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Measurement Startup HyphaMetrics Cleared In Nielsen Patent Infringement Lawsuit By Nielsen



By Victoria McNally

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It's rare that a patent infringement lawsuit goes to a jury trial. Most are either dismissed, ruled on by a judge or settled out of court.

That's why it's so surprising that, late last week, a federal jury in Delaware found in favor of HyphaMetrics, a measurement startup Nielsen was suing for allegedly infringing on two of its patents.



A Nielsen spokesperson told AdExchanger that the company is already considering an appeal and also asserted that the trial proceedings reveal significant information about Hypha's business.

According to Nielsen's statement, it originally filed suit "because the product that HyphaMetrics marketed, promised and said it sold is

VIDEOAMP VA-1028
VideoAmp v. The Nielsen
Company

IPR2026-00310

something we believed infringed Nielsen's patents."

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But "as the trial evolved," the spokesperson said, "we were surprised to learn that HyphaMetrics has no actual product, no data for sale and no plans to use AI-enabled content recognition technology now or in the future. We imagine that the clients who signed up for the product that HyphaMetrics marketed will be interested and surprised to learn this as well."

HyphaMetrics obviously pushed back against these claims.

"If their statement is honest," HyphaMetrics CEO and Co-Founder Joanna Drews told AdExchanger in response, "why didn't Nielsen drop the lawsuit? Why consider appealing when you do not believe we have a product?"

Motion for summary

But let's take a step back.

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HyphaMetrics, which launched in late 2020 with \$2 million in seed funding, is attempting to build an audience panel of 5,000 households using data collected by a router-like device that panelists must install themselves. Called the coreMeter, the box passively tracks person-level media usage across devices in real time using inputs from HDMI feeds, Wi-Fi and Bluetooth.

Nielsen brought its first patent-related legal action against HyphaMetrics roughly a year later, and only a few months after Nielsen lost its MRC accreditation for national TV ratings in September 2021. (Nielsen regained that MRC seal in 2023.)

That lawsuit, which was filed in November 2021, alleged that HyphaMetrics had infringed on Nielsen's patent for technology that can detect whether a TV-watching device is on or off and activate the in-home meter along with it. Nielsen voluntarily withdrew this case in June 2024, clarifying at the time that its decision was based on HyphaMetrics agreeing not to use technologies that infringe on Nielsen patents.

This most recent case – the one found in Hypha's favor last week – was consolidated from two suits that were filed by Nielsen in February and May 2023. The first revolved around a patent for technology that uses neural networks to identify on-screen content and the second had to do with a system that uses MAC addresses to identify which household members are watching on which devices.

Previously, HyphaMetrics filed motions for summary judgment (which asks the court to make a decision without holding a trial) on the grounds

that Nielsen's patents only cover abstract ideas and therefore weren't eligible for protection in the first place. However, Judge Gregory B. Williams rejected those arguments and moved the case to a jury trial, which started on July 28.

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During the three-day-long trial, HyphaMetrics argued in court that during certain proof-of-concept periods, it had experimented with systems that were similar to – and in some cases based on the same – open-source models as some of the technologies outlined in Nielsen's patents.

However, the company said, this was done prior to when those patents were actually filed, and HyphaMetrics has since moved on to other methodologies.

The verdict came quickly. On August 1, a jury found Nielsen had not provided enough evidence to prove that HyphaMetrics had infringed on its patents, putting an end to the flurry of lawsuits – for now.

Motion to proceed

It's no shocker that Hypha was pleased with the result. In a press statement shared with AdExchanger, Drew called the decision "a monumental win for consumers and the entire media ecosystem."

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”The entire HyphaMetrics team is excited to move past this meritless lawsuit,” Drew said.

To that end, the startup recently signed a multiyear partnership with TV currency Comscore and plans to scale its panel from its current count of 50 households to its stated goal of 5,000 by the end of Q1 next year.

And if Nielsen decides to appeal, Hypha will have to defend itself yet again.

But Nielsen still has plenty of other pending patent litigation of its own making to sort through.

Since 2021, Nielsen has filed at least 11 patent lawsuits against companies in the measurement space, including HyphaMetrics, TVision, TVSquared (which was bought by Innovid in 2022), audio recognition service ACRCLOUD and media currency provider VideoAmp. Most are still active, although a few against TVision were voluntarily dismissed in 2023 and 2024.

And in April, the company even filed a new lawsuit alleging that one of VideoAmp’s out-of-home measurement products infringed on its patents – and it did so just days after a separate suit it had brought against

VideoAmp (which was filed around the same time as the HyphaMetrics case in 2023) was dismissed by a judge.

Whether Nielsen will take a similar route with HyphaMetrics or choose instead to file an appeal, only time – and United States District Court for the District of Delaware – will tell.

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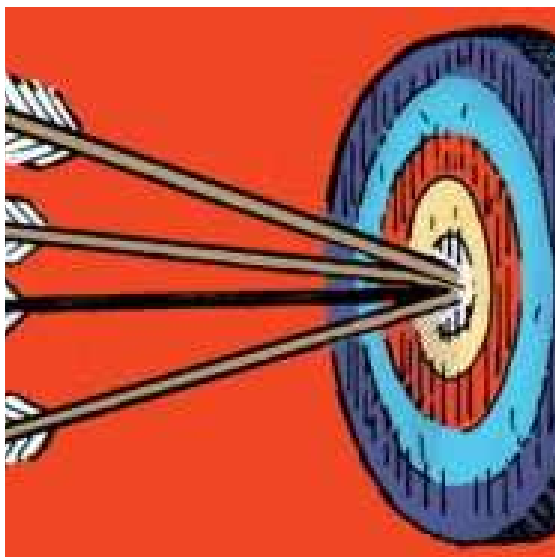
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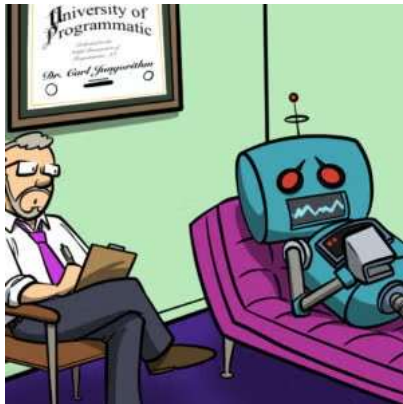
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