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Fox, Sony Settle Video Indexing Patent Suit

By **Richard Vanderford**

Law360, New York (February 17, 2011) -- Nine movie studios and affiliates, including Twentieth Century Fox Home Entertainment LLC, Sony Pictures Home Entertainment Inc. and Lions Gate Entertainment Corp, have agreed to settle a seven-month-old lawsuit over a video indexing patent.

Judge T. John Ward of the U.S. District Court for the Eastern District of Texas froze deadlines in the case on Wednesday to give the settling defendants time to finalize a deal with plaintiff InMotion Imagery Technologies LLC.

Also settling are defendants Universal Studios Home Entertainment LLC, Focus Features LLC, Paramount Home Entertainment Inc. Paramount Home Entertainment Distribution Inc., DW Studios LLC and Dreamworks Animation Home Entertainment LLC.

Defendants SBO Pictures Inc. and Evil Angel Productions Inc. settled earlier in February.

The terms of the settlements were not disclosed, and attorneys for the parties did not immediately respond to requests for comment.

InMotion sued the studios in August, accusing them of infringing its U.S. Patent Number 6,526,219, titled "Picture-based video indexing system."

The Marshall, Texas-based company bills itself as a patent licensing company with a two-patent portfolio.

The patent-in-suit, issued in 2003, describes a method for using thumbnail images as a cataloging aid to allow viewers to browse video content without needing to watch the program itself.

InMotion claims the production companies are infringing the patent by making or selling "videos indexed with images that are displayed in windows wherein at least one window displays motion imagery," according to the complaint.

InMotion asked the court for a permanent injunction enjoining further infringement, a judgment of willful infringement and related treble damages, infringement damages and attorneys' fees.

The '219 patent also underpins two other pending InMotion suits.

A suit filed in March against nearly a dozen film production companies, including Penthouse Digital Media Productions Inc., DNA Movies LLC, New Line Home Entertainment Inc. and Warner Bros. Home Entertainment Group, asserts claims similar to those in the just settled suit.

A suit filed in November against JVC Americas Corp., Hewlett-Packard Co. and LG Electronics USA accuses the technology companies of infringing the patent by selling offending disc burners and software.

The patent-in-suit is U.S. Patent Number 6,526,219.

William E. Davis III of the Davis Firm PC represents InMotion.

Marc J. Pensabene of Fitzpatrick Cella Harper & Scinto represents all the settling defendants.

The case is InMotion Imagery Technologies LLC v. Evil Angel Productions et al., case number 10-cv-00295, in the U.S. District Court for the Eastern District of Texas.

--Additional reporting by Megan Stride and Evan Weinberger. Editing by Jonathan Jacobson.

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