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## Yahoo Faces Suit Over Web Sports Broadcast Patent

By **Hilary Russ**

Law360, New York (April 23, 2010) -- Yahoo Inc. has become the latest major Internet media company to land in the crosshairs in DDB Technologies LLC's drive to enforce several patents related to simulated broadcasts of live sporting events online.

DDB filed suit Thursday in the U.S. District Court for the Western District of Texas, claiming that Yahoo's GameChannel and StatTracker Web services infringe the same four patents asserted in suits against ESPN Inc., NFL Enterprises LLC and others.

Some time between 2001 and 2004, representatives from DDB discussed at least one of the patents with Yahoo, offering the Internet giant a nonexclusive licensing agreement for the technology covered by the patents, the complaint contends.

Representatives from the two companies met in Atlanta in 2004, and afterward, the parties communicated a few more times, according to the suit. But later that year, Yahoo stopped responding to or even acknowledging the attempts to negotiate a licensing deal, it argues.

The suit follows on the heels of similar complaints by DDB against the NFL on April 13 and against ESPN on April 9, both in the same court.

All of the defendants in the suits allow computer users to watch simulations of live sporting events over the Internet.

Yahoo has been using technology that is covered by the patents without first obtaining DDB's permission, and despite its awareness of the patents from the previous discussions, the complaint says.

ESPN also allegedly conferred with DDB on terms of a nonexclusive license, even before Yahoo came into play. But ESPN, too, began ignoring the plaintiff's attempts to discuss a deal, according to that suit.

At least one other sports network faced claims over the technology, but agreed to settle after being handed losses in district and appeals courts.

MLB Advanced Media LP, Major League Baseball's interactive media division, failed in August to nix DDB's case against it after a district judge ruled that DDB owned the patents despite an employment contract between the patent-holding company's owner and a former employer.

The defendant asked the U.S. Court of Appeals for the Federal Circuit for permission to file an interlocutory appeal, but that request was denied. The parties subsequently reached a nonexclusive licensing agreement in March.

Representatives for Yahoo did not immediately respond to requests for comment on the current matter Friday.

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 McDonnell Boehnen Hulbert & Berghoff LLP and Winstead PC.

Counsel information for Yahoo was not immediately available.

The case is DDB Technologies LLC v. Yahoo Inc., case number 1:10-cv-00273, in the U.S. District Court for the Western District of Texas.

--Additional reporting by Megan Stride and Liz McKenzie

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