

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

**ROTHSCHILD BROADCAST  
DISTRIBUTION SYSTEMS, LLC,**

**Plaintiff,**

**v.**

**CURIOSITYSTREAM, 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 CuriosityStream, Inc. (“CuriosityStream”) 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 8484 Georgia Ave., Suite 700, Silver Spring, MD 20910. 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.



Source: <https://curiositystream.com/>

CuriosityStream has offline viewing available on our Android and iOS mobile apps so you can take your favorite documentaries with you on the go!

**To watch CuriosityStream shows and films straight from your mobile device without internet access later:**

1. Download the latest version of the CuriosityStream app from the Google Play or iTunes App store.
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Don't stop at just one! You can save up to 10 hours of content at a time.

Source: <https://help.curiositystream.com/hc/en-us/articles/360028301292-Offline-Viewing-with-Mobile-Apps>

## About CuriosityStream

We believe curiosity is the driving force that fuels our passion to learn, create, understand and explore!

Launched by media visionary John Hendricks, CuriosityStream is the award-winning destination for documentary series and features covering every topic from space exploration to adventure to the secret life of pets.

With thousands of titles, including exclusive originals, CuriosityStream delivers shows across the full spectrum of the non-fiction genre to demystify science, nature, history, technology, society, lifestyle and more.

Whether you want to explore Mars or travel back to ancient civilizations, CuriosityStream adds new binge-worthy films and series each week, empowering you to dive deep into your favorite subjects and explore new territory sure to entertain, enlighten and inspire.

Satisfy your thirst for knowledge anytime and anywhere with CuriosityStream, available to watch worldwide on all your screens.

Source: <https://curiositystream.com/about>

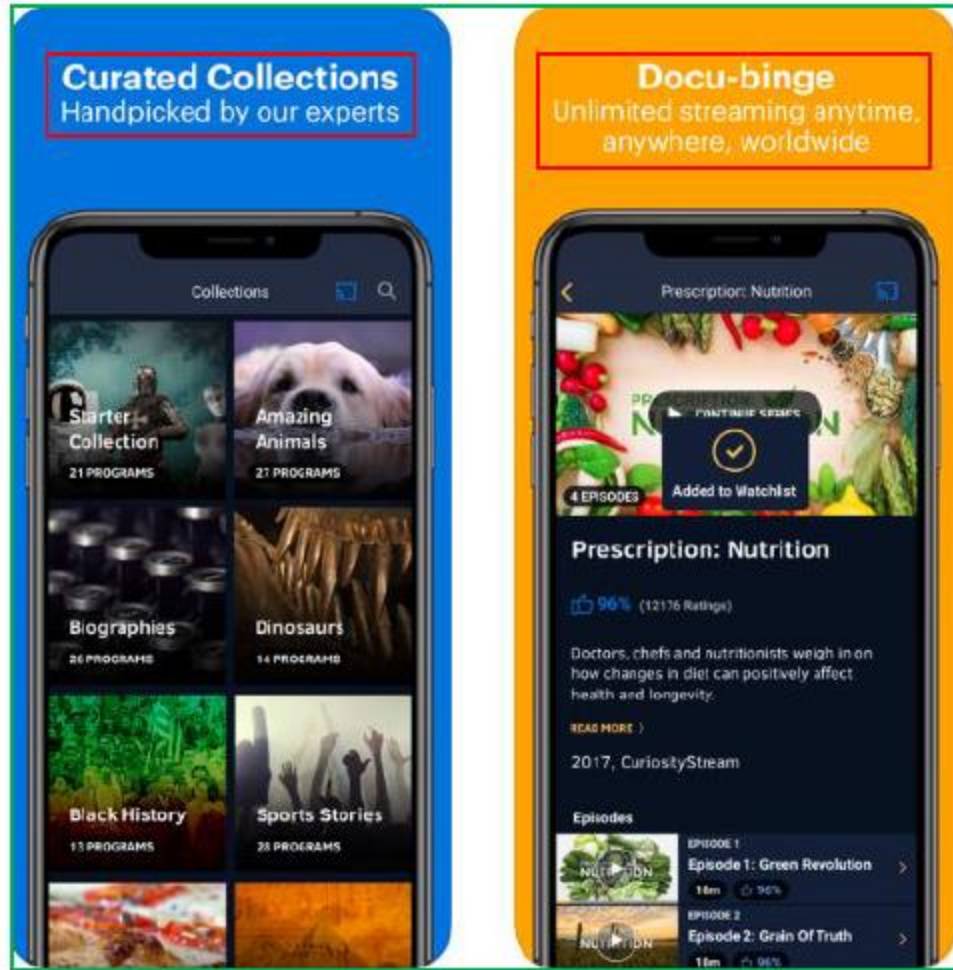
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Watch CuriosityStream originals like Stephen Hawking's Favorite Places, Miniverse, and First Man, in addition to BBC Documentaries like The Wonders of Life and Horizon. Dive deep into your favorite science, technology, nature and history documentaries.

