UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

INMUSIC BRANDS, INC., Plaintiff, v. SPECTRA MERCHANDISING INTERNATIONAL, INC., Defendant.	C.A. No. 21-cv-05882 **JURY TRIAL DEMANDED**

COMPLAINT

Plaintiff inMusic Brands, Inc. ("inMusic") brings this action for patent infringement against defendant Spectra Merchandising International, Inc. ("Defendant" or "Spectra"), and alleges as follows:

THE PARTIES

1. inMusic is a corporation organized and existing under the laws of the State of Florida, with its principal place of business at 200 Scenic View Drive, Cumberland, Rhode Island 02864.

2. Upon information and belief, Defendant is a corporation organized and existing under the laws of Illinois, with its principal place of business located at 4230 N. Normandy Avenue, Chicago, Illinois 60634.

JURISDICTION AND VENUE

3. This action arises under the Patent Act, 35 U.S.C. § 1, *et seq.*

4. This Court has original subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant because Defendant is incorporated in the State of Illinois and has its principal place of business within this judicial district. Further, Defendant has committed alleged acts of patent infringement within this judicial district, including but not limited to selling infringing products directly to consumers and/or retailers in this district and selling, offering to sell and/or importing into the stream of commerce knowing such products would be sold in this district, which acts form a substantial part of the events giving rise to inMusic's claims.

6. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

BACKGROUND

7. inMusic is a family of leading music technology and consumer electronics brands, including Stanton®, Alesis®, Numark®, Denon DJ®, Denon Professional®, Akai Professional®, ION®, M-Audio®, Marantz Professional® and RANE®. Among its many product offerings, inMusic manufactures and sells a successful line of analog-to-digital converter ("ADC") turntables.

8. On July 28, 2009, the Unites States Patent and Trademark Office (the "PTO") issued U.S. Patent No. 7,567,498 to Stanton Magnetics, Inc. (the "'498 patent" or the "Asserted Patent"), entitled "Phonographic Turntable with Built-in Audio to USB or Firewire Device." A true copy of the '498 patent is attached hereto as Exhibit 1.

9. inMusic is the assignee of all right, title and interest in and to the '498 patent, including the right to sue for past infringement.

10. inMusic's extensive product offerings include ADC turntables that digitize vinyl recordings, such as the Stanton® T.55 USB, Stanton® T.92 M2 USB, ION® Max LP, ION® Max LP Black, ION® Superior LP, ION® Pro200BT, ION® Pro500BT, ION® Bronco LP, ION® Premier LP, ION® Mustang LP and Numark® PT01.

11. Spectra offers for sale, sells and/or has sold ADC turntables in direct competition with inMusic. Spectra is making, using, selling, offering for sale and/or importing into the United States the following ADC turntables that infringe one or more claims of the Asserted Patent: JTA-230 and JTA-230R (collectively, the "Accused Products").

12. The Accused Products are ADC turntables comprising a rotatable platter, a tonearm, and a controller responsive to the ADC that generates an output digital audio signal. They have a USB port and a jack for outputting digital audio signals. As set forth below, the Accused Products infringe, either literally or under the Doctrine of Equivalents, Claims 1–6 of the '498 patent.

13. Spectra knew of the Asserted Patent no later than March 24, 2021, at which time it received notice from inMusic of the '498 patent and one or more of the infringing Accused Products.

14. Notwithstanding actual notice of inMusic's patent rights, Spectra continues to offer for sale and sell the Accused Products.

COUNT I
(Patent Infringement - U.S. Patent No. 7,567,498)

15. The preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

16. inMusic is the owner of all right, title and interest in the '498 patent. The '498 patent has been in full force and effect since its issuance.

17. Spectra has been, and is now, infringing the '498 patent in violation of 35 U.S.C. § 271(a) by making, using, selling, offering for sale and/or importing into the United States the Accused Products that infringe claims 1 through 6 of the '498 patent.

18. Independent Claim 1 of the '498 patent recites:

1. A turntable including:

   a. a rotatable platter;

   b. a tonearm for receiving a phono cartridge for generating an analog audio signal representative of an audio recording;

   c. an analog to digital converter for receiving an analog audio signal from the phono cartridge; and

   d. a controller responsive to said analog to digital converter for generating an output digital audio signal of music or speech representative of an audio recording from an output of said analog to digital converter, representative of said analog audio signal;

   e. wherein said analog to digital converter and said controller are included within said turntable; and

   f. wherein said output digital audio signal is output from said turntable and uses standard computer protocol.

