

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

**ROTHSCHILD BROADCAST
DISTRIBUTION SYSTEMS, LLC,**

Plaintiff,

v.

**ZOOM VIDEO COMMUNICATIONS,
INC.,**

Defendant.

CIVIL ACTION NO. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Rothschild Broadcast Distribution Systems, LLC (“Plaintiff” or “Rothschild Broadcast Distribution Systems”) files this complaint against Zoom Video Communications, Inc. (“Zoom”) for infringement of U.S. Patent No. 8,856,221 (hereinafter the “‘221 Patent”) and alleges as follows:

PARTIES

1. Plaintiff is a Texas limited liability company with an office at 1801 NE 123 Street, Suite 314, Miami, FL 33181.
2. On information and belief, Defendant is a Delaware corporation, with a place of business at 7601 E. Technology Way, 3rd Floor, Denver, CO 80237. On information and belief, Defendant may be served through its agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, 35 U.S.C. § 271 et seq. Plaintiff is seeking damages, as well as attorney fees and costs.

4. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents).

5. On information and belief, this Court has personal jurisdiction over Defendant because 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. Upon 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 the District.

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

BACKGROUND

8. On October 7, 2014, the United States Patent and Trademark Office ("USPTO") duly and legally issued the '221 Patent, entitled "System and Method for Storing Broadcast Content in a Cloud-Based Computing Environment" after the USPTO completed a full and fair examination. The '221 Patent is attached as Exhibit A.

9. Rothschild Broadcast Distribution Systems is currently the owner of the '221 Patent.

10. Rothschild Broadcast Distribution Systems possesses all rights of recovery under the '221 Patent, including the exclusive right to recover for past, present and future infringement.

11. The '221 Patent contains thirteen claims including two independent claims (claims 1 and 7) and eleven dependent claims.

COUNT ONE
(Infringement of United States Patent No. 8,856,221)

12. Plaintiff refers to and incorporates the allegations in Paragraphs 1 - 11, the same as if set forth herein.

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

14. Defendant has knowledge of its infringement of the '221 Patent, at least as of the service of the present complaint.

15. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 7, 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.

16. Accordingly, Defendant has infringed, and continues to infringe, the '221 Patent in violation of 35 U.S.C. § 271.

17. Defendant sells, offers to sell, and/or uses media content storage and delivery systems and services, including, without limitation, the CuriosityStream streaming platform, and any similar products ("Product"), which infringes at least Claim 7 of the '221 Patent.

18. The Product practices a method of storing (e.g., cloud storage) media content (e.g. and recorded music) and delivering requested media content to a consumer device. Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

Overview

Cloud recording is automatically enabled for all paid subscribers. When you record a meeting and choose Record to the Cloud, the video, audio, and chat text are recorded in the Zoom cloud. The recording files can be downloaded to a computer or streamed from a browser.

Source: <https://support.zoom.us/hc/en-us/articles/203741855-Cloud-recording>

Overview

You can record your Zoom meeting or webinar locally to your computer or to the Zoom cloud if you are a licensed user. Files stored on the cloud can be accessed on your desktop or from the web. Locally recorded meetings and webinars can only be accessed on the computer that recorded the meeting. This article covers finding and viewing recordings from the Zoom client or the Zoom web portal.

Source: <https://support.zoom.us/hc/en-us/articles/206277393-Finding-and-Viewing-Recordings>

Finding and viewing recordings

Viewing your recordings on the Zoom client will show all cloud recordings done by this user and any local recordings by this user on this computer. It will not show local recordings done on a different computer, even if the same Zoom account was used.

Source: <https://support.zoom.us/hc/en-us/articles/206277393-Finding-and-Viewing-Recordings>

- Cloud recordings will only have the option to **Open** the recording. If you click **Open**, it will open your default web browser to the recording files on the Zoom web portal.

