

1 STEPHEN M. LOBBIN
sml@smlavvocati.com
2 SML AVVOCATI P.C.
3 888 Prospect Street, Suite 200
San Diego, California 92037
4 (949) 636-1391 (Phone)

5 *Attorney(s) for Rothschild Broadcast Distribution Systems, LLC*

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

9
10 **ROTHSCHILD BROADCAST**
DISTRIBUTION SYSTEMS, LLC,

11 *Plaintiff,*

CASE NO. 3:21-cv-04553

12
13 v.

14 **YANKA INDUSTRIES, INC. d/b/a**
MASTERCLASS,

JURY TRIAL DEMANDED

15
16 *Defendant.*

17
18 **COMPLAINT FOR PATENT INFRINGEMENT**

19
20 Plaintiff Rothschild Broadcast Distribution Systems, LLC (“Plaintiff” or
21 “Rothschild Broadcast Distribution Systems”) files this complaint against Yank
22 Industries, Inc. d/b/a Masterclass (“Masterclass”) for infringement of U.S. Patent No.
23 8,856,221 (hereinafter the “221 Patent”) and alleges as follows:

24 **PARTIES**

25 1. Plaintiff is a Texas limited liability company with an office at 1 East
26 Broward Boulevard, Suite 700, Ft. Lauderdale, FL 33301.

27 2. On information and belief, Defendant is a Delaware corporation, with a
28 place of business at 221 Clara Street San Francisco, CA 94107. On information and

1 belief, Defendant may be served through its agent, The Corporation Trust Company,
2 Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

3 **JURISDICTION AND VENUE**

4 3. This action arises under the patent laws of the United States, 35 U.S.C. §
5 271 *et seq.* Plaintiff is seeking damages, as well as attorney fees and costs.

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

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

12 6. Upon information and belief, Defendant’s instrumentalities that are
13 alleged herein to infringe were and continue to be used, imported, offered for sale,
14 and/or sold in the District.

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

19 **BACKGROUND**

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

25 9. Rothschild Broadcast Distribution Systems is currently the owner of the
26 ‘221 Patent.

27 10. Rothschild Broadcast Distribution Systems possesses all rights of
28 recovery under the ‘221 Patent, including the exclusive right to recover for past, present

1 and future infringement.

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

4 **COUNT ONE**

5 **(Infringement of United States Patent No. 8,856,221)**

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

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

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

12 15. The '221 Patent teaches a method and apparatus for media content storage
13 and delivery. '221 Patent, Abstract. Among other things, the claimed system includes
14 a server, which has a receiver in communication with a processor. *Id.* The receiver
15 receives a request message. *Id.* The request message includes media data indicating
16 requested media content and a consumer device identifier corresponding to a consumer
17 device. *Id.* The processor determines whether the consumer device identifier
18 corresponds to a registered consumer device. *Id.* If the processor determines that the
19 consumer device identifier corresponds to the registered consumer device, then the
20 processor determines whether the request message is one of a storage request message
21 and a content request message. *Id.* If the request message is the storage request message,
22 then the processor is further configured to determine whether the requested media
23 content is available for storage. *Id.* If the request message is the content request
24 message, then the processor initiates delivery of the requested media content to the
25 consumer device. *Id.*

26 16. The present invention solves problems that existed with then-existing
27 media delivery systems. One problem with prior delivery systems is that the customer
28 was charged according to the expenses of the provider rather than the usage of the

1 customer. '221 Patent, 1:31-57. Customers were not charged based on the amount of
2 programming delivered or the amount or duration of the customer's storage of media.
3 *Id.* Another such problem, more generally, is that customers were not billed and
4 services were not provided, in a way that was tailored to the customer's needs and
5 usage. *Id.*, 2:3-13.

6 17. A number of aspects of the invention(s) embodied in the '221 Patent
7 overcome the problems with the prior art. For example, the inventive system includes
8 a processor in communication with a receiver. *Id.*, 2:23-34. The processor determines
9 media content characteristics that correspond to the media content to be stored. *Id.* The
10 processor determines a length of time to store the media content based on the media
11 data and determines a cost amount based at least in part on the determined media
12 content characteristics and length of time to store the media content. *Id.* As another
13 example, the system makes a determination that media content is available for
14 download. *Id.*, 2:64-3:2. A determination is made that content is not stored. Download
15 of the media content is initiated. *Id.* The media content is received and the received
16 media content is stored. *Id.*

17 18. The '221 Patent is directed to computerized technologies to provide users
18 with tailored media delivery systems and tailored billing for such systems. Among other
19 things, the '221 Patent claims include sending and receiving of request messages
20 indicating requested media content and including a device identifier corresponding to
21 a consumer device. A determination is made whether the identifier corresponds to the
22 device. A determination is also made as to whether the request is for delivery or
23 storage. The media data in the request includes time data that indicates a length of time
24 for storage. A processor is configured to determine whether requested media exists and
25 whether there are any restrictions associated with delivery or storage of the requested
26 media.

