

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

ONSTREAM MEDIA CORPORATION,

Plaintiff,

v.

CAFEX COMMUNICATIONS LTD,

Defendant.

Case No. 6:22-cv-00887

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Onstream Media Corporation (“Onstream”) files this Complaint against Defendant CafeX Communications LTD (“CafeX”) for patent infringement of United States Patent Nos. 9,161,068; 10,200,648; 10,694,142; 10,848,707; 10,951,855; and 11,128,833 (the “patents-in-suit”) attached as Exhibits 1-9, respectively, and alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

THE PARTIES

2. Onstream is a corporation organized under laws of the State of Florida with its principal place of business at 1451 West Cypress Creek Road, No. 204, Ft. Lauderdale, Florida, 33309.

3. On information and belief, CafeX is a corporation organized under the laws of the United Kingdom with its principal place of business at Building 3, The Eastern Business Park, Wern Fawr Lane, St. Mellons, Cardiff CF3 5EA, United Kingdom.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

5. Defendant is subject to this Court's personal jurisdiction in accordance with due process and/or the Texas Long Arm Statute because, in part, Defendant has "commit[ted] a tort in whole or in part in this state." *See* Tex. Civ. Prac. & Rem. Code § 17.042.

6. This Court has personal jurisdiction over Defendant because Defendant (directly and/or through its subsidiaries, affiliates, or intermediaries including CafeX Communications Inc.) has omitted and continue to commit acts of infringement in this judicial district in violation of at least 35 U.S.C. § 271(a).

7. This Court also has personal jurisdiction over Defendant because Defendant has sufficient minimum contacts with this forum as a result of business

conducted within the State of Texas and this judicial district. In particular, this Court has personal jurisdiction over Defendant because, *inter alia*, Defendant, on information and belief (directly and/or through its subsidiaries, affiliates, or intermediaries), has substantial, continuous, and systematic business contacts in this judicial district, and derive substantial revenue from goods and services provided to individuals in the State of Texas and this judicial district.

8. Defendant (directly and/or through its subsidiaries, affiliates, or intermediaries) has purposefully availed themselves of the privileges of conducting business within the State of Texas and in this judicial district, has established sufficient minimum contacts with this judicial district such that it should reasonably and fairly anticipate being hauled into court in this judicial district, has purposefully directed activities at residents of this judicial district, and at least a portion of the patent infringement claims alleged in this Complaint arise out of or are related to one or more of the foregoing activities.

9. Venue is proper as to Defendant, because it is organized under the laws of the United Kingdom. 28 U.S.C. § 1391(c)(3) provides *inter alia* that “a defendant not resident in the United States may be sued in any judicial district...”

United States Patent No. 9,161,068

10. On October 13, 2015, the United States Patent and Trademark Office (“USPTO”) duly and legally issued United States Patent No. 9,161,068 (“the ‘068 patent”) entitled “Remotely Accessed Virtual Recording Room” to inventor Gregory Duane Ellis.

11. The '068 patent is presumed valid under 35 U.S.C. § 282.

12. Onstream owns all rights, title, and interest in the '068 patent.

13. On information and belief, Onstream has not granted CafeX an approval, an authorization, or a license to the rights under the '068 patent.

14. The '068 patent relates to, among other things, an audio and video stream recording, storage, and delivery system.

15. The claimed invention(s) of the '068 patent sought to solve problems with, and improve upon, existing audio and video recording, storage, delivery systems. For example, the '068 patent states:

Unfortunately, new systems and methods for increasing the capabilities of online business-related communications and transactions often result in increased intellectual complexity and/or increased computer system requirements. This tendency is undesirable because another main avenue for increasing the productivity of online business-related communications and transactions is to increase the number of people who are participating in these online business-related transactions.

See '068 Specification at col. 1, ll. 31-39.

16. The '068 patent then states:

Accordingly, it would be highly valuable if any new systems and methods for increasing the capabilities of online business-related communications and transactions also could be simple enough to help attract new users to the online business market and also not have extensive computer system requirements.

See '068 Specification at col. 1, ll. 39-44.

17. The '068 patent then also states:

Accordingly, there has been a long existing need for a system that improves the level of communication possible with respect to online business-related

transactions. Further, there is a continuing need for an improved system and/or method that is simple, efficient, and does not have extensive computer system requirements. Accordingly, those skilled in the art have long recognized the need for a system and method that addresses these and other issues.

See '068 Specification at col. 1, ll. 45-52.

18. The invention(s) claimed in the '068 patent solves various technological problems inherent in the then-existing audio and video recording, storage, and delivery systems and enables audio and video recording, storage, and delivery systems to, among other things, (1) function more efficiently, (2) lower the required level of expertise for users of such systems, (3) avoid the need to install and burden front end computer and electronic devices with additional software, (4) reduce or eliminate entirely the need for local memory storage devices and other specialized recording equipment, and (5) reduce or eliminate other hardware and software requirements inherent in prior art audio and video recording and distribution systems.

United States Patent No. 10,200,648

19. On February 5, 2019, the USPTO duly and legally issued United States Patent No. 10,200,648 ("the '648 patent") entitled "Remotely Accessed Virtual Recording Room" to inventor Gregory Duane Ellis.

20. The '648 patent is presumed valid under 35 U.S.C. § 282.

21. Onstream owns all rights, title, and interest in the '648 patent.

22. Onstream has not granted CafeX an approval, an authorization or a license to the rights under the '648 patent.

23. The '648 patent relates to, among other things, an audio and video stream recording, storage, and delivery system.

24. The specification of the '648 patent is the same as the '068 patent specification, and solves the problems recited above and described in the '648 patent specification.

United States Patent No. 10,694,142

25. On June 23, 2020, the USPTO duly and legally issued United States Patent No. 10,694,142 ("the '142 patent") entitled "Remotely Accessed Virtual Recording Room" to inventor Gregory Duane Ellis.

26. The '142 patent is presumed valid under 35 U.S.C. § 282.

27. Onstream owns all rights, title, and interest in the '142 patent.

28. Onstream has not granted CafeX an approval, an authorization or a license to the rights under the '142 patent.

29. The '142 patent relates to, among other things, an audio and video stream recording, storage and delivery system.

30. The specification of the '142 patent is the same as the '068 patent specification, and addresses and solves the problems recited above and described in the '142 patent specification.

United States Patent No. 10,848,707

31. On November 24, 2020, the USPTO duly and legally issued United States Patent No. 10,848,707 ("the '707 patent") entitled "Remotely Accessed Virtual Recording Room" to inventor Gregory Duane Ellis.

32. The '707 patent is presumed valid under 35 U.S.C. § 282.

33. Onstream owns all rights, title, and interest in the '707 patent.

34. Onstream has not granted CafeX an approval, an authorization or a license to the rights under the '707 patent.

35. The '707 patent relates to, among other things, an audio and video stream recording, storage and delivery system.

36. The specification of the '707 patent is the same as the '068 patent specification, and addresses and solves the problems recited above and described in the '707 patent specification.

United States Patent No. 10,951,855

37. On March 16, 2021, the USPTO duly and legally issued United States Patent No. 10,951,855 ("the '855 patent") entitled "Remotely Accessed Virtual Recording Room" to inventor Gregory Duane Ellis.

38. The '855 patent is presumed valid under 35 U.S.C. § 282.

39. Onstream owns all rights, title, and interest in the '855 patent.

40. Onstream has not granted CafeX an approval, an authorization or a license to the rights under the '855 patent.

41. The '855 patent relates to, among other things, an audio and video stream recording, storage and delivery system.

42. The specification of the '855 patent is the same as the '068 patent specification, and addresses and solves the problems recited above and described in the '855 patent specification.

United States Patent No. 11,128,833

43. On September 21, 2021, the USPTO duly and legally issued United States Patent No. 11,128,833 (“the ‘833 patent”) entitled “Remotely Accessed Virtual Recording Room” to inventor Gregory Duane Ellis.

44. The ‘833 patent is presumed valid under 35 U.S.C. § 282.

45. Onstream owns all rights, title, and interest in the ‘833 patent.

46. Onstream has not granted CafeX an approval, an authorization or a license to the rights under the ‘833 patent.

47. The ‘833 patent relates to, among other things, an audio and video stream recording, storage and delivery system.

48. The specification of the ‘833 patent is the same as the ‘068 patent specification, and addresses and solves the problems recited above and described in the ‘833 patent specification.

CLAIMS FOR RELIEF

Count I - Infringement of United States Patent No. 9,161,068

49. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

50. On information and belief, CafeX (or those acting on its behalf) makes, uses, sells, imports and/or offers to sell the CafeX Video Products and Services; and makes, uses, sells, sells access to, imports, offers to sell and/or offers to sell access to the CafeX System in the United States that infringe (literally and/or under the doctrine of equivalents) at least claims 1, 18, 35, and 48 of the ‘068 patent.

51. On information and belief, one or more components of the CafeX System employs and provides a method that records audio and video material over an Internet browser connection established between a user front end and a host back end.

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Access Challo's high quality voice and video right from your browser. Apply voice and video to streamline any process, and connect with all your people.

See e.g., <https://www.cafex.com/solutions/voice-video/>

As a pure-browser solution, Challo makes it easy to start and join calls in just one click.

See e.g., <https://www.cafex.com/solutions/voice-video/>

Return to meeting recordings and transcriptions to map out a service plan fit to your client's specifications.

See e.g., <https://www.cafex.com/solutions/client-engagement/>

52. On information and belief, when a user wants to begin streaming using the CafeX Video Products and Services, servers of the CafeX System deliver a code, which can be executed by a browser.

