

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

**TOPDOWN LICENSING LLC,**

Plaintiff

v.

**VTECH ELECTRONICS  
NORTH AMERICA, L.L.C.,**

Defendant

**Case No. 1:22-cv-5387**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Topdown Licensing, LLC (“Plaintiff”) files this Complaint for patent infringement against Vtech Electronics North America, L.L.C. (“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.

3. Upon information and belief, Defendant is a limited liability company organized and existing under the laws of Delaware that maintains a principal place of business at 1156 W Shure Dr, Suite 200, Arlington Heights, IL 60004.

### **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 its principal place of business in this District.

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

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

7. Defendant provides for its customers use of the Vtech Electronics – KidiStar DJ Mixer™ (“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”) (Exhibit A), 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 making, using, selling, or offering to sell the Accused Product within the United States without authority.

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.

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

26. 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).

27. On information and belief, the accused product comprises a plurality of triggers (e.g., hardware triggers on turntable such as buttons, sliders, faders, etc.).

28. On information and belief, the accused product comprises a control module (e.g., controller board of the accused product) responsive to the plurality of triggers (e.g., in the case of hardware triggers on the turntable such as buttons, sliders, faders, etc., the accused product will utilize hardware to detect and respond to user initiation of a trigger).

29. On information and belief, The accused product 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 buttons, sliders, faders, etc.) 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 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 triggers such as style button, vocal track button, crossfader, volume control slider, preset sound effects button, turntable, etc.). Further, the accused product provides users with functionalities like changing tracks style using style button, adding singing to built-in tracks using vocal track button, adjusting volume using crossfaders or sliders, adding effects to music using preset

sound effects button or turntable, etc. These functionalities can be used to mix sound tracks together.

30. On information and belief, the accused product comprises a sound generator (e.g., speakers or headphones connected to the accused product or built-in speaker) 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 changing tracks style using style button, adding singing to built-in tracks using vocal track button, adjusting volume using crossfaders or sliders, adding effects to music using preset sound effects button or turntable, 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.

31. 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,

By: /s/ David R. Bennett

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