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Recording on iOS and Android

Overview

You can record your meeting or webinar to the Zoom cloud from your mobile device with the Zoom app. Cloud recording allows you to view, share, and download your recordings from your Zoom account. Learn more about [Cloud Recording](#).

Source: <https://support.zoom.us/hc/en-us/articles/203066759-Recording-on-iOS-and-Android>

Cloud recording storage capacity

The following table goes over the amount of storage capacity available for each plan:

Plan Type	Included Storage Capacity
Pro	1 GB/Pro User
Business	1 GB/Pro User
Education	0.5 GB/Pro User
Zoom Rooms	1 GB/Zoom Room

Note: An email alert will be sent to the account owner when usage is at 80% of the subscribed storage limit. If the storage limit is reached during a recording, the meeting will continue to record until it is ended.

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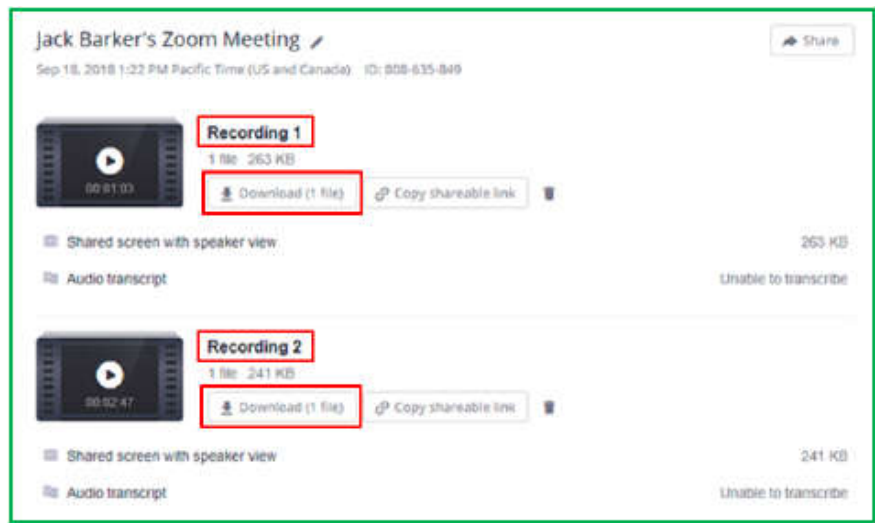
Pricing for additional storage (US Dollars):

Plan	Storage	Additional 1 GB
\$40 per month	100 GB	\$1.5/GB
\$100 per Month	500 GB	\$0.5/GB
\$500 per Month	3 TB	\$0.1/GB

Source: <https://support.zoom.us/hc/en-us/articles/203741855-Cloud-recording>

- Viewers can download: Allows viewers to download the video in addition to viewing it online.
- On-demand(Registration Required): Requires users to enter their name and email address before viewing or downloading the recording. The host will be able to download a report with this information.

Source: <https://support.zoom.us/hc/en-us/articles/205347605>



Source: <https://support.zoom.us/hc/en-us/articles/205347605>

Playing cloud recordings

Why is there a video icon before the cloud recording starts playing?

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Source: <https://support.zoom.us/hc/en-us/articles/360040771752-Frequently-asked-questions-about-local-and-cloud-recording>

19. The Product necessarily includes a receiver configured to receive a request message including data indicating requested media content (e.g., the Product must have infrastructure to receive a request to store recorded media content or to stream recorded media content on a smartphone; additionally, the request message must contain data that identifies the content to be stored or streamed) and a consumer device identifier corresponding to a consumer device (e.g., the user credentials are used to access the contents of the Product). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

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Finding and viewing recordings

