

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

VIRTUAL CREATIVE ARTISTS, LLC,

Plaintiff,

v.

TUMBLR, INC.,

Defendant.

C.A. No. 1:23-cv-_____

JURY TRIAL DEMANDED

PATENT CASE

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Virtual Creative Artists, LLC files this Original Complaint for Patent Infringement against Tumblr, Inc. and would respectfully show the Court as follows:

I. THE PARTIES

1. Plaintiff Virtual Creative Artists, LLC (“VCA” or “Plaintiff”) is a Delaware limited liability company, having business address at 338 Gracious Way, Henderson, NV 89011.

2. On information and belief, Defendant Tumblr, Inc. (“Tumblr” or “Defendant”) is a corporation organized and existing under the laws of Delaware. Defendant has a registered agent at The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

II. JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction of such action under 28 U.S.C. §§ 1331 and 1338(a).

4. On information and belief, Defendant is subject to this Court’s specific and general personal jurisdiction, pursuant to due process and the Delaware Long-Arm Statute, due at least to its business in this forum, including at least a portion of the infringements alleged

herein at. Furthermore, Defendant is subject to this Court's specific and general personal jurisdiction because Defendant is a Delaware corporation.

5. Without limitation, on information and belief, within this state, Defendant has used the patented inventions thereby committing, and continuing to commit, acts of patent infringement alleged herein. In addition, on information and belief, Defendant has derived revenues from its infringing acts occurring within Delaware. Further, on information and belief, Defendant is subject to the Court's general jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and deriving substantial revenue from goods and services provided to persons or entities in Delaware. Further, on information and belief, Defendant is subject to the Court's personal jurisdiction at least due to its sale of products and/or services within Delaware. Defendant has committed such purposeful acts and/or transactions in Delaware such that it reasonably should know and expect that it could be haled into this Court as a consequence of such activity.

6. Venue is proper in this district under 28 U.S.C. § 1400(b). On information and belief, Defendant is a corporation organized in Delaware and therefore resides only in Delaware. On information and belief, from and within this District Defendant has committed at least a portion of the infringements at issue in this case.

7. For these reasons, personal jurisdiction exists and venue is proper in this District under 28 U.S.C. § 1400(b).

III. COUNT I
(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 9,501,480)

8. Plaintiff incorporates the above paragraphs herein by reference.

9. On November 22, 2016, United States Patent No. 9,501,480 ("the '480 Patent") was duly and legally issued by the United States Patent and Trademark Office. The '480 Patent

is titled “Revenue-Generating Electronic Multi-Media Exchange and Process of Operating Same.” A true and correct copy of the ‘480 Patent is attached hereto as Exhibit A and incorporated herein by reference.

10. VCA is the assignee of all right, title, and interest in the ‘480 Patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the ‘480 Patent. Accordingly, VCA possesses the exclusive right and standing to prosecute the present action for infringement of the ‘480 Patent by Defendant.

11. The invention relates to the field of creating and distributing media content, in particular, creating media content based upon submissions received on an electronic media exchange. At the time of the original invention in 1998, there was an Internet-centric problem that required a technical solution—how to develop a computer system that would allow remote contributors of electronic content to share and collaborate their content to develop new media content. The claimed invention, which predates modern crowdsourcing solutions, offers a unique, unconventional, and specially configured combination of “subsystems” in which to address the Internet-centric problem.

12. As set forth in the claims, the claimed invention has a collection of unconventional and particularly configured subsystems, including:

- “an electronic media submissions server subsystem,”
- “an electronic multimedia creator server subsystem,”
- “an electronic release subsystem,”
- “an electronic voting subsystem,” and
- their corresponding specialized databases.

13. Each of these subsystems are configured in a very specific (and not generic), unconventional and non-routine manner to offer the novel and non-obvious claimed invention.

For example, claim 1 requires an “electronic media submissions database,” which is a subsystem that receives media submissions from Internet users. This is not a generic database but rather a scalable database that must be able to receive, store, and manage multiple petabytes of multimedia data received from users all over the world. This is one of the many specialized databased required in the claim. In fact, the specification discloses the use of a sophisticated database management system known in the art at the time that was capable of handling data at this level, Oracle7. This type of database management system cannot operate on a generic computing system but rather requires specialized hardware and software.

14. As another example, the claim requires a specifically configured “electronic media submission server subsystem.” This subsystem is defined as specifically having:

- “one or more data processing apparatus,”
- “an electronic media submission database stored on a non-transitory medium,”
and
- “a submissions electronic interface.”

The “submissions electronic interface” is further specifically “configured” [1] “to receive electronic media submissions from a plurality of submitters over a public network, and [2] store the electronic media submissions in the electronic media submission database.” Further, “the electronic media submissions database” in this subsystem is further required to “store[] [1] data identifying the submitter and [2] data indicating content for each electronic media submission.” Collectively, the level of detail included in this very particular, well-defined, and unconventional subsystem makes clear that the claims include substantially more than the alleged abstract idea or merely performing an alleged abstract idea on a computer.

15. Similarly, the claim also requires a separate specifically configured “an electronic multimedia creator server subsystem.” The claim specifically defines how this second

subsystem interacts with other components including being “operatively coupled to the electronic media submissions server subsystem.” The claim also specifically defines this subsystem as “having”:

- “one or more data processing apparatus” and
- “an electronic creator multimedia database stored on a non-transitory medium.”

16. This subsystem is also specifically “configured [1] to select and [2] retrieve a plurality of electronic media submissions from the electronic media submissions database using an electronic content filter located on the electronic multimedia creator server.” The “filter” also includes a very specific algorithm of “being based at least in part on at least one of the one or more user attributes to develop multimedia content to be electronically available for viewing on user devices.” Even more detail is provided by requiring “the identification of the submitter [be] maintained with each selected and retrieved submission within the multimedia content.” Here again, collectively, the level of detail included in this very particular and well-defined and unconventional subsystem makes clear that the claims include substantially more than an alleged abstract idea or merely performing an alleged abstract idea on a computer.

17. The claim also includes “an electronic release subsystem,” which is well defined and not conventional or routine. The claim defines how this subsystem is “operatively coupled to the electronic multimedia creator server subsystem.” The claim also defines the components of this subsystem as having “one or more data processing apparatus” and being particularly “configured to make the multimedia content electronically available for viewing on one of more user devices.” These details, collectively, also make this very particular and well-defined and unconventional subsystem substantially more than an abstract idea or performing an abstract idea on a computer.

18. The claim also requires “an electronic voting subsystem,” which is well-defined, specific, and unconventional. This claimed subsystem has “one or more data processing apparatus” and is specifically “configured to enable a user to electronic vote for or electronically rate an electronically available multimedia content or an electronic media submission within a respective electronically available multimedia content.”

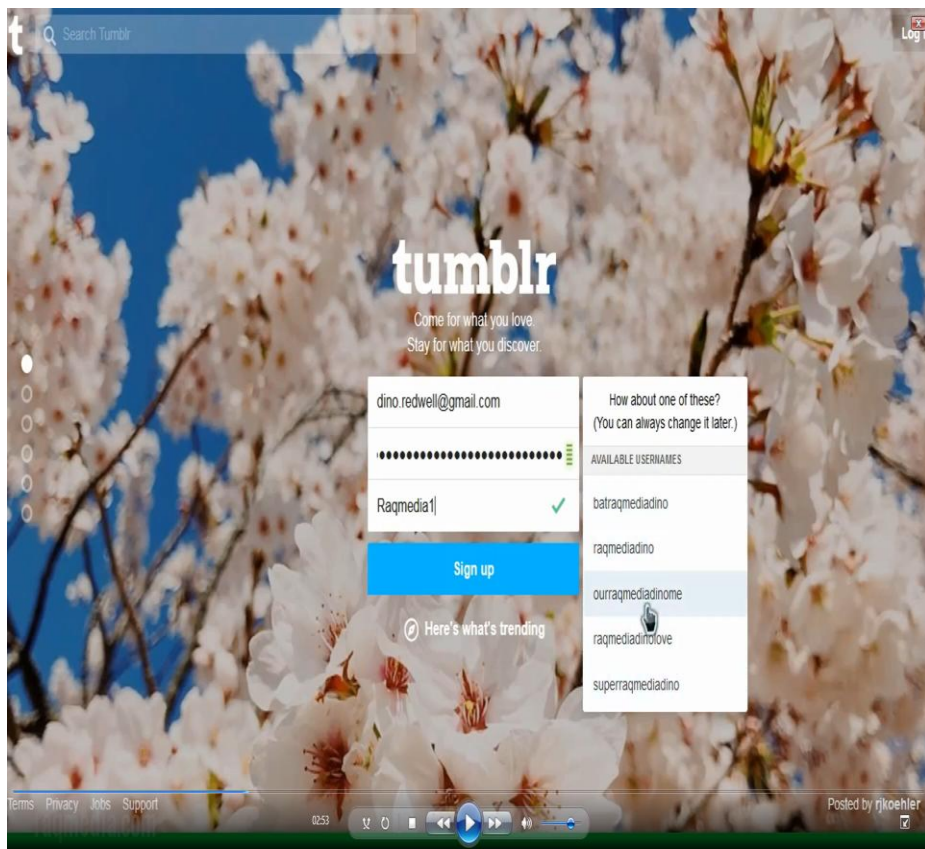
19. Claim 1 is a specific and discrete implementation. For example, the claim requires an “electronic content filter” located at the server, remote from end users, and customizable based on user attributes. As another example, the “electronic voting subsystem” at the time of the invention was novel and inventive and added sufficient inventive contributions to avoid a risk of preempting creating and distributing media content. It is possible to create and distribute media content without ever having to include a “voting” subsystem on what components should be included in such media content. The detailed configuration “to enable a user to vote for or electronically rate an electronically available multimedia content or an electronic media submission within a respective electronically available multimedia content” has the level of particularity that avoids any risk of preemption.

20. Furthermore, the very particular and specifically configured “electronic media creator subsystem” not only provides a detailed and unique physical structure and interrelationship with other claimed components, but also includes a very specific configuration that is not conventional or routine. The claims make clear the interrelationship of the “electronic multimedia creator server subsystem” with respect to “the electronic media submission server subsystem” which must be “operatively coupled” thereto. The claims also provide detail on how the “electronic media creator subsystem” is “configured” “to select and retrieve a plurality of electronic media submissions from the electronic media submission database using an electronic

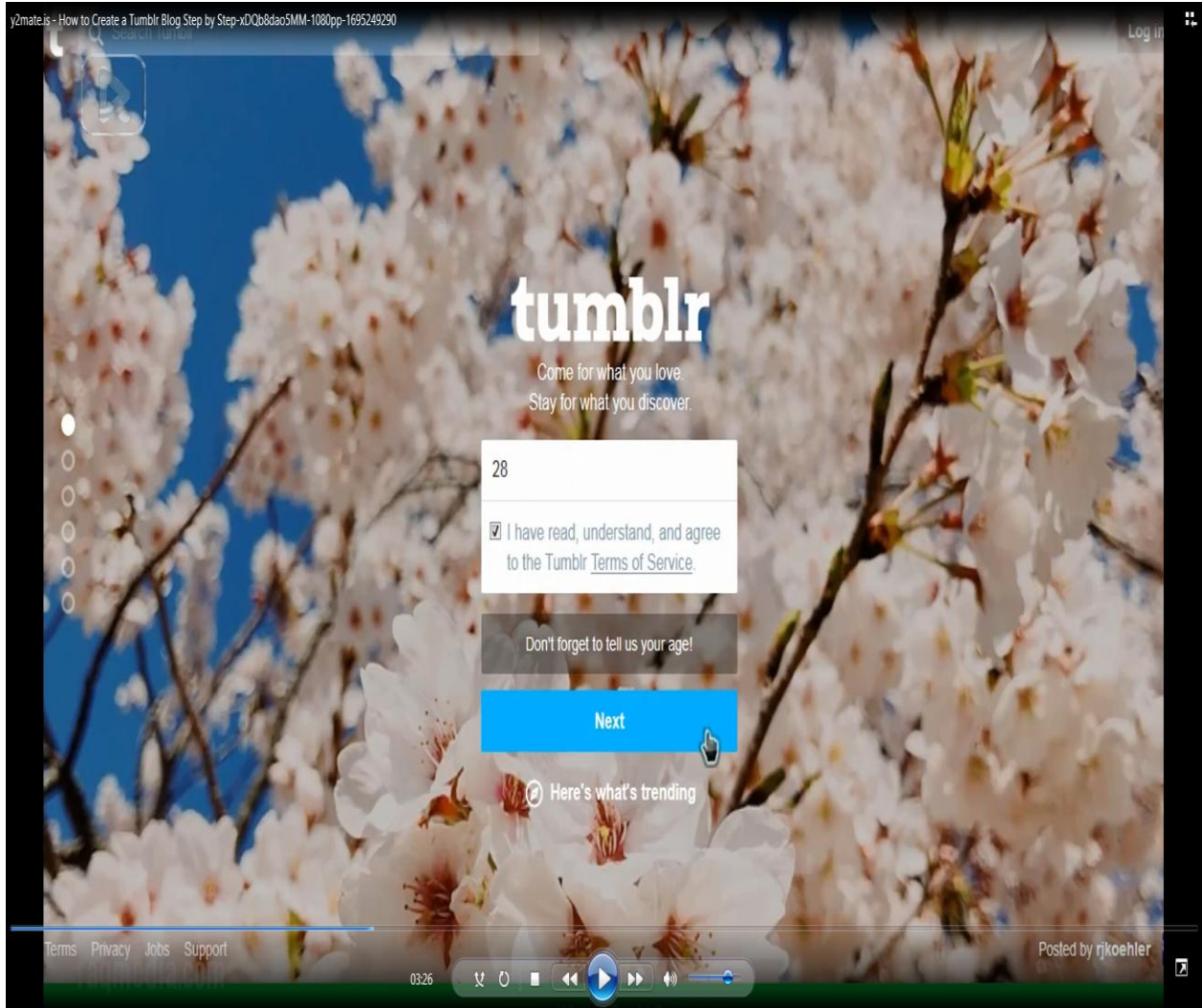
filter.” They also provide detail on how the “electronic filter” is “based at least in part on at least one of the one or more user attributes” and specifies that “the identification of the submitter is maintained with each selected and retrieved submission within the multimedia content.”

21. These arguments overcame a patent eligibility rejection under 35 U.S.C. §101 of the claim at issue during the prosecution of the ‘480 patent before the United States Patents and Trademark Office.

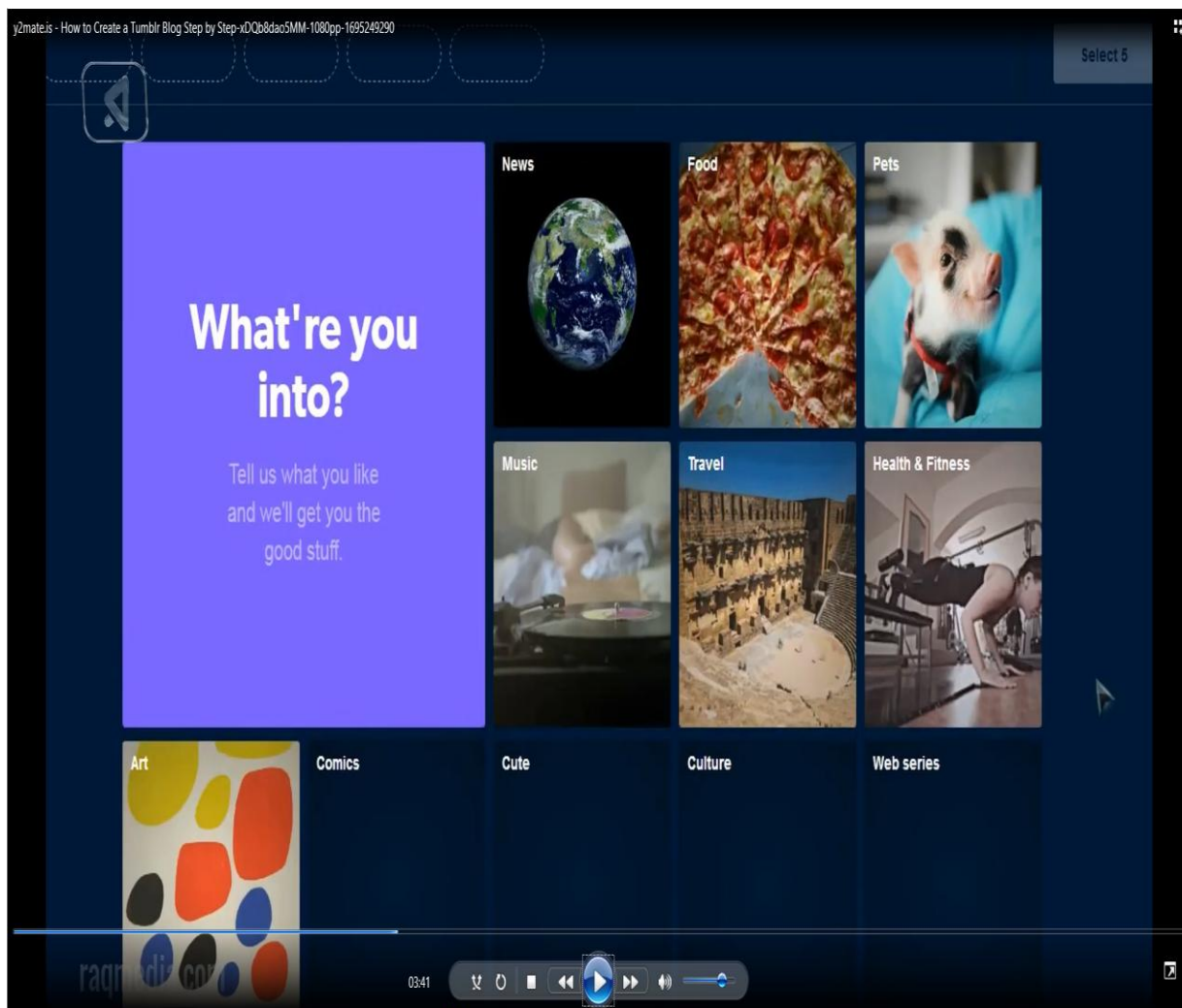
22. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing claim 1 of the ‘480 Patent in Delaware, and elsewhere in the United States, by employing a computer-based system using <https://www.tumblr.com/> (“Accused Instrumentality”) (e.g., <https://www.tumblr.com/>). Tumblr, Inc. uses a computer-based system for its Accused Instrumentality, for example to enable the provision of personalized content feeds that show users multimedia content including multiple of image, video, text, hashtag, and link content, based, *inter alia*, on user-selected preferences, such as interests. Tumblr, during the relevant time period, took advantage of multiple cloud server providers for its Accused Instrumentality, as well as scalability within its cloud server providers, employing separate server subsystems for all its meaningfully different functions, such as those indicated below. Tumblr uses and has used during the relevant time period, multiple different networks, IP addresses, and providers for, *inter alia*, cloud hosting networks and core networks, thereby using separate server subsystems for its meaningfully different functions, such as those indicated below.



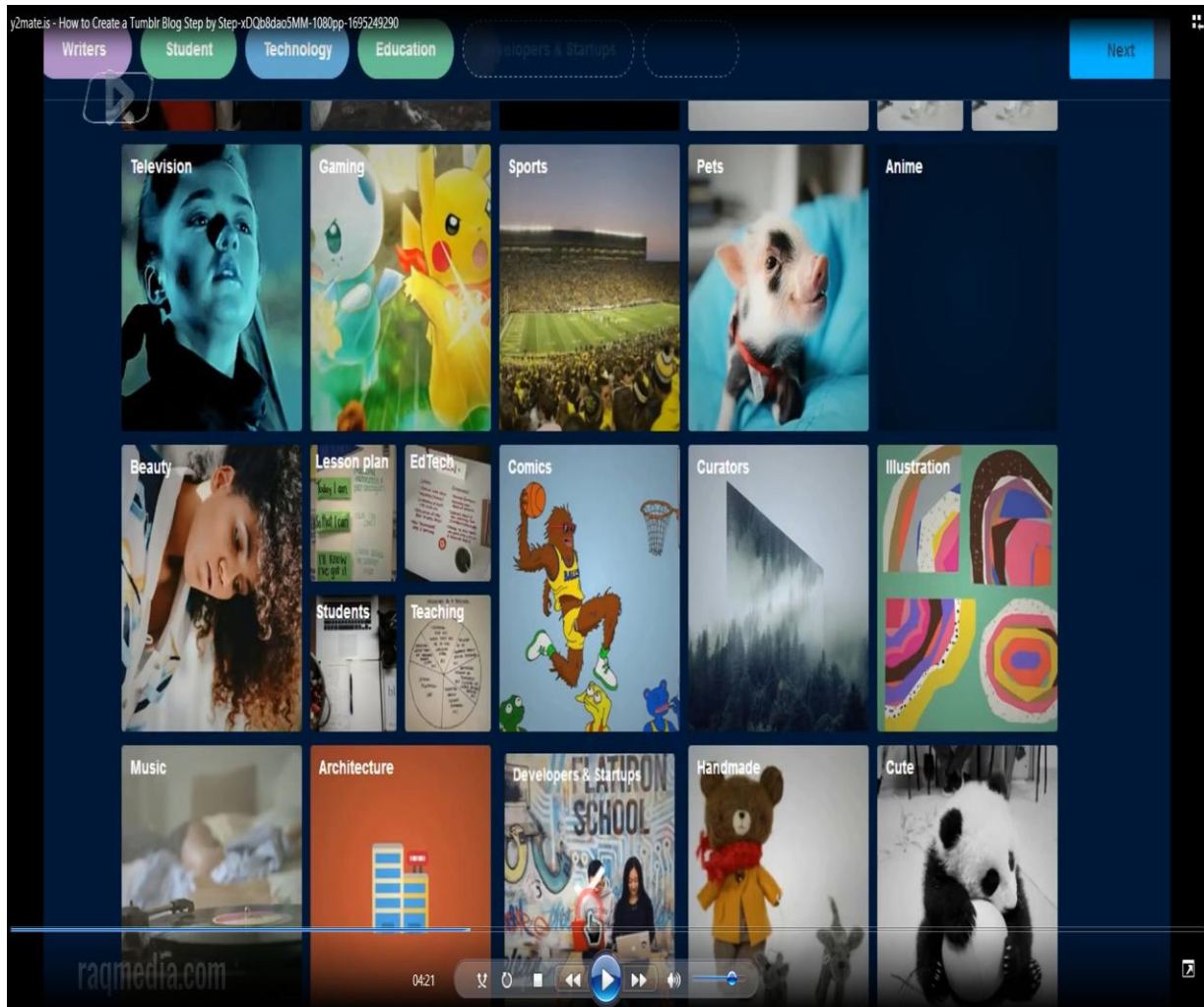
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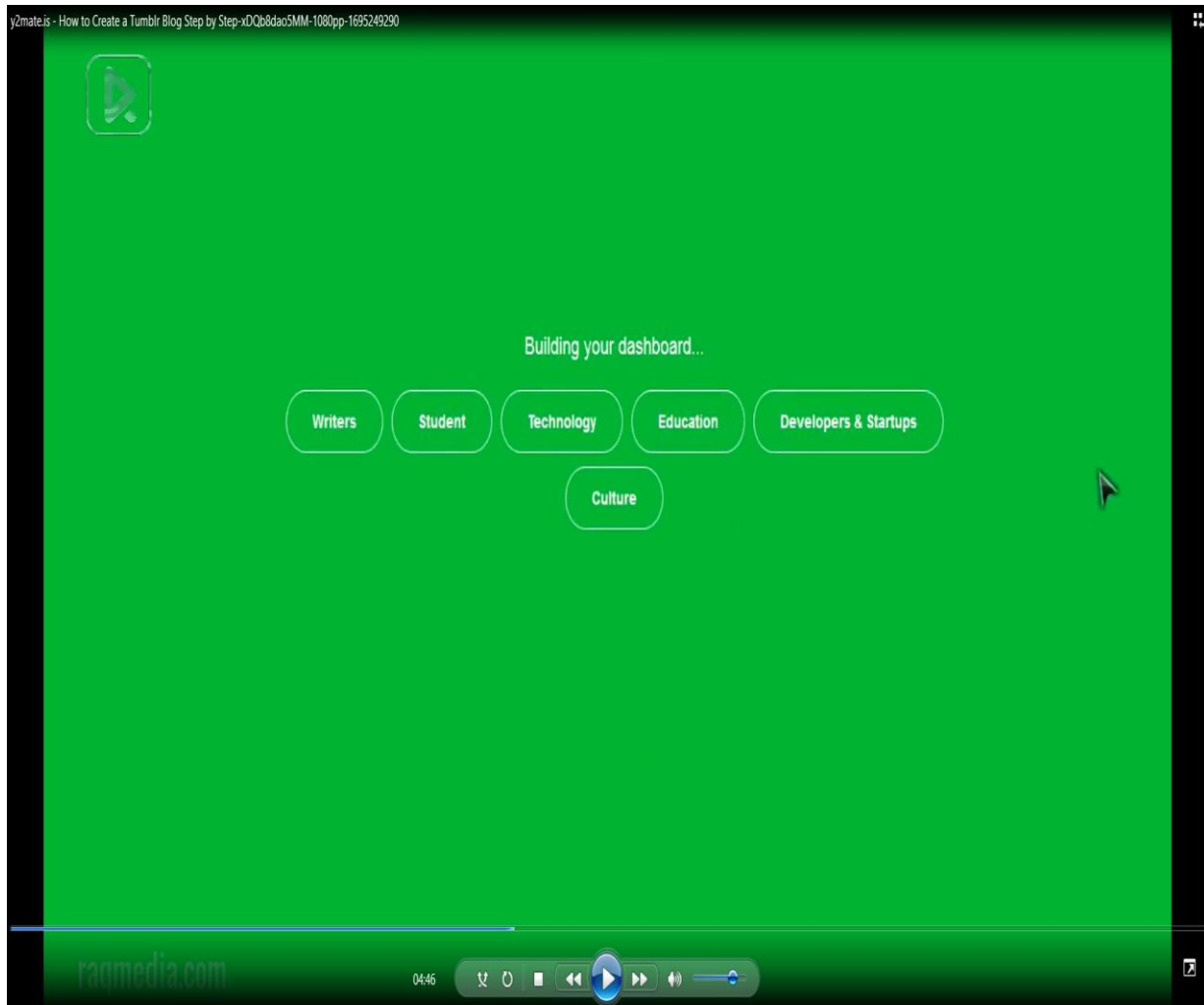
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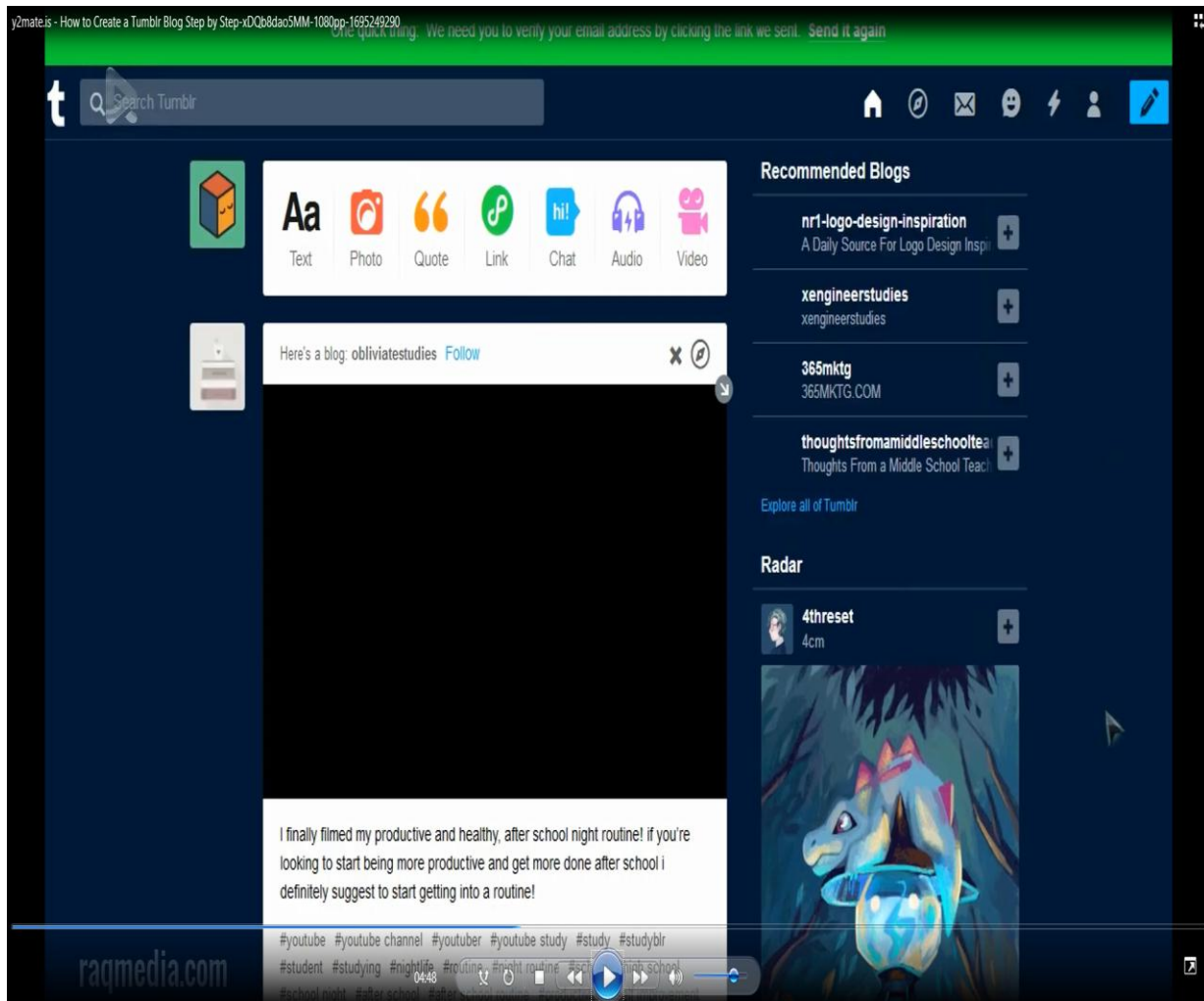
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



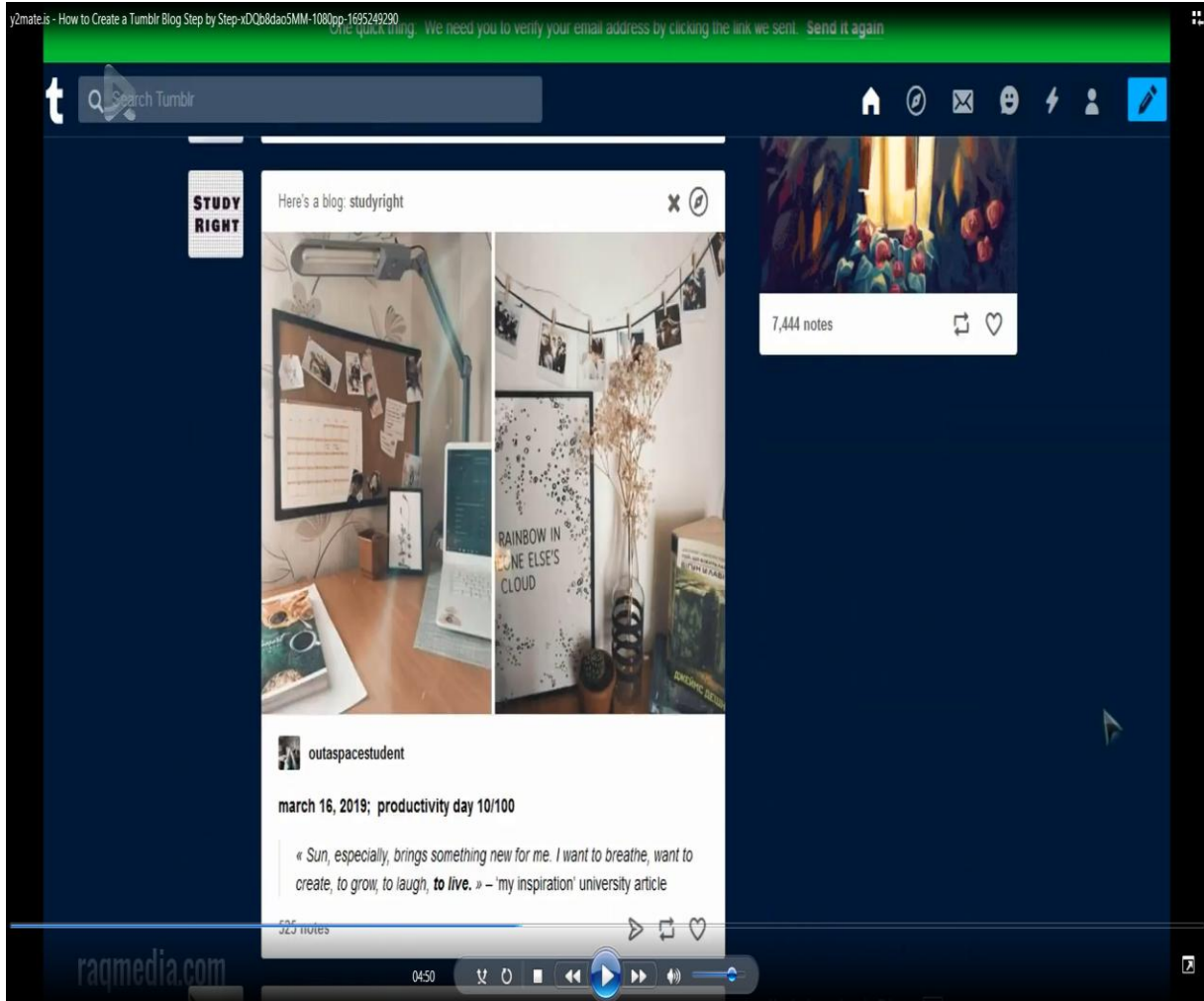
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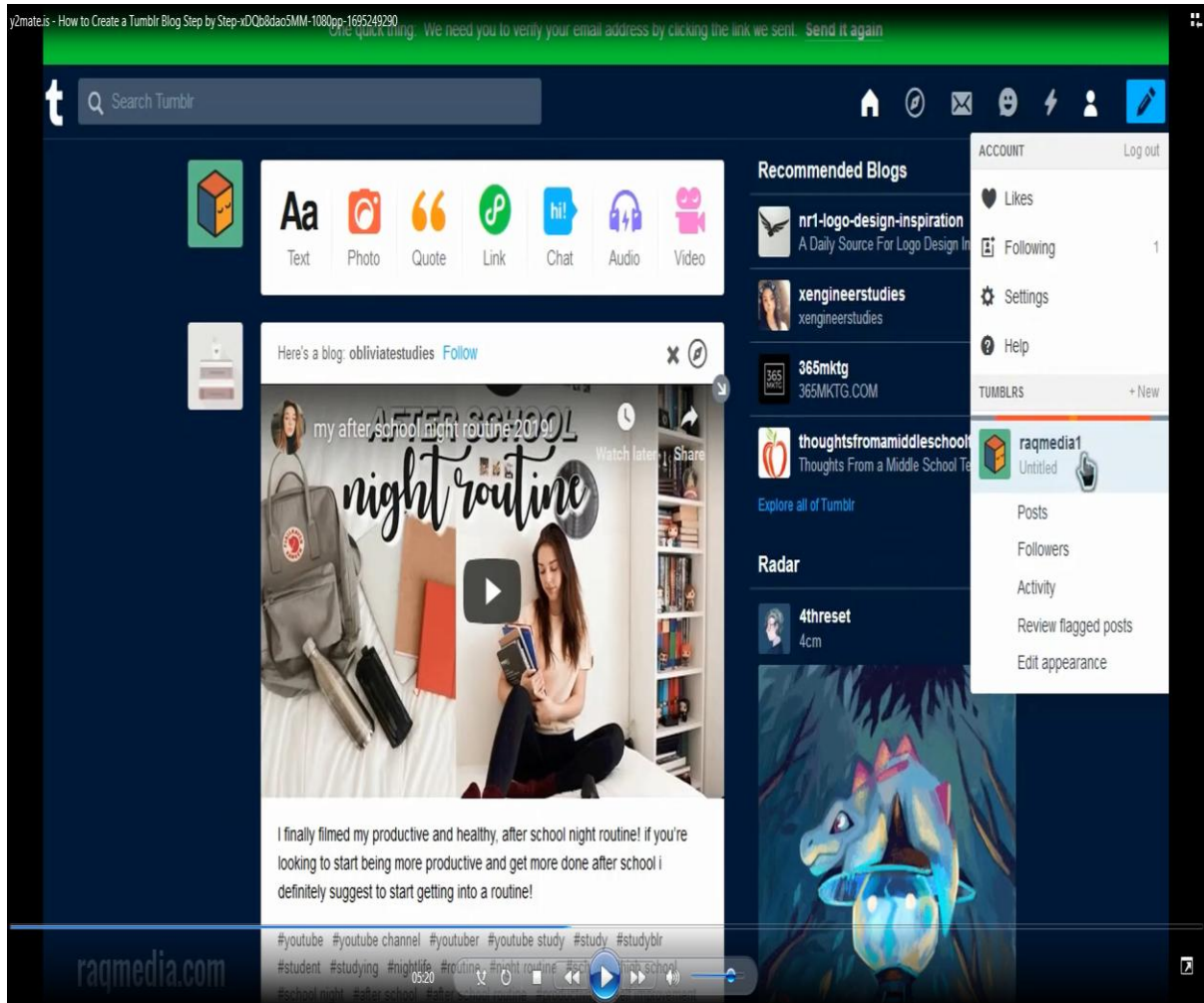
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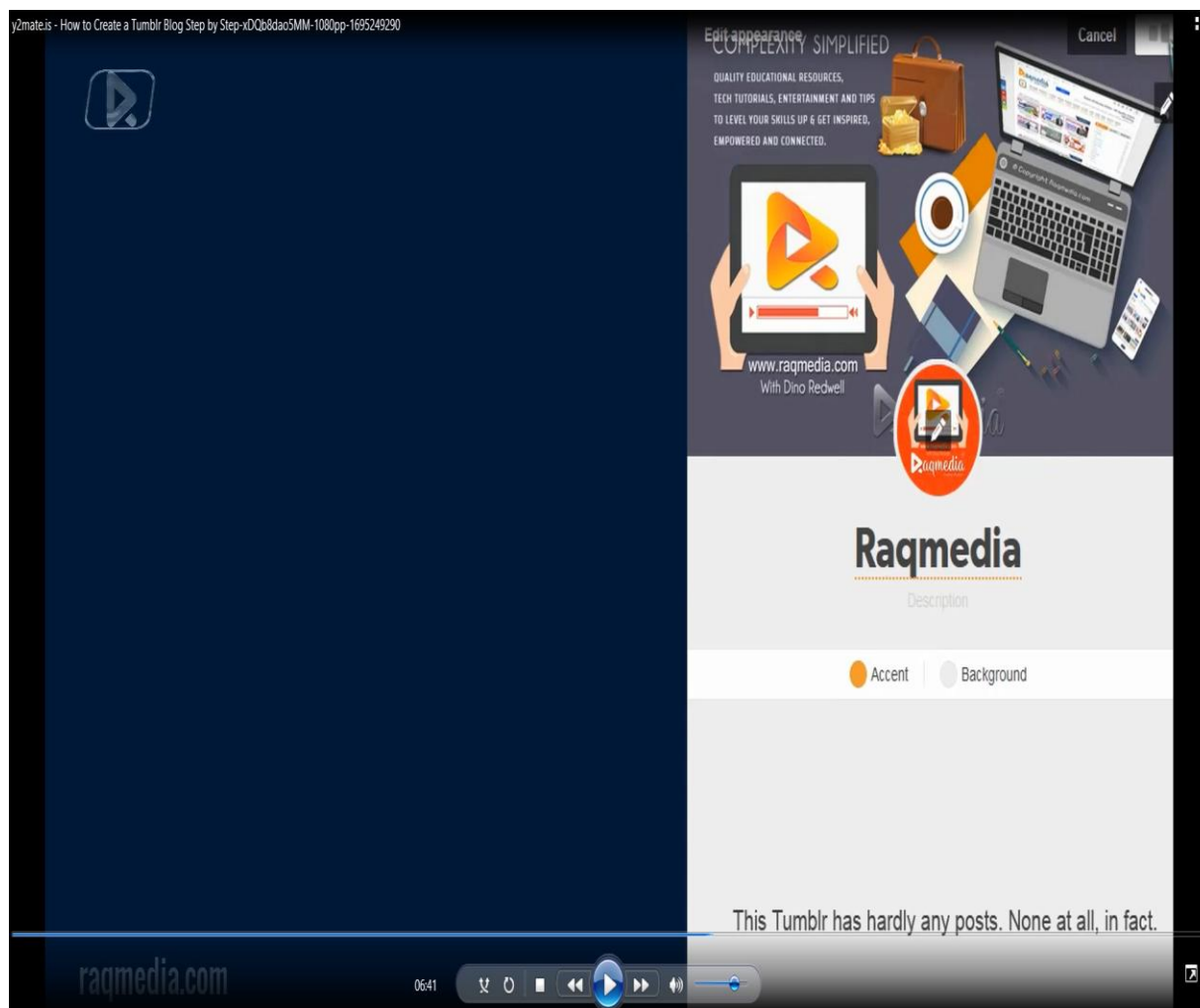
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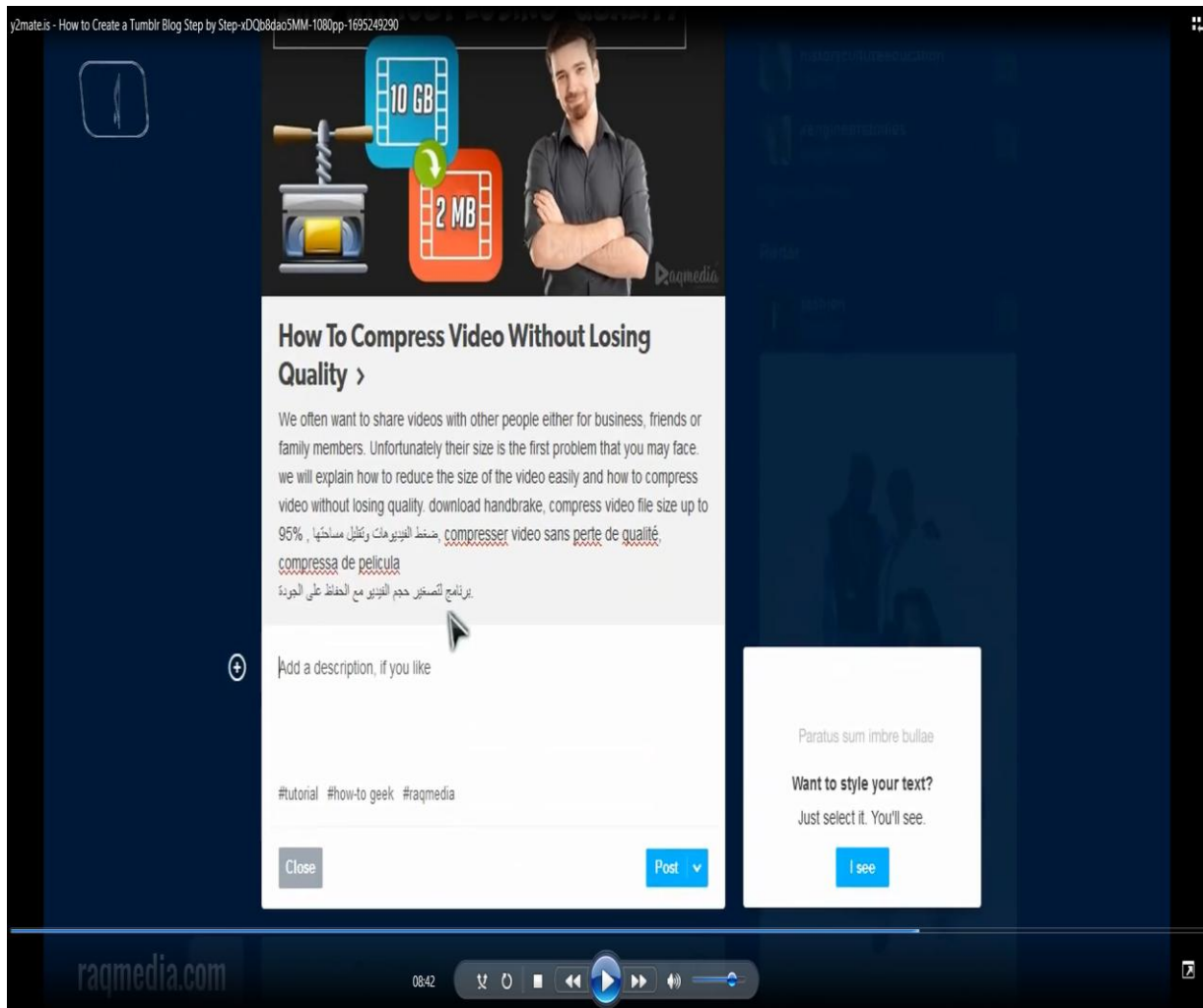
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(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).

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Words for your turbulent emotions...

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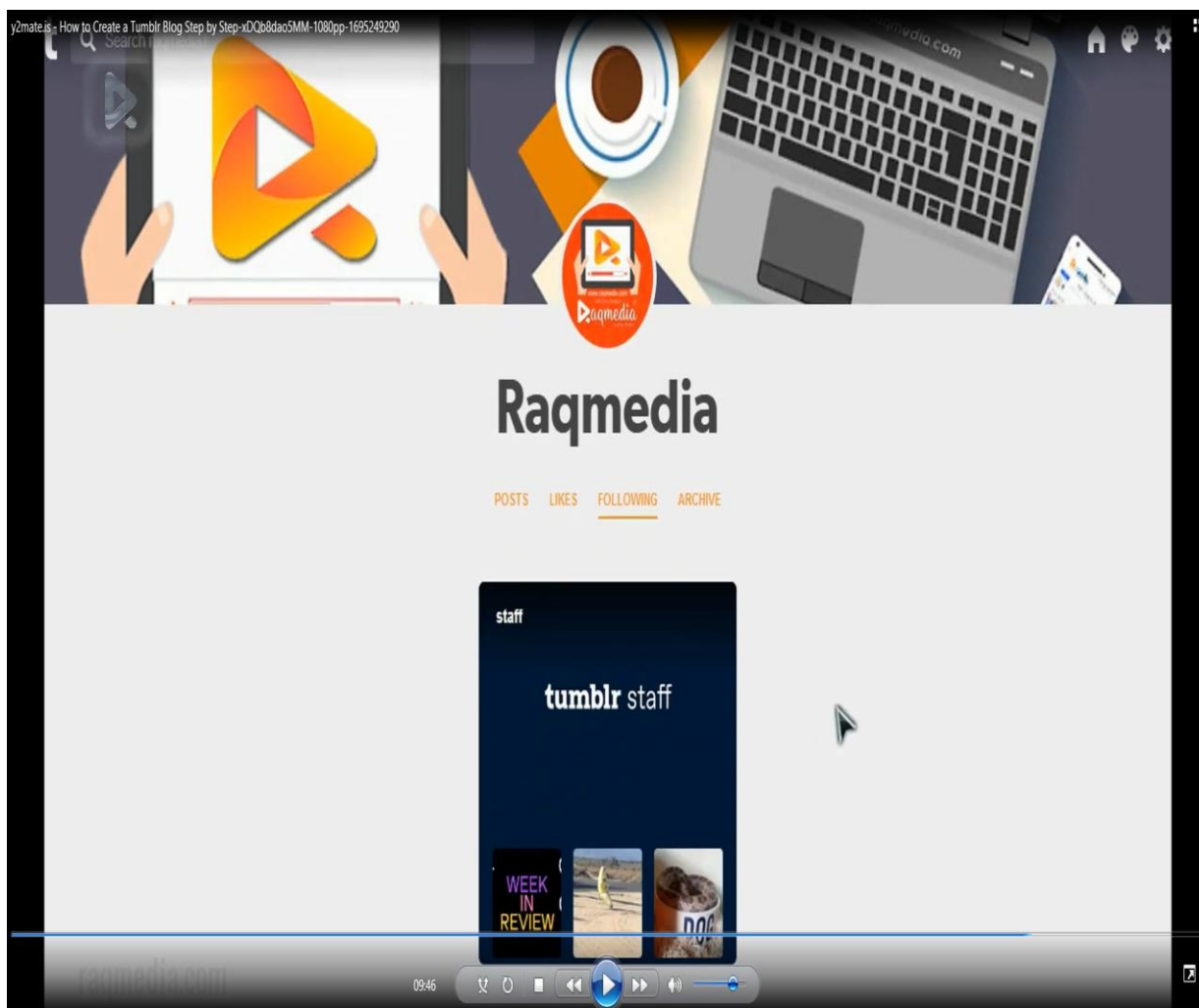
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Explore all of Tumblr

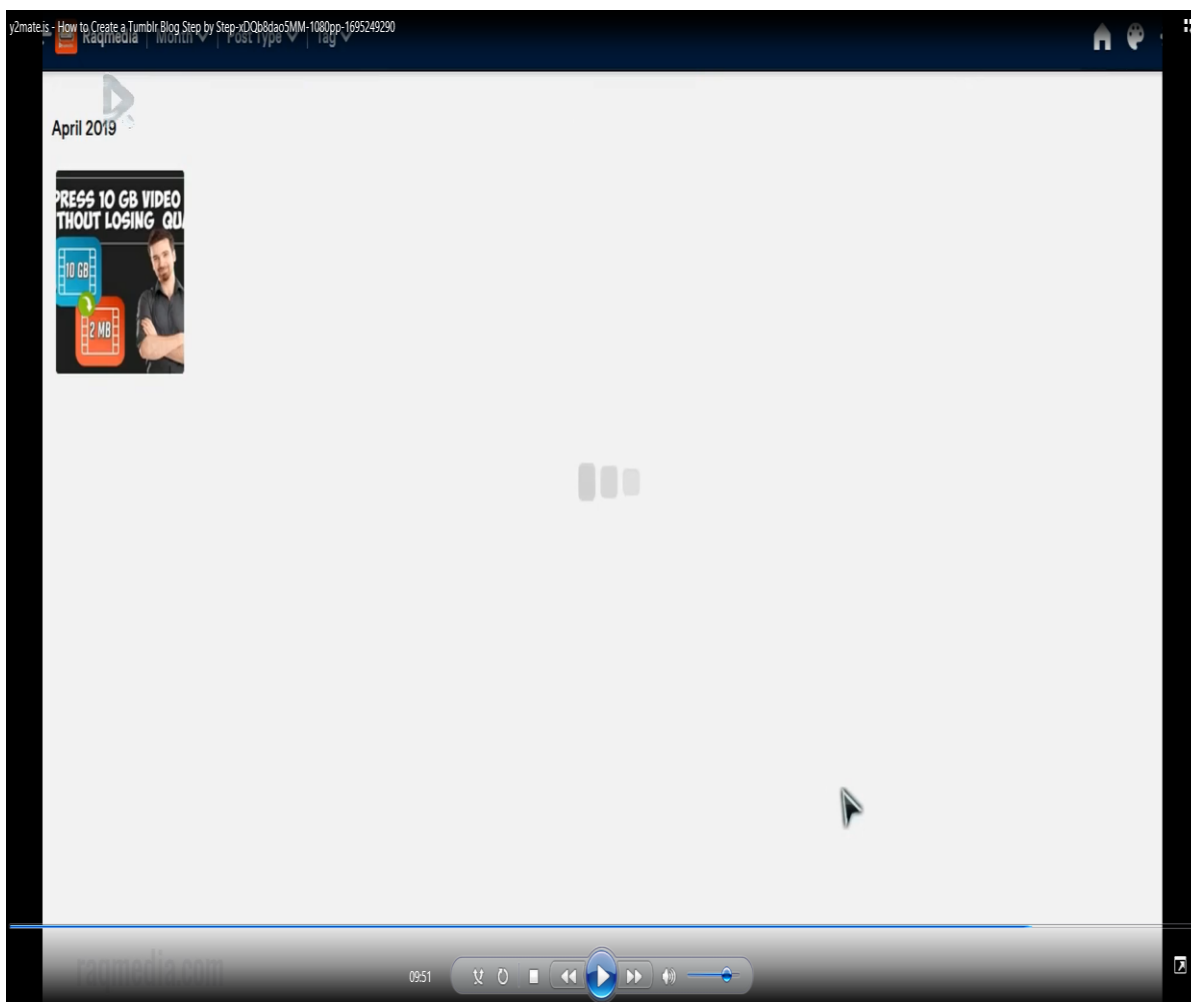
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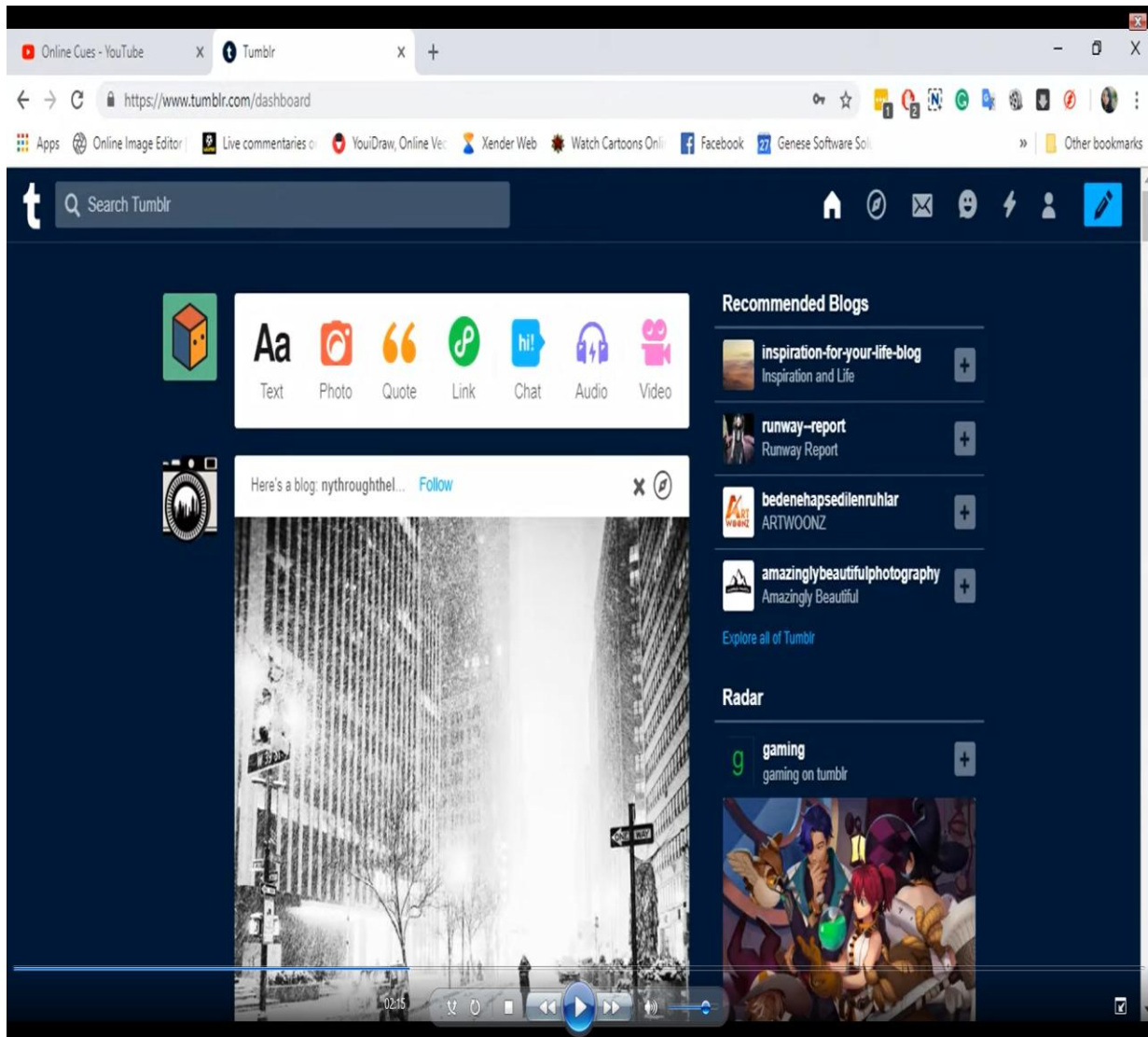
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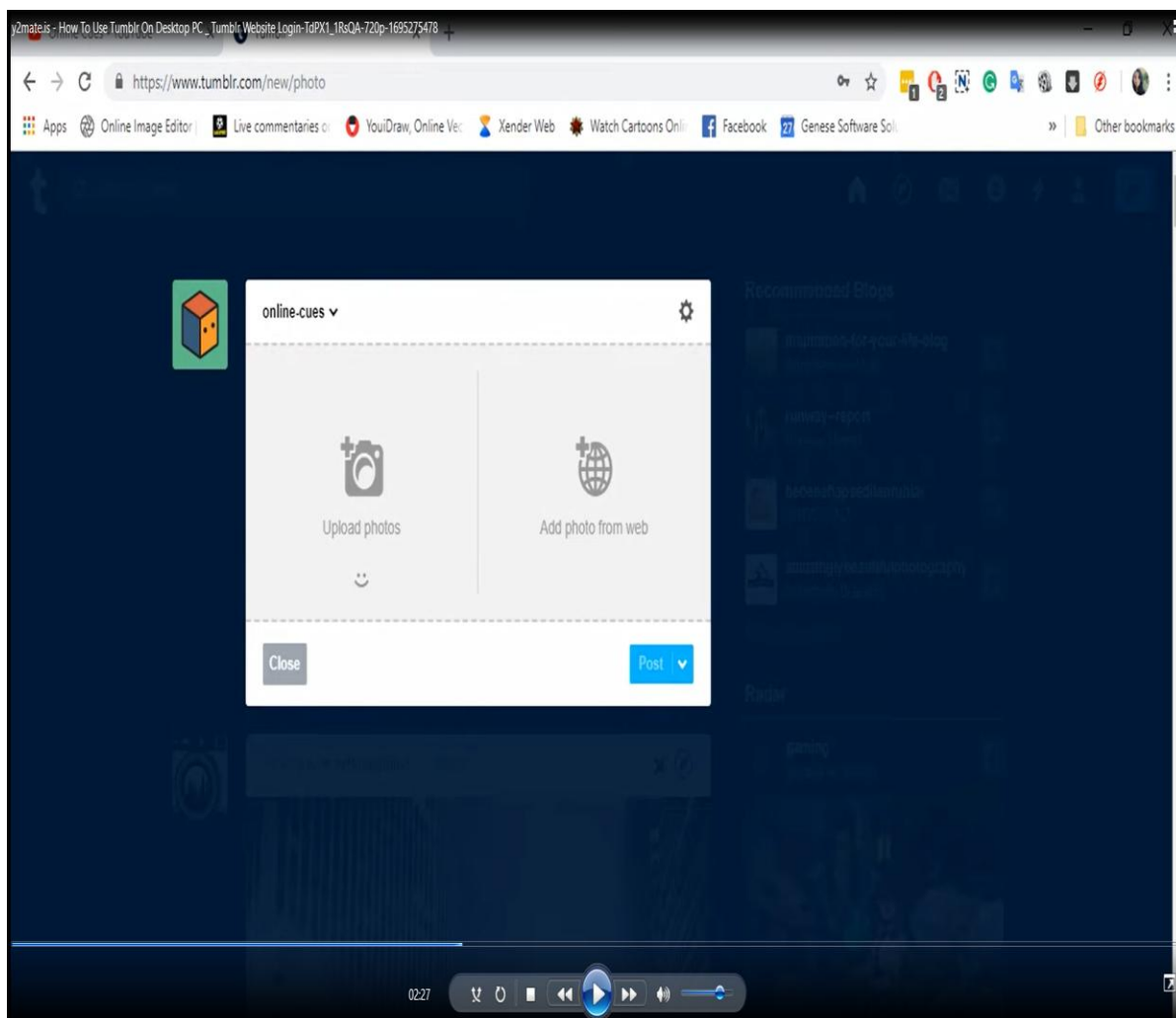
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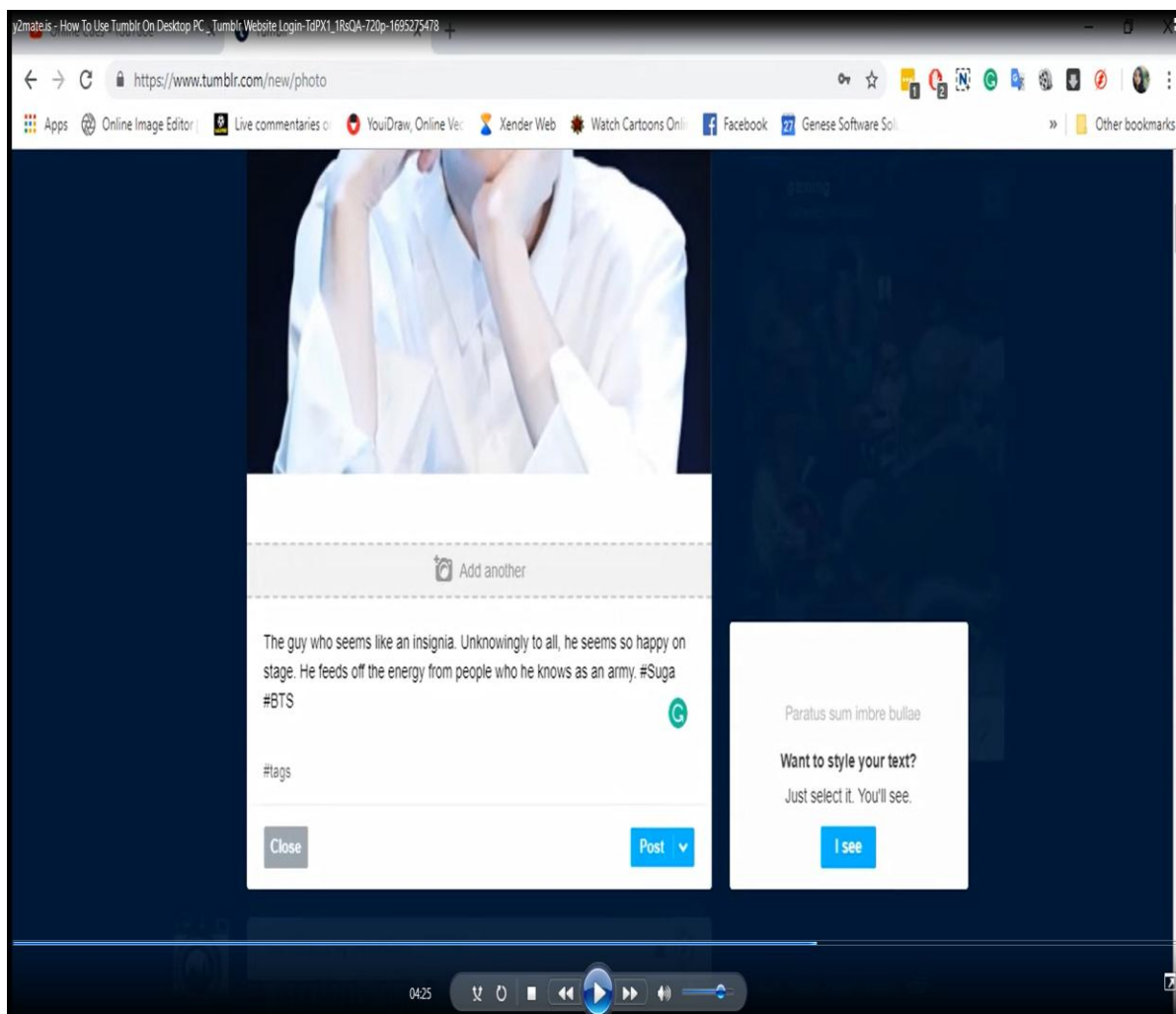
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(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).



