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7 *Attorney(s) for Rothschild Patent Imaging, LLC*

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

10 **ROTHSCHILD PATENT**
11 **IMAGING LLC,**

12 **Plaintiff,**

13 **vs.**

14 **PLEX, INC.**

15 **Defendant.**

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Case No. 5:22-cv-02756

PATENT CASE

JURY TRIAL DEMANDED

COMPLAINT

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18 Plaintiff Rothschild Patent Imaging LLC (“Plaintiff” or “RPI”) files this
19 original Complaint against Plex, Inc. (“Defendant” or “Plex”) for infringement of
20 United States Patent No. 8,437,797 (“the ‘797 Patent”).

21 **PARTIES AND JURISDICTION**

22 1. This is an action for patent infringement under Title 35 of the United
23 States Code. Plaintiff is seeking injunctive relief as well as damages.

24 2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331
25 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent
26 infringement arising under the United States patent statutes.
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1 3. Plaintiff is a Texas limited liability company having an address at 1 East
2 Broward Boulevard, Suite 700, Ft. Lauderdale, FL 33301.

3 4. On information and belief, Defendant is a Delaware corporation with a
4 place of business at 449 N Santa Cruz Ave, Los Gatos, CA, 95030-5312. On
5 information and belief, Defendant may be served through its registered agent, Csc -
6 Lawyers Incorporating Service, 2710 Gateway Oaks Dr Ste, 150N, Sacramento, CA
7 95833; or Corporation Service Company, 251 Little Falls Drive, Wilmington, DE
8 19808.

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

13 6. On information and belief, Defendant's instrumentalities that are alleged
14 herein to infringe were and continue to be used, imported, offered for sale, and/or sold
15 in this District.

16 **VENUE**

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

21 **COUNT I**

22 **(INFRINGEMENT OF UNITED STATES PATENT NO. 8,437,797)**

23 8. Paragraphs 1-7 are incorporated herein.

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

26 10. Plaintiff is the owner by assignment of the '797 Patent with sole rights to
27 enforce the '086 patent and sue infringers.
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1 11. A copy of the ‘797 Patent, titled “Wireless Image Distribution System and
2 Method,” is attached hereto as Exhibit A.

3 12. The ‘797 Patent is valid, enforceable, and was duly issued in full
4 compliance with Title 35 of the United States Code.

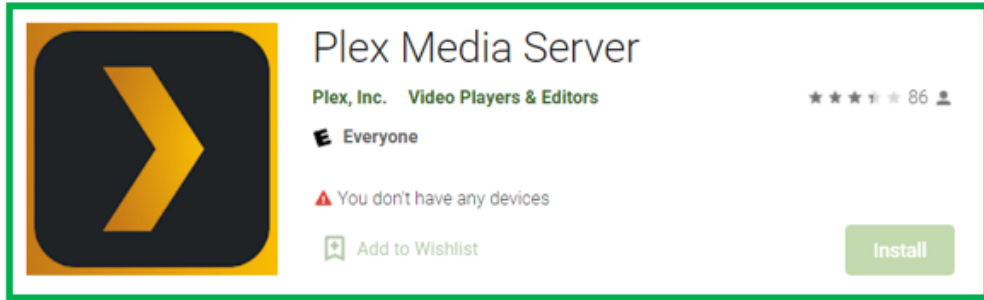
5 13. On information and belief, Defendant has infringed and continues to
6 infringe one or more claims (at least by having its employees, or someone under
7 Defendant's control, test the accused product), including at least Claim 16 of the ‘797
8 Patent by making, using, importing, selling, and/or offering for sale network storage
9 systems including hardware, software and firmware, covered by at least Claim 16 of
10 the ‘797 Patent.

11 14. On information and belief, Defendant sells, offers to sell, and/or uses
12 network storage systems and methods including, without limitation, the Plex Media
13 Server photo, media, and file storage and sharing system, the Plex App, and any similar
14 products (“Product”), which infringe at least Claim 16 of the ‘797 Patent.

