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## DDB Teed Off Over PGA Golf Tourney Simulations

By **Ben James**

Law360, New York (June 29, 2010) -- DDB Technologies LLC has accused PGA Tour Inc. of infringing four patents related to simulations of live sporting events through the Shot Tracker feature on its website, the latest in a spate of suits the patent-holding company has lodged against sports and media giants.

Austin, Texas-based DDB filed the complaint Monday in the U.S. District Court for the Western District of Texas, accusing PGA Tour of "wanton and willful" infringement of the patents-in-suit and seeking treble damages.

The suit is related to seven others DDB has filed in the same court so far in 2010, targeting a list of defendants including ESPN Inc., AOL Inc., Yahoo Inc., the NFL, the NBA and the NHL.

"There are quite a few additional infringers out there, so we'll will be filing more suits in the future," Michael Gannon of McDonnell Boehnen Hulbert & Berghoff LLP, who represents DDB, told Law360 on Tuesday.

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.

The defendant began offering simulations over the Internet that embody the inventions covered by the patents-in-suit — for example, the Shot Tracker — without the plaintiff's permission, the suit claims.

The Shot Tracker 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.

The suit asserts 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."

In addition to a judgment of willful infringement and treble damages, DDB is asking that PGA Tour be permanently enjoined from infringing the patents-in-suit.

A representative for Ponte Vedra Beach, Fla.-based PGA Tour did not immediately respond to a query about

the lawsuit Tuesday.

On June 16, DDB slapped Time Inc. with a lawsuit over the same patents in the same court, taking aim at a Sports Illustrated webcasting service called Game Flash.

DDB's recent legal onslaught follows 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 in March.

The patents-in-suit in the current matter 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.

Counsel information for the defendant was not immediately available.

The case is DDB Technologies LLC v. PGA Tour Inc., case number 10-475, in the U.S. District Court for the Western District of Texas.

--Additional reporting by Richard Vanderford

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