

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SOUNDSTREAK TEXAS, LLC,	§	Case No.
	§	
Plaintiff,	§	
	§	<u>JURY TRIAL DEMANDED</u>
v.	§	
	§	
NIKON CORPORATION,	§	
	§	
Defendant.	§	
	§	

PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, SoundStreak Texas, LLC (“SoundStreak” or “Plaintiff”), files this Original Complaint against Defendant Nikon Corporation (“Nikon” or “Defendant”) for patent infringement under 35 U.S.C. § 271 and alleges as follows:

THE PARTIES

1. SoundStreak is a limited liability company organized and existing under the laws of the State of Texas and maintains its principal place of business at 100 W. Houston Street, Marshall, Texas 75670.

2. Upon information and belief, Nikon is a Japanese corporation with a place of business at Shinagawa Intercity Tower C, 2-15-3, Konan, Minato-ku, Tokyo 108-6290, Japan.

JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendant. Defendant conducts business and has committed acts of patent infringement and/or has induced acts of patent infringement by others in this Judicial District and/or has contributed to patent infringement by others in this Judicial District, the State of Texas, and elsewhere in the United States.

5. Upon information and belief, Defendant transacts substantial business in the State of Texas and this Judicial District. Defendant has committed acts of infringement in this District by, among other things, offering to sell and selling products that infringe the asserted patents, including the accused products as alleged herein, as well as providing service and support to its customers in this District. Upon information and belief, Defendant, directly or indirectly, participates in the stream of commerce that results in products, including the accused products, being made, used, offered for sale, and/or sold in the State of Texas and/or imported into the United States to the State of Texas.

6. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b) because, among other things, Defendant is subject to personal jurisdiction in this Judicial District, Defendant has regularly conducted business in this Judicial District, certain of the acts complained of herein occurred in this Judicial District, and Defendant is not a resident in the United States and may be sued in any judicial district.

PATENT-IN-SUIT

7. On July 28, 2020, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 10,726,822 (the “’822 Patent”) entitled “Method and Apparatus for Remote Digital Content Monitoring and Management.” A true and correct copy of the ’822 Patent is available at <https://pdfpiw.uspto.gov/.piw?PageNum=0&docid=10726822>.

8. SoundStreak is the sole and exclusive owner of all right, title, and interest to and in the '822 Patent (the "Patent-in-Suit") and holds the exclusive right to take all actions necessary to enforce its rights to the Patent-in-Suit, including the filing of this patent infringement lawsuit. SoundStreak also has the right to recover all damages for past, present, and future infringement of the Patent-in-Suit and to seek injunctive relief as appropriate under the law.

FACTUAL ALLEGATIONS

9. The Patent-in-Suit generally covers systems for managing a digital content capture session where digital content corresponding to a live event is captured, and the digital content being captured is streamed and/or stored in a high-quality data format and is streamed and/or stored in a low-quality data format.

10. Plaintiff has complied with the requirements of 35 U.S.C. § 287(a).

11. Defendant has been manufacturing, offering to sell, selling, and/or importing into the United States digital media remote recording systems including, but not limited to, Nikon SnapBridge and Camera Control Pro 2, since at least as early as 2015 (hereinafter collectively referred to as "Accused Systems").

12. The Accused Systems support remote recording of images in high quality. The Accused Systems permit an end-user to remotely monitor and record over a data communication network digital content. The Accused Systems establish a high-quality data format for recording and transmitting digital content. The Accused Systems further establish a low-quality data format for monitoring and communicating with the capture computer (Nikon cameras) from a participant computer. The Accused Systems permit the end-user to record remotely in real time and the uncompressed image files are loaded automatically in the background.