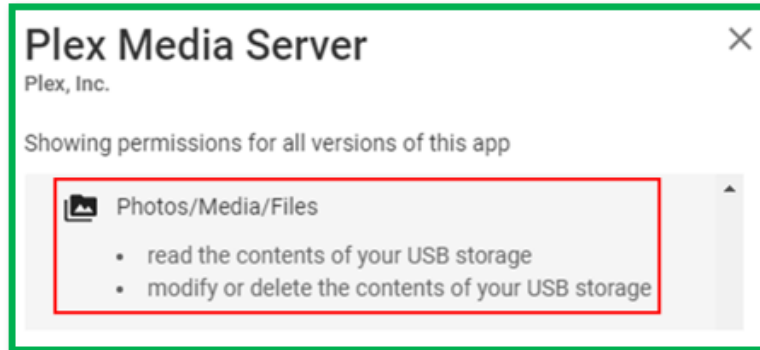
15 15. The Product uses an image capturing device to perform a method. The
16 Product receives and filters photographic images from cameras. The Product also
17 shares the images according to certain conditions. Certain aspects of this element are
18 illustrated in the screenshots below, and/or the screenshots provided in connection with
19 other elements discussed herein.

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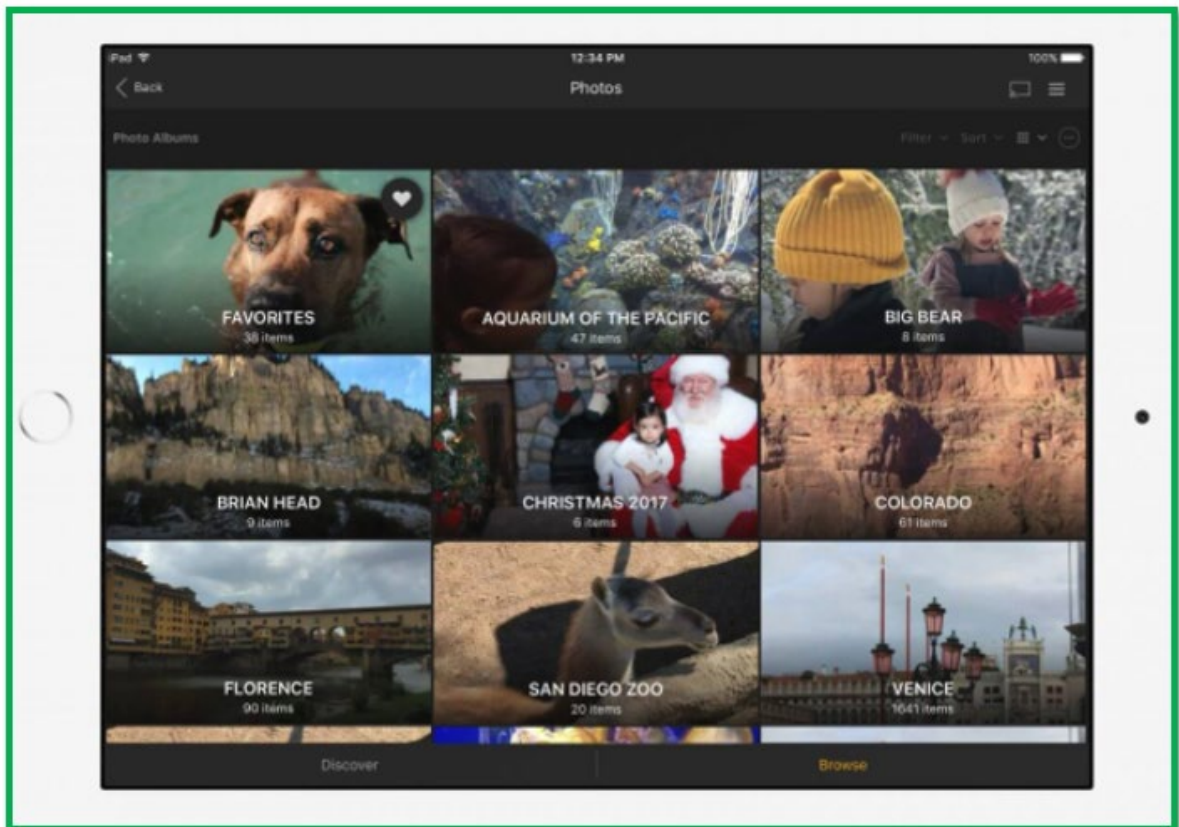
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Source: <https://play.google.com/store/apps/details?id=com.plexapp.mediaserver.smb&hl=en&gl=US>