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(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).

Cloud Hosts	# of IPs
WordPress (/resources/platforms/wordpress)	4

IP DETAILS

tps://www.netify.ai/resources/applications/tumblr

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Tumblr - Domains, IPs and App Information

CORE NETWORKS

	WHY NETIFY (HTTPS://WWW.NETIFY.AI/WHY-NETIFY)	PRODUCTS (HTTPS://WWW.NETIFY.AI/PRODUCTS)
	Category	Network Location Shared
66.6.44.4 (/resources/ips/66.6.44.4)	Hosting Automatic (/resources/networks/automatic)Core Network United States	
74.114.154.15 (/resources/ips/74.114.154.15)	Hosting Automatic (/resources/networks/automatic)Core Network United States	RESOURCES (HTTPS://WWW.NETIFY.AI/RESOURCES) DEVELOPER (HTTPS://WWW.NETIFY.AI/DEVELOPER) BLOG (/BLOG)
74.114.154.17 (/resources/ips/74.114.154.17)	Hosting Automatic (/resources/networks/automatic)Core Network United States	
74.114.154.18 (/resources/ips/74.114.154.18)	Hosting Automatic (/resources/networks/automatic)Core Network United States	SIGN IN (HTTPS://PORTAL.NETIFY.AI)
74.114.154.19 (/resources/ips/74.114.154.19)	Hosting Automatic (/resources/networks/automatic)Core Network United States	
74.114.154.21 (/resources/ips/74.114.154.21)	Hosting Automatic (/resources/networks/automatic)Core Network United States	

and 8 more

PLATFORM DETAILS

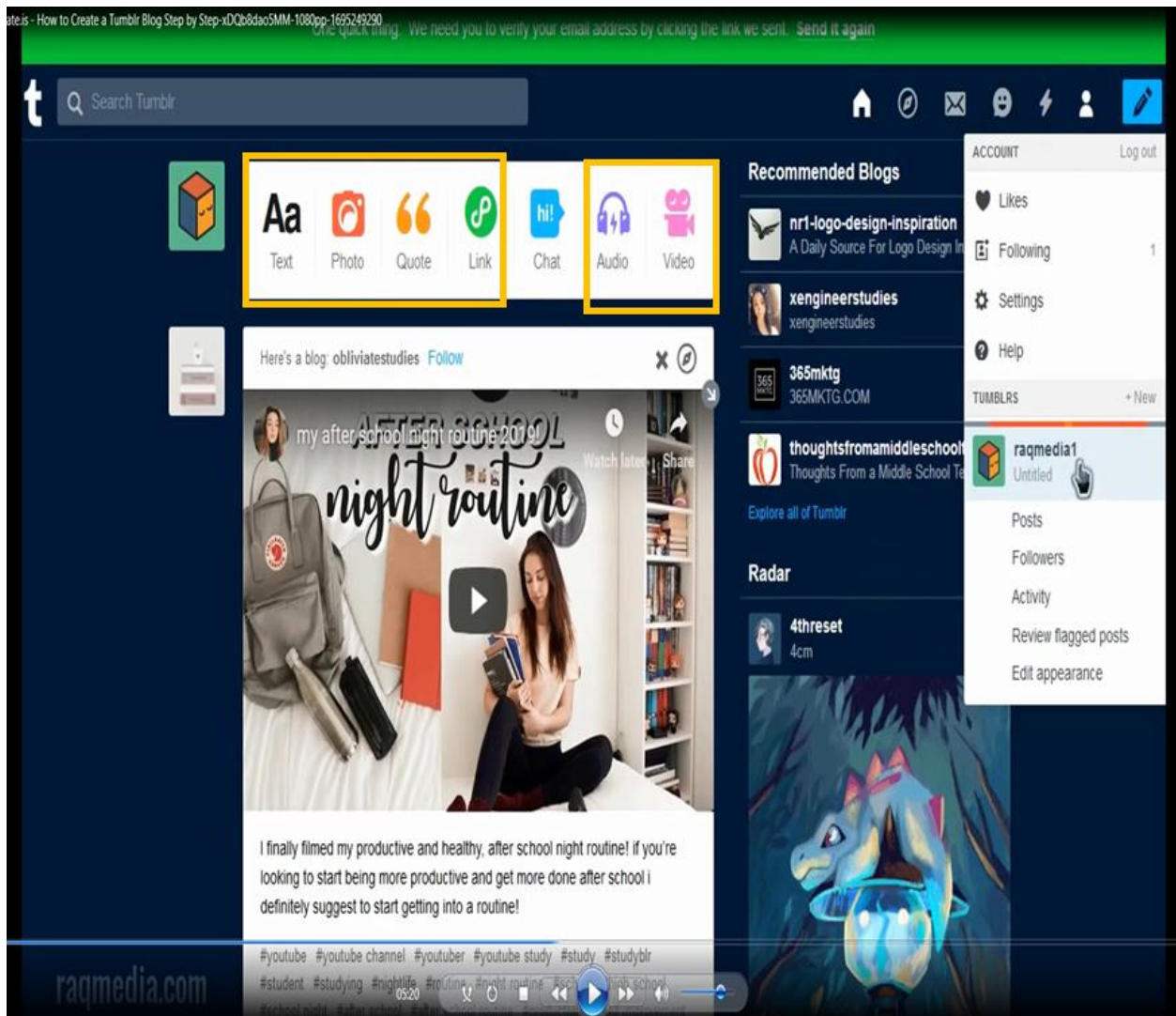
CLOUD HOSTING NETWORKS

IP	Platform	Network Owner	Network	Location	Shared
192.0.74.11 (/resources/ips/192.0.74.11)	WordPress (/resources/platforms/wordpress)Automatic	Automatic	Core Network	United States	
192.0.75.11 (/resources/ips/192.0.75.11)	WordPress (/resources/platforms/wordpress)Automatic	Automatic	Core Network	United States	
198.181.116.11 (/resources/ips/198.181.116.11)	WordPress (/resources/platforms/wordpress)Automatic	Automatic	Core Network	United States	
198.181.117.11 (/resources/ips/198.181.117.11)	WordPress (/resources/platforms/wordpress)Automatic	Automatic	Core Network	United States	

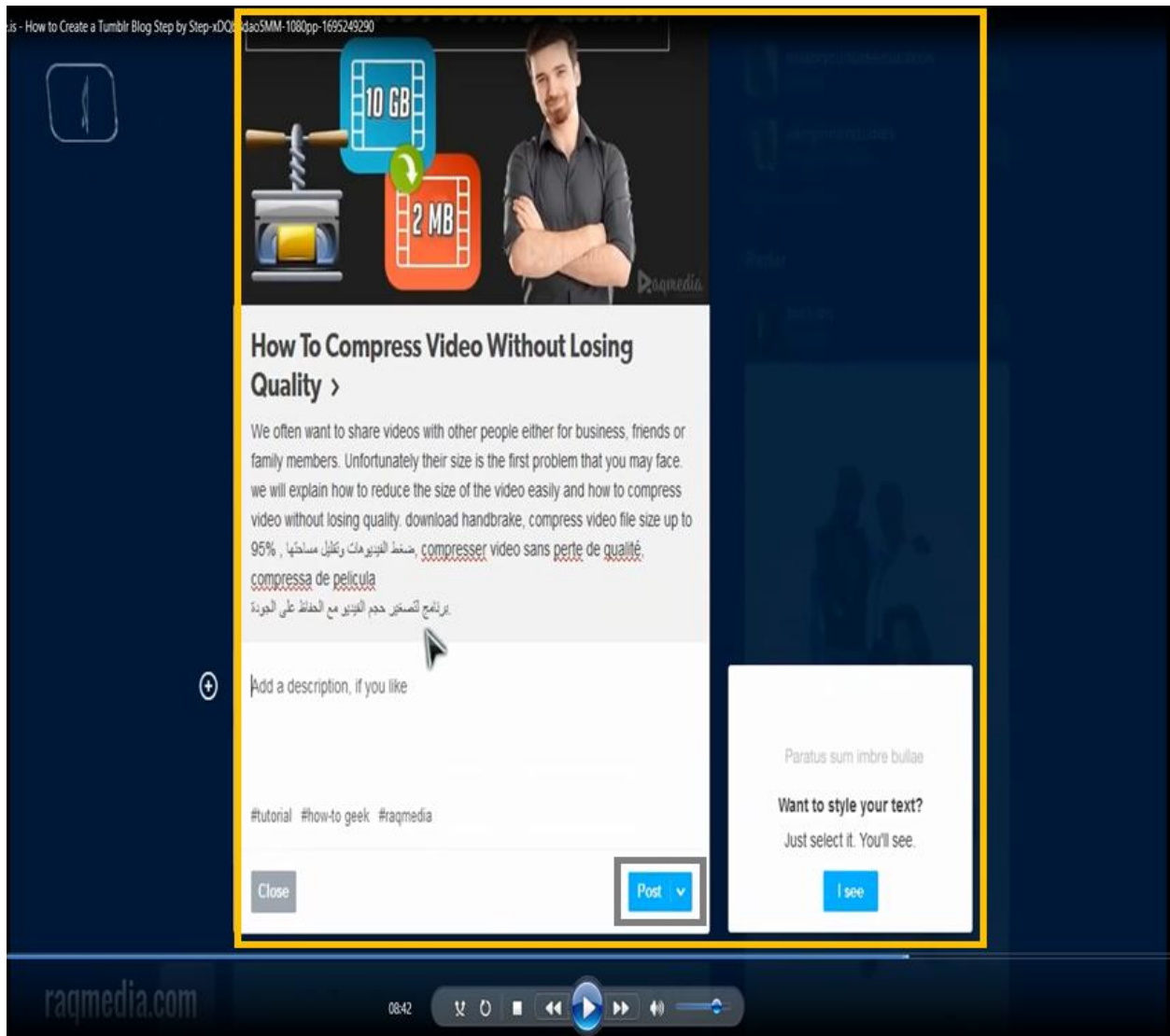
(E.g., <https://www.netify.ai/resources/applications/tumblr>).

23. The Accused Instrumentality includes an electronic media submissions server subsystem, having one or more data processing apparatus and an electronic media submissions database in order to process and store received submissions from users, for example as discussed above in connection with the Tumblr platform, app, website and customized feeds. These submissions, which include *e.g.*, photos, videos, text, and hashtags, to be provided to the Tumblr platform via a submissions electronic interface, accessible for example by logging in and selecting an option to upload content or import content from a third party website, from a plurality of submitters (*e.g.*, Tumblr users with accompanying created accounts and profiles) over a public network (*e.g.*, the Internet) and stored, via an uploading process, in said electronic

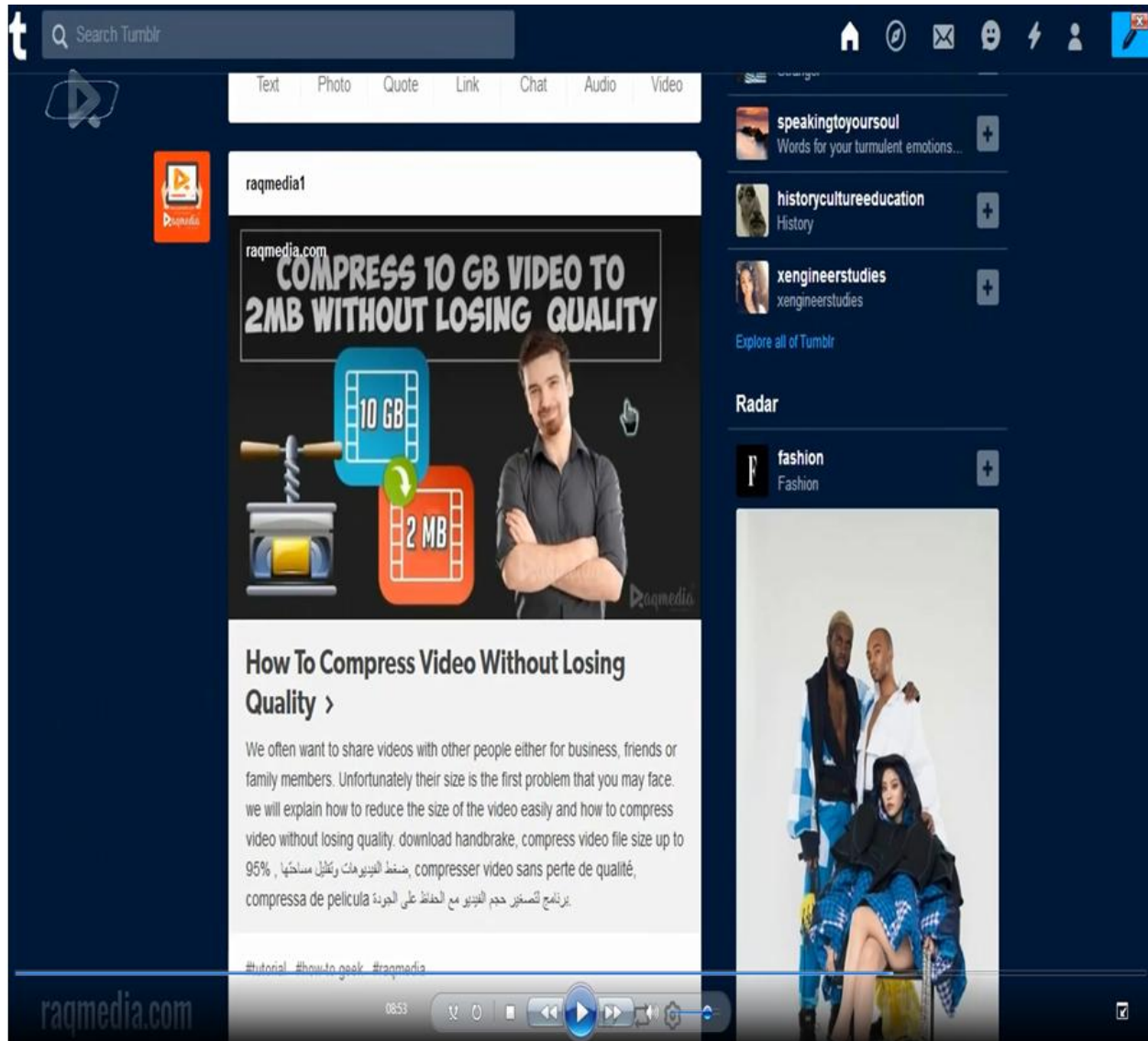
media submissions database for use in distribution to other users. Such submissions comprising photos, videos, text, and hashtags are made available via storage in the electronic media submissions database for use in distribution to other users, such as the general userbase of Tumblr, as per a respective member’s interest and follower selections in conjunction with Tumblr’s proprietary algorithms as to which content to provide on a given user’s customized feed.



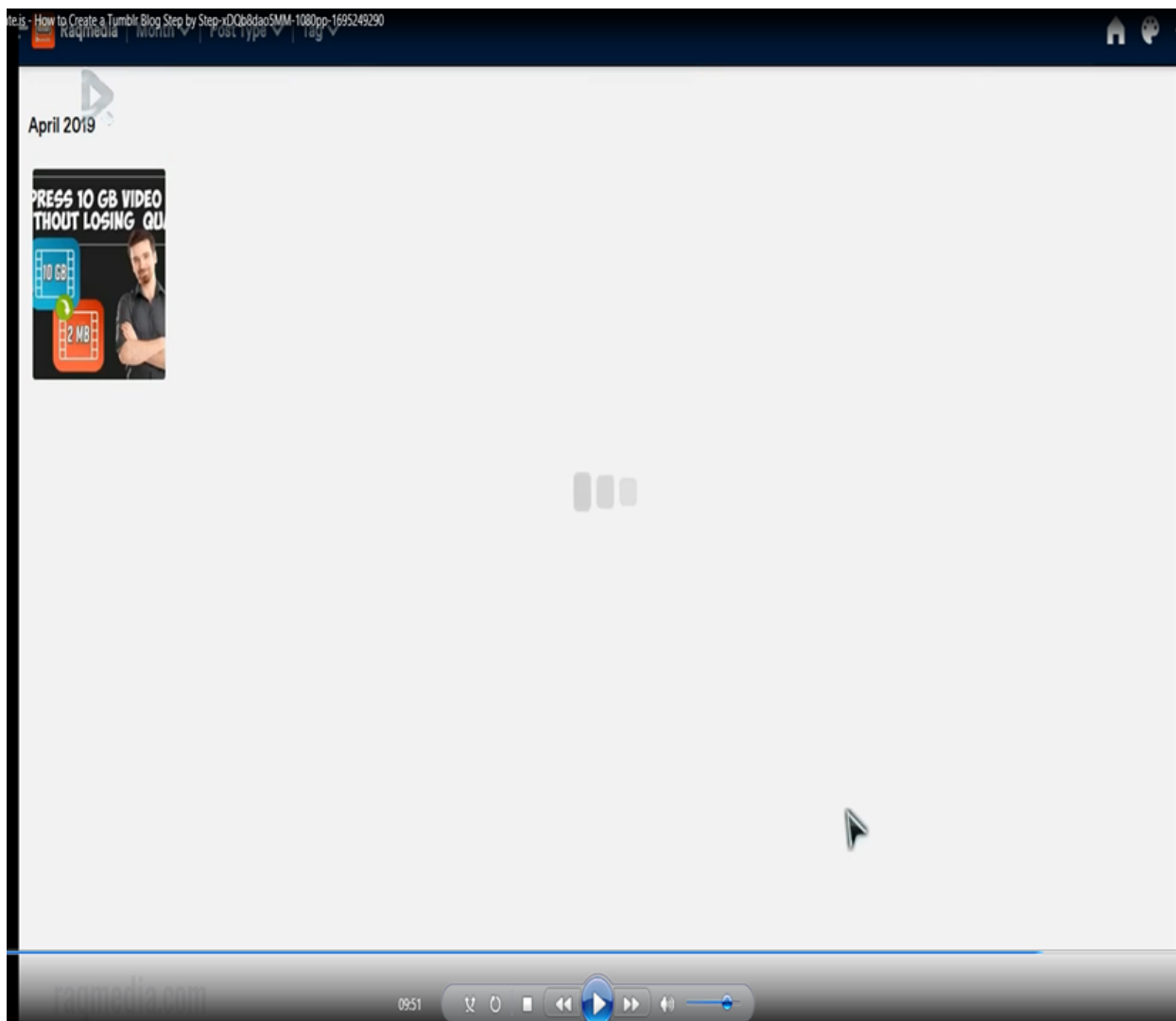
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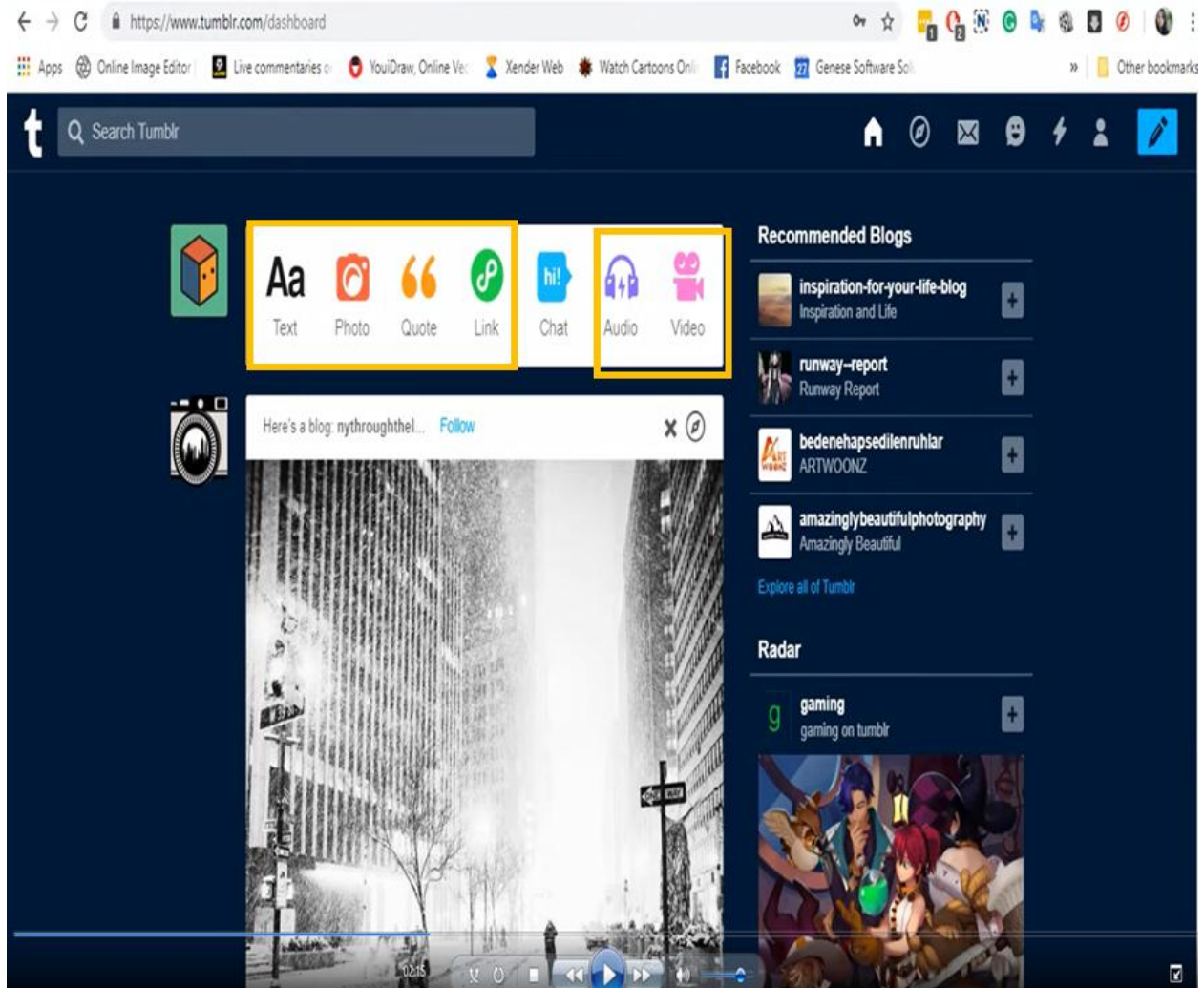
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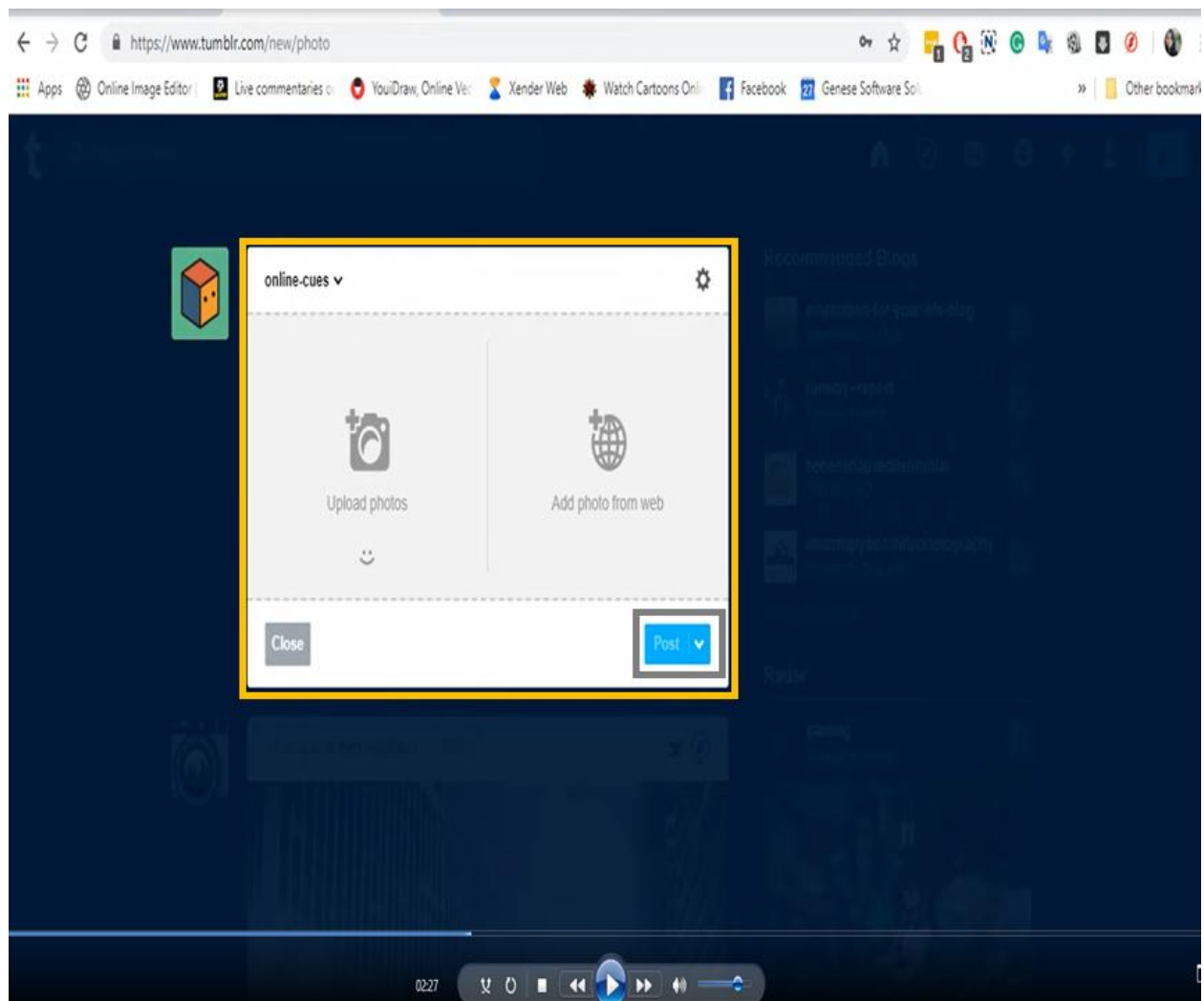
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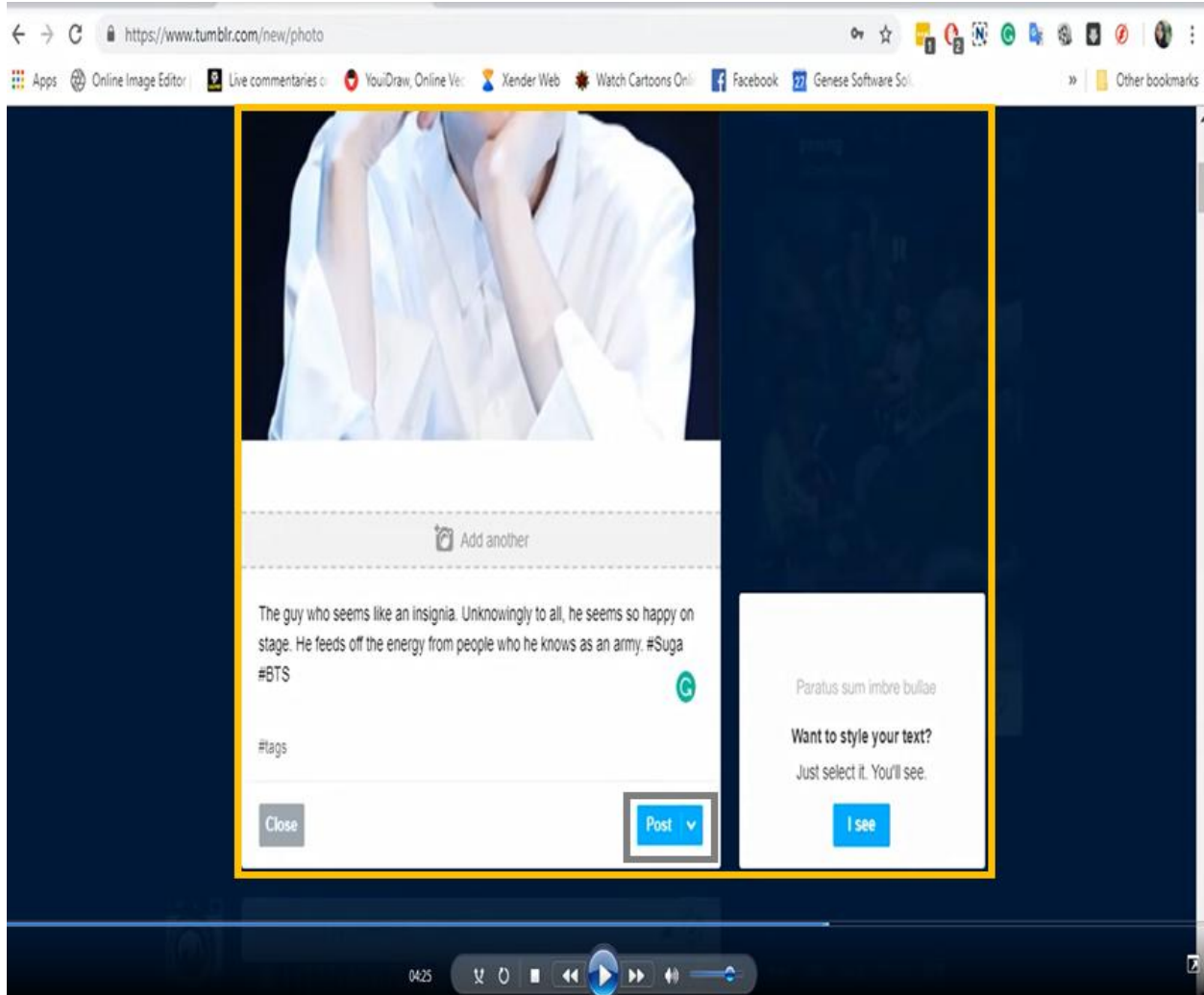
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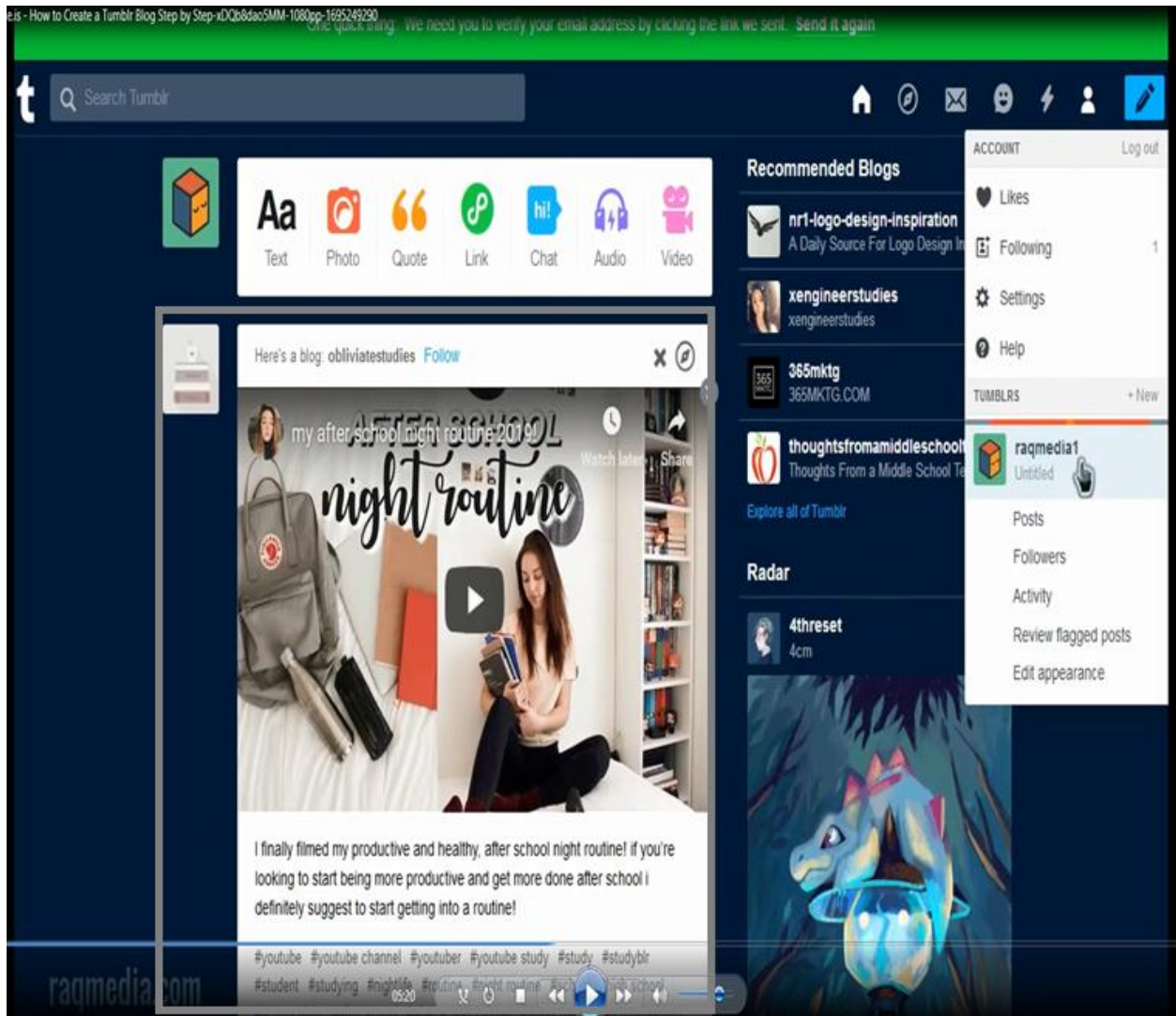
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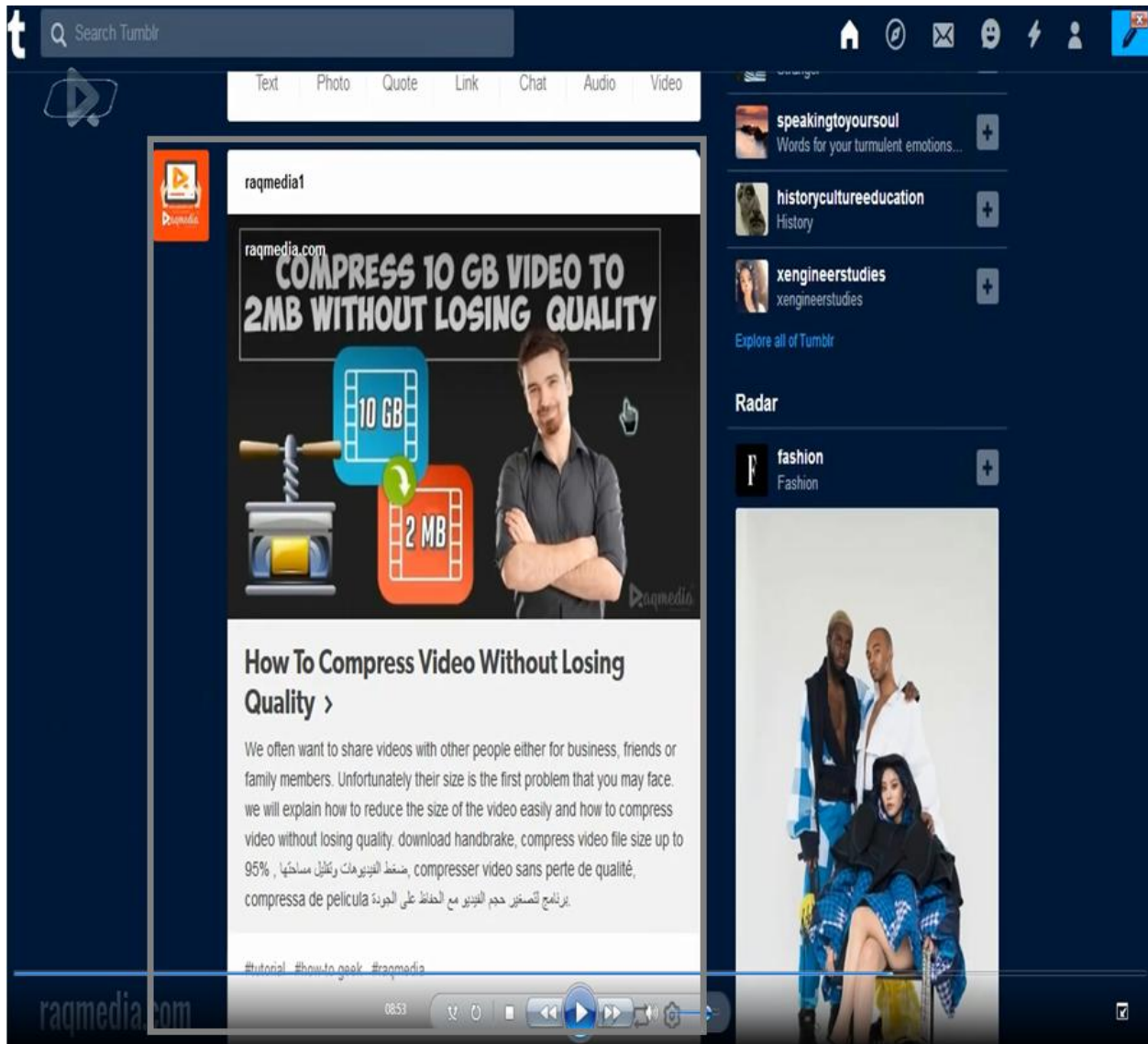
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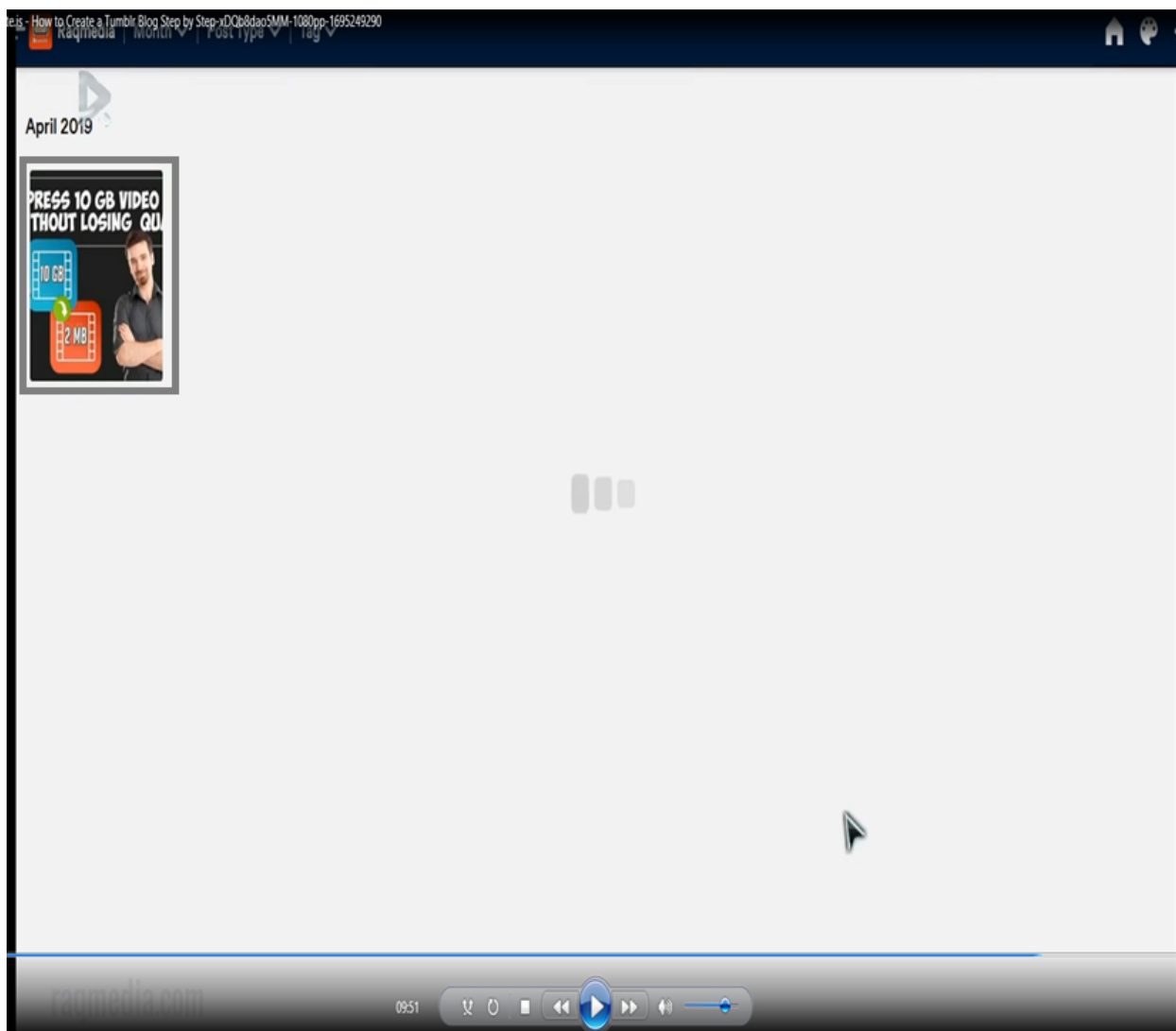
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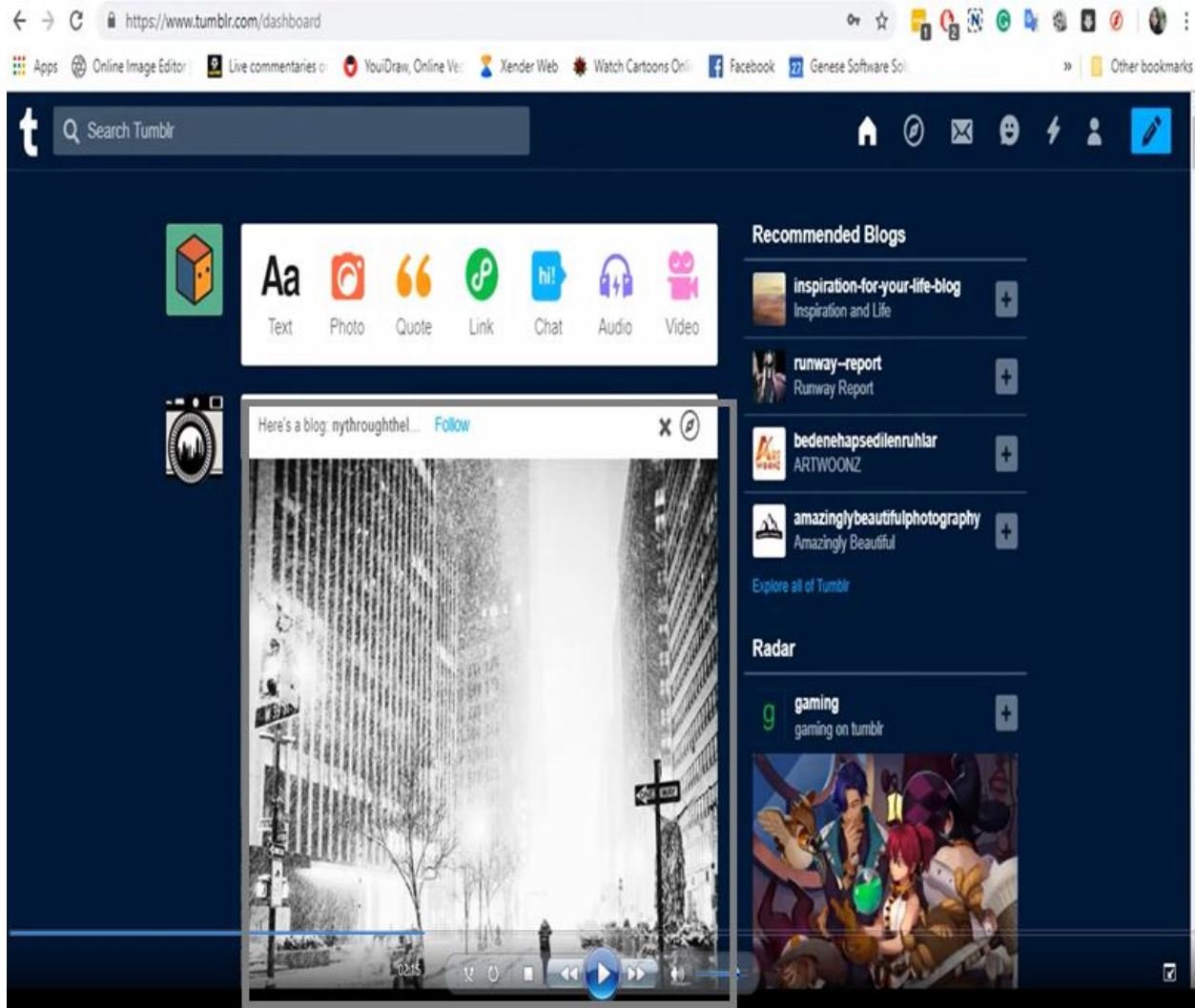
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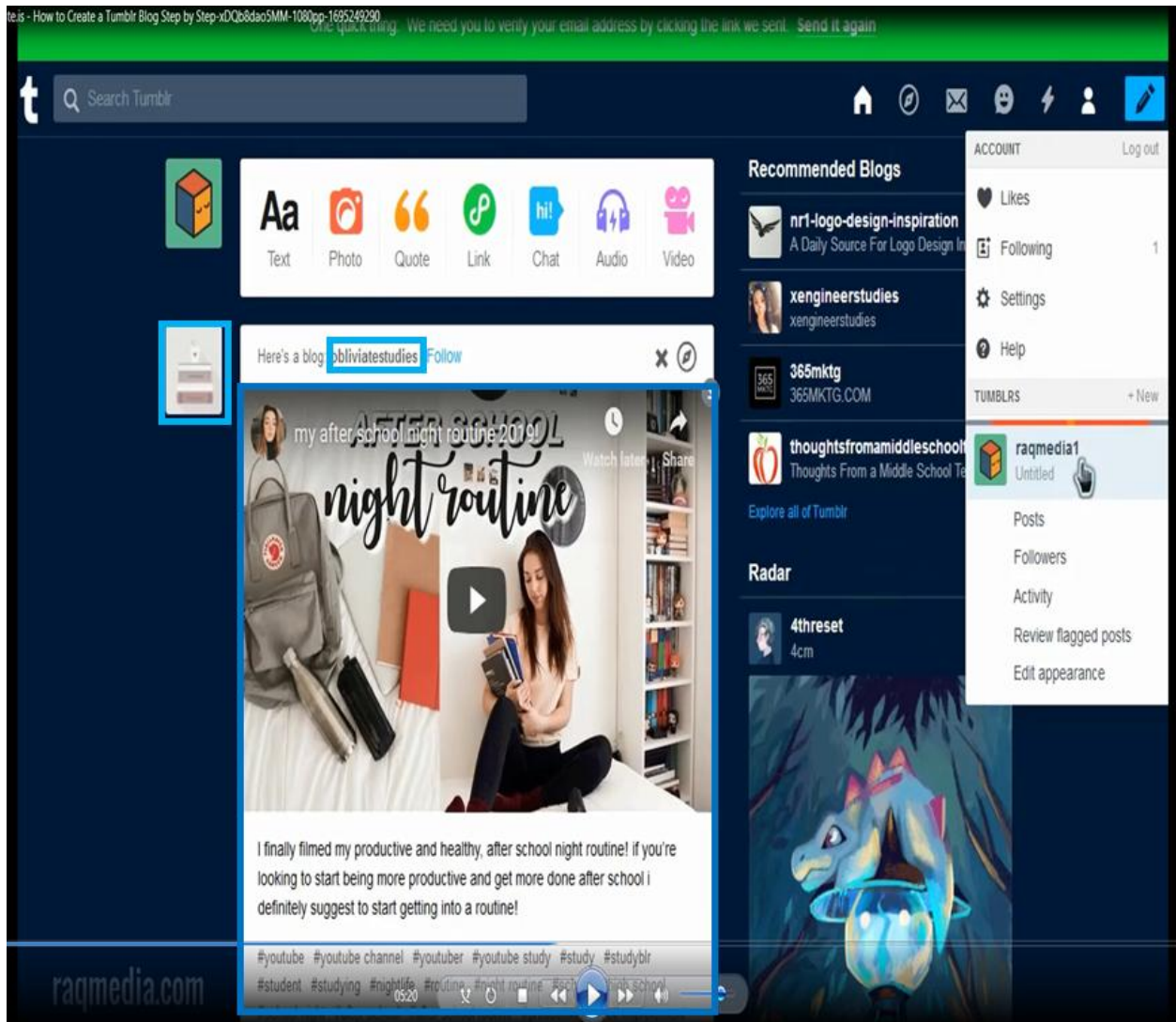


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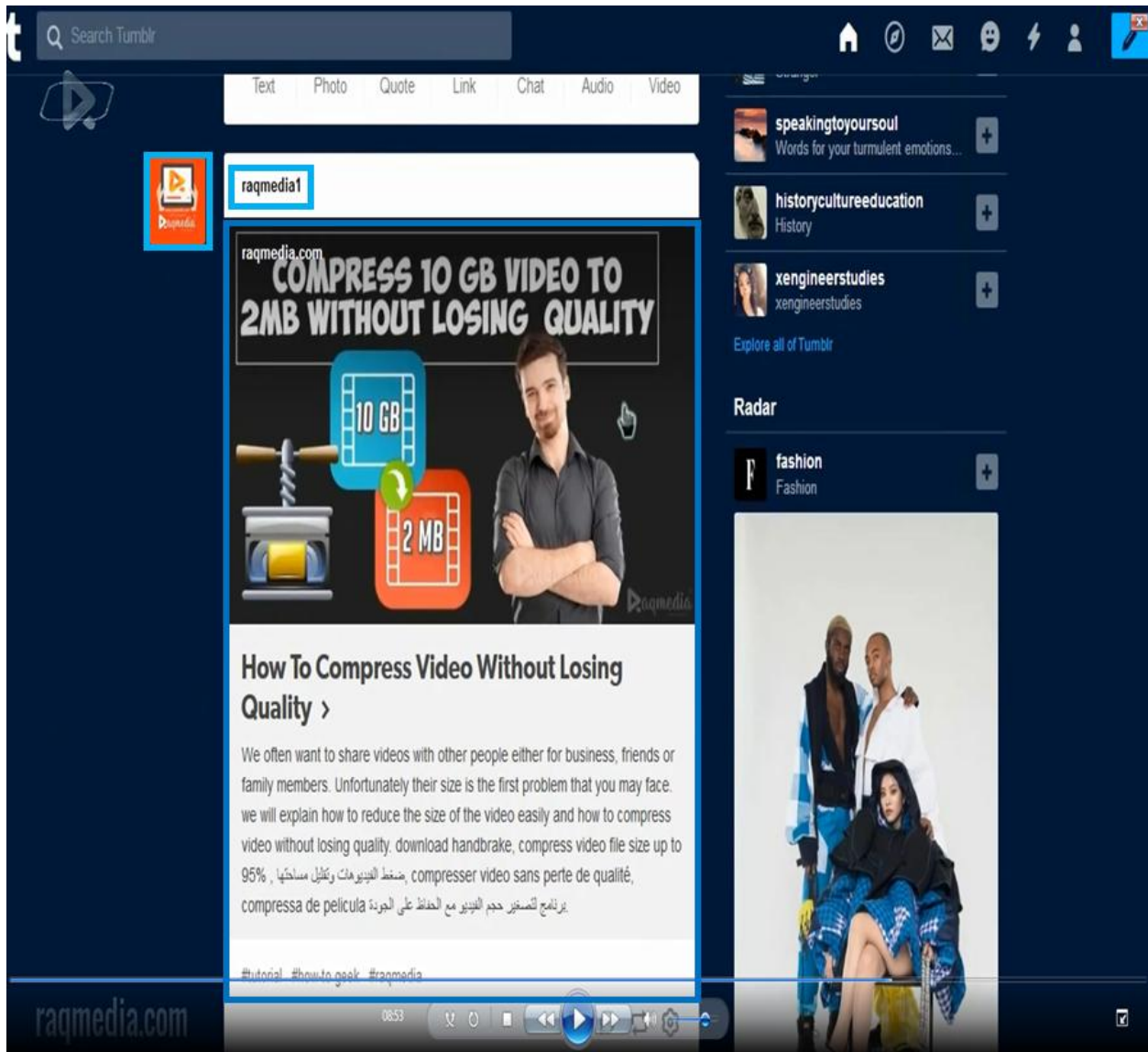


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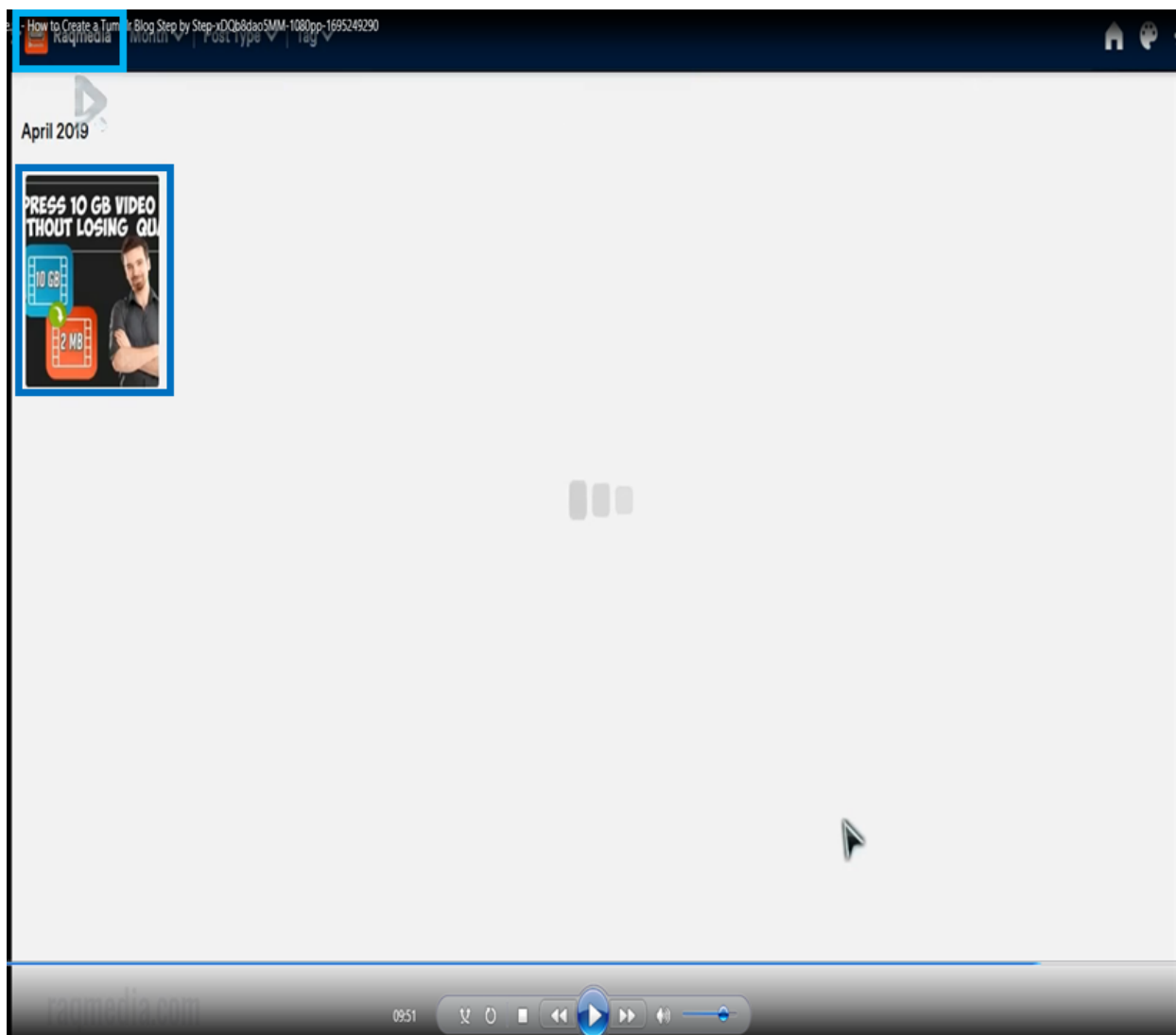
24. The electronic media submissions database of the Accused Instrumentality stores the submissions (e.g., a submission comprising a post made up of photos, videos, text, and/or hashtags, submitted by a Tumblr user) further stores data identifying the submitter and data indicating content for each electronic media submission, e.g., as shown below with a name and user profile photo identifying the submitter and photos, videos, text, and/or hashtags, along with URLs to further material indicating content.