COUNT I
(Infringement of the '822 Patent)

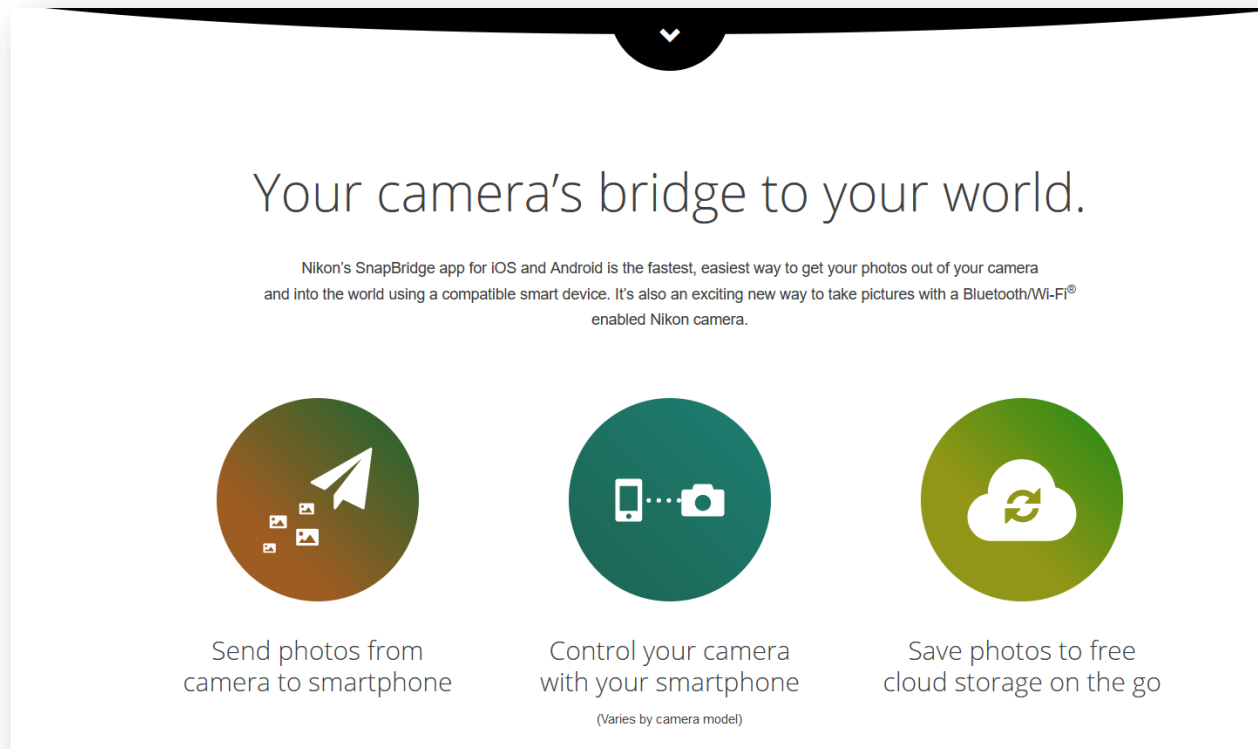
13. Paragraphs 1 through 12 are incorporated herein by reference as if fully set forth in their entireties.

14. SoundStreak has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the '822 Patent.

15. Defendant has and continues to directly infringe one or more claims of the '822 Patent, including claim 1, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing into the United States infringing Accused Systems without authority and in violation of 35 U.S.C. § 271.

16. Defendant has and continues to indirectly infringe one or more claims of the '822 Patent by knowingly and intentionally inducing others to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing into the United States the infringing Accused Systems. For example, Defendant, with knowledge that the Accused Systems infringe the '822 Patent, at least as of the date of this Complaint, knowingly and intentionally induced, and continues to knowingly and intentionally induce direct infringement of the '822 Patent by providing Accused Systems to end-users for use, sale, and importation into the United States. Defendant provides Accused Systems product manuals, documentation and instructional videos on its website that instruct end-users how to use the Accused Systems, including specifically how to capture live digital content, establish a high-quality data format for streaming and storing the digital content as it is being captured by the capture computer, establish a low-quality data format for streaming and storing the digital content on the participant computer, and store at least a portion of the digital content in a specified location in one of the aforementioned formats. Defendant induced infringement by others, including end-users, with the intent to cause


infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end-users, infringe the '822 Patent, but while remaining willfully blind to the infringement.