27 19. The system(s) and methods of the '221 Patent include software and
28 hardware that do not operate in a conventional manner. For example, the software is

1 tailored to provide functionality to perform recited steps and the processor is configured
2 (and/or programmed) to provide functionality recited throughout the claims of the ‘221
3 Patent.

4 20. The ‘221 Patent solves problems with the art that are rooted in computer
5 technology and that are associated with electronic transmission, loading, and storage of
6 location information, as well as automatic provisioning of route guidance. The ‘221
7 Patent claims do not merely recite the performance of some business practice known
8 from the pre-Internet world along with the requirement to perform it on the Internet.

9 21. The improvements of the ‘221 Patent and the features recited in the claims
10 in the ‘221 Patent provide improvements to conventional hardware and software
11 systems and methods. The improvements render the claimed invention of the ‘221
12 Patent non-generic in view of conventional components.

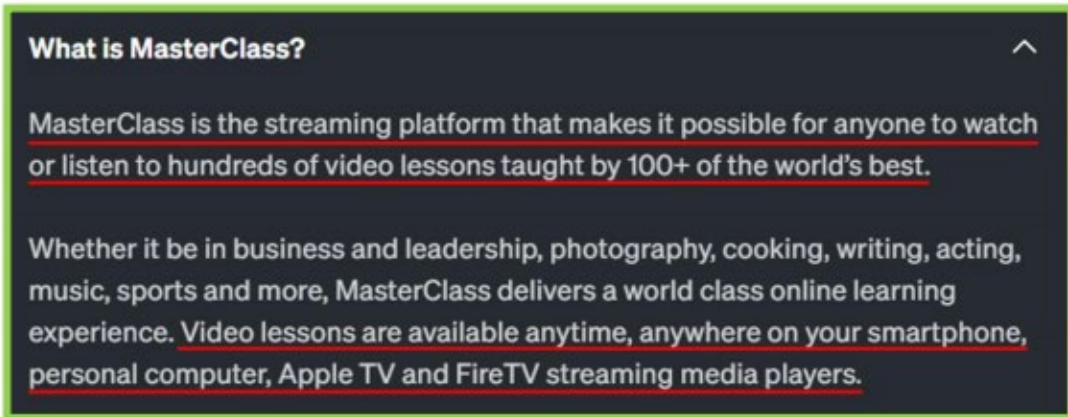
13 22. The improvements of the ‘221 Patent and the features recitations in the
14 claims of the ‘221 Patent are not those that would be well-understood, routine or
15 conventional to one of ordinary skill in the art at the time of the invention.

16 23. Accordingly, Defendant has infringed, and continues to infringe, the ‘221
17 Patent in violation of 35 U.S.C. § 271. Upon information and belief, Defendant has
18 infringed and continues to infringe one or more claims, including at least Claim 7, of
19 the ‘221 Patent by making, using, importing, selling, and/or offering for media content
20 storage and delivery systems and services covered by one or more claims of the ‘221
21 Patent.

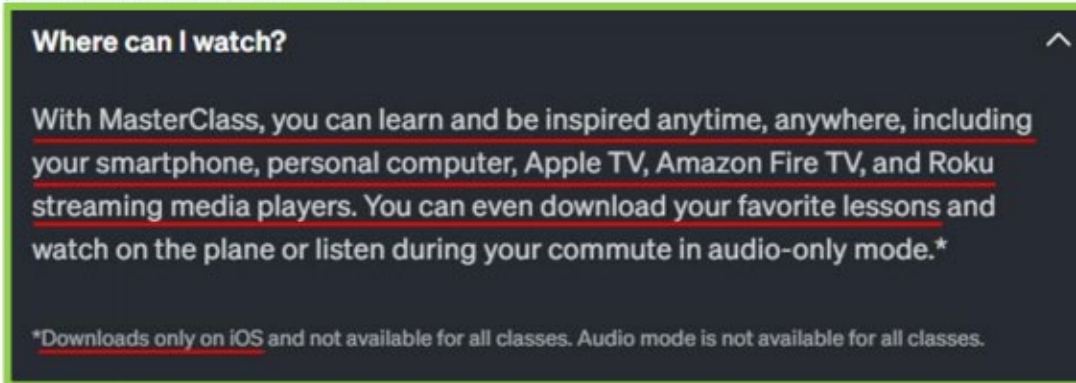
22 24. Defendant sells, offers to sell, and/or uses media content storage and
23 delivery systems and services, including, without limitation, the Masterclass video
24 learning platform, any associated hardware, software and apps, as well as any similar
25 products (“Product”), which infringe at least Claim 7 of the ‘221 Patent.