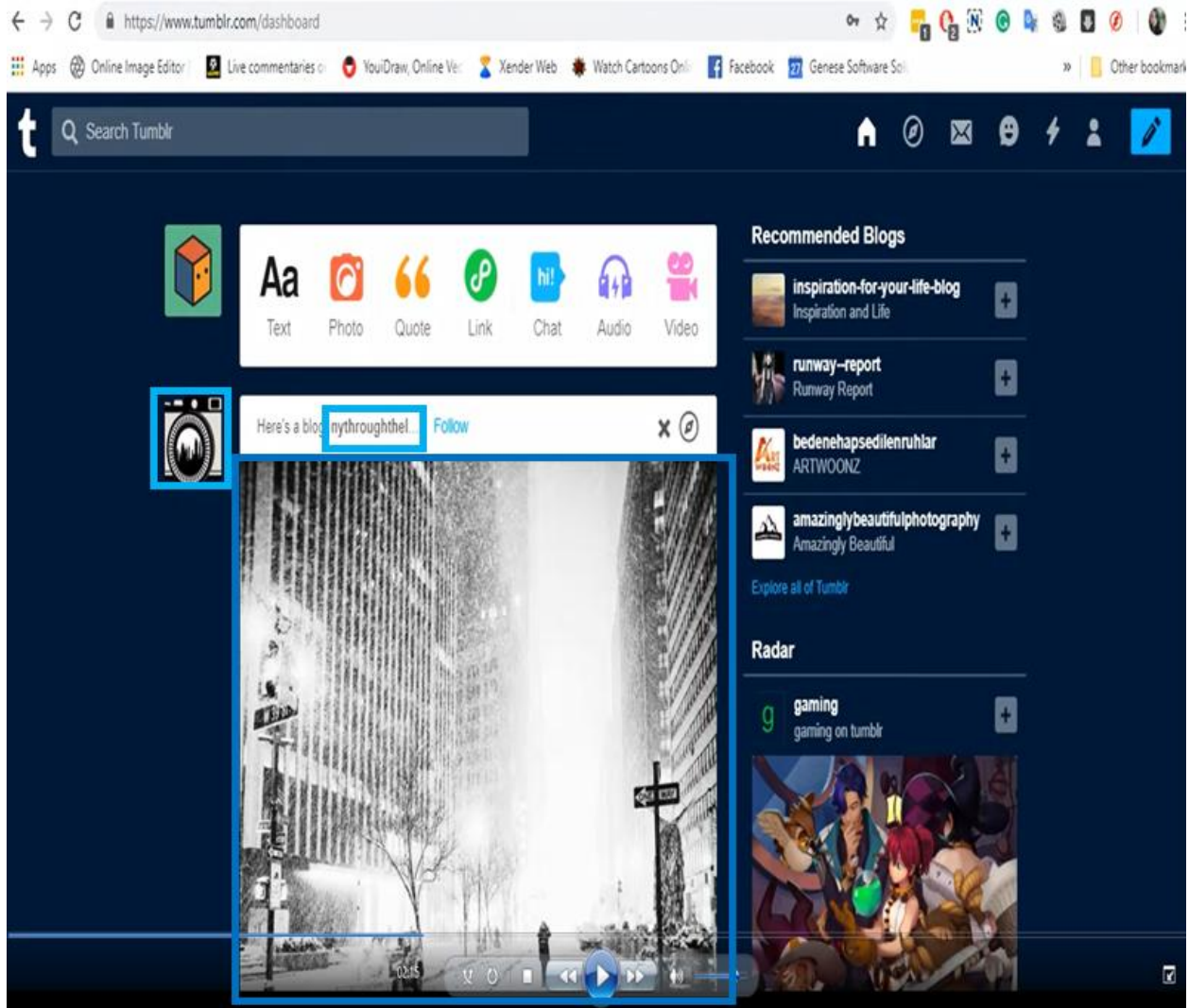
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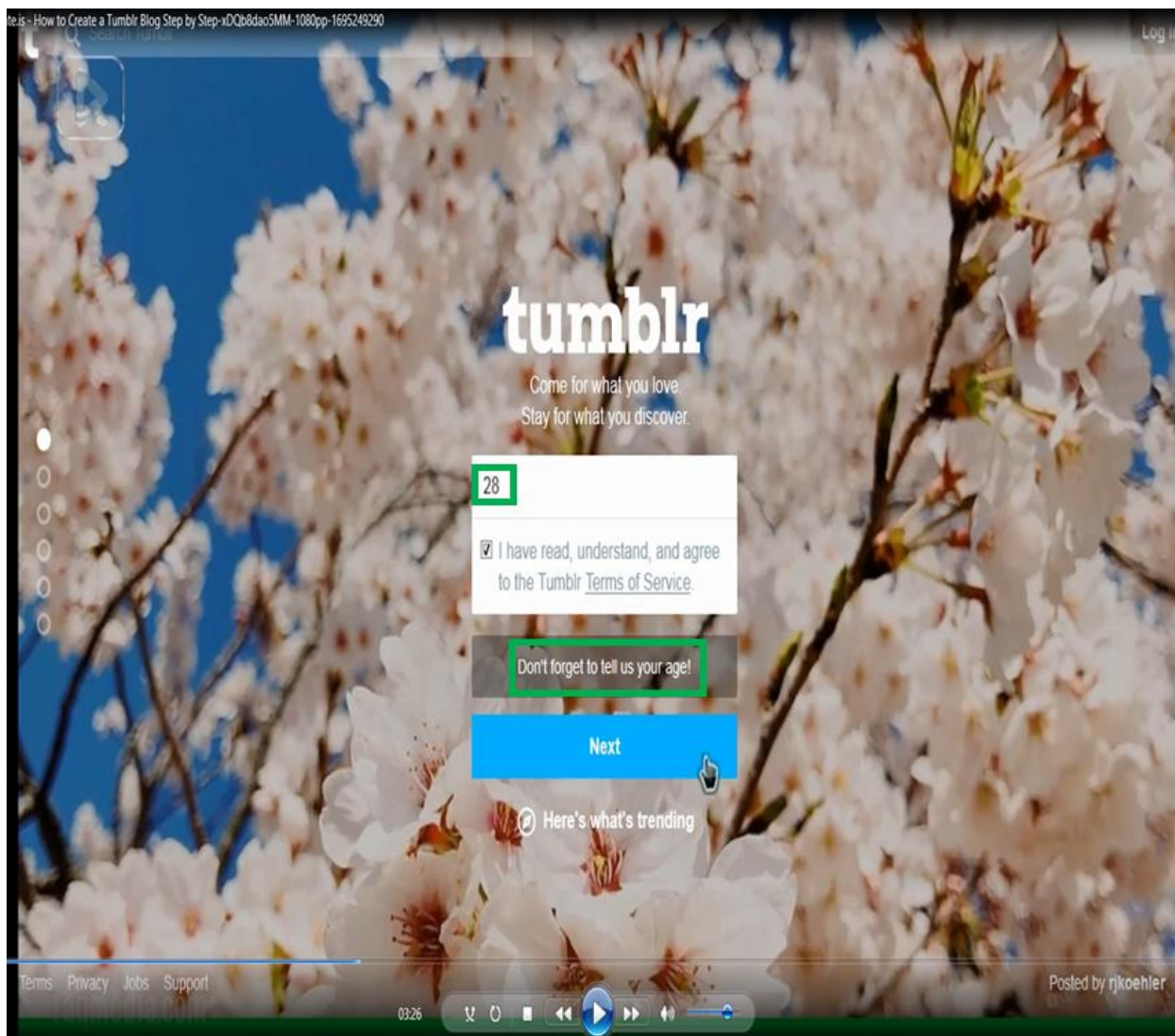


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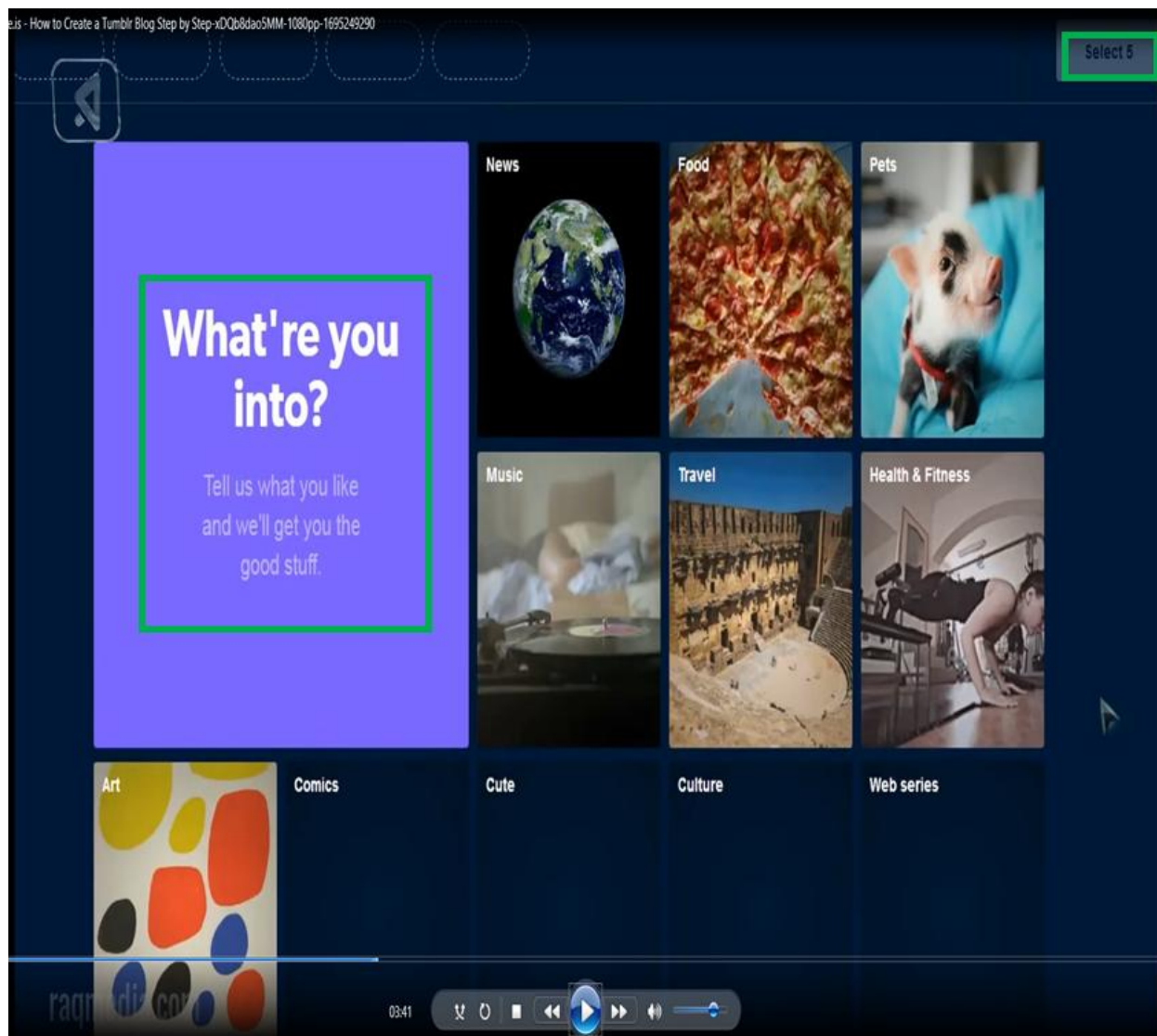


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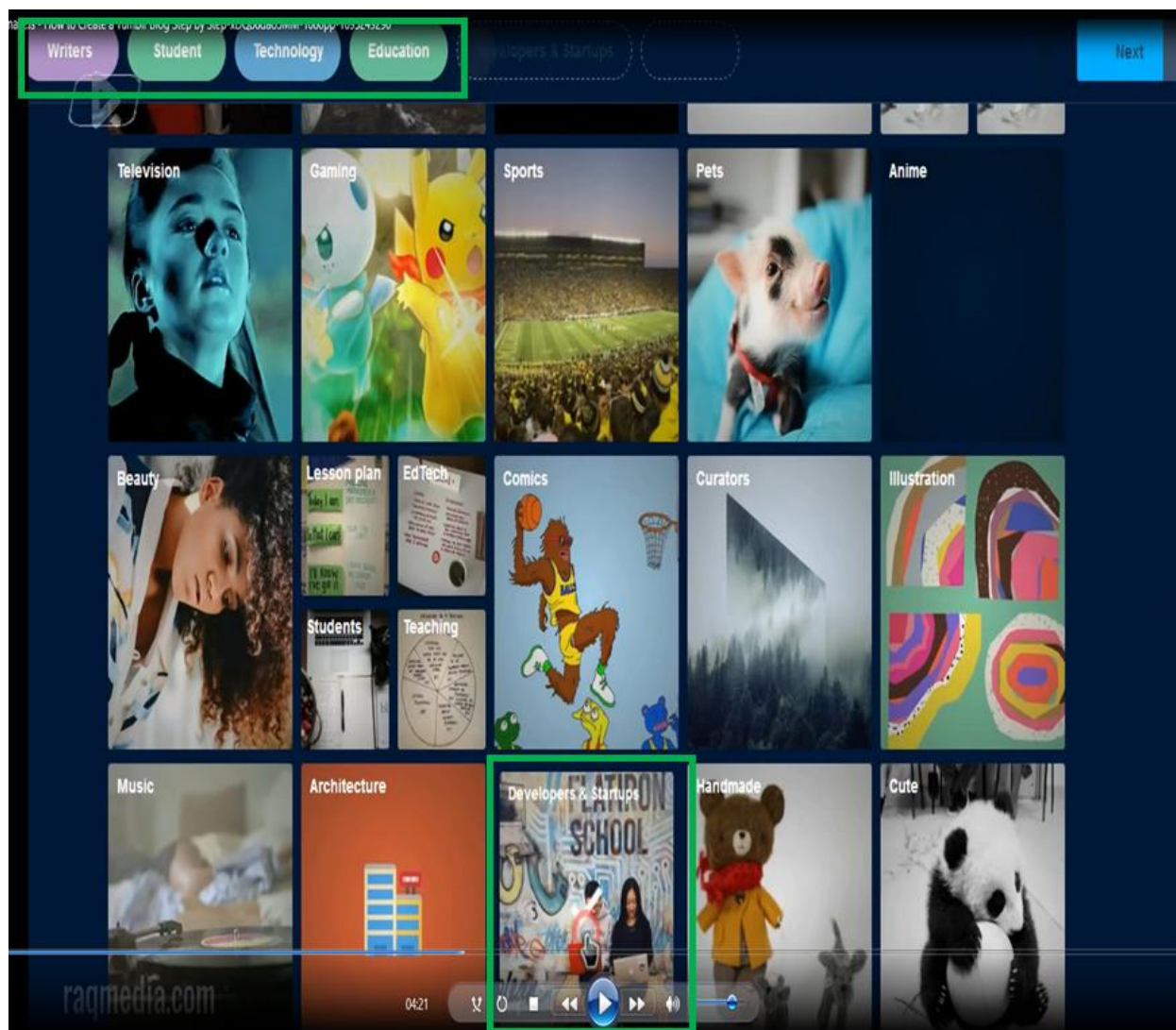
25. The Accused Instrumentality comprises a user database comprising one or more user attributes stored in such database. Such user database is stored in memory available through the Accused Instrumentality's servers, for example as discussed above. Some examples of such user attributes stored in such user database on the Accused Instrumentality are an age, interests, those who the user follows, and the user's followers, as shown and discussed for example below.



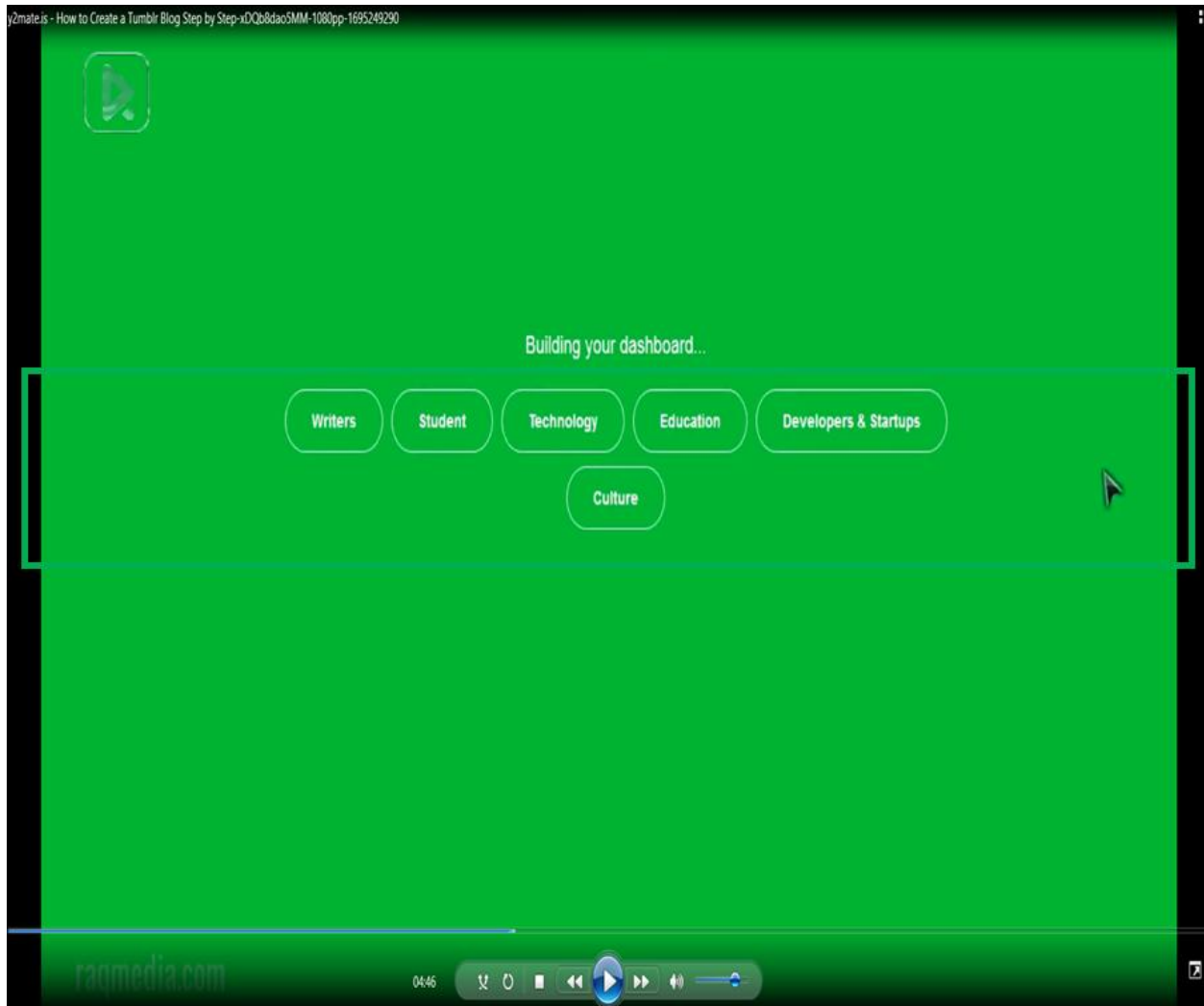
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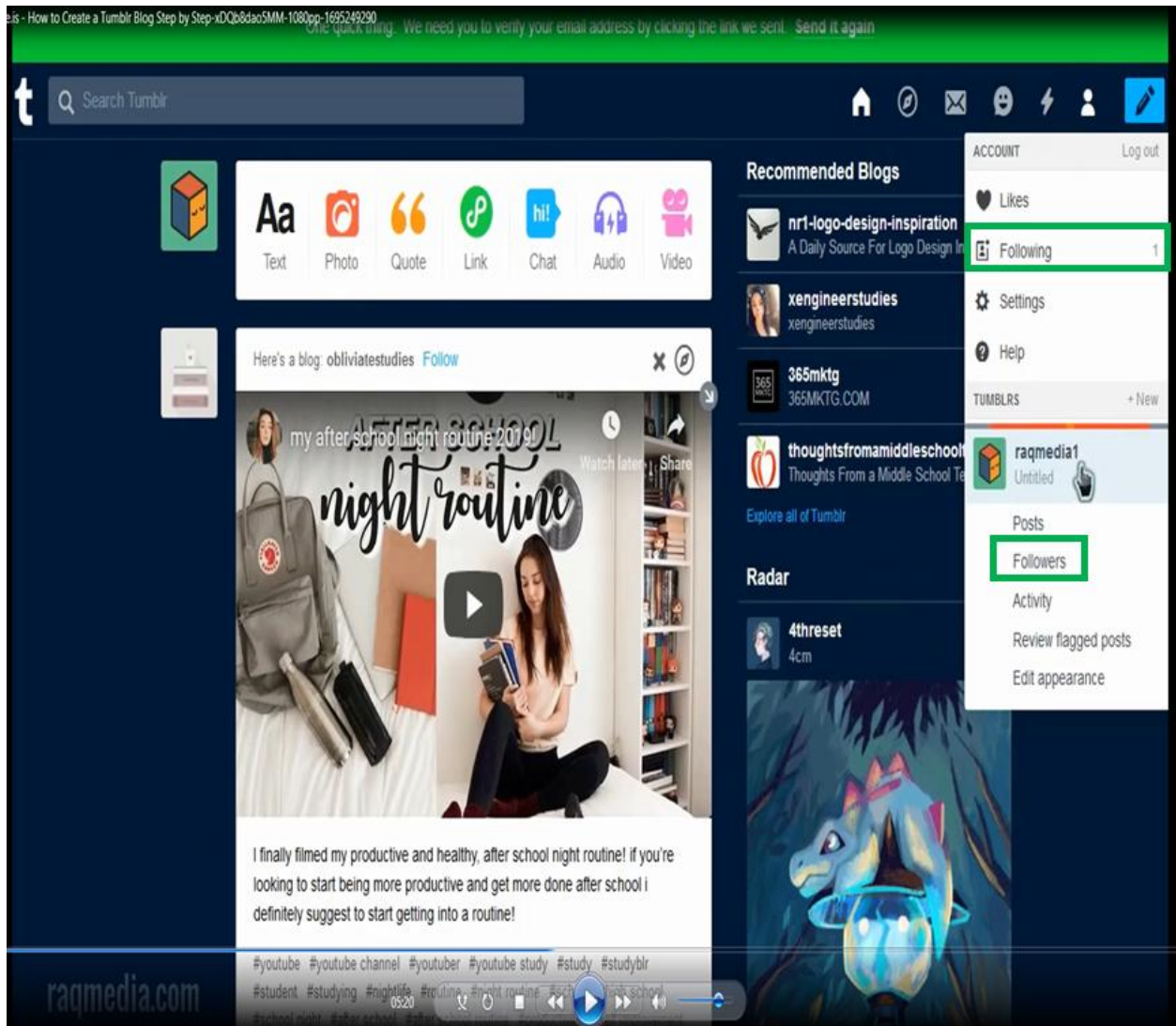
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



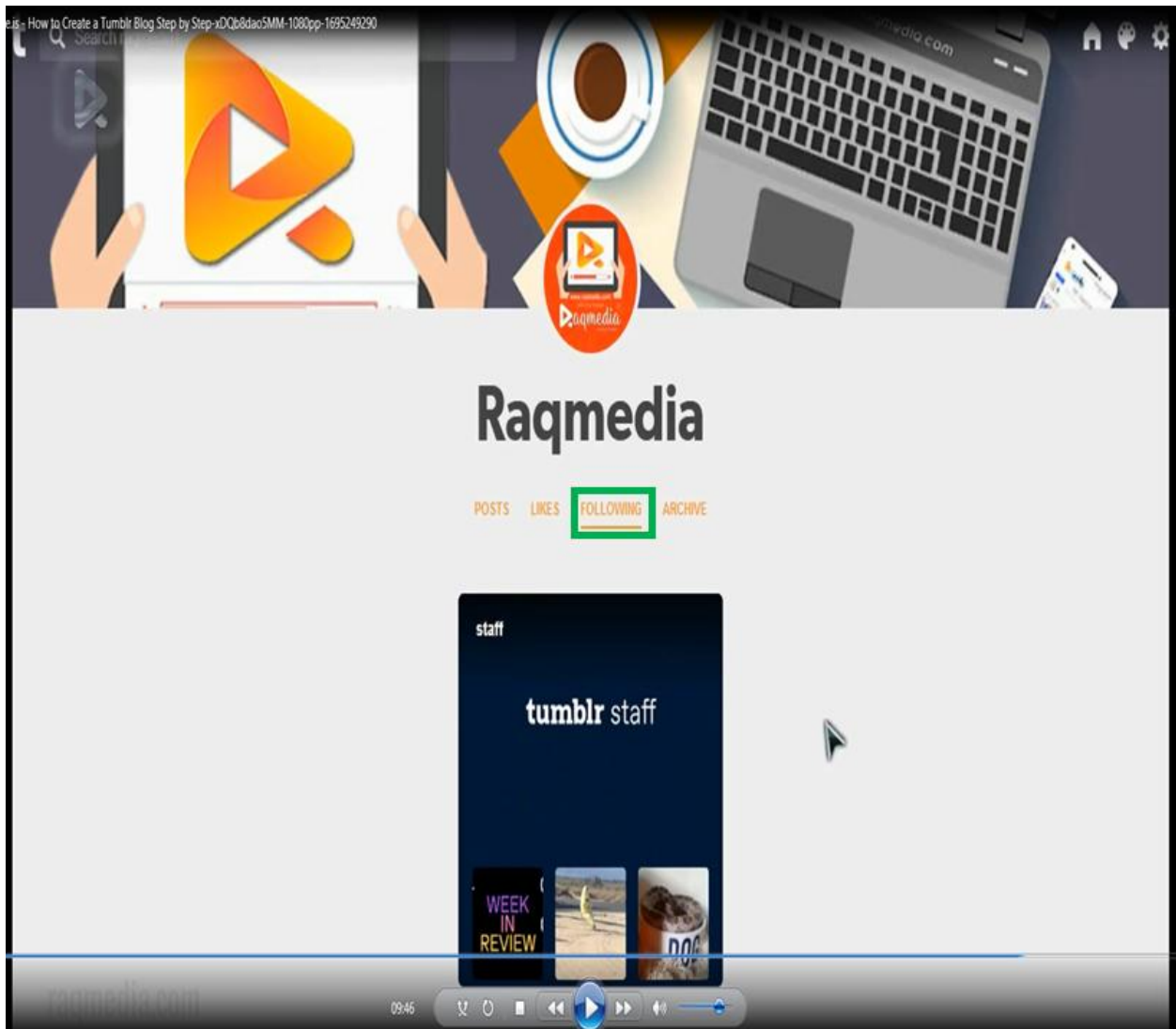
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



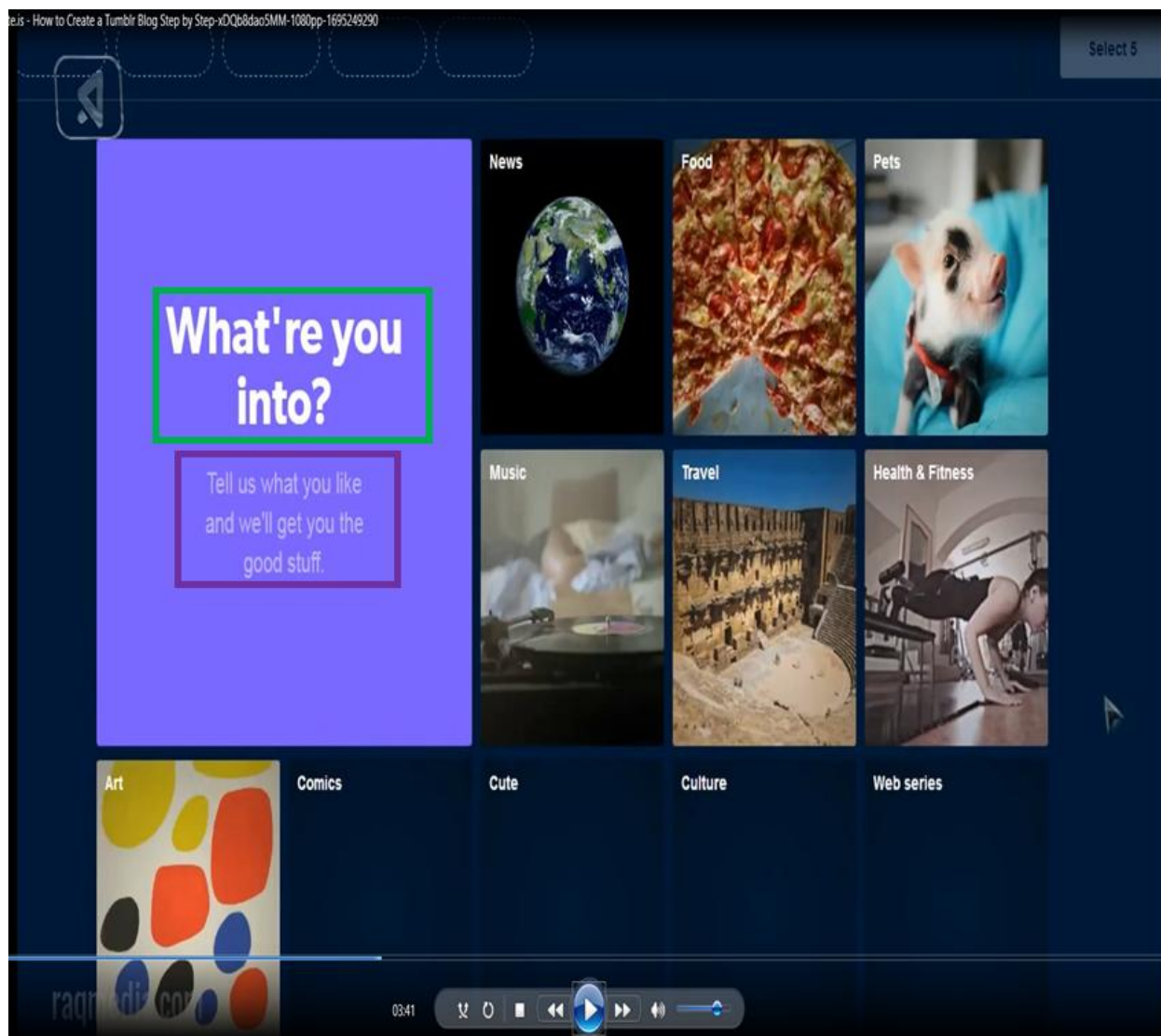
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



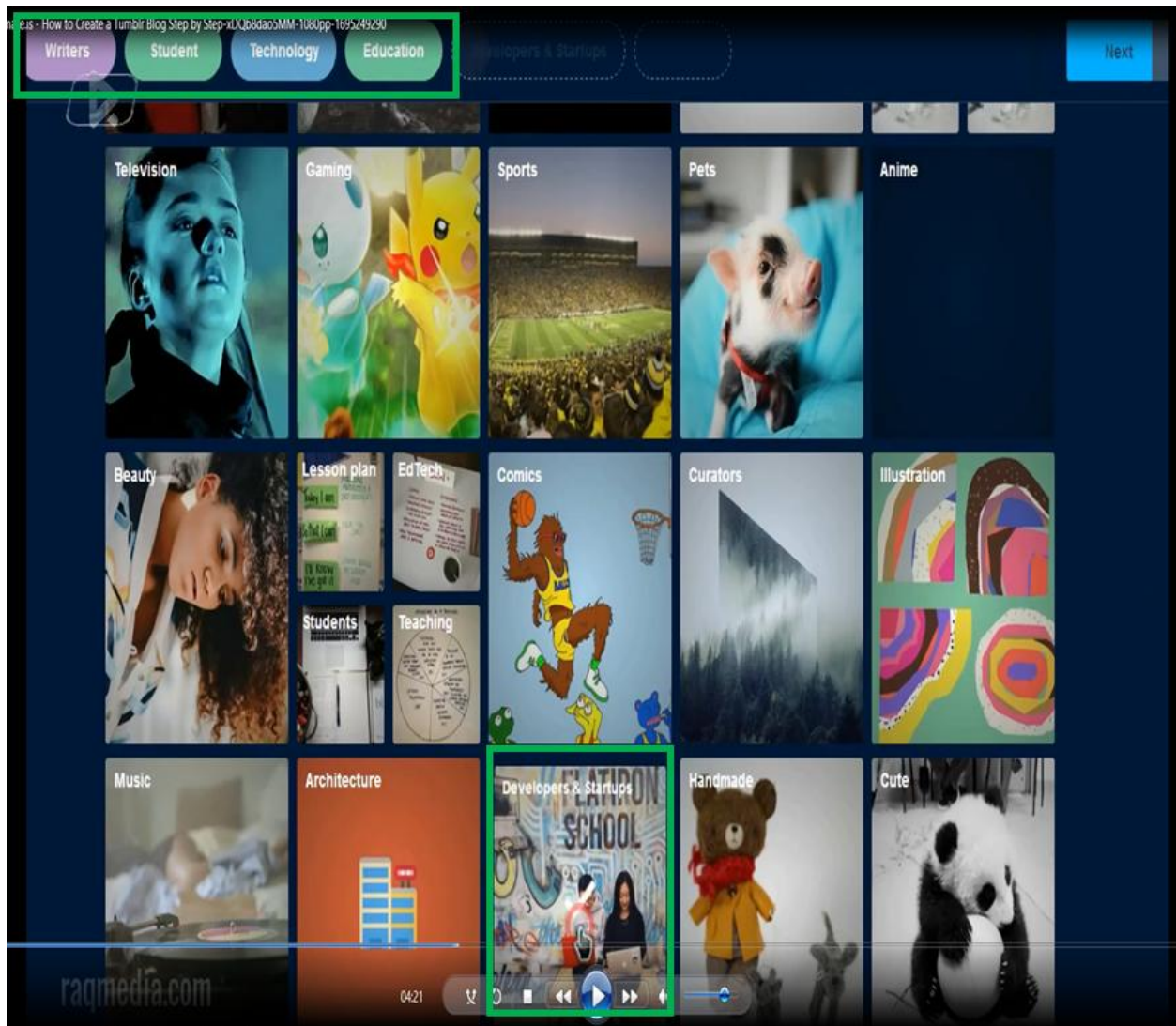
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).

26. The Accused Instrumentality employs an electronic multimedia creator server subsystem operatively coupled to the electronic media submissions server subsystem, necessarily having one or more data processing apparatus in order to manage content, and an electronic creator multimedia database stored on a non-transitory medium, configured to select and retrieve a plurality of electronic media submissions (e.g., posts of various Tumblr users with associated multimedia content) from the electronic media submissions database using an electronic content filter located on the electronic multimedia creator server. As can be seen below, such electronic

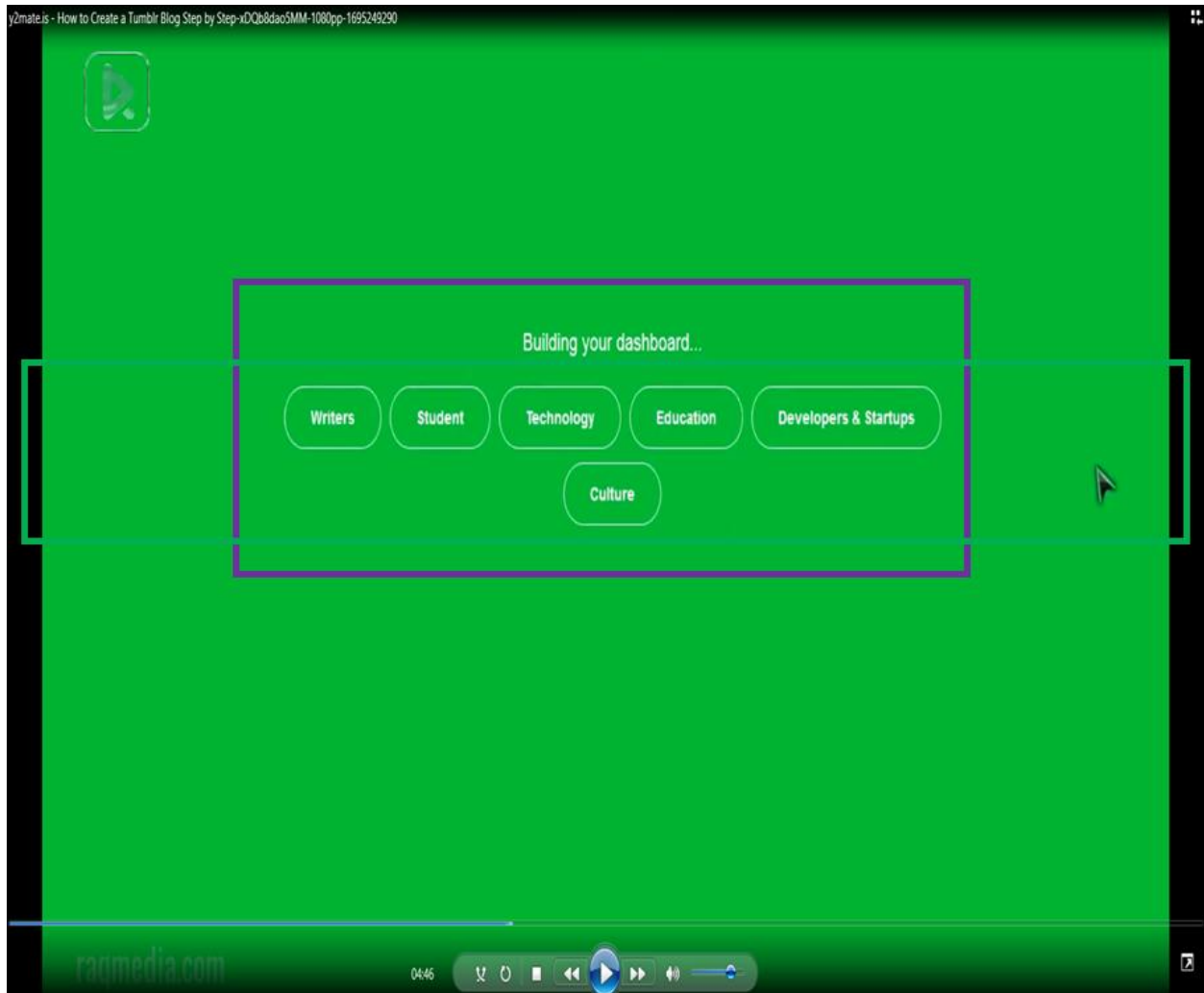
content filter as is used by Tumblr is based at least in part on at least one of the one or more user attributes, (*e.g.*, based on, *inter alia*, interests, those who the user follows, which in turn affects which electronic media submissions, *e.g.*, posts, appear on a given user's customized feeds), as shown and discussed for example below. Tumblr uses function-specific subsystems, for example as discussed below. Such electronic content filter is used by Tumblr to develop multimedia content (*e.g.*, various content as discussed above associated with user posts) to be electronically available for viewing on user devices (*e.g.*, devices such as computers or smart phones incorporating browsers or apps) wherein the identification of the submitter (*e.g.*, a name and profile photo(s)) is maintained with each selected and retrieved submission within the multimedia content, for example as shown below.



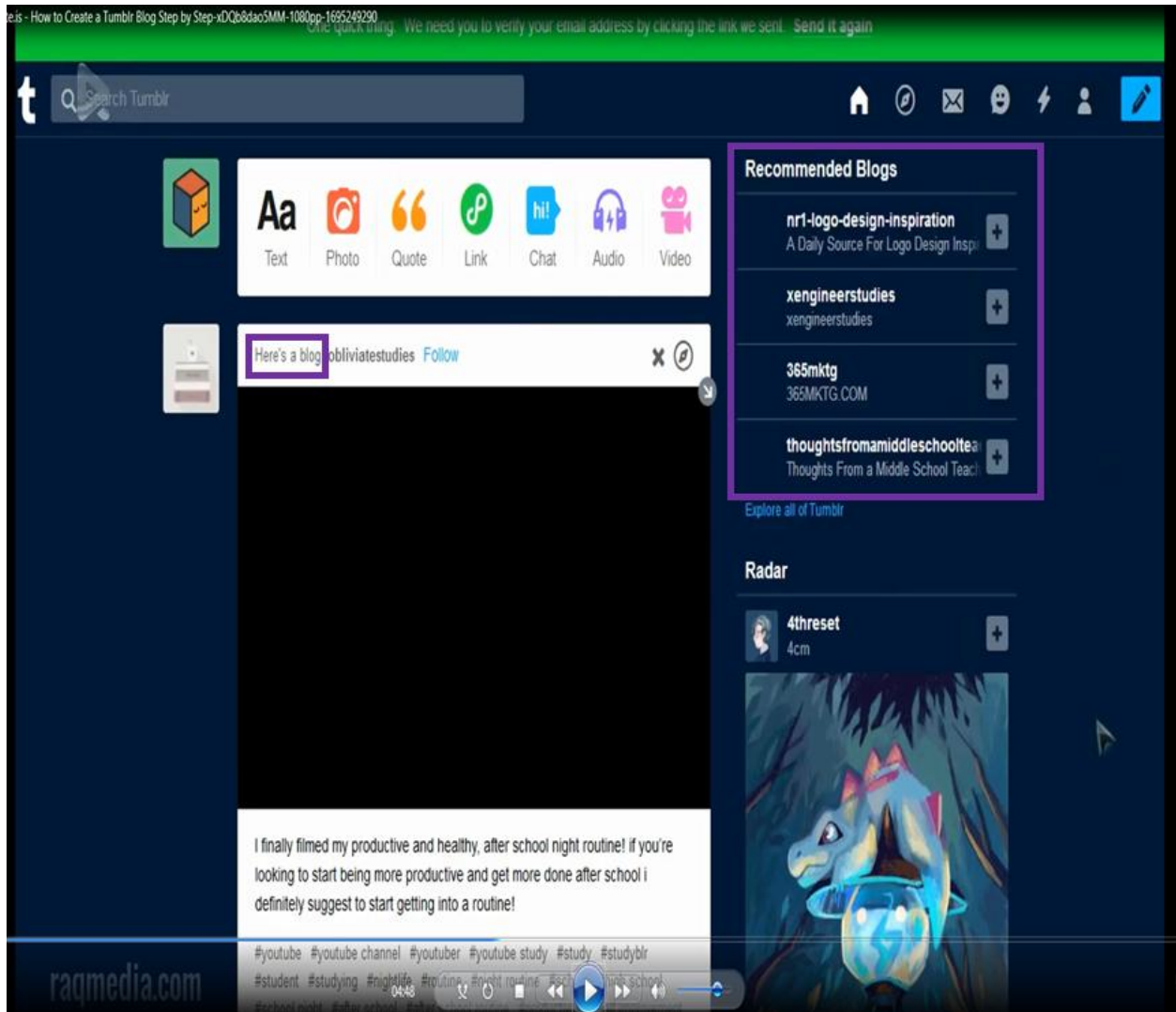
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



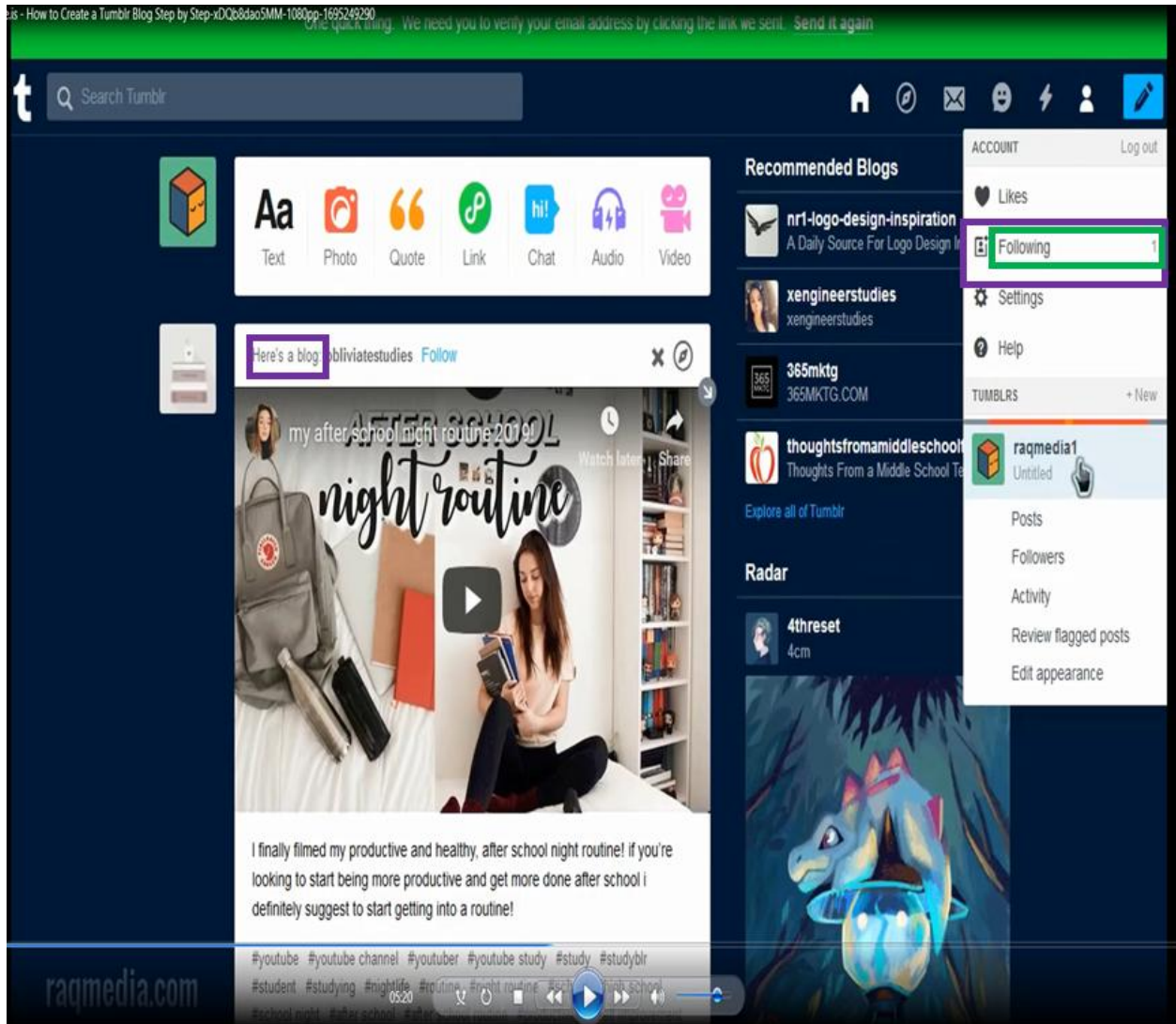
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



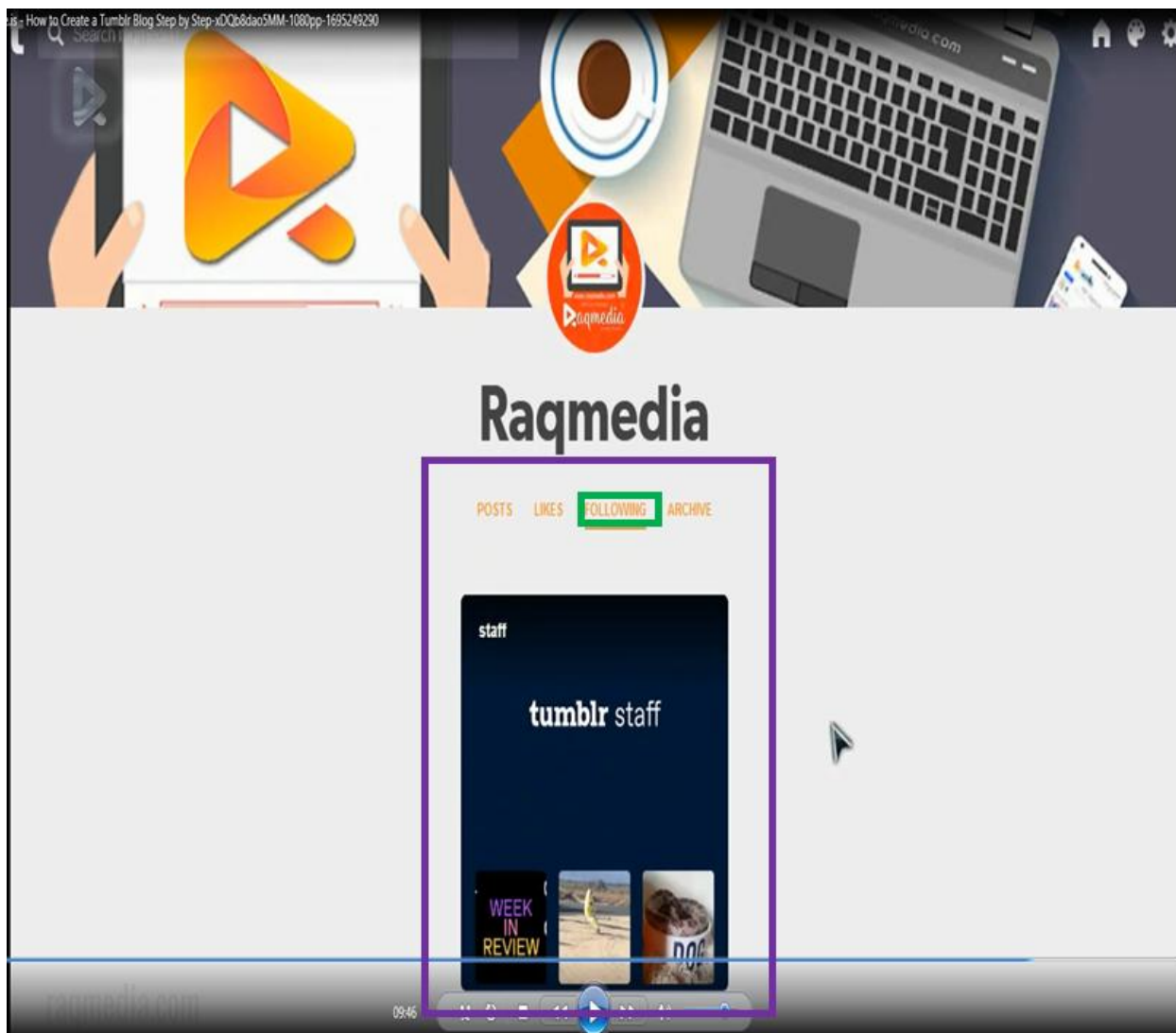
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



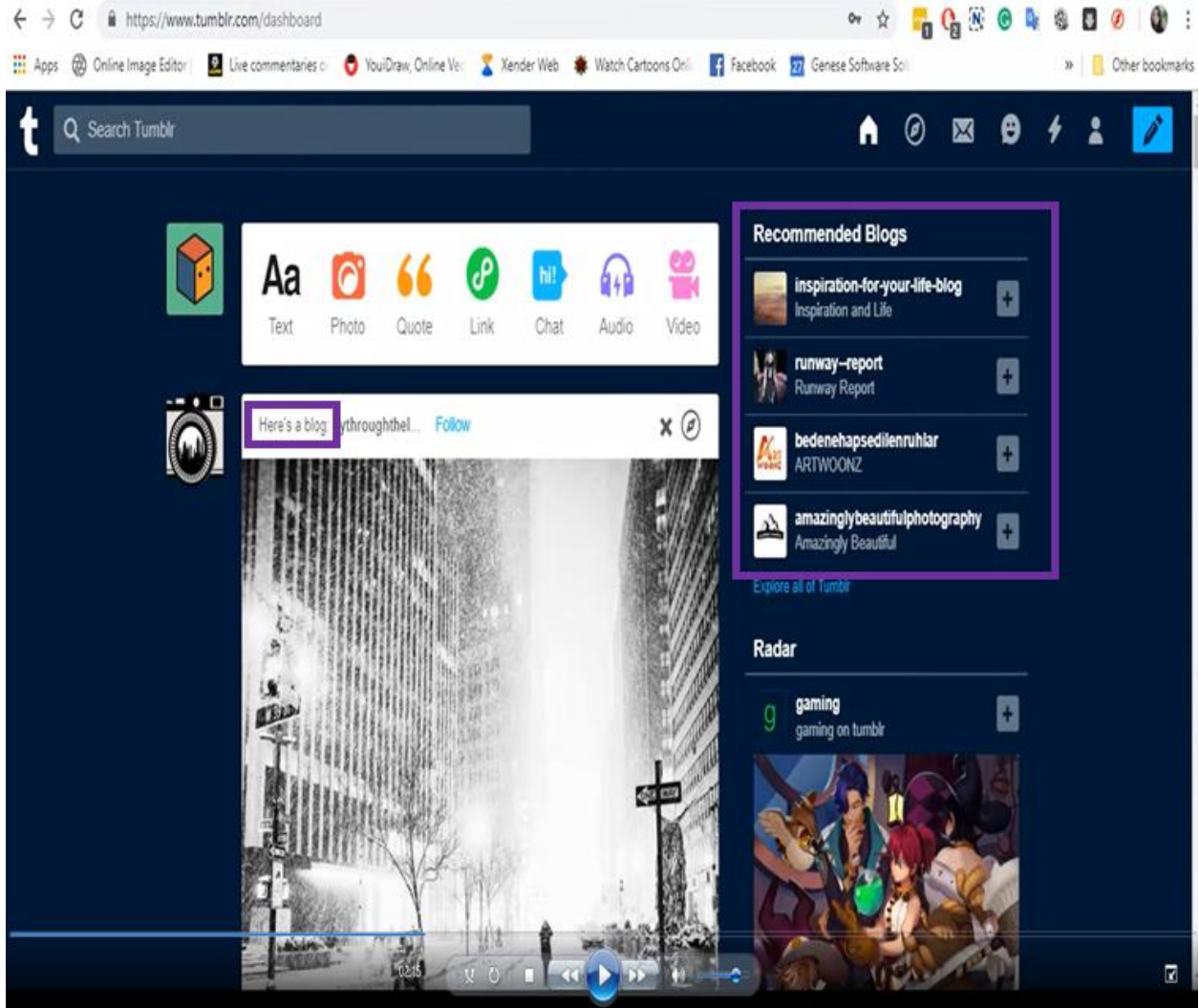
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



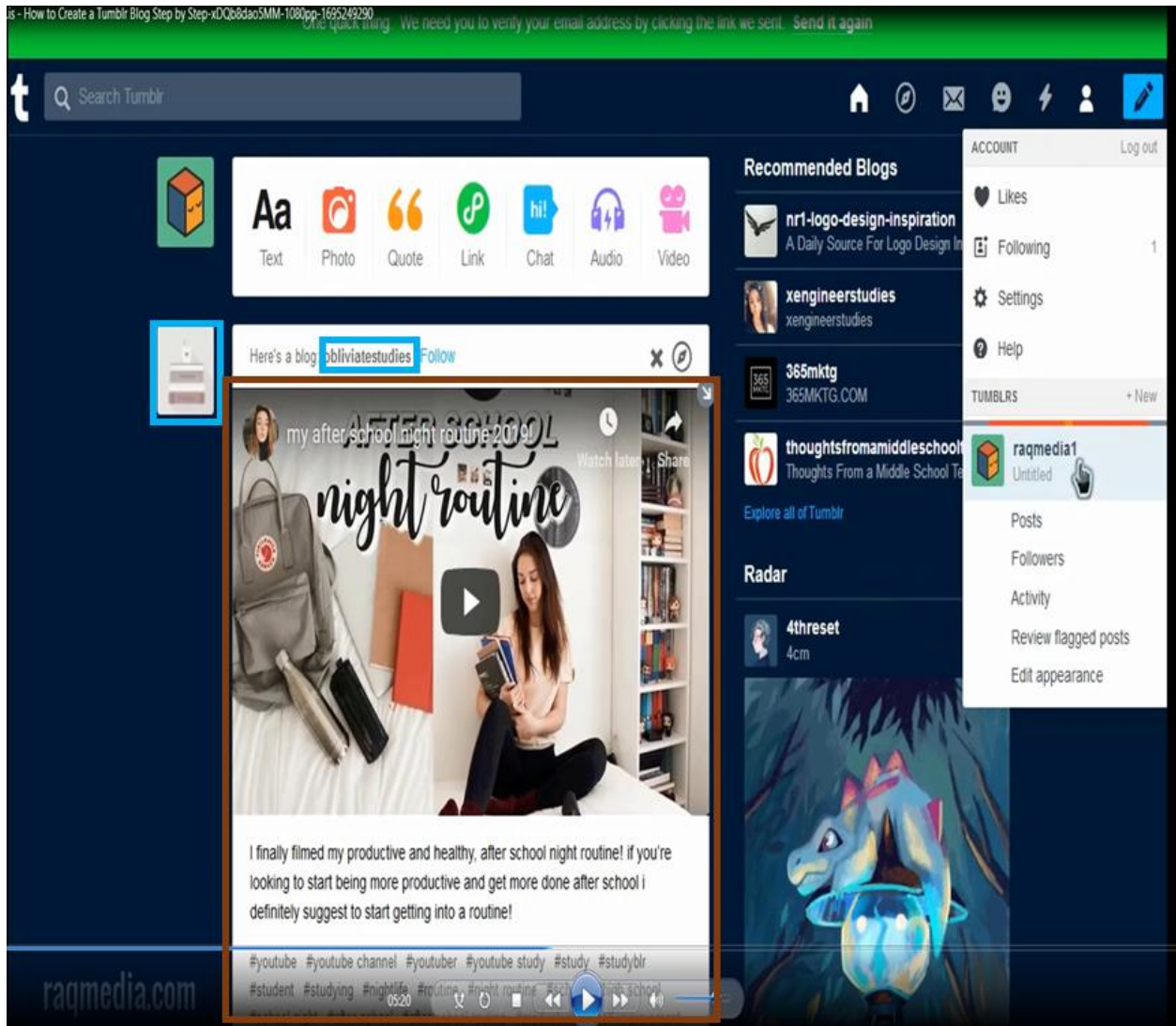
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



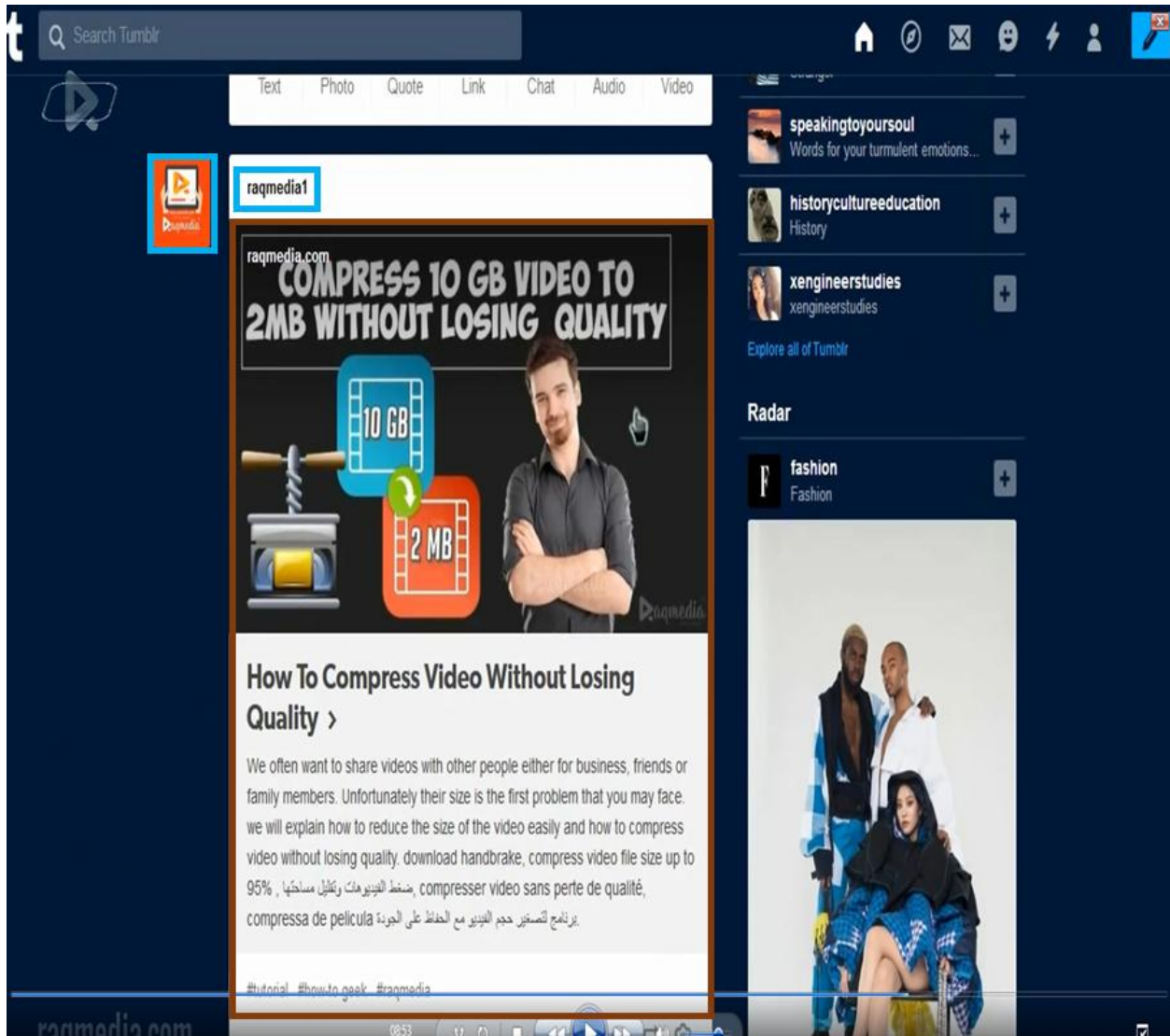
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



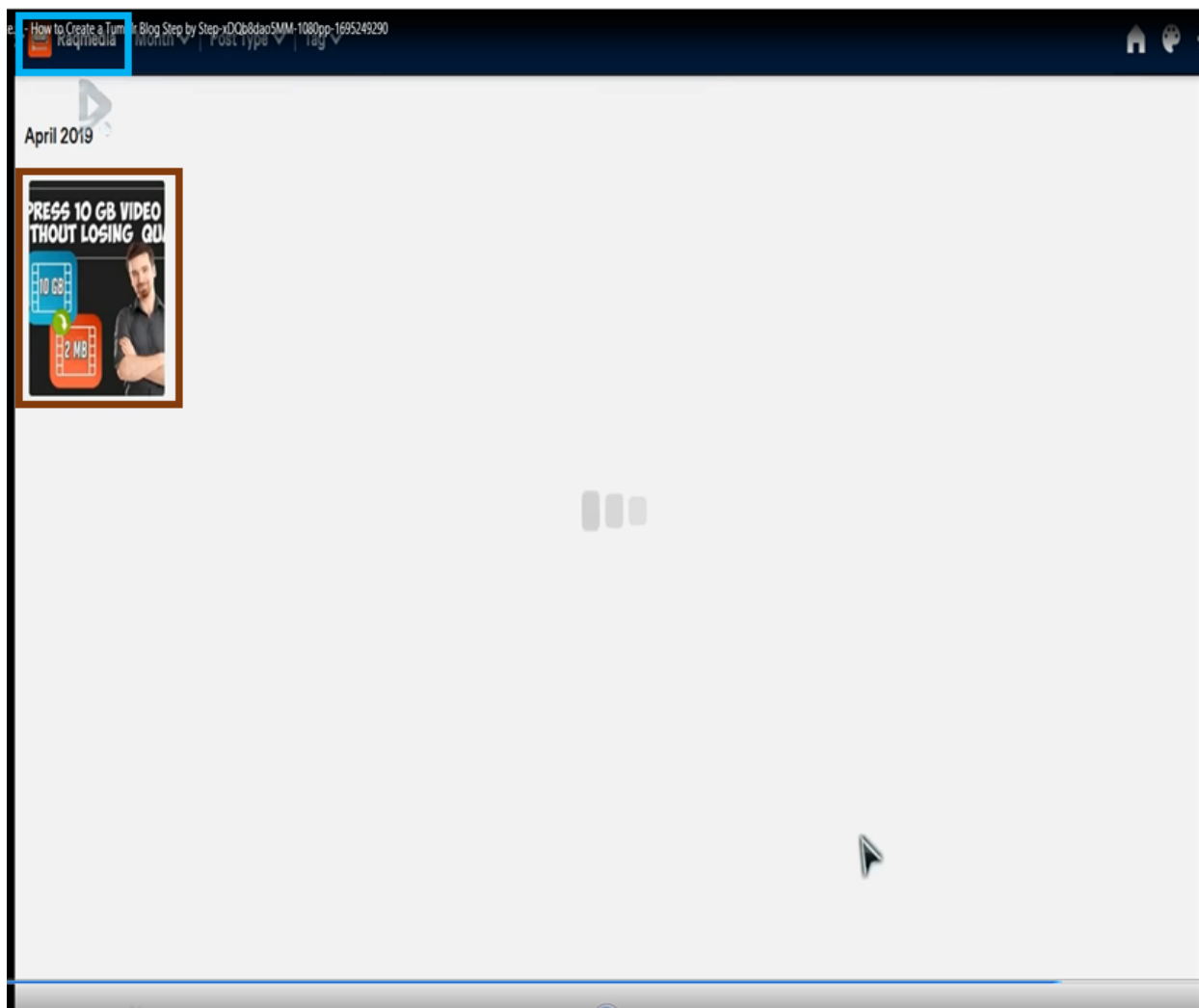
(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).