19. Claim 2 of the ‘498 patent recites:

> The turntable of claim 1 wherein said output digital audio signal uses universal serial bus (USB) protocol.

20. Claim 3 of the ‘498 patent recites:

> The turntable of claim 1 wherein said output digital audio signal uses firewire (IEEE-1394) protocol.

21. Claim 4 of the ‘498 patent recites:

> The turntable of claim 1 wherein said turntable further includes a jack for outputting said output digital audio signal.

22. Claim 5 of the ‘498 patent recites:

> The turntable of claim 1 wherein said rotatable platter is configured and arranged to receive a record with an audio recording thereon.

23. Claim 6 of the ‘498 patent recites:

> The turntable of claim 5 wherein said tonearm is configured and arranged to engage a phono cartridge against a record with an audio recording thereon, the record being supported by said rotatable platter.

24. The Accused Products meet all of the limitations of claim 1 of the '498 patent. The JTA-230 is exemplary of the Accused Products. It is an ADC turntable having features that are recited by at least claim 1 of the '498 patent. Specifically, the JTA-230 is a turntable that comprises:

1. a rotatable platter and tonearm with a cartridge that generates an analog signal representative of an audio recording[1] as depicted below:

https://www.amazon.com/dp/B00BCA4116?tag=tglcom20-20&linkCode=ogi&th=1&psc=1

2. an ADC for receiving an analog audio signal from the phono cartridge;

3. a controller that is responsive to the ADC for generating an output digital audio signal of music or speech that is representative of an audio recording from an output of said analog to digital converter, representative of said analog signal;

4. an ADC and controller are included within the turntable; and

5. the output digital audio signal is output from the turntable and uses standard computer protocol:

[1] The colored text corresponds to the Accused Product's features in the following graphics.

JTA-230 Jensen 3-Speed Stereo Turntable with Built-in Speakers and Speed Adjustm

By Jensen

What's in the Box?

- Turntable
- User Manual

Bring out those old records and enjoy them all over again with the Jensen JTA-230 3-speed stereo belt drive turntable. The JTA-230 includes two built-in stereo speakers and an auxiliary input jack, so you can play music from other devices like your tablet, MP3 player or other digital audio players right through the speakers. Also featured is direct MP3 Encoding from the turntable or the auxiliary input jack right to your computer using the included USB cord and conversion software. The turntable speed can be fine-tuned with the pitch control and you can even attach this unit to your home music system using the RCA line-out jacks. Also included is a dust cover, tone control, stereo headphone jack and auto stop switch. The unit operates on 120V AC power.

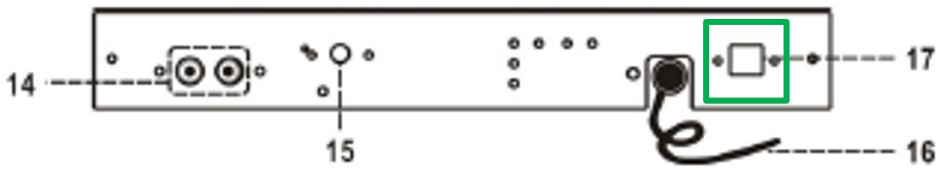
https://www.amazon.com/dp/B00BCA4116?tag=tglcom20-20&linkCode=ogi&th=1&psc=1

CONNECTING THE USB CABLE

1. To encode music from your records or from the Aux-in line, connect the USB Port of the Turntable to a suitable USB port on your computer via the USB cable provided.
2. Please refer to CONNECTING TO A COMPUTER FOR RECORDING section of this manual for detail.

https://images-na.ssl-images-amazon.com/images/I/A1Lu6We12aL.pdf

25. The Accused Products also meet all of the limitations of dependent claims 2-6 of the '498 patent. The JTA-230 is exemplary of both the Accused Products. As to claims 2-4, the JTA-230 has the following features: the digital output signal uses a USB and firewire protocols, described above (claims 2 and 3); and a jack for outputting said output digital signal, described below (claim 4):



