

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ROTHSCHILD BROADCAST	§	
DISTRIBUTION SYSTEMS, LLC,	§	
	§	
Plaintiff,	§	Case No.
	§	
vs.	§	PATENT CASE
	§	
ZMODO US HOLDING, LLC,	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	
	§	

**COMPLAINT**

Plaintiff Rothschild Broadcast Distribution Systems, LLC (“Plaintiff” or “RBDS”) files this Complaint against Zmodo US Holding, LLC (“Defendant” or “Zmodo”) for infringement of United States Patent No. 8,856,221 (hereinafter “the ‘221 Patent”).

**PARTIES AND JURISDICTION**

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes. Further, Defendant is a Delaware corporation.

3. Plaintiff is a Texas limited liability company with an office at 1400 Preston Road, Suite 400, Plano, Texas 75093.

4. On information and belief, Defendant is a Delaware limited liability company having a place of business at 1401 Interstate Drive Suite B, Champaign, IL 61822. On information and belief, Defendant can be served with process by serving its registered agent for service of process, A Registered Agent, Inc., 8 The Green, Suite A, Dover, DE 19901.

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant resides in this district, Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

### **VENUE**

7. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b) because Defendant is deemed to be a resident of this District. Alternatively, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District.

### **COUNT I** **(INFRINGEMENT OF UNITED STATES PATENT NO 8,856,221)**

8. Plaintiff incorporates paragraphs 1-7 herein by reference.

9. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, et seq.

10. Plaintiff is the owner by assignment of the '221 Patent with sole rights to enforce the '221 Patent and sue infringers.

11. A copy of the '221 Patent, titled "System and Method for Storing Broadcast Content in a Cloud-based Computing Environment," is attached hereto as Exhibit A.

12. The '221 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 1, of the '221 Patent by making, using, importing,

selling, and/or offering for media content storage and delivery systems and services covered by one or more claims of the '221 Patent.

14. Defendant sells, offers to sell, and/or uses media content storage and delivery systems and services, including, without limitation, security cameras, the Zmodo system, the Zmodo app, and any similar products ("Product"), which infringe at least Claim 1 of the '221 Patent.

15. The Product practices a method of storing (e.g. cloud storage) media content (e.g., live and recorded video) and delivering requested media content (e.g., view live footage and recorded clips) to a consumer device. Certain aspects of these elements are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.



<https://www.zmodo.com/zmodo-cloud>

Zmodo Technology Corporation is a worldwide leader in smart home and security solutions for both home and business. The Zmodo app is designed to give you remote access to control and view your Zmodo connected home products and keep you connected with the ones you care about.

[https://play.google.com/store/apps/details?id=com.zmodo&hl=en\\_US](https://play.google.com/store/apps/details?id=com.zmodo&hl=en_US)

## [FAQ]How do I use a computer to view my camera?

Date:October 15, 2018 05:42AM

View:100205

You can view your camera online through our web app at [user.zmodo.com](http://user.zmodo.com). Just log in using your the same account credentials that you use to log into the mobile app in order to view and control your devices through your computer's web browser.

<http://support.zmodo.com/index.php?action=artikel&cat=8&id=32&artlang=en&>

16. The Product necessarily includes at least one server for hosting and storing media content for customers. For example, the Product necessarily includes at least one server to store recorded security videos.

17. The at least one server necessarily includes a first receiver configured to receive a request message including data indicating requested media content (e.g., the server must have infrastructure to receive a request to store recorded security videos or to stream recorded video on a smartphone; additionally, the request message must contain data that identifies the video to be stored or streamed) and a consumer device identifier corresponding to a consumer device (e.g., the user credentials are used to tie a smartphone and user account to particular cameras and the videos they produce). Certain aspects of these elements are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.

zmodo

LOGIN

Email Address

Password

Login Register [Forgot username/password?](#)  
Not enrolled? [Sign up now.](#)

*\* This account is for the Zmodo Store and different from the one managing your Zmodo devices.*

<https://www.zmodo.com/customer/account/login/>

18. The Product necessarily includes a processor to determine whether the consumer device identifier corresponds to the registered consumer device (e.g., the server must authenticate a user's credentials to ensure that the credentials match those registered with a security camera which the user would like to access). Certain aspects of these elements are illustrated in the screen shot below and/or in screen shots provided in connection with other allegations herein.