26 25. The Product practices a method of storing (e.g., cloud storage) media
27 content (e.g., conference recording) and delivering requested media content (streaming
28 video, recorded videos, etc.) to a consumer device (e.g., mobile device with app or

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



11 Source: <https://www.masterclass.com/>



18 Source: <https://www.masterclass.com/>

19

20

21

22

23

24

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

You can download most of the class materials from the site, but you cannot download the video lessons to your computer.

However, students can download a select number of class video lessons on the iOS app (iPhone and iPad) for viewing offline along with a copy of the course workbook.

Source: <https://masterclasshelp.zendesk.com/hc/en-us/articles/204896668-Can-I-download-a-class->

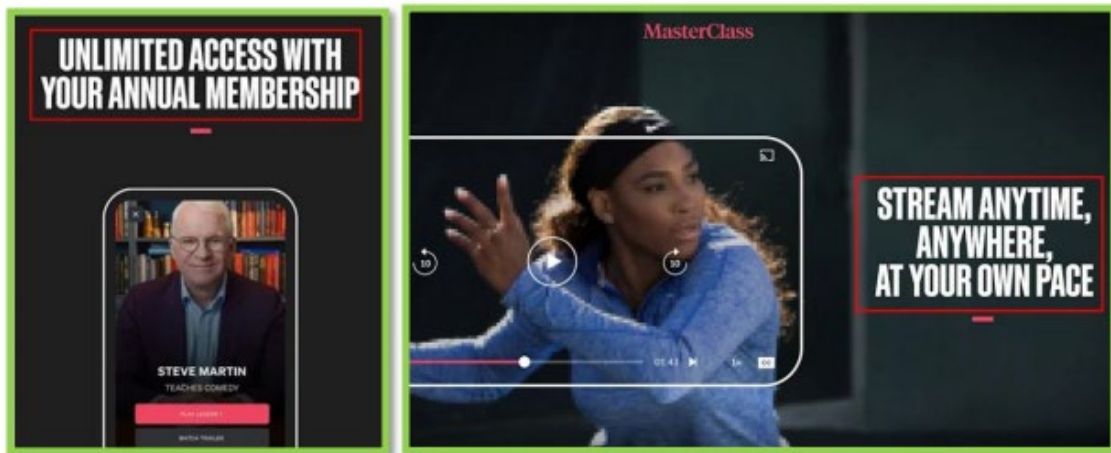
STREAM ANYTIME, ANYWHERE, AT YOUR OWN PACE
Watch at home or on the go on your iPhone, iPad, Mac, or Apple TV. Download select classes to watch offline with iOS.

Source: <https://apps.apple.com/us/app/id1273867416#?platform=appleTV>

Can I download the videos?

The video lessons are not available to download from the web, however, members can download them for offline viewing using our mobile app for iOS.

Source: <https://masterclasshelp.zendesk.com/hc/en-us/articles/221036408-Frequently-Asked-Questions>



Source: <https://play.google.com/store/apps/details?id=com.yanka.mc>



Source: <https://www.masterclass.com/>

26. 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

What is MasterClass? ^

MasterClass is the streaming platform that makes it possible for anyone to watch or listen to hundreds of video lessons taught by 100+ of the world's best.

Whether it be in business and leadership, photography, cooking, writing, acting, music, sports and more, MasterClass delivers a world class online learning experience. Video lessons are available anytime, anywhere on your smartphone, personal computer, Apple TV and FireTV streaming media players.