Stay accessible and engaged

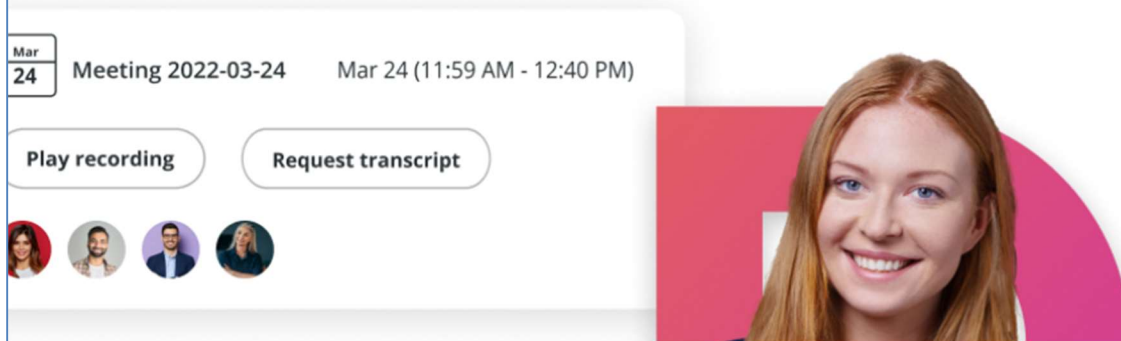
Engage in work wherever you are by accessing Challo through mobile, or desktop. With one click meetings, start and join calls whenever it is convenient for you.

See e.g., <https://www.cafex.com/platform/meetings/>

53. On information and belief, one or more components of the CafeX System delivers a code that enables the streaming of audio and video material. See e.g., *Id.*

54. On information and belief, one or more components of the CafeX System delivers a browser-executable-code that is a browser independent recording application that initiates the audio and video stream to be recorded.

Break down communication silos by instantly joining a meeting. You can add the meeting recording, transcript, and chat to your workspace to preserve knowledge and history.



See e.g., <https://www.cafex.com/platform/meetings/>

55. On information and belief, one or more components of the CafeX System delivers a code that is executed through a browser at the user front end.

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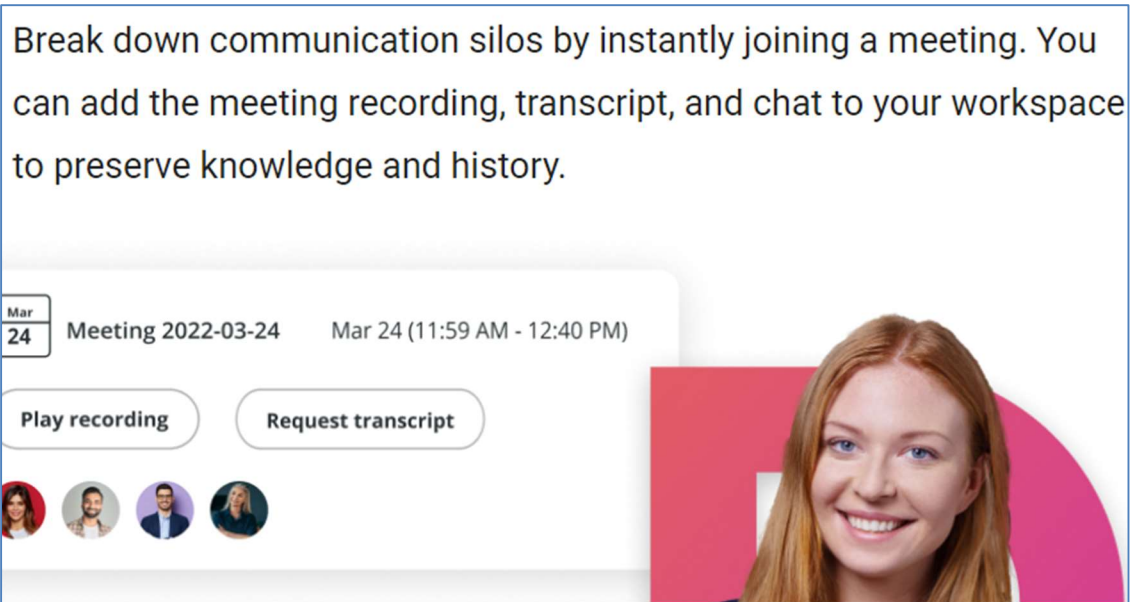
See e.g., <https://www.cafex.com/solutions/voice-video/>

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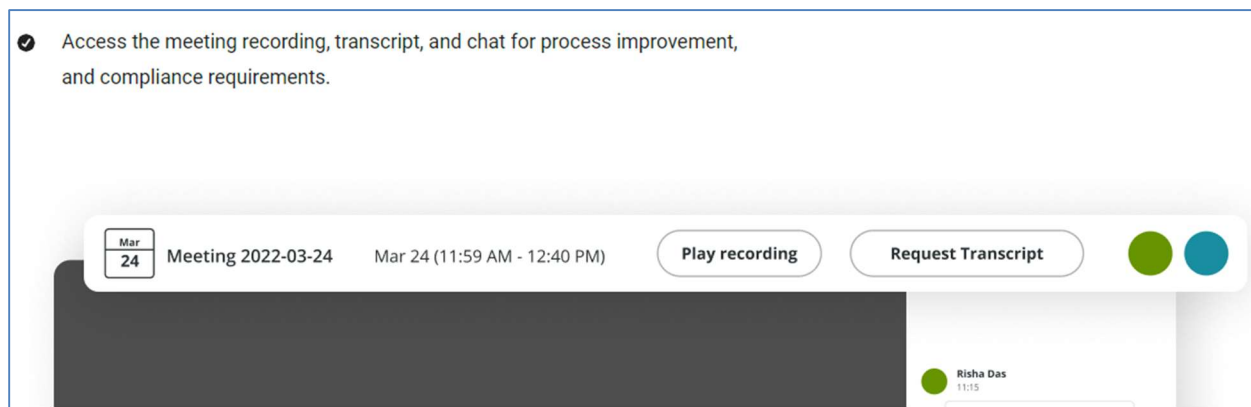
See e.g., <https://www.cafex.com/solutions/voice-video/>

56. On information and belief, one or more components of the CafeX System uses an Internet connection. *See e.g., Id.*

57. On information and belief, one or more components of the CafeX System uses and provides a method that does not require transmission of a complete audio and video file from the user front end. Rather, on information and belief, a stream of audio and video material is transmitted to the servers of the CafeX System as the audio and video material is being captured.



See e.g., <https://www.cafex.com/platform/meetings/>



See e.g., <https://www.cafex.com/solutions/voice-video/>

Return to meeting recordings and transcriptions to map out a service plan fit to your client's specifications.

See e.g., <https://www.cafex.com/solutions/client-engagement/>; See also, <https://www.nojitter.com/team-collaboration/cafex-says-challo-one-company-another>

58. On information and belief, one or more components of the CafeX System uses and provides a method wherein the audio and video recordings are made and stored on the host back end as a complete file. *See Id.*

WORKSPACES

Bring people and information together

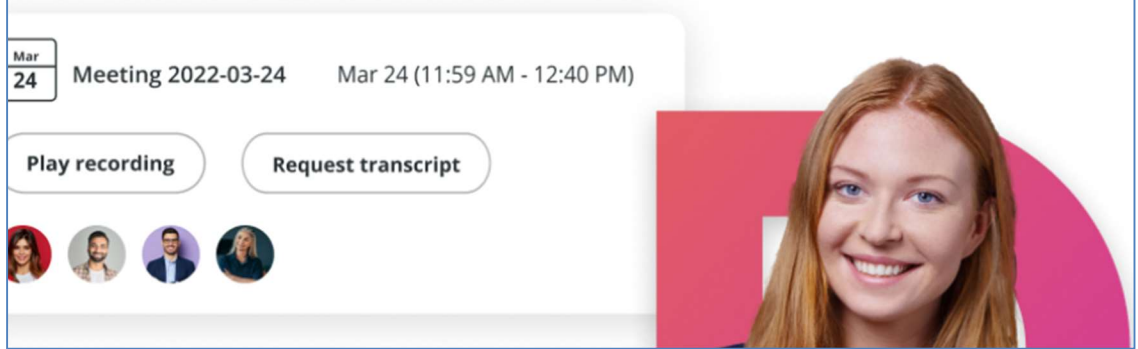
With workspaces, gather the right people in one space to collaborate on a shared objective.

See also e.g., <https://www.cafex.com/platform/workspaces/>

Workspaces focus collaboration, and you can create them for any project, process, or event. Each workspace has a dedicated chat, location for meetings, taskboard, and storage for assets like documents and links.

See e.g., <https://www.cafex.com/platform/workspaces/>

Break down communication silos by instantly joining a meeting. You can add the meeting recording, transcript, and chat to your workspace to preserve knowledge and history.



See e.g., <https://www.cafex.com/platform/meetings/>

59. On information and belief, one or more components of the CafeX System uses and provides a method wherein after the recording of audio and video material is complete, CafeX provides access to the entire audio and video recording. *See e.g., Id.*

60. On information and belief, one or more components of the CafeX System uses and provides a method wherein audio and video material is captured without using any recording software installed on the user front end.

As a pure-browser solution, Challo makes it easy to start and join calls in just one click.

See e.g., <https://www.cafex.com/solutions/voice-video/>

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See e.g., <https://www.cafex.com/platform/meetings/>

With screen share, you can show files to the entire group without having to switch context or applications.

See e.g., <https://www.cafex.com/solutions/voice-video/>

61. On information and belief, one or more components of the CafeX System employs and provides a method wherein audio and video material is streamed over the Internet as the audio and video material is captured by a recording device. *See e.g. Id.*

With access on the mobile app or desktop, stay accessible to your clients when and how they want to connect.

See e.g., <https://www.cafex.com/solutions/client-engagement/>

62. On information and belief, CafeX directly infringes at least claims 1, 18, 35, and 48 of the '068 patent, and is in violation of 35 U.S.C. § 271(a) by making, using, selling, importing, and/or offering to sell the CafeX Video Products and services; and making, using, selling, selling access to, importing, offering for sale, and/or offering to sell access to the CafeX System.