The graphic is a white rectangular card with a black curved top edge. At the top center of the black curve is a small white downward-pointing chevron. The main heading is "Your camera's bridge to your world." in a large, dark grey sans-serif font. Below the heading is a paragraph of smaller text: "Nikon's SnapBridge app for iOS and Android is the fastest, easiest way to get your photos out of your camera and into the world using a compatible smart device. It's also an exciting new way to take pictures with a Bluetooth/Wi-Fi® enabled Nikon camera." Below this text are three circular icons arranged horizontally. The first icon is brown and contains a white paper airplane and several small photo icons. The second icon is teal and contains a white smartphone and camera icon connected by a dotted line. The third icon is green and contains a white cloud with a circular arrow inside. Below each icon is a line of text: "Send photos from camera to smartphone", "Control your camera with your smartphone", and "Save photos to free cloud storage on the go". A small note "(Varies by camera model)" is centered below the second line of text.

Your camera's bridge to your world.

Nikon's SnapBridge app for iOS and Android is the fastest, easiest way to get your photos out of your camera and into the world using a compatible smart device. It's also an exciting new way to take pictures with a Bluetooth/Wi-Fi® enabled Nikon camera.




Send photos from camera to smartphone



Control your camera with your smartphone

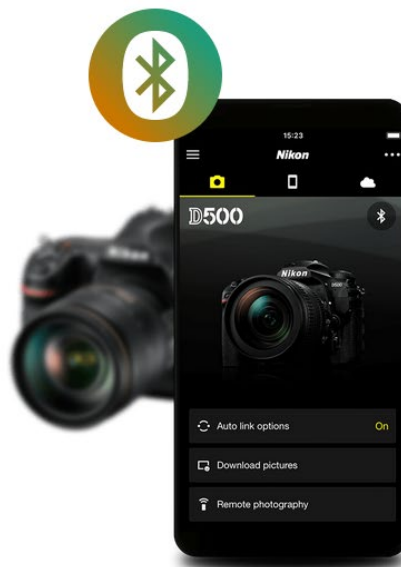
(Varies by camera model)



Save photos to free cloud storage on the go

Ready when you are

SnapBridge keeps your camera and smartphone connected whenever they're within range—pair once and forget it! And since the connection is through Bluetooth Low Energy, it won't bog down your smartphone or camera.



SEE IF YOUR CAMERA WORKS WITH SNAPBRIDGE >



From camera to smartphone, automatically

Take a great shot with your Nikon camera, then pull out your smartphone—a 2 Megapixel web-ready version is already there, waiting to be shared with the world! Larger JPEGs and RAW files can be manually transferred.