14. Line-Out RCA Jacks (L/R)
15. AUX-IN jack
16. AC Power Cord
17. USB Port For Computer Connection

https://images-na.ssl-images-amazon.com/images/I/A1Lu6We12aL.pdf

26. As to claims 5-6, the JTA-230 has the following features: a rotatable platter arranged to receive a record with an audio recording (claim 5); and a tonearm that is configured to engage a phono cartridge on a record with an audio recording (claim 6):

https://www.amazon.com/dp/B00BCA4116?tag=tglcom20-20&linkCode=ogi&th=1&psc=1

27. As set forth above, Spectra had pre-suit knowledge of the '498 patent. Accordingly, Spectra's actions constitute willful and intentional infringement of the '498 patent.

28. Spectra's infringing conduct has and will continue to damage inMusic.

29. Spectra's infringing conduct in violation of 35 U.S.C. § 271(a) will continue, resulting in continuing irreparable harm to inMusic, unless enjoined by the Court.

PRAYER FOR RELIEF

WHEREFORE, inMusic respectfully requests this Court to:

A. Issue a temporary restraining order enjoining Defendant (including its officers, directors, employees, agents, and all persons acting in concert with them) from infringing the '498 patent;

B. Issue a preliminary injunction enjoining Defendant (including its officers, directors, employees, agents, and all persons acting in concert with them) from infringing the '498 patent;

C. Issue a permanent injunction enjoining Defendant (including its officers,

directors, employees, agents, and all persons acting in concert with them) from infringing, inducing others to infringe, or contributing to the infringement the '498 patent;

D. Enter judgment in favor of inMusic and against Defendant on Count I of the Complaint;

E. Order that Defendant pay to inMusic damages for Defendant's infringement of the '498 patent under 35 U.S.C. § 284 in an amount sufficient to compensate inMusic, including but not limited to, damages, in no event less than a reasonable royalty;

F. Award treble damages for willful, deliberate and intentional infringement in accordance with 35 U.S.C. § 284;

G. Declare this case exceptional under 35 U.S.C. § 285 and award inMusic its reasonable attorneys' fees and expenses;

H. Order Defendant to pay inMusic costs, pre-judgment interest and post-judgment interest; and

I. Grant other such relief that the Court deems appropriate.

JURY DEMAND

inMusic hereby demands a trial by jury on all issues so triable in this action.

Respectfully submitted,

INMUSIC BRANDS, INC.

By its Attorneys,

/s/ Christopher Dely

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Dated: November 3, 2021

EXHIBIT 1

US007567498B2

(12) **United States Patent**
Mazur et al.

(10) **Patent No.: US 7,567,498 B2**
(45) **Date of Patent: Jul. 28, 2009**

(54) **PHONOGRAPHIC TURNTABLE WITH BUILT-IN AUDIO TO USB OR FIREWIRE DEVICE**

(75) Inventors: **James Mazur**, Ft. Lauderdale, FL (US); **Alan Flum**, Tamarac, FL (US); **Erik Themmen**, Pompano Beach, FL (US); **Mark Demouy**, Hollywood, FL (US); **Darrin Young**, Ft. Lauderdale, FL (US)

(73) Assignee: **Stanton Magnetics, Inc.**, Boynton Beach, FL (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 651 days.

(21) Appl. No.: **10/862,942**

(22) Filed: **Jun. 8, 2004**

(65) **Prior Publication Data**

US 2005/0270926 A1 Dec. 8, 2005

(51) **Int. Cl.**
G11B 7/00 (2006.01)

(52) **U.S. Cl.** **369/174**; 369/9

(58) **Field of Classification Search** 369/128, 369/127, 155, 264, 174
See application file for complete search history.