63. CafeX's direct infringement has damaged Onstream and caused it to suffer and continue to suffer irreparable harm and damages.

Count II - Infringement of United States Patent No. 10,200,648

64. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

65. On information and belief, CafeX (or those acting on its behalf) makes, uses, sells, imports and/or offers to sell the CafeX Video Products and Services; and makes, uses, sells, sells access to, imports, offers to sell and/or offers to sell access to the CafeX System in the United States that infringe (literally and/or under the doctrine of equivalents) at least claims 1 and 18 of the '648 patent.

66. On information and belief, one or more components of the CafeX System employs and provides an Internet-based recording method that performs all audio and video recording functions over an Internet browser connection established between a user front end and a host back end comprising recording audio and video material over the Internet browser connection, wherein audio and video material originates on the user front end and is recorded on the host back end without requiring recording functionality on the user front end.

VOICE & VIDEO

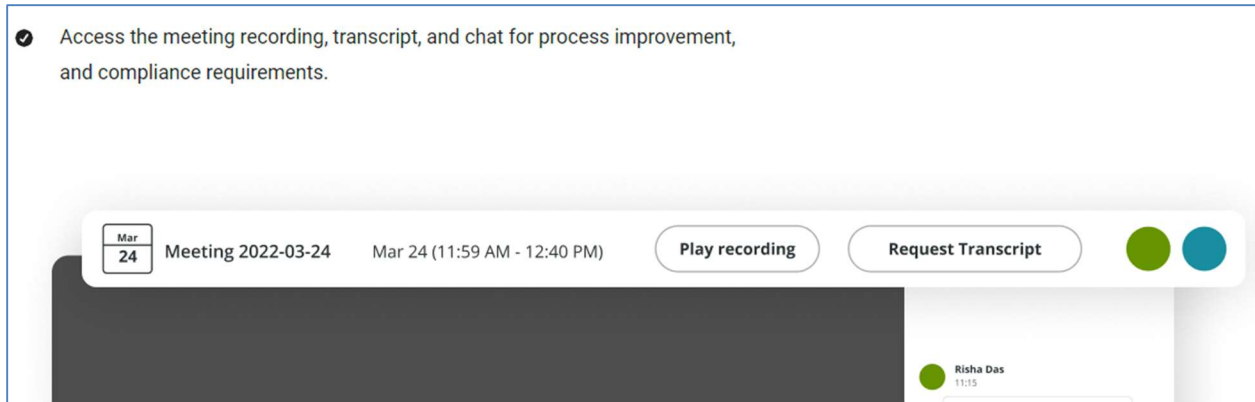
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See e.g., <https://www.cafex.com/solutions/voice-video/>

As a pure-browser solution, Challos makes it easy to start and join calls in just one click.

See e.g., <https://www.cafex.com/solutions/voice-video/>



See e.g., <https://www.cafex.com/solutions/voice-video/>

67. On information and belief, one or more components of the CafeX System employs and provides an Internet-based recording method that performs all audio and video recording functions over an Internet browser connection established between a user front end and a host back end comprising storing the recorded audio and video material on the host back end.

VOICE & VIDEO

Embed voice & video for seamless communication on any device

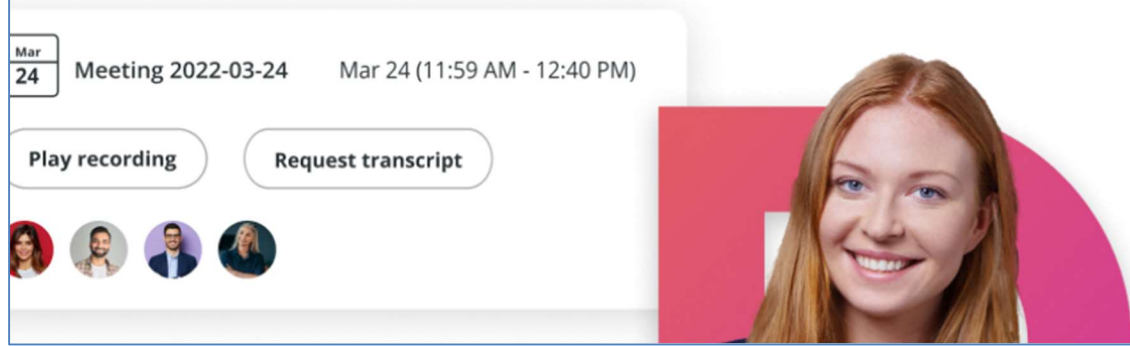
Access Challo's high quality voice and video right from your browser. Apply voice and video to streamline any process, and connect with all your people.

See e.g., <https://www.cafex.com/solutions/voice-video/>

As a pure-browser solution, Challo makes it easy to start and join calls in just one click.

See e.g., <https://www.cafex.com/solutions/voice-video/>

Break down communication silos by instantly joining a meeting. You can add the meeting recording, transcript, and chat to your workspace to preserve knowledge and history.



See e.g., <https://www.cafex.com/platform/meetings/>

WORKSPACES

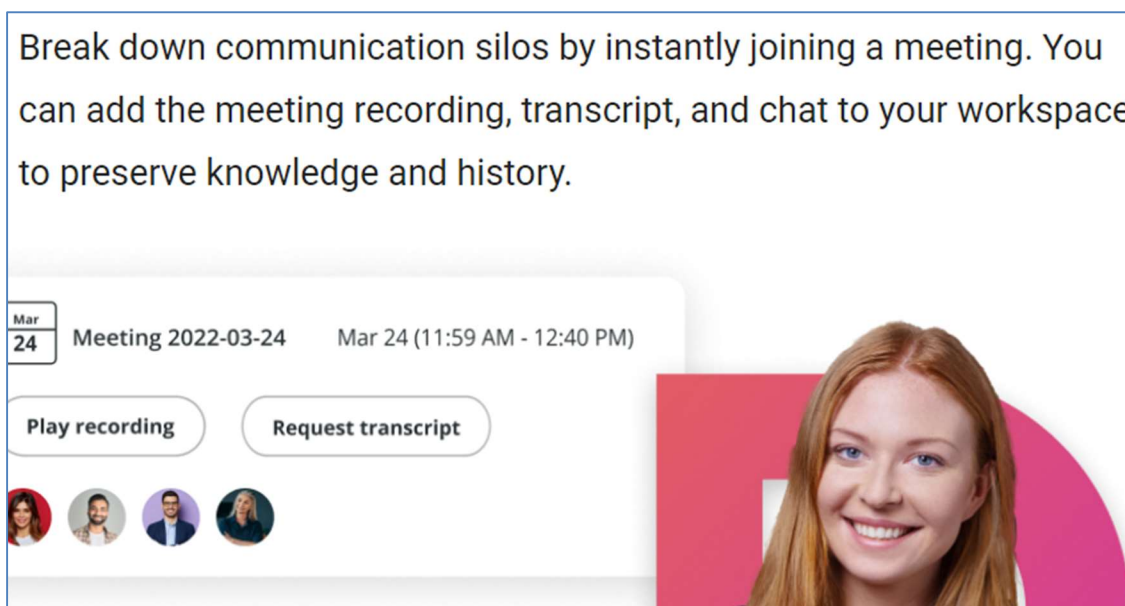
Bring people and information together

With workspaces, gather the right people in one space to collaborate on a shared objective.

See e.g., <https://www.cafex.com/platform/workspaces/>

68. On information and belief, one or more components of the CafeX System employs and provides an Internet-based recording method that performs all audio and

video recording functions over an Internet browser connection established between a user front end and a host back end comprising generating code associated with the recorded and stored audio and video material to facilitate accessing the recorded and stored audio and video material.



See e.g., <https://www.cafex.com/platform/meetings/>

Workspaces focus collaboration, and you can create them for any project, process, or event. Each workspace has a dedicated chat, location for meetings, taskboard, and storage for assets like documents and links.

See e.g., <https://www.cafex.com/platform/workspaces/>

69. On information and belief, one or more components of the CafeX System employs and provides an Internet-based recording method that performs all audio and video recording functions over an Internet browser connection established between a user front end and a host back end comprising enabling the generated code to be copied

and pasted to an additional location, wherein activating the generated code provides access to the recorded audio and video material from the additional location. *See e.g., Id.*

Return to meeting recordings and transcriptions to map out a service plan fit to your client's specifications.

See e.g., <https://www.cafex.com/solutions/client-engagement/>

70. On information and belief, CafeX directly infringes at least claims 1 and 18 of the '648 patent, and is in violation of 35 U.S.C. § 271(a) by making, using, selling, importing, and/or offering to sell the CafeX Video Products and services; and making, using, selling, selling access to, importing, offering for sale, and/or offering to sell access to the CafeX System.

71. CafeX's direct infringement has damaged Onstream and caused it to suffer and continue to suffer irreparable harm and damages.

Count III - Infringement of United States Patent No. 10,694,142

72. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

73. On information and belief, CafeX (or those acting on its behalf) makes, uses, sells, imports and/or offers to sell the CafeX Video Products and Services; and makes, uses, sells, sells access to, imports, offers to sell and/or offers to sell access to the CafeX System in the United States that infringe (literally and/or under the doctrine of equivalents) at least claims 1 and 20 of the '142 patent.

74. On information and belief, one or more components of the CafeX System employs and provides a method for recording audio and video material over an Internet connection established between a user front end and a host back end.

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See e.g., <https://www.cafex.com/solutions/voice-video/>

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See e.g., <https://www.cafex.com/solutions/client-engagement/>

With screen share, you can show files to the entire group without having to switch context or applications.

