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9 Attorneys for Plaintiff  
10 ACACIA MEDIA TECHNOLOGIES CORPORATION

11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**  
13 **SOUTHERN DIVISION**

14 ACACIA MEDIA TECHNOLOGIES  
15 CORPORATION,

16 Plaintiff,

17 vs.

18 NEW DESTINY INTERNET GROUP,  
19 et. al.,

20 Defendants.

Case No. SACV 02-1040 JW (MLGx)

**Consolidated Cases:**

SA CV 02-1048-JW (MLGx)  
SA CV 02-1063-JW (MLGx)  
SA CV 02-1165-JW (MLGx)  
SA CV 03-0217-JW (MLGx)  
SA CV 03-0218-JW (MLGx)  
SA CV 03-0219-JW (MLGx)  
SA CV 03-0259-JW (MLGx)  
SA CV 03-0271-JW (MLGx)  
SA CV 03-0308-JW (MLGx)

**Related Cases:**

SA CV 03-1801-JW (MLGX)  
SA CV 03-1803-JW (MLGX)  
SA CV 03-1804-JW (MLGX)  
SA CV 03-1805-JW (MLGX)  
SA CV 03-1807-JW (MLGX)

**PLAINTIFF ACACIA MEDIA  
TECHNOLOGIES  
CORPORATION'S NOTICE OF  
FILING OF RELATED CASE --  
C04-02308 FMS -- IN THE  
NORTHERN DISTRICT OF  
CALIFORNIA**

21  
22  
23  
24  
25 AND ALL RELATED CASE ACTIONS.

Hearing Date: N/A  
Hearing Time: N/A  
Ctm: Hon. James Ware

1 TO THE COURT AND TO DEFENDANTS AND THEIR ATTORNEYS OF  
2 RECORD:

3 PLEASE TAKE NOTICE that, pursuant to Northern District of California,  
4 Local Rule 3-12(a) and this Court's December 12, 2003 Order Consolidating Related  
5 Cases, Acacia Media Technologies Corporation ("Acacia") has filed the attached  
6 Notice of Filing of Related Case regarding the filing of a lawsuit by Acacia involving  
7 the '992 and '702 patents (and other related patents) in the Northern District of  
8 California.

9 The filing of this action in the Northern District of California, and the filing of  
10 this Notice to assure this case is assigned to the Honorable Judge Ware, conforms to  
11 the Court's December 12, 2003 Order Consolidating Related Cases. In that Order, the  
12 Court states that "Plaintiff shall file any case involving the '992 patent in the Central  
13 District of California, Southern Division. Plaintiff shall file a notice of related case  
14 with this Court in any action that involves U.S. Patent Nos. '702, '992 or other patent  
15 held by Plaintiff outside of California." Although not explicitly stated in the Order,  
16 Acacia understands the Order to permit Acacia, where venue is proper for certain  
17 defendants only in the Northern District of California, to file a lawsuit involving the  
18 '992 and the '702 patents in that judicial district and to file a Notice of Related case  
19 with this Court in each of the pending consolidated and related actions.

20 The newly-filed action is directed at infringers in the cable and satellite  
21 industries. It is entitled: *Acacia Media Technologies Corporation v. Comcast*  
22 *Corporation; Cox Communications, Inc.; Hospitality Network, Inc.; Charter*  
23 *Communications, Inc.; The Directv Group, Inc.; Echostar Communications*  
24 *Corporation; Boulder Ridge Cable TV, d/b/a Starstream Communications; Seren*  
25 *Innovations, Inc.; and Central Valley Cable TV, LLC, Case No. C 04-2308 FMS.*

26 In the newly-filed action, Acacia contends that defendants DirecTV and  
27 EchoStar are infringing all five of the patents in the Yurt patent family -- U.S. Patent

1 Nos. 5,132,992 (the '992 patent); 5,253,275 (the '275 patent); 5,550,863 (the '863  
2 patent); 6,002,720 (the '720 patent); and 6,144,702 (the '702 patent). Each of these  
3 patents shares essentially the same patent specification -- the only difference amongst  
4 these patents is the claims.