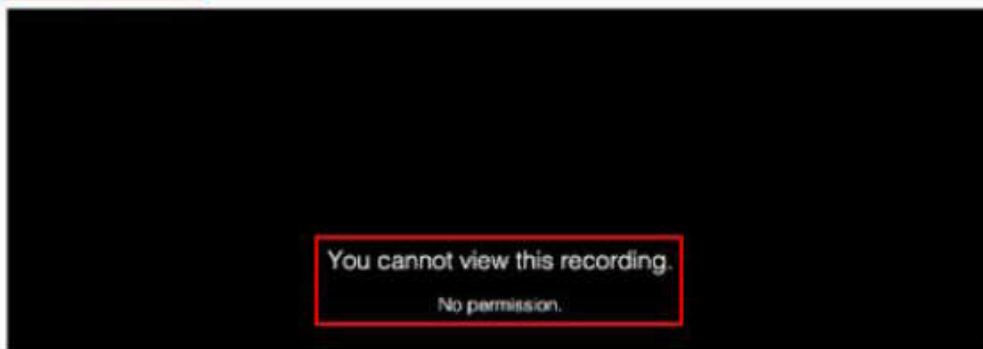
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Authentication Profiles for Cloud Recordings

Overview

Authentication profiles allow hosts to restrict participants who can view a recording to those who are logged into Zoom, and even restrict it to Zoom users whose email addresses use a certain domain.

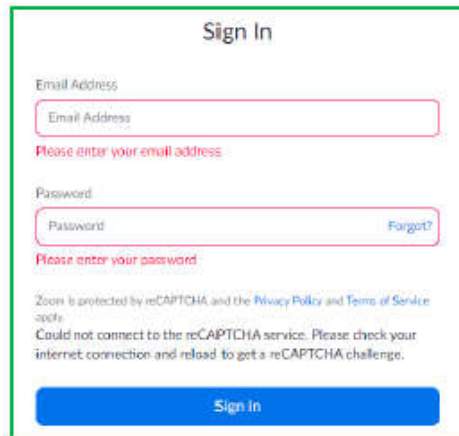
If a viewer tries to watch the recording and does not meet the defined authentication criteria (i.e. not logging in with the correct email domain or not on the account), they will receive the following message:



Source: <https://support.zoom.us/hc/en-us/articles/360037756671-Authentication-Profiles-for-Cloud-Recordings>



Source: <https://support.zoom.us/hc/en-us/articles/360037756671-Authentication-Profiles-for-Cloud-Recordings>



Source: <https://zoom.us/signin>

20. The at least one server necessarily determines whether the consumer device identifier corresponds to the registered consumer device (e.g., a user must be a registered user to access the Product's services). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

21. The Product provides for both media downloads and/or storage, and media streaming. After a successful login, 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 screenshots below and/or in those provided in connection with other allegations herein.

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- **Viewers can download:** Allows viewers to download the video in addition to viewing it online.
- **On-demand(Registration Required):** Requires users to enter their name and email address before viewing or downloading the recording. The host will be able to download a report with this information.

Source: <https://support.zoom.us/hc/en-us/articles/205347605>

22. The Product verifies that media content identified in the media data of the storage request message (e.g., request to record content) is available for storage in order to prevent data errors that would result from attempting to store content that is not available for storage. The Product must verify that the media content (e.g. specific recording) 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 product must verify 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 the user has not subscribed to any service). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

Cloud recording storage capacity

The following table goes over the amount of storage capacity available for each plan:

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Note: An email alert will be sent to the account owner when usage is at 80% of the subscribed storage limit. If the storage limit is reached during a recording, the meeting will continue to record until it is ended.