Source: <https://www.masterclass.com/>

Where can I watch? ^

With MasterClass, you can learn and be inspired anytime, anywhere, including your smartphone, personal computer, Apple TV, Amazon Fire TV, and Roku streaming media players. You can even download your favorite lessons and watch on the plane or listen during your commute in audio-only mode.*

*Downloads only on iOS and not available for all classes. Audio mode is not available for all classes.

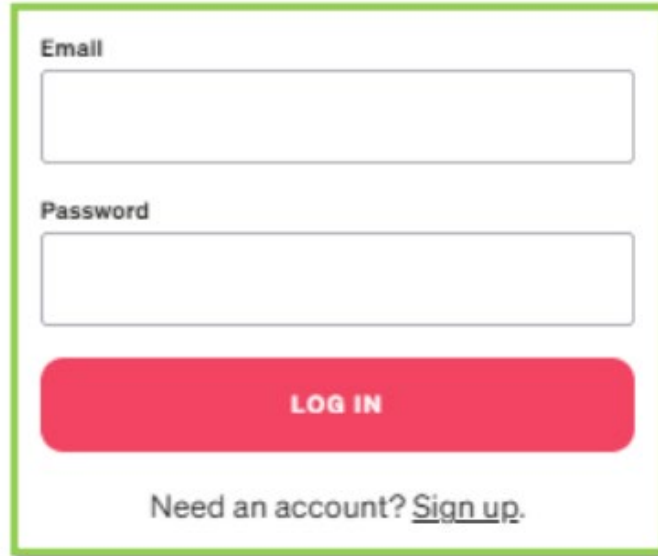
Source: <https://www.masterclass.com/>

1 **Can I download the videos?**

2 The video lessons are not available to download from the web, however, members can
3 download them for offline viewing using our mobile app for iOS.
4

5 Source: <https://masterclasshelp.zendesk.com/hc/en-us/articles/221036408-Frequently-Asked-Questions>

6



7 Email

8

9 Password

10

11

12 **LOG IN**

13

14 Need an account? [Sign up.](#)

15

16 Source: <https://www.masterclass.com/>

17

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

23 28. The Product provides for both media downloads and/or storage, and media
24 streaming. After a successful login, the Product necessarily determines whether the
25 request received from a customer is a request for storage (e.g., recording or storing
26 content) or content (e.g., streaming of media content). Certain aspects of these elements
27 are illustrated in the screenshots below and/or in those provided in connection with
28 other allegations herein.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A screenshot of a login form. It features two input fields: one for 'Email' and one for 'Password'. Below the fields is a red button with the text 'LOG IN' in white. At the bottom of the form, there is a link that says 'Need an account? [Sign up.](#)'

Source: <https://www.masterclass.com/>

What is MasterClass? ^

MasterClass is the streaming platform that makes it possible for anyone to watch or listen to hundreds of video lessons taught by 100+ of the world's best.

Whether it be in business and leadership, photography, cooking, writing, acting, music, sports and more, MasterClass delivers a world class online learning experience. Video lessons are available anytime, anywhere on your smartphone, personal computer, Apple TV and FireTV streaming media players.

Source: <https://www.masterclass.com/>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

You can download most of the class materials from the site, but you cannot download the video lessons to your computer.

However, students can download a select number of class video lessons on the iOS app (iPhone and iPad) for viewing offline along with a copy of the course workbook.

Source: <https://masterclasshelp.zendesk.com/hc/en-us/articles/204896668-Can-I-download-a-class->

STREAM ANYTIME, ANYWHERE, AT YOUR OWN PACE
Watch at home or on the go on your iPhone, iPad, Mac, or Apple TV. Download select classes to watch offline with iOS.

Source: <https://apps.apple.com/us/app/id1273867416#?platform=appleTV>

Can I download the videos?

The video lessons are not available to download from the web, however, members can download them for offline viewing using our mobile app for iOS.

Source: <https://masterclasshelp.zendesk.com/hc/en-us/articles/221036408-Frequently-Asked-Questions>



Source: <https://play.google.com/store/apps/details?id=com.yanka.mc>



Source: <https://www.masterclass.com/>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

29. 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 media content is limited to a certain amount of memory and/or time). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

What is MasterClass? ^

MasterClass is the streaming platform that makes it possible for anyone to watch or listen to hundreds of video lessons taught by 100+ of the world's best.

Whether it be in business and leadership, photography, cooking, writing, acting, music, sports and more, MasterClass delivers a world class online learning experience. Video lessons are available anytime, anywhere on your smartphone, personal computer, Apple TV and FireTV streaming media players.