5 Acacia contends that defendants Comcast, Cox, Charter, Seren, and Boulder  
6 Ridge are infringing the '992, the '275, the '863, and the '702 patents.

7 Acacia contends that defendant Central Valley is infringing the '992 and the  
8 '863 patents.

9 Acacia has not yet served the summons or complaint in the newly-filed action  
10 on any of the defendants. Acacia has learned today that defendant Comcast has filed a  
11 declaratory relief action against Acacia in the District of Delaware. Acacia intends to  
12 seek to dismiss, or in the alternative, transfer that case to this Court. Except for  
13 Comcast, Acacia does not intend to serve the summons and complaint on any of the  
14 defendants for at least thirty (30) days to provide time for Acacia to commence or  
15 continue patent licensing discussions with each of those defendants.

16  
17 DATED: June 15, 2004

HENNIGAN BENNETT & DORMAN LLP

18  
19  
20 By \_\_\_\_\_ /s/

Roderick G. Dorman  
Alan P. Block  
Kevin I. Shenkman

21  
22 Attorneys for Plaintiff,  
23 ACACIA MEDIA TECHNOLOGIES  
24 CORPORATION

1 **PROOF OF SERVICE**

2 I, Sylvia A. Berson, declare:

3 I am a citizen of the United States and employed in Los Angeles County,  
4 California. I am over the age of eighteen years and not a party to the within-entitled  
5 action. My business address is 601 South Figueroa Street, Suite 3300, Los Angeles,  
6 California 90017.

7 On **June 15, 2004**, I served a copy of the within document(s) described as  
8 **PLAINTIFF ACACIA MEDIA TECHNOLOGIES CORPORATION'S NOTICE**  
9 **OF FILING OF RELATED CASE -- C04-02308 FMS -- IN THE NORTHERN**  
10 **DISTRICT OF CALIFORNIA** by transmitting via United States District Court for  
11 the Central District of California Electronic Case Filing Program the document(s)  
12 listed above by uploading the electronic files for each of the above listed document(s)  
13 on this date, addressed as set forth on attached Service List.

14 The above-described document was also transmitted to the parties indicated  
15 below, by United States Mail only.

16 David A. York  
17 Latham & Watkins  
18 135 Commonwealth Drive  
19 Menlo Park, CA 94025  
20 *Attorneys for Defendants*  
21 *ICS, Inc. and AP Net Marketing*

22 The above-described document was also transmitted to the parties indicated  
23 below, by Federal Express only.

24 Chambers of the Honorable James Ware  
25 Attn: Regarding Acacia Litigation  
26 280 South First Street  
27 San Jose, CA 95113  
28 *3 copies*

I am readily familiar with Hennigan, Bennett & Dorman LLP's practice in its  
Los Angeles office for the collection and processing of mail with the United States  
Postal Service; pursuant to that practice, envelopes placed for collection at designated  
locations during designated hours are deposited with the United States Postal Service  
with first class postage thereon fully prepaid that same day in the ordinary course of  
business; and,



1 **SERVICE LIST**

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11 *Audio Communications - Cyberheat,*  
12 *Inc. - Game Link, Inc. - Holoio.Net*  
13 *L.L.C. - Lightspeedcash - Matrix*  
14 *Content, Inc. - New Destiny - VS Media,*  
15 *Inc.*

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23 *Offendale Commercial Limited BV*



1 TO THE CLERK OF THE ABOVE-CAPTIONED COURT, AND TO ALL  
2 PARTIES AND THEIR COUNSEL OF RECORD:

3 PLEASE TAKE NOTICE that Plaintiff Acacia Media Technologies  
4 Corporation hereby provides notice that this action is related to the previously filed  
5 actions set forth below which are currently pending in the United States District Court  
6 for the Central District of California before the Honorable James Ware:

<u>Case Number</u>	<u>Defendant(s)</u>
SA CV-02-1040 JW (MLGx)	New Destiny Internet Group
SA CV-02-1048 JW (MLGx)	Audio Communications
SA CV-02-1063 JW (MLGx)	VS Media, Inc.
SA CV-02-1165 JW (MLGx)	Ademia Multimedia, LLC
SA CV-03-217 JW (MLGx)	International Web Innovations, Inc. and Offendale Commercial Ltd. BV
SA CV-03-218 JW (MLGX)	Adult Entertainment Broadcast Network
SA CV-03-219 JW (MLGx)	Cybertrend, Inc.
SA CV-03-259 JW (MLGx)	Lightspeedcash
SA CV-03-271 JW (MLGx)	Adult Revenue Service, Innovative Ideas International, Global Intermedia, Inc. and AskCS.com, Inc.
SA CV-03-308 JW (MLGx)	Game Link, Inc.
SA CV-03-1610 JW (MLGx)	On Command Corporation, et al.
SA CV-03-1801 JW (MLGx)	Club Jenna, Inc. and CJ, Inc.
SA CV-03-1803 JW (MLGx)	Cybernet Ventures, Inc.; ACMP, LLC; and Global Media Resources SA
SA CV-03-1804 JW (MLGx)	Global AVS, Inc., d/b/a DrewNet



<u>Case Number</u>	<u>Defendant(s)</u>
SA CV-03-1805 JW (MLGx)	ICS, Inc. and AP Net Marketing, Inc.
SA CV-03-1807 JW (MLGx)	National A-1 Advertising

Although each of the cases listed above is venued in the Central District of California, each of the cases is currently pending before the Honorable James Ware of the San Jose Division of the United States District Court for the Northern District of California. For this reason, plaintiff is filing this Notice of Related Cases pursuant to Local Rule 3-12 with respect to this action, even though this action is being filed in the United States District Court for the Northern District of California.

The present case is related to the above pending cases. The above pending cases all involve claims by Acacia Media Technologies Corporation that its patents -- U.S. Patent Nos. 5,132,992 and 6,144,702 -- are being infringed. Both of these asserted patents are related and share a common specification, only the claims differ. The Court in the pending actions is currently in the process of determining the construction of the claim terms used in these patents. The Court has held four days of hearings to discuss the claim construction for these patents.

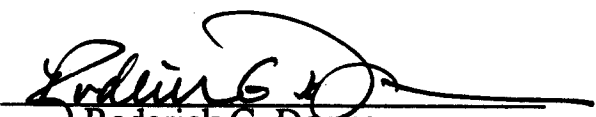
The present case also involves claims by plaintiff that its U.S. Patent Nos. 5,132,992 and 6,144,702 are being infringed, and further includes claims that its U.S. Patent Nos. 5,253,275; 5,550,863; and 6,002,720 are also being infringed. These three patents are all related to U.S. Patent Nos. 5,132,992 and 6,144,702 and all share a common specification, only the claims differ.

The basis for the belief that this action qualifies as related pursuant to Local Rule 3-12(b)(1) is that all cases involve the same property -- U.S. Patent Nos. 5,132,992 and 6,144,702. The basis for the belief that this action qualifies as related pursuant to Local Rule 3-12(b)(2) is that there will be an unduly burdensome duplication of labor and expense or conflicting results if the case is conducted before

1 a Judge other than Judge Ware. Assigning this case to Judge Ware is therefore likely  
2 to conserve judicial resources and promote an efficient determination of the action.  
3

4 DATED: June 11, 2004

HENNIGAN BENNETT & DORMAN LLP

6  
7 By   
8 Roderick G. Dorman  
9 Alan P. Block  
10 Kevin I. Shenkman

11 Attorneys for Plaintiff,  
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13 CORPORATION  
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