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Pricing for additional storage (US Dollars):

Plan	Storage	Additional 1 GB
\$40 per month	100 GB	\$1.5/GB
\$100 per Month	500 GB	\$0.5/GB
\$500 per Month	3 TB	\$0.1/GB

Source: <https://support.zoom.us/hc/en-us/articles/203741855-Cloud-recording>

Making a recording on-demand

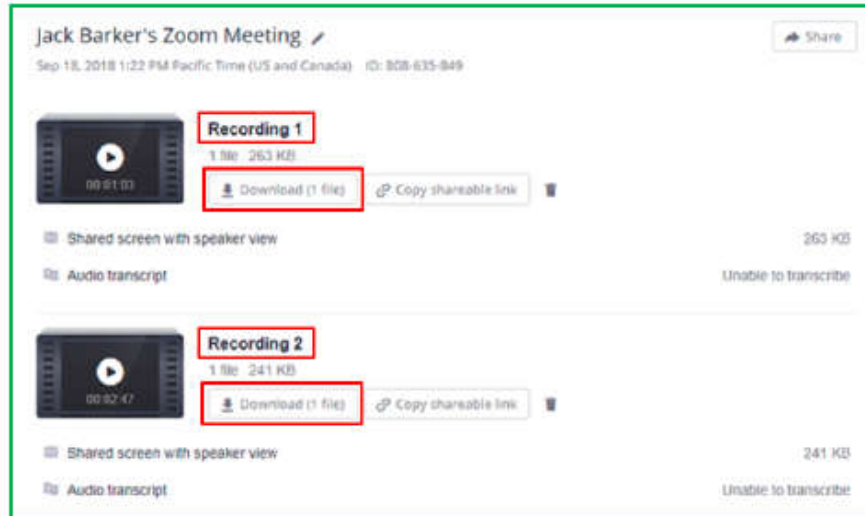
1. [Login to your Zoom web portal and navigate to My Recordings.](#)
2. [Click on the meeting topic for the recording that you would like to make on demand.](#)

The screenshot shows the Zoom 'My Recordings' page. At the top, there are filters for 'From' (MM/DD/YYYY), 'To' (03/30/2018), and 'All Status'. Below the filters is a search bar with 'Search by ID' and a 'Search' button. There are also 'Delete Selected' and 'Delete All' buttons. The main content is a table with columns: Topic, ID, Start Time, File Size, and Auto Delete In. Two recordings are listed:

Topic	ID	Start Time	File Size	Auto Delete In
New User Training		Mar 30, 2018 18:45	2 Files (18 MB)	30 days
Molly Parker's Zoom Meeting		Mar 28, 2018 11:35	2 Files (16 MB)	28 days

Source: <https://support.zoom.us/hc/en-us/articles/360000488283-On-demand-recordings>

23. 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 media content feed to a smartphone or tablet etc.) 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.



Source: <https://support.zoom.us/hc/en-us/articles/205347605>

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24. The media data time data that indicates a length of time to store the requested media content (e.g. a user is allowed to store media content for limited amount of time as based upon their subscription level). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

- **Record meeting as WORM state (write once, read many):** After enabling this setting, cloud recordings cannot be [edited or deleted in the web portal](#). If a retention time range has been configured, recordings can't be edited or deleted until the retention period expires.

Note:

- This setting needs to be enabled by Zoom. After contacting support, please allow up to 3 business days for the feature to be enabled.
- If you set an recording to auto delete, the time to auto delete will only apply after the retention period expires.
- **Auto delete cloud recordings after days:** Delete cloud recordings after the specified amount of days.

Source: <https://support.zoom.us/hc/en-us/articles/203741855-Cloud-recording>

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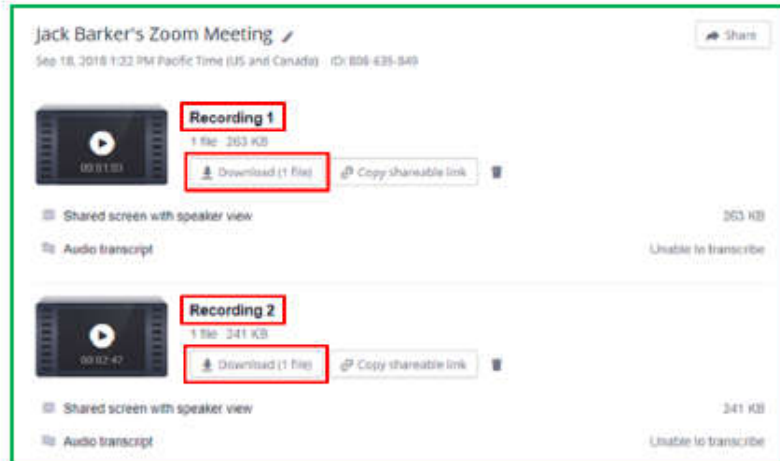
Note: An email alert will be sent to the account owner when usage is at 80% of the subscribed storage limit. If the storage limit is reached during a recording, the meeting will continue to record until it is ended.