Source: <https://play.google.com/store/apps/details?id=com.plexapp.mediaserver.smb&hl=en&gl=US>



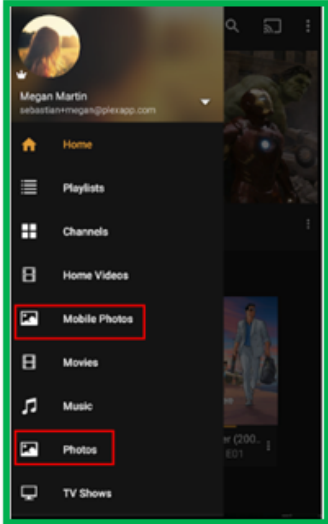
Source: <https://www.plex.tv/your-media/photos-videos/>

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Photos Libraries

The view options across the top of the library will allow you to switch between Recommended, Timeline, Library, and Albums views if desired.

Source: <https://support.plex.tv/articles/200392126-using-the-library-view/>



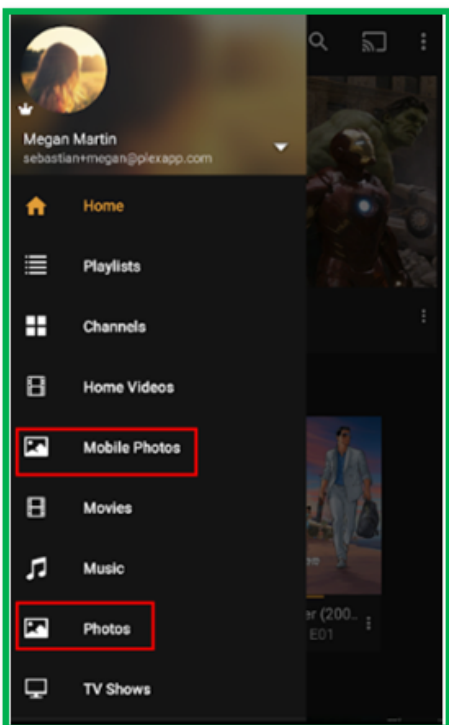
Organize, discover, and share

Once you add your photos and videos to Plex, they are organized in one place that is easy to navigate and beautiful to look at from any device. Create photo albums, share libraries, edit metadata, browse all of your photos and videos using automatic image- and geo-tagging, or rediscover forgotten memories.

Source: <https://play.google.com/store/apps/details?id=com.plexapp.mediaserver.smb&hl=en&gl=US>

