

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**ROTHSCHILD BROADCAST
DISTRIBUTION SYSTEMS, LLC,**

Plaintiff,

**v.
FUZE, INC.,**

Defendant.

CIVIL ACTION NO. 3:20-cv-03365

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Rothschild Broadcast Distribution Systems, LLC (“Plaintiff” or “Rothschild Broadcast Distribution Systems”) files this complaint against Fuze, Inc. (“Fuze”) 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 3001 Dallas Pkwy., Ste. 140, Frisco, Texas 75034. 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 Fuze enterprise cloud PBX phone system, Fuze Portal, 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., voicemail, etc.) 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.

Enterprise Cloud PBX Phone System

Move beyond the limitations of a traditional business phone system

Modern business communications require more than just a dial tone. Leading organizations are looking for solutions that drive business agility while attracting and retaining talent. Fuze gives users the flexibility to move beyond the limitations of legacy systems, delivering an innovative cloud-based business phone system – experience with video and screen share directly within a Fuze call.

Source: <https://www.fuze.com/products/calling#seehow-work>

Call Recording

Use Fuze Portal to manage call recordings. You must have administrator access to manage, listen to, download, and email call recordings in the Fuze Portal. This article describes how to:

- Record calls
- Manage recorded calls
- Download and listen to recorded calls

Source:

<https://help.fuze.com/hc/en-us/articles/360010876754-Call-Recording>

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.

Managing Recorded Calls

If you have permission to access call recordings, you can view, filter, listen, download, and email call recordings from the Call Recordings screen in [Fuze Portal](#).

Source: <https://help.fuze.com/hc/en-us/articles/360010876754-Call-Recording>

A screenshot of a login page. At the top, it says "Welcome". Below that, it says "Enter your username or e-mail to sign in". There is a text input field labeled "Username or E-mail". Below the input field is a checkbox labeled "Remember me". At the bottom of the form is a teal button labeled "NEXT".

Source:

<https://auth.thinkingphones.com/?accessToken=MTphcHBsaWNhdGlvbjoyNDA5OTAwODU2MjM4NDA3Njk6OTIyMzM3MjAzNjg1NDc3NTgwNzprNFZLODB3UjJLT0JLMkZja3ZWc3JOeU5ibUNhUm9sTlZ5OEIvnpOUEJFPQ%3D%3D&redirectUri=https:%2F%2Fportal.thinkingphones.com%2Fjetspeed%2Flogin%2Fredirector&showRememberMe=true>

20. The Product 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.

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