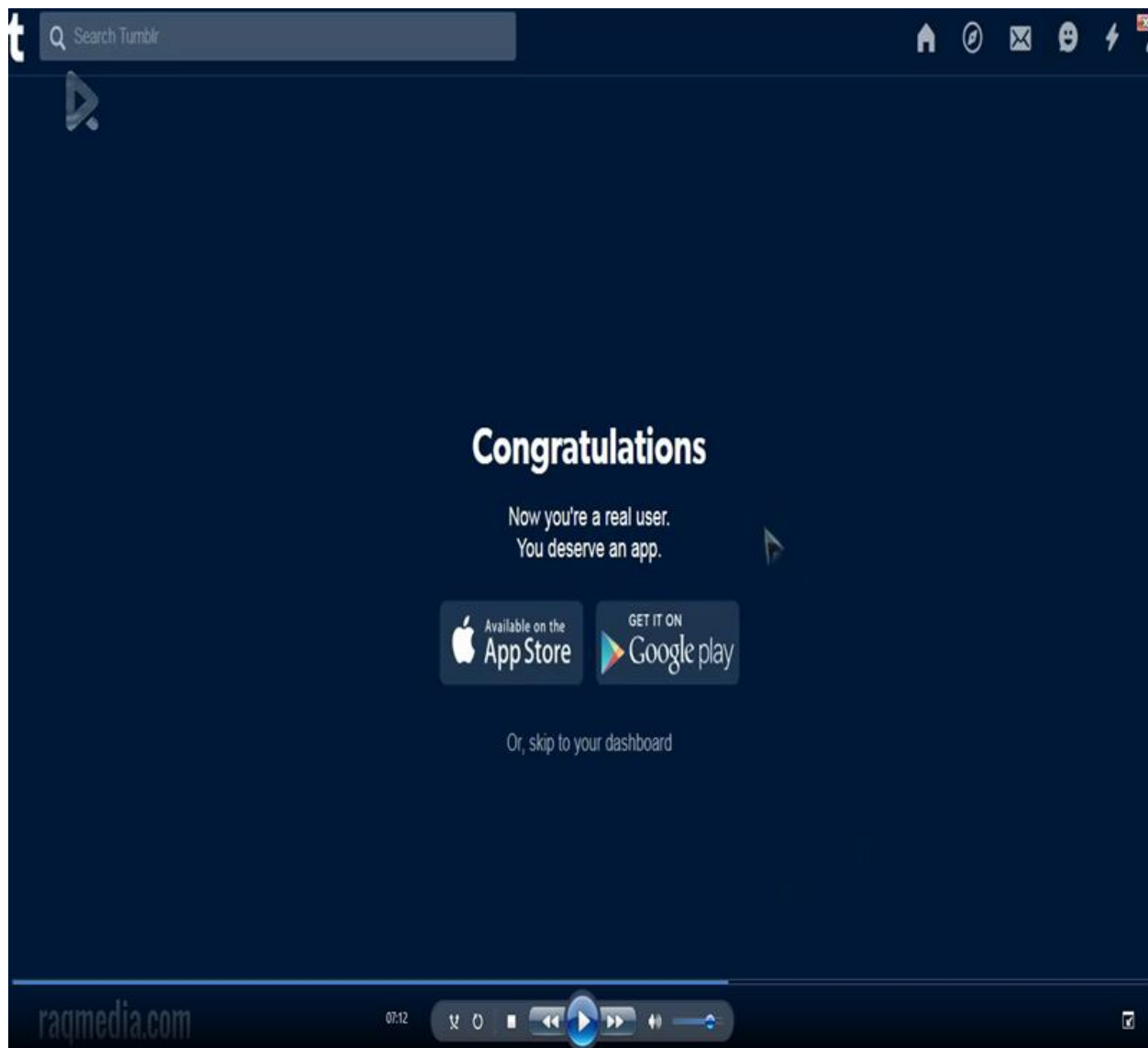
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



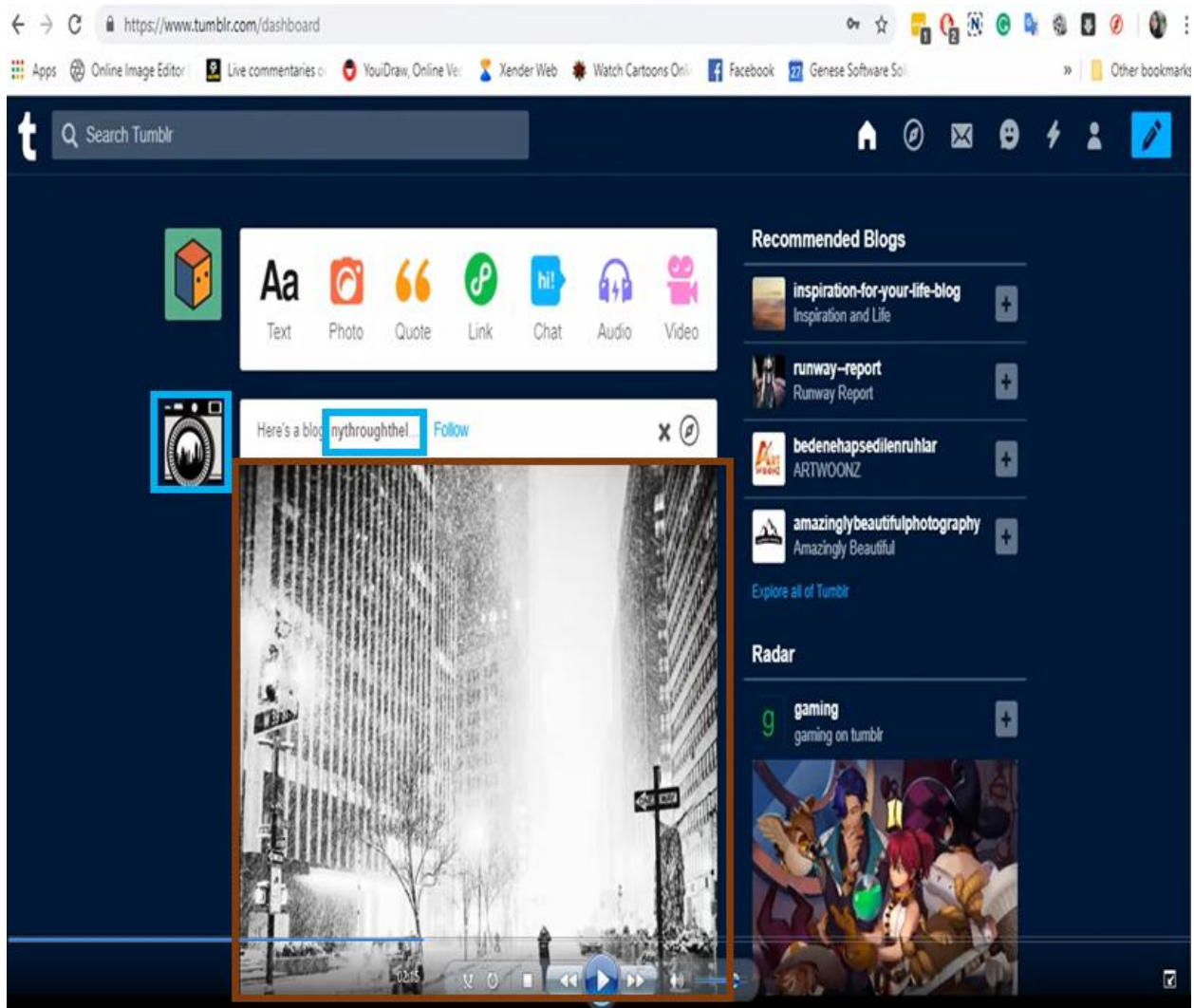
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



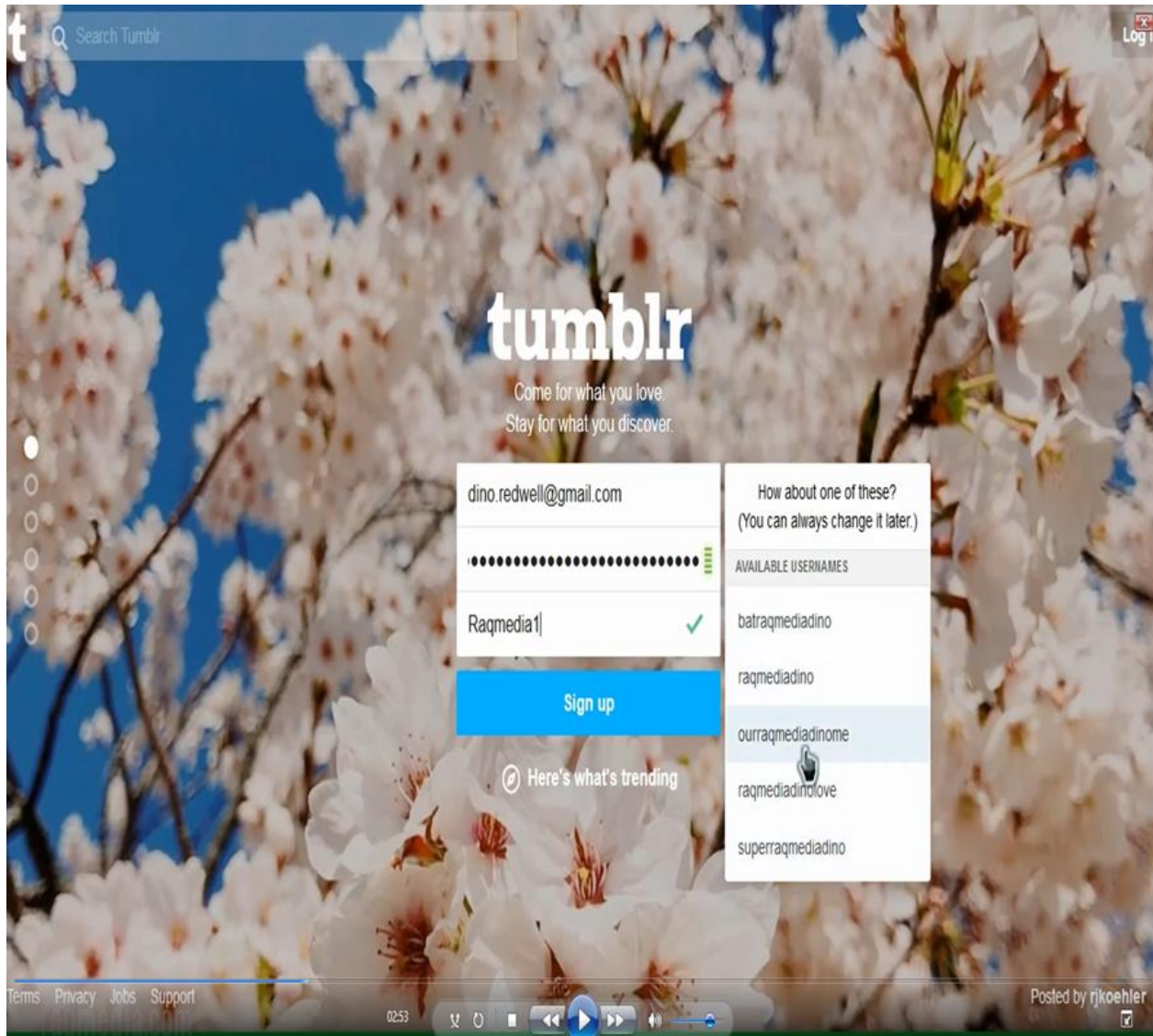
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



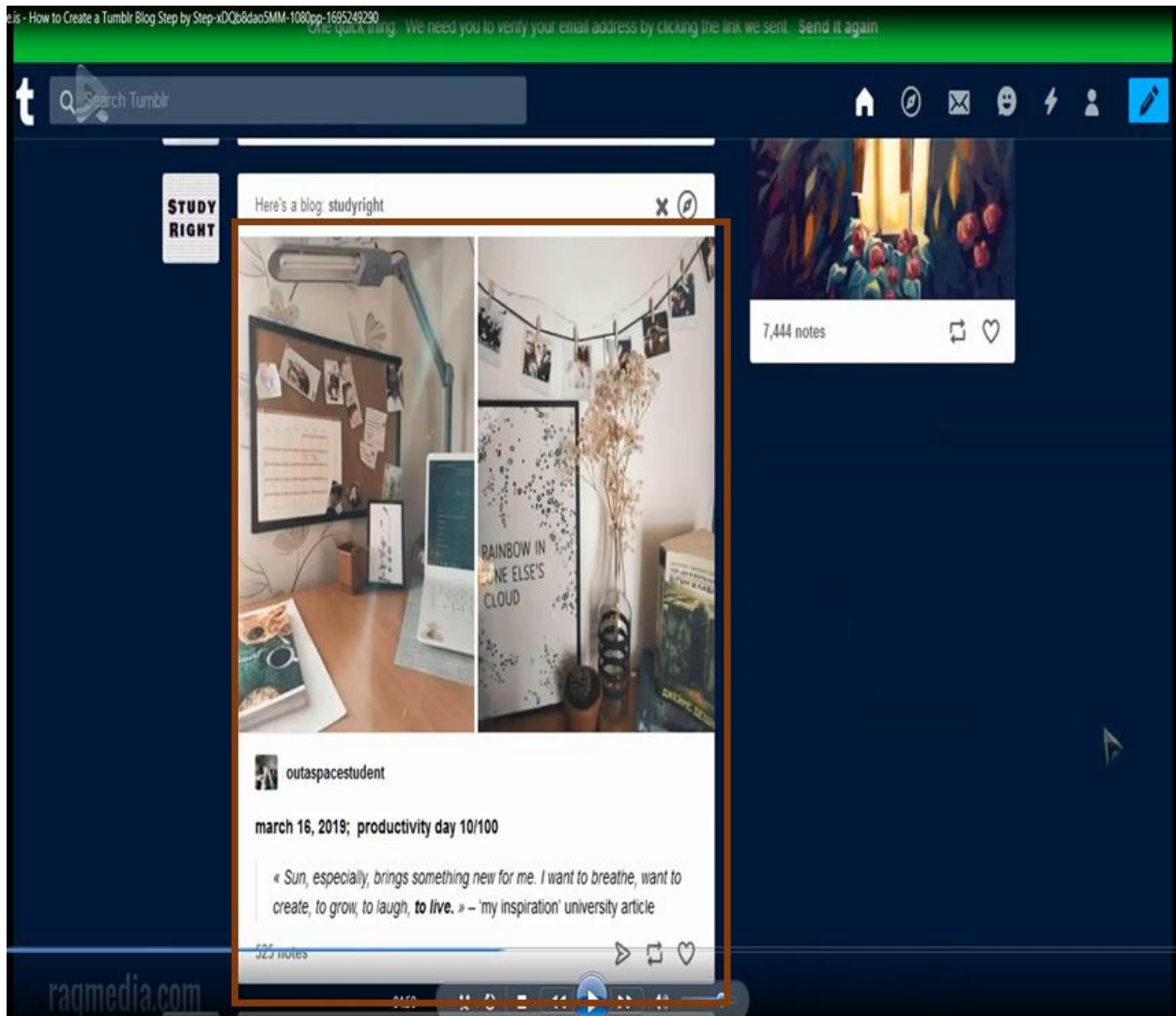
(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).

27. The Accused Instrumentality employs an electronic release subsystem operatively coupled to the electronic multimedia creator server subsystem, necessarily having one or more data processing apparatus in order to serve posts and associated multimedia content to Tumblr users, configured to make the multimedia content electronically available for viewing on one or more user devices. For example, as shown below, multimedia content (e.g., videos, photos, text, hashtags, and links to additional materials) associated with a users' interests and his or her followers is provided on a user's device in response to a user logging in to Tumblr and viewing

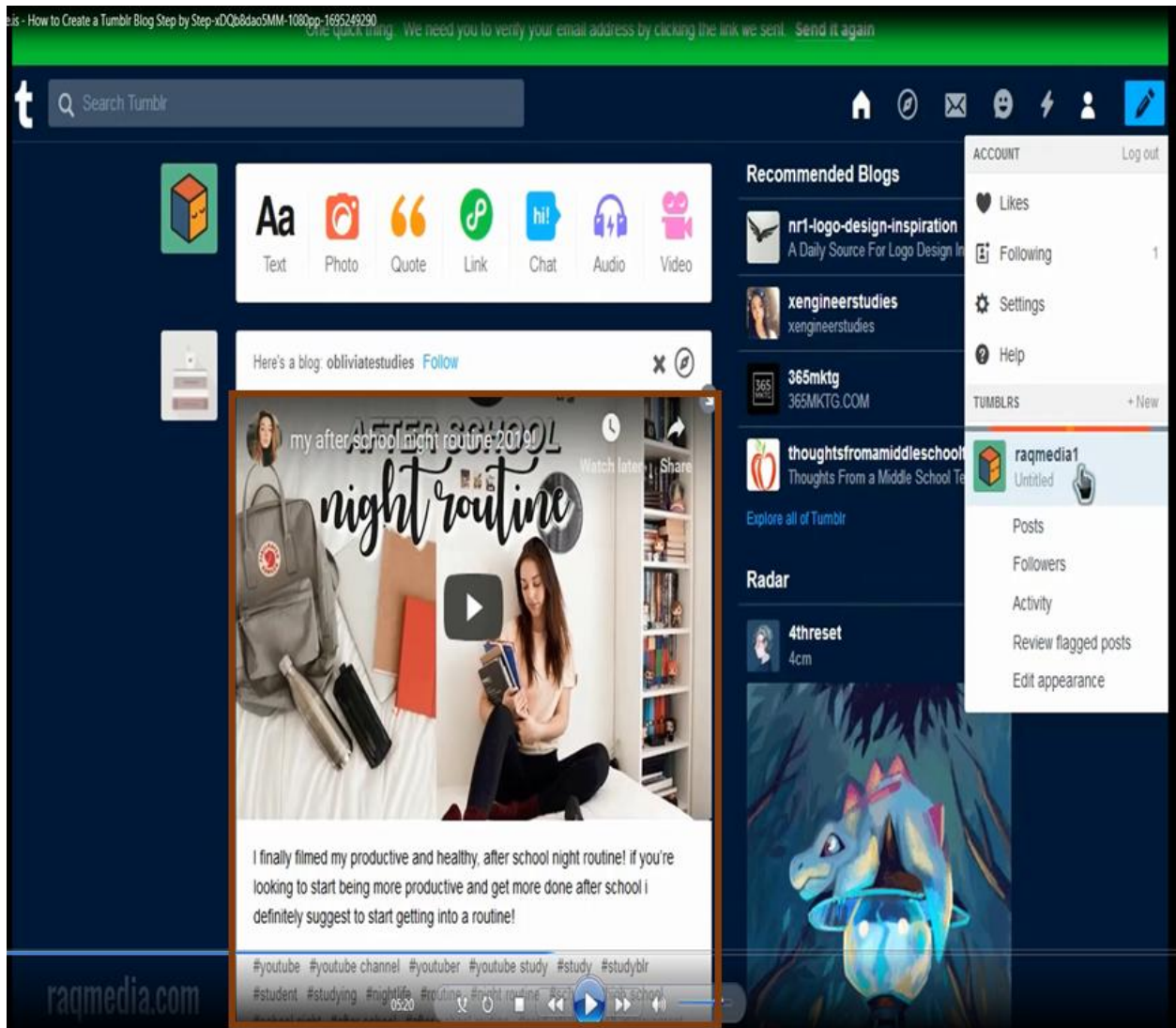
their Tumblr customized feeds. Tumblr uses function-specific subsystems, for example as discussed below.



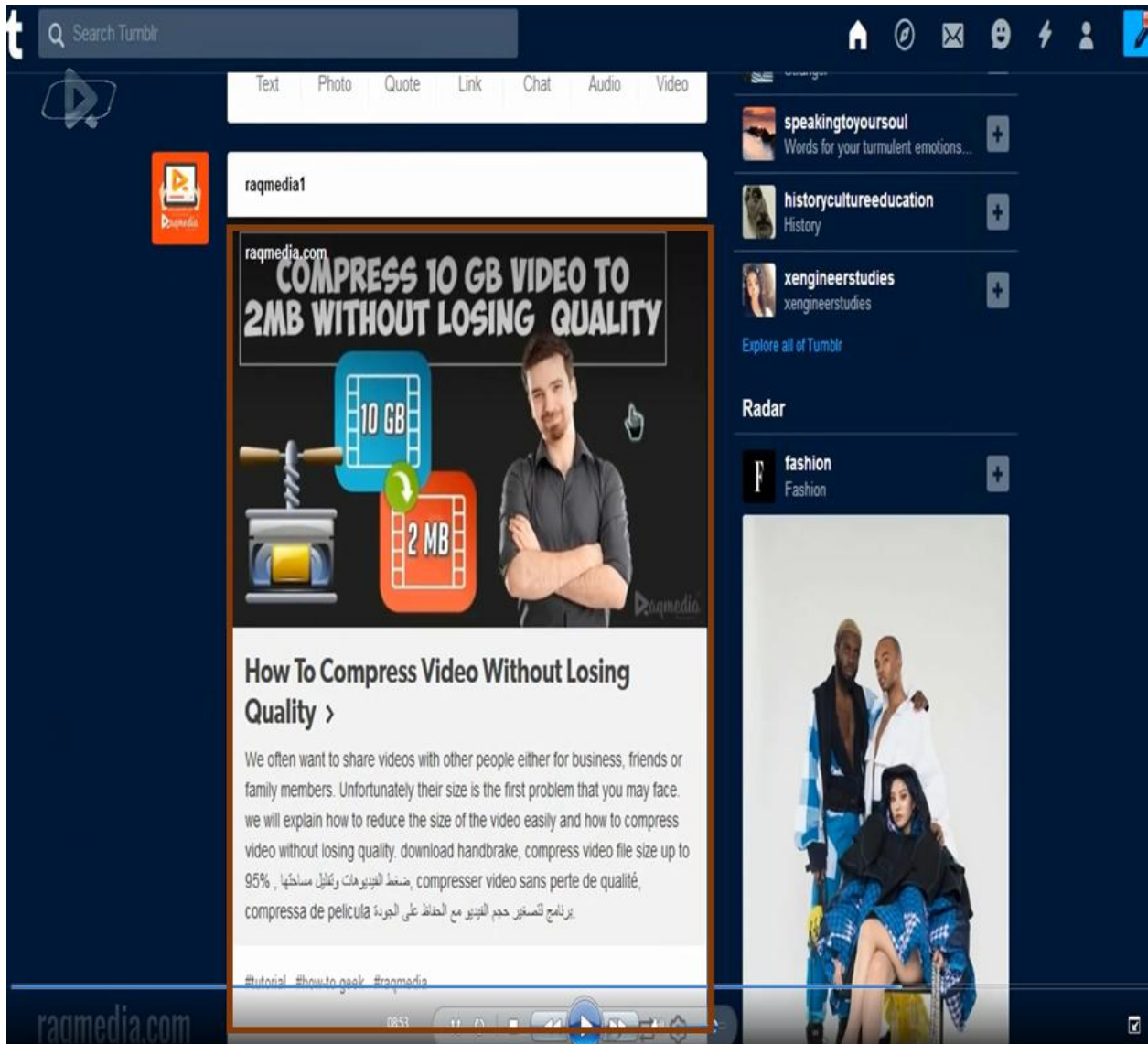
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



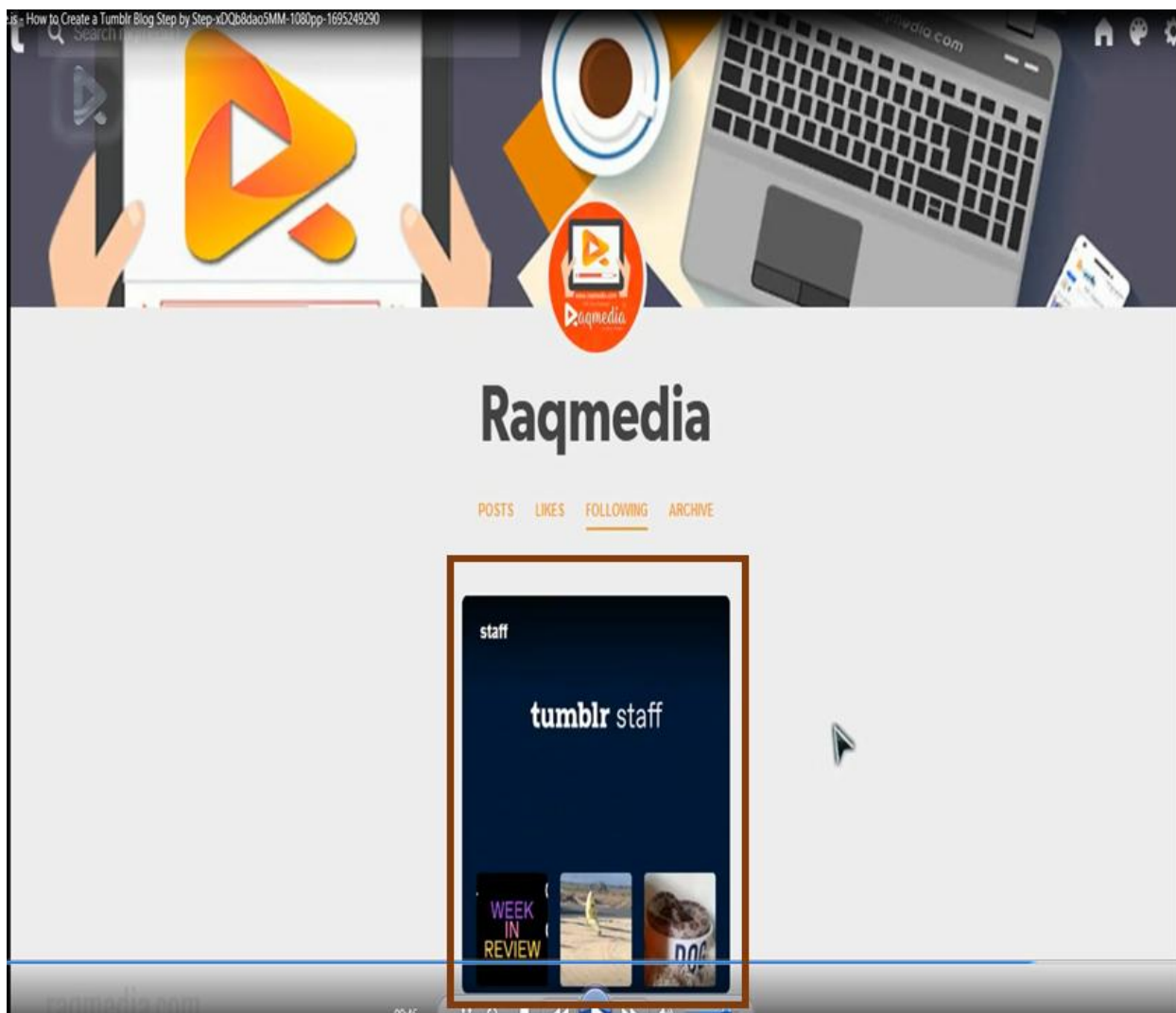
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



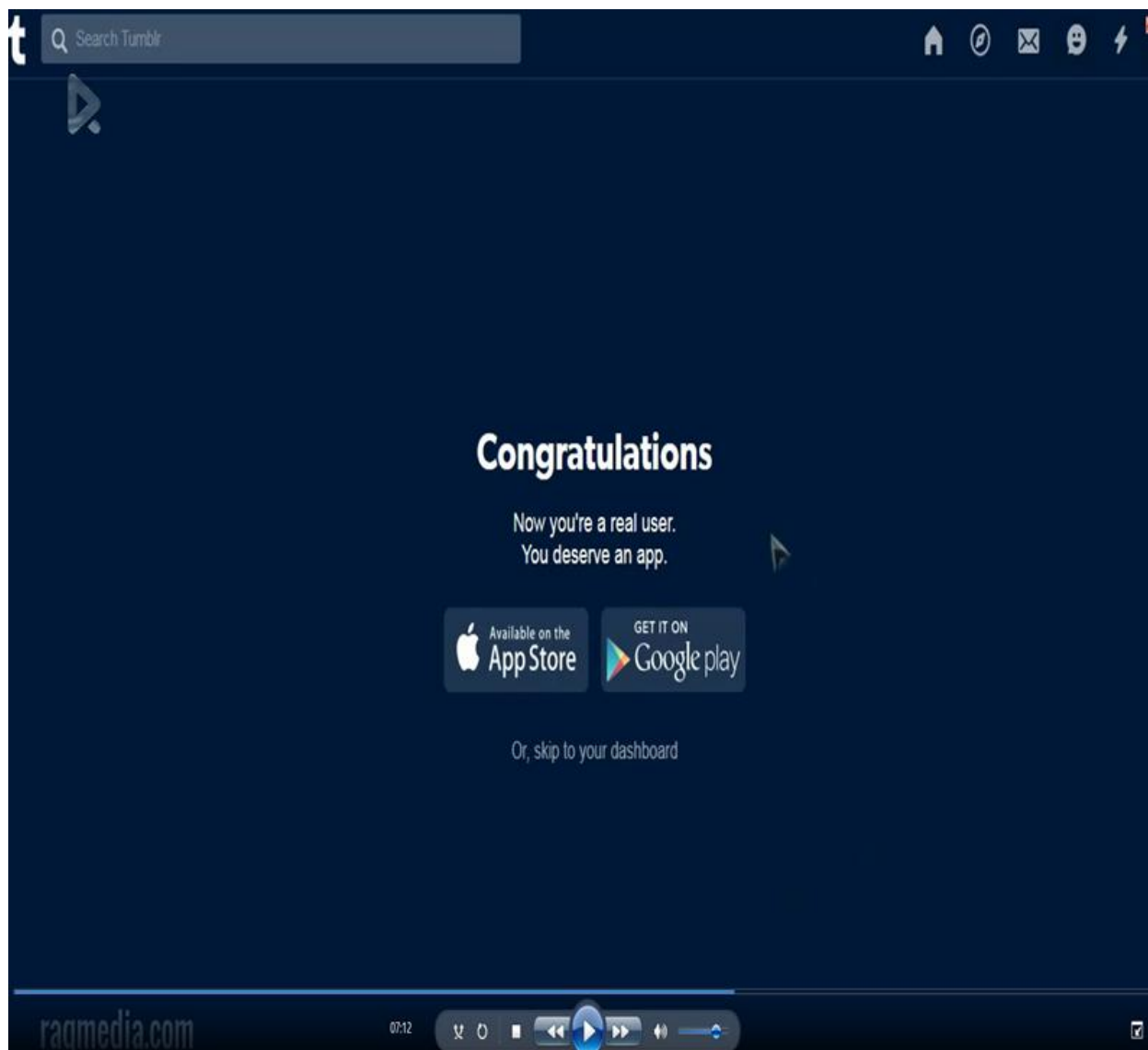
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



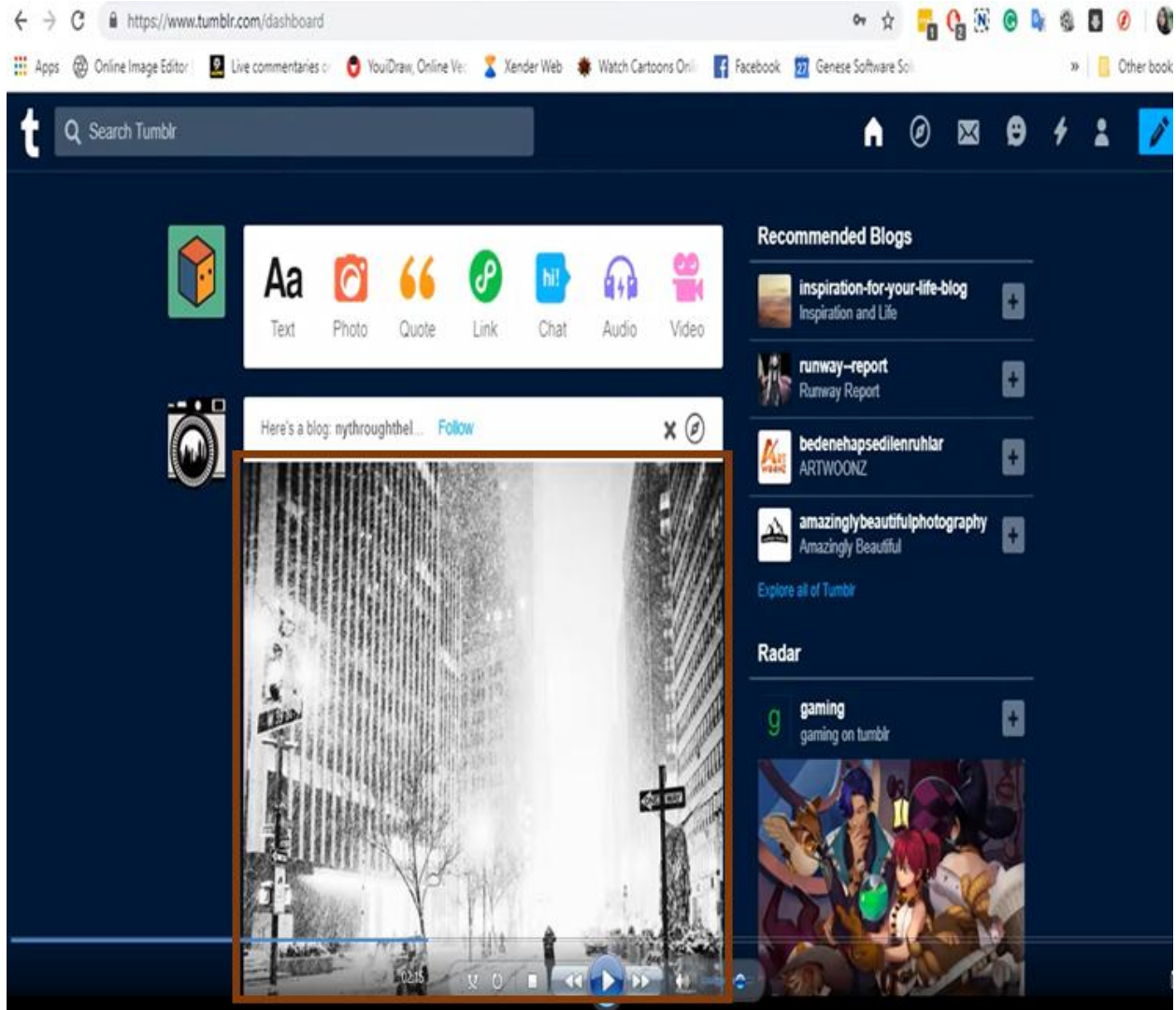
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



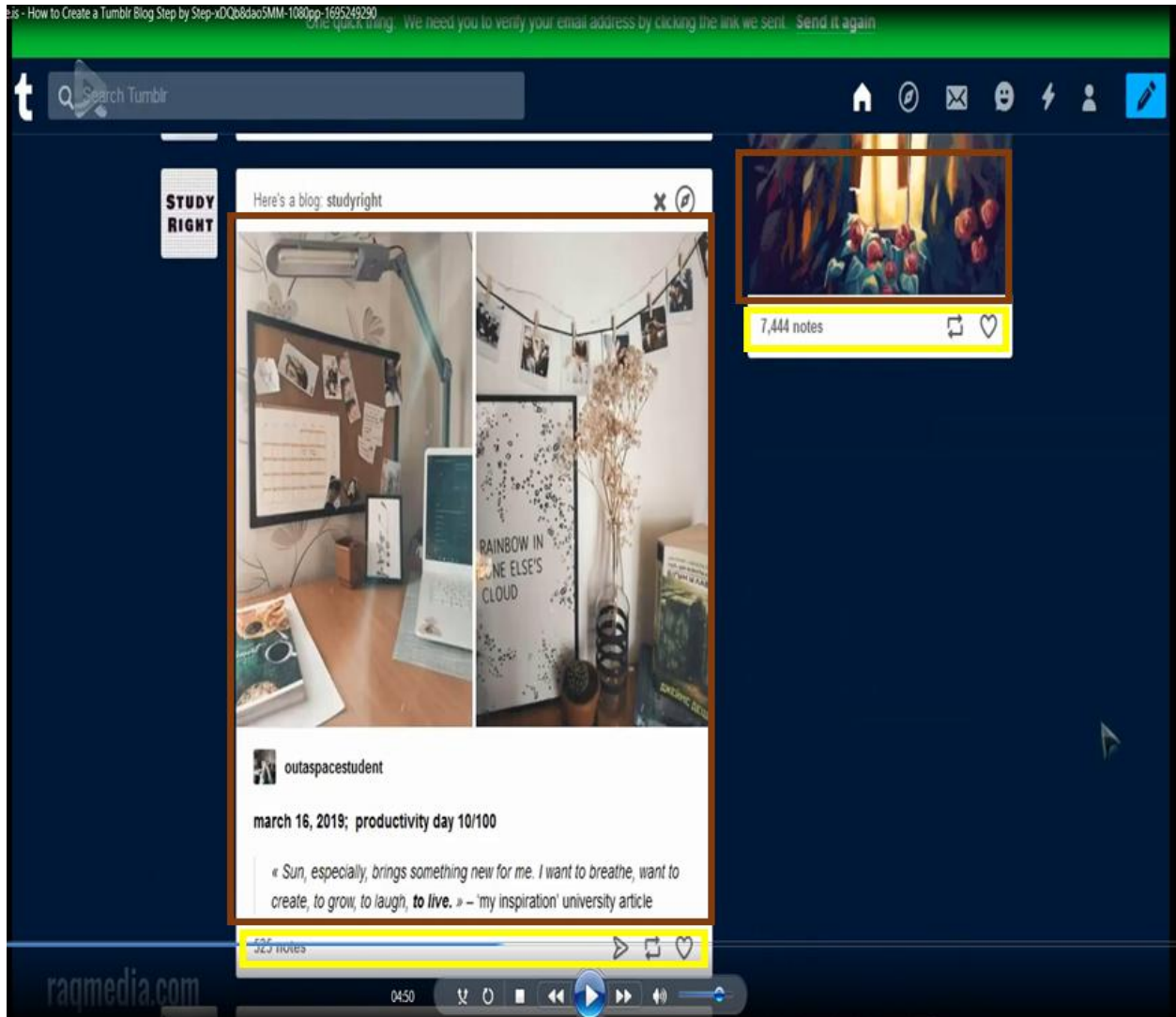
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



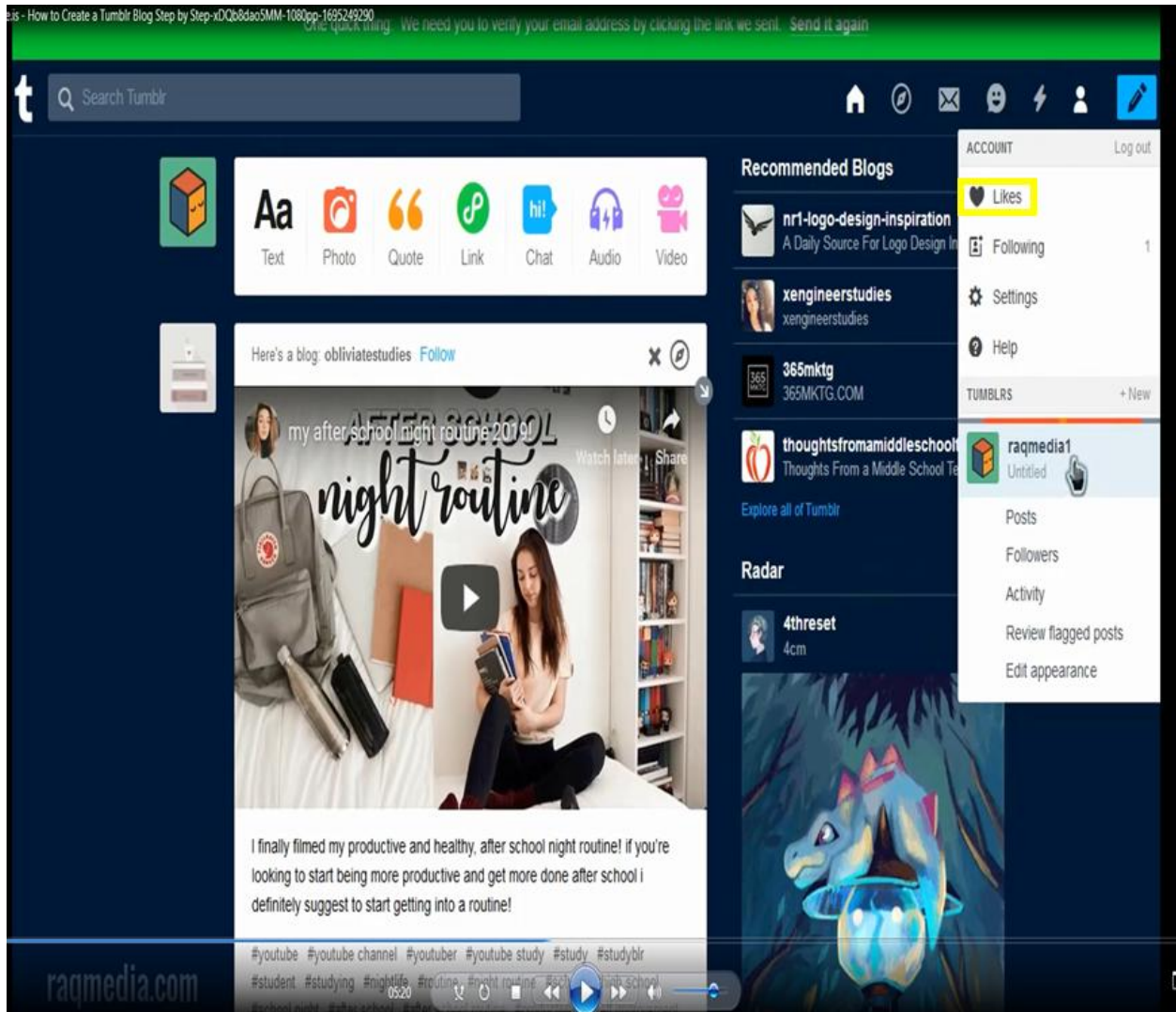
(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).

28. The Accused Instrumentality employs an electronic voting subsystem, necessarily having one or more data processing apparatus in order to track voting, configured to enable a user to electronically vote for or rate (e.g., by the user’s choices with respect to “liking” by selecting a heart icon, reblogging by selecting a recycle icon, replying, or otherwise contributing to a “notes” score) an electronically available multimedia content (e.g., a multimedia post of another user). As can be seen below, the option to vote for or rate electronically available multimedia content (e.g., a user post) is made available to users via the user’s option to “like”

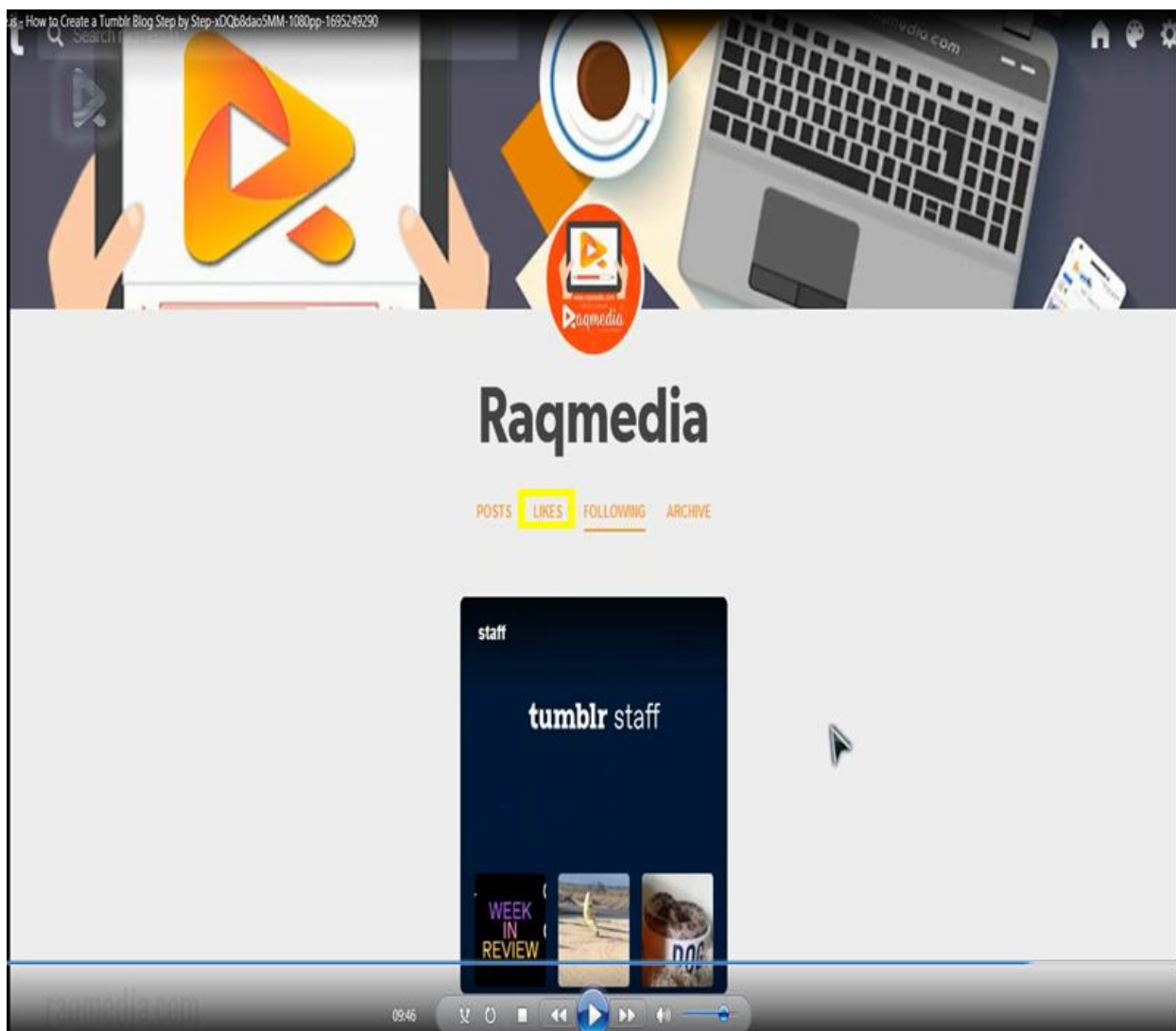
(heart) the multimedia content, reblog (recycle), or reply, contributing to the “notes” score, and this voting or rating behavior is tracked and associated with the multimedia content. On information and belief, such scoring is used by proprietary algorithms of Tumblr to determine which content to provide to other users on the Tumblr platform. Tumblr uses function-specific subsystems, for example as discussed below.



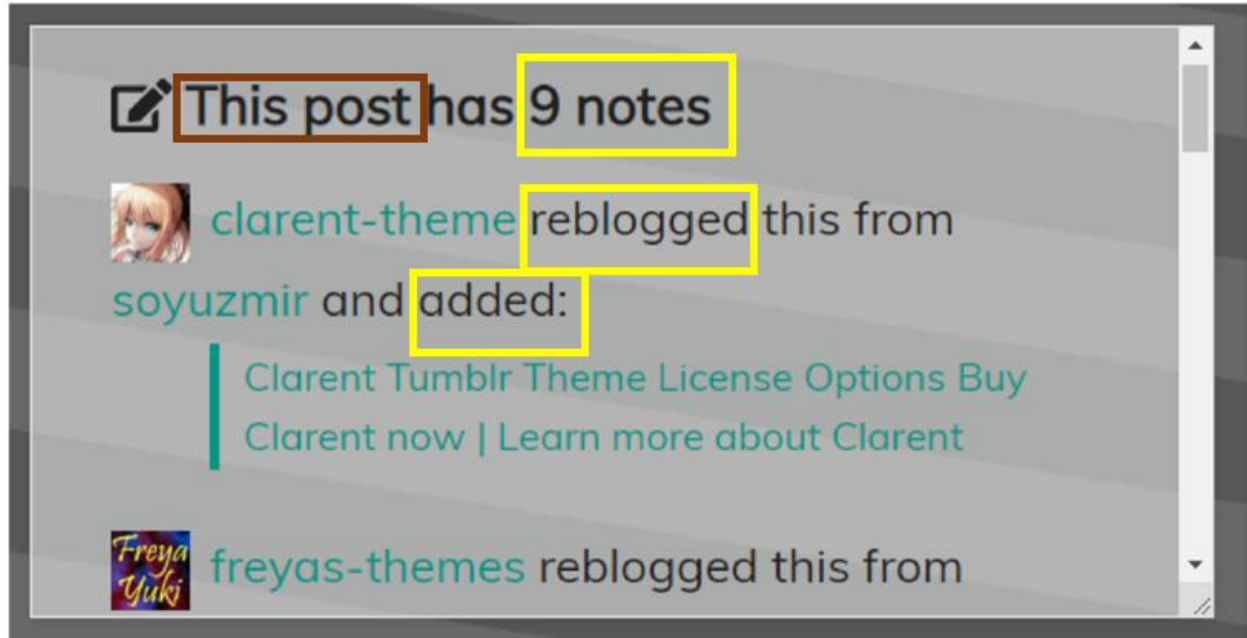
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



So what do you think about this? Do you know other ways to check if one of your blog posts has received notes (likes, reblogs, and replies)?

(E.g., <https://freyayuki.tumblr.com/post/177170900262/tutorial-how-know-tumblr-post-notes-likes-reblog-replies> (published August 20, 2018)).

29. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates Plaintiff for such Defendant's infringement of the '480 Patent, *i.e.*, in an amount that by law cannot be less than would constitute a reasonable royalty for the use of the patented technology, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

30. To the extent marking is required, VCA has complied with all marking requirements.

IV. COUNT II
(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 9,477,665)

31. Plaintiff incorporates the above paragraphs herein by reference.

32. On October 25, 2016, United States Patent No. 9,477,665 (“the ‘665 Patent”) was duly and legally issued by the United States Patent and Trademark Office. The ‘665 Patent is titled “Revenue-Generating Electronic Multi-Media Exchange and Process of Operating Same.” A true and correct copy of the ‘665 Patent is attached hereto as Exhibit B and incorporated herein by reference.

33. VCA is the assignee of all right, title, and interest in the ‘665 Patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the ‘665 Patent. Accordingly, VCA possesses the exclusive right and standing to prosecute the present action for infringement of the ‘665 Patent by Defendant.

34. The application leading to the ‘665 patent was filed November 16, 2012, which was a continuation of application no. 11/978,781, which issued as United States Patent No. 8,340,994, which was a continuation of application no. 09/565,438 which issued as United States Patent No. 7,308,413. (Ex. B at cover). The ‘665 patent was first assigned to Virtual Creative Artists, LLC. (*Id.*).

35. The ‘665 Patent shares the identical specification as the ‘480 patent and therefore VCA incorporates the background and discussion of the invention in Paragraphs 11-18. Furthermore claim 1 involves a system for generating multimedia content. The claim requires, among other things, electronically generating a multimedia file from the retrieved electronic media Submissions in accordance with a selected digital format, wherein the identification of the submitter is maintained with each retrieved submission within the multimedia file. The claim requires electronically transmitting the multimedia file to a plurality of publicly accessible web servers to be electronically available for viewing on one or more user devices over a public network via a web-browser and. This allows electronically transmit data indicating votes or

rating of multimedia content in a much quicker and easier fashion based on specific user criteria. There is nothing abstract about this very particular, unconventional, and non-routine system for the generation of multimedia content as specifically claimed and there is no risk of preempting creating and distribution contention generally, or even within the context of the Internet.

36. The invention is a highly technical electronic process that cannot be achieved with the human mind and is instead rooted in computer technology, including the steps of:

- “electronically retrieving a plurality of electronic media submissions,”
- “electronically generating a multimedia file from the retrieved electronic media submissions in accordance with a selected digital format,”
- “electronically transmitting the multimedia file to a plurality of publicly accessible webservers to be electronically available for viewing on one or more user devices over a public network via a web-browser,” and
- “providing a web-based graphical user interface that enables a user to electronically transmit data indicating a vote or rating for an electronically available multimedia content or an electronic media Submission within a respective electronically available multimedia content.”

37. Each of these subsystems are configured in a very specific (and not generic, unconventional and non-routine manner to offer the novel and non-obvious approach claimed invention. For example, claim 1 requires an “electronic media submissions database,” which is a subsystem that receives media submissions from Internet users. This is not a generic database but rather a scalable database that must be able to receive, store, and manage multiple petabytes of multimedia data received from users all over the world. This is one of the many specialized databased required in the claim. In fact, the specification discloses the use of a sophisticated database management system known in the art at the time that was capable of handling data at this level, Oracle7. This type of database management system cannot operate on a generic computing system but rather requires specialized hardware and software.

38. The claim also provides details to explain how each step operates. For example, the claim requires “electronically retrieving a plurality of electronic media submissions from an electronic media submissions database using an electronic content filter located on one or more data processing apparatus.” Further, “the electronic media submissions database” in this step is further required to “store[] [1] data identifying the submitter and [2] data indicating content for each electronic media submission.” The step further requires an “electronic content filter.” The “filter” also includes a very specific algorithm of “being based at least in part on at least one of the one or more user attributes.”

39. The claims also require an “electronically generating a multimedia file from the retrieved electronic media submissions in accordance with a selected digital format.” Manipulation of multimedia data in accordance with a selected digital format is far from generic and was not routine or conventional at the time of the invention. Further, this step requires that the “electronic media submissions database” “stores data identifying the submitter” and the “the identification of the submitter is maintained with each retrieved submission within the multimedia file.”

40. The claims also require “providing a web-based graphical user interface that enables a user to electronically transmit data indicating a vote or rating for an electronically available multimedia content or an electronic media Submission within a respective electronically available multimedia content,” which is a well-defined, specific, and unconventional feature. By including this additional voting/rating feature, the claims avoid any risk of preempting the creation and distribution of content.

41. The also has inventive concepts. For example, the claim requires that the filtering tool be at a specific location, remote from the end-users, with customizable filtering features

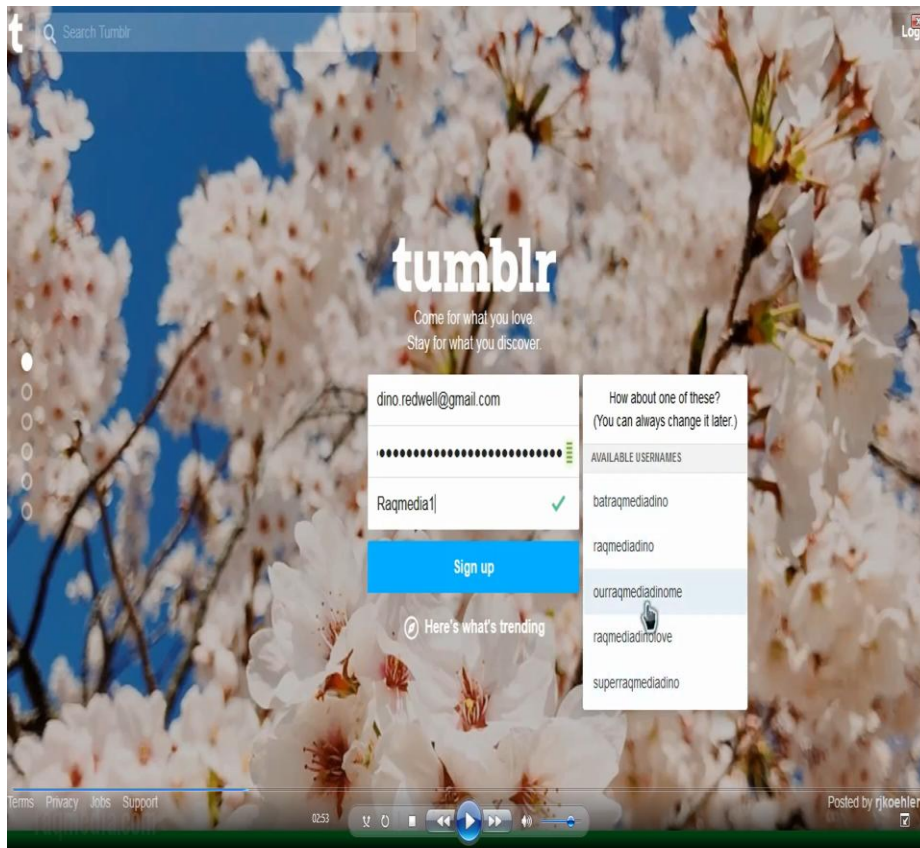
specific to each end user. The "electronic content filter" is located at the server, remote from the end user, and customizable based on user attributes. The "electron voting" step at the time of the invention was also novel, inventive, and added sufficient inventive contributions to avoid a risk of preempting the creation and distribution of media content. It is clearly possible to create and distribute media content without every having to include a "voting" subsystem on what components should be included in such media content.

42. These arguments overcame a patent eligibility rejection under 35 U.S.C. §101 of the claim at issue during the prosecution of the '665 patent before the United States Patent and Trademark Office.

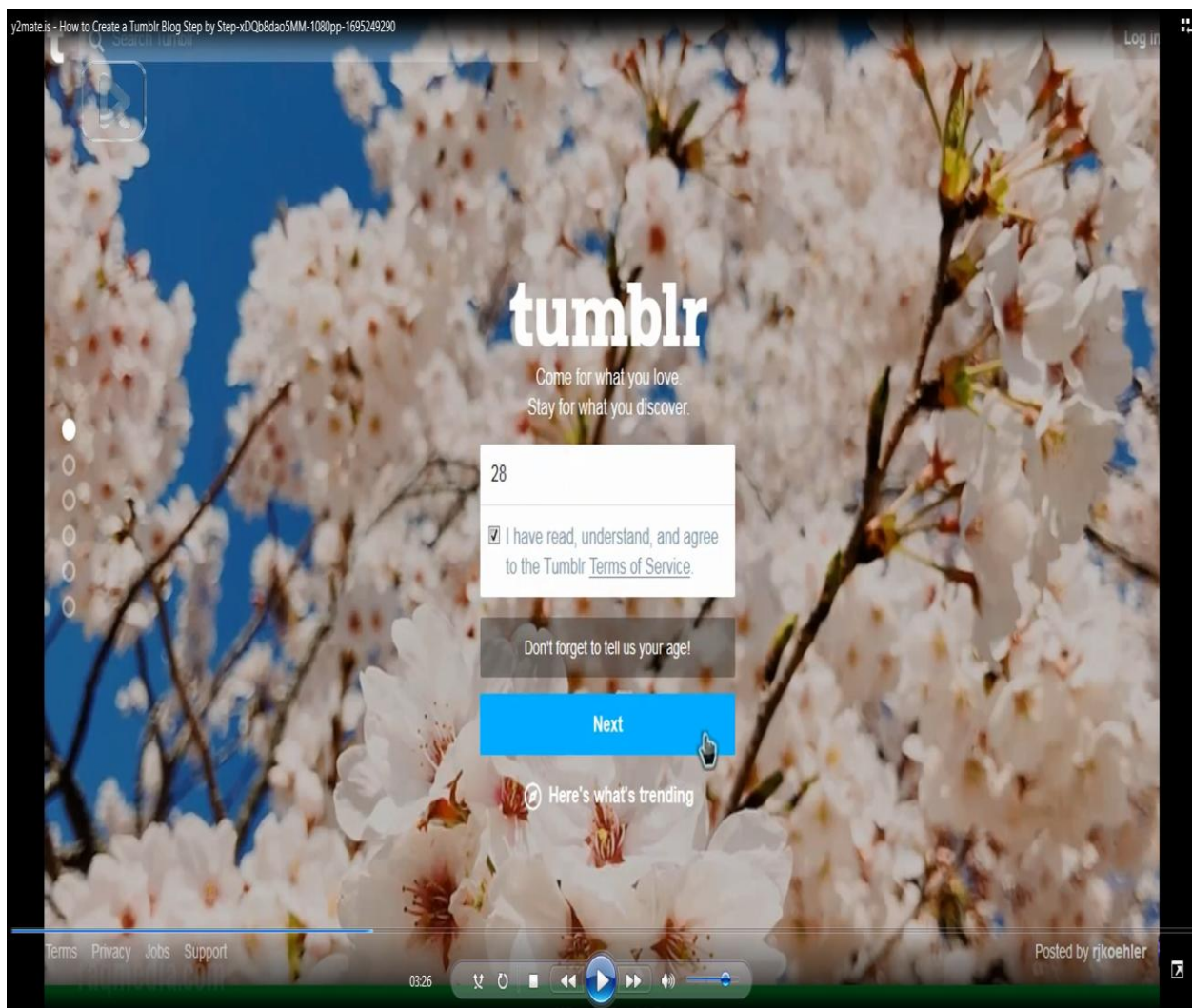
43. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing claim 1 of the '665 Patent in Delaware, and elsewhere in the United States, by employing a computer-based system using <https://www.tumblr.com/> ("Accused Instrumentality") (e.g., <https://www.tumblr.com/>).

44. Tumblr uses a computer system for its Accused Instrumentality, for example to enable the provision of personalized content feeds that show users multimedia content including multiple of image, video, text, hashtag, and link content, based, *inter alia*, on user-selected preferences, such as interests. This system makes use of one or more data processing apparatus, and a computer readable medium coupled to the one or more data processing apparatus having instructions stored thereon which, when executed by the one or more data processing apparatus, cause the one or more data processing apparatus to perform an electronic method comprising the functions as further discussed below. Tumblr, during the relevant time period, took advantage of multiple cloud server providers for its Accused Instrumentality, as well as scalability within its cloud server providers, employing separate server subsystems for all its meaningfully different

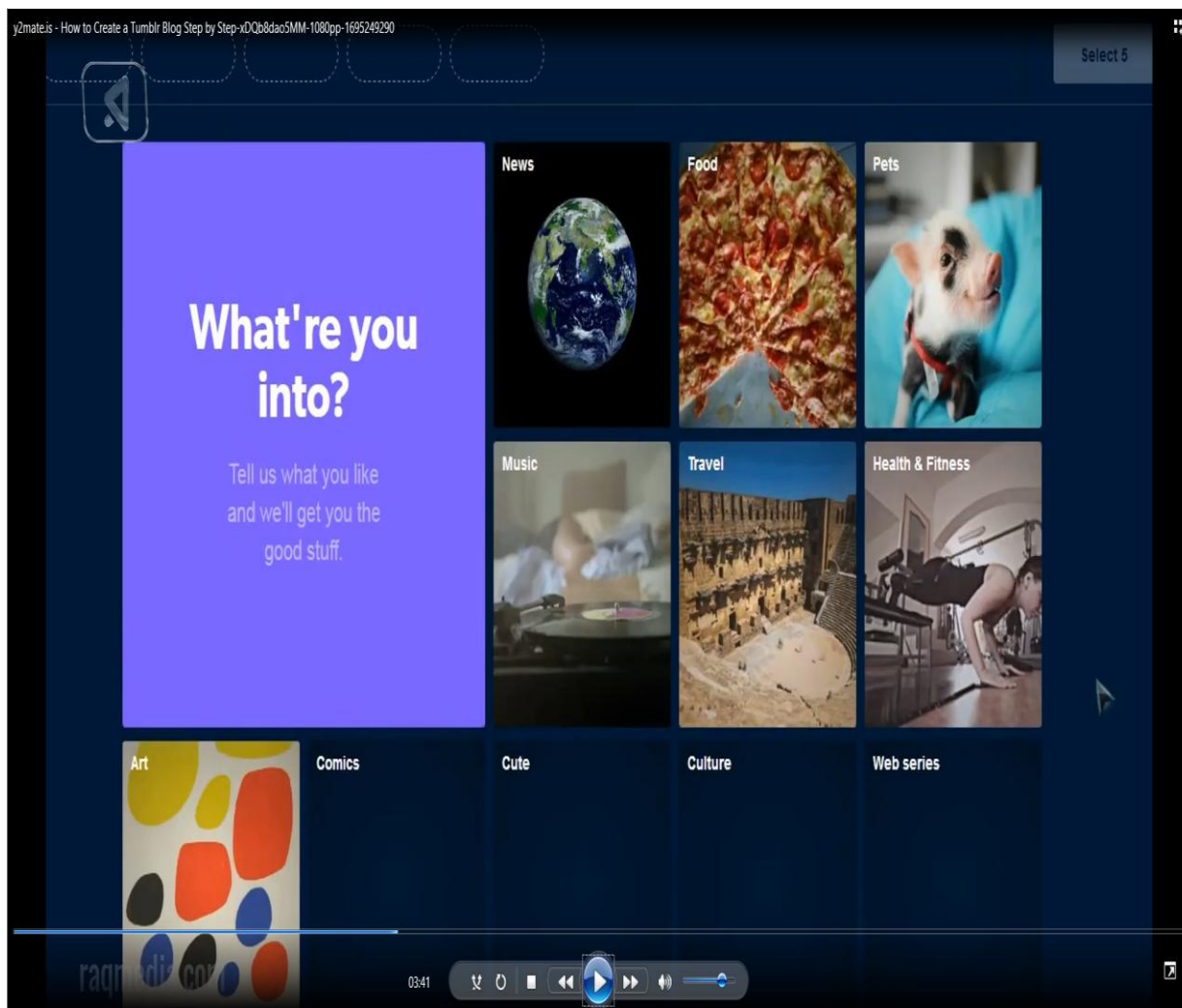
functions, such as those indicated below. Tumblr uses and has used during the relevant time period, multiple different networks, IP addresses, and providers for, *inter alia*, cloud hosting networks and core networks, thereby using separate server subsystems for its meaningfully different functions, such as those indicated below.