Source: <https://www.plex.tv/your-media/photos-videos/>

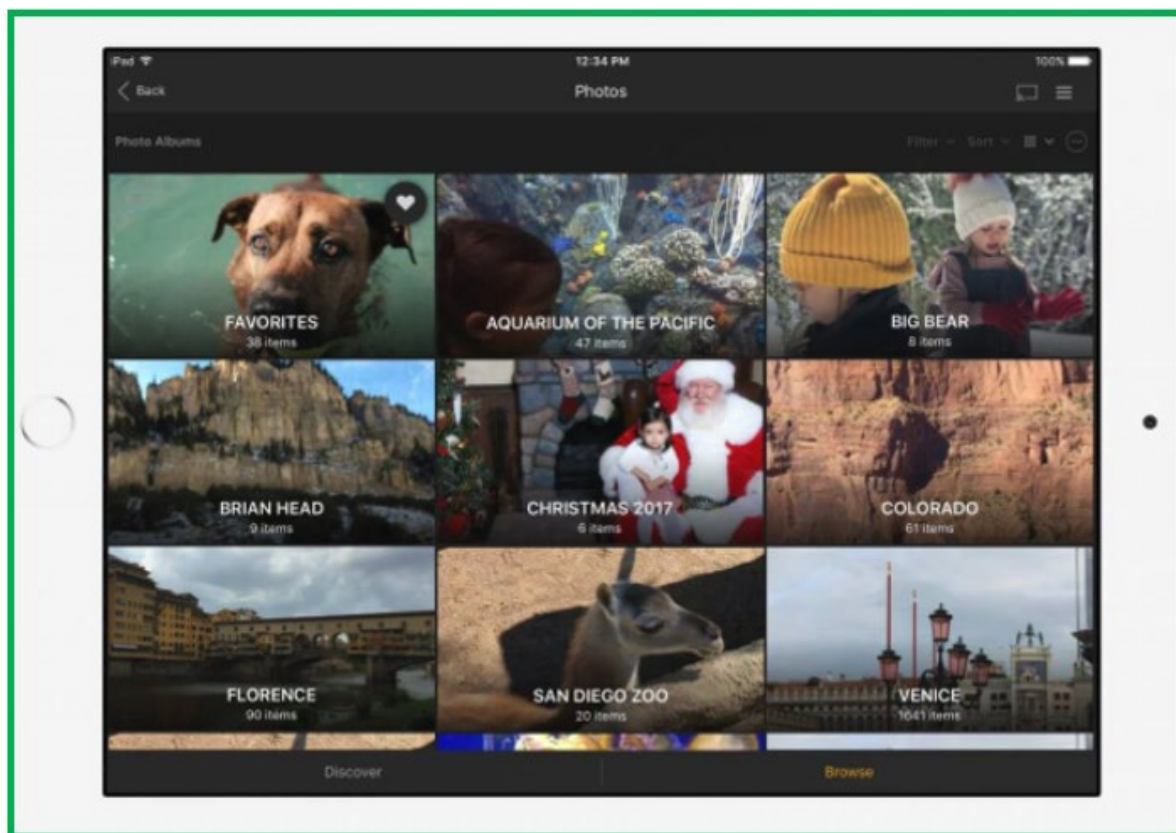
16. The Product practices receiving a plurality of images. For example, the Product provides for receiving multiple photos from a user device and receiving the photos in a photo library. The Product’s app can access captured images (e.g., images stored on a smartphone) and allow a user to transfer the images to other users. Certain aspects of this element are illustrated in the screenshots below, and/or the screenshots provided in connection with other elements discussed herein.



Organize, discover, and share

Once you add your photos and videos to Plex, they are organized in one place that is easy to navigate and beautiful to look at from any device. Create photo albums, share libraries, edit metadata, browse all of your photos and videos using automatic image- and geo-tagging, or rediscover forgotten memories.

Source: <https://play.google.com/store/apps/details?id=com.plexapp.mediaserver.smb&hl=en&gl=US>
Source: <https://www.plex.tv/your-media/photos-videos/>



Source: <https://www.plex.tv/your-media/photos-videos/>

1 17. The Product practices filtering the plurality of photographic images (e.g.,
2 sorting the photos) using a transfer criteria (e.g., users select the images they wish to
3 share, etc.). Certain aspects of this element are illustrated in the screenshots below,
4 and/or the screenshots provided in connection with other elements discussed herein.

Organize, discover, and share

5
6 Once you add your photos and videos to Plex, they are organized in one
7 place that is easy to navigate and beautiful to look at from any device.
8 Create photo albums, share libraries, edit metadata, browse all of your
9 photos and videos using automatic image- and geo-tagging, or
10 rediscover forgotten memories.

11 Source: <https://www.plex.tv/your-media/photos-videos/>

The magic of automatic photo-tagging

12 Using object and scene recognition, Plex tags your photos based on subject (kids,
13 sports, sunsets, etc.). Fine-tune your tags by removing, editing, or adding your own!
14 Plex also supports Places, which uses any GPS data in a photo to show you where it
15 was taken.