Automatic transfers
or pick your favorites



Fast transfers of 2
Megapixel
web-ready photos

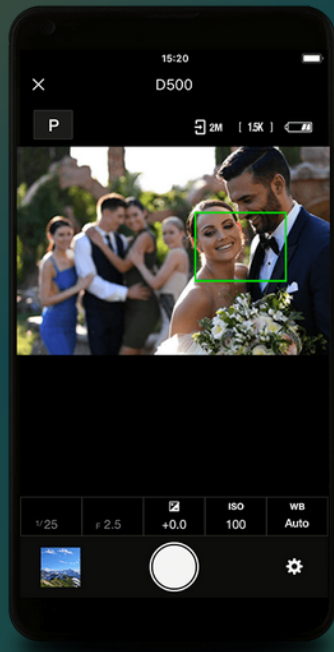


Low power consumption
on camera and
smartphone



Free cloud backup to
NIKON IMAGE SPACE

Control your Nikon camera with your phone



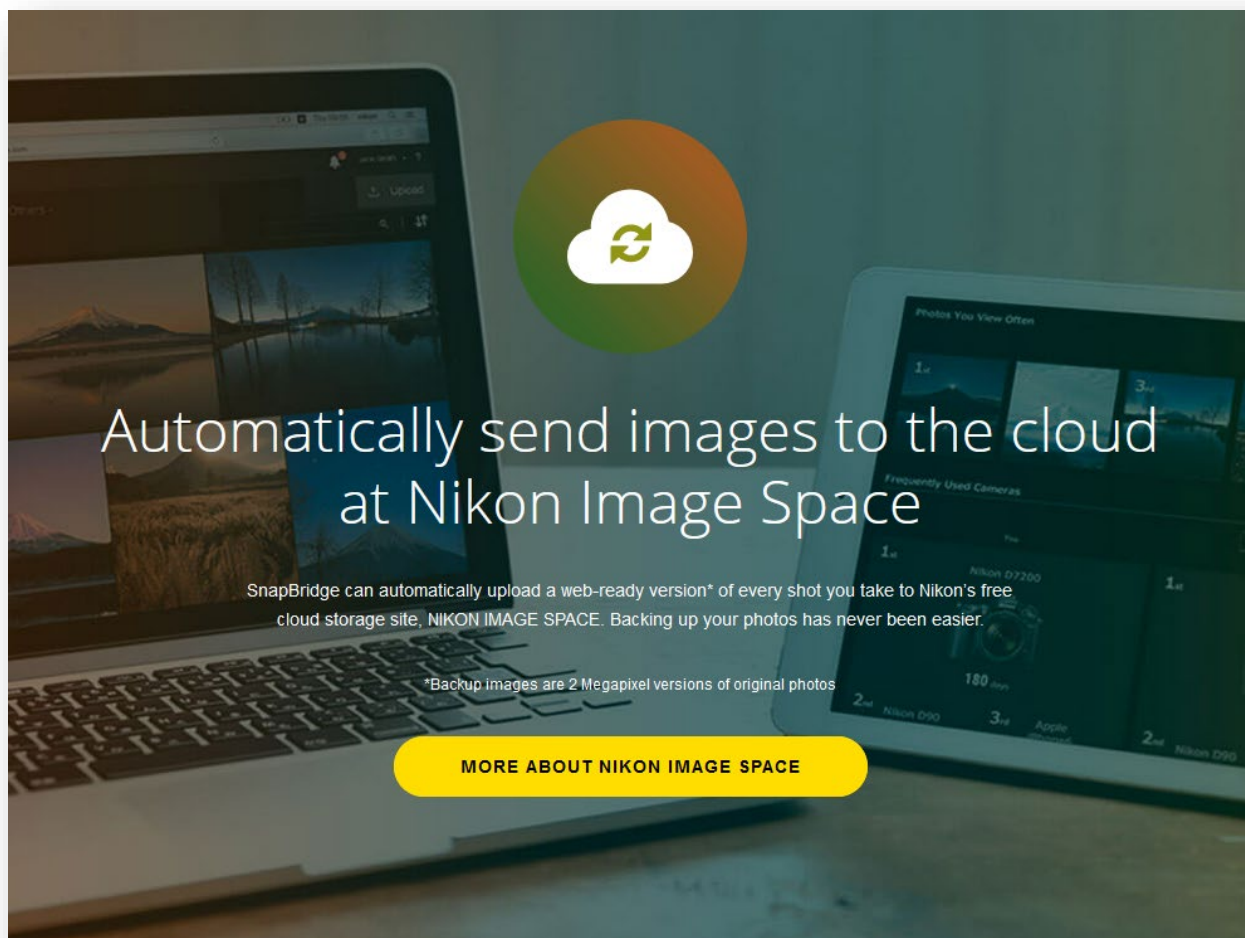
Not available with Nikon D3400.

Mirrorless and DSLR Control Features

- ✓ Access Live View on your smartphone
- ✓ Take single or continuous shots
- ✓ Change focus by touching
- ✓ Select shooting modes (P/S/A/M)
- ✓ Adjust shutter speed, aperture and ISO
- ✓ Adjust exposure compensation and white balance
- ✓ Video Start/Stop

COOLPIX Control Features

- ✓ Use your smartphone as a remote monitor
- ✓ Zoom in and out
- ✓ Take pictures

An advertisement for Nikon Image Space. The background is a dark, slightly blurred image of a laptop and a tablet. The laptop screen shows a website with a landscape photo and an 'Upload' button. The tablet screen shows a 'Photos You View Often' section with three photo thumbnails and a 'Frequently Used Cameras' section with a list of cameras including Nikon D7200, Nikon D90, and Apple. A large, semi-transparent circular logo is centered in the upper half of the image. The logo is a gradient of orange and green, containing a white cloud icon with a green circular arrow inside it. Below the logo, the text 'Automatically send images to the cloud at Nikon Image Space' is written in white. Underneath this, a smaller line of text reads: 'SnapBridge can automatically upload a web-ready version* of every shot you take to Nikon's free cloud storage site, NIKON IMAGE SPACE. Backing up your photos has never been easier.' Below that, a footnote states: '*Backup images are 2 Megapixel versions of original photos'. At the bottom center, there is a yellow rounded rectangular button with the text 'MORE ABOUT NIKON IMAGE SPACE' in black.


