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## NFL Tackled With Internet Broadcast Patent Suit

By **Hilary Russ**

Law360, New York (April 14, 2010) -- NFL Enterprises LLC has become the latest major sports broadcaster hit with a patent infringement suit by DDB Technologies LLC over simulated broadcasts of live games on the Internet.

The football network's Game Center and Drive Chart products on its Web site willfully infringe four of DDB's patents covering the technology, according to the complaint filed on Tuesday in the U.S. District Court for the Western District of Texas.

The suit alleges the NFL has damaged DDB with its ongoing infringement. DDB is seeking an injunction, compensatory and treble damages, and a ruling that the case be declared exceptional.

The suit follows on the heels of a similar complaint by DDB against ESPN Inc., launched on April 9 in the same court over the same four patents.

Both the NFL and ESPN allow computer users to watch simulations of live sporting events over the Internet.

The NFL has been using technology that is covered by the patents without first obtaining DDB's permission, the complaint says.

In ESPN's case, DDB says the sports broadcasting giant was aware of the patents but infringed them anyway.

ESPN began providing its infringing products shortly after DDB President David R. Barstow met with channel representatives to discuss the patented technology in the 1990s, according to the complaint in that case.

The defendant has known about the patents, which were issued between 1996 and 2008, since at least 1997, but has continued to use the protected technology in its products, DDB said.

DDB reignited its correspondence with ESPN around 2000 to offer terms for a nonexclusive license to the patented technology that the sports broadcaster was using, the complaint argued, but those negotiations fell through when the broadcaster stopped responding to the plaintiff's attempts to discuss a license.

At least one other sports network was also facing a DDB suit over the technology.

MLB Advanced Media LP, a Major League Baseball interactive media division, tried but failed in August 2009 to dismiss DDB's case against it when a judge ruled that DDB owns the patents despite an employment

contract between the patent-holding company's owner and a former employer.

That led the parties to squash the 2004 suit with a nonexclusive licensing agreement in March.

An NFL representative could not immediately be reached for comment.

The patents-in-suit are U.S. Patent Numbers 5,526,479; 5,671,347; 6,204,862; and 7,373,587.

DDB is represented by McDonnell Boehnen Hulbert & Berghoff LLP and Winstead PC.

Counsel information for the NFL was not immediately available.

The case is DDB Technologies LLC v. NFL Enterprises LLC, case number 1:10-cv-00254, in the U.S. District Court for the Western District of Texas.

--Additional reporting by Megan Stride and Liz McKenzie

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