

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DIGITAL BROADCASTING SOLUTIONS,
LLC,

Plaintiff,

v.

DISH NETWORK, L.L.C and DISH
TECHNOLOGIES, L.L.C.,

Defendants.

CIVIL ACTION NO. 2:22-cv-00335

ORIGINAL COMPLAINT FOR PATENT
INFRINGEMENT

JURY TRIAL DEMANDED

DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS

Pursuant to P.R. 3-1 and P.R. 3-2, Digital Broadcasting Solutions, LLC (“DBS”) hereby serves its Infringement Contentions on Defendants DISH Network, L.L.C. and Dish Technologies, L.L.C. (“Defendants”). Claim construction has not yet begun, and DBS reserves the right to amend these Contentions, as permitted by P.R. 3-6.

P.R. 3-1(a): Identification of Infringed Claims

Defendants infringe the following claims of U.S. Patent Nos. 8,929,710 (“the ’710 Patent”) and 9,538,122 (“the ’122 Patent”):

Asserted Patent	Infringed Claims
’710 Patent	1–19
’122 Patent	1–20

P.R. 3-1(b): Identification of Accused Instrumentalities

The Accused Instrumentalities for claims 1–19 of the ’710 Patent and claims 1–20 of the ’122 Patent are Defendants’ DVRs that utilize technology to skip a portion of downloaded programming (e.g., commercials) only after a period of time has expired and only when the DVRs have been placed in a second playback state (e.g., a commercials-skipping state). Defendants’

nomenclature for this feature is “AutoHop.” Exemplary Accused Instrumentalities include, but are not limited to, the DISH Hopper, DISH Hopper 2, DISH Hopper 3, DISH Hopper with Sling, and wired and wireless Joey products. The Accused Instrumentalities include all related software for hardware components identified above, as well as any other hardware and software utilized by the Accused Instrumentalities that is integral to either the systems that employ those hardware components or the functionalities detailed in Exhibits A and B.

P.R. 3-1(c): Claim Charts

Claim charts identifying specifically where each element of each asserted claim is found within the Accused Instrumentalities are attached hereto as Exhibits A and B. The evidence in Exhibits A and B comes from public sources. Discovery is ongoing, and DBS reserves the right to amend and supplement its infringement contentions, including in response to the production of confidential information or source code. *See, e.g.*, P.R. 3-6(a)(1); Section 3(a) of Chief Judge Gilstrap’s Sample Discovery Order for Patent Cases.

P.R. 3-1(d): Disclosure of Literal Infringement and Infringement under the Doctrine of Equivalents

DBS contends that each claim element for each asserted claim is literally infringed, as set forth in Exhibits A and B. In addition, DBS asserts that certain claim limitations are also infringed under the doctrine of equivalents as identified in Exhibits A and B. DBS reserves the right to assert additional theories under the doctrine of equivalents in response to claim construction positions that Defendants may adopt or the production of source code for software-based limitations. *See, e.g.*, P.R. 3-6(a)(1); Section 3(a) of Chief Judge Gilstrap’s Sample Discovery Order for Patent Cases.

P.R. 3-1(e): Disclosure of Priority Claims

The asserted claims of the '710 Patent and the '122 Patent claim priority to an earlier application that was filed on November 1, 2010.

P.R. 3-1(f): DBS's Reliance on its Instrumentalities

At this time, DBS does not intend to rely on the assertion that its own apparatus, product, device, process, method, act, or other instrumentality practices the Asserted Patents.

P.R. 3-2: Document Production

Documents required to be produced accompanying Disclosures of Asserted Claims and Infringement Contentions under P.R. 3-2 were produced on November 3, 2022, at DBS_0000000001-330.

Discovery is ongoing, so DBS reserves the right to supplement its production with documents responsive to P.R. 3-2.

Date: November 3, 2022

By: /s/ Fred I. Williams
Fred I. Williams
Texas State Bar No. 00794855
Michael Simons
Texas State Bar No. 24008042
WILLIAMS SIMONS & LANDIS PLLC
The Littlefield Building
601 Congress Ave., Suite 600
Austin, TX 78701
Tel: (512) 543-1354
fwilliams@wsltrial.com
msimons@wsltrial.com

Todd E. Landis
Texas State Bar No. 24030226
Williams Simons & Landis PLLC
2633 McKinney Avenue, Suite 130 #366
Dallas, TX 75204
Telephone: (512) 543-1357
tlandis@wsltrial.com

John Wittenzellner
Pennsylvania Bar No. 308996
Williams Simons & Landis PLLC
1735 Market Street, Suite A #435
Philadelphia, PA 19103
Telephone: (512) 543-1373
johnw@wsltrial.com

*Attorneys for Plaintiff Digital Broadcasting
Solutions, LLC*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 3, 2022, the undersigned caused a copy of the foregoing document to be served on all counsel of record, via electronic mail, pursuant to the Federal Rules of Civil Procedure.

By: /s/ Fred I. Williams
Fred I. Williams