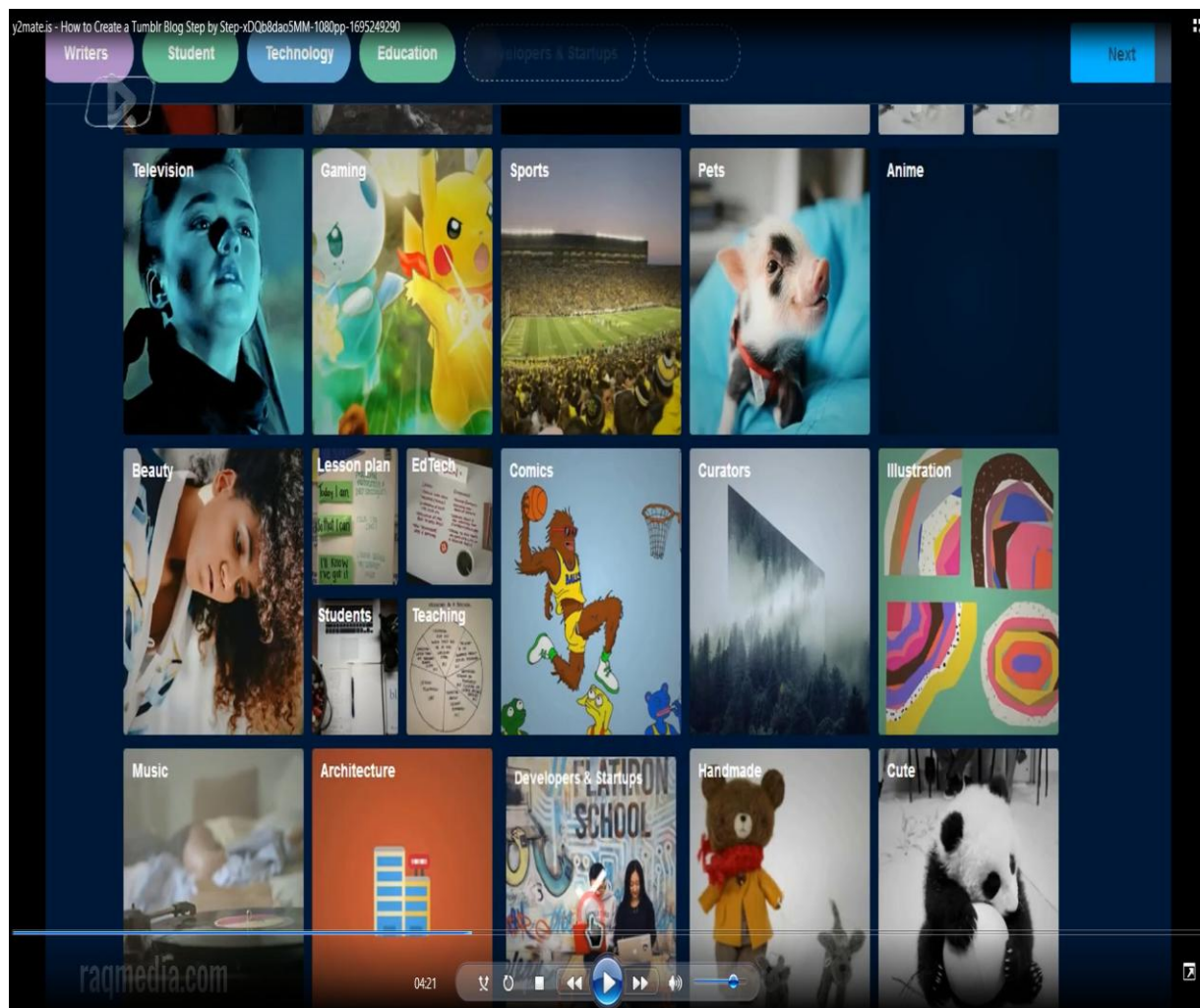
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



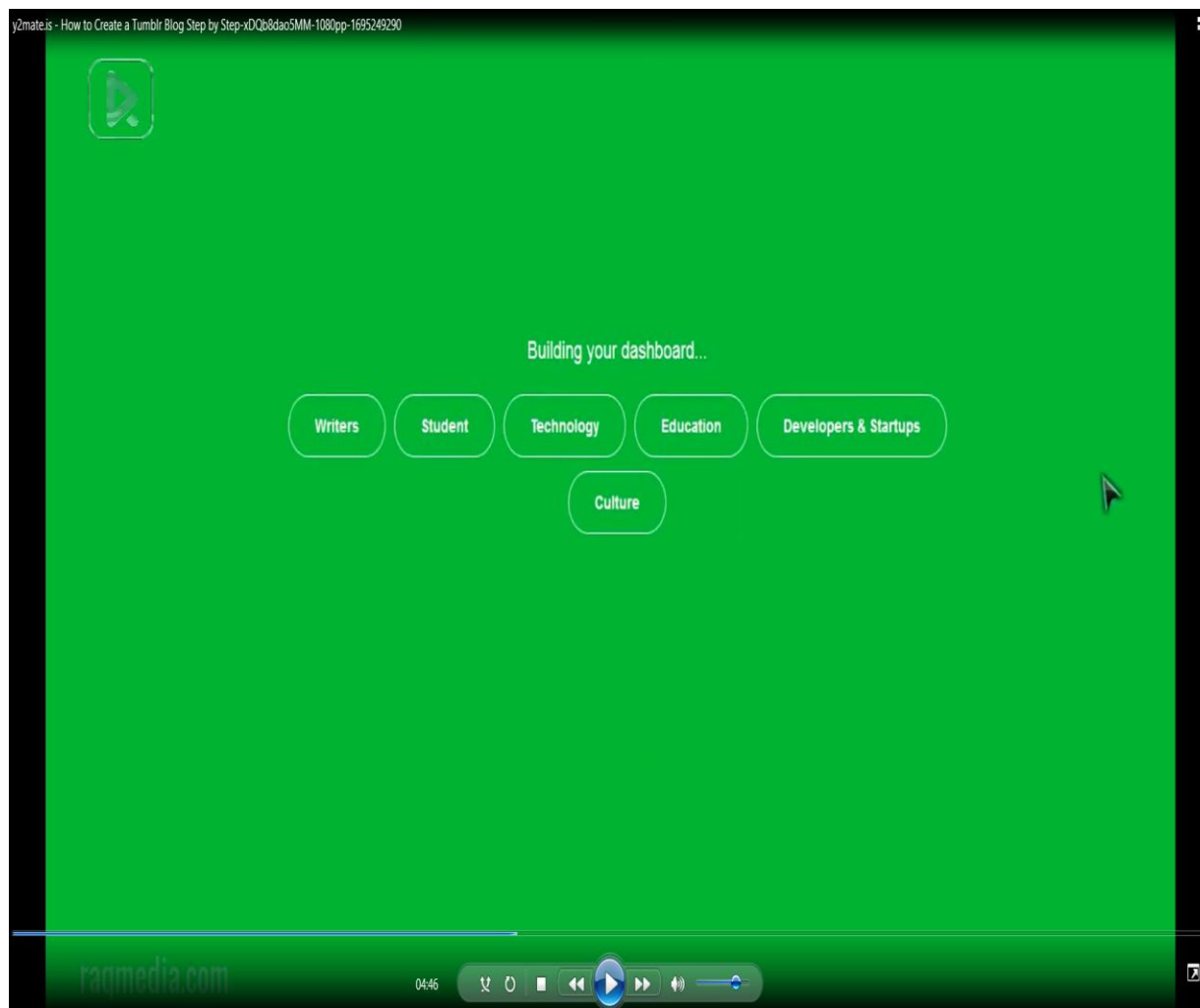
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



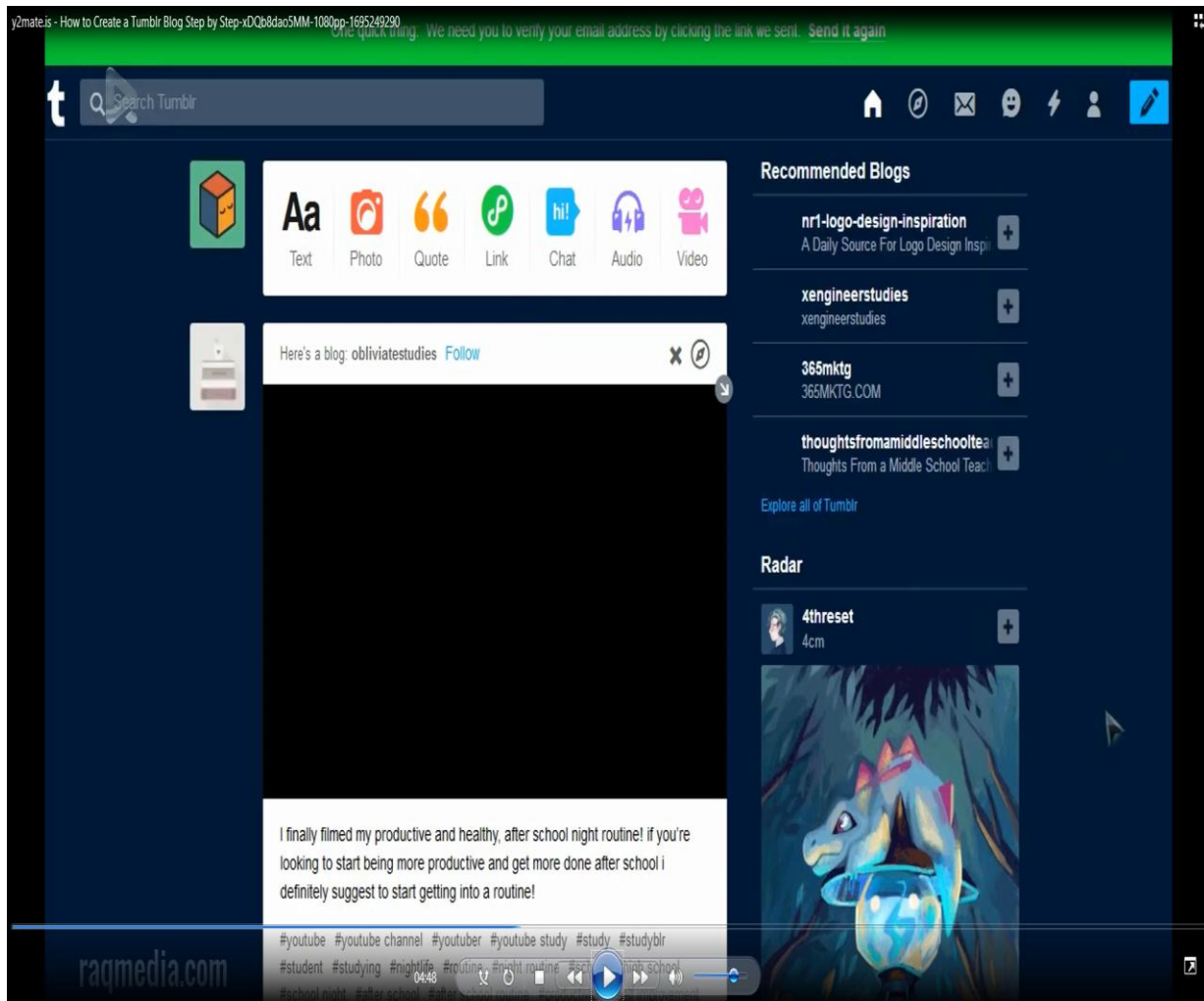
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



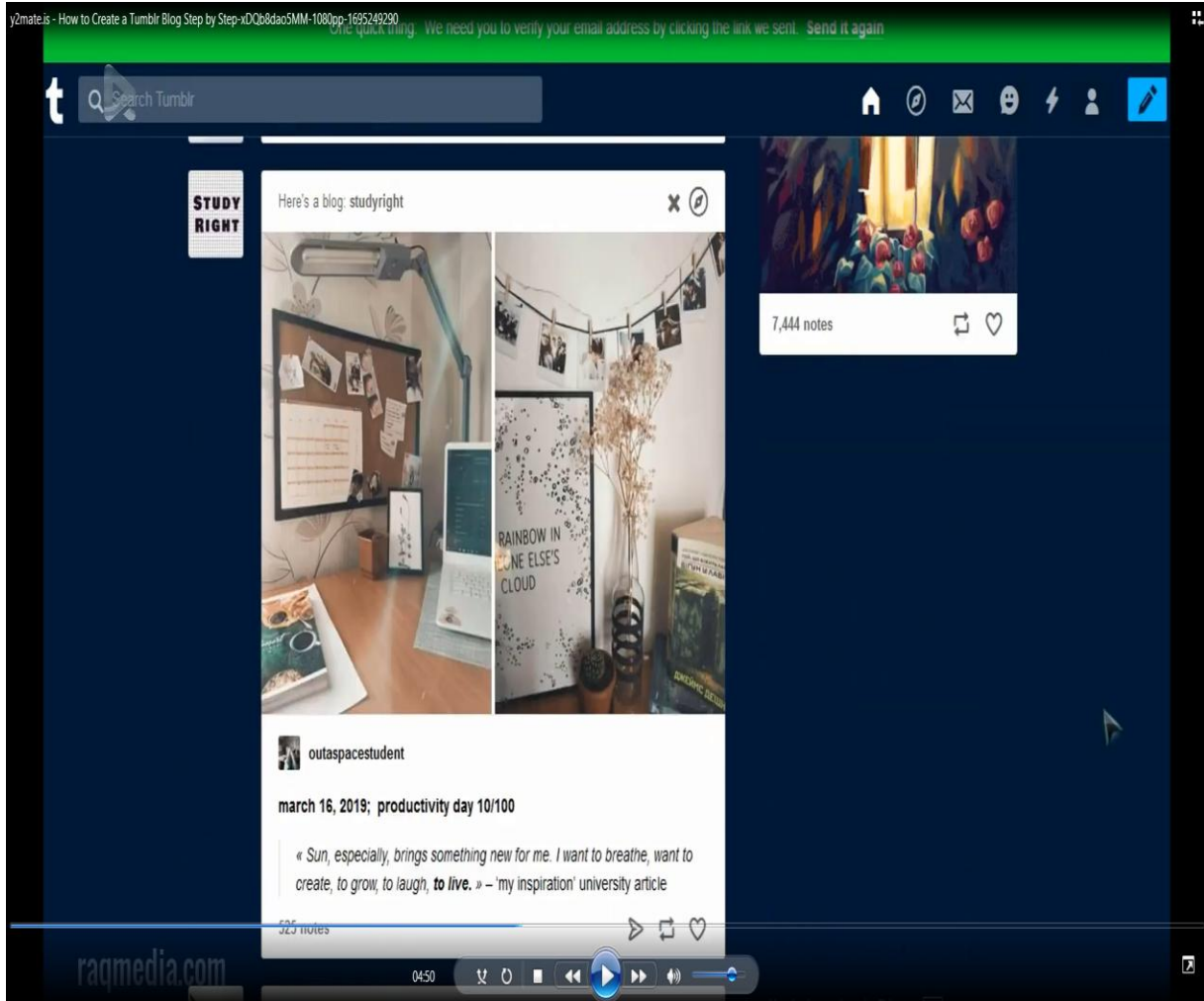
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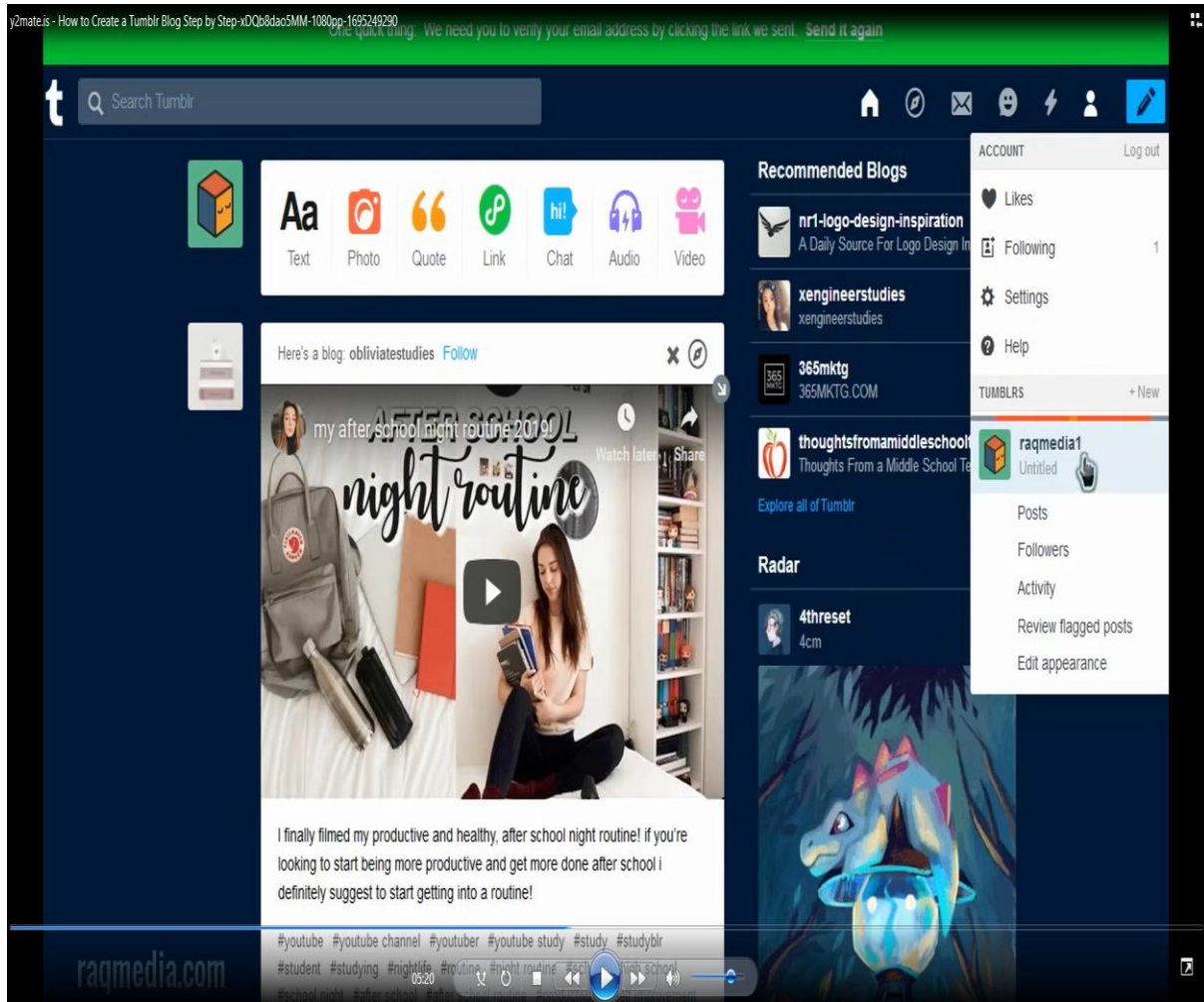
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



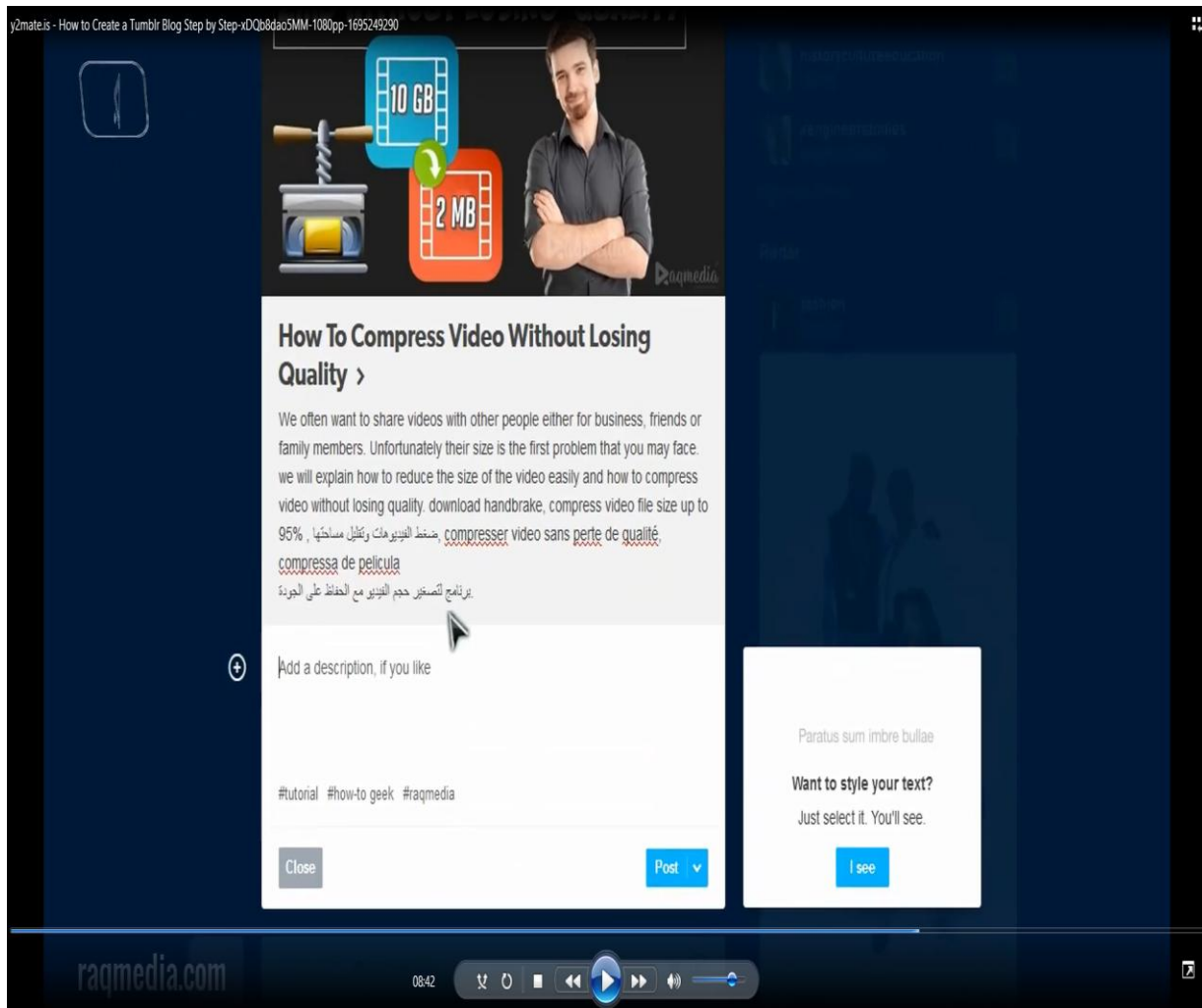
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



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(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).

Search Tumblr

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raqmedia1

raqmedia.com

COMPRESS 10 GB VIDEO TO 2MB WITHOUT LOSING QUALITY

10 GB

2 MB

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#tutorial #how-to-geek #raqmedia

08:53

speakingtoyour soul
Words for your turbulent emotions...

historycultureeducation
History

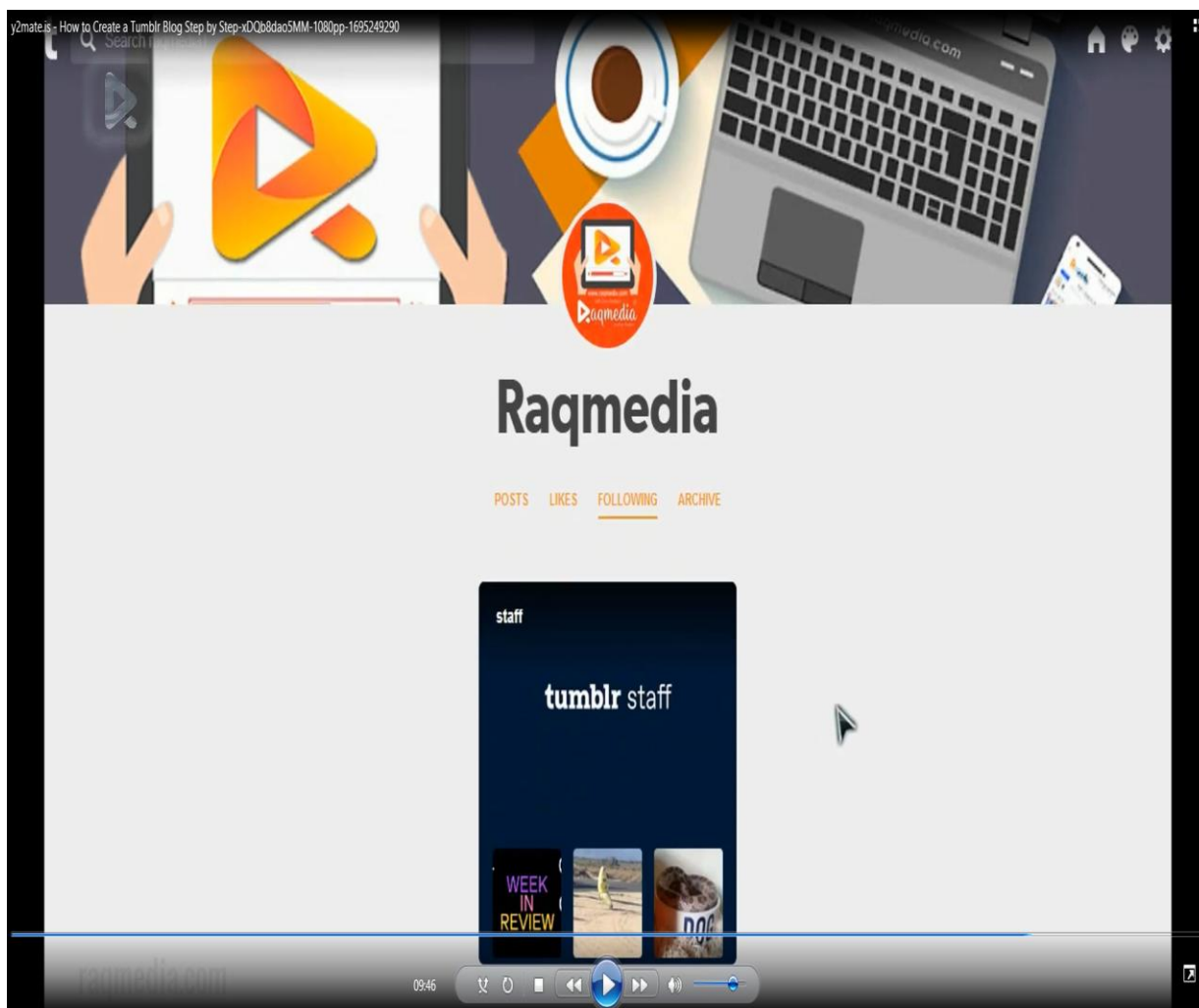
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Explore all of Tumblr

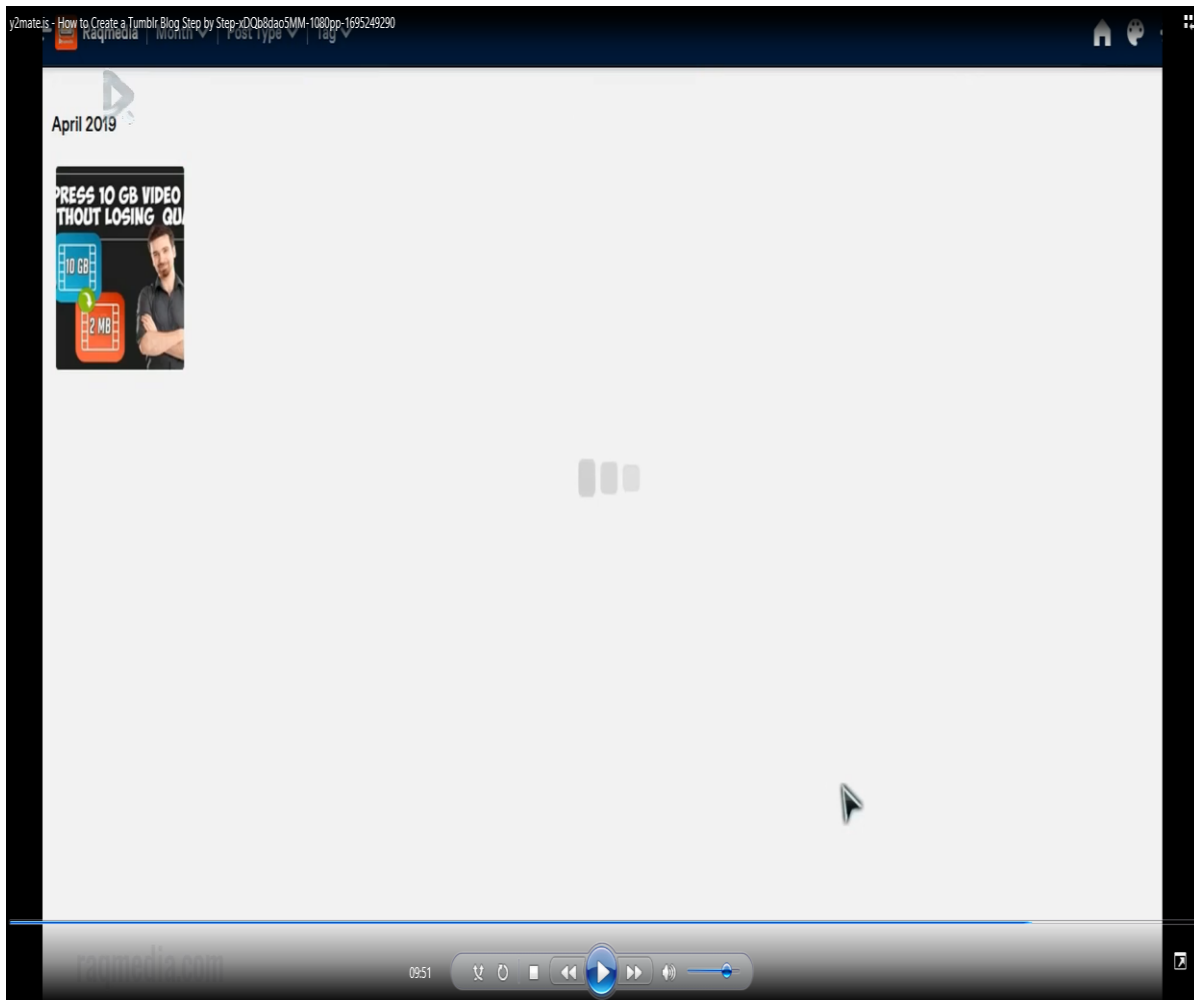
Radar

fashion
Fashion

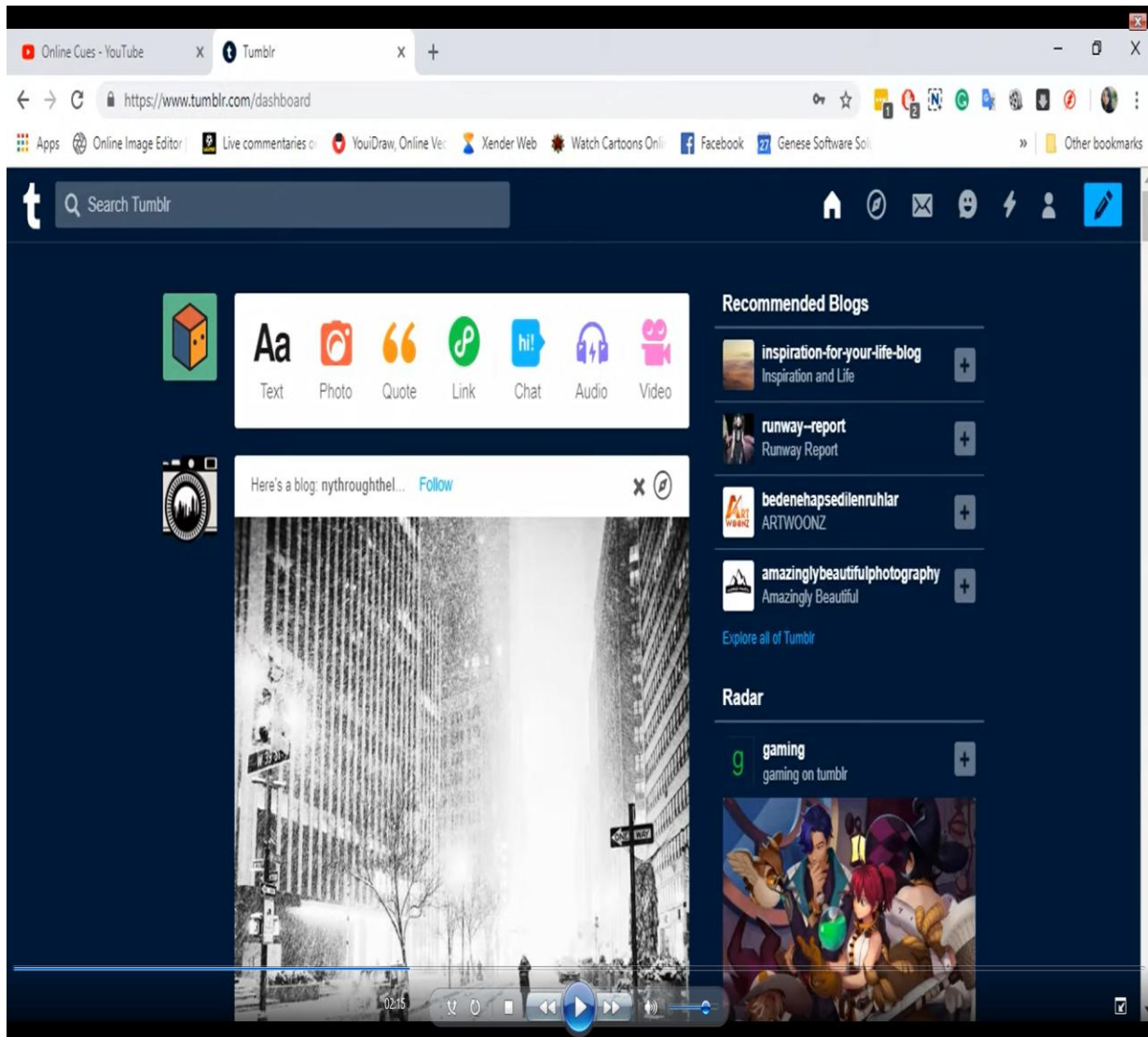
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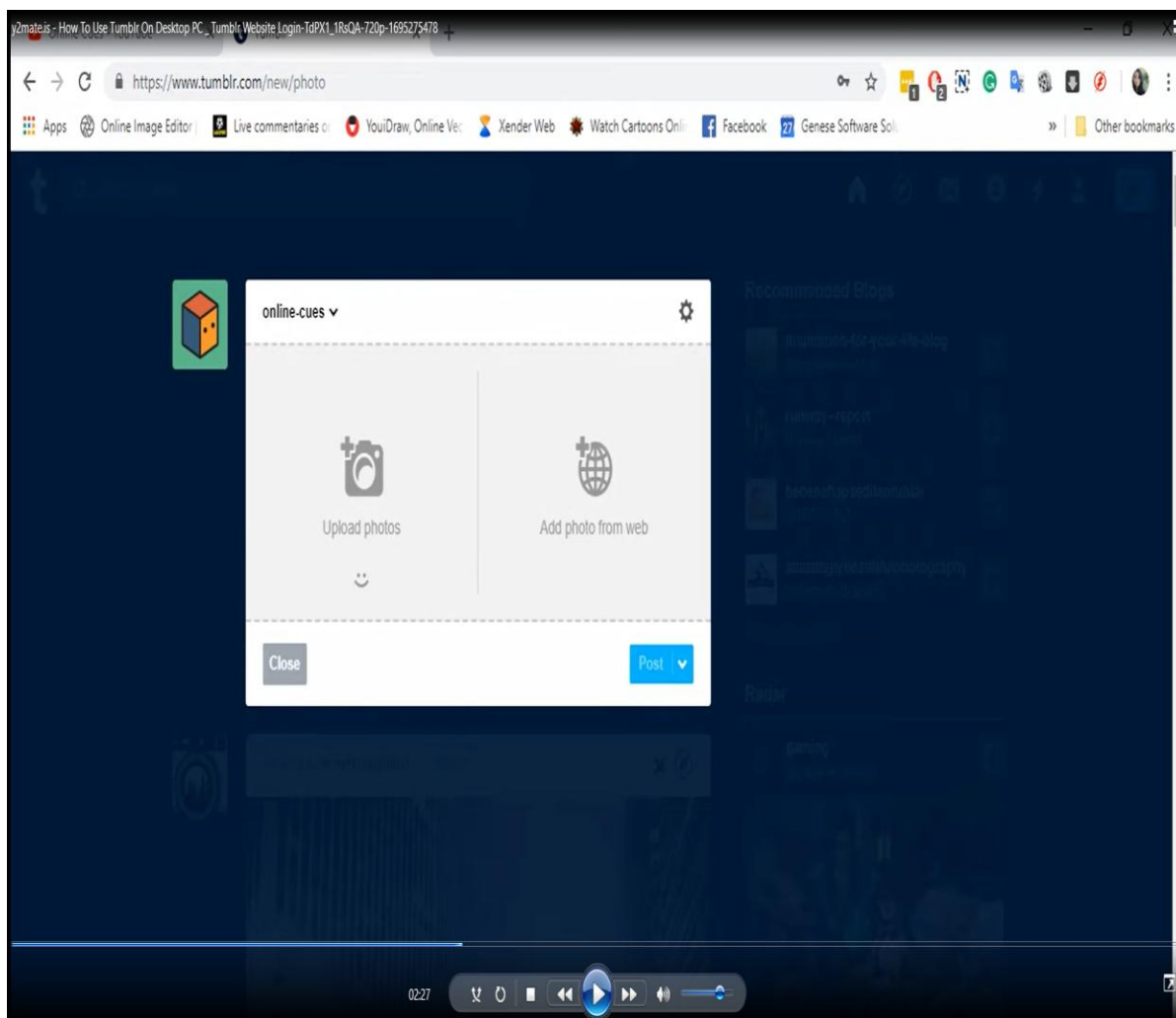
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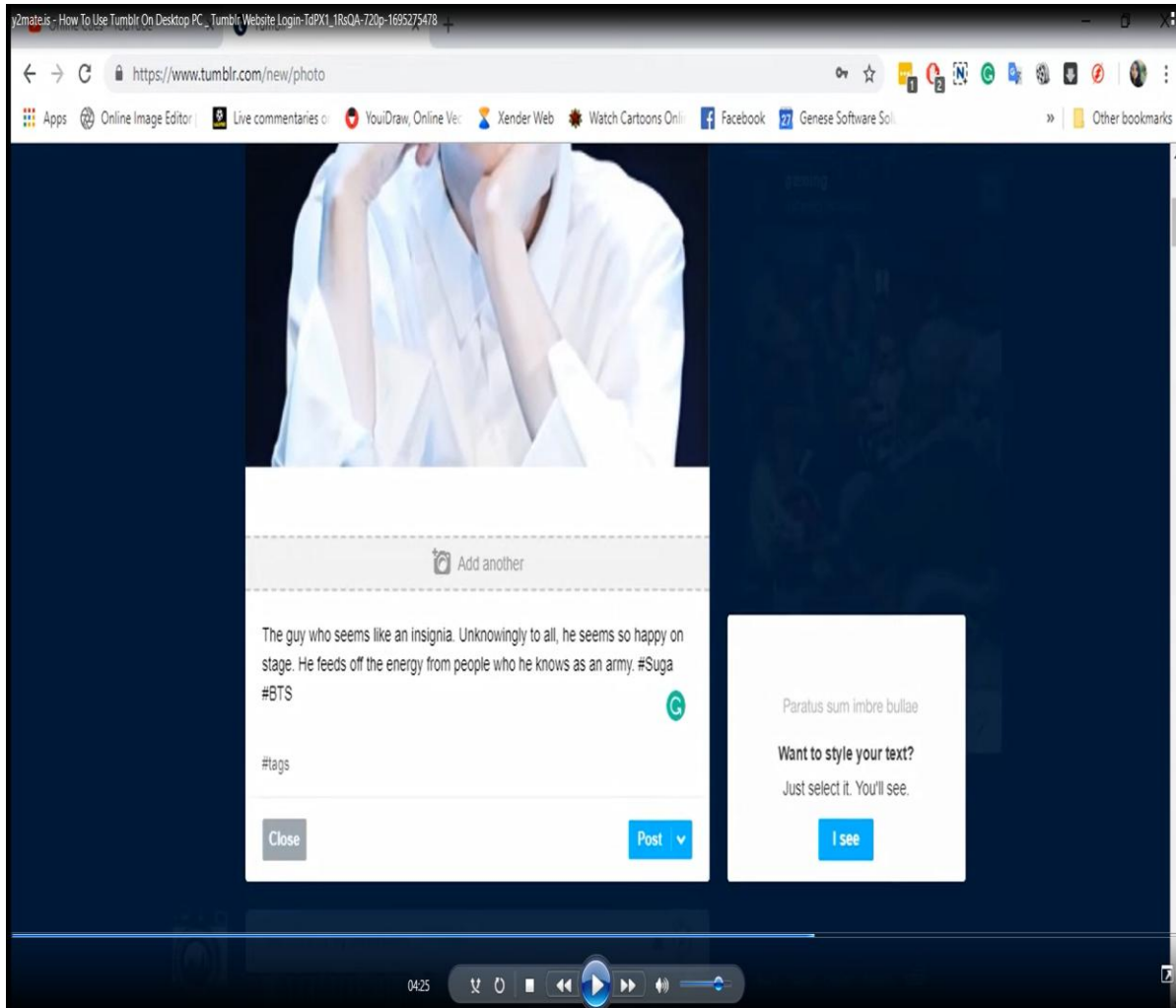
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).




(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).



(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).



(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).

Cloud Hosts	# of IPs
 WordPress (/resources/platforms/wordpress)	4

IP DETAILS

tps://www.netify.ai/resources/applications/tumblr

1/3

20/23, 5:52 PM

Tumblr - Domains, IPs and App Information

CORE NETWORKS

	WHY NETIFY (HTTPS://WWW.NETIFY.AI/WHY-NETIFY)	PRODUCTS (HTTPS://WWW.NETIFY.AI/PRODUCTS)
	Category	Network Location Shared
66.6.44.4 (/resources/ips/66.6.44.4)	Hosting Automatic (/resources/networks/automatic)Core Network United States	
74.114.154.15 (/resources/ips/74.114.154.15)	Hosting Automatic (/resources/networks/automatic)Core Network United States	RESOURCES (HTTPS://WWW.NETIFY.AI/RESOURCES) DEVELOPER (HTTPS://WWW.NETIFY.AI/DEVELOPER) BLOG (/BLOG)
74.114.154.17 (/resources/ips/74.114.154.17)	Hosting Automatic (/resources/networks/automatic)Core Network United States	
74.114.154.18 (/resources/ips/74.114.154.18)	Hosting Automatic (/resources/networks/automatic)Core Network United States	SIGN IN (HTTPS://PORTAL.NETIFY.AI)
74.114.154.19 (/resources/ips/74.114.154.19)	Hosting Automatic (/resources/networks/automatic)Core Network United States	
74.114.154.21 (/resources/ips/74.114.154.21)	Hosting Automatic (/resources/networks/automatic)Core Network United States	

and 8 more

PLATFORM DETAILS

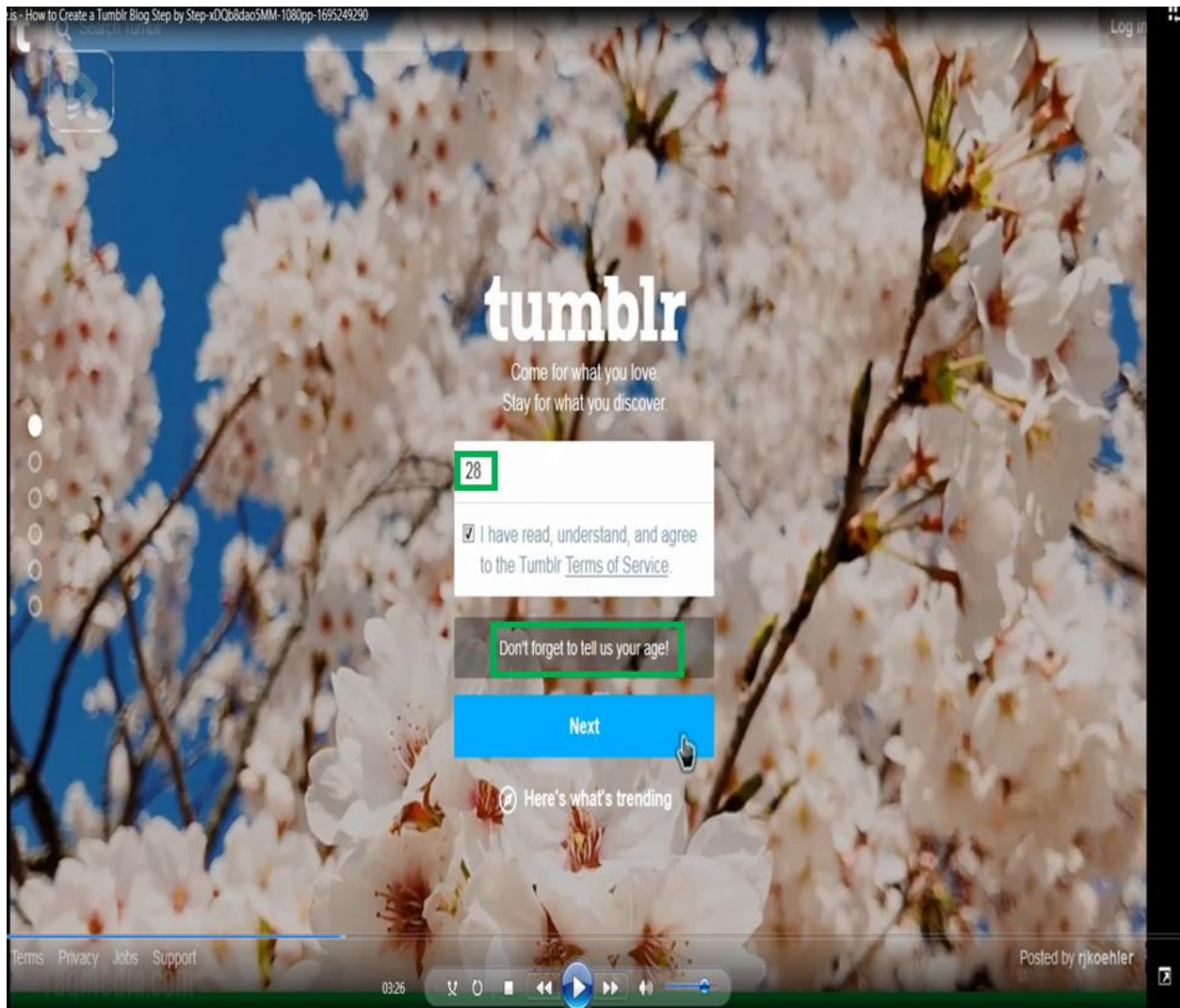
CLOUD HOSTING NETWORKS

IP	Platform	Network Owner	Network	Location	Shared
192.0.74.11 (/resources/ips/192.0.74.11)	 WordPress (/resources/platforms/wordpress)Automatic	Automatic	Core Network	United States	
192.0.75.11 (/resources/ips/192.0.75.11)	 WordPress (/resources/platforms/wordpress)Automatic	Automatic	Core Network	United States	
198.181.116.11 (/resources/ips/198.181.116.11)	 WordPress (/resources/platforms/wordpress)Automatic	Automatic	Core Network	United States	
198.181.117.11 (/resources/ips/198.181.117.11)	 WordPress (/resources/platforms/wordpress)Automatic	Automatic	Core Network	United States	

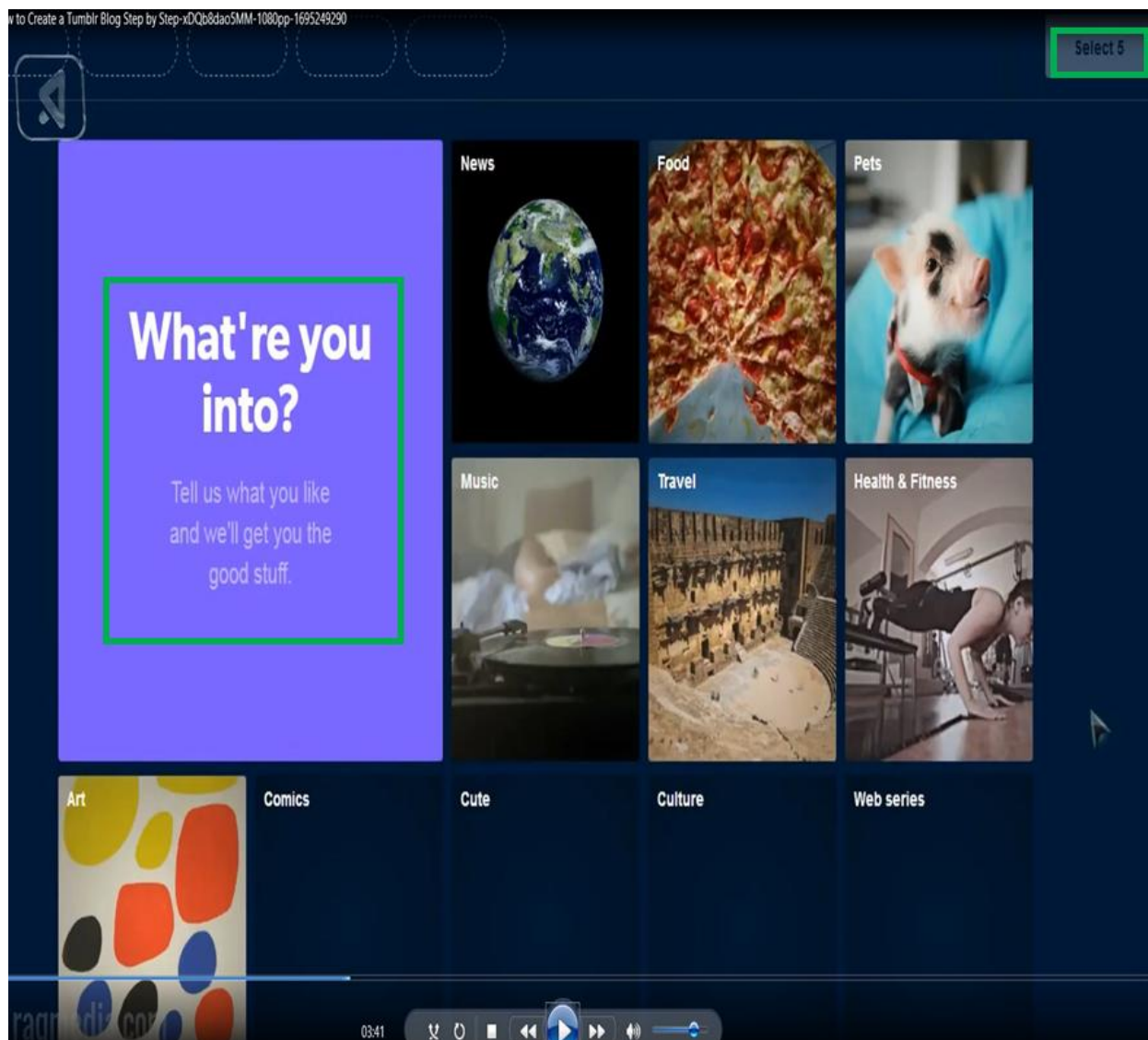
(E.g., <https://www.netify.ai/resources/applications/tumblr>).

45. The Accused Instrumentality comprises a user database comprising one or more user attributes stored in such database. Such user database is stored in memory available through the Tumblr platform’s servers, for example as discussed above. Some examples of such user attributes stored in such user database on the Accused Instrumentality are an age, interests, those who the user follows, and the user’s followers, as shown and discussed for example below. The Accused Instrumentality electronically retrieves, from storage in an electronic media submissions database on a non-transitory medium, a plurality of electronic media submissions (e.g., posts of various Tumblr users with associated multimedia content) from an electronic media submissions database using an electronic content filter necessarily located on and

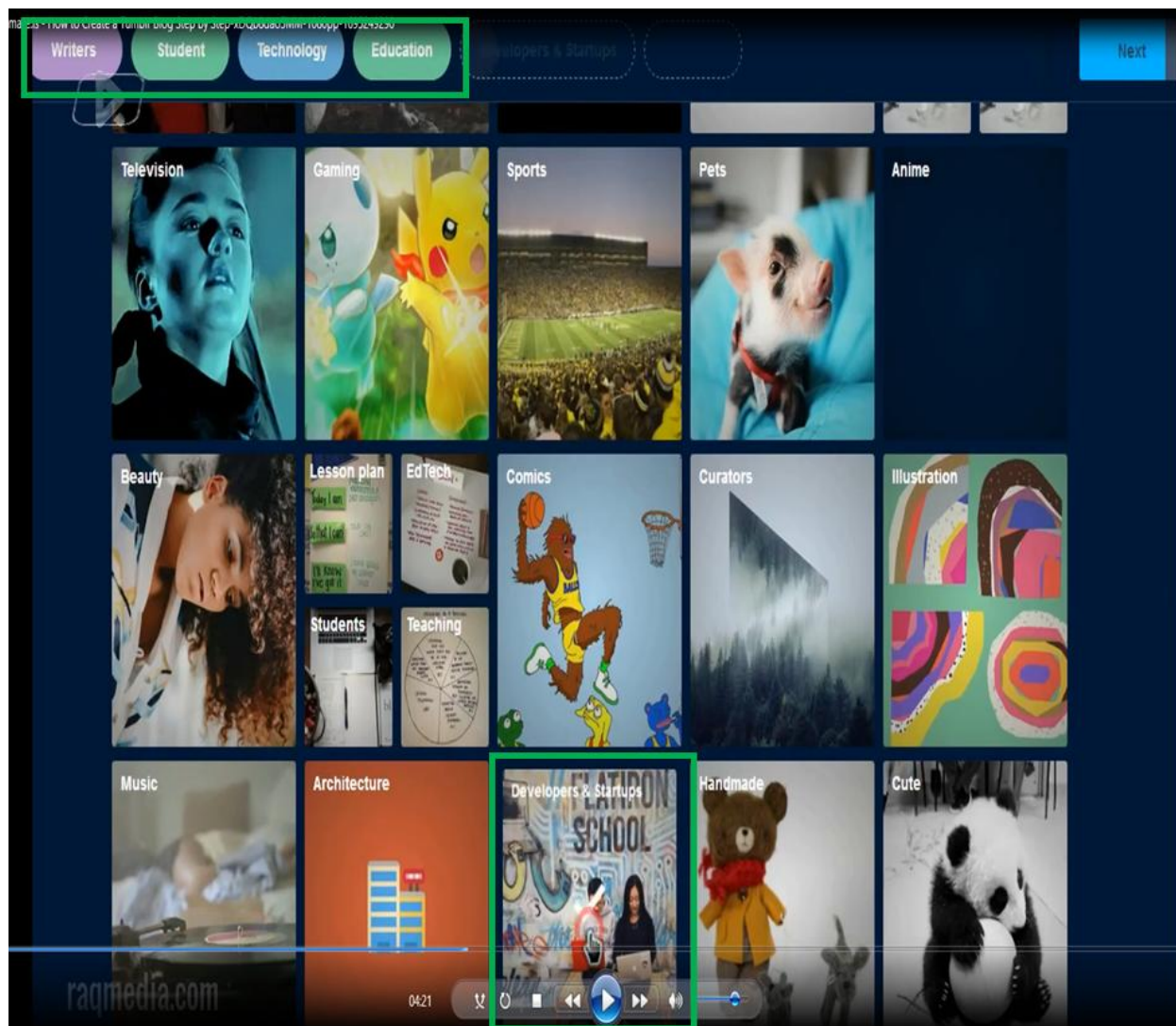
associated with one or more data processing apparatus in order to manage content. As can be seen below, such electronic content filter as is used by Tumblr is based at least in part on at least one of the one or more user attributes, (e.g., based on, *inter alia*, interests, those who the user follows, which in turn affects which electronic media submissions, e.g., posts, appear on a given user's customized feeds), as shown and discussed for example below. Tumblr uses function-specific subsystems, for example as discussed below.



