exhibit 2.

21. On information and belief, these '310 Accused Instrumentalities are marketed to, provided to, and/or used by or for Defendant's partners, clients, customers and end users across the country and in this District.

22. Defendant was made aware of the '310 patent and its infringement thereof at least as early as the filing of this Complaint.

23. Upon information and belief, since at least the filing of this Complaint, Defendant has induced and continues to induce others to infringe at least one claim of the '310 patent under 35 U.S.C. § 271(b) by, among other things, with specific intent or willful blindness, actively aiding and abetting others' infringement—including but not limited to the infringement of Defendant's partners, clients, customers, and end users whose use of the '310 Accused Instrumentalities constitutes direct infringement of at least one claim of the '310 patent.

24. In particular, Defendant has aided and abetted others' infringement of the '310 patent by at least advertising and distributing the '310 Accused Instrumentalities and providing instruction materials, training, and services regarding the '310 Accused Instrumentalities to

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