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Patents Currently Involved in Litigation

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DDB Technologies Calls ESPN, NFL and Others Out at the Plate | May 19, 2010

May 19, 2010

ESPN, the NFL, the NBA, AOL, the NHL and Yahoo! are under fire for allegedly infringing Texas-based DDB Technologies patented technology for simulating live sports broadcasts. DDB has filed six separate complaints against these parties claiming infringement of four patents owned by DDB: 5,526,479 ('479); 5,671,347 ('347); 6,204,862 ('862); 7,373,587 ('587).

Patent Calls, Inc. conducted an independent analysis of the '479 patent, entitled "Method and Apparatus for Broadcasting Live Events to Another Location and Producing a Computer Simulation of the Events at That Location" and concluded the claims of the '479 patent are well-written, broad and, from its non-legal perspective, likely valid and enforceable against the defendants.

When ESPN and other big name sports broadcasters can't get access to a live sporting event, it has become common practice to instead broadcast a live simulation of the event online. DDB claims various services offered by the defendants, including ESPN's "GameCast" and Yahoo's "GameChannel," are covered by the patents.

All of the patents pertain to enabling remote viewers to access simulations of live sporting events. According to the complaints, DDB President David R. Barstow, along with his brother and business partner Daniel W. Barstow, developed the technology starting in the 1980s and continuing through the early 90's.

The Patent Calls report finds the patent claims may be broad enough to cover even non-sporting events, although it notes that non-sporting events may have trouble meeting the "physical exertion and skill" limitation of the '479 patent claims.

In each of the complaints, DDB claims to have offered the defendant terms for a non-exclusive license to the live simulation technology prior to filing suit. However, according to DDB, in each instance negotiations either broke down or never started.

In an email to Patent Calls, DDB attorney Michael Gannon stated, "ESPN has been using, and profiting from, DDB's patented technology for some time without DDB's authorization. ESPN has ignored DDB's repeated requests that ESPN take a license for the technology, leaving DDB no choice but to enforce its patents in court." Mr. Gannon made similar remarks in response to questions regarding the NFL complaint.

DDB is asking the court to find the defendants' infringement willful and award treble damages and attorney's fees.

In March 2010, after protracted litigation, Major League Baseball and DDB reached a settlement in which MLB took a license to the DDB patent portfolio. Sportsline.com is also a licensee of the DDB patents.

After its independent review of the '479 patent, Patent Calls believes that DDB should get the call in the rest of its litigations, as least with respect to this patent. Patent Calls contacted all parties mentioned for comment; however only DDB responded.

Patent Calls conducts independent analyses of patents from a technical and business perspective; only a judge and jury can make the final decision regarding patent validity and infringement.

Patents in This Article

[US Patent #5,526,479 Method and Apparatus for Broadcasting Live Events to Another Location and Producing a Computer Simulation of the Events at that Location](#)

[US Patent #5,671,347 Method and Apparatus for Broadcasting Live Events to Another Location and Producing a Computer Simulation of the Events at that Location](#)

[US Patent #6,204,862 Method and Apparatus for Broadcasting Live Events to Another Location and Producing a Computer Simulation of the Events at that Location](#)

[US Patent #7,373,587 Representing Sub-Events with Physical Exertion Actions](#)

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