

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

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

**PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, SoundStreak Texas, LLC (“SoundStreak” or “Plaintiff”), files this Original Complaint against Defendant Olympus Corporation (“Olympus” 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, Olympus is a Japanese corporation with a place of business at Shinjuku Monolith, 2-3-1 Nishi-Shinjuku, Shinjuku-ku, Tokyo 163-0914, 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, Olympus Capture, 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 (Olympus 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.

**OLYMPUS**English ▾



# Olympus Capture

State-of-the-art tethering software that assists the professional studio photographer

[Overview](#)[Features](#)[Download](#)

Olympus Capture is a tethering application which connects compatible Olympus products to a computer for a more satisfying studio photography experience. You can control the shutter release, camera settings, and transfer of photos either from the camera itself or the tethered computer.

You can also link the program to Olympus Workspace for even greater studio photography support.

## Tethering Software Olympus Capture

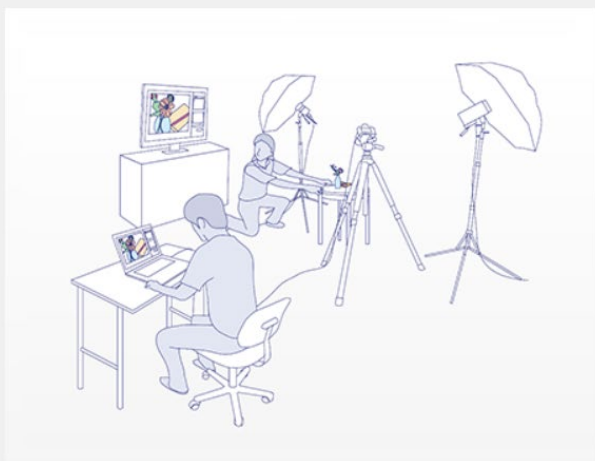
This software is compatible with Olympus cameras equipped with the tethering function.

### Compatible Cameras

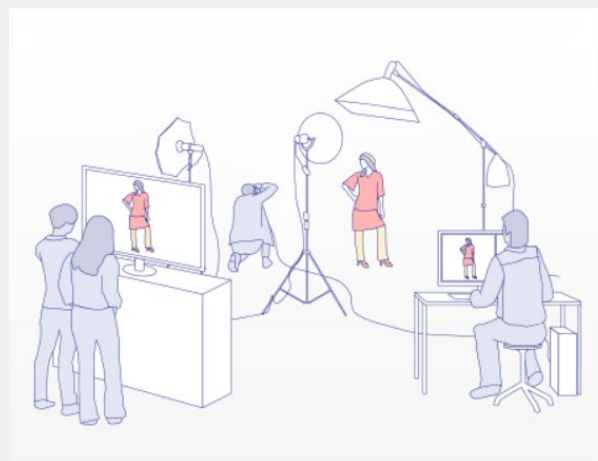
- OM-D E-M1X
- OM-D E-M1 Mark III
- OM-D E-M1 Mark II
- OM-D E-M1 F/W version 2.0 or later
- OM-D E-M5 Mark II

\* Available features differ depending on the camera and its firmware version. We recommend you update your camera before using this software.

### Object Photography



### Portrait Photography



<https://app.olympus-imaging.com/olympuscapture/en/>

## Remote Control

You can easily control the camera from a computer, just as if you were using the camera itself.



## Versatile parameter changes

Camera settings are easy to change with an interface based on Olympus's popular Super Control Panel. In addition, the camera can be controlled from either the camera or the computer at any time without having to switch live view settings since the camera is mirrorless. The software is also compatible with the Olympus wireless RC flash system.

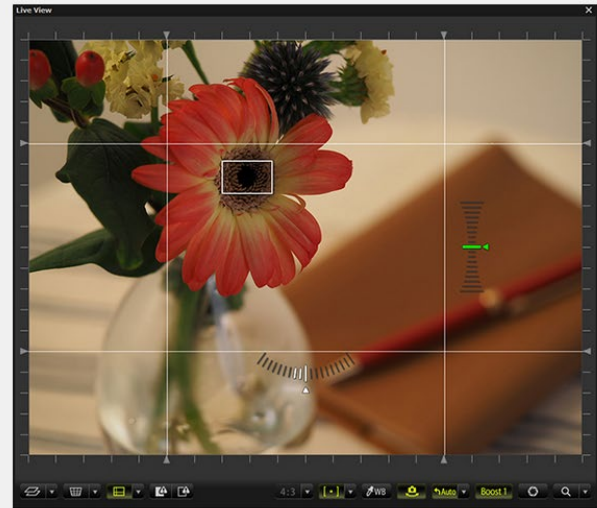
## Enhanced camera control from a computer

1. Keystone compensation enables checking compensation effects as you work for higher precision shooting
2. You can confirm the progress of your Live Composite/Live Bulb/Live Time on a computer monitor as you shoot
3. Now compatible with all bracket settings included on the camera
4. Now compatible with High Res Shot and Silent shooting
5. Now compatible with OM-D Movie



## Live View

This displays the camera's live view in real time on a computer.