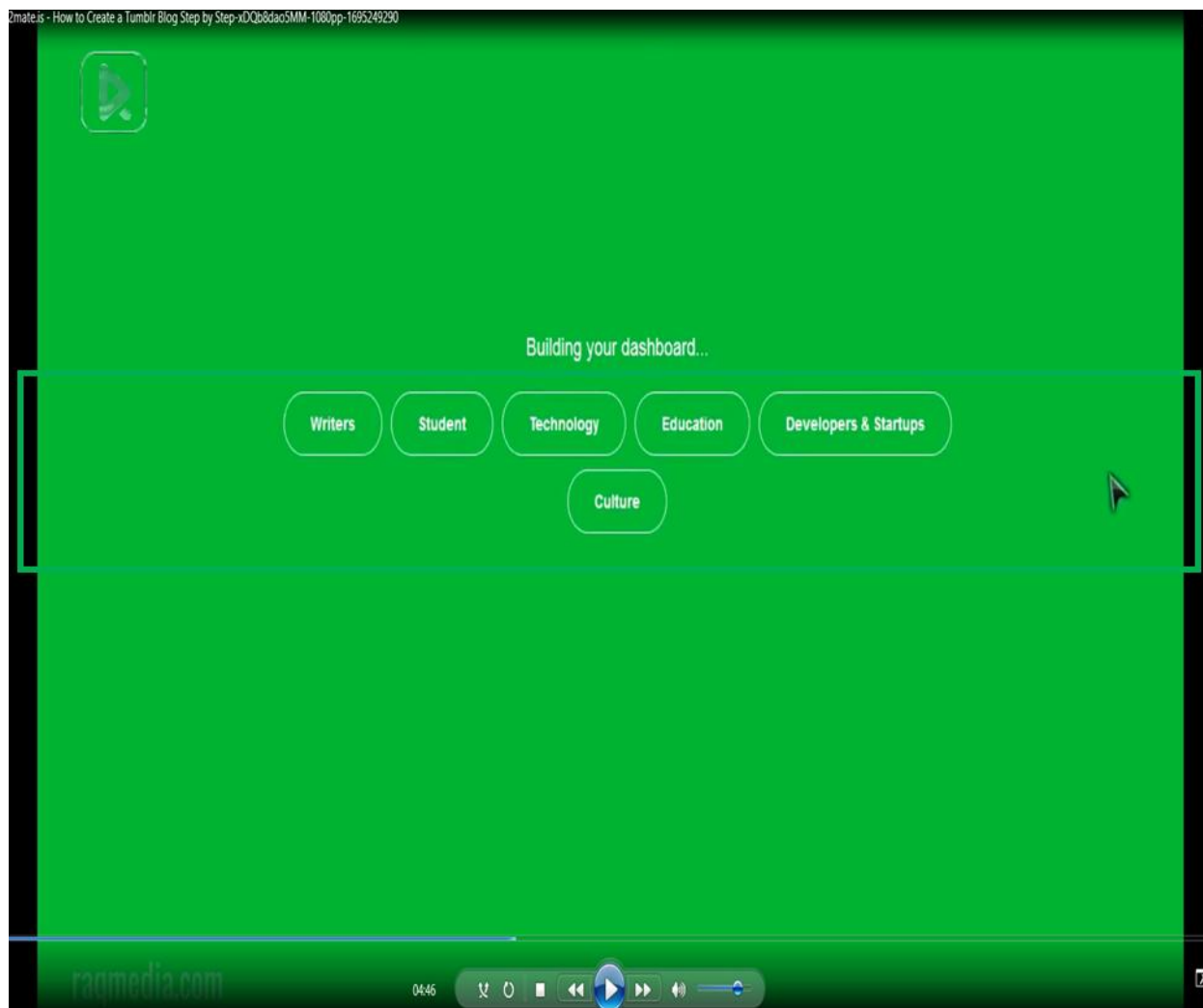
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



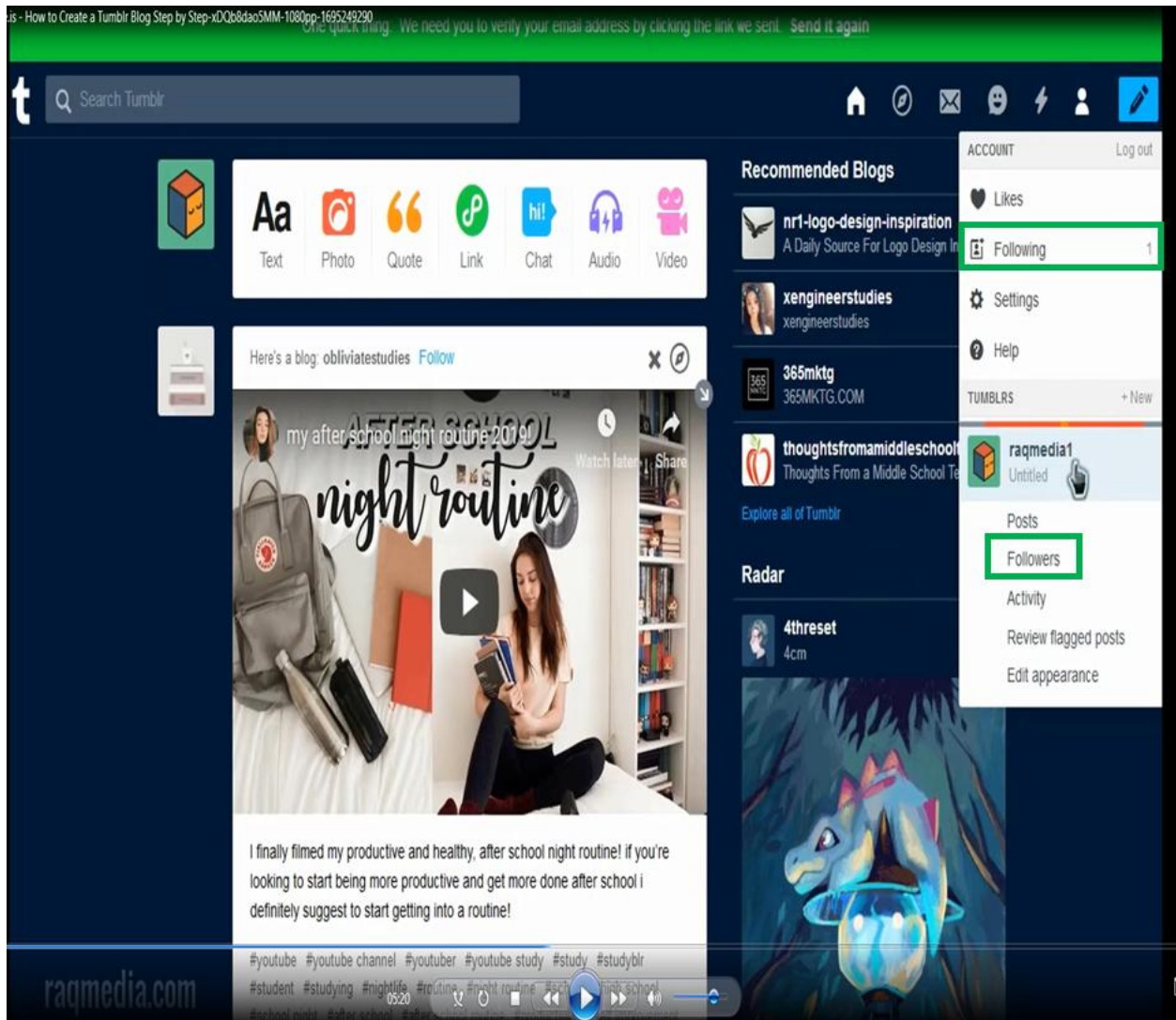
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



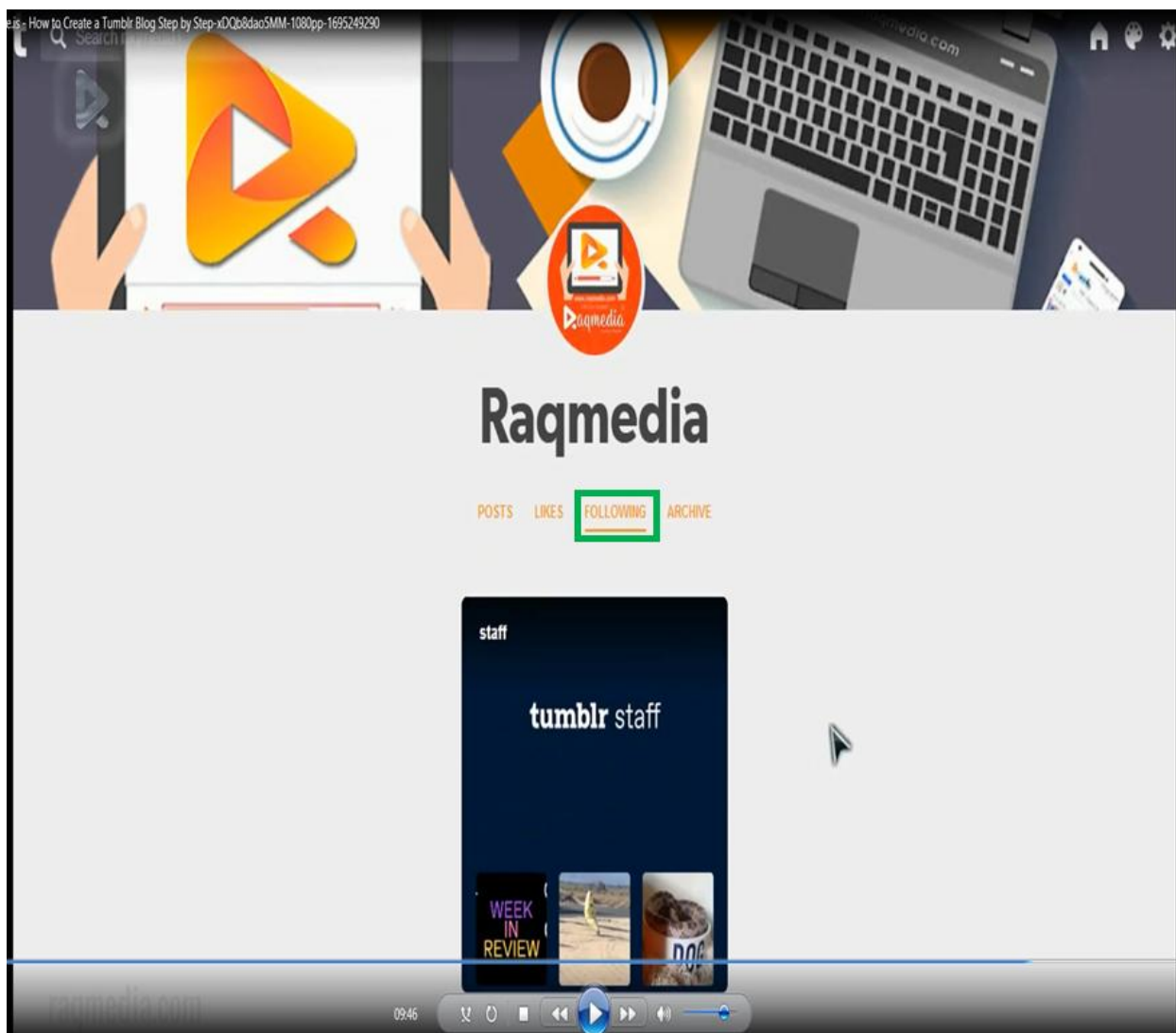
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



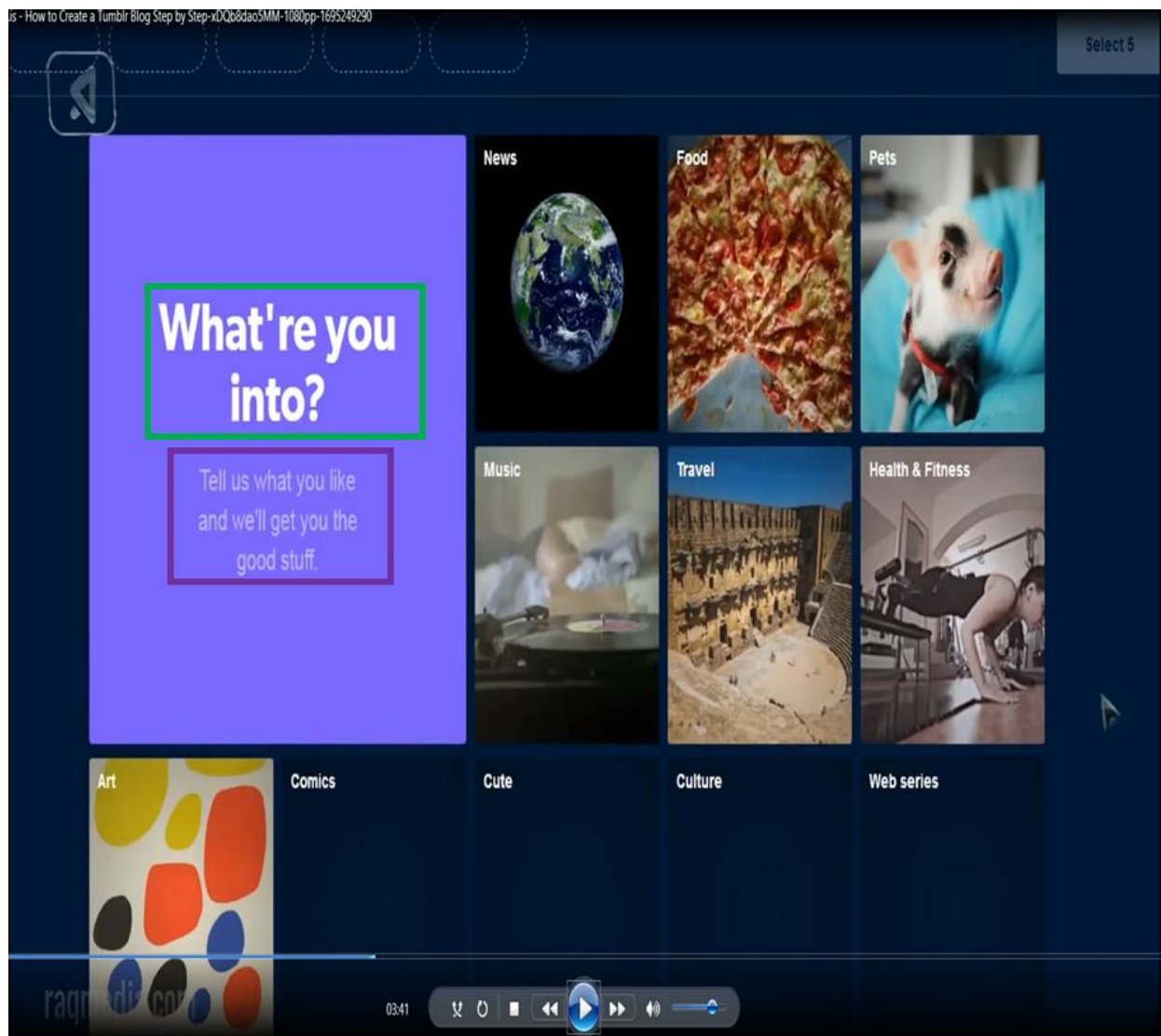
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



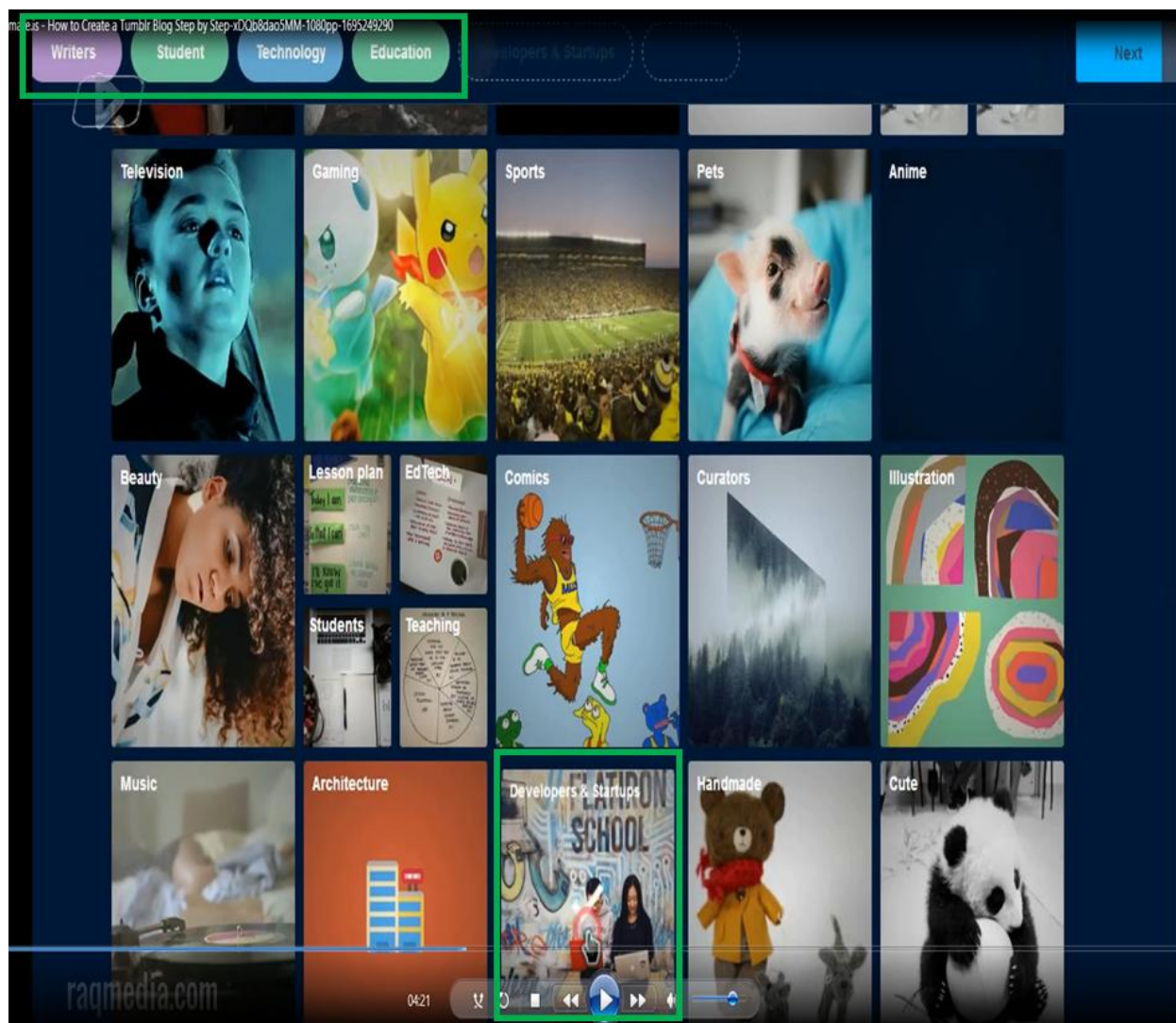
(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).



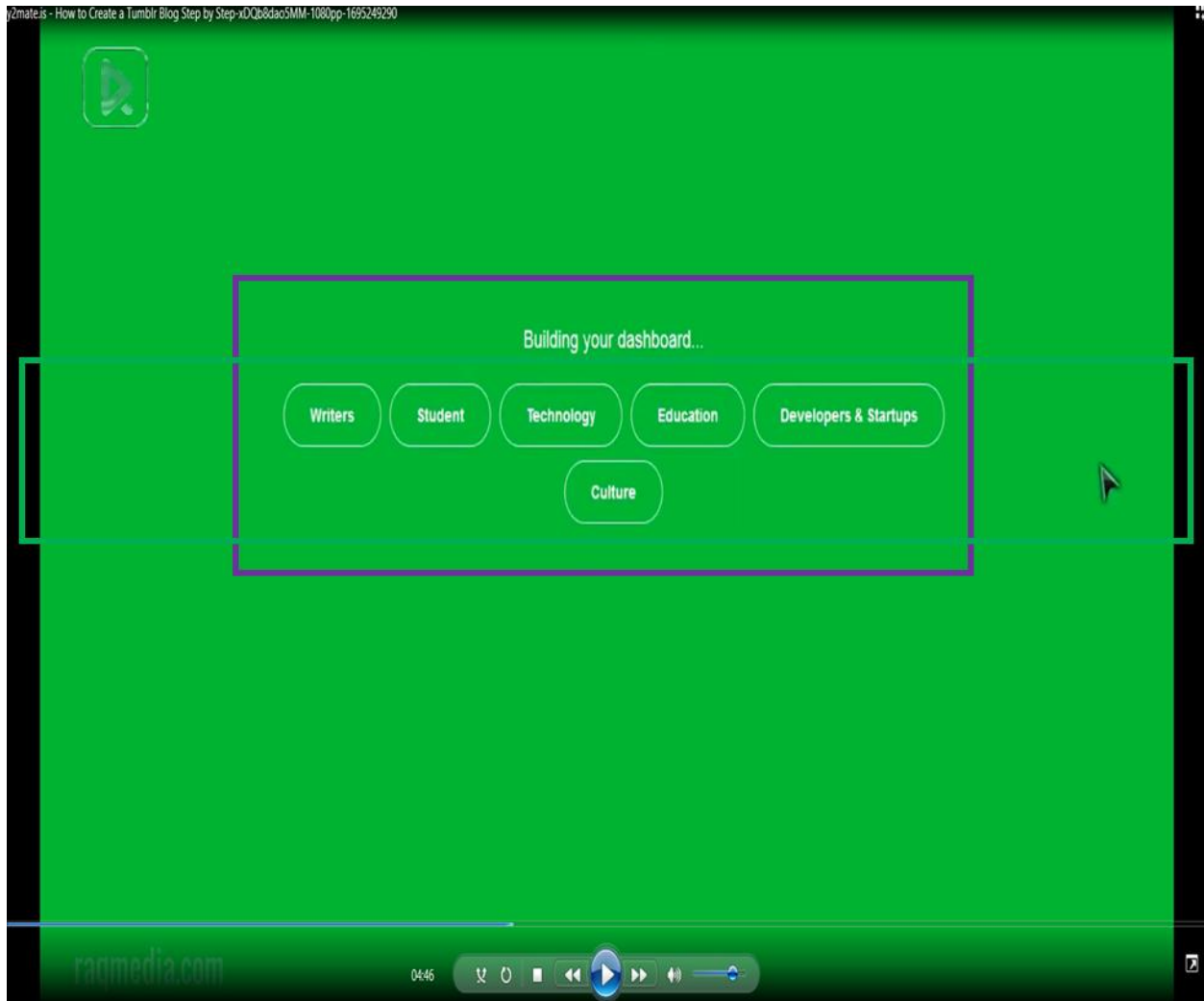
(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).



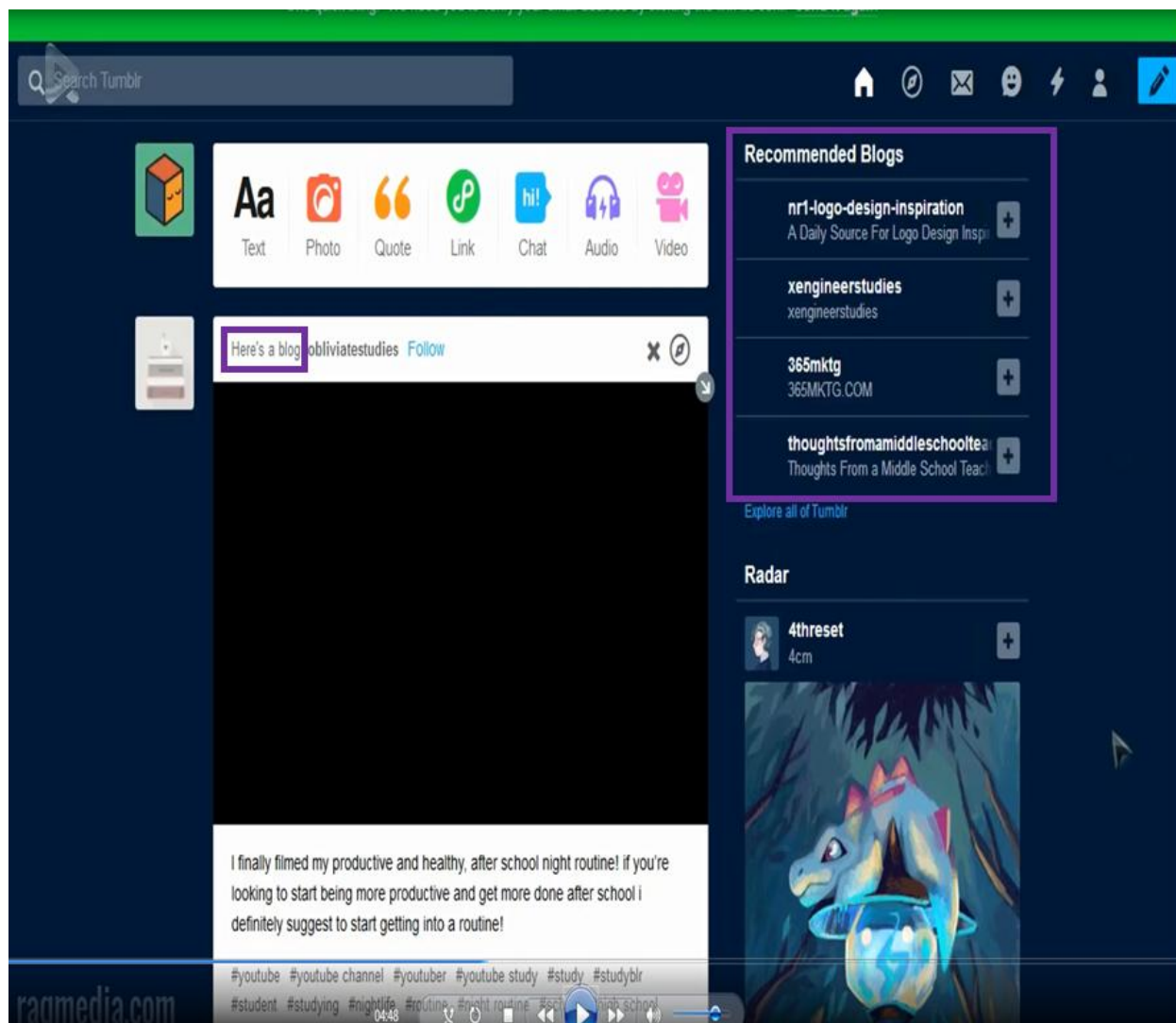
(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).



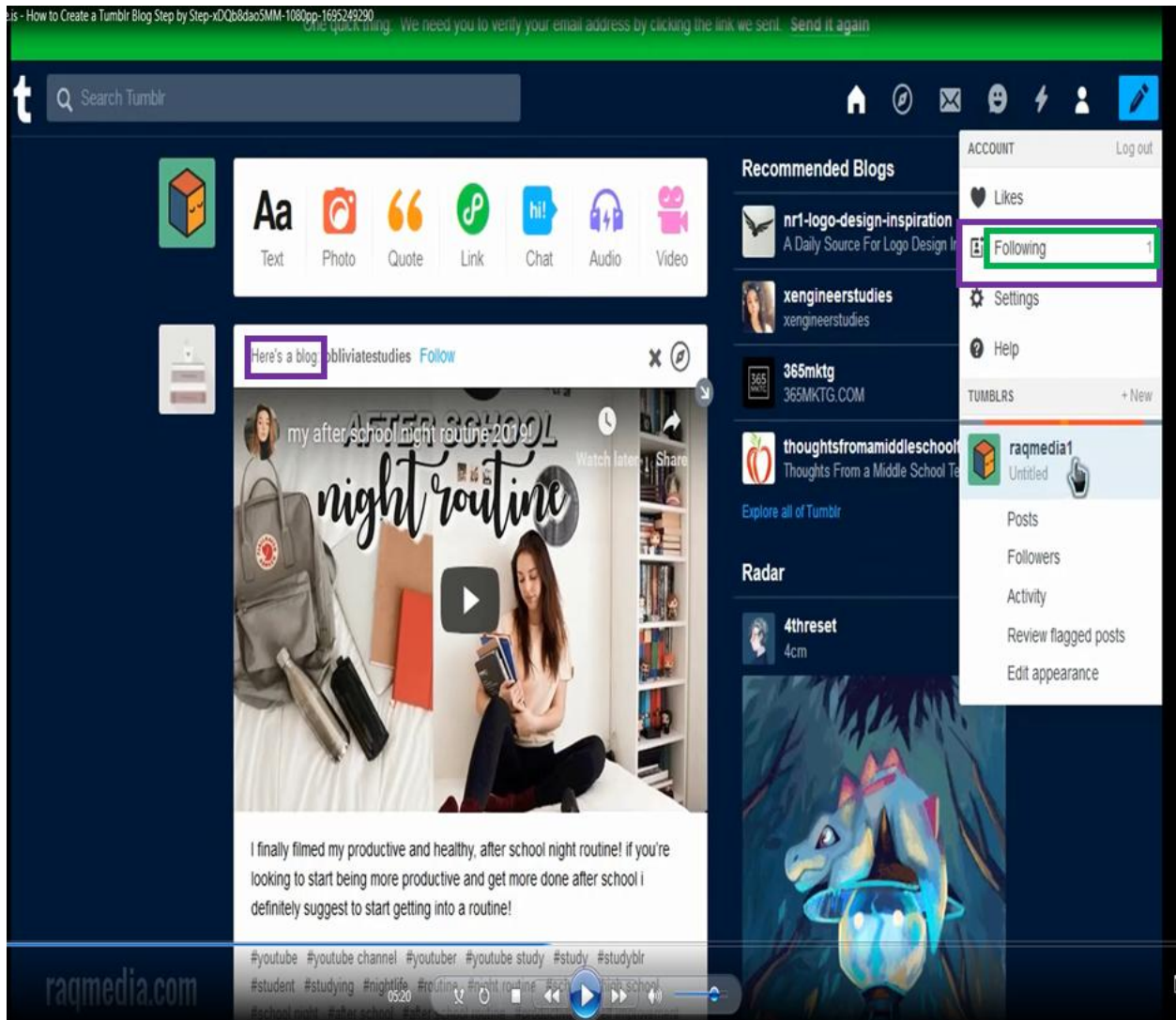
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



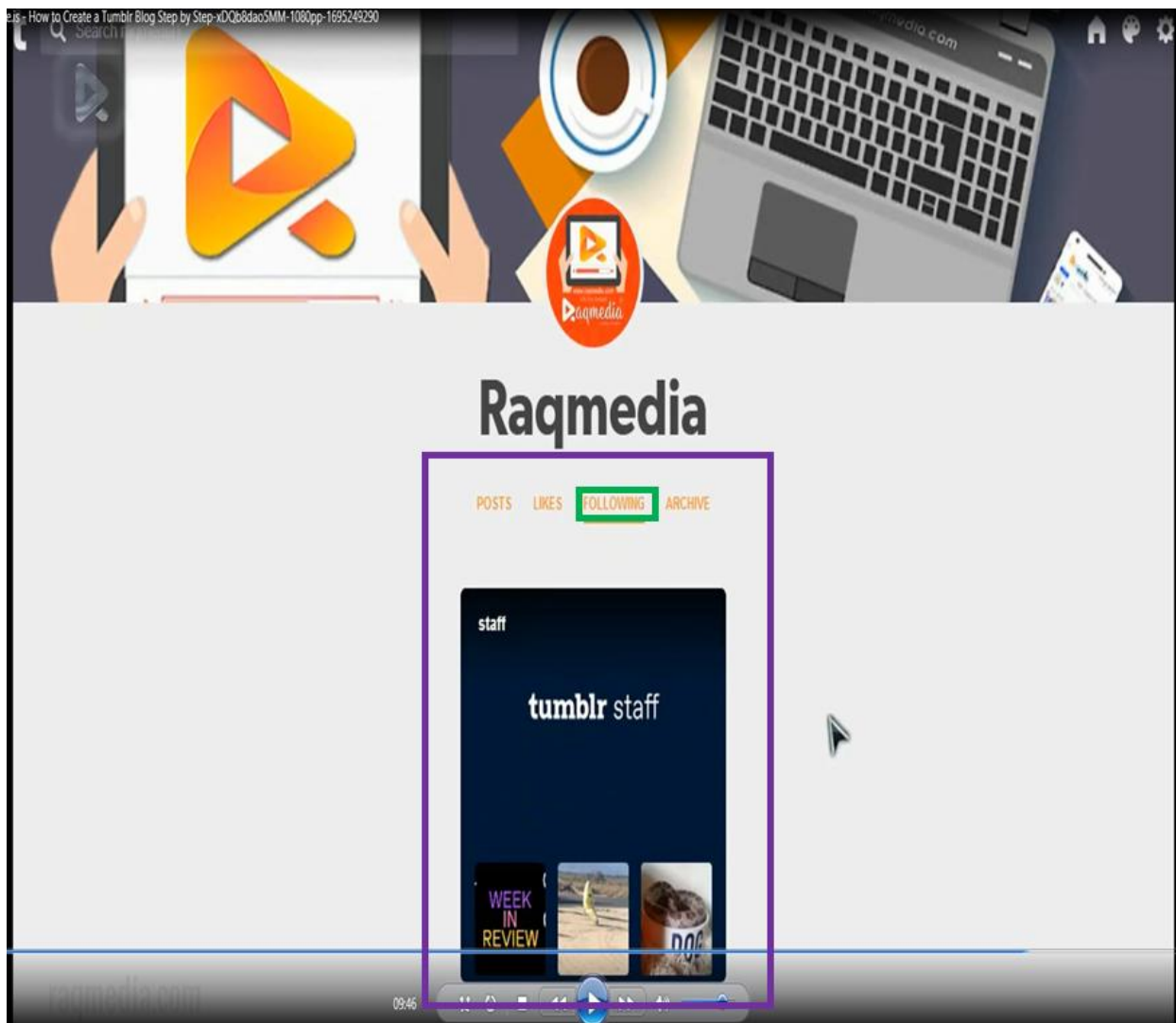
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



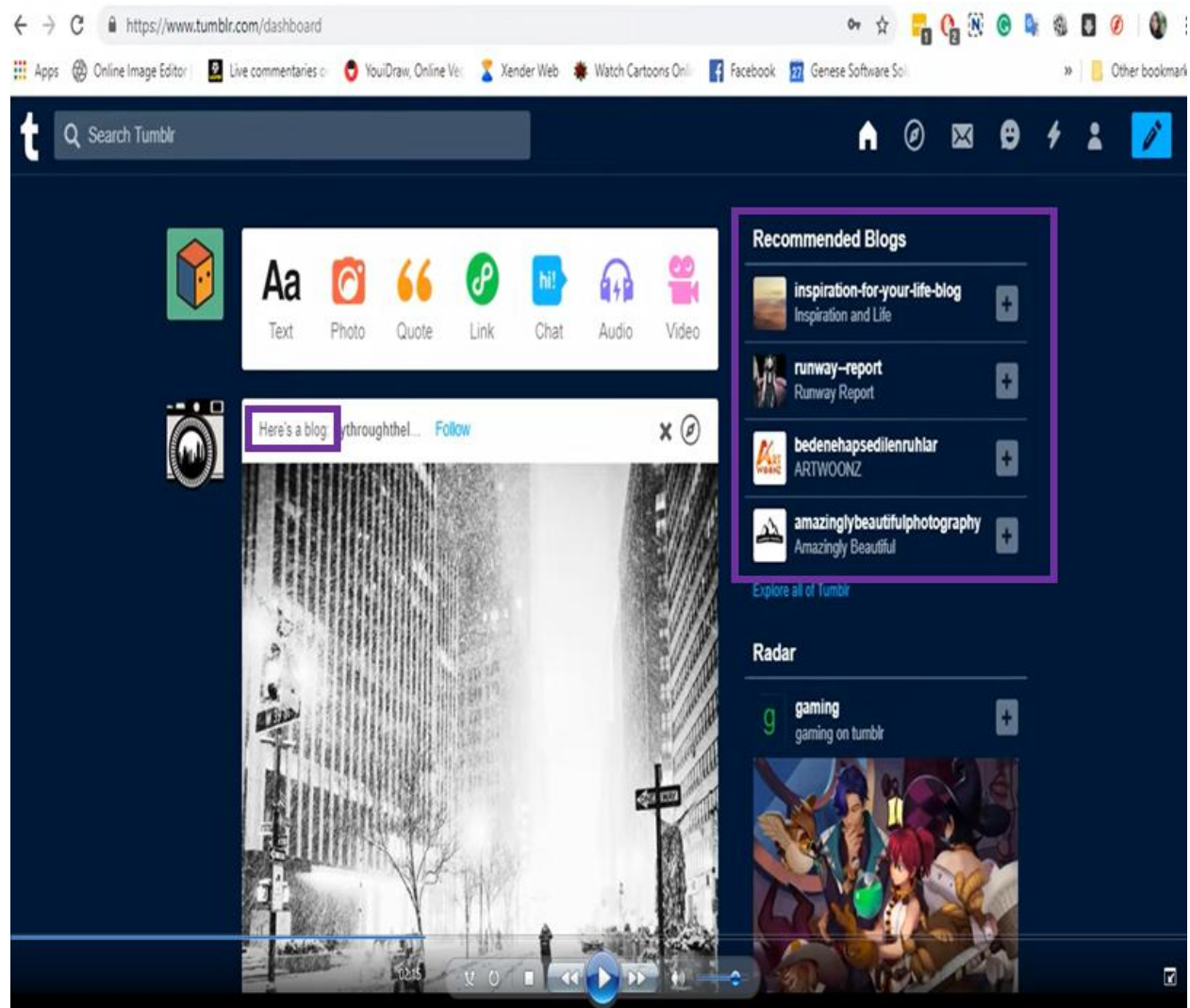
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



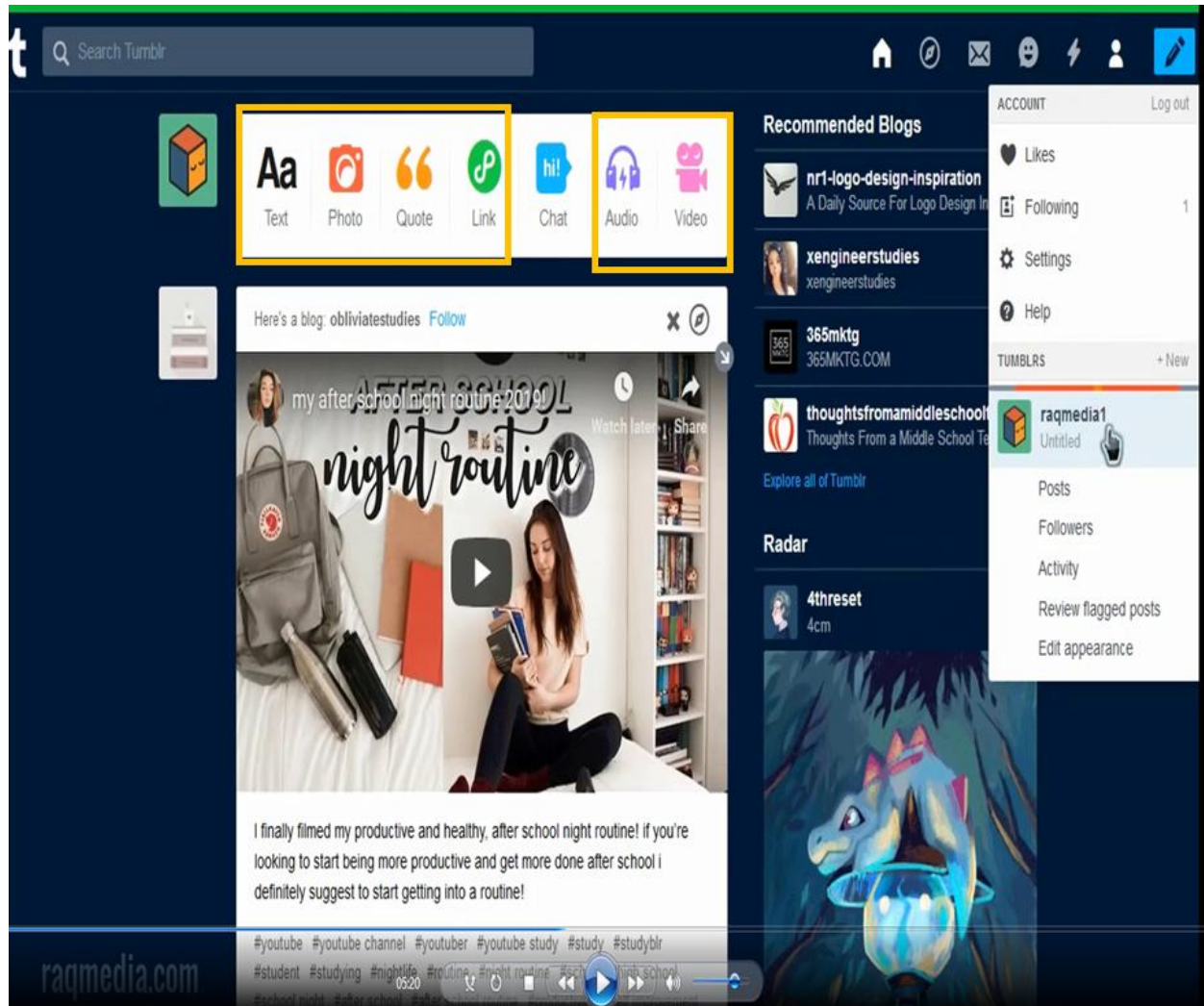
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



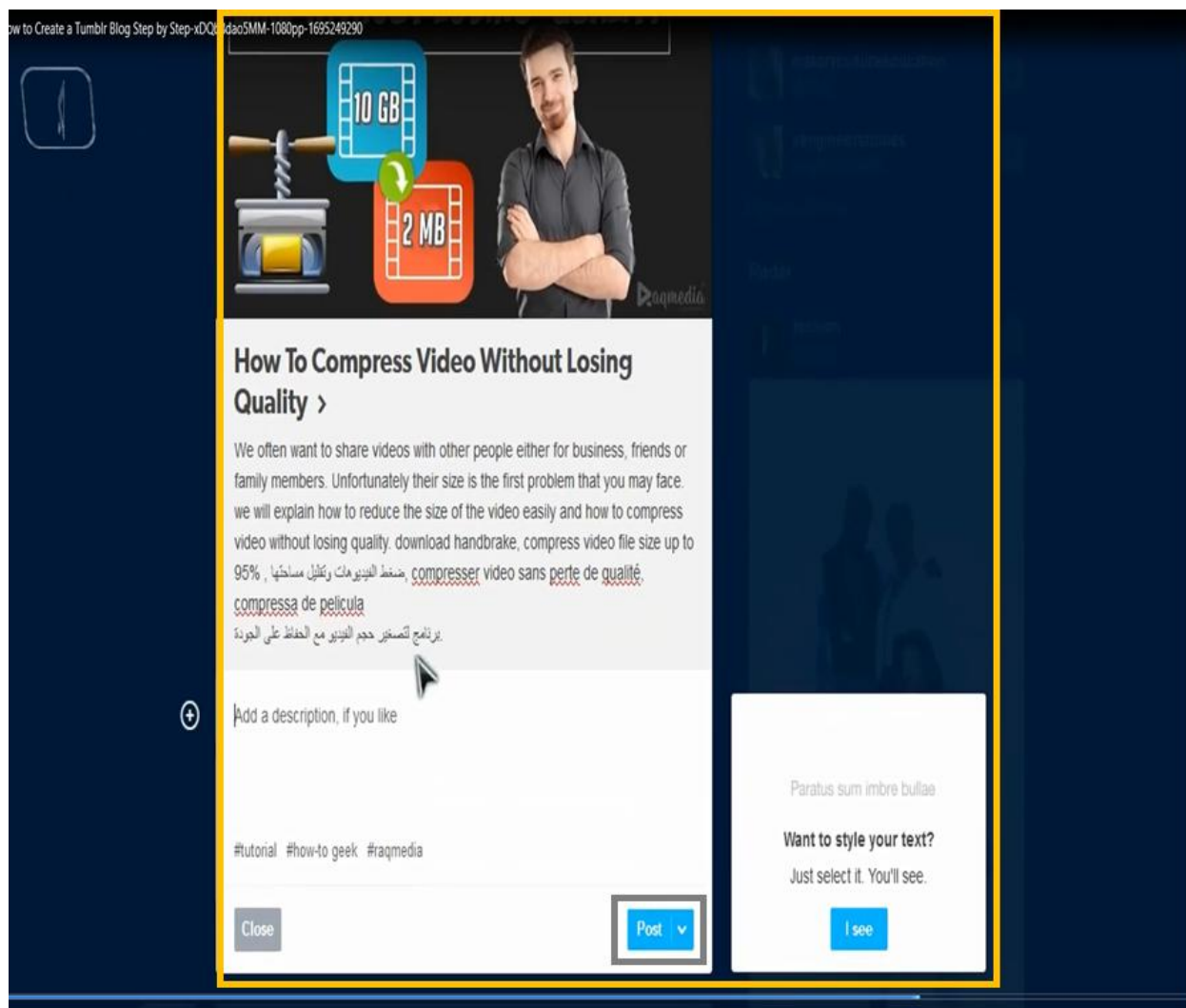
(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).

46. The Accused Instrumentality enables a plurality of electronic media submissions (e.g., posts) to be provided to the Tumblr platform. These submissions, which include e.g., photos, videos, text, and hashtags, to be provided to the Tumblr platform via a submissions electronic interface, accessible for example by logging in and selecting an option to upload content or import content from a third party website, from a plurality of submitters (e.g., Tumblr users with accompanying created accounts and profiles) over a public network (e.g., the Internet) and stored, via an uploading process, in said electronic media submissions database for use in

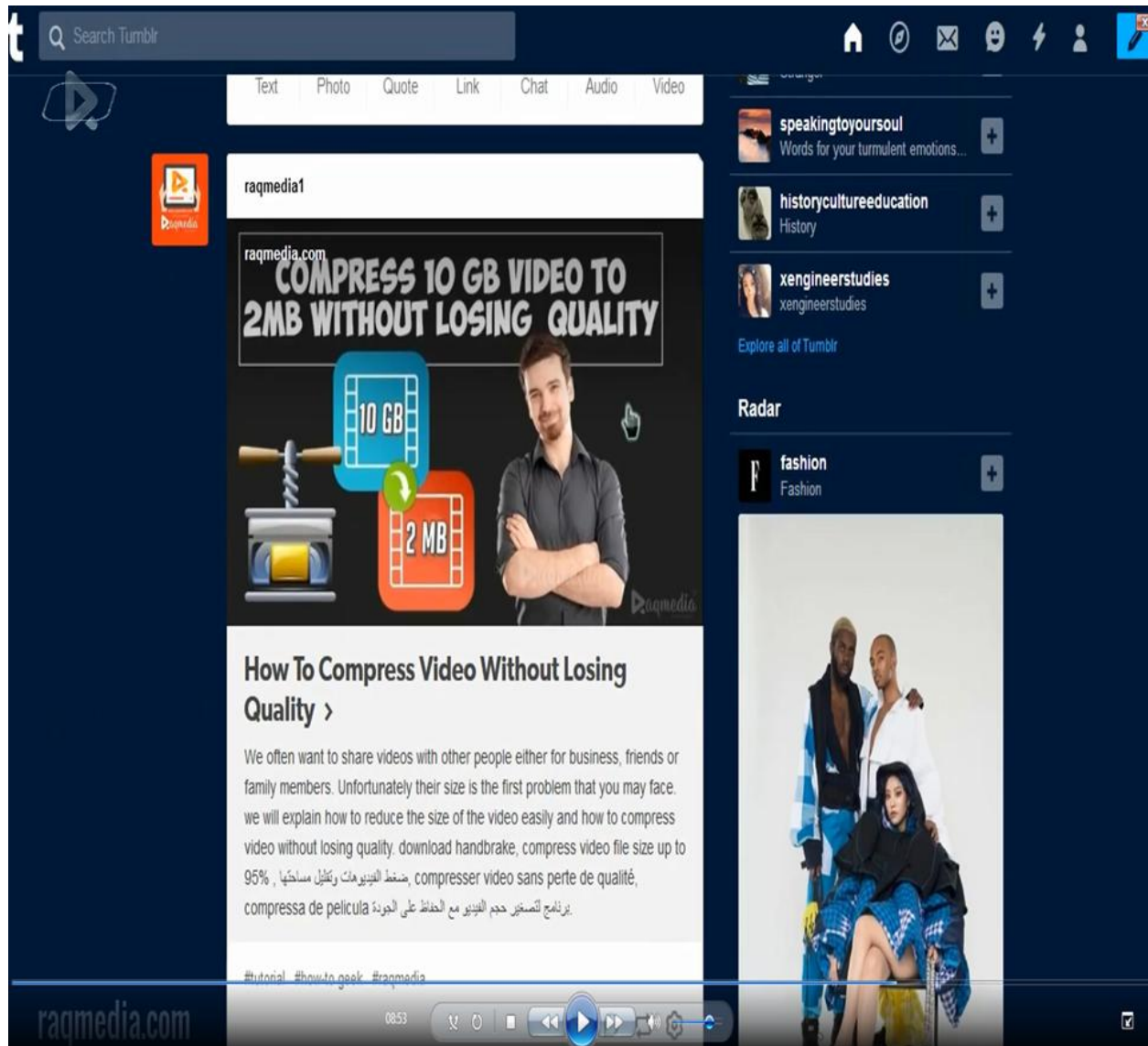
distribution to other users. Such submissions comprising photos, videos, text, and hashtags are made available via storage in the electronic media submissions database for use in distribution to other users, such as the general userbase of Tumblr, as per a respective member's interest and follower selections in conjunction with Tumblr's proprietary algorithms as to which content to provide on a given user's customized feed.



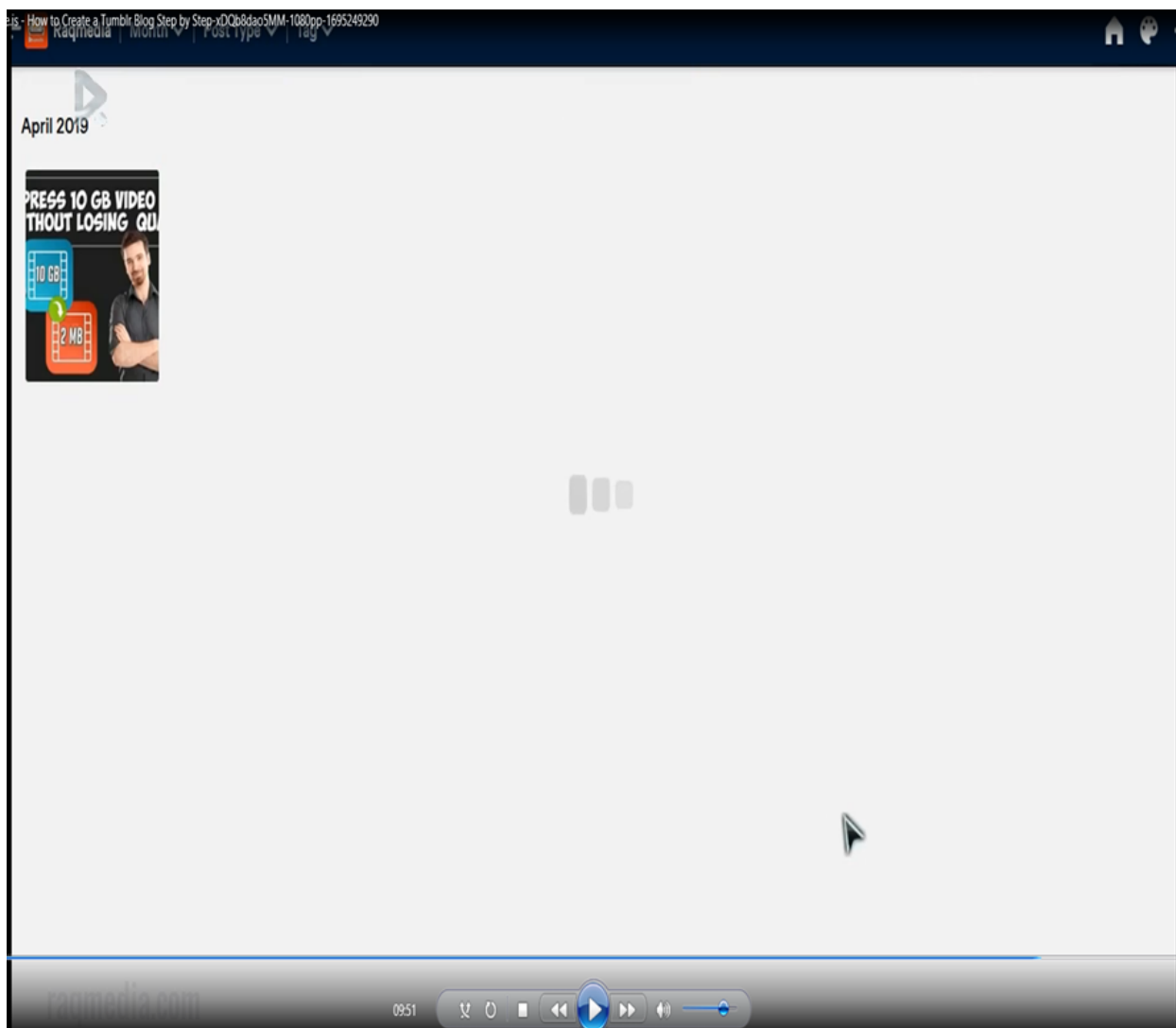
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



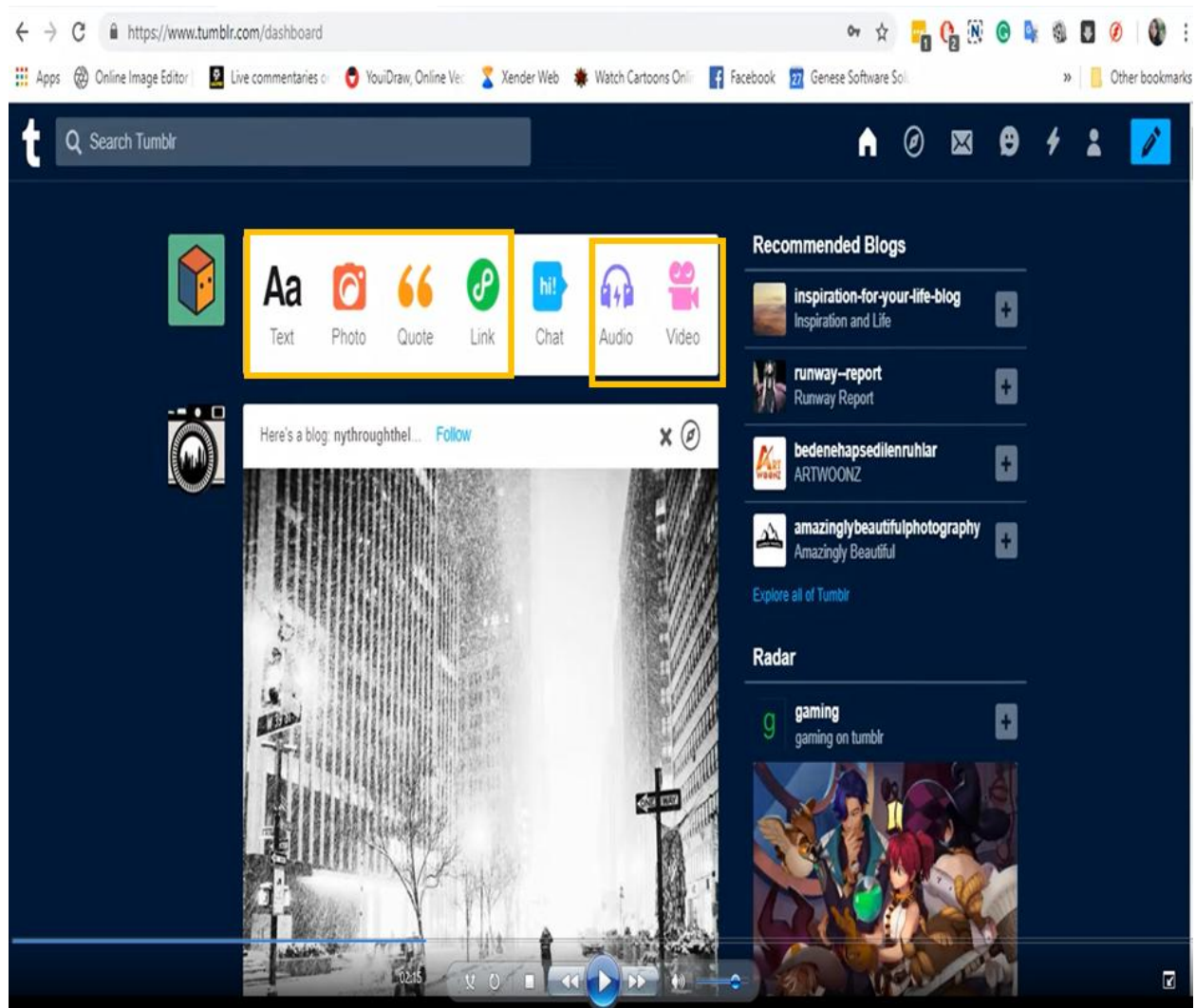
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



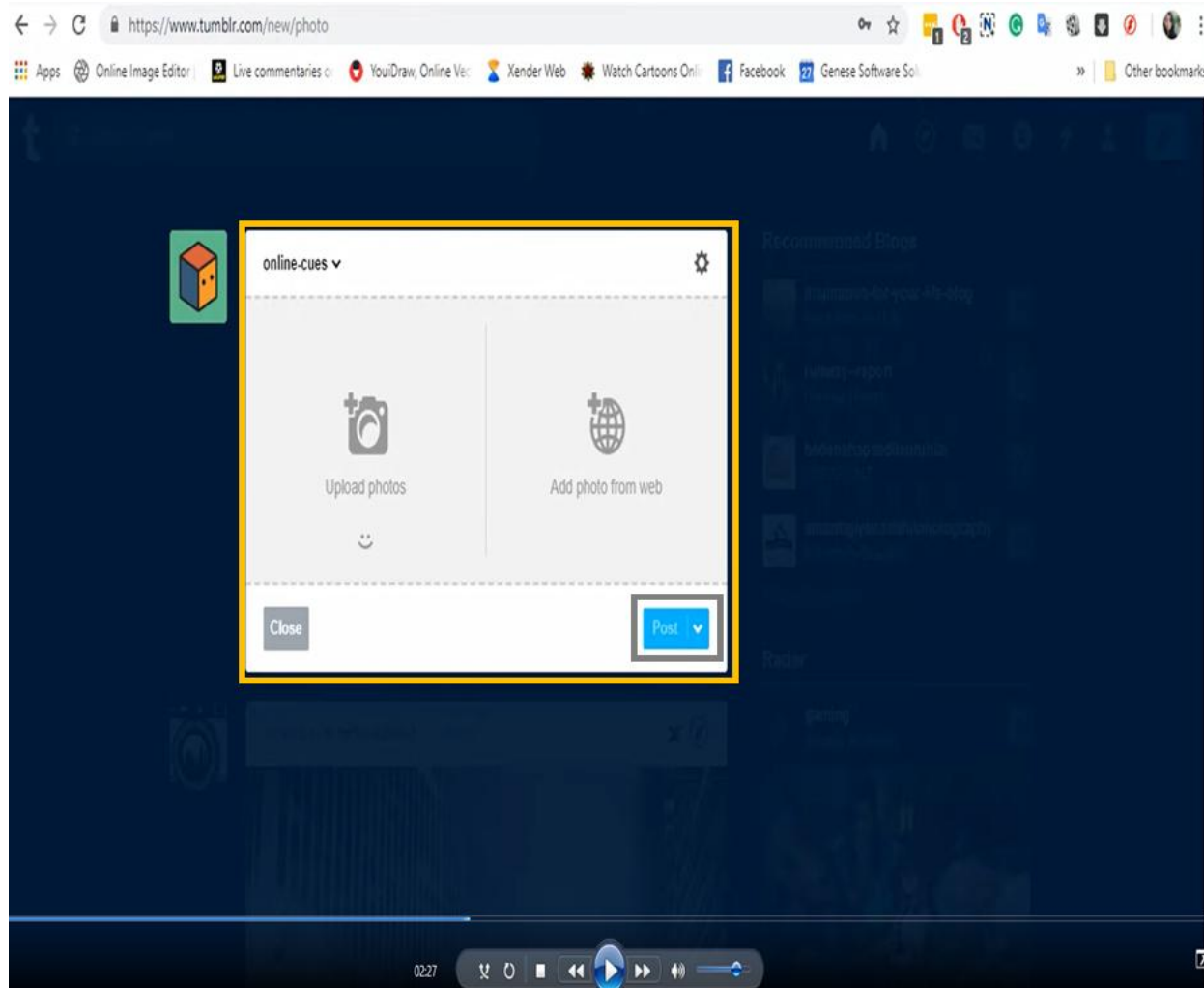
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



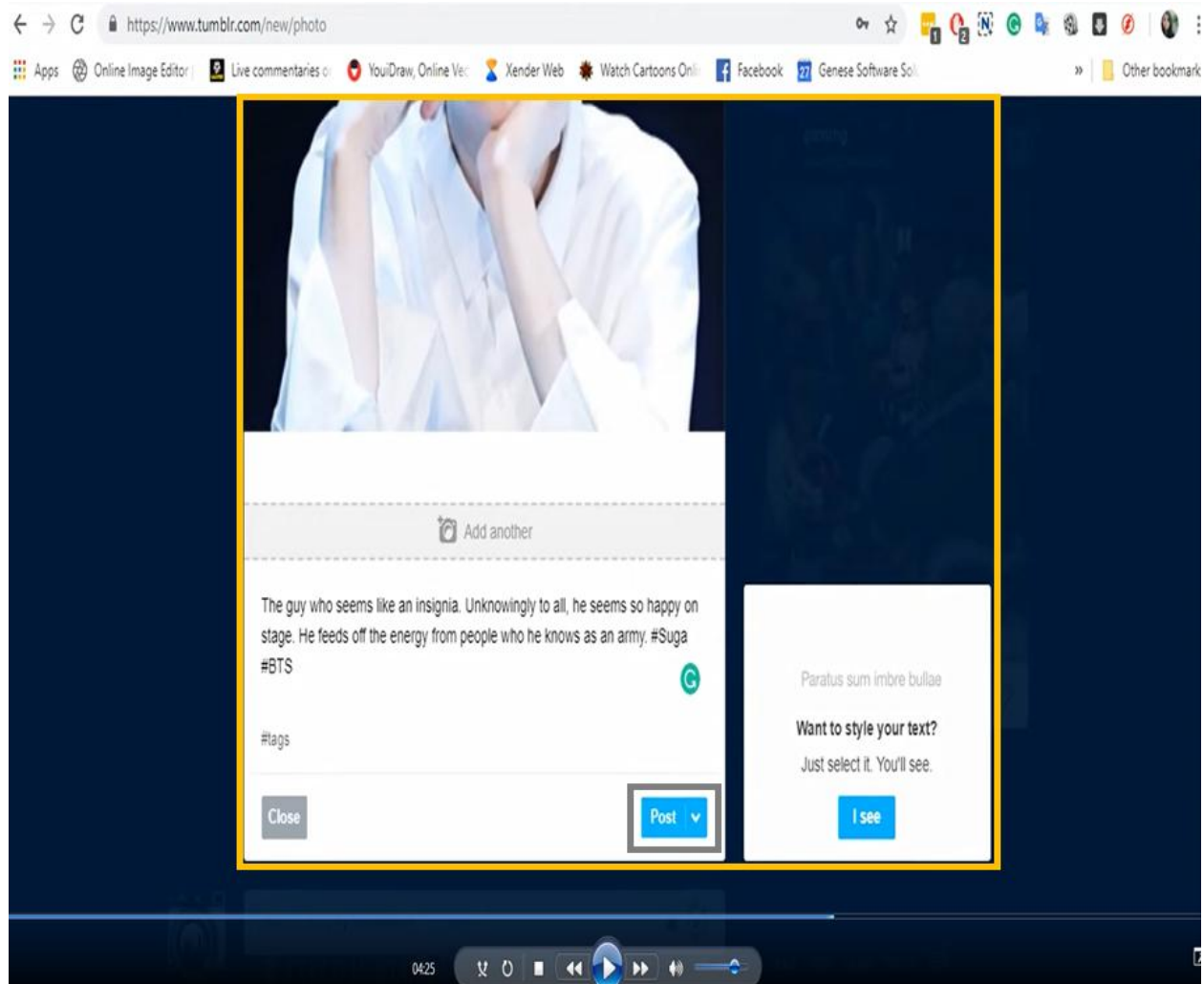
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



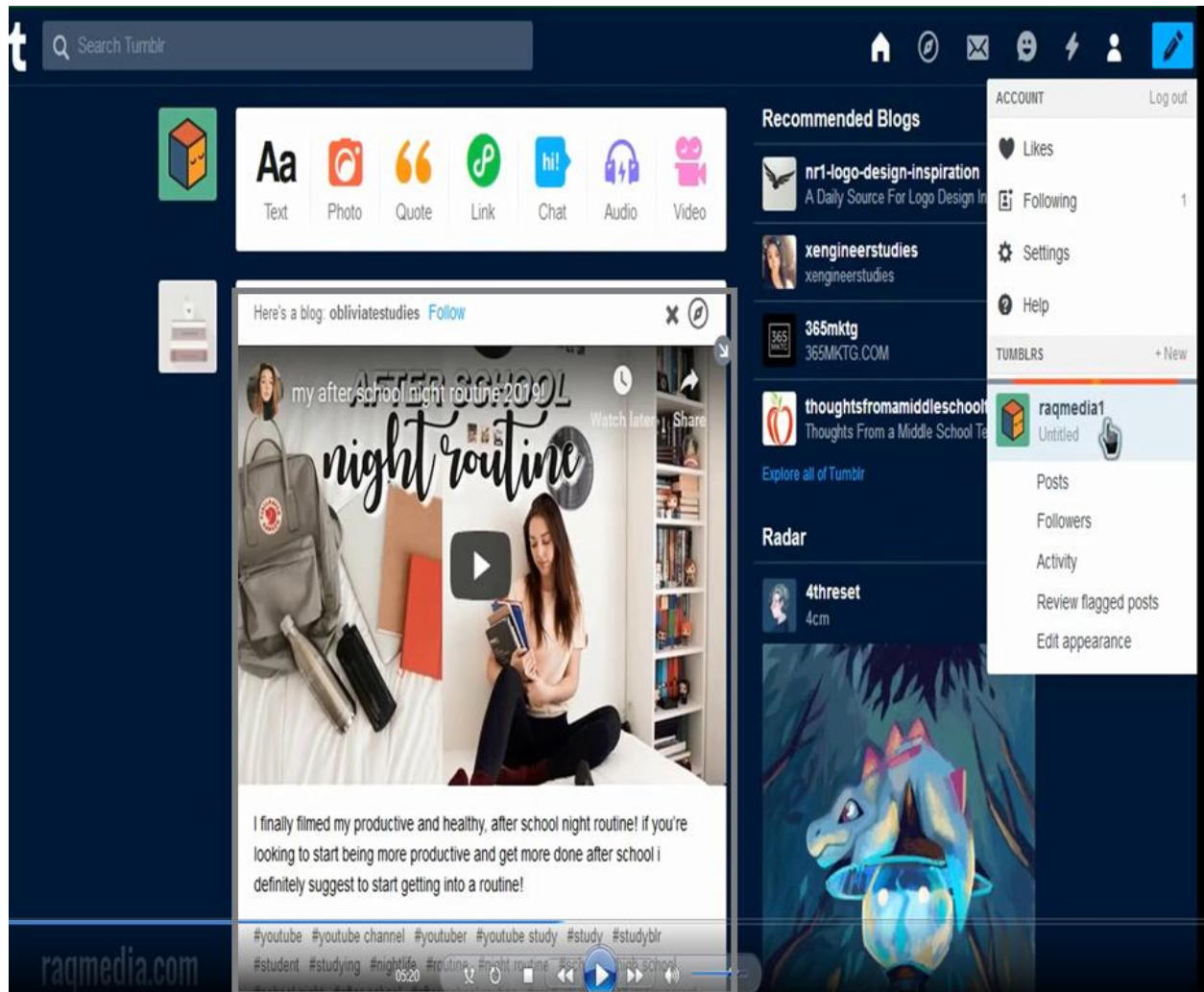
(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).



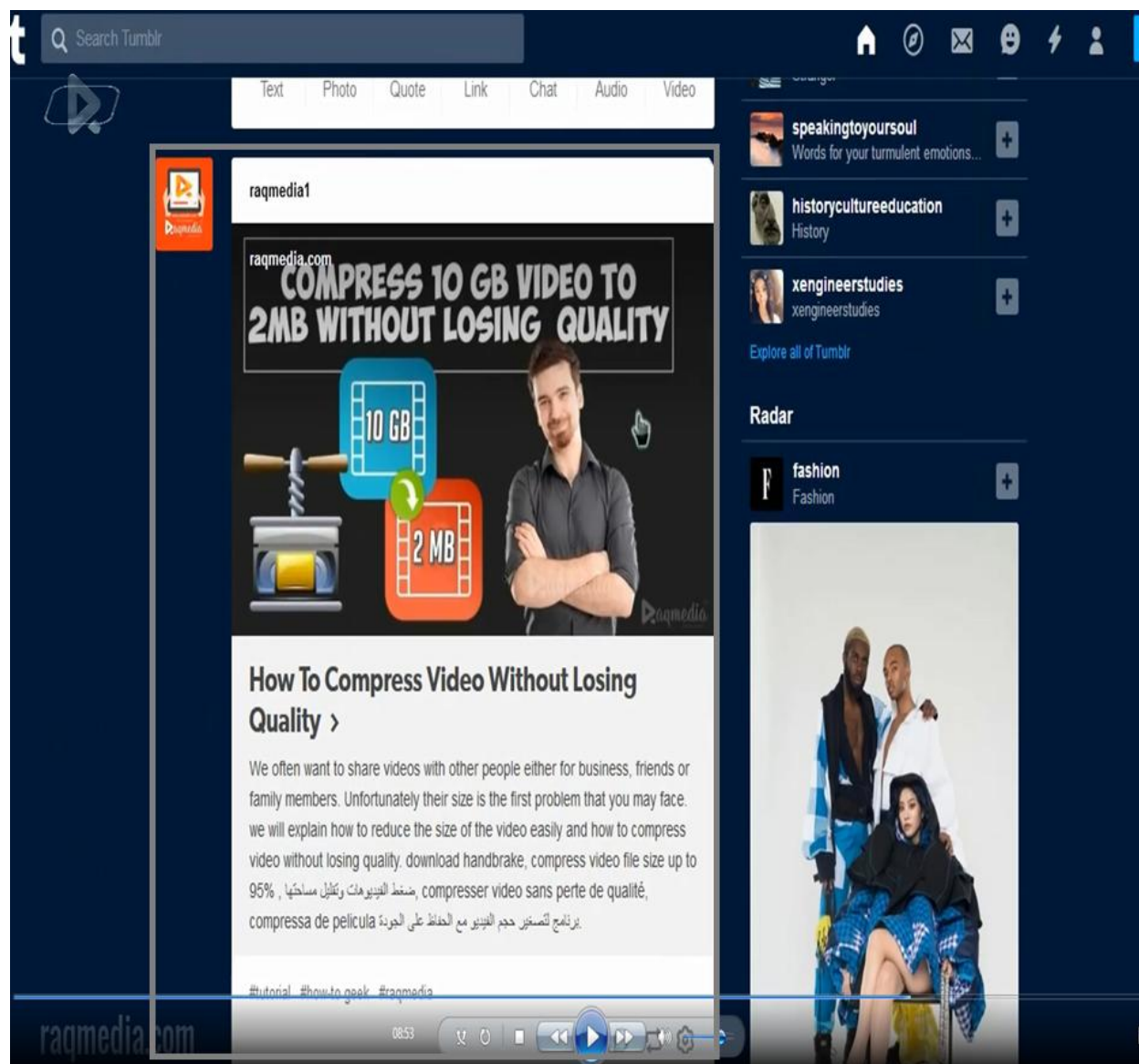
(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).