Source: <https://www.masterclass.com/>

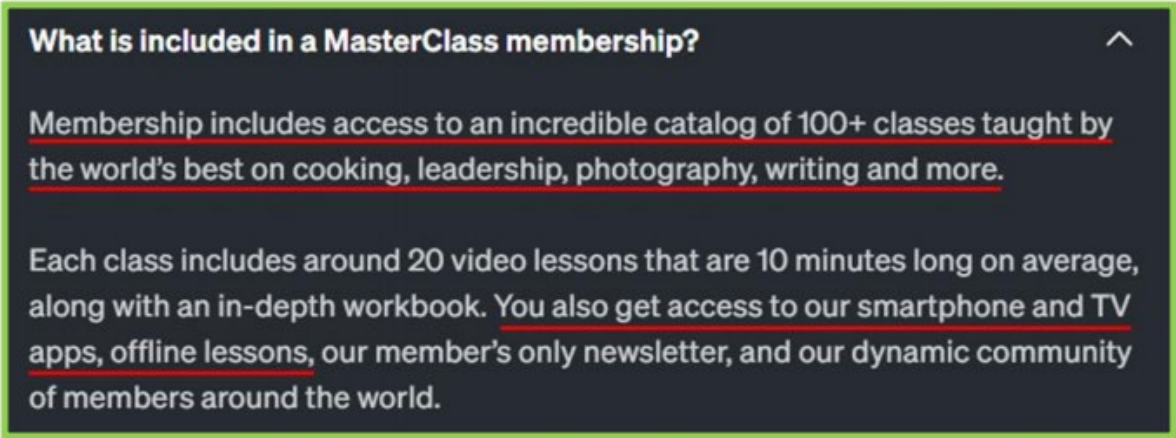
Where can I watch? ^

With MasterClass, you can learn and be inspired anytime, anywhere, including your smartphone, personal computer, Apple TV, Amazon Fire TV, and Roku streaming media players. You can even download your favorite lessons and watch on the plane or listen during your commute in audio-only mode.*

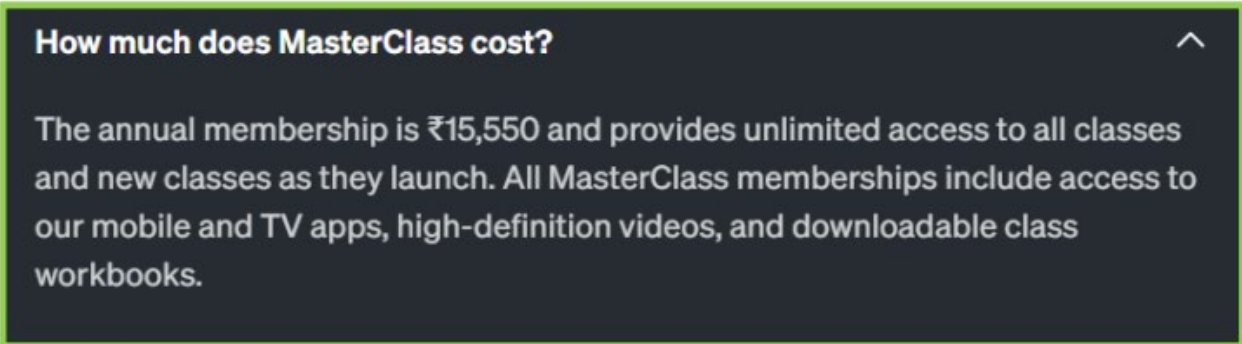
*Downloads only on iOS and not available for all classes. Audio mode is not available for all classes.

Source: <https://www.masterclass.com/>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



