



11 More Adult Studios Sued Over Video Teaser Technology

By Rhett Pardon, XBIZ.com

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MARSHALL, Texas — Eleven adult entertainment studios were sued Thursday in InMotion Imagery Technologies' latest attempt to cash in on a patent relating to video-indexing processes that use thumbnail images during DVD navigation.

So far, Houston-based InMotion has filed claims against 18 adult companies in three suits over U.S. Patent No. 6,526,219.

Thursday's filing targets LFP Video Group, Elegant Angel, New Sensations, Girlfriends Films, Red Light District, Zero Tolerance Entertainment, Jules Jordan Video, Anabolic Video Productions, West Coast Productions, Devil's Film and Reality Kings.

Other adult companies sued in the previous suits over the patent include Wicked Pictures, Digital Playground and Evil Angel Productions, as well as Vivid Entertainment, Penthouse Digital, Adam & Eve and Bang Productions.

All of the suits target mainstream studios, as well. Thursday's suit included Metro-Goldwyn-Mayer, Summit Entertainment, Image Entertainment, Echo Bridge Entertainment, Loose Cannon Films Inc. and Vanguard International Cinema.

Inmotion says in Thursday's suit, as in the others, that the patent filing, relates "generally to video recording and, more particularly, to a system for storing and displaying thumbnail images representative of the contents of a video-recording medium, thereby enabling a user to locate a particular section rapidly and conveniently."

All three suits have been filed at U.S. District Court in Marshall, Texas.

The federal court in Marshall is a popular one for patent lawsuits. Adult industry attorneys confide that quick trials and plaintiff-friendly juries are the big draw there.

So are the Texas-sized verdicts sometimes handed to winners.

Patent cases are heard faster in Marshall than in many other courts, forcing some defendants to buckle under the pressure of time when trying to sort out complex infringement cases.

And while only about five percent make it to trial in Marshall, patent holders win 78 percent of the time, compared with an average of 59 percent nationwide, according to LegalMetric, a company that tracks patent litigation.

So far, according to court records, some of the plaintiffs in the first case — filed in March 2010 — have been pared, likely settling their cases with InMotion.

But some adult studios have taken a strong defensive posture, saying that their cases against them should be thrown out because the patent claims are too broad.

Counsel for Vivid Entertainment Group and Adam & Eve, for instance, said in a motion to dismiss the suit that the patent's "description is not specific enough to allow the defendants to identify the

allegedly infringing products."

"In addition to not properly identifying the accused products, InMotion does not assert any facts underlying its claims of indirect infringement. Instead, it relies upon boilerplate generalities and legal conclusions," said counsel for Vivid and Adam & Eve in the motion.

Attorney Greg Piccionelli told XBIZ that "this is another patent troll lawsuit."

"Patent troll lawsuits are, unfortunately, going to continue to be a part of the online adult business landscape for the foreseeable future," he said. "In fact, such lawsuits are likely to increase. "The patent enforcement process in a new industry (such as the Internet) proceeds like this: (1) there is hyper invention activity and a large number of "pioneering" patents are applied for for the new industry; (2) patent prosecution, the back and forth application process between the inventor and the U.S. Patent and Trademark Office grinds on for years, sometimes 10 years or more; (3) the patents start to issue, a trickle at first, then en masse; (4) some companies start to enforce their patents, but also, during this period specialized patent enforcement entities start to accumulate large numbers of patents through purchase and enforcement license arrangements; (5) entire segments of the new industry are now subject to patent claims and a large percentage of companies in the new industry are infringing one or more of the patents that have issued; (6) enforcement commences and then increases in intensity until the end of the patent terms associated with wave the patents filed."

Piccionelli said that Internet businesses are now in Stage 6.

"As a patent attorney understanding this process, I have urged adult companies to obtain their own pioneering methods and processes," he said. "Patent trolls are here to stay. And the trolls will likely succeed in imposing an increasing amount of 'troll tolls' on the Information Superhighway."

Inmotion in all three suits is seeking damages and an injunction against the companies, as well as attorneys fees.

Inmotion's attorney, William Davis, did not respond to XBIZ to elaborate on the three suits.

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