Automatically send images to the cloud
at Nikon Image Space

SnapBridge can automatically upload a web-ready version* of every shot you take to Nikon's free cloud storage site, NIKON IMAGE SPACE. Backing up your photos has never been easier.

*Backup images are 2 Megapixel versions of original photos


MORE ABOUT NIKON IMAGE SPACE

Additional features




Add hashtags, copyright info & more

Easily add hashtags, captions, copyright info and more to your photos right from the app.




Switch between five cameras

Use SnapBridge to switch between up to five Nikon cameras. Switching in the app is fast and easy.



Track your photo adventures

SnapBridge uses your smartphone or tablet's GPS and clock to record location and date information.

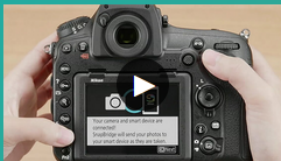


Keep your camera up to date


SnapBridge automatically registers your camera with Nikon and alerts you when new firmware is available.

SnapBridge

Setup Guides



ANDROID SETUP GUIDE



IOS SETUP GUIDE

<https://www.nikonusa.com/en/nikon-products/snapbridge-app.page>

17. Defendant has and continues to indirectly infringe one or more claims of the '822 Patent by contributing to the direct infringement, either literally or under the doctrine of equivalents, by others, including endusers, by offering to sell, selling, and/or importing into the United States infringing Accused Systems, with the knowledge that, at least as of the date of the

Complaint, the Accused Systems perform steps that constitute a material part of the inventions claimed in the '822 Patent. Such steps include, for example, capturing live digital content, establishing a high-quality data format for streaming and storing the digital content as it is being captured by the capture computer, establishing a low-quality data format for streaming and storing the digital content on the participant computer, and storing at least a portion of the digital content in a specified location in one of the aforementioned formats. Defendant knows that these steps are especially made or especially adapted for use in an infringement of the '822 Patent and that these steps have no substantial non-infringing use. Alternatively, Defendant believed there was a high probability that others would infringe the '822 Patent but remained willfully blind to the infringing nature of others' actions.

18. SoundStreak has suffered damages as a result of Defendant's direct and indirect infringement of the '822 Patent in an amount to be proved at trial.

19. SoundStreak has suffered, and will continue to suffer, irreparable harm as a result of Defendant's infringement of the '822 Patent for which there is no adequate remedy at law, unless Defendant's infringement is enjoined by this Court.

20. Defendant has committed and continues to commit acts of infringement that Defendant actually knew or should have known constituted an unjustifiably high risk of infringement of at least one valid and enforceable claim of the '822 Patent. Upon information and belief, Defendant had actual knowledge of the '822 Patent from the date of this Complaint. Defendant's infringement of the '822 Patent has been and continues to be willful, entitling SoundStreak to an award of treble damages, reasonable attorney fees, and costs in bringing this action.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury for all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, SoundStreak prays for relief against Defendant as follows:

- a. Entry of judgment declaring that Defendant has directly and/or indirectly infringed one or more claims of each of the Patent-in-Suit;
- b. Entry of judgment declaring that Defendant's infringement of the Patent-in-Sit has been willful and deliberate;
- c. An order pursuant to 35 U.S.C. § 283 permanently enjoining Defendant, its officers, agents, servants, employees, attorneys, and those persons in active concert or participation with it, from further acts of infringement of the Patents-in-Suit;
- d. An order awarding damages sufficient to compensate SoundStreak for Defendant's infringement of the Patents-in-Suit, but in no event less than a reasonable royalty, together with interest and costs;
- e. An order awarding SoundStreak treble damages under 35 U.S.C. § 284 as a result of Defendant's willful and deliberate infringement of the Patent-in-Suit;
- f. Entry of judgment declaring that this case is exceptional and awarding SoundStreak its costs and reasonable attorney fees under 35 U.S.C. § 285; and
- g. Such other and further relief as the Court deems just and proper.

Dated: September 17, 2021

Respectfully submitted,

/s/ Alfred R. Fabricant

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