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CBS Sports Targeted Over DDB's Game Simulation Patents

By **Jacqueline Bell**

Law360, New York (November 29, 2011, 12:26 PM ET) -- DDB Technologies LLC on Monday made CBS Sports Network the latest target of its patent blitz, accusing it in a Texas lawsuit of violations of its protected method for producing online simulations of live sport broadcasts.

CSTV Networks Inc.'s CBS Sports provides remote viewers with simulations of live sporting events through its GameTracker service, using the inventions described in four DDB patents without permission, the lawsuit alleges. The complaint is the latest in a series of nearly identical patent suits DDB launched against media and sports companies.

All the lawsuits allege infringement of U.S. Patent Numbers 5,526,479; 5,671,347; and 6,204,862. The patents are titled "Method and apparatus for broadcasting live events to another location and producing a computer simulation of the events at that location." The complaints also claim infringement of U.S. Patent Number 7,373,587, titled "Representing subevents with physical exertion actions."

CBS Sports knew about the DDB patents, the immediate suit claims, because DDB launched a similar patent infringement suit in 2004 asserting three of the patents against MLB Advanced Media LP, a CBS Sports rival in the live game simulation industry. That suit received industry press attention and resulted in MLBAM marking its products with the patents, the complaint asserts.

DDB seeks a ruling that CBS Sports infringed its patents, and that such infringement was willful. It also seeks damages, trebled damages, attorneys' fees and costs.

A representative for CBS Sports was not immediately available to comment.

In October, DDB fired off comparable suits against News Corp. unit Fox Sports Interactive Media LLC and NeuLion Inc. in Texas federal court. Fox Sports allegedly infringes DDB's patents by providing simulations of live sporting events through the GameTrax feature on its website, DDB claims. NeuLion allegedly infringes the patents by making and selling simulations of live sporting events, such as its Live Stats product, to client websites, according to the plaintiff.

Starting in the 1980s and continuing through the early 1990s, inventors Daniel and David Barstow put together a method and apparatus for providing remote viewers simulations of live sporting events, according to the complaints. All of the technology required to produce such simulations is embodied in the four asserted patents, the suits contend.

DDB settled its infringement suits against media and sports heavyweights like ESPN Inc., AOL Inc., Yahoo Inc., the NFL, the NBA and the NHL. DDB also dropped complaints against Time Inc. and PGA Tour Inc. after the companies signed settlement and licensing agreements.

In March 2010, DDB scored a win in a long-running suit against MLBAM, which had tried and failed to argue that the patents belonged to Schlumberger Technology Corp., which formerly employed DDB's president. The defendant agreed to license the patents.

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 James G. Ruiz of Winstead PC as well as by Michael D. Gannon, Leif R.

Sigmond Jr., Rory P. Shea, Paul A. Kafadar and John D. Smith of McDonnell Boehnen Hulbert & Berghoff LLP.

Counsel information was not immediately available for CBS Sports.

The case is DDB Technologies LLC v. CSTV Networks Inc. d/b/a CBS Sports Network et al., case number 1:11-cv-01014, in the U.S. District Court for the Western District of Texas.

--Additional reporting by Keith Goldberg. Editing by Eydie Cubarrubia.

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