Source: <https://www.masterclass.com/>

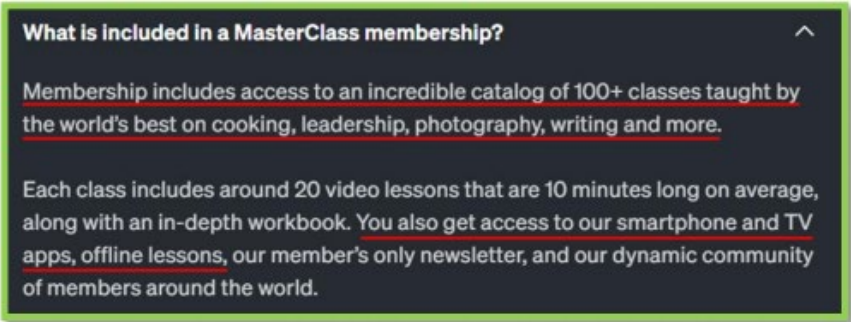


Source: <https://www.masterclass.com/>

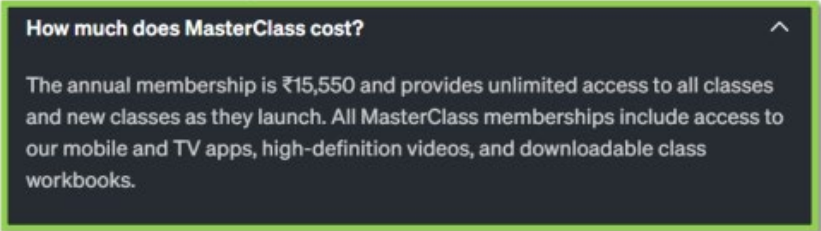
30. If a customer requests content (e.g., live streaming of media content), then a processor within the Product necessarily initiates delivery of the content to the customer's device. The Product will initiate delivery of the requested media content to the consumer device (e.g., stream media content 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.

31. The media data includes date and time information to identify conference start and stop times, as well as meeting length. Time data may also indicate a length of time to store the requested media content (e.g. a user is allowed to store media content for a retention period configured by the user per 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.

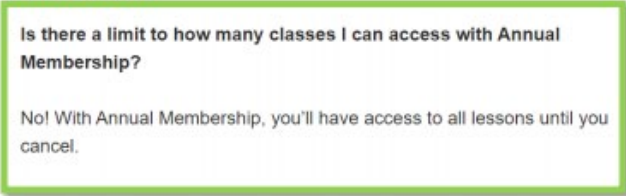
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



Source: <https://www.masterclass.com/>



Source: <https://www.masterclass.com/>



Source: <https://masterclasshelp.zendesk.com/hc/en-us/articles/115013792328-Annual-Membership-Frequently-Asked-Questions>

32. The Product 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). Also, a user can view the history of media content and the processor can identify the existence of that particular media content. Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

1 You can download most of the class materials from the site, but you cannot
2 download the video lessons to your computer.

3 However, students can download a select number of class video lessons on
4 the iOS app (iPhone and iPad) for viewing offline along with a copy of the
5 course workbook.

6 Source: <https://masterclasshelp.zendesk.com/hc/en-us/articles/204896668-Can-I-download-a-class->

7 **STREAM ANYTIME, ANYWHERE, AT YOUR OWN PACE**
8 Watch at home or on the go on your iPhone, iPad, Mac, or Apple TV. Download
9 select classes to watch offline with iOS.

10 Source: <https://apps.apple.com/us/app/id1273867416#?platform=appleTV>

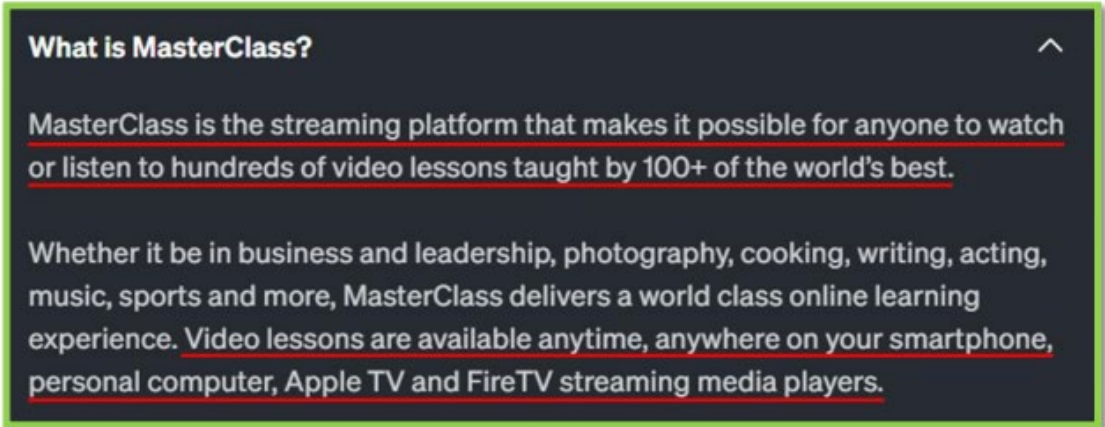
11 **Can I download the videos?**

12 The video lessons are not available to download from the web, however, members can
13 download them for offline viewing using our mobile app for iOS.
14