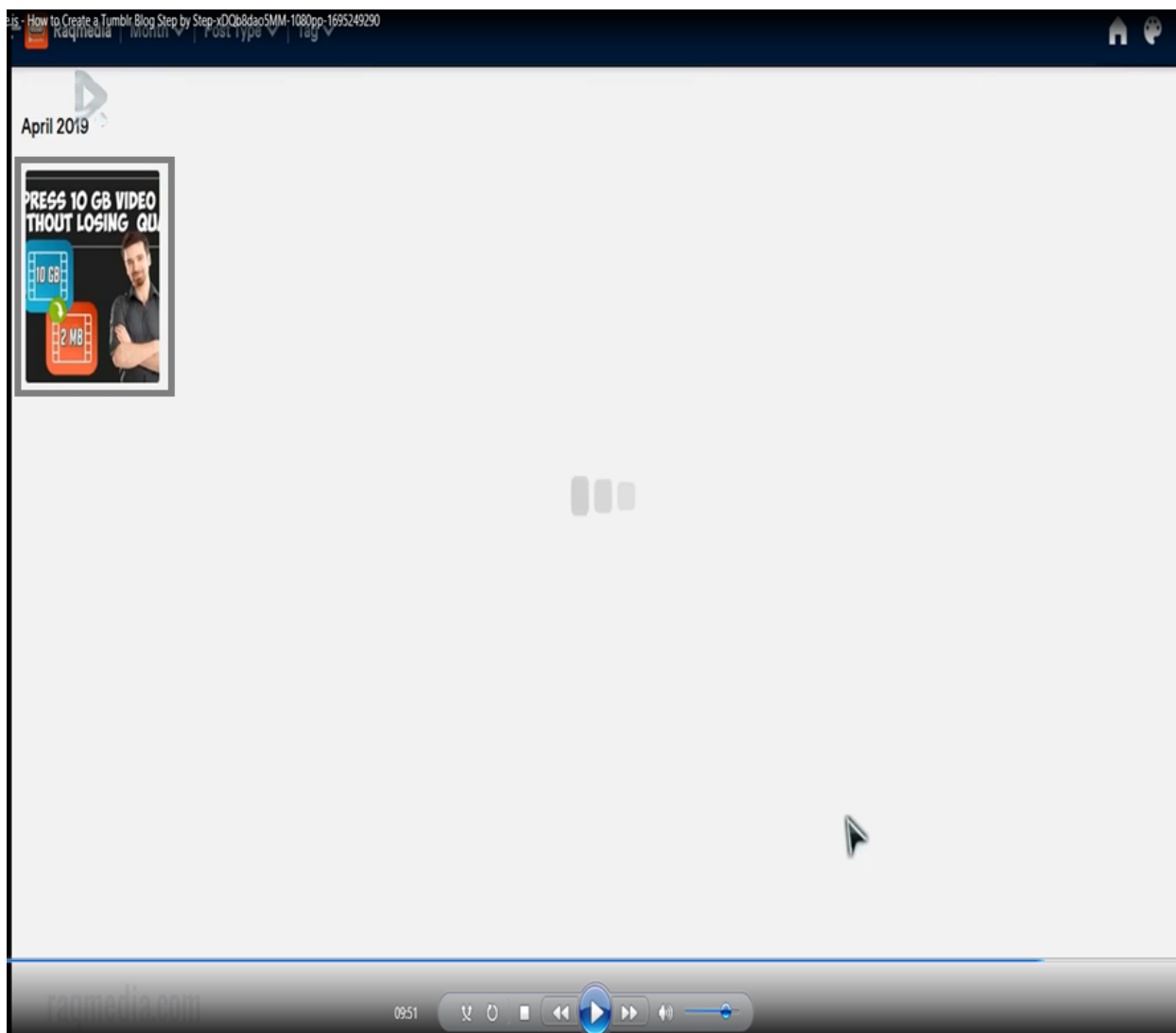
(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).



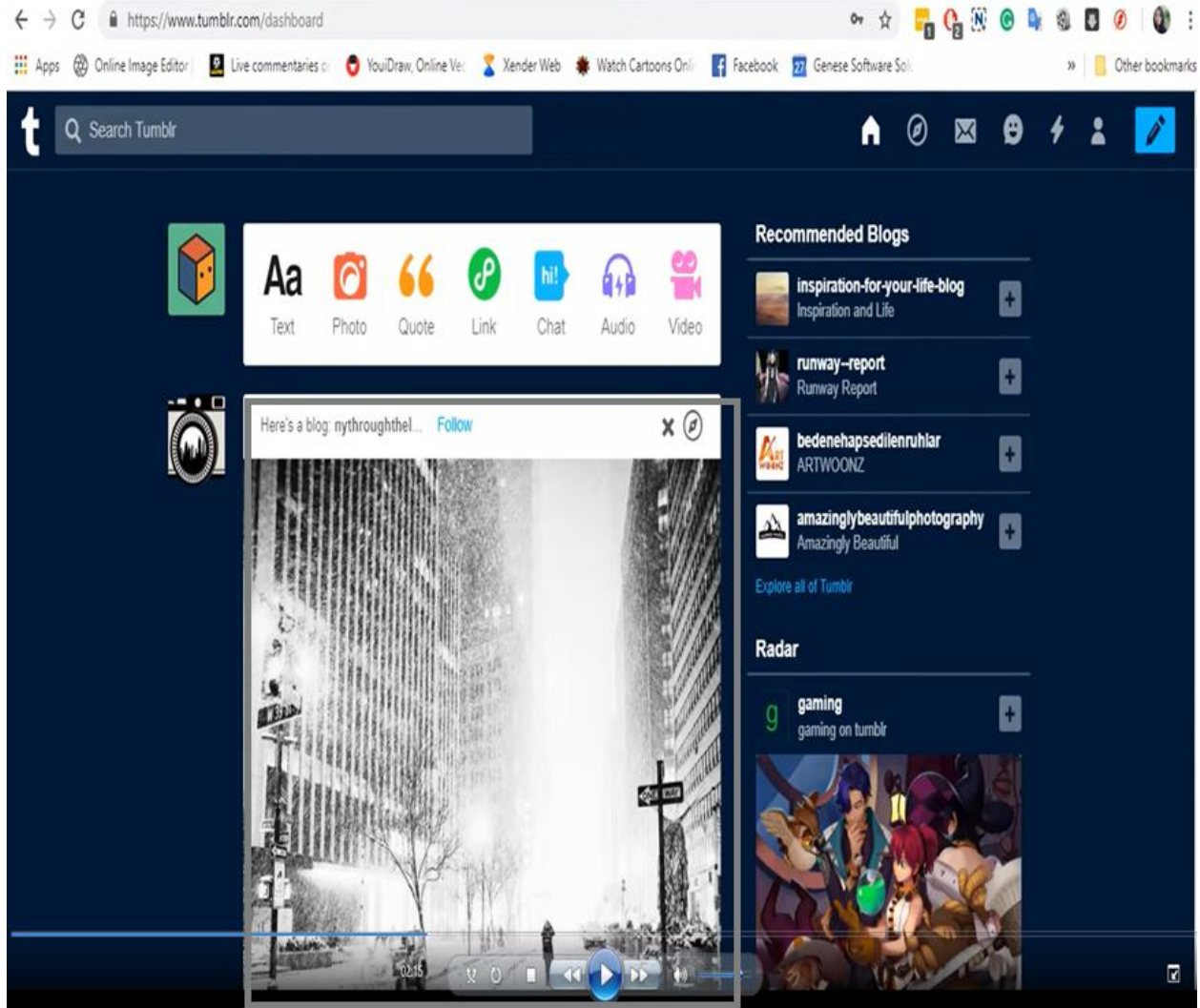
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



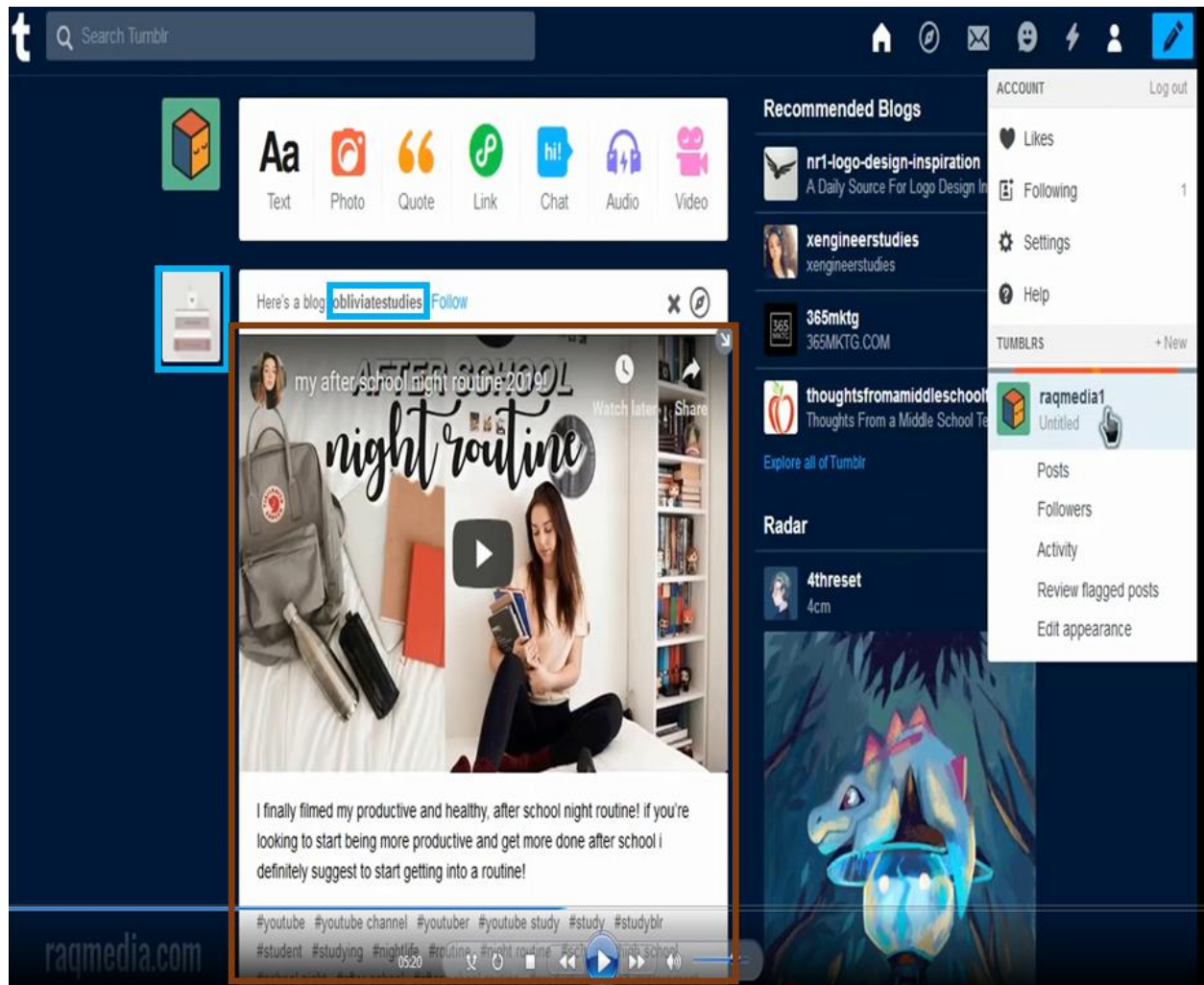
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



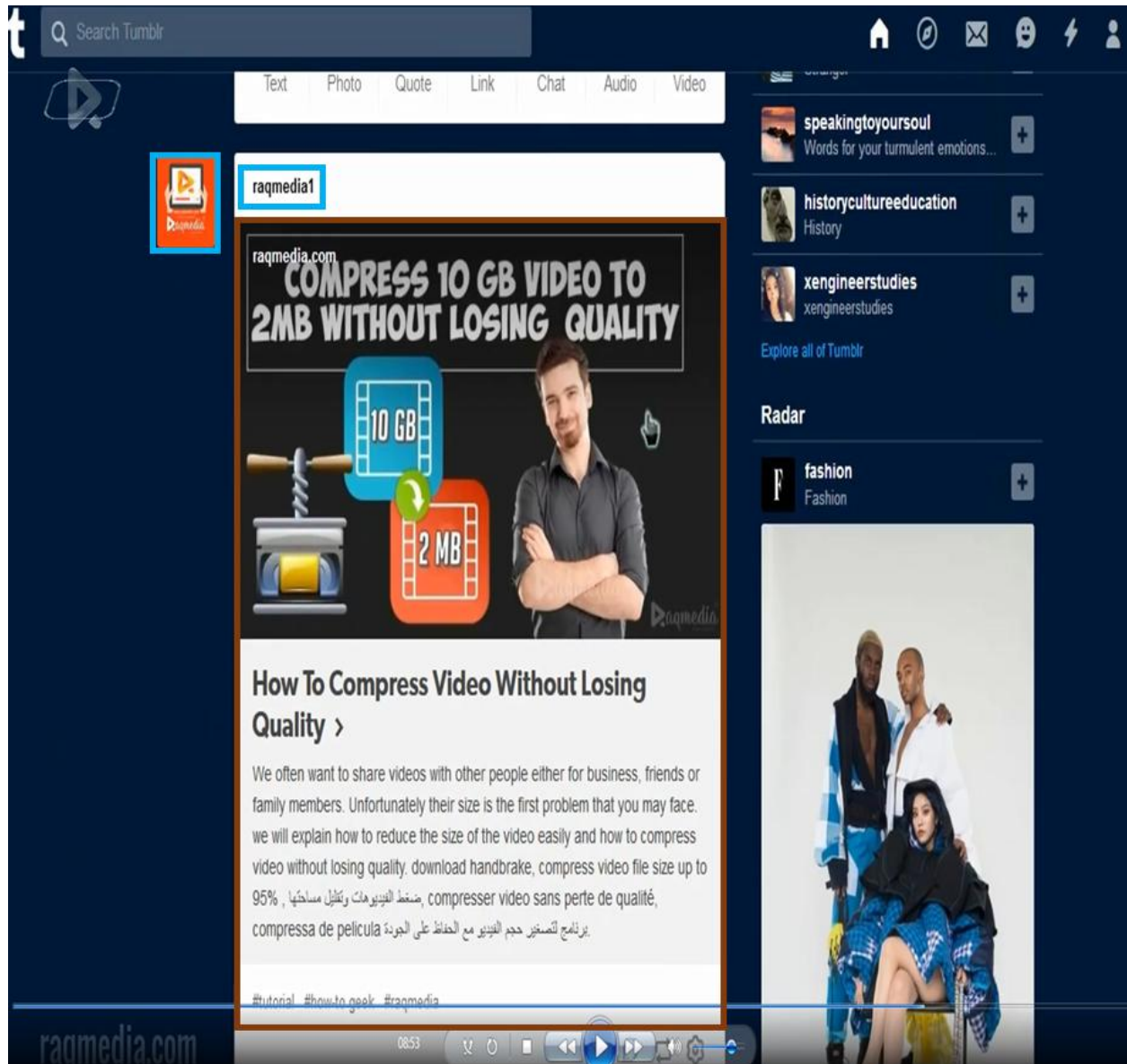
(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).

47. The Accused Instrumentality electronically generates multimedia files from the retrieved electronic media submissions in accordance with a selected digital format (e.g., a digital format compatible with a selected digital format compatible with the particular smart phone, browser, or application of a particular user), wherein the identification of the submitter is maintained with each retrieved submission within the multimedia file. For example, below are examples of such multimedia files being displayed within a user's browser or app, on a user device (e.g., a device such as a or computer incorporating a browser or app), in association with

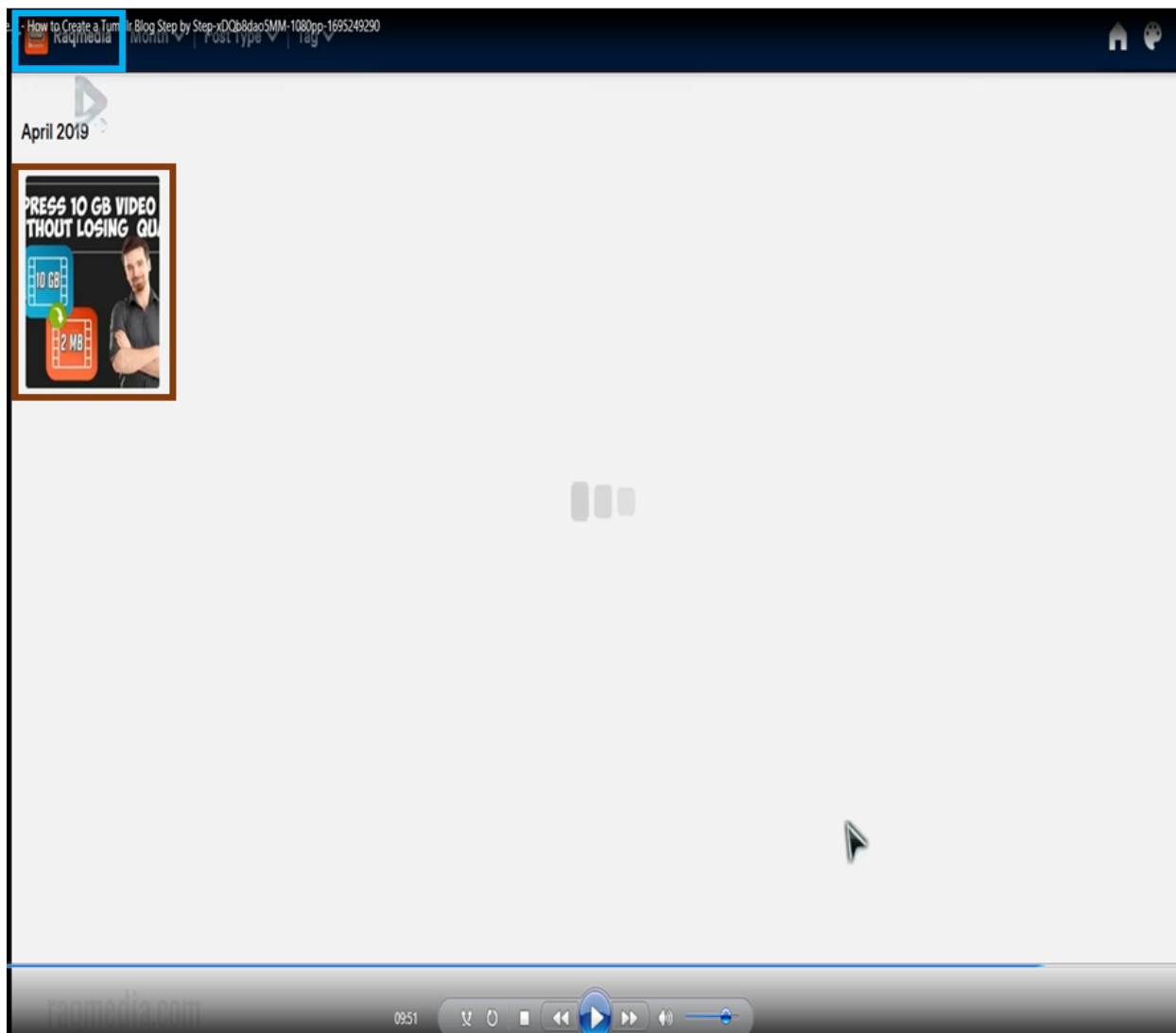
the identification of the submitter (e.g., a name and profile photo(s)) each retrieved submission (e.g., post) within the multimedia content.



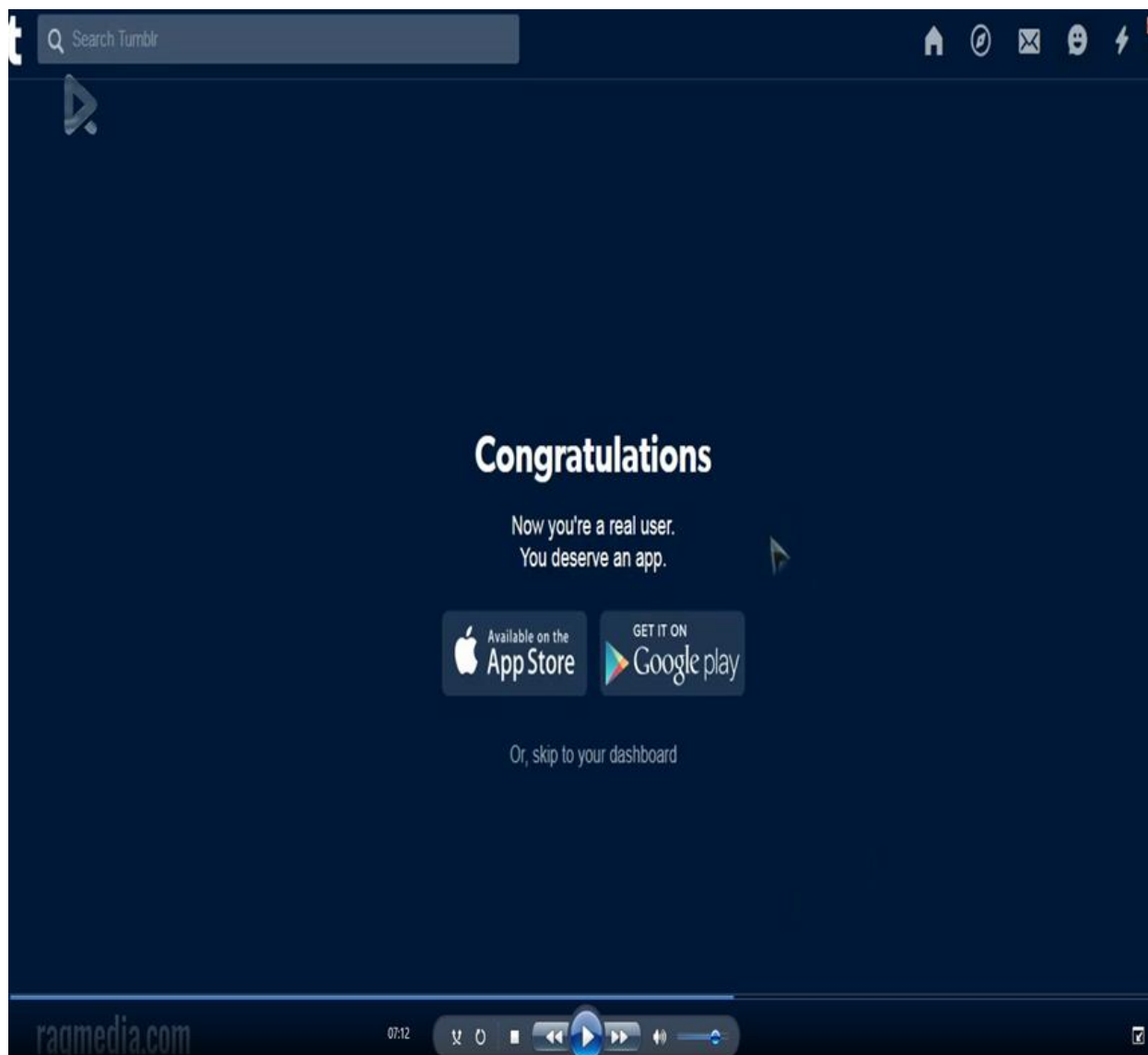
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



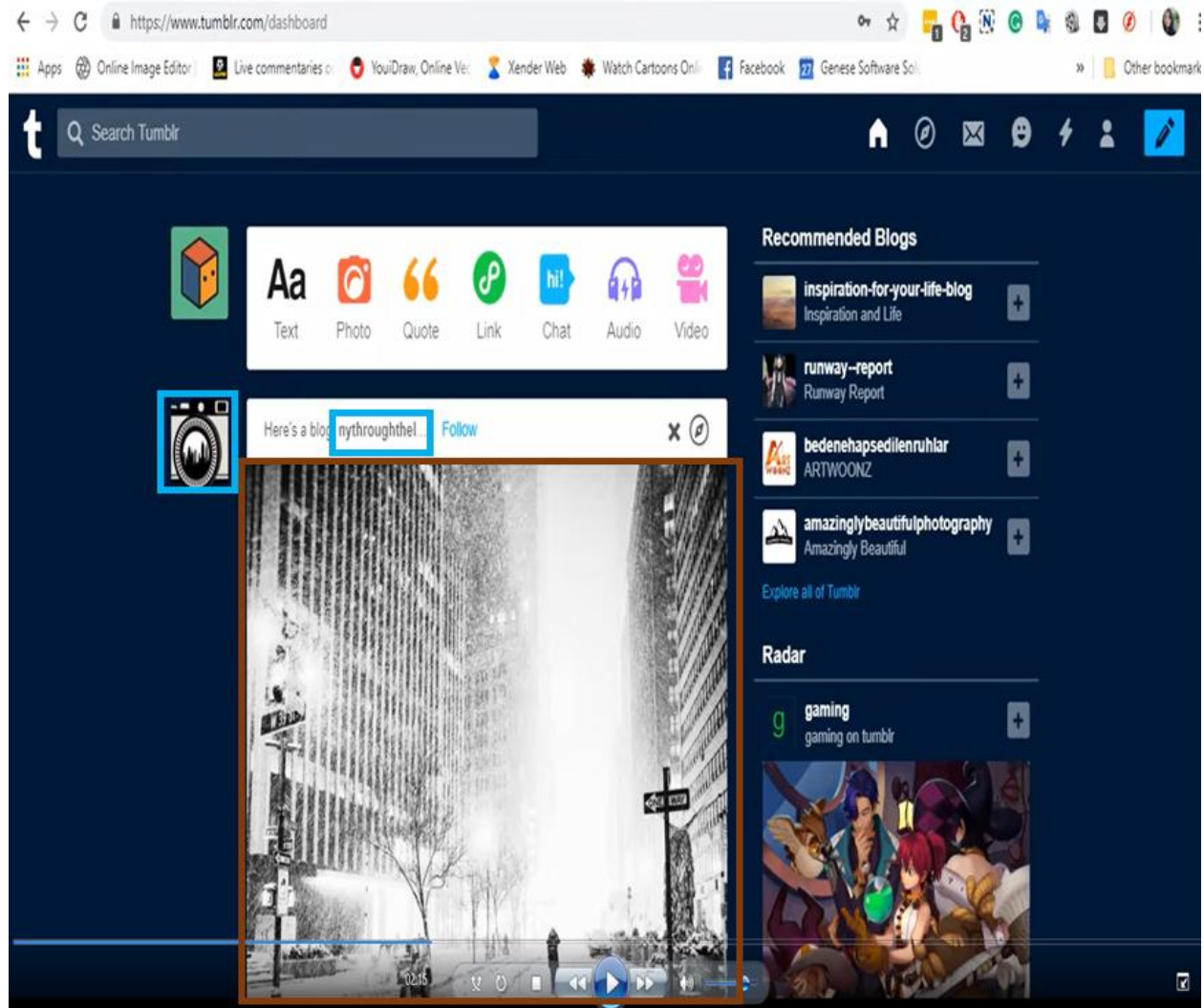
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



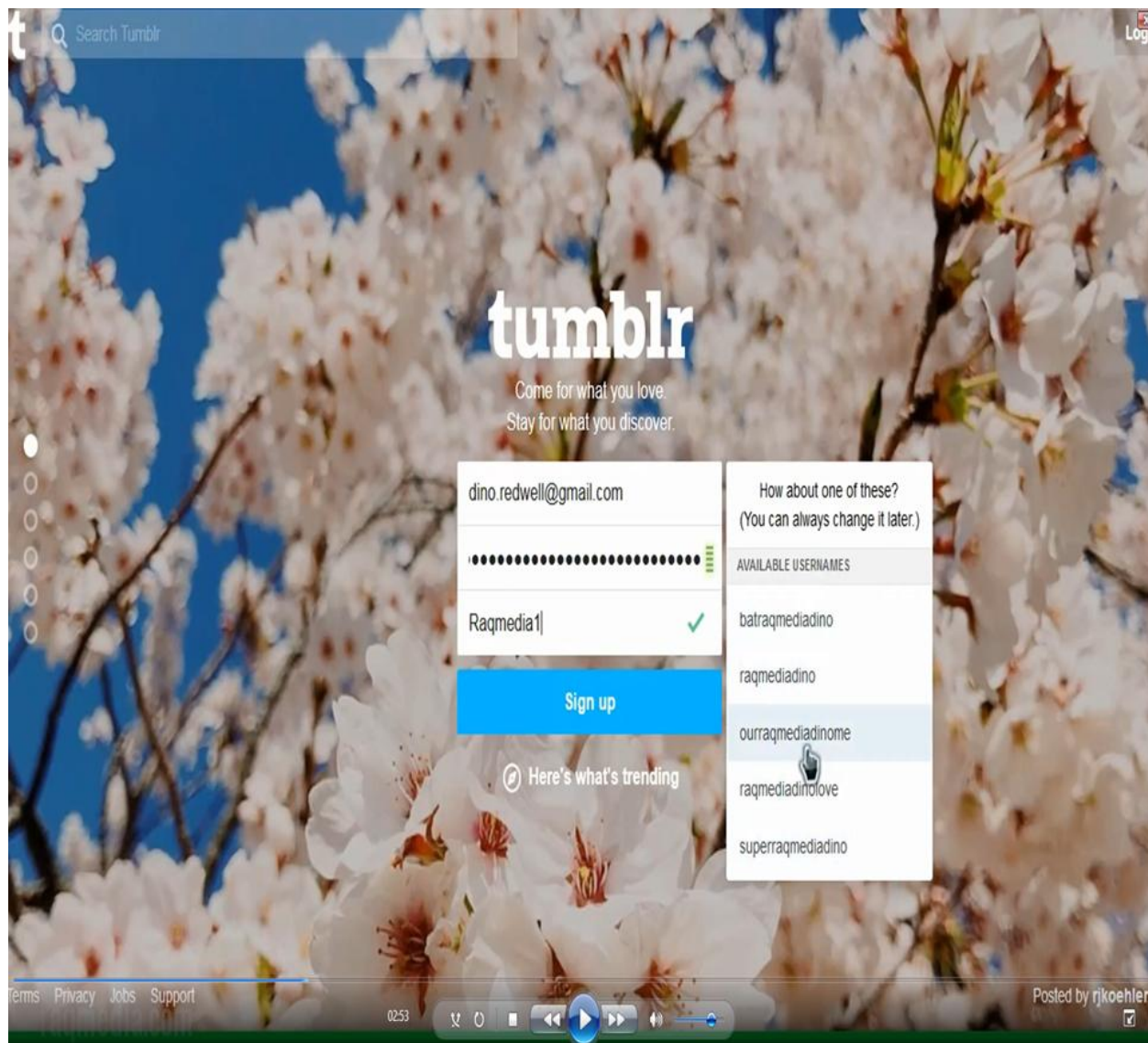
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



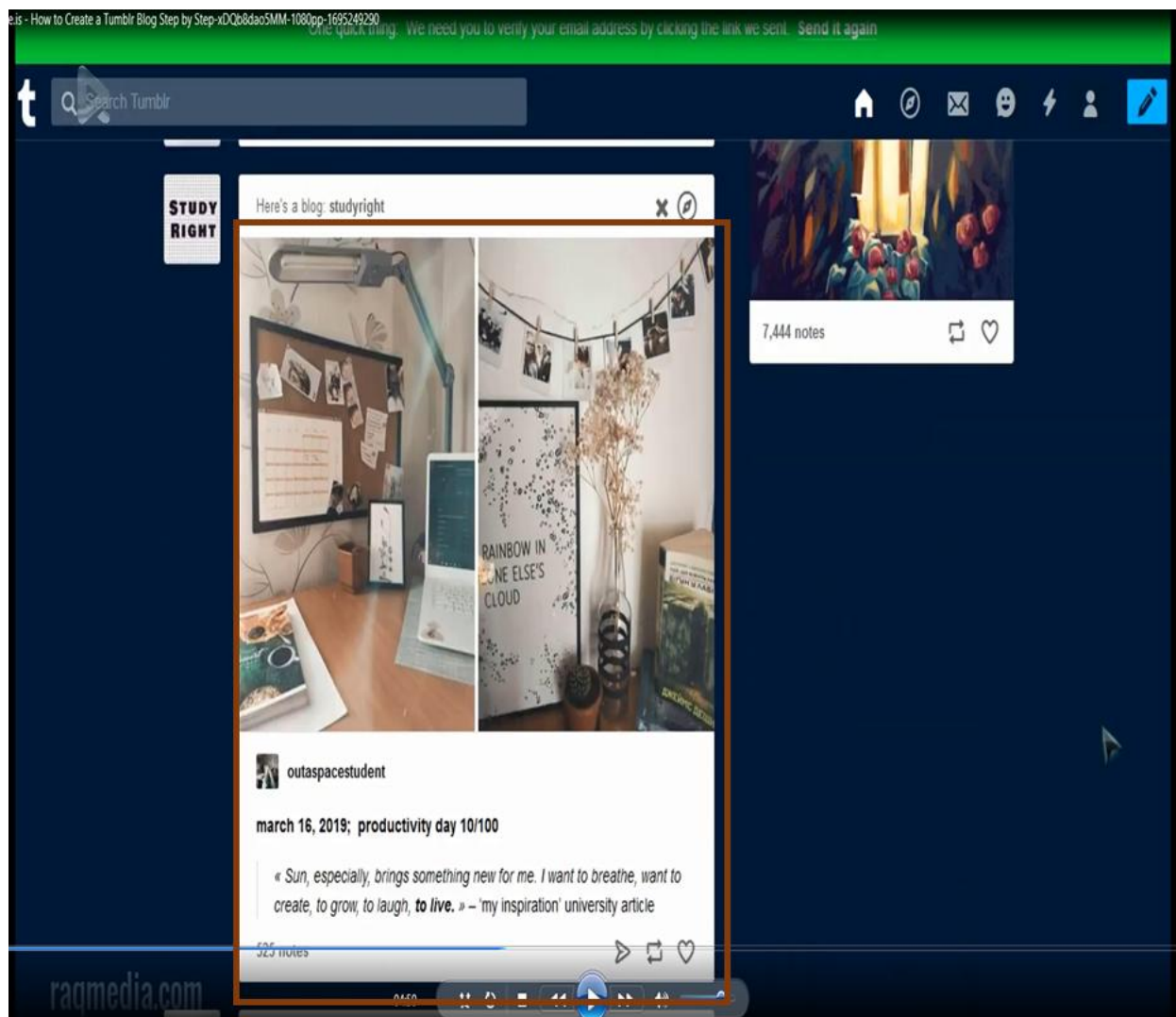
(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).

48. The Accused Instrumentality electronically transmits the multimedia file to a plurality of publicly available webservers, for example as discussed above in connection with Tumblr's servers, in order to ensure rapid delivery to any of various users from amongst a geographically-distributed userbase, to be electronically available for viewing on one or more user devices of such userbase over a public network (e.g., the Internet) via a web-browser. Examples of viewing of such multimedia files and their associated multimedia content on user devices via a public network via a computer-based web browser (or via a smart phone app, which functions as a web-browser to view various Internet-supplied content hosted from the

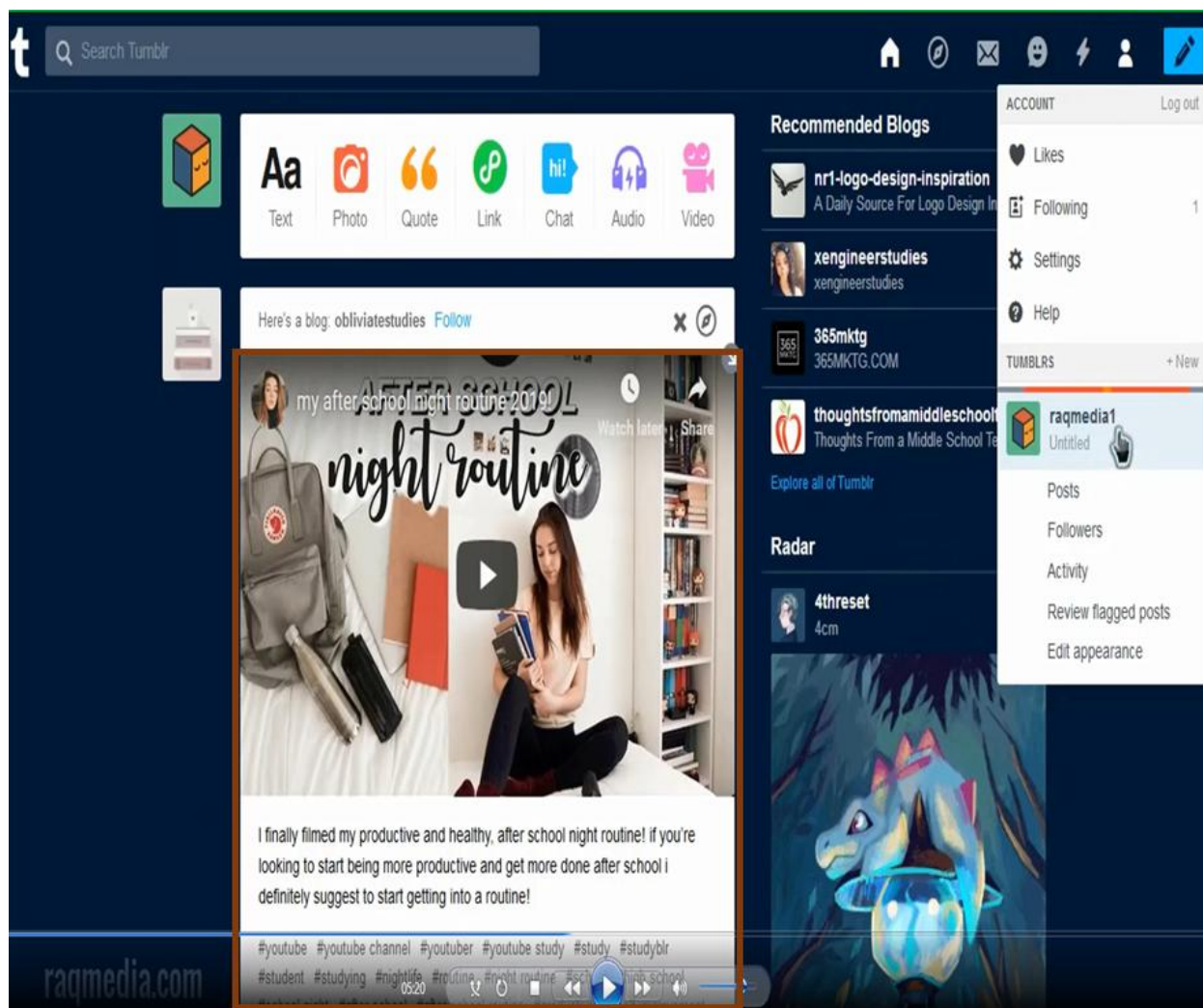
Tumblr platform) is shown below. Tumblr uses function-specific subsystems, for example as discussed below.



(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



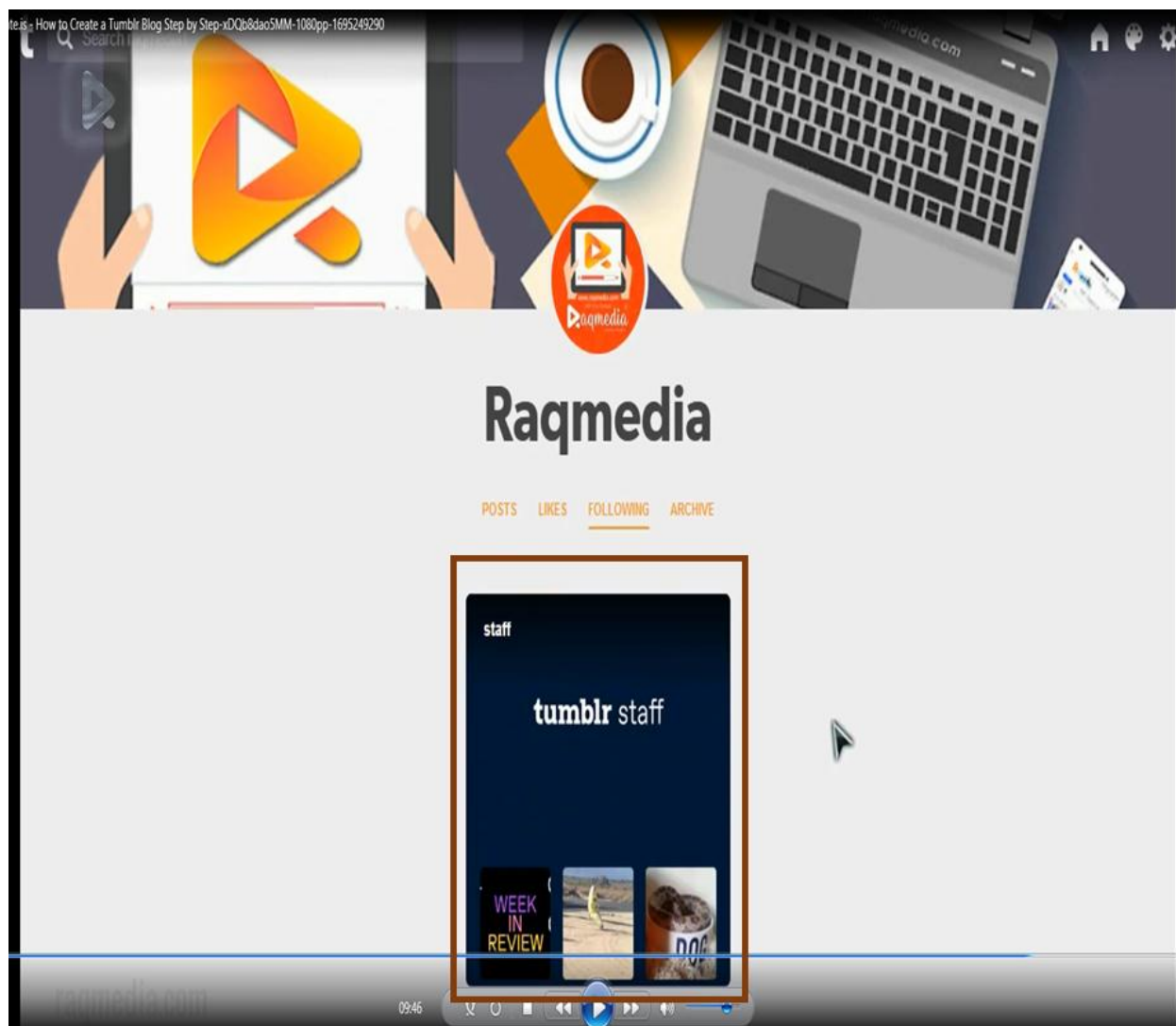
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



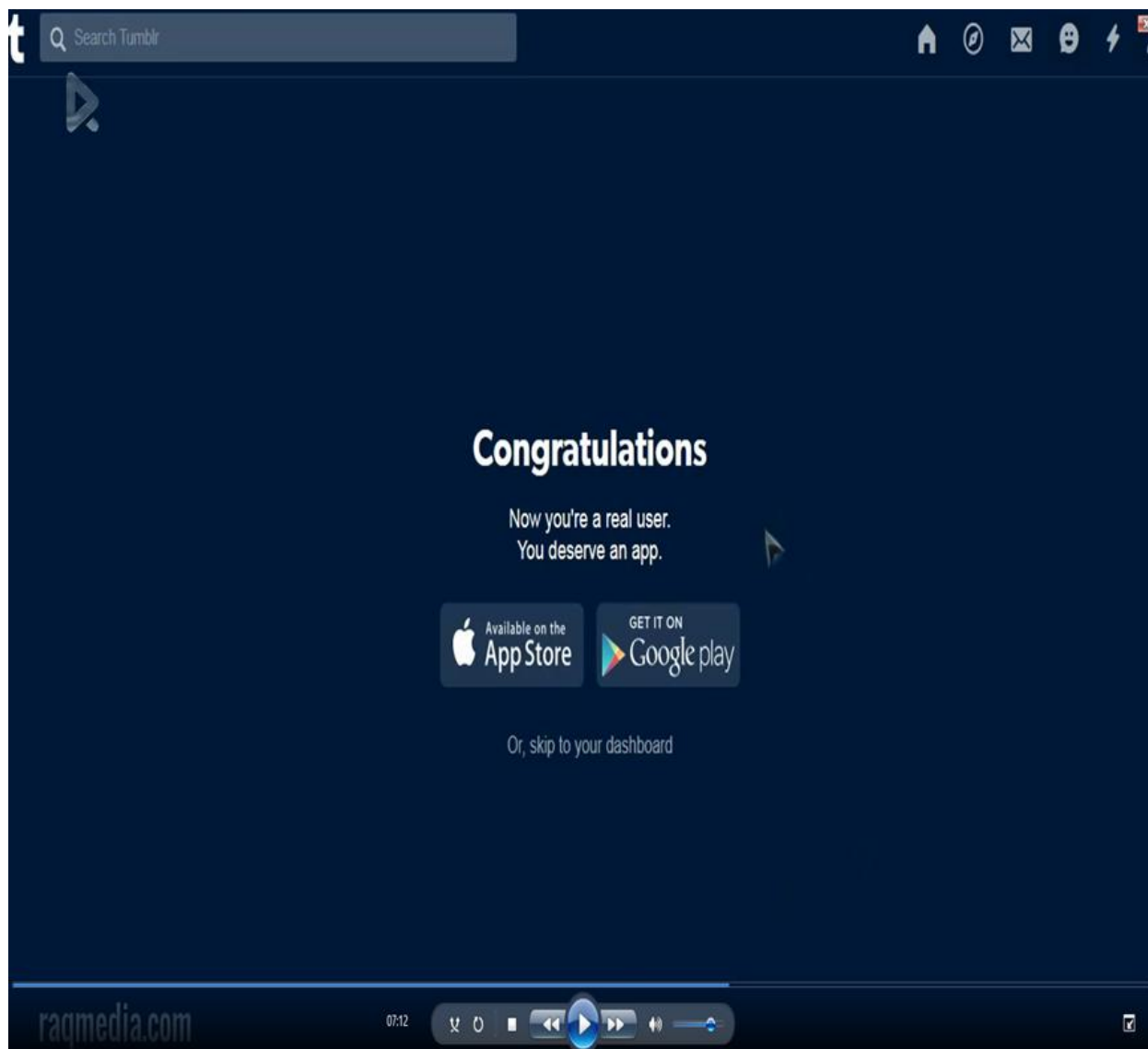
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



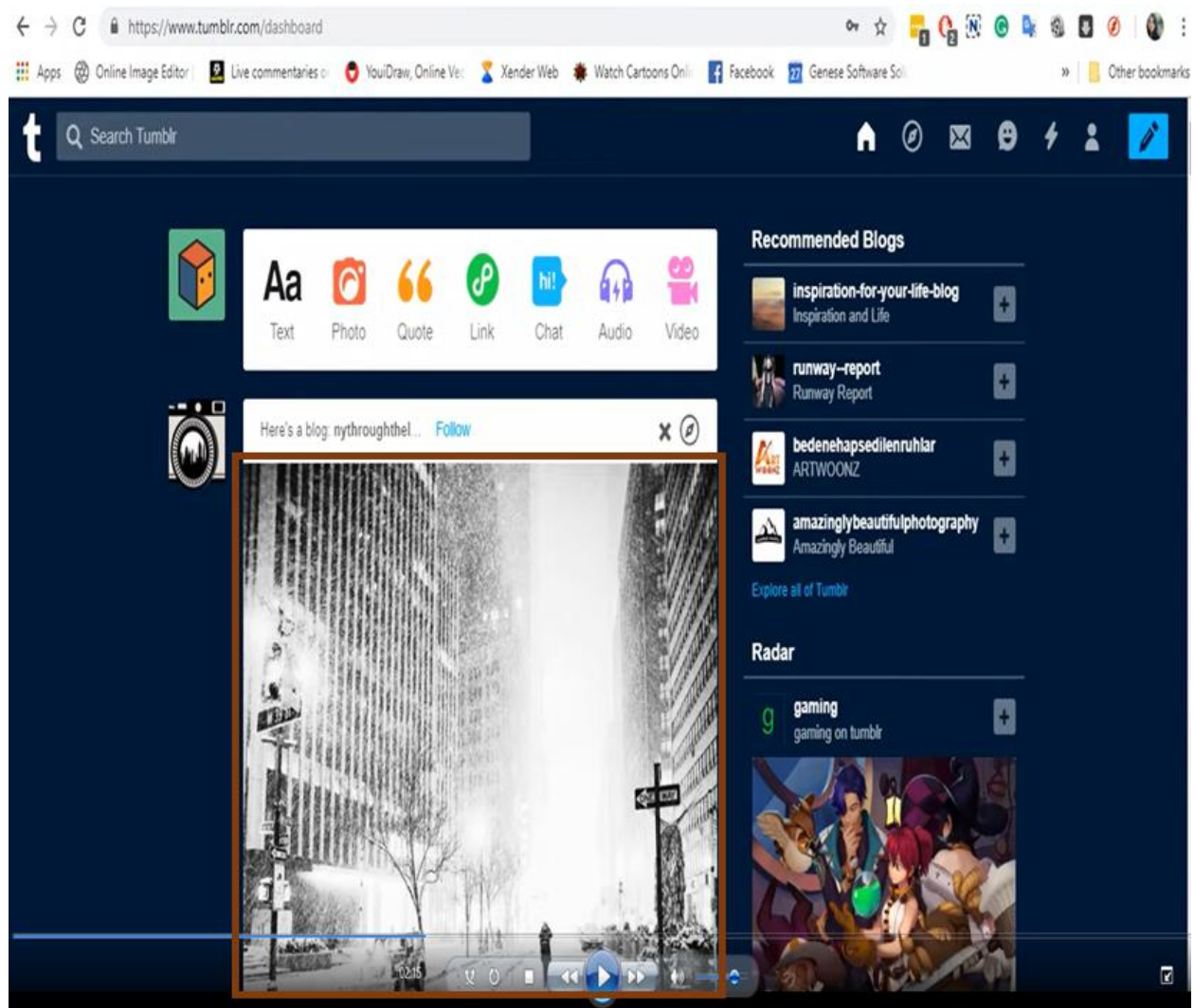
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



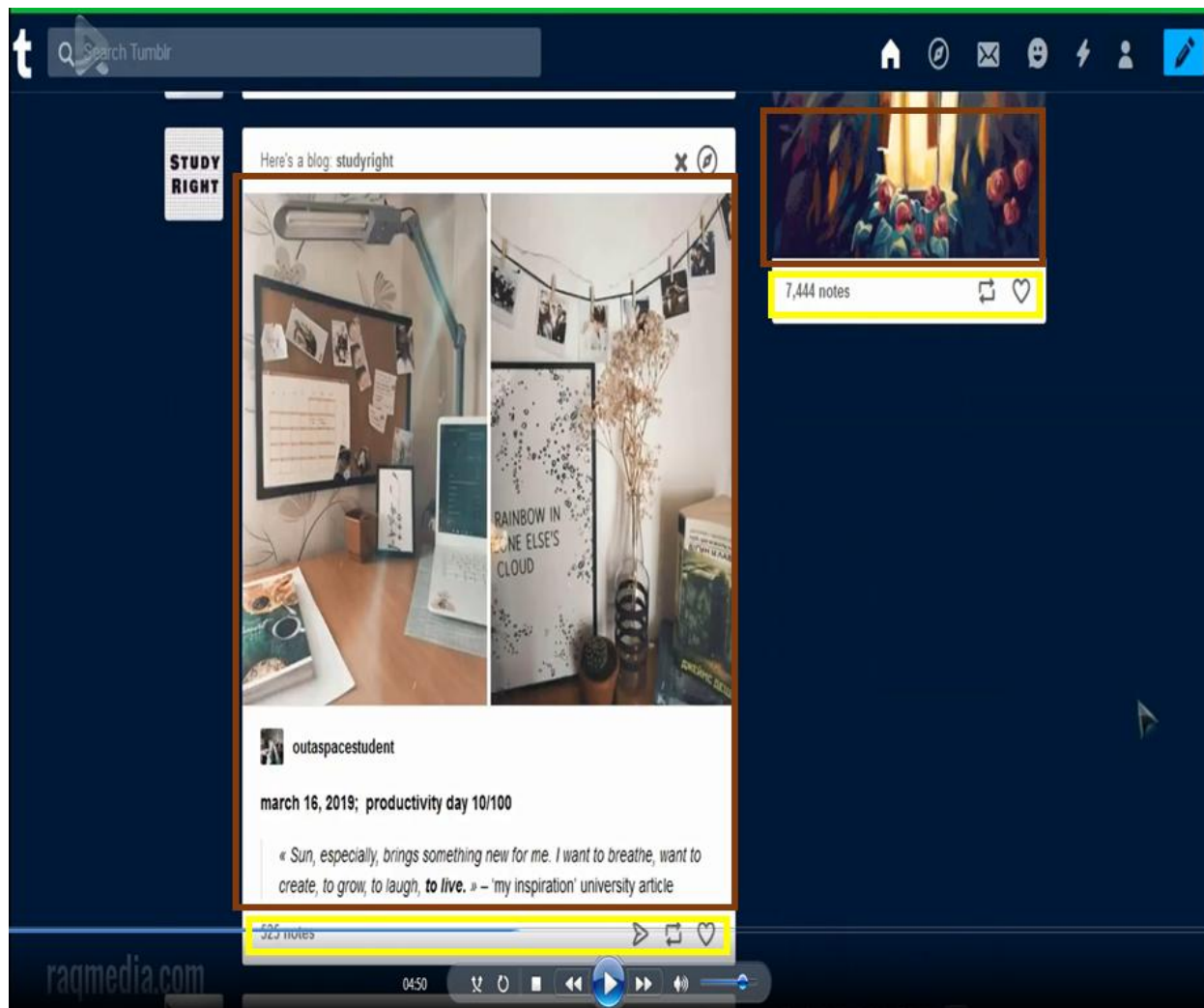
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



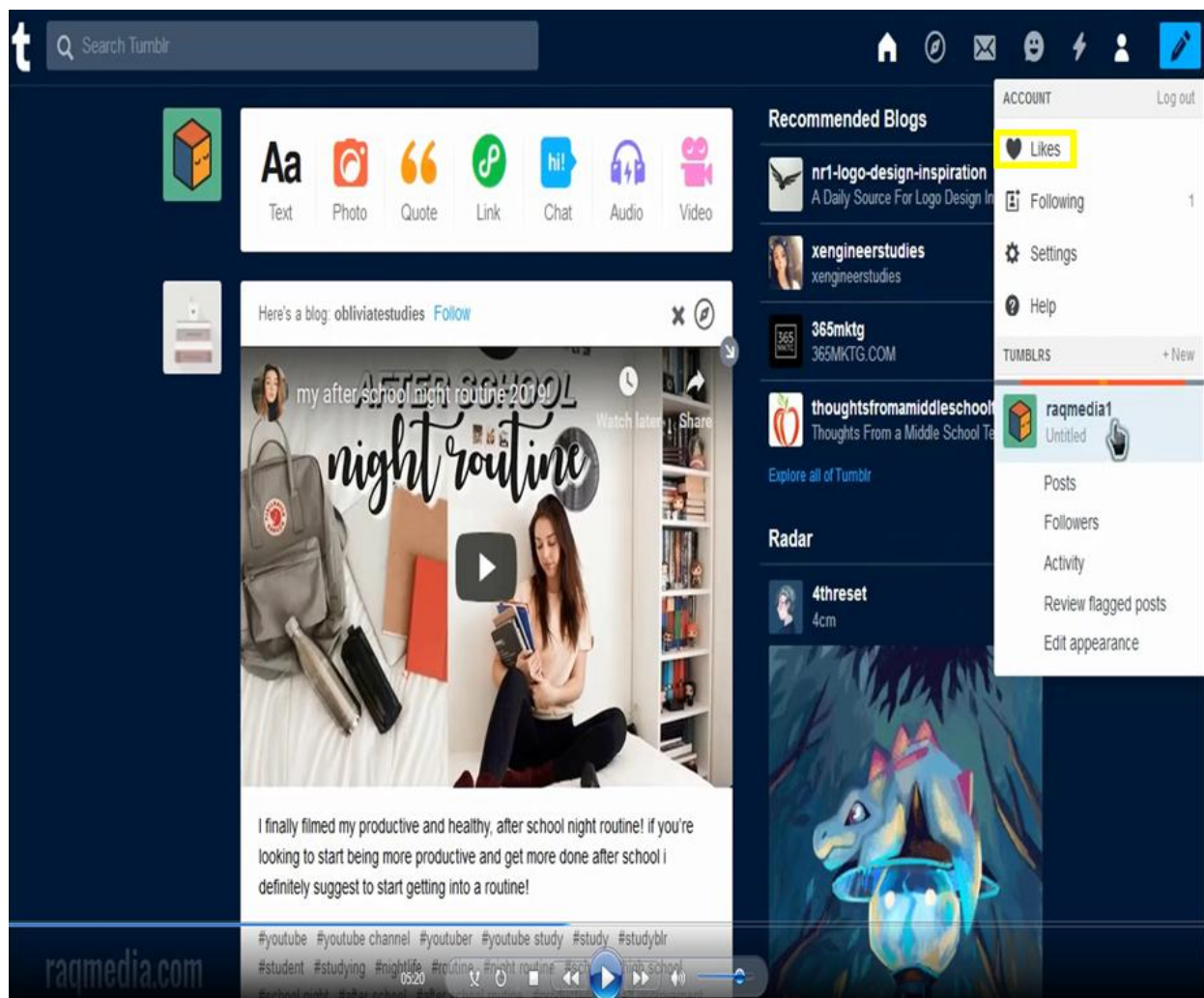
(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).

49. The Accused Instrumentality provides a web-based graphical user interface (for example as discussed above) enabling a user to electronically transmit data indicating a vote or rating (e.g., by the user's choices with respect to "liking" by selecting a heart icon, reblogging by selecting a recycle icon, replying, or otherwise contributing to a "notes" score) for an electronically available multimedia content (e.g., a multimedia post of another user). As can be seen below, the option to vote for or rate electronically available multimedia content (e.g., a user post) is made available to users via the user's option to "like" (heart) the multimedia content, reblog (recycle), or reply, contributing to the "notes" score, and this voting or rating behavior is

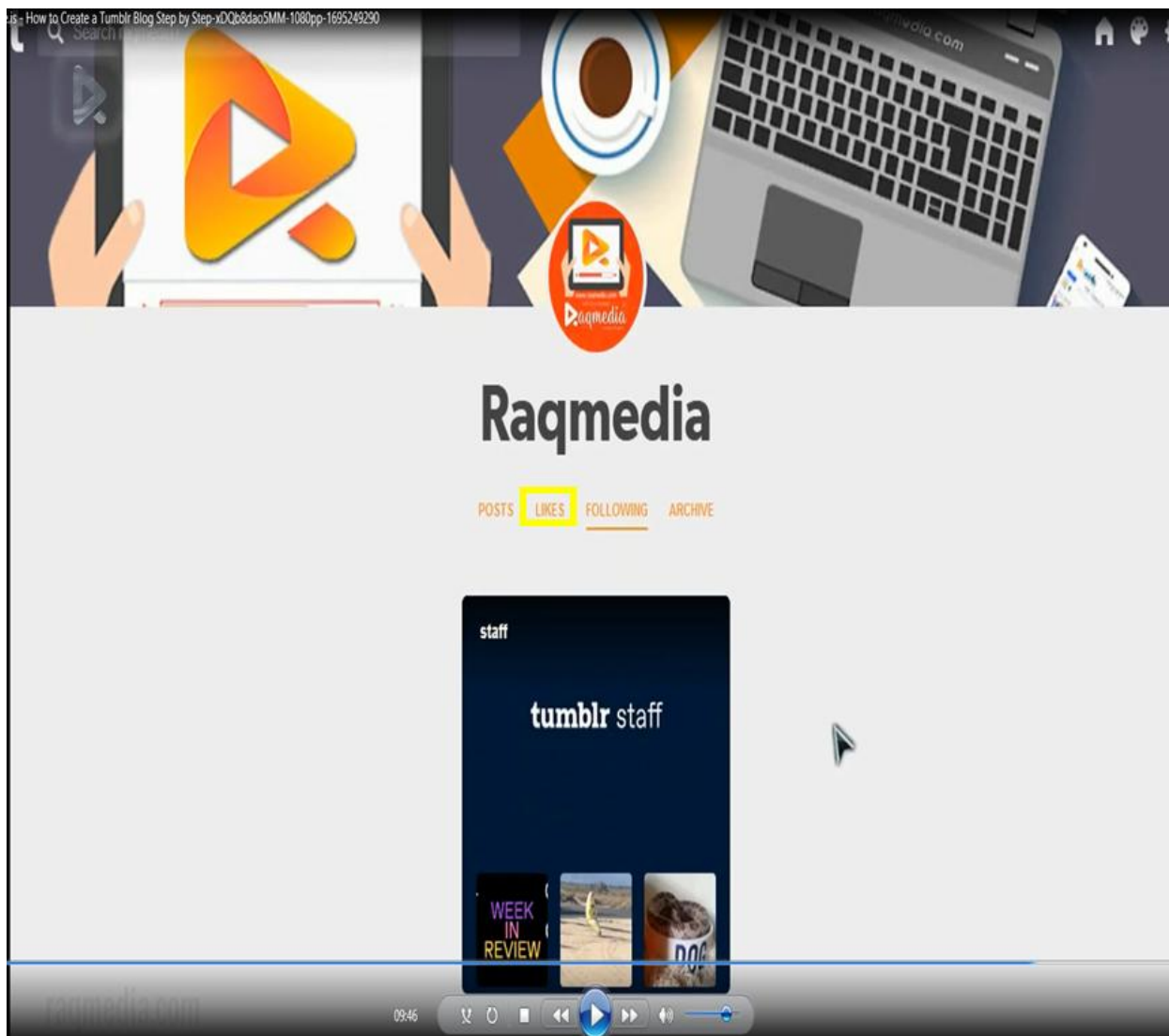
tracked and associated with the multimedia content. On information and belief, such scoring is used by proprietary algorithms of Tumblr to determine which content to provide to other users on the Tumblr platform. Tumblr uses function-specific subsystems, for example as discussed below.