See e.g., <https://www.cafex.com/solutions/voice-video/>

75. On information and belief, one or more components of the CafeX System employs and provides a method for recording audio and video material over an

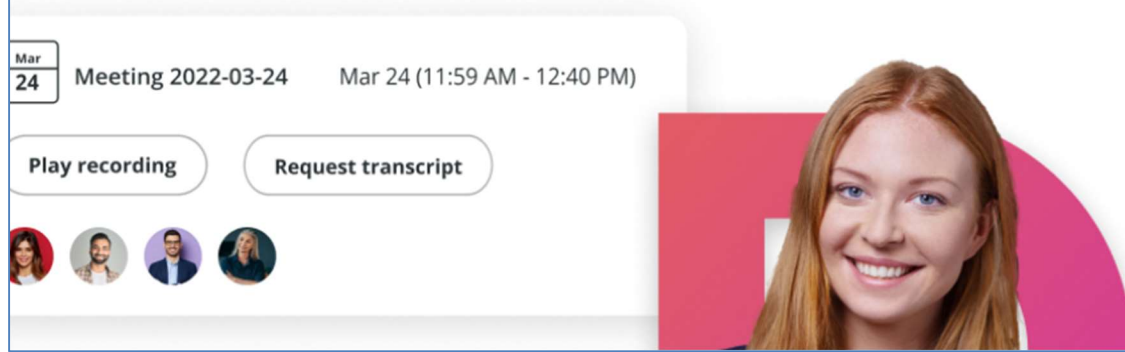
Internet connection established between a user front end and a host back end, comprising delivering, in response to a user interaction, a first code from the host back end over an Internet connection each time recording of audio and video material is sought to be initiated; said first code configured to be executed at the user front end and to initiate the streaming of audio and video material as it is being captured by one or more capturing devices at the user front end to the host back end, wherein said first code is not installed at the user front end. *See e.g., Id.*

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See e.g., <https://www.cafex.com/platform/meetings/>

76. On information and belief, one or more components of the CafeX System employs and provides a method for recording audio and video material over an Internet connection established between a user front end and a host back end comprising streaming the audio and video material, as it is being captured by said one or more capturing devices, from the user front end to the host back end.

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Workspaces focus collaboration, and you can create them for any project, process, or event. Each workspace has a dedicated chat, location for meetings, taskboard, and storage for assets like documents and links.

See e.g., <https://www.cafex.com/platform/workspaces/>

77. On information and belief, one or more components of the CafeX System employs and provides a method for recording audio and video material over an Internet connection established between a user front end and a host back end, comprising recording on the host back end the audio and video material streamed over the Internet connection. *See e.g., Id.*

78. On information and belief, CafeX directly infringes at least claims 1 and 20 of the '142 patent, and is in violation of 35 U.S.C. § 271(a) by making, using, selling, importing, and/or offering to sell the CafeX Video Products and services; and making, using, selling, selling access to, importing, offering for sale, and/or offering to sell access to the CafeX System.

79. CafeX's direct infringement has damaged Onstream and caused it to suffer and continue to suffer irreparable harm and damages.

Count IV - Infringement of United States Patent No. 10,848,707

80. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

81. On information and belief, CafeX (or those acting on its behalf) makes, uses, sells, imports and/or offers to sell the CafeX Video Products and Services; and makes, uses, sells, sells access to, imports, offers to sell and/or offers to sell access to the CafeX System in the United States that infringe (literally and/or under the doctrine of equivalents) at least claims 1, 9, and 17 of the '707 patent.

82. On information and belief, one or more components of the CafeX System employs and provides a method comprising receiving, at one or more host back end application servers through at least a packet-based network connection, (*e.g.* an Internet connection) streamed digital audio and digital video material being streamed from a front end digital audio and digital video capturing device, wherein the streamed digital audio and digital video material is captured on the front end digital audio and digital video capturing device without requiring on the front end digital audio and digital

video capturing device local installation of recording software that is configured to record digital audio and digital video material as a complete file to a local storage memory.

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See e.g., <https://www.cafex.com/platform/meetings/>

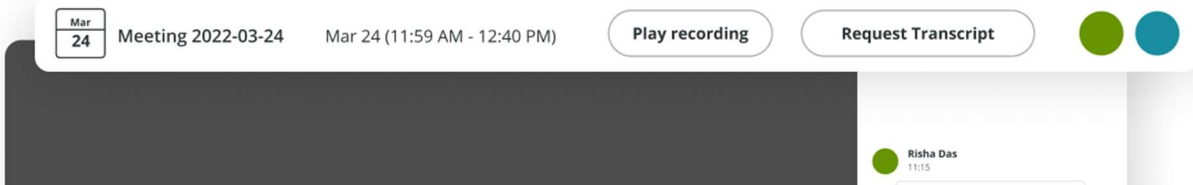
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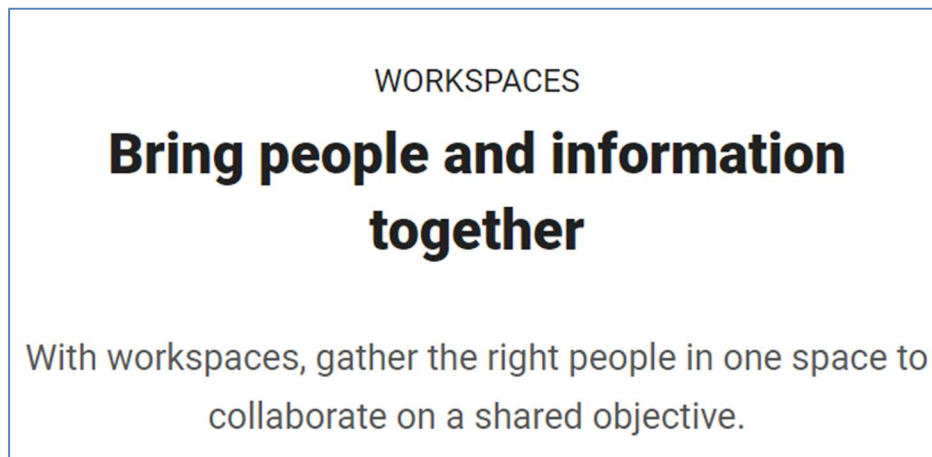
See e.g., <https://www.cafex.com/solutions/voice-video/>

✓ Access the meeting recording, transcript, and chat for process improvement, and compliance requirements.



The screenshot shows a meeting interface with a dark header bar. On the left, there is a calendar icon for 'Mar 24' and the text 'Meeting 2022-03-24 Mar 24 (11:59 AM - 12:40 PM)'. In the center, there are two buttons: 'Play recording' and 'Request Transcript'. On the right, there are two circular icons, one green and one blue. At the bottom right, there is a small profile card for 'Risha Das' with a green status indicator and the time '11:15'.

See e.g., <https://www.cafex.com/solutions/voice-video/>



See e.g., <https://www.cafex.com/platform/workspaces/>

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See e.g., <https://www.cafex.com/platform/workspaces/>

83. On information and belief, one or more components of the CafeX System employs and provides a method comprising remotely recording the streamed digital audio and digital video material over at least the packet-based network connection at the one or more host back end application servers as a sequentially stored file. See e.g., *Id.*

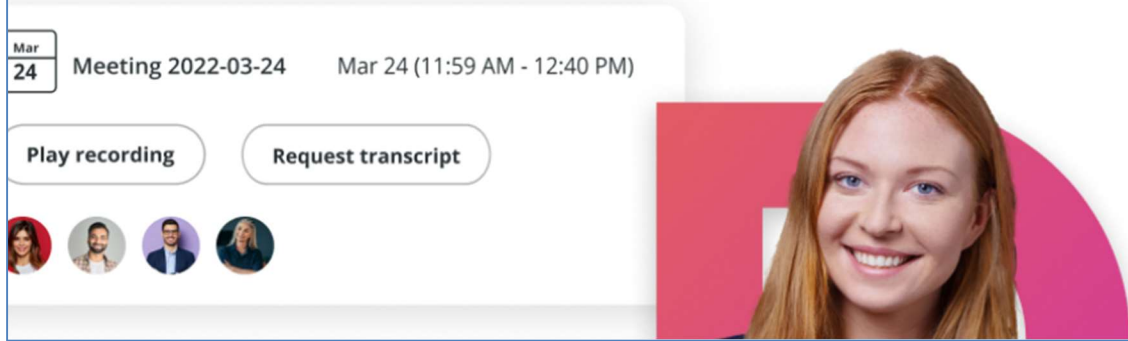
VOICE & VIDEO

Embed voice & video for seamless communication on any device

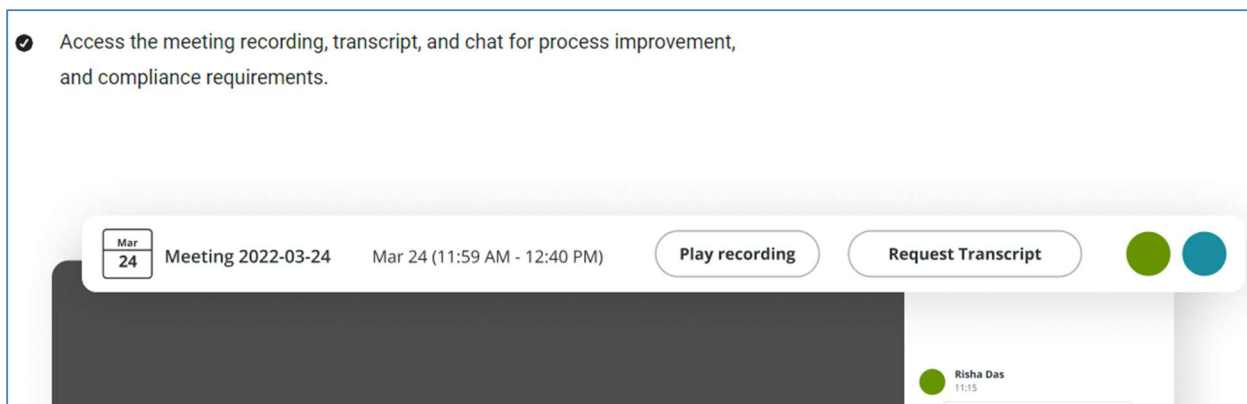
Access Challo's high quality voice and video right from your browser. Apply voice and video to streamline any process, and connect with all your people.

