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DDB Drops Simulation IP Claims Against PGA Tour, Time

By **Roxanne Palmer**

Law360, New York (March 4, 2011) -- DDB Technologies LLC dropped its suits in Texas this week against Time Inc. and PGA Tour Inc. over the alleged infringement of its patented method for producing online simulations of live sport broadcasts after the companies signed settlement and licensing agreements.

Time exited on Tuesday and PGA Tour followed shortly after on Thursday, according to orders issued by Judge James R. Nowlin of the U.S. District Court for the Western District of Texas.

Additional details on the settlements were not available, but Michael Gannon of McDonnell Boehnen Hulbert & Berghoff LLP, which is representing DDB, told Law360 on Friday that his client was "very happy to have these two companies be licensees."

DDB had accused PGA Tour of infringing four patents related to simulations of live sporting events through the Shot Tracker feature on its website.

The application allows a user to select golfers and see a simulation of their shots on a given hole, displaying a line representing the path of each shot against an image of the entire hole or the green, and listing the distance of each shot, according to the complaint, filed in June.

That same month, DDB filed a separate lawsuit against Time covering the same patents, taking aim at a Sports Illustrated webcasting service called Game Flash.

Meanwhile, cases over the patents-in-suit in the same court continue against media and sports heavyweights like ESPN Inc., AOL Inc., Yahoo Inc., the NFL, the NBA and the NHL.

In March 2010, DDB scored a win in a long-running suit against Major League Baseball. MLB Advanced Media LP had tried and failed to argue that the patents belonged to Schlumberger Technology Corp., which formerly employed DDB's president. MLB agreed to license the patents-in-suit.

The suits assert U.S. Patent Numbers 5,526,479; 6,671,347; and 6,204,862 — all titled "Method and apparatus for broadcasting live events to another location and producing a computer simulation of the events at that location" — and U.S. Patent Number 7,373,587, titled "Representing subevents with physical exertion actions."

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 like golf tournaments, and all of the technology required to produce such simulations is embodied in the four asserted patents, according to the complaint.

Representatives for PGA Tour and Time did not immediately return requests for comment on Friday.

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

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

Time is represented by Clark Thomas & Winters PC and Klarquist Sparkman LLP; PGA Tour is represented by Akerman Senterfitt LLP.

The cases are DDB Technologies LLC vs. PGA Tour Inc. and DDB Technologies LLC vs. Time Inc., case numbers 10-475 and 10-428, respectively, in the U.S. District Court for the Western District of Texas.

--Additional reporting by Ben James. Editing by Jonathan Jacobson.

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