### High-speed, high-resolution Live View

In live view, you can check shooting status the same way as with an EVF image showing the camera level gauge, AF Target frame, focus status, aperture preview, LV boost, etc. You can also magnify any portion of the image for better AF control and focusing. Also, the live view can be displayed on multiple monitors.

## Post-shooting workflow support

You can automatically download images to a computer after shooting.

### Image transfer

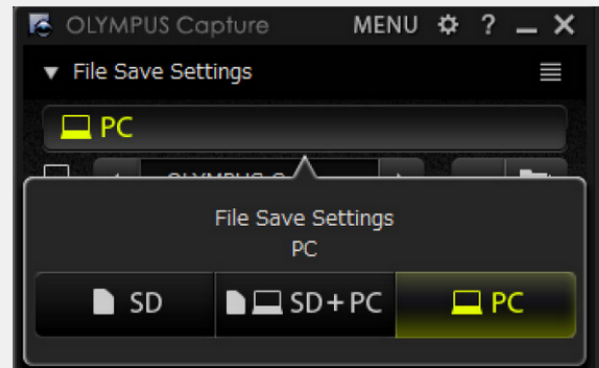
Images can be saved to the following options – SD card only, PC only or both SD card and PC.

#### (New for Ver. 2.0)

Image transfer via wireless access point is available with E-M1X or E-M1 Mark III.

#### (New for Ver. 1.1)

Saving images directly to a computer has been added to image save destination. It is also possible to set the computer file transfer priority. Combining these settings makes transfer to a computer up to 4 times faster than before.



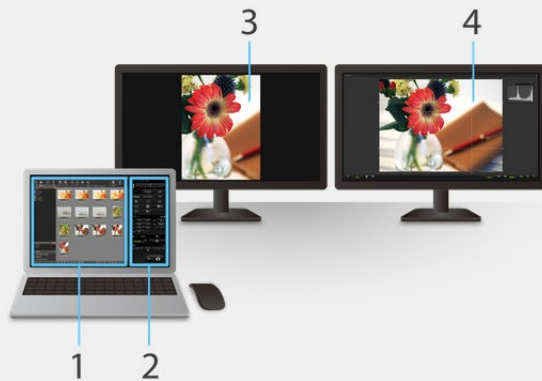
### Linking and using with image management software

By linking with the image management and editing software Olympus Workspace available from Olympus, recorded images can immediately be viewed and edited. Downloaded images can be automatically displayed and viewed on multiple monitors.

Software such as Phase One Capture One and Adobe Photoshop Lightroom can be launched simultaneously with Olympus Workspace, so you can smoothly switch to editing with software you are used to after capturing images using Olympus Capture.

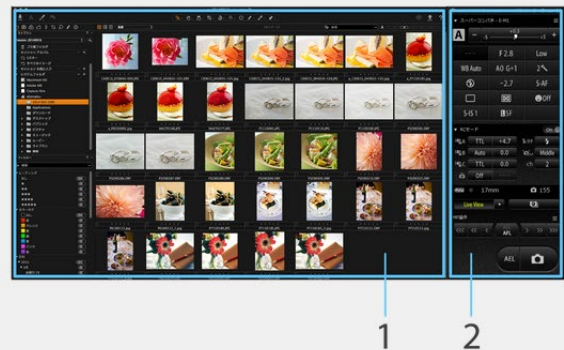
With such feature, you can use Olympus camera control without changing your current workflow.

**Ex. 1 Linked with Olympus Workspace. Supports output of recorded image and through image on multiple monitors.**



1. Thumbnail screen of Olympus Workspace
2. Control panel of Olympus Capture
3. Selected image displayed full screen
4. Through image displayed full screen

**Ex. 2 Using with Phase One Capture One.**



1. Thumbnail screen of Capture One
2. Control panel of Olympus Capture

<https://app.olympus-imaging.com/olympuscapture/en/features.html>

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 end-users, 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-Suit 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 Patent-in-Suit;

d. An order awarding damages sufficient to compensate SoundStreak for Defendant's infringement of the Patent-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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