See e.g., <https://www.cafex.com/solutions/voice-video/>

Break down communication silos by instantly joining a meeting. You can add the meeting recording, transcript, and chat to your workspace to preserve knowledge and history.



See e.g., <https://www.cafex.com/platform/meetings/>



See e.g., <https://www.cafex.com/solutions/voice-video/>

84. On information and belief, one or more components of the CafeX System employs and provides a method comprising generating a pointer comprising a URL associated with the sequentially stored file to facilitate accessing of the sequentially stored file. See e.g., *Id.*

Securely connect with people outside your company

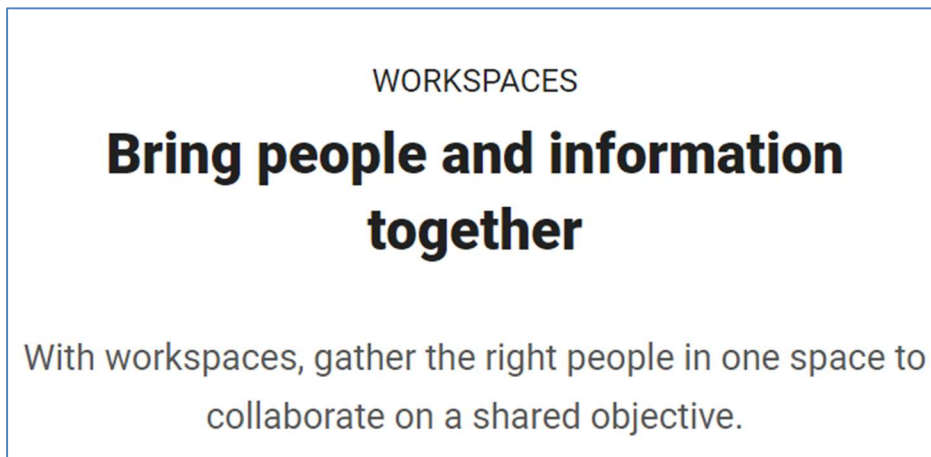
You can create workspaces with external partners, vendors, and customers. Workspace access controls make it easy to bring in third parties all while maintaining compliance.

See e.g., <https://www.cafex.com/platform/workspaces/>

With access through mobile and desktop, you can hold meetings wherever and whenever it is convenient for you.

See e.g., <https://www.cafex.com/solutions/voice-video/>

85. On information and belief, one or more components of the CafeX System employs and provides a method comprising enabling additional digital material comprising (i) digital still image material, (ii) digital audio material, (iii) digital video material, (iv) digital video material and digital audio material, (v) digital still image material and digital video material, (vi) digital still image material and digital audio material, or (vii) digital still image material, digital audio material, and digital video material, to be associated with the sequentially stored file at the one or more host back end application servers.



See e.g., <https://www.cafex.com/platform/workspaces/>

Workspaces focus collaboration, and you can create them for any project, process, or event. Each workspace has a dedicated chat, location for meetings, taskboard, and storage for assets like documents and links.

See e.g., <https://www.cafex.com/platform/workspaces/>

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See e.g., <https://www.cafex.com/platform/workspaces/>

86. On information and belief, one or more components of the CafeX System employs and provides a method comprising providing remote user access to the sequentially stored file and the additional digital material in response to activation of the pointer comprising the URL. *See e.g., Id.*

87. On information and belief, CafeX directly infringes at least claims 1, 9, and 17 of the '707 patent and is in violation of 35 U.S.C. § 271(a) by making, using, selling, importing, and/or offering to sell the CafeX Video Products and services; and making, using, selling, selling access to, importing, offering for sale, and/or offering to sell access to the CafeX System.

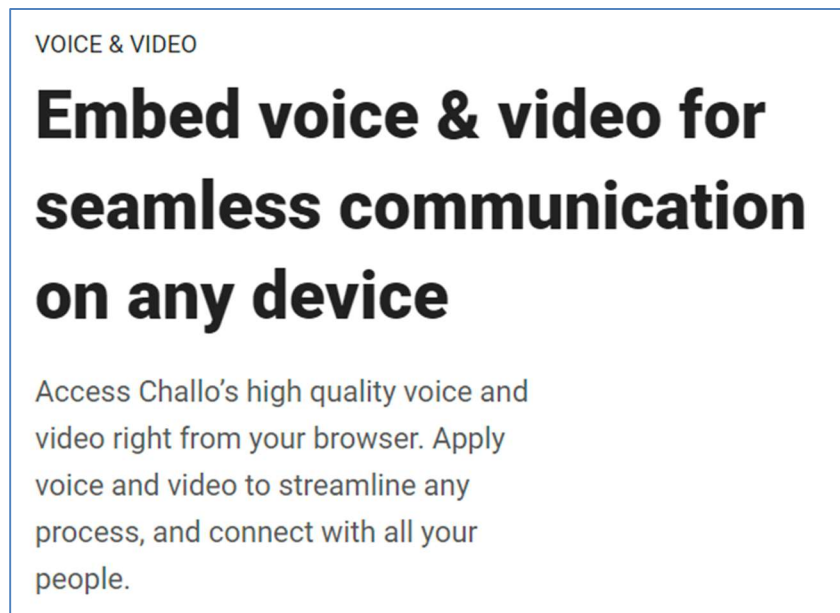
88. CafeX's direct infringement has damaged Onstream and caused it to suffer and continue to suffer irreparable harm and damages.

Count V - Infringement of United States Patent No. 10,951,855

89. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

90. On information and belief, CafeX (or those acting on its behalf) makes, uses, sells, imports and/or offers to sell the CafeX Video Products and Services; and makes, uses, sells, sells access to, imports, offers to sell and/or offers to sell access to the CafeX System in the United States that infringe (literally and/or under the doctrine of equivalents) at least claims 1, 15, 27, and 29 of the '855 patent.

91. On information and belief, one or more components of the CafeX System comprise a secure distributed digital audio and digital video recording system.



See e.g., <https://www.cafex.com/solutions/voice-video/>

92. On information and belief, one or more components of the CafeX System comprise a secure distributed digital audio and digital video recording system comprising an application configured to operate on a mobile front end digital audio and digital video capturing device. See e.g., *Id.*

CaféX Meetings
CafeX Communication
Everyone
This app is available for all of your devices
Add to Wishlist
Install

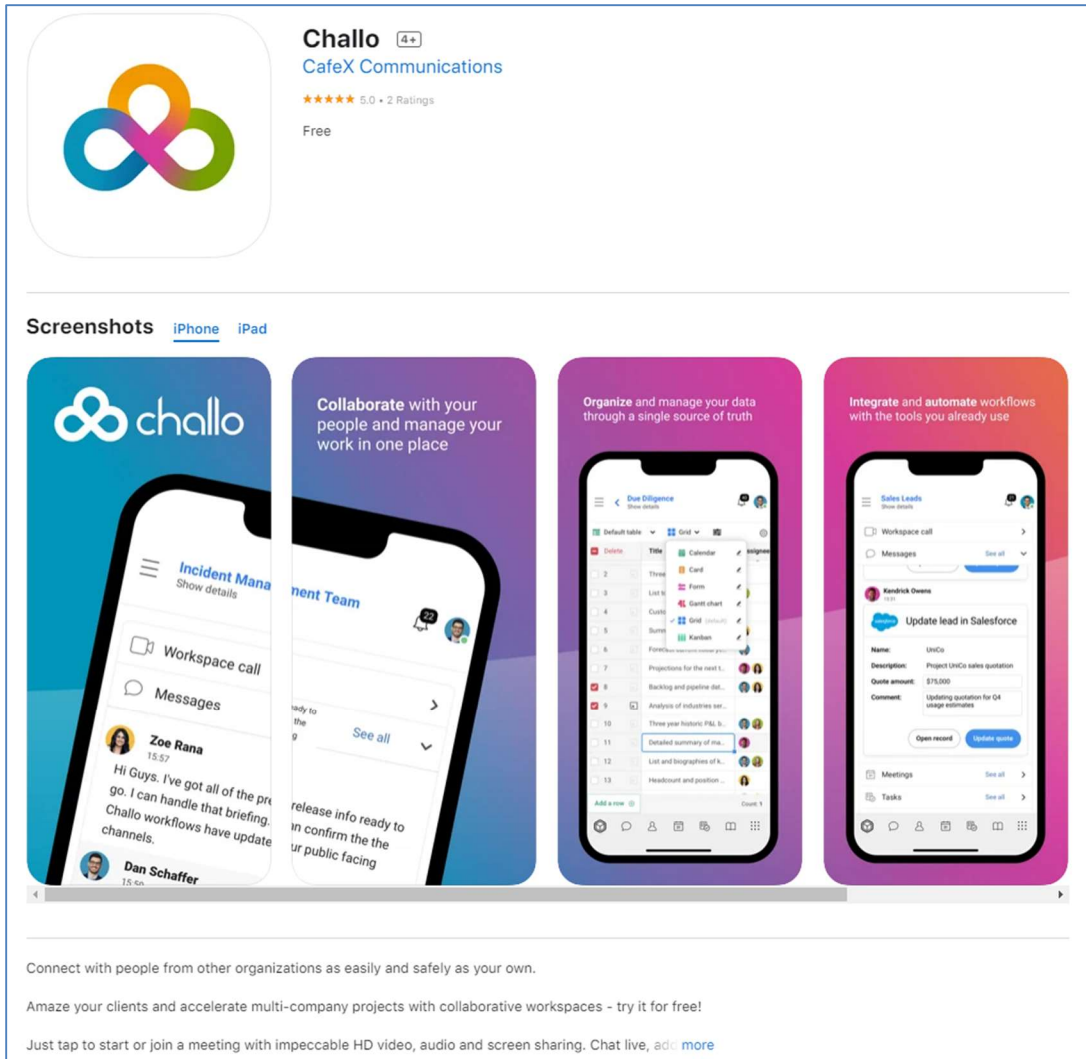
Interact over live chat to add comments and links.
See who's joined and lock in the attending list.
High quality video and audio that connects to existing tools.