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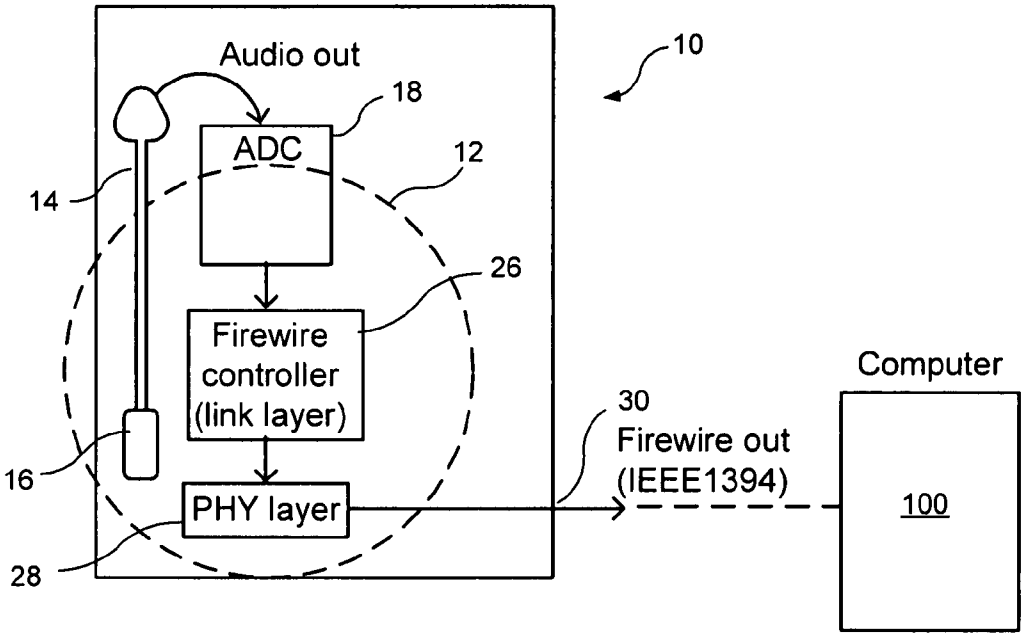
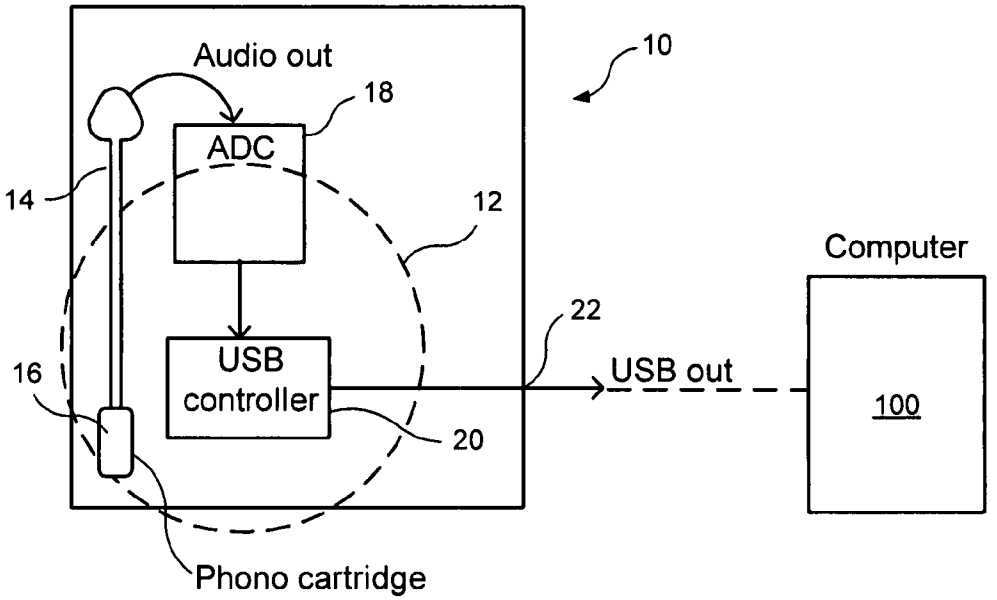
Primary Examiner—Wayne R Young
Assistant Examiner—Lixi Chow
(74) *Attorney, Agent, or Firm*—Day Pitney LLP

(57) **ABSTRACT**

The present invention is a turntable which includes an internal analog to digital converter and a controller for a standard digital format. This allows a jack for a standard digital format to be incorporated into the turntable, so that digital signals are generated to be received by the soundcard of an external computer or similar piece of digital equipment.