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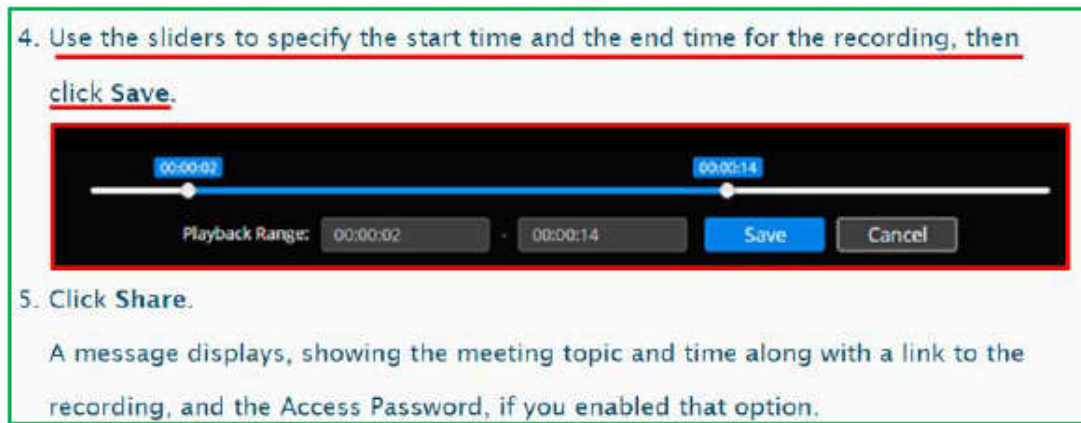
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\$100 per Month	500 GB	\$0.5/GB
\$500 per Month	3 TB	\$0.1/GB

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Source: <https://support.zoom.us/hc/en-us/articles/205347605>



Source: <https://support.zoom.us/hc/en-us/articles/115003001383-Cloud-Recording-Playback>

25. 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 product must verify that a particular requested data is stored in the cloud). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

26. 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.). Certain aspects of these elements are illustrated in the screenshots provided in connection with other allegations herein.

27. Defendant's actions complained of herein will continue unless Defendant is enjoined by this Court.

28. 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.

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

30. 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.

31. By engaging in the conduct described herein, Defendant has injured Plaintiff and is liable for infringement of the '221 Patent, pursuant to 35 U.S.C. § 271.

32. Defendant has committed these acts of literal infringement, or infringement under the doctrine of equivalents of the '221 Patent, without license or authorization.

33. As a result of Defendant's infringement of the '221 Patent, injured Plaintiff has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendant's past infringement, together with interests and costs.

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

35. As such, Plaintiff is entitled to compensation for any continuing and/or future infringement of the '221 Patent up until the date that Defendant ceases its infringing activities.

DEMAND FOR JURY TRIAL

36. Rothschild Broadcast Distribution Systems, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

- (a) Enter judgment for Plaintiff on this Complaint on all cases 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 running royalty from the time judgment going forward);
- (c) Award Plaintiff damages resulting from Defendants infringement in accordance with 35 U.S.C. § 284;
- (d) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: September 22, 2020

Respectfully submitted,

/s/ Jay Johnson
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Dallas, Texas 75201
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ATTORNEYS FOR PLAINTIFF