

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

INMUSIC BRANDS, INC.,

Plaintiff,

v.

SONY CORPORATION OF AMERICA,

Defendant.

C.A. No.

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiff inMusic Brands, Inc. (“inMusic”) brings this action for patent infringement against defendant Sony Corporation of America (“Defendant” or “Sony”), 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.
2. Upon information and belief, Defendant is a company organized and existing under the laws of the State of New York, with its principal place of business located at 25 Madison Avenue, New York, New York, 10010.

**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’s principal place of business is in the State of New York and 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<sup>®</sup>, Alesis<sup>®</sup>, Numark<sup>®</sup>, Denon DJ<sup>®</sup>, Denon Professional<sup>®</sup>, Akai Professional<sup>®</sup>, ION<sup>®</sup>, M-Audio<sup>®</sup>, Marantz Professional<sup>®</sup> and RANE<sup>®</sup>. 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 United 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<sup>®</sup> T.55 USB, Stanton<sup>®</sup> T.92 M2 USB, ION<sup>®</sup> Max LP, ION<sup>®</sup> Max LP Black, ION<sup>®</sup> Superior LP, ION<sup>®</sup> Pro200BT, ION<sup>®</sup> Pro500BT, ION<sup>®</sup> Bronco LP, ION<sup>®</sup> Premier LP, ION<sup>®</sup> Mustang LP and Numark<sup>®</sup> PT01.

11. Sony offers ADC turntables in direct competition with inMusic. Sony is making, using, selling, offering for sale and/or importing into the United States the PS-HX500 and

PS-LX310BT turntables (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. Each contains a USB port and a jack for outputting the digital audio signal. As set forth below, the Accused Products infringe, either literally or under the Doctrine of Equivalents, Claims 1–6 of the ‘498 patent.

13. Sony knew of the Asserted Patent no later than June 30, 2021, at which time it received notice from inMusic of the ‘498 patent and the infringing Accused Products.

14. Notwithstanding actual notice of inMusic’s patent rights, Sony 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. Sony 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.

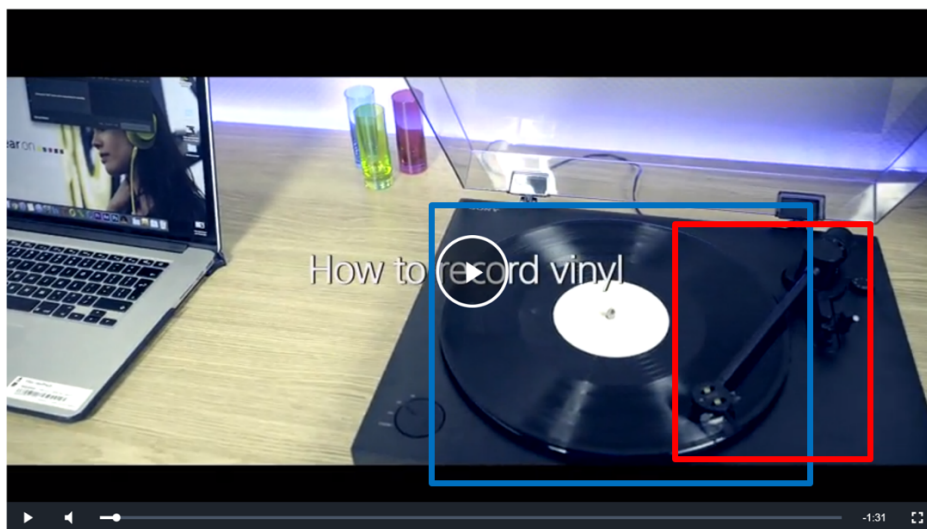
23. Claim 6 of the '498 patent recites:

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 PS-HX500 is exemplary of all the Accused Products. It is an ADC turntable having features that are recited by at least claim 1 of the '498 patent. Specifically, the PS-HX500 is a turntable that comprises:

1. a rotatable platter and tonearm with a cartridge that generates an analog signal representative of an audio recording<sup>1</sup> as depicted below:



<https://www.amazon.com/Sony-PSHX500-Res-Turntable-Black/dp/B01D8RWMGQ>

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

Sony PSHX500 Hi Res USB Turntable

About this item

- DSD Native AD converter: The internal A/D converter supports native conversion from analog to DSD 2.8 MHz or 5.6 MHz digital.

Digitally capture analog in Hi-Res Audio

Breathe new life into analog masterpieces with Hi-Res audio up to DSD quality. Just hook up the PS-HX500 turntable to your PC via USB, play a record and digitally archive the music from your favorite vinyl recordings in Hi-Res.

<https://www.amazon.com/Sony-PSHX500-Res-Turntable-Black/dp/B01D8RWMGQ>

<sup>1</sup> The colored text corresponds to the Accused Product's features in the following graphics.

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

### Product highlights:

- built-in phono preamp with line-level audio and USB output (Windows® and Mac® compatible)

[https://www.crutchfield.com/S-bVTq3Rmc90K/p\\_158PSHX500/Sony-PS-HX500.html](https://www.crutchfield.com/S-bVTq3Rmc90K/p_158PSHX500/Sony-PS-HX500.html)

25. The Accused Products also meet all of the limitations of dependent claims 2-6 of the '498 patent. The PS-HX500 is exemplary of all the Accused Products. As to claims 2-4, the PS-HX500 has the following features: its digital output signal uses a **USB** and **firewire protocols**, described above (claims 2 and 3); and it includes a **jack for outputting said output digital signal**, described below (claim 4):



<https://www.sony.com/electronics/audio-components/ps-hx500/buy/pshx500>

26. As to claims 5-6, the PS-HX500 has the following features, described above: 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).

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

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

29. Sony'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 Asserted 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 Asserted 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 Asserted 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 Asserted 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/ Elizabeth M. Nagle

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