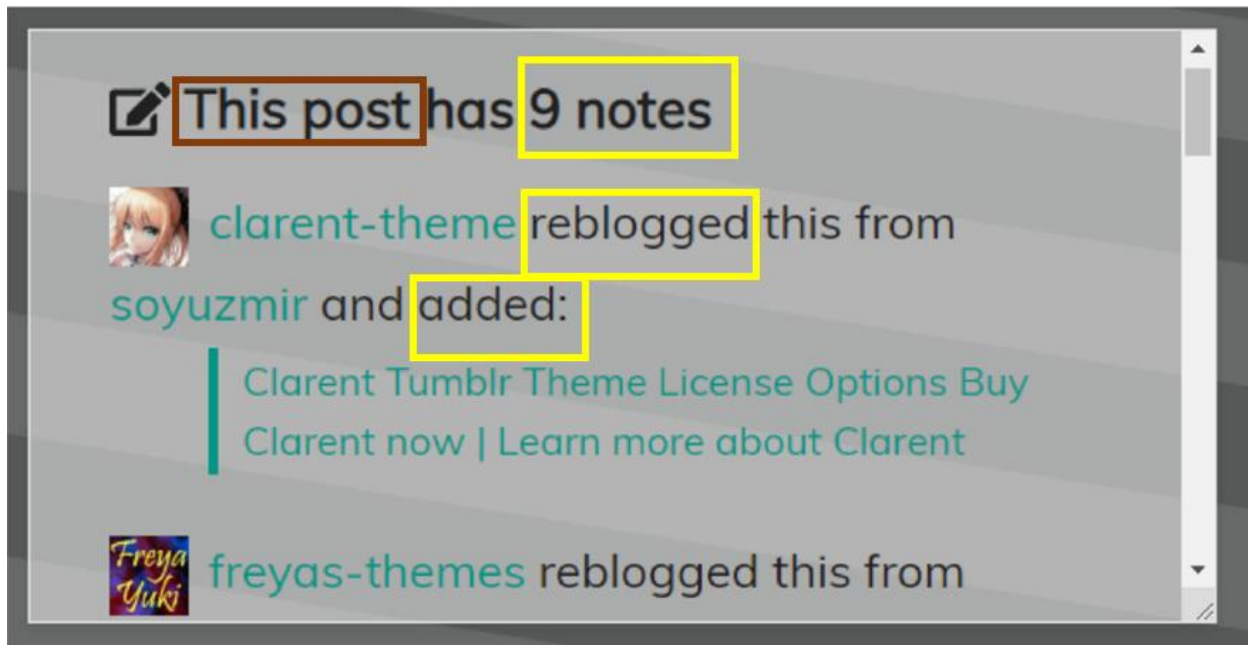
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



So what do you think about this? Do you know other ways to check if one of your blog posts has received notes (likes, reblogs, and replies)?

(E.g., <https://freayuki.tumblr.com/post/177170900262/tutorial-how-know-tumblr-post-notes-likes-reblog-replies> (published August 20, 2018)).

50. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates Plaintiff for such Defendant's infringement of the '665 Patent, *i.e.*, in an amount that by law cannot be less than would constitute a reasonable royalty for the use of the patented technology, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

51. To the extent marking is required, VCA has complied with all marking requirements.

V. COUNT III
(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 10,339,576)

52. Plaintiff incorporates the above paragraphs herein by reference.

53. On July 2, 2019, United States Patent No. 10,339,576 (“the ‘576 Patent”) was duly and legally issued by the United States Patent and Trademark Office. The ‘576 Patent is titled “Revenue-Generating Electronic Multi-Media Exchange and Process of Operating Same.” A true and correct copy of the ‘576 Patent is attached hereto as Exhibit C and incorporated herein by reference.

54. VCA is the assignee of all right, title, and interest in the ‘576 Patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the ‘576 Patent. Accordingly, VCA possesses the exclusive right and standing to prosecute the present action for infringement of the ‘576 Patent by Defendant.

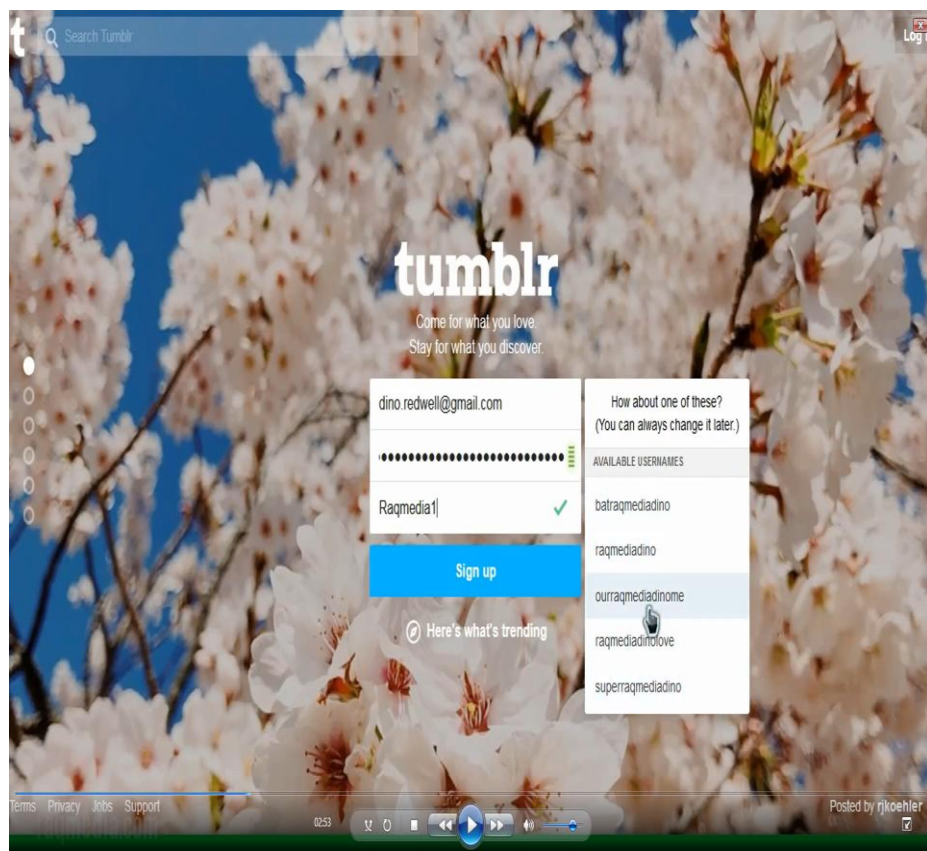
55. The application leading to the ‘576 patent was filed September 9, 2016, which was a continuation of application no. 13/679,659, which issued as United States Patent No. 9,477,665, which was a continuation of application no. 14/308,064 which issued as the ‘480 Patent. (Ex. C at cover). The ‘576 patent was first assigned to Virtual Creative Artists, LLC. (*Id.*).

56. The ‘576 Patent shares the identical specification as the ‘480 patent and therefore VCA incorporates the background and discussion of the invention in Paragraphs 11-18. Furthermore claim 1 involves a system for generating multimedia content. The claim requires, among other things, the automatic generation of multimedia content for view on a plurality of user devices. The claim requires that the content be generated in a very specific way by applying an electronic filter to a plurality of electronic media submissions stored on one or more database, the filter having criteria associated with one or more users. This allows automatic generation of multimedia content in a much quicker and easier fashion based on specific user criteria. There is nothing abstract about this very particular, unconventional, and non-routine system for the

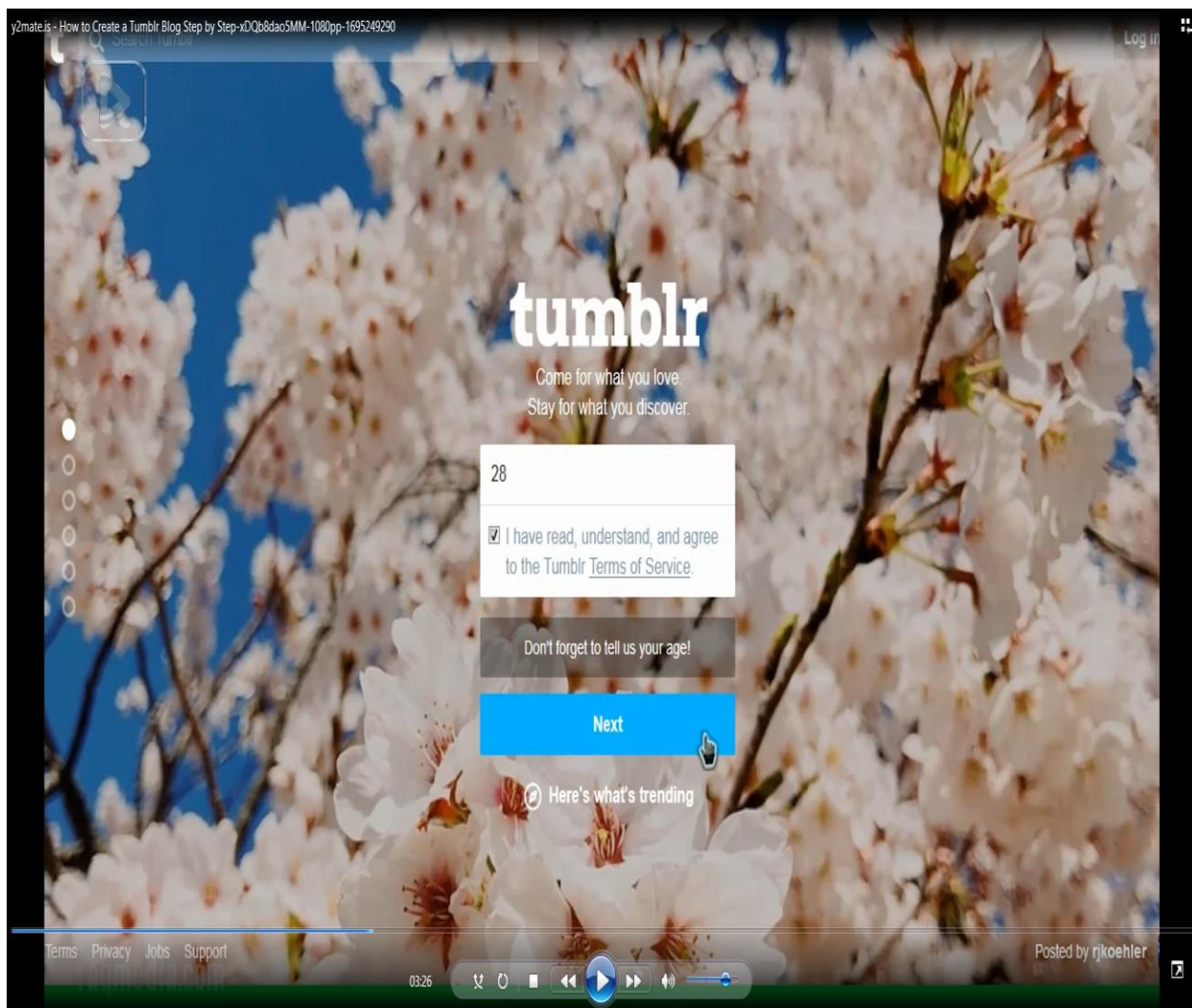
generation of multimedia content as specifically claimed and there is no risk of preempting creating and distribution contention generally, or even within the context of the Internet.

57. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing claims 17 of the '576 Patent in Delaware, and elsewhere in the United States, by employing a computer-based system using <https://www.tumblr.com/> (“Accused Instrumentality”) (e.g., <https://www.tumblr.com/>).

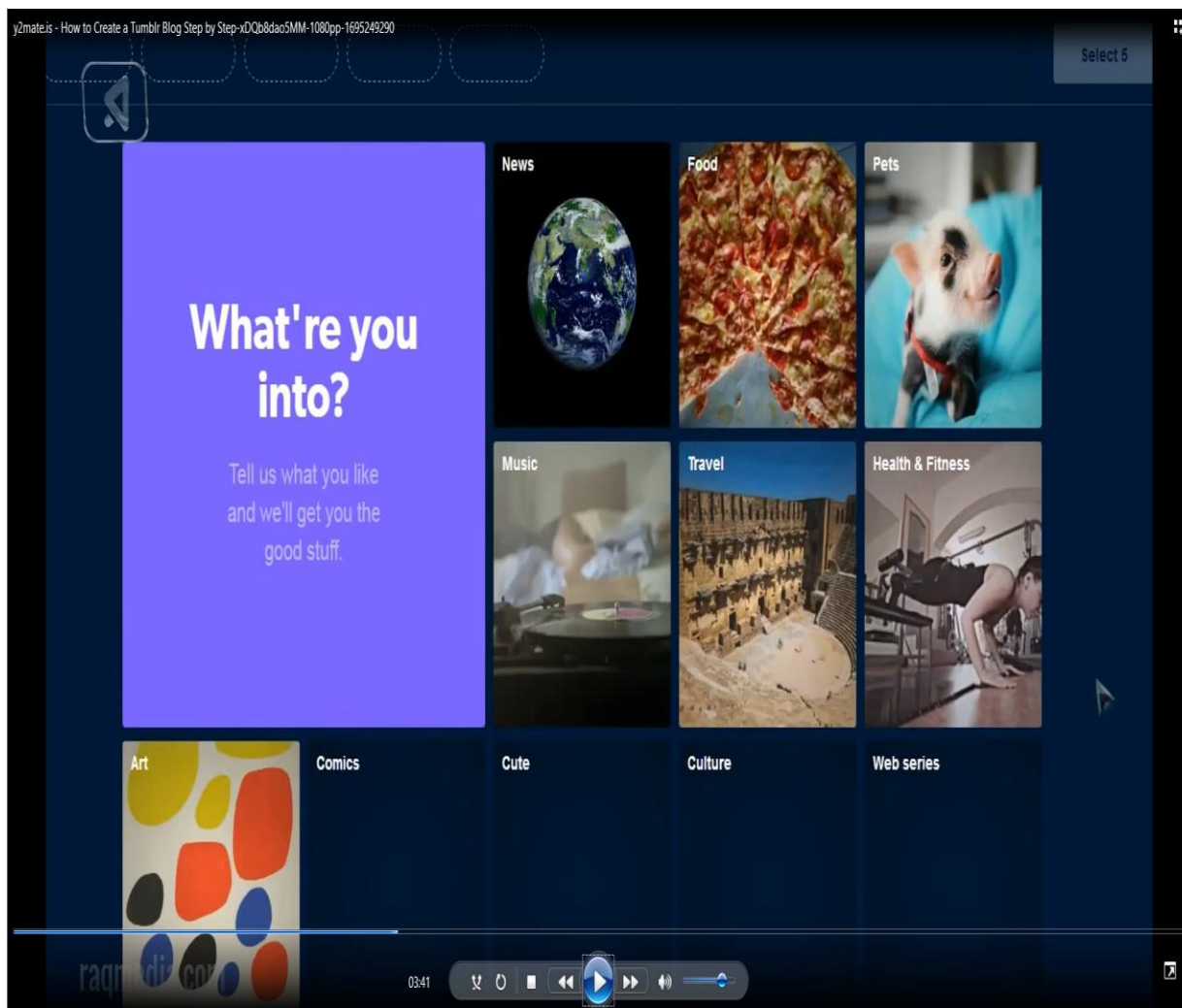
58. Tumblr uses a computer-based system for its Accused Instrumentality, for example to enable the provision of personalized content feeds that show users multimedia content it generates including multiple of image, video, text, hashtag, and link content, based, *inter alia*, on user-selected preferences, such as interests. Tumblr, during the relevant time period, took advantage of multiple cloud server providers for its Tumblr system, as well as scalability within its cloud server providers, employing separate server subsystems for all its meaningfully different functions, such as those indicated below. Tumblr uses and has used during the relevant time period, multiple different networks, IP addresses, and providers for, *inter alia*, cloud hosting networks and core networks, thereby using separate server subsystems for its meaningfully different functions, such as those indicated below.



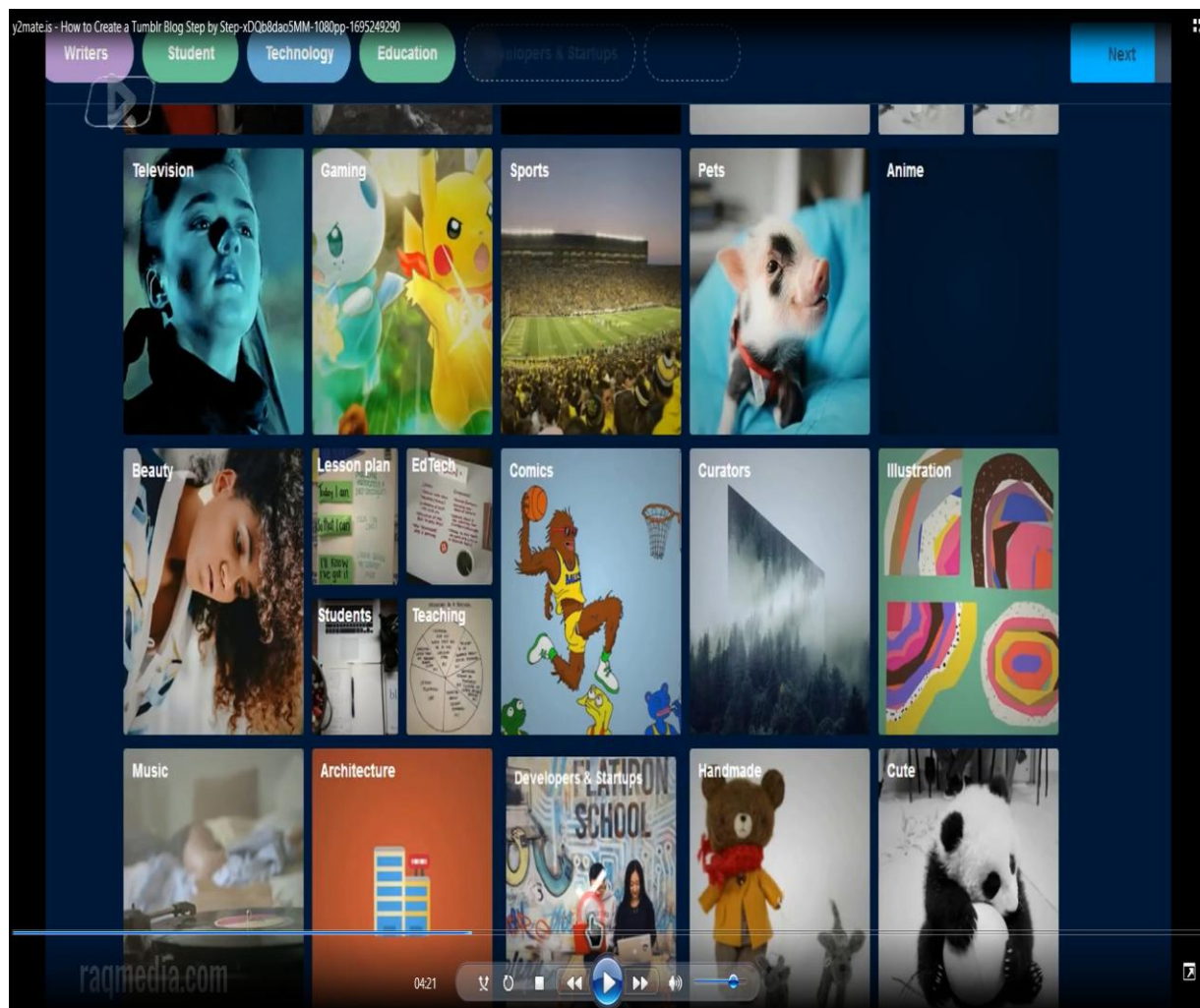
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



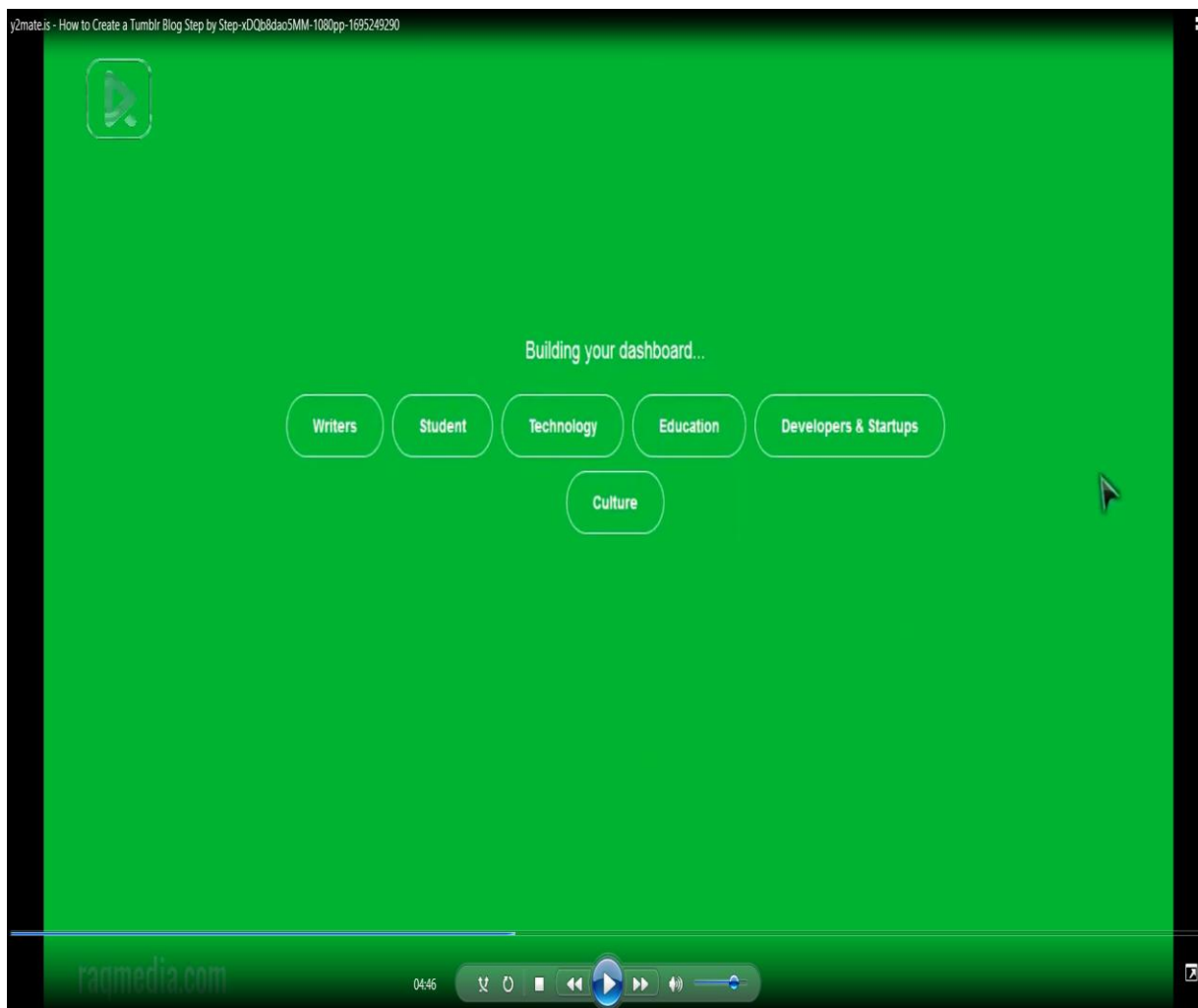
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



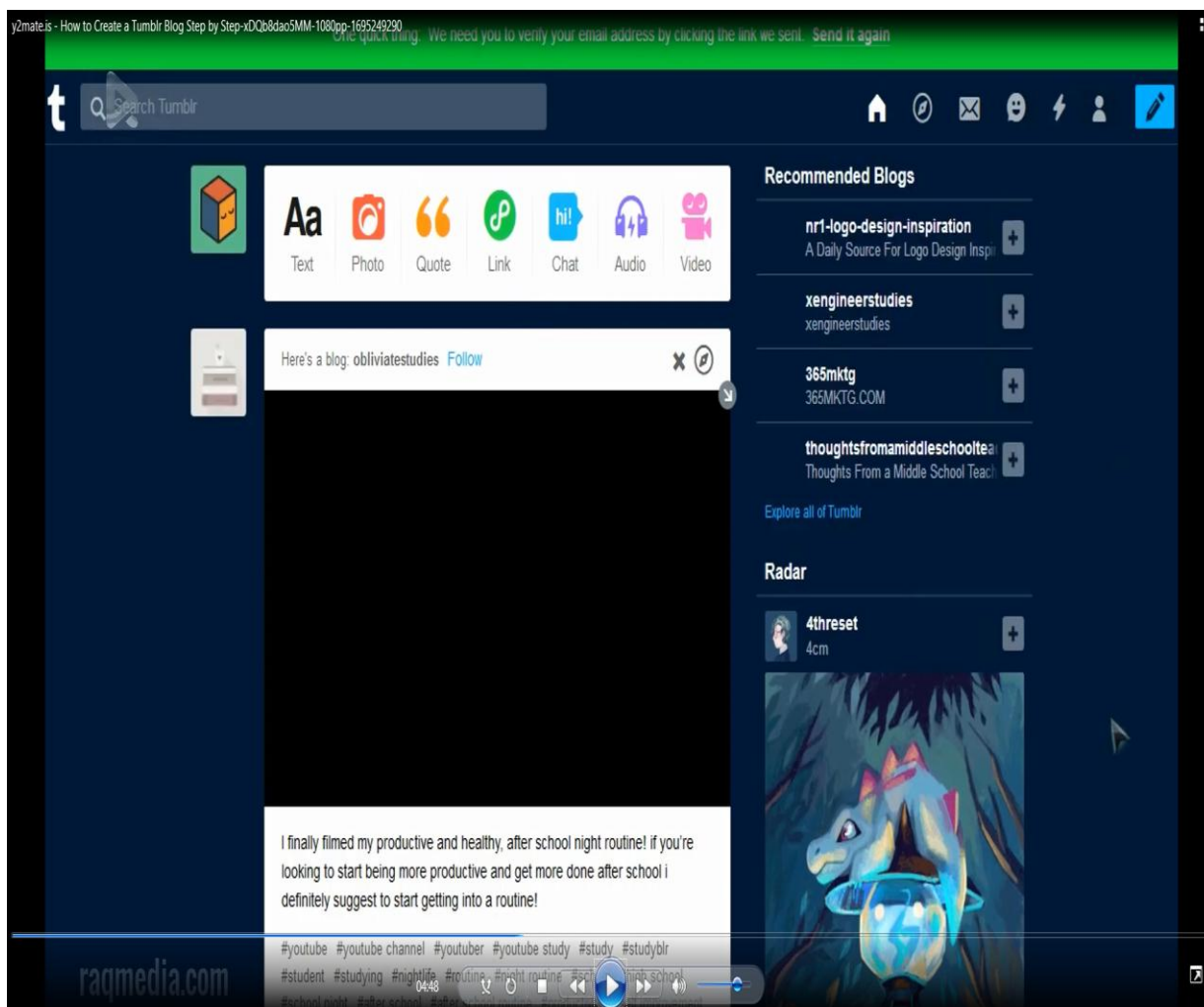
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



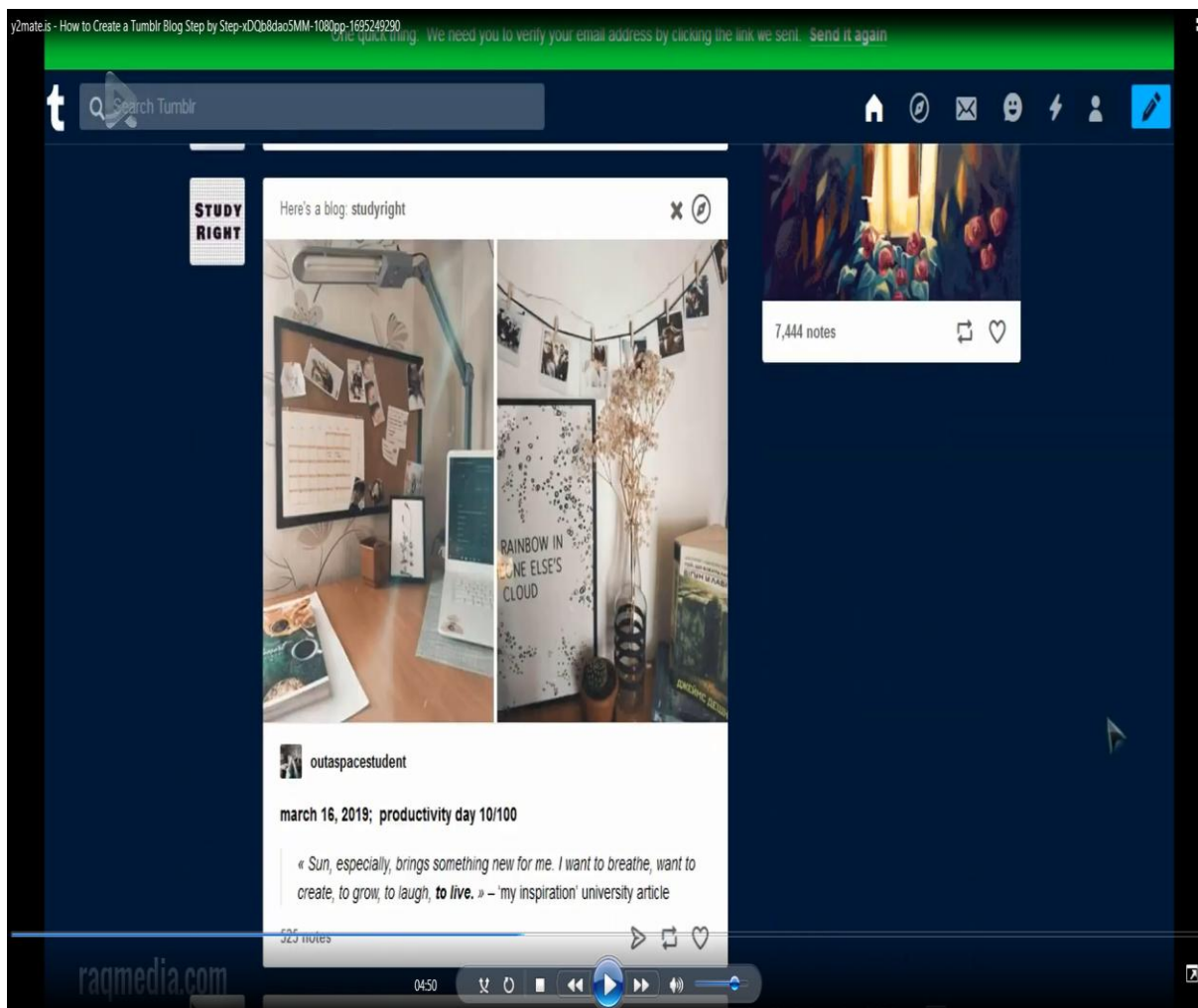
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



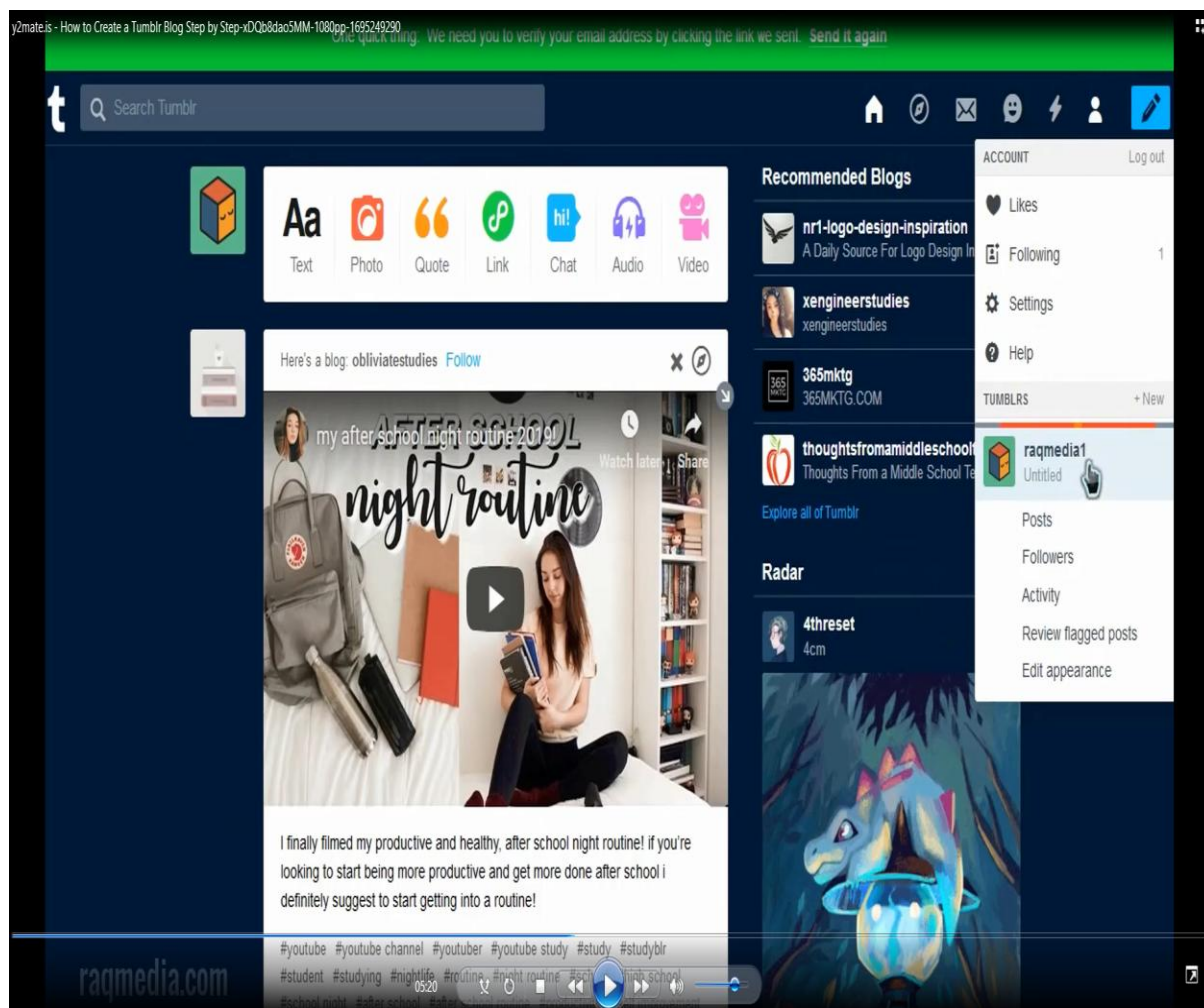
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



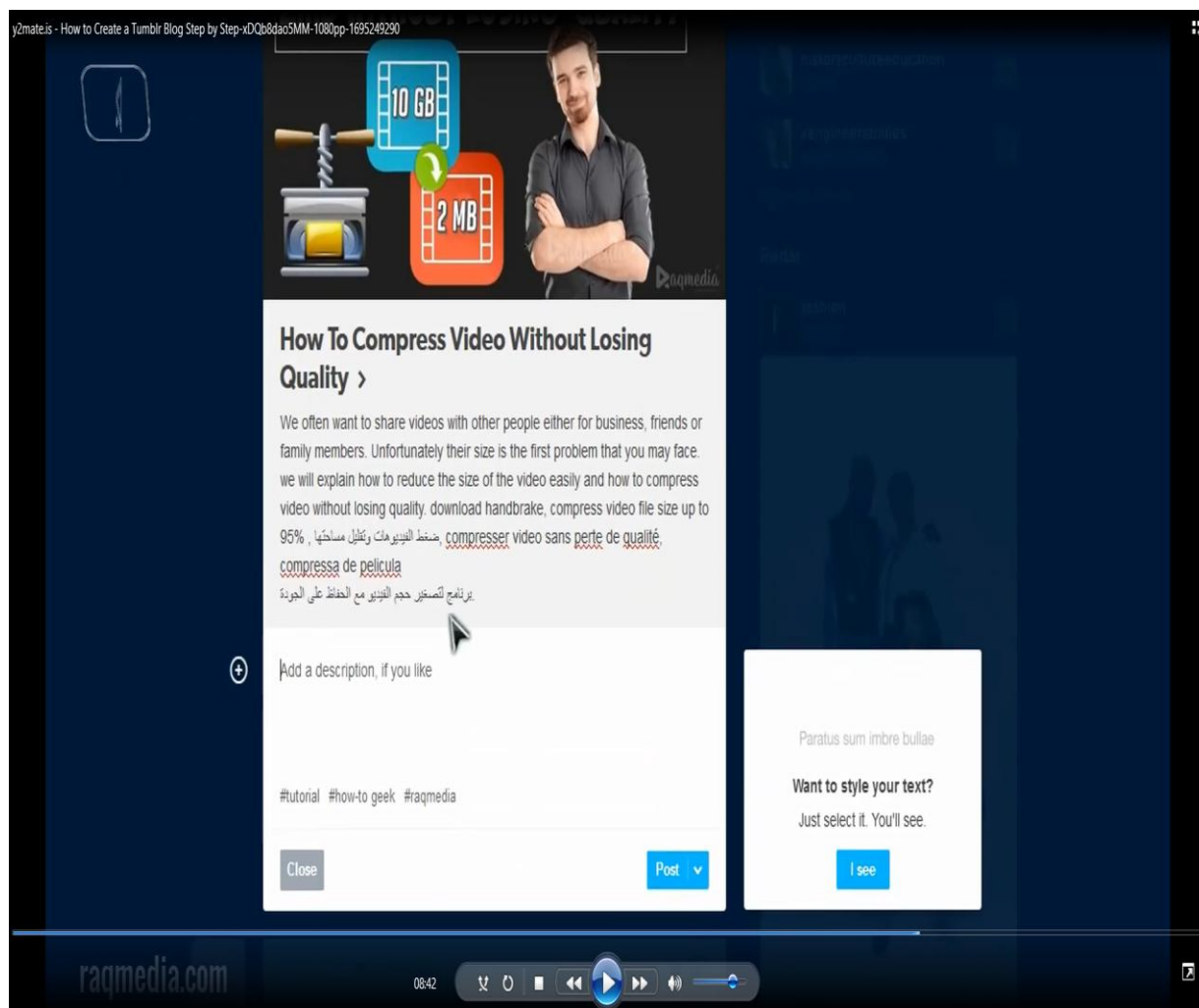
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).

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#tutorial #how-to-geek #raqmedia

08:53

speakingtoyour soul
Words for your turbulent emotions...

historycultureeducation
History

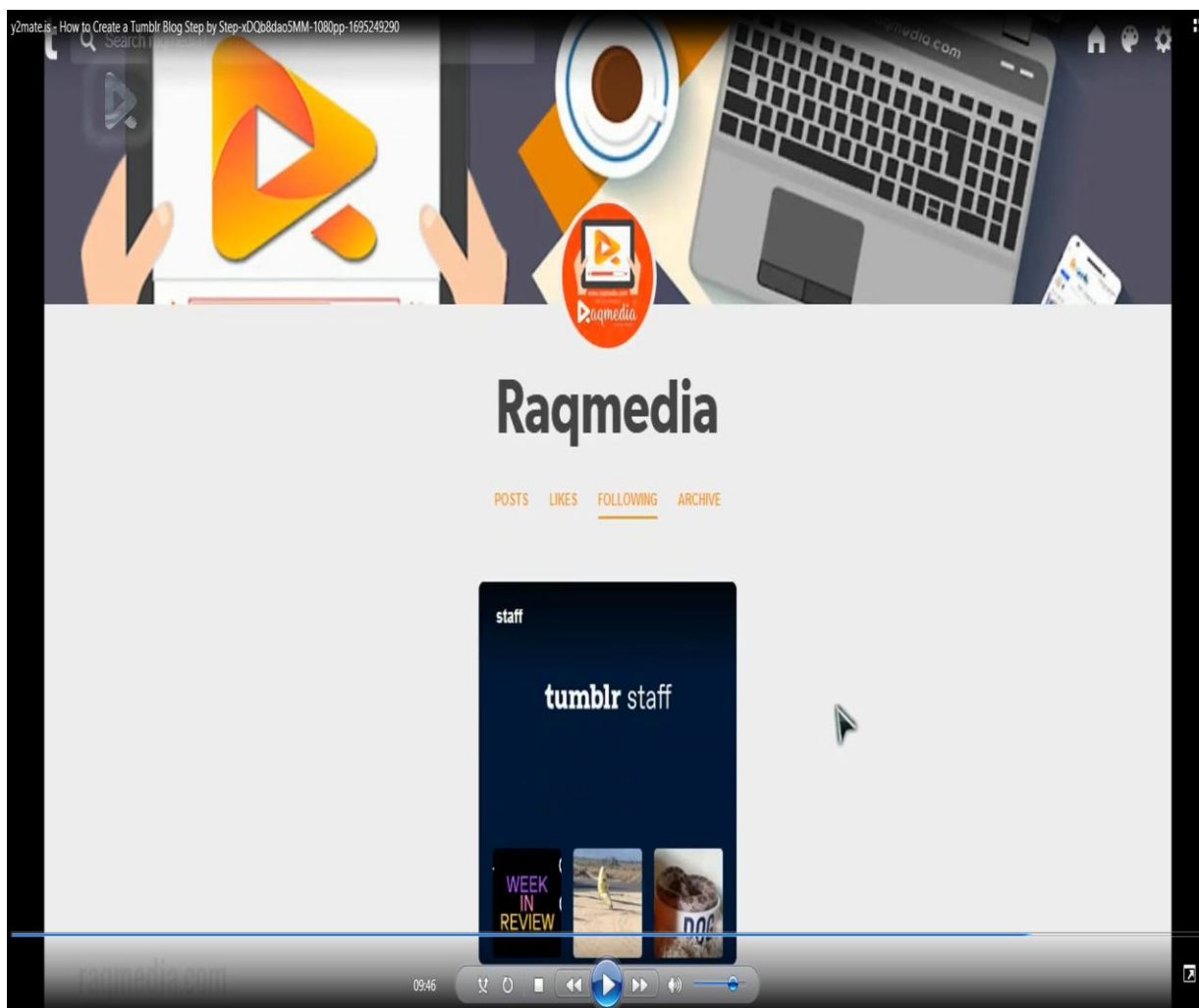
xengineer studies
xengineer studies

Explore all of Tumblr

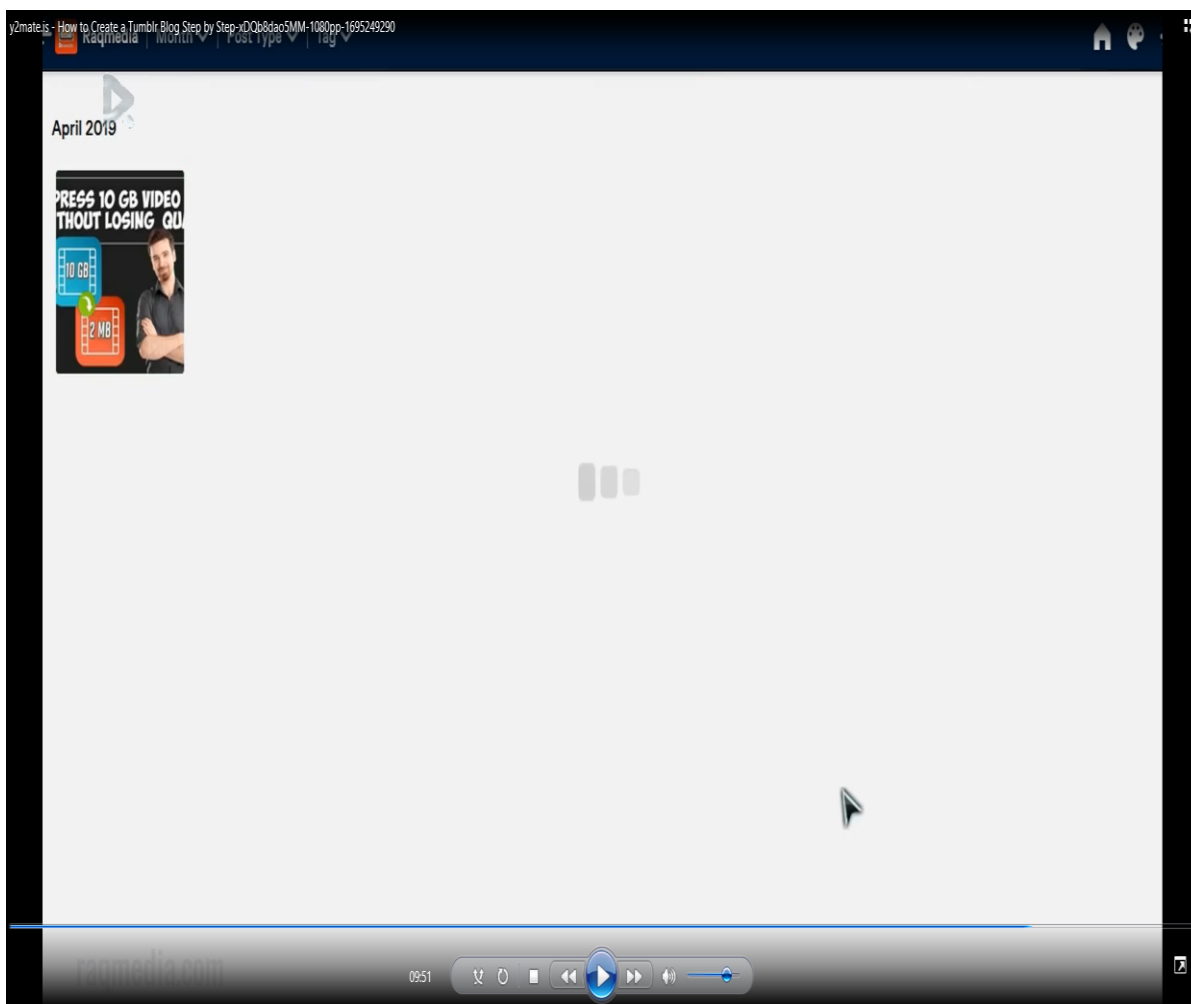
Radar

fashion
Fashion

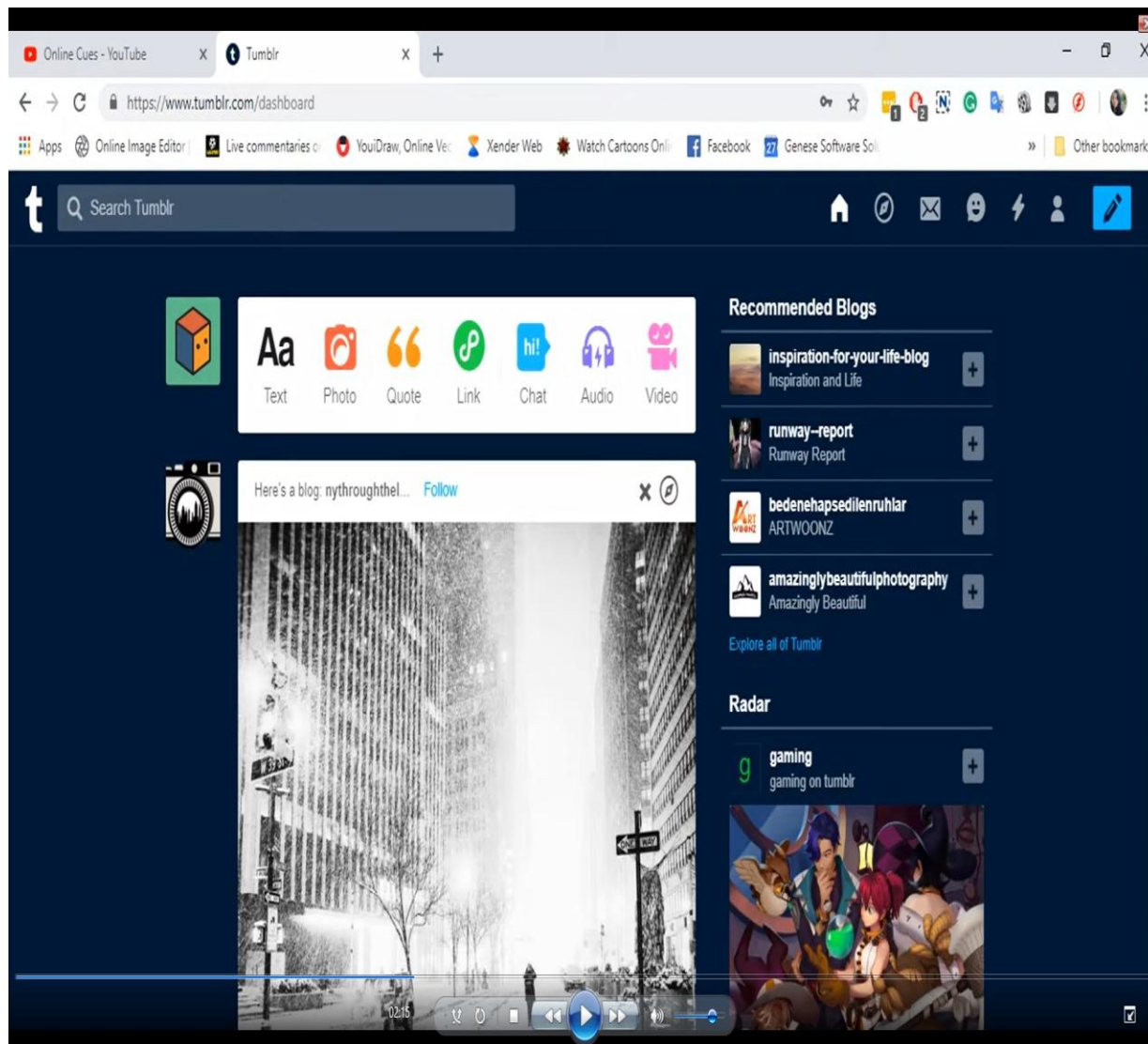
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



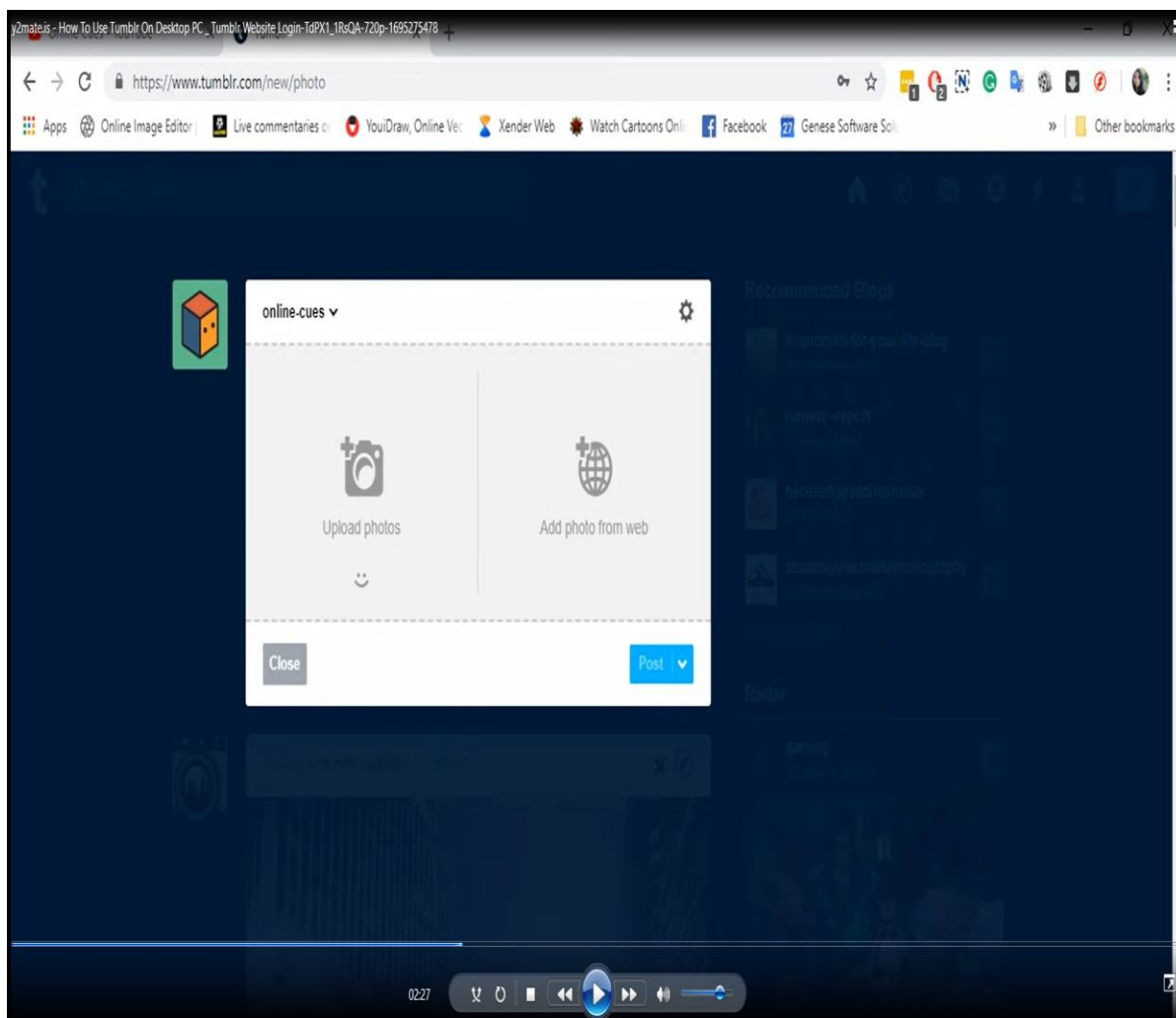
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



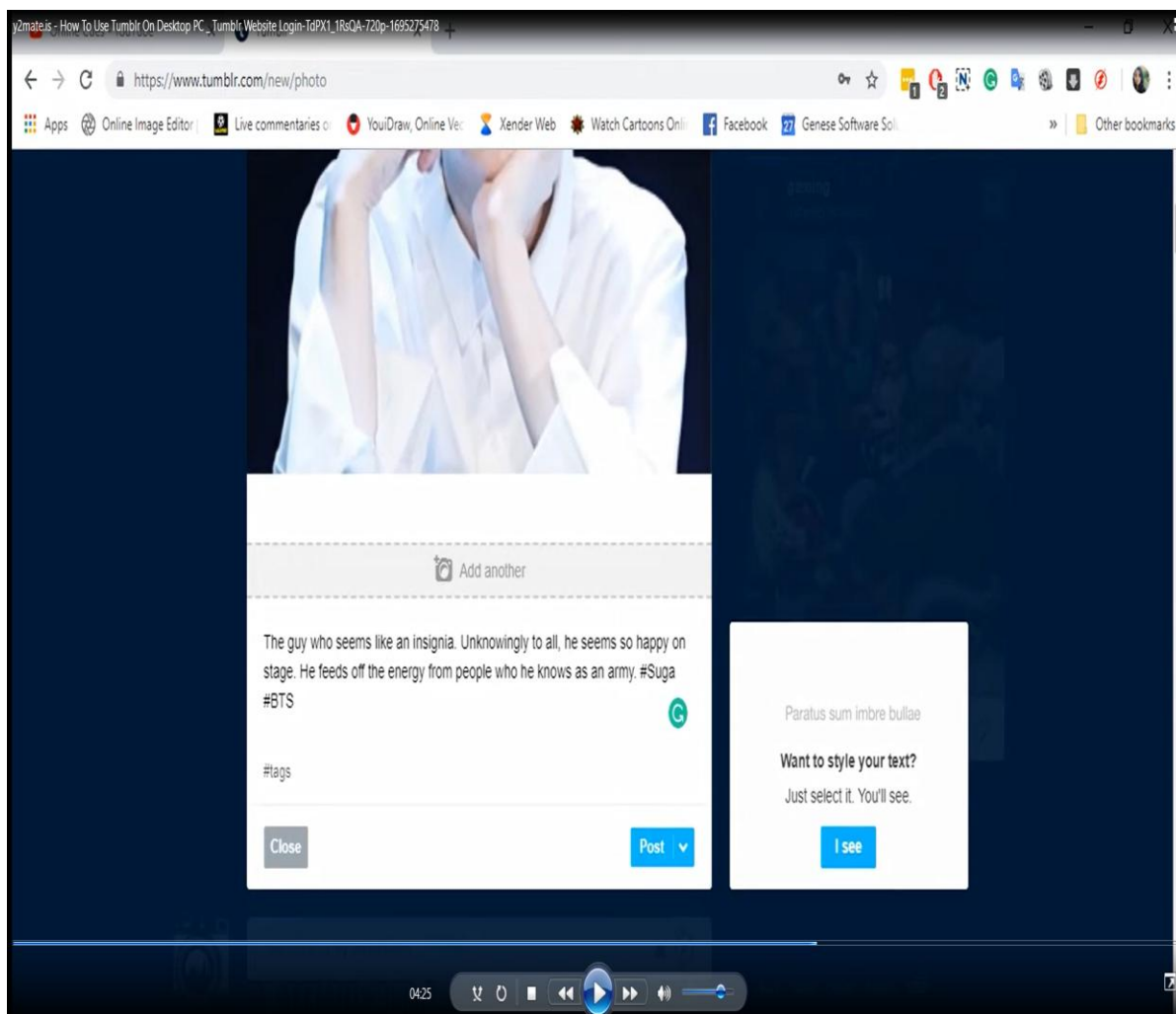
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).




(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).



(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).



(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).

Cloud Hosts	# of IPs
 WordPress (/resources/platforms/wordpress)	4

IP DETAILS

tps://www.netify.ai/resources/applications/tumblr

1/3

20/23, 5:52 PM

Tumblr - Domains, IPs and App Information

CORE NETWORKS

WHY NETIFY (HTTPS://WWW.NETIFY.AI/WHY-NETIFY)	Category	Network Owner	PRODUCTS (HTTPS://WWW.NETIFY.AI/PRODUCTS)	Network	Location	Shared
66.6.44.4 (/resources/ips/66.6.44.4)	Hosting	 Automatic (/resources/networks/automatic)	Core Network	United States		
74.114.154.15 (/resources/ips/74.114.154.15)	Hosting	 Automatic (/resources/networks/automatic)	Core Network	United States		
74.114.154.17 (/resources/ips/74.114.154.17)	Hosting	 Automatic (/resources/networks/automatic)	Core Network	United States		
74.114.154.18 (/resources/ips/74.114.154.18)	Hosting	 Automatic (/resources/networks/automatic)	Core Network	United States		
74.114.154.19 (/resources/ips/74.114.154.19)	Hosting	 Automatic (/resources/networks/automatic)	Core Network	United States		
74.114.154.21 (/resources/ips/74.114.154.21)	Hosting	 Automatic (/resources/networks/automatic)	Core Network	United States		

and 8 more

PLATFORM DETAILS

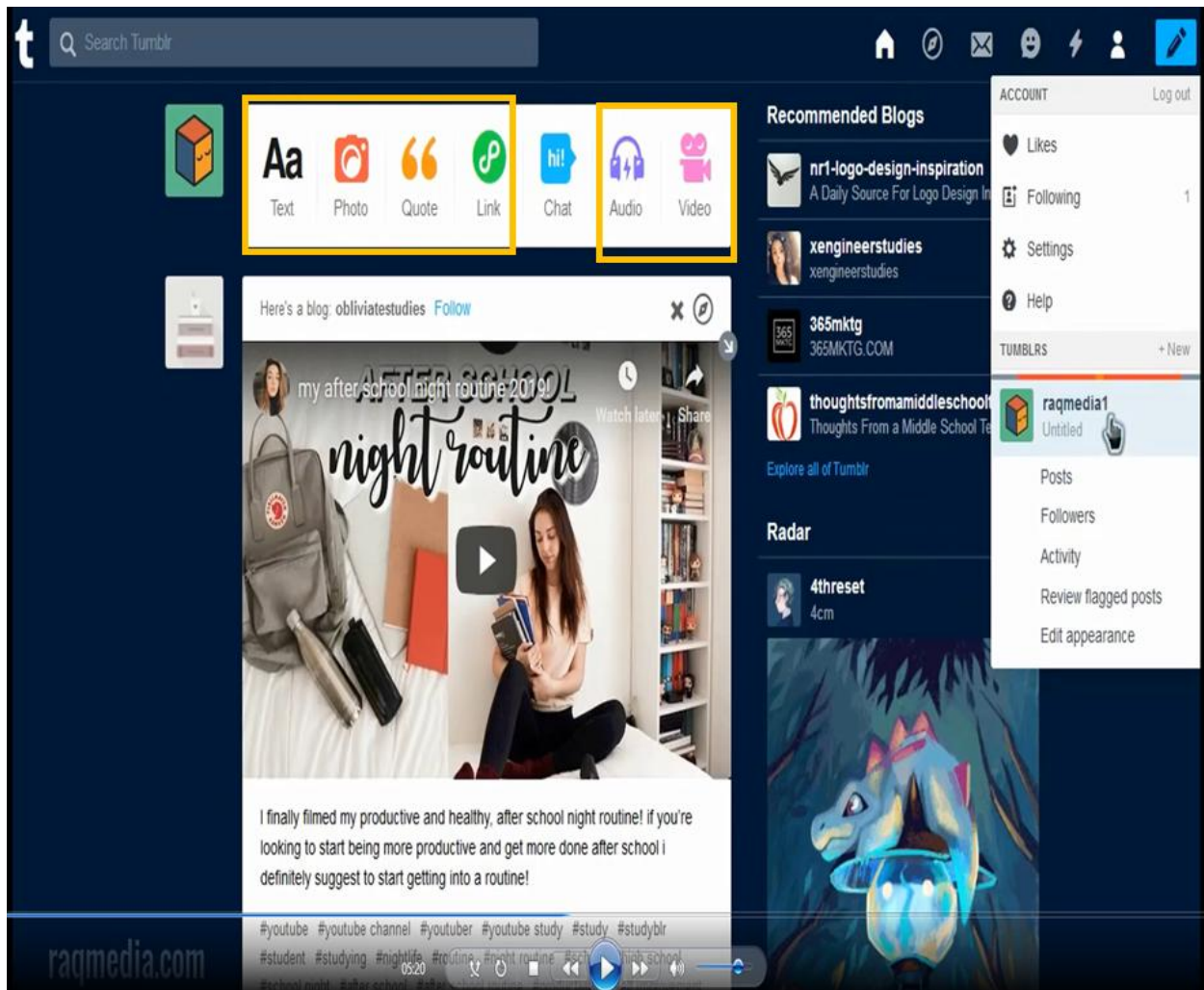
CLOUD HOSTING NETWORKS

IP	Platform	Network Owner	Network	Location	Shared
192.0.74.11 (/resources/ips/192.0.74.11)	 WordPress (/resources/platforms/wordpress)	Automatic	Core Network	United States	
192.0.75.11 (/resources/ips/192.0.75.11)	 WordPress (/resources/platforms/wordpress)	Automatic	Core Network	United States	
198.181.116.11 (/resources/ips/198.181.116.11)	 WordPress (/resources/platforms/wordpress)	Automatic	Core Network	United States	
198.181.117.11 (/resources/ips/198.181.117.11)	 WordPress (/resources/platforms/wordpress)	Automatic	Core Network	United States	