Connect with guests, customers and teams more easily from anywhere, whether you work for a small business or large enterprise.

Join meetings on time with a single tap or click from your preferred device. Meetings also works with popular collaboration tools you may already be using.

See e.g.,

<https://play.google.com/store/apps/details?id=com.cafex.meetings.meetingsandroidapp>



See e.g., <https://apps.apple.com/us/app/challo/id148655556>

93. On information and belief, one or more components of the CafeX System comprise a secure distributed digital audio and digital video recording system comprising a host back end application server system comprising one or more host back end application servers.

WORKSPACES

Bring people and information together

With workspaces, gather the right people in one space to collaborate on a shared objective.

See e.g., <https://www.cafex.com/platform/workspaces/>

Workspaces focus collaboration, and you can create them for any project, process, or event. Each workspace has a dedicated chat, location for meetings, taskboard, and storage for assets like documents and links.

See e.g., <https://www.cafex.com/platform/workspaces/>

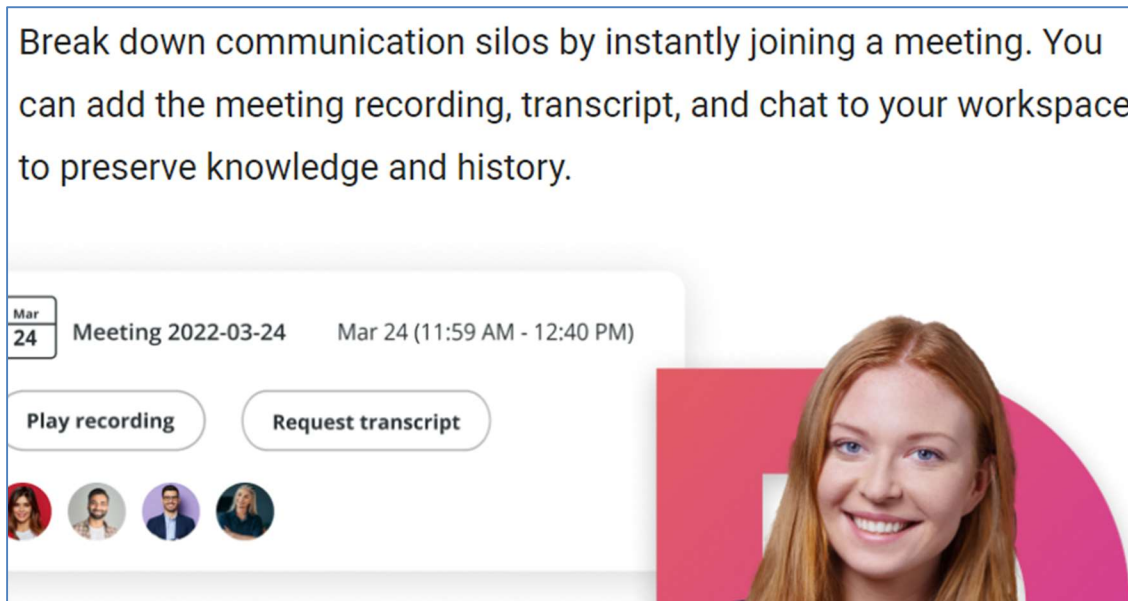
Securely connect with people outside your company

You can create workspaces with external partners, vendors, and customers. Workspace access controls make it easy to bring in third parties all while maintaining compliance.

See e.g., <https://www.cafex.com/platform/workspaces/>

94. On information and belief, one or more components of the CafeX System comprise a secure distributed digital audio and digital video recording system wherein in response to an interaction with a user, the host back end application server system delivers to the application, each time recording of digital audio and digital video

material is sought to be initiated, a stream number that is associated with an account of the user. *See Id.*



See also e.g., <https://www.cafex.com/platform/meetings/>

With access through mobile and desktop, you can hold meetings wherever and whenever it is convenient for you.

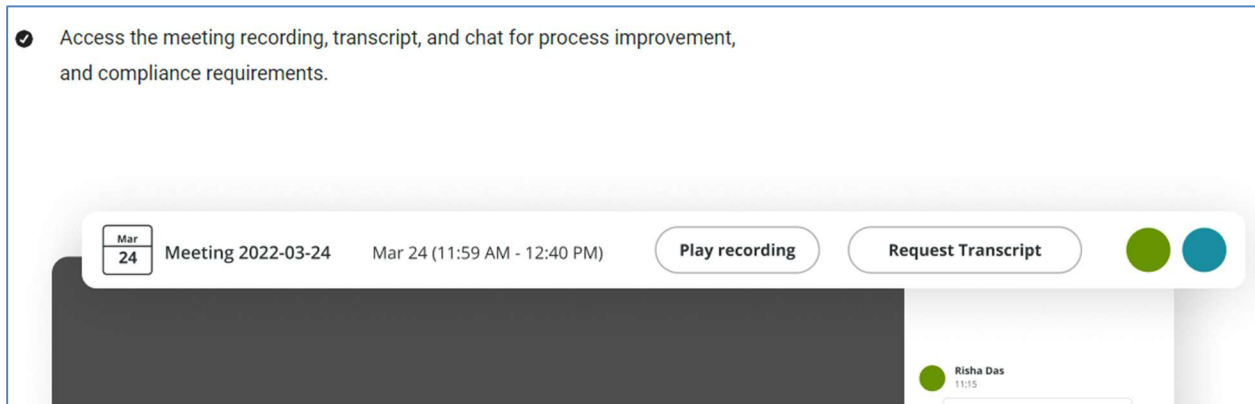
See e.g., <https://www.cafex.com/solutions/voice-video/>

Stay accessible and engaged

Engage in work wherever you are by accessing Challo through mobile, or desktop. With one click meetings, start and join calls whenever it is convenient for you.

See e.g., <https://www.cafex.com/platform/meetings/>

95. On information and belief, one or more components of the CafeX System comprise a secure distributed digital audio and digital video recording system wherein the application is configured to use the stream number to initiate secure streaming of digital audio and digital video material to the host back end application server system. *See e.g., Id.*



See Id. See also e.g., <https://www.cafex.com/solutions/voice-video/>

96. On information and belief, one or more components of the CafeX System comprise a secure distributed digital audio and digital video recording system wherein the digital audio and digital video material is not stored as a complete file on the mobile front end digital audio and digital video capturing device prior to initiation of the secure streaming of the digital audio and digital video material to the host back end application server system. *See e.g., Id.*



CaféX Meetings

About this app

Meetings made simple:

- Name your meeting and tap to start.
- Invite guests just by copying and sending the link. It's that easy.
- Join or start from computer browsers too with a single click and no new software to install.
- Dial in from your phone if you're on the move.
- Choose between ten languages for the Meetings interface.
- Use HD video and audio conferencing in elegant boardroom format.
- Go full screen, mute audio, hide your video and switch between front or rear-facing cameras.
- See who has joined and lock the meeting once all approved guests arrive.
- Present and view slides right from your device.
- Interact instantly over live chat using your preferred language.
- Connect over Wi-Fi, 4G/LTE and 3G.
- Add your name, title and configure other settings to personalize your experience.
- Join meetings by way of other business collaboration tools that you like to use.
- Meet securely from work, home or in public, across even the strictest firewalls.

See e.g.,

<https://play.google.com/store/apps/details?id=com.cafex.meetings.meetingsandriidapp>

97. On information and belief, one or more components of the CafeX System comprise a secure distributed digital audio and digital video recording system wherein the application is configured to use a secure real time messaging protocol to securely stream the digital audio and digital video material from the mobile front end digital audio and digital video capturing device over at least a packet-based network connection (e.g., the Internet), to the host back end application server system, as the digital audio and digital video material is being captured by the mobile front end digital audio and digital video capturing device. See e.g., *Id.*

98. On information and belief, one or more components of the CafeX System comprise a secure distributed digital audio and digital video recording system wherein the application is capable of securely streaming the digital audio and digital video material without requiring local installation and concurrent execution on the mobile front end digital audio and digital video capturing device of an additional custom recording software application that is configured to record digital audio and digital video material as a complete file to a local storage memory.