16 Source: <https://www.plex.tv/your-media/photos-videos/>

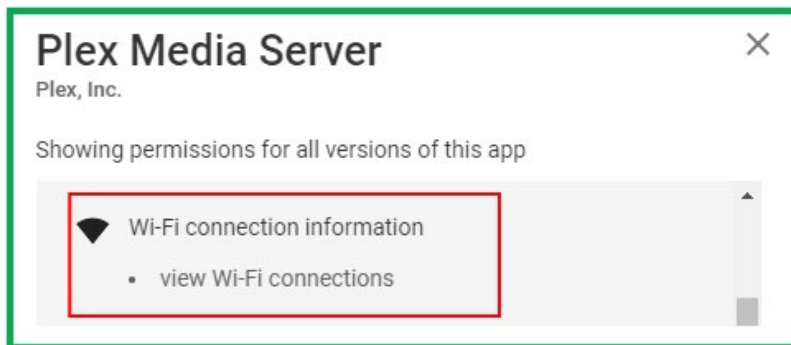
Photos Libraries

17 The view options across the top of the library will allow you to
18 switch between Recommended, Timeline, Library, and Albums
19 views if desired.

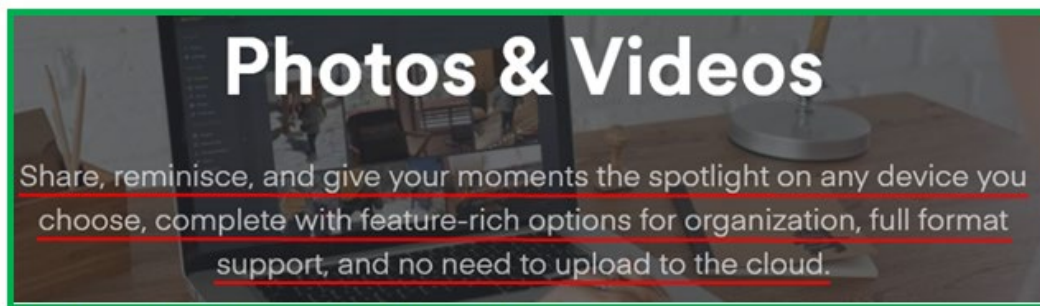
20 Source: <https://support.plex.tv/articles/200392126-using-the-library-view/>

21 18. The Product practices transmitting, via a wireless transmitter and to a
22 second image capturing device, the filtered plurality of photographic images. For
23 example, files of filtered photos can be shared with other mobile devices. The Product
24 enables a user to search, download, and share photos to a second image capturing
25 device (e.g., another mobile device or a computer). Certain aspects of this element are
26 illustrated in the screenshots below, and/or the screenshots provided in connection
27 with other elements discussed herein.
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Source: <https://play.google.com/store/apps/details?id=com.plexapp.mediaserver.smb&hl=en&gl=US>



Source: <https://www.plex.tv/your-media/photos-videos/>

19. When using the Product to share photos with a group (e.g., social media group or private group), the image capturing device and the second mobile device are disposed in a selectively paired relationship with one another based upon an affinity group associated with the second mobile device (e.g., the users of both devices belong to the same social media group and may send images to each other as well as other users). Certain aspects of this element are illustrated in the screenshots below, and/or the screenshots provided in connection with other elements discussed herein.

Organize, discover, and share

Once you add your photos and videos to Plex, they are organized in one place that is easy to navigate and beautiful to look at from any device.

Create photo albums, share libraries, edit metadata, browse all of your photos and videos using automatic image- and geo-tagging, or rediscover forgotten memories.

Photos & Videos

Share, reminisce, and give your moments the spotlight on any device you choose, complete with feature-rich options for organization, full format support, and no need to upload to the cloud.

Source: <https://www.plex.tv/your-media/photos-videos/>

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

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

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

JURY DEMAND

23. Under Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

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

(b) Enter an Order Enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant

1 who receive notice of the order from further infringement of United States Patent No.
2 9,936,086 (or, in the alternative, awarding Plaintiff a running royalty from the time of
3 judgment going forward);

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

6 (d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

7 (e) Award Plaintiff such further relief to which the Court finds Plaintiff
8 entitled under law or equity.

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10 Dated: May 10, 2022

Respectfully submitted,

11 /s/Stephen M. Lobbin

12 Stephen M. Lobbin

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18 ***Attorney(s) for Plaintiff***