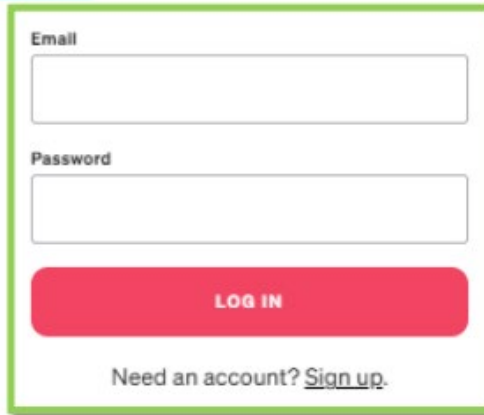
15 Source: [https://masterclasshelp.zendesk.com/hc/en-us/articles/221036408-Frequently-Asked-](https://masterclasshelp.zendesk.com/hc/en-us/articles/221036408-Frequently-Asked-Questions)
16 [Questions](https://masterclasshelp.zendesk.com/hc/en-us/articles/221036408-Frequently-Asked-Questions)

17
18 33. After the processor determines whether the requested media content is
19 available, it determines whether there are restrictions associated with the requested
20 media content (e.g., user access restrictions, etc.). Certain aspects of these elements are
21 illustrated in the screenshots below and/or those provided in connection with other
22 allegations herein.
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



Source: <https://www.masterclass.com/>



Source: <https://www.masterclass.com/>

1 **What is included in a MasterClass membership?** ^

2 Membership includes access to an incredible catalog of 100+ classes taught by
3 the world's best on cooking, leadership, photography, writing and more.

4 Each class includes around 20 video lessons that are 10 minutes long on average,
5 along with an in-depth workbook. You also get access to our smartphone and TV
6 apps, offline lessons, our member's only newsletter, and our dynamic community
7 of members around the world.

8 Source: <https://www.masterclass.com/>

9 **How much does MasterClass cost?** ^

10 The annual membership is ₹15,550 and provides unlimited access to all classes
11 and new classes as they launch. All MasterClass memberships include access to
12 our mobile and TV apps, high-definition videos, and downloadable class
13 workbooks.

14 Source: <https://www.masterclass.com/>

15 **Is there a limit to how many classes I can access with Annual
16 Membership?**

17 No! With Annual Membership, you'll have access to all lessons until you
18 cancel.

19 Source: [https://masterclasshelp.zendesk.com/hc/en-us/articles/115013792328-Annual-Membership-
20 Frequently-Asked-Questions](https://masterclasshelp.zendesk.com/hc/en-us/articles/115013792328-Annual-Membership-Frequently-Asked-Questions)

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

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

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

28 37. 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.

38. By engaging in the conduct described herein, Defendant has injured

1 Plaintiff and is liable for infringement of the `221 Patent, pursuant to 35 U.S.C. § 271.

2 39. Defendant has committed these acts of literal infringement, or infringement
3 under the doctrine of equivalents of the `221 Patent, without license or authorization.

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

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

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

12 **DEMAND FOR JURY TRIAL**

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

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiff asks the Court to:

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

19 (b) Enter an Order enjoining Defendant, its agents, officers, servants,
20 employees, attorneys, and all persons in active concert or participation with Defendant
21 who receives notice of the order from further infringement of United States Patent No.
22 8,856,221 (or, in the alternative, awarding Plaintiff running royalty from the time
23 judgment going forward);

24 (c) Award Plaintiff damages resulting from Defendant's infringement in
25 accordance with 35 U.S.C. § 284;

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

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: June 14, 2021

Respectfully submitted,

/s/ Stephen M. Lobbin

Stephen M. Lobbin

sml@smlavvocati.com

SML AVVOCATI P.C.

888 Prospect Street, Suite 200

San Diego, California 92037

(949) 636-1391 (Phone)

*Attorney(s) for Plaintiff Rothschild
Broadcast Distribution Systems, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2021, I electronically transmitted the foregoing document using the CM/ECF system for filing, which will transmit the document electronically to all registered participants as identified on the Notice of Electronic Filing, and paper copies have been served on those indicated as non-registered participants.

/s/ Stephen M. Lobbin

Stephen M. Lobbin