The cloud service will be available to all customers through a free 30-day subscription to our 7-day cloud subscription plan. After the trial expires, customers will be able to subscribe to a paid service of their choice. Follow the steps below to begin your free trial. Please contact us if you are experiencing any issues, or if you would like to provide your feedback and impressions at our dedicated cloud support

<http://support.zmodo.com/index.php?sid=3860940&lang=en&action=artikel&cat=73&id=176&artlang=en>

zmodo

LOGIN

Email Address

Password

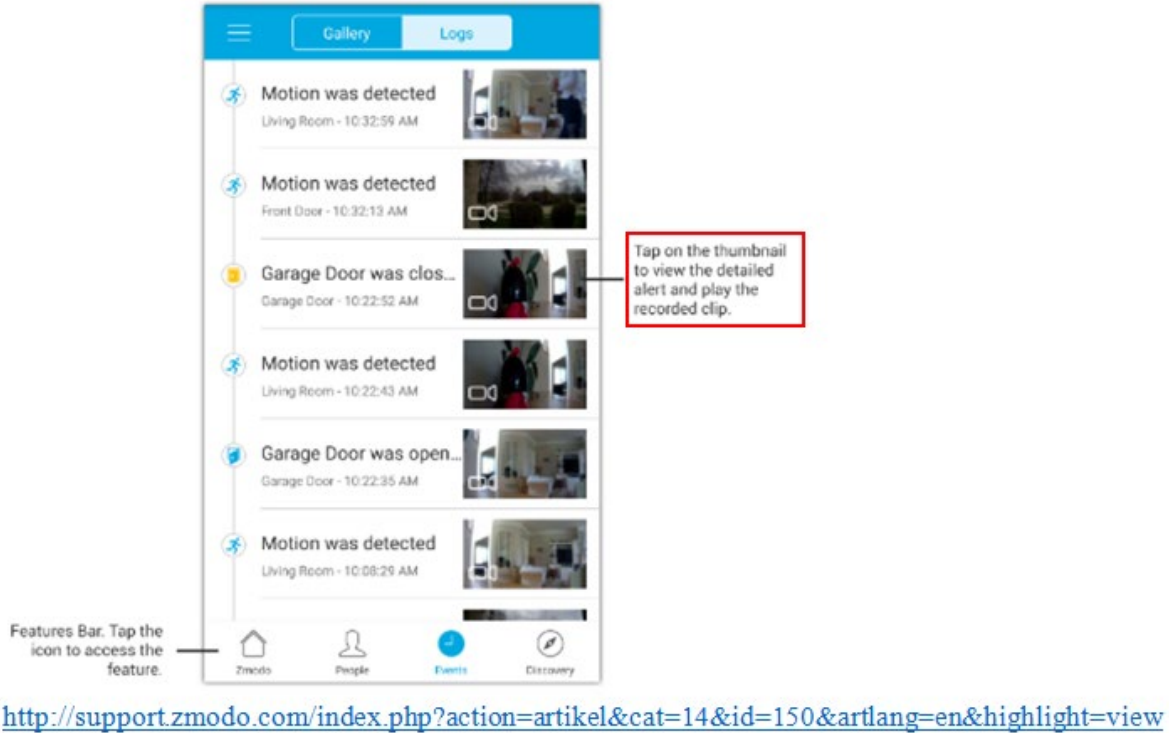
Login Register

[Forgot username/password?](#)  
Not enrolled? [Sign up now.](#)

*\* This account is for the Zmodo Store and different from the one managing your Zmodo devices.*

<https://www.zmodo.com/customer/account/login/>

19. The Product for both media downloads and/or storage, and media streaming. After successful login, a processor within the Product necessarily determines whether the request received from a customer is a request for storage (e.g., recording or storing content) or content (e.g., streaming of media content). Certain aspects of these elements are illustrated in the screen shot below and/or in screen shots provided in connection with other allegations herein.



20. The server must verify that the media content (e.g. specific recording from a specific camera) identified in the media data of the storage request message is available for storage in order to prevent data errors that would result from attempting to store content that is not available for storage (e.g., the server must verify that a particular security camera is adequately connected to the Internet as to allow for video recording and storage on the cloud; additionally, a user's ability to store video is limited to a certain amount of memory usage based upon their subscription, thus media content may not be available for storage if a user is already above their memory limit or if he hasn't subscribed to any service.). Certain aspects of these elements are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.

