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DDB Checks NHL Over Web Broadcast Patents

By **Samuel Howard**

Law360, New York (May 19, 2010) -- Adding yet another front to its battle against major sports broadcasters and Web media powerhouses, DDB Technologies LLC has accused NHL Enterprises Inc. of infringing several patents covering technology for online simulations of live sporting events.

Already embroiled in litigation against Major League Baseball and National Football League, DDB rounded out its sports offensive by filing suit Tuesday against the NHL in the U.S. District Court for the Western District of Texas.

The complaint claims that the NHL and its Internet division, NHL Interactive CyberEnterprises LLC, offer services and products that infringe four patents covering an Internet broadcast system that simulates live sporting events.

Specifically, the league's GameCenter service, which allows users to watch live hockey games on their computer, includes technology that willfully infringes U.S. Patent Numbers 5,526,479; 5,671,347; 6,204,862; and 7,373,587, according to the complaint.

"Without DDB's permission, the NHL began providing simulation products/services over the Internet that embody the invention(s) set forth in the DDB patents," the suit said. "The NHL's infringing activities have damaged and continue to damage DDB."

The lawsuit seeks treble damages for willful infringement of the four patents, a permanent injunction and an order requiring the NHL to relinquish all infringing systems.

Representatives for the league could not immediately be reached for comment Wednesday on the allegations.

DDB has been on a litigation rampage in recent weeks, asserting the simulation patents in five suits against major sports broadcasters like NBA Media Ventures LLC, ESPN Inc. and NFL Enterprises LLC, as well as Internet giants AOL Inc. and Yahoo Inc.

The patents describe a method for broadcasting live events that uses computer simulations to characterize actions, allowing viewers to manipulate the perspective and select information about real-time events.

The surge of litigation follows a favorable turn for DDB in an earlier suit over MLB's use of computerized simulations.

MLB Advanced Media LP failed in August to nix DDB's case against it, with a federal judge ruling that the plaintiff owned the patents despite an employment contract between the patent-holding company's owner and a former employer.

The defendant asked the U.S. Court of Appeals for the Federal Circuit for permission to file an interlocutory appeal, but that request was denied, and the parties subsequently reached a nonexclusive licensing agreement in March.

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

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

Counsel information for NHL was not immediately available.

The case is DDB Technologies LLC v. NHL Interactive Cyber Enterprises LLC et al., case number 1:10-cv-00336, in the U.S. District Court for the Western District of Texas.

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