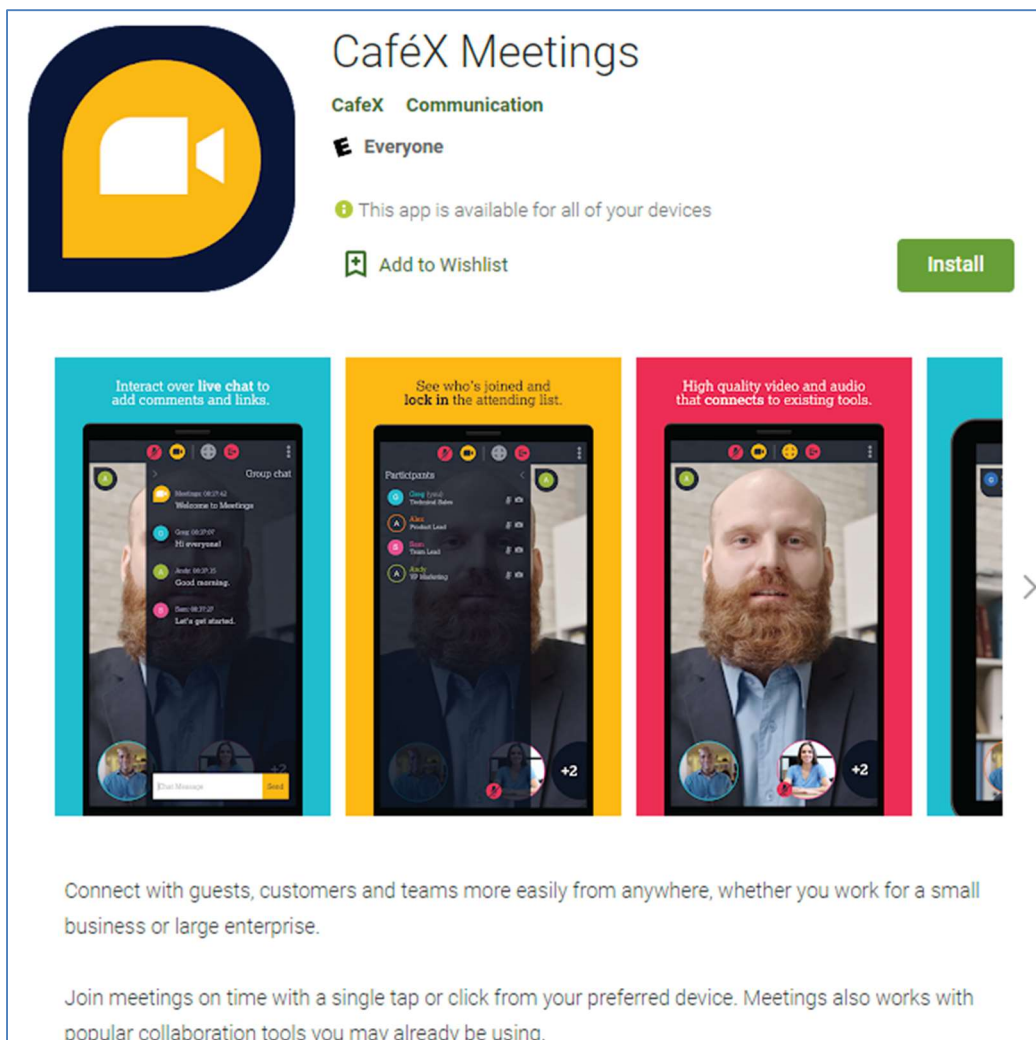
As a pure-browser solution, Challo makes it easy to start and join calls in just one click.

See e.g., <https://www.cafex.com/solutions/voice-video/>

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<https://play.google.com/store/apps/details?id=com.cafex.meetings.meetingsandroida>
[pp](#)



CaféX Meetings

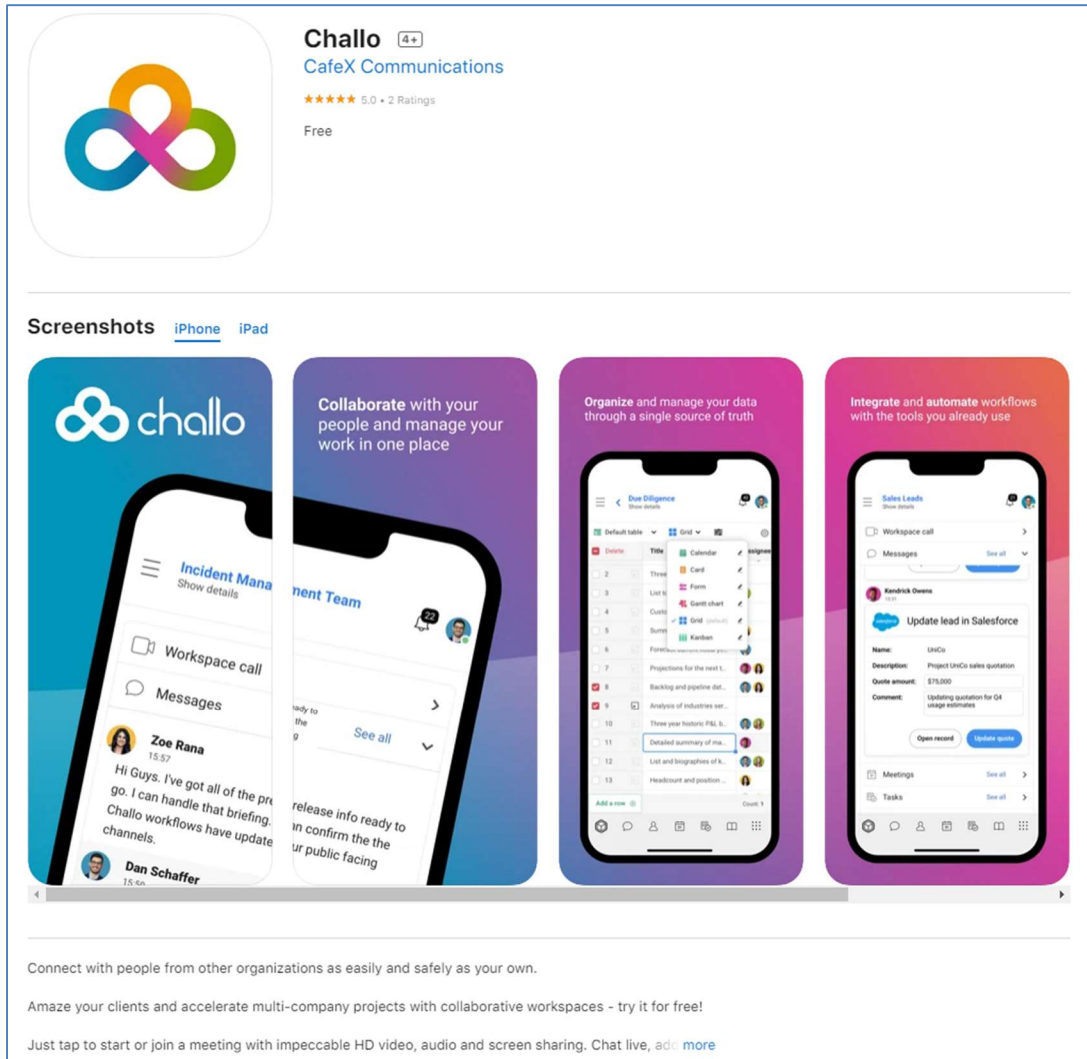
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- Join meetings by way of other business collaboration tools that you like to use.
- Meet securely from work, home or in public, across even the strictest firewalls.

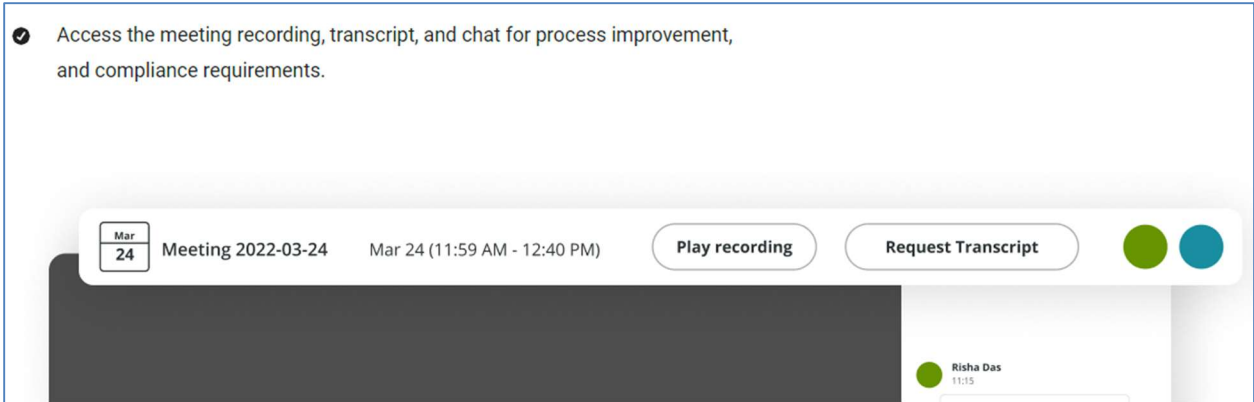
See e.g.,

<https://play.google.com/store/apps/details?id=com.cafex.meetings.meetingsandroidapp>



See e.g., <https://apps.apple.com/us/app/challo/id148655556>

99. On information and belief, one or more components of the CafeX System comprise a secure distributed digital audio and digital video recording system wherein at least one host back end application server records the digital audio and digital video material securely streamed from the mobile front end digital audio and digital video capturing device.



See e.g., <https://www.cafex.com/solutions/voice-video/>

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See e.g., <https://www.cafex.com/platform/workspaces/>

100. On information and belief, CafeX directly infringes at least claims 1, 15, 27, and 29 of the '855 patent, and is in violation of 35 U.S.C. § 271(a) by making, using, selling, importing, and/or offering to sell the CafeX Video Products and services; and making, using, selling, selling access to, importing, offering for sale, and/or offering to sell access to the CafeX System.

101. CafeX's direct infringement has damaged Onstream and caused it to suffer and continue to suffer irreparable harm and damages.

Count VI - Infringement of United States Patent No. 11,128,833

102. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

103. On information and belief, CafeX (or those acting on its behalf) makes, uses, sells, imports and/or offers to sell the CafeX Video Products and Services; and makes, uses, sells, sells access to, imports, offers to sell and/or offers to sell access to the CafeX System in the United States that infringe (literally and/or under the doctrine of equivalents) at least claims 1, 10, and 21 of the '833 patent.

104. On information and belief, one or more components of the CafeX System employs and provides a method for network-based recording and delivery of digital audio and digital video material.