6 Claims, 1 Drawing Sheet




Audio out
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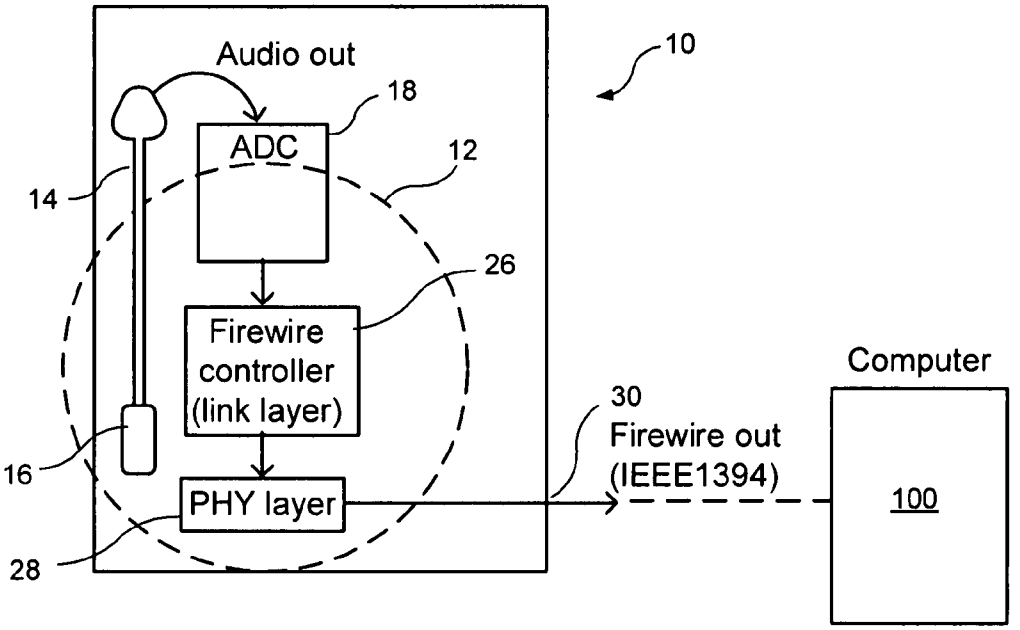
ADC
14
12
10
Computer
22
USB out
16
USB controller
20
100
Phono cartridge

F I G. 1


Audio out
18
ADC
12
10
14
26
Firewire controller (link layer)
Computer
30
Firewire out (IEEE1394)
16
PHY layer
100
28

F I G. 2

PHONOGRAPHIC TURNTABLE WITH BUILT-IN AUDIO TO USB OR FIREWIRE DEVICE

BACKGROUND OF THE INVENTION

1. Field of the Invention

The present invention relates to a phonographic turntable which includes a built-in audio conversion device, which is typically to USB, firewire, or other computer digital communication protocol, inside the turntable.

2. Description of the Prior Art

The standard phonographic turntable, as an analog device, is diminishing in commercial popularity due to the ever increasing capabilities of digital music equipment. Digital music equipment has many advantages in that it can be either connected directly to a home computer or can play music through a common storage device (such as a compact disk). However, the standard phonographic turntable is still embedded within the popular music culture, at least for the reason that many people still own vinyl LPs which may be difficult or even impossible to replace with compact disks. Similarly, the standard phonographic turntable is embedded within the disk jockey culture at dance clubs and similar institutions.

Some applications have connected the line level output of a turntable (or the output of a phono pre-amp which has received the audio output from the phono cartridge) to the analog input of a computer sound card. Other applications have used an external audio conversion device between the turntable and the soundcard.

In addition, there are currently several devices that allow the phonographic turntable to act as a control device, similar to a computer mouse, to modulate or apply some effect (such as "scratching") to audio playing within the computer.

The SPDIF (Sony/Phillips Digital Interface) has been built into some turntables in order to provide a digital output. However, this is not a standard protocol such as USB (universal serial bus) or firewire (IEEE 1394).

OBJECTS AND SUMMARY OF THE INVENTION

It is therefore an object of this invention to provide a turntable which includes digital output in a standard protocol, such as USB or firewire.

It is therefore a further object of the present invention to provide a turntable which eliminates the need for external audio conversion devices.

It is therefore a further object of the present invention to provide a turntable which maintains the familiar feel of a standard turntable to a disk jockey or similar operator.

