

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

TOPDOWN LICENSING LLC,

Plaintiff

v.

ZOOM NORTH AMERICA,  
LLC,

Defendant

Case No. 22-cv-05870

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Topdown Licensing, LLC (“Plaintiff”) files this Complaint for patent infringement against Zoom North America, LLC (“Defendant”), and alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for patent infringement arising under 35 U.S.C. § 1 *et seq.*

**PARTIES**

2. Plaintiff is a limited liability company organized and existing under the laws of Texas with a principal place of business at 6001 W Parker Ln, Ste 370-1071, Austin, TX 78727-3908. Plaintiff is the owner, by assignment of U.S. Patent Nos. 8,178,773 and 7,858,870.

3. Upon information and belief, Defendant is a corporation organized and existing under the laws of New York that maintains a principal place of business at 2040 Express Drive South, Suite 500, Hauppauge, NY 11788.

### **JURISDICTION AND VENUE**

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

5. This Court has personal jurisdiction over Defendant because it has engaged in systematic and continuous business activities in this District. As described below, Defendant has committed acts of patent infringement giving rise to this action within this District, and maintains a principal place of business in this judicial district.

6. Venue is proper in this District under 28 U.S.C. § 1400 because Defendant has committed acts of infringement and has a regular and established place of business in this judicial district. Further, Defendant resides in this District.

### **IDENTIFICATION OF THE ACCUSED PRODUCT**

7. Defendant provides for its customers use of the Zoom – LiveTrak™ L-20 and L-20 Control Companion App (“The Accused Product”).

### **COUNT I (Infringement of U.S. Patent No. 7,858,870)**

8. Plaintiff incorporates the above paragraphs as though fully set forth herein.

9. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,858,870 (“the ’870 Patent”), entitled SYSTEM AND METHODS FOR THE CREATION AND PERFORMANCE OF SENSORY STIMULATING CONTENT, which issued on December 28, 2010.

10. The ’870 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

11. Defendant has been and is now infringing one or more claims of the ’870 Patent under 35 U.S.C. § 271(c) by selling or offering to sell within the United States the

Accused Product, constituting a material part of the '870 Patent's invention, knowing the same to be especially made or especially adapted for use in the infringement of the '870 Patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

12. Claim 18 of the '870 Patent recites:

18. A music instrument configured to allow a user to compose musical sounds, comprising:

a plurality of triggers;

a control module responsive to the plurality of triggers;

a plurality of music programs, the control module configured to generate electronic signals as a function of the plurality of music programs and the plurality of triggers, wherein each said music program comprises sound elements comprising a subset of a predetermined musical composition; and

a sound generator configured to generate synchronized sympathetic audible musical sounds as a function of the electronic signals.

13. More particularly, Defendant infringes at least claim 18 of the '870 Patent.

14. Defendant sells and offers to sell the Accused Product, which is a music instrument configured to allow a user to compose musical sounds (e.g., composing sounds by mixing music tracks). The accused product utilizes a companion app (e.g., L-20 Control app) in order to compose musical sound.

15. On information and belief, the accused product, at least in internal testing and usage, comprises a plurality of triggers (e.g., hardware triggers on turntable such as knobs, buttons, faders, etc. and software triggers through the companion app).

16. On information and belief, The accused product, at least in internal testing and usage, comprises a plurality of music programs (e.g., one or more music tracks), the control module (e.g., controller board of the accused product) configured to generate

electronic signals (e.g., instructions to produce sound according to music tracks and triggers) as a function of the plurality of music programs (e.g., one or more music tracks) and the plurality of triggers (e.g., hardware triggers on turntable such as knobs, buttons, faders, etc. and software triggers through companion app) wherein each said music program (e.g., one or more music tracks) comprises sound elements comprising a subset of a predetermined musical composition (e.g., various music tracks will be combined to create a musical composition as a whole). The accused product, at least in internal testing and usage, utilizes a companion app (e.g., L-20 Control app) which provides users with functionalities like controlling/adjusting track volume using faders, selecting effects for each channel, etc. These functionalities can be used to mix/combine sound tracks together. The control module of the accused product generates signals (e.g., electronic signals) to produce sound as a function of the plurality of music programs (e.g., one or more music tracks) and the plurality of triggers (e.g., hardware/software triggers such as faders, EFX 1/2, etc.).

17. On information and belief, the accused product comprises a sound generator (e.g., speakers or headphones connected to the LiveTrak™ L-20) configured to generate synchronized sympathetic audible musical sounds as a function of the electronic signals (e.g., instructions to produce sound according to music tracks and triggers). The accused product provides users with functionalities like controlling/adjusting track volume using faders, selecting effects for each channel, etc. These functionalities mix sound tracks together and generate synchronized sympathetic audible musical sounds by syncing beats between tracks and fading in between tracks smoothly. These

functionalities can be employed via the hardware keys on the accused product itself or via a companion app.

18. Plaintiff has been damaged by Defendant's infringing activities.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests the Court enter judgment against Defendant:

1. declaring that Defendant has infringed the '870 Patent;
2. awarding Plaintiff its damages suffered as a result of Defendant's infringement of the '870 Patent;
3. awarding Plaintiff its costs, attorneys' fees, expenses, and interest; and
4. granting Plaintiff such further relief as the Court finds appropriate.

**JURY DEMAND**

Plaintiff demands trial by jury, under Fed. R. Civ. P. 38.

Dated: September 30, 2022

Respectfully submitted,

/s/Nicholas Loaknauth

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