## [FAQ]What types of features will be offered with the cloud service?

Date:May 21, 2018 00:09AM

View:21570

Subscribing to the cloud service will allow you to save your continuously recorded footage to a cloud for secure backup and playback from any location. Rest assured knowing that your recorded footage is safe and accessible, even if your device is off. Multiple cloud subscription plans will allow you to expand storage for your devices, and access the saved footage easily and quickly from any location by logging into your Zmodo user account.

<http://support.zmodo.com/index.php?action=artikel&cat=73&id=54&artlang=en&highlight=storage>

21. If a customer requests content (e.g., live streaming of media content), then a processor within the Product necessarily initiates delivery of the content to the customer's device. The server will initiate delivery of the requested media content to the consumer device (e.g., stream live camera feed to a smartphone or tablet or desktop computer) if the request message is a content request message (e.g. request for live streaming). Certain aspects of these elements are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.

## [FAQ]How do I use a computer to view my camera?

Date:October 15, 2018 05:42AM

View:100205

You can view your camera online through our web app at [user.zmodo.com](http://user.zmodo.com). Just log in using your the same account credentials that you use to log into the mobile app in order to view and control your devices through your computer's web browser.

<http://support.zmodo.com/index.php?action=artikel&cat=8&id=32&artlang=en&>

22. The media data includes time data that indicates a length of time to store the requested media content (e.g., a user is allowed to store videos for maximum of 30 days as based upon their subscription level). Certain aspects of these elements are illustrated in the screen shots below and/or those provided in connection with other allegations herein.



### Choose Your Plan


Basic	7-Day Plan	30-Day Plan
<ul style="list-style-type: none"><li>Alert Clips for the past 36 Hours (Except Greet Select and Greet HD)</li><li>Alert Clips for the past 12 Hours (Greet Select and Greet HD)</li></ul>	<ul style="list-style-type: none"><li>7 Days of Intelligent Continuous Cloud Recordings</li><li>7 Days of Alert Clip Storage</li><li>User-defined Motion Zones</li><li>Video Editing and Time-lapses</li><li>Enable features for an individual camera</li></ul>	<ul style="list-style-type: none"><li>30 Days of Intelligent Continuous Cloud Recordings</li><li>30 Days of Alert Clip Storage</li><li>User-defined Motion Zones</li><li>Video Editing and Time-lapses</li><li>Enable features for an individual camera</li></ul>
\$0.00 /month	\$4.99 /month \$49.90/year Save \$10	\$9.99 /month \$99.90/year Save \$20
	<a href="#">1 Month</a> <a href="#">1 Year</a>	<a href="#">1 Month</a> <a href="#">1 Year</a>

<https://www.zmodo.com/zmodo-cloud>

23. The server must first determine whether the requested media content exists prior to initiating delivery in order to prevent data errors that would result from attempting to transmit media content that does not exist (e.g., the server must verify that a particular security camera is adequately connected to the Internet as to allow for video recording and streaming). Certain aspects of these elements are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.

**Network is abnormal: Connection Timed out. Internet Connection speed is too slow**

■ Troubleshooting

 **kelmadics** Jan '16 Jan 2016

Hil 1 / 18  
Jan 201

New here! I am trying to access my camera remotely but I keep getting the:  
"Network is abnormal: Connection Timed out. Internet Connection speed is too slow"  
message on both of my 2 cameras from the Zsight Android app. I can get a video stream when I am logged in my home wifi but once I disconnect from it, I was not able to access my 2 cameras. I tried to connect to my office's wifi since I am pretty sure they have a higher speed here but still does not work.

On the other hand I can access the 2 cameras from my NVR stream remotely.

Thanks for the help

<http://community.zmodo.com/t/network-is-abnormal-connection-timed-out-internet-connection-speed-is-too-slow/2520>

24. After the processor determines whether the requested media content is available, it determines whether there are restrictions associated with the requested media content (e.g., subscription level, etc.).

25. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

26. Defendant's actions complained of herein is causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

27. Plaintiff is in compliance with 35 U.S.C. § 287.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receives notice of the order from further infringement of United States Patent No. 8,856,221 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

(c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284; and an accounting of all damages not presented at trial;

(d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: February 25, 2019

Respectfully submitted,

DEVLIN LAW FIRM LLC

/s/ Timothy Devlin

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