These and other objects are attained by providing a turntable with such conventional features as a revolving platter, a pivoting tonearm and an analog phono cartridge and further providing an audio conversion device to USB, firewire or other standard computer digital communication protocol internally within the turntable. Therefore, a standard digital output is generated for simple connection to a computer or other digital equipment.

DESCRIPTION OF THE DRAWINGS

Further objects and advantages of the invention will become apparent from the following description and claims, and from the accompanying drawings, wherein:

FIG. **1** is a schematic of the USB version of the present invention.

FIG. **2** is a schematic of the firewire version of the present invention.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

Referring now to the drawings in detail wherein like numerals refer to like elements throughout the several views, one sees that FIG. **1** is a schematic of the turntable **10** of the present invention, in the USB configuration. Turntable **10** includes a rotatable platter **12** (shown in phantom), a pivotable or similar traveling tonearm **14** supporting a phono cartridge **16** at its distal end, typically by way of a conventional attachment between tonearm **14** and phono cartridge **16**. The phono cartridge **16** engages a conventional LP record rotating on platter **12**. The phono cartridge generates a conventional analog electrical signal, representative of the audio recording on the LP record. The conventional analog electrical signal is received by the analog to digital converter (ADC) **18**. The output of the analog to digital converter **18** is digital and is received by the USB controller **20**. Both the analog to digital converter **18** and the USB controller **20** are within the turntable **10**. This results in a USB signal being generated from the turntable **10** from a USB jack **22** which is on the cabinet of the turntable **10**. This USB signal from USB jack **22** can be fed directly to an external computer **100** (or similar digital processing equipment) so that the digital signal, typically a digital audio signal, can be processed by the computer **100**.

FIG. **2** is a schematic of turntable **10** of the present invention, in the firewire configuration. Turntable **10** includes a rotatable platter **12** (shown in phantom), a pivotable or similar traveling tonearm **14** supporting a phono cartridge **16** at its distal end, typically by way of a conventional attachment between tonearm **14** and phono cartridge **16**. The phono cartridge **16** engages a conventional LP record rotating on platter **12**, substantially identical to that shown in FIG. **1**. The phono cartridge generates a conventional analog electrical signal, representative of the audio recording on the LP record. The conventional analog electrical signal is received by the analog to digital converter (ADC) **18**. The output of the analog to digital converter **18** is digital and is received by the firewire controller (link layer) **26**. The output of the rewire controller (link layer) **18** is received by physical (PHY) layer **28**. The analog to digital converter **16**, the firewire controller (link layer) **26** and the physical SHY) layer **28** are all contained within the turntable **10**. This results in a USB signal being generated from the turntable **10** from a firewire jack (IEEE-1394) **30** which is on the cabinet of the turntable **10**. This firewire signal from firewire jack **30** can be fed directly to an external computer **100** (or similar digital processing equipment) so that the digital signal, typically a digital audio signal, can be processed by the computer **100**.

Thus the several aforementioned objects and advantages are most effectively attained. Although preferred embodiments of the invention have been disclosed and described in detail herein, it should be understood that this invention is in no sense limited thereby and its scope is to be determined by that of the appended claims.

What is claimed is:

1. A turntable including:

a rotatable platter;

a tonearm for receiving a phono cartridge for generating an analog audio signal representative of an audio recording;

an analog to digital converter for receiving an analog audio signal from the phono cartridge; and

a controller responsive to said analog to digital converter for generating an output digital audio signal of music or

speech representative of an audio recording from an output of said analog to digital converter, representative of said analog audio signal;

wherein said analog to digital converter and said controller are included within said turntable; and

wherein said output digital audio signal is output from said turntable and uses standard computer protocol.

2. The turntable of claim **1** wherein said output digital audio signal uses universal serial bus (USB) protocol.

3. The turntable of claim **1** wherein said output digital audio signal uses firewire (IEEE-1394) protocol.

4. The turntable of claim **1** wherein said turntable further includes a jack for outputting said output digital audio signal.

5. The turntable of claim **1** wherein said rotatable platter is configured and arranged to receive a record with an audio recording thereon.

6. The turntable of claim **5** wherein said tonearm is configured and arranged to engage a phono cartridge against a record with an audio recording thereon, the record being supported by said rotatable platter.

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