CuriosityStream membership benefits:

- Unlimited streaming of the best in documentary programming
- 4K and HD documentaries available anywhere, anytime on multiple devices
- Browse titles with multiple search tools that help you find your favorite subject area
- Rate your favorite shows and get recommendations for related content
- Bookmark shows to watch later or resume watching previously viewed shows on other devices

Source: <https://apps.apple.com/us/app/curiositystream/id971830624>



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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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Source: <https://apps.apple.com/us/app/curiositystream/id971830624>



Source: <https://curiositystream.com/>

A screenshot of the CuriosityStream sign-in page. The page has a white background and a green border. At the top, it says "Sign In with CuriosityStream". Below that, it says "Welcome back!" and "Please enter your credentials below to sign in." There are two input fields: "Email or phone used to sign up" and "Password". The password field has a "Show" button next to it. Below the password field, it says "Forgot password? [Reset Password.](#)" At the bottom, there is a large orange "Sign In" button.

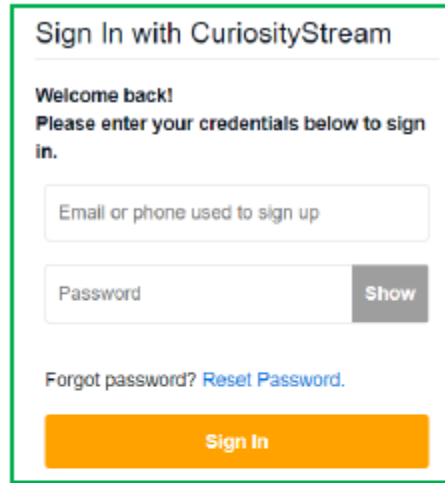
Source: <https://curiositystream.com/login>

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

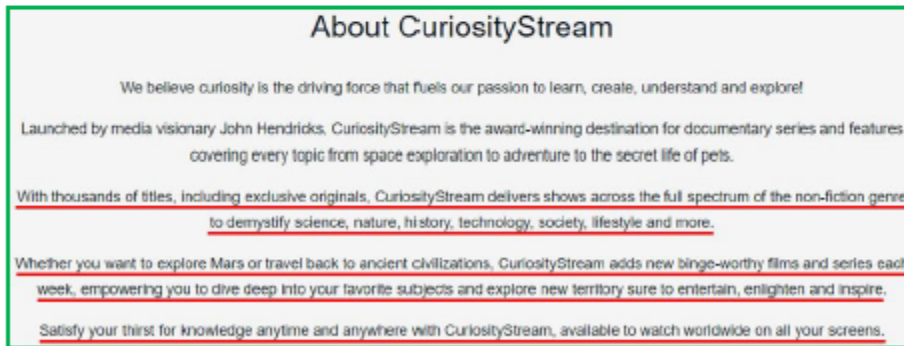


media content). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.



The screenshot shows a login form titled "Sign In with CuriosityStream". It includes a "Welcome back!" message and a prompt to enter credentials. There are two input fields: "Email or phone used to sign up" and "Password". A "Show" button is next to the password field. Below the fields are links for "Forgot password?" and "Reset Password". A large orange "Sign In" button is at the bottom.

Source: <https://curiositystream.com/login>



The screenshot shows the "About CuriosityStream" page. It features a heading "About CuriosityStream" and several paragraphs of text. The text describes the company's mission and the types of content it offers. The text is partially underlined in red.

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Source: <https://apps.apple.com/us/app/curiositystream/id971830624>

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.

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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.

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.

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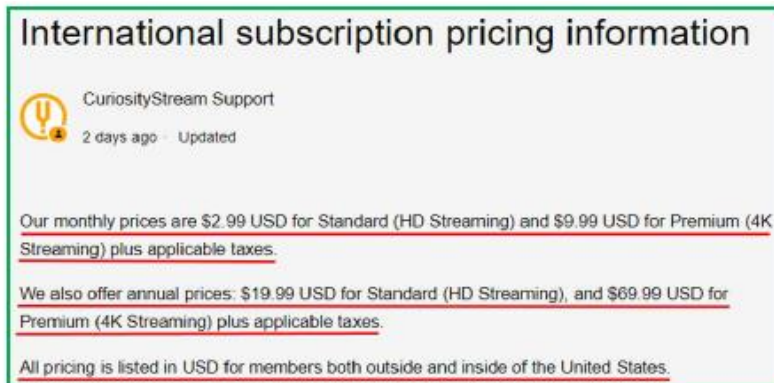
Source: <https://help.curiositystream.com/hc/en-us/articles/360028301292-Offline-Viewing-with-Mobile-Apps>

## How do I pause my subscription?

 CuriosityStream Support  
13 hours ago · Updated

Traveling a lot this summer? No time to watch new documentaries? We offer features to work with your lifestyle such as offline playback on mobile devices, but we also completely understand if you need to take a break! When you pause your subscription, it takes effect on the first day of your next billing cycle. You will not be charged for the duration of months you choose to pause your subscription.

Source: <https://help.curiositystream.com/hc/en-us/articles/360029331032-How-do-I-pause-my-subscription->



Source: <https://help.curiositystream.com/hc/en-us/articles/360007349992-International-subscription-pricing-information>



Source: <https://curiositystream.com/>

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: November 16, 2020

Respectfully submitted,

/s/ Jesse D. Stein

Jesse D. Stein

Bar No. 17663

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Pro Hac Vice Admission Pending

**ATTORNEYS FOR PLAINTIFF**