VOICE & VIDEO

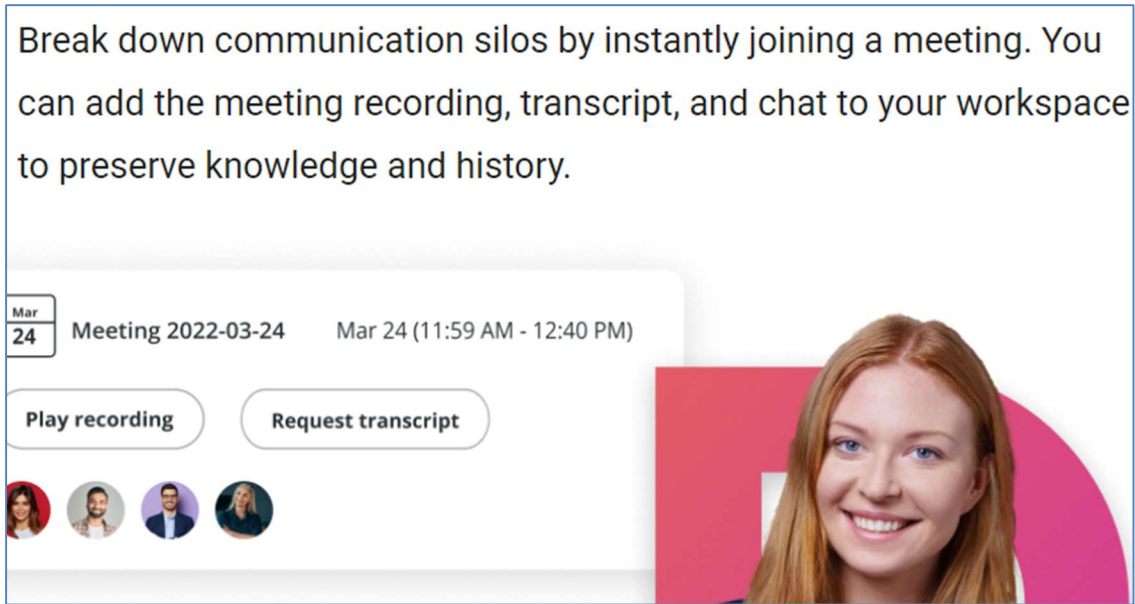
Embed voice & video for seamless communication on any device

Access Challos high quality voice and video right from your browser. Apply voice and video to streamline any process, and connect with all your people.

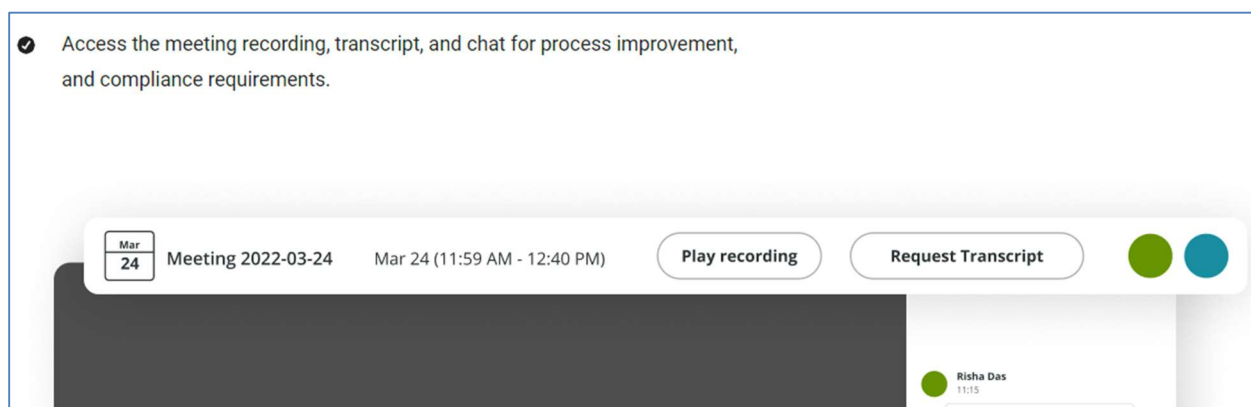
See e.g., <https://www.cafex.com/solutions/voice-video/>

As a pure-browser solution, Challos makes it easy to start and join calls in just one click.

See e.g., <https://www.cafex.com/solutions/voice-video/>



See e.g., <https://www.cafex.com/platform/meetings/>



See e.g., <https://www.cafex.com/solutions/voice-video/>

105. On information and belief, one or more components of the CafeX System employs and provides a method for network-based recording and delivery of digital audio and digital video material comprising recording, over a packet-based network connection, (e.g., the Internet) at a host back end, digital audio and digital video material that originates from a user front end without using any recording software installed on the user front end. See e.g., *Id.*

With access on the mobile app or desktop, stay accessible to your clients when and how they want to connect.

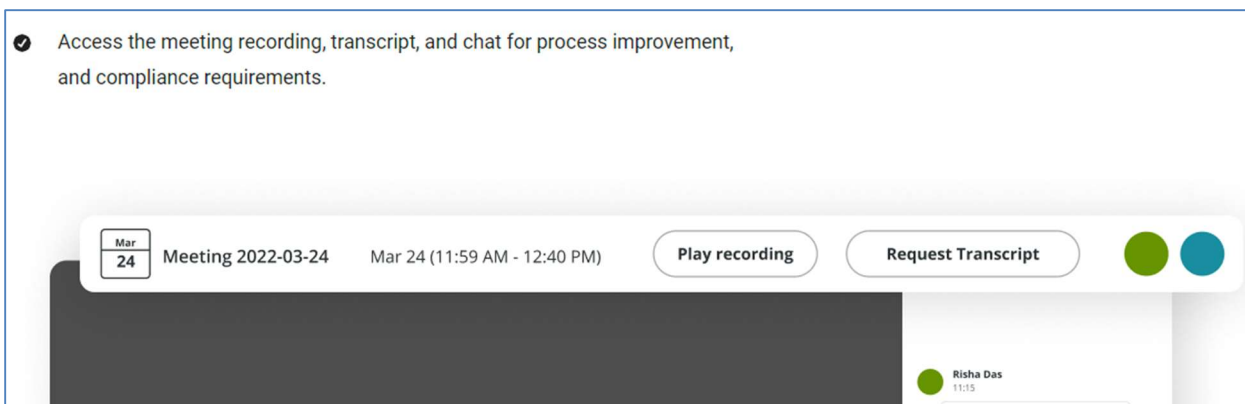
See e.g., <https://www.cafex.com/solutions/client-engagement/>

With screen share, you can show files to the entire group without having to switch context or applications.

See e.g., <https://www.cafex.com/solutions/voice-video/>

106. On information and belief, one or more components of the CafeX System employs and provides a method for network-based recording and delivery of digital audio and digital video material wherein the recording is accomplished using only executable code delivered to the user front end from the host back end and a recording device on the user front end. *See Id.*

107. On information and belief, one or more components of the CafeX System employs and provides a method for network-based recording and delivery of digital audio and digital video material comprising storing the recorded digital audio and digital video material at the host back end. *See e.g., Id.*



See e.g., <https://www.cafex.com/solutions/voice-video/>

Return to meeting recordings and transcriptions to map out a service plan fit to your client's specifications.

See e.g., <https://www.cafex.com/solutions/client-engagement/>

108. On information and belief, one or more components of the CafeX System employs and provides a method for network-based recording and delivery of digital audio and digital video material comprising generating code associated with the stored digital audio and digital video material to facilitate accessing the stored digital audio and digital video material. *See Id.*

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See also e.g., <https://www.cafex.com/platform/workspaces/>

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See e.g., <https://www.cafex.com/platform/workspaces/>

109. On information and belief, one or more components of the CafeX System employs and provides a method for network-based recording and delivery of digital audio and digital video material comprising enabling the generated code to be activated at an additional location. *See e.g., Id.*

110. On information and belief, one or more components of the CafeX System employs and provides a method for network-based recording and delivery of digital audio and digital video material wherein activating the generated code provides access to the stored digital audio and digital video material. *See e.g., Id.*

111. On information and belief, CafeX directly infringes at least claims 1, 10, and 21 of the '833 patent, and is in violation of 35 U.S.C. § 271(a) by making, using, selling, importing, and/or offering to sell the CafeX Video Products and services; and making, using, selling, selling access to, importing, offering for sale, and/or offering to sell access to the CafeX System.

112. CafeX's direct infringement has damaged Onstream and caused it to suffer and continue to suffer irreparable harm and damages.

JURY DEMANDED

113. Pursuant to Federal Rule of Civil Procedure 38(b), Onstream hereby requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

Onstream respectfully requests this Court to enter judgment in Onstream's favor and against CafeX as follows:

- a. finding that CafeX has infringed one or more claims of the '068 patent under 35 U.S.C. §§ 271(a);
- b. finding that CafeX has infringed one or more claims of the '648 patent under 35 U.S.C. §§ 271(a);
- c. finding that CafeX has infringed one or more claims of the '142 patent under 35 U.S.C. §§ 271(a);
- d. finding that CafeX has infringed one or more claims of the '707 patent under 35 U.S.C. §§ 271(a);
- e. finding that CafeX has infringed one or more claims of the '855 patent under 35 U.S.C. §§ 271(a);
- f. finding that CafeX has infringed one or more claims of the '833 patent under 35 U.S.C. §§ 271(a);
- g. awarding Onstream damages under 35 U.S.C. § 284, or otherwise permitted by law, including supplemental damages for any continued post-verdict infringement;

- h. awarding Onstream pre-judgment and post-judgment interest on the damages award and costs;
- i. awarding cost of this action (including all disbursements) and attorney fees pursuant to 35 U.S.C. § 285, or as otherwise permitted by the law; and
- j. awarding such other costs and further relief that the Court determines to be just and equitable.

Dated: August 26, 2022

Respectfully submitted,

/s/ Raymond W. Mort, III
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Attorneys for Onstream Media Corporation

