

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

ZIKLAG IP LLC,

Plaintiff,

vs.

APPLE INC.,

Defendants.

Case No.: 1:24-cv-1787

DEMAND FOR JURY TRIAL

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Ziklag IP LLC (“Ziklag”), for its amended patent infringement complaint against Defendant Apple Inc. (“Apple”), alleges as follows:

NATURE OF LAWSUIT

1. This action involves claims for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. § 1338(a).

THE PARTIES

2. Ziklag is a limited liability company organized under the laws of the state of Tennessee and having a registered address at 158 Front Street, Franklin, Tennessee 37064.

3. Ziklag owns all right, title and interest in, and has standing to sue for infringement of United States Patent No. 6,182,128 (“the ‘128 patent”), entitled “Real-Time Music Distribution Systems,” issued January 30, 2001. A copy of the ‘128 patent is attached as Exhibit 1. The original plaintiff in this action, Touchmusic Entertainment LLC (“Touchmusic”), assigned the ‘128 patent to Ziklag on April 18, 2024. In this Amended

Complaint, Ziklag asserts the same claim for patent infringement that arose out of the same acts of infringement alleged in the original complaint.

4. United States Patent No. 6,182,128 was filed on March 5, 1998 and therefore expired on March 5, 2018. 35 U.S.C. § 154. With this complaint, Ziklag seeks damages for Apple's infringement of the '128 patent from March 2, 2018, six years prior to the filing date of this complaint pursuant to 35 U.S.C. § 286, until March 5, 2018, the date of expiration of the '128 patent.

5. Defendant Apple is a corporation organized and existing under the laws of the state of California with a principal place of business at One Apple Park Way, Cupertino, California 95014. Defendant Apple transacts business and has offered to provide and/or provided products and/or services in this judicial district and throughout the state of Illinois that infringe claims of the '128 patent. Defendant Apple has a physical presence and established place of business in this judicial district at 401 N. Michigan Avenue, Chicago, Illinois 60611.

6. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b).

DEFENDANT'S ACTS OF PATENT INFRINGEMENT

7. From March 2, 2018 to March 5, 2018, Apple infringed claims of the '128 patent by, among other activities, making, using, selling and offering for sale audio and video files through its iTunes platform. The iTunes platform provided real-time delivery of audio and audio-visual files to users connected to multiple satellite and cable networks over the internet as set forth in the claims of the '128 patent.

8. For example, in reference to the elements of Claim 1 of the '128 patent, the Apple iTunes store is a system for distributing audio and video files in substantially real time to users connected to a plurality of satellite or cable TV networks.

9. Apple maintains a plurality of data centers that function as distributions centers for the iTunes store. Apple also uses third-party content delivery networks (CDNs) to distribute iTunes content, which includes both audio files, in the form of popular music, podcasts and audio books, and audio-visual files, in the form of popular movies and similar content.

10. The iTunes store servers include network interfaces including an input and output for connecting to the internet service provider (i.e. satellite, cable TV network). By the nature of CDNs, each CDN edge server is connected to the internet; edge servers must be connected to the internet to serve content to end users connected to the internet in the same geographic region.

11. Each iTunes content distribution server includes the plurality of digital audio files available for purchase in the iTunes Store.

12. Each iTunes server includes a library interface that allows users to retrieve music files from the library. Specifically, the input/output interface of the library is the input/output interface of the server's storage device.

13. The iTunes software application connects to the iTunes Store servers via the internet and functions as a processor for connecting to and serving resources in the iTunes library.

14. iTunes displays a menu of available audio files to a user in the iTunes Store.

15. iTunes servers receive requests from users for digital audio files when users select the “BUY” button next to audio files or albums. The request is sent via HTTP using the TCP/IP protocol, which necessarily includes the user’s IP address in the header. The iTunes servers will use this address to deliver the digital audio files.

16. Upon receiving the purchase request from the user, the iTunes CDN server will retrieve the requested file from the library.

17. The iTunes CDN server transmits the requested digital audio file in substantially real time to said user over the internet (cable TV or satellite network) via its network interface.

18. iTunes records the user’s purchase history, including the digital audio file requested and the address, in its database.

19. The iTunes system includes a central controller connected to the network interface of each distribution center (CDN server) for routing digital audio files between said distribution centers. Additionally, iTunes also routes requests to CDN servers using geographic rules, performance-based and load balancing criteria.

PRAYER FOR RELIEF

THEREFORE, Plaintiff asks this Court to enter judgment against the Defendant, and against their subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

A. An award of damages adequate to compensate Ziklag for Apple’s infringement of the ‘128 patent from March 2, 2018 to March 5, 2018, together with any applicable prejudgment interest;

B. Such other and further relief as this Court or a jury may deem proper and just.

JURY DEMAND

Ziklag demands a trial by jury on all issues presented in this Complaint.

Date: May 24, 2024

/s/Anthony E. Dowell

Anthony E. Dowell

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ATTORNEY FOR PLAINTIFF

ZIKLAG IP LLC

CERTIFICATE OF SERVICE

The undersigned, an attorney of record in this case, hereby confirms that on today's date, I filed the foregoing **AMENDED COMPLAINT FOR PATENT INFRINGEMENT** via the Court's ECF filing system, which electronically served all counsel of record for the case.

Date: **May 24, 2024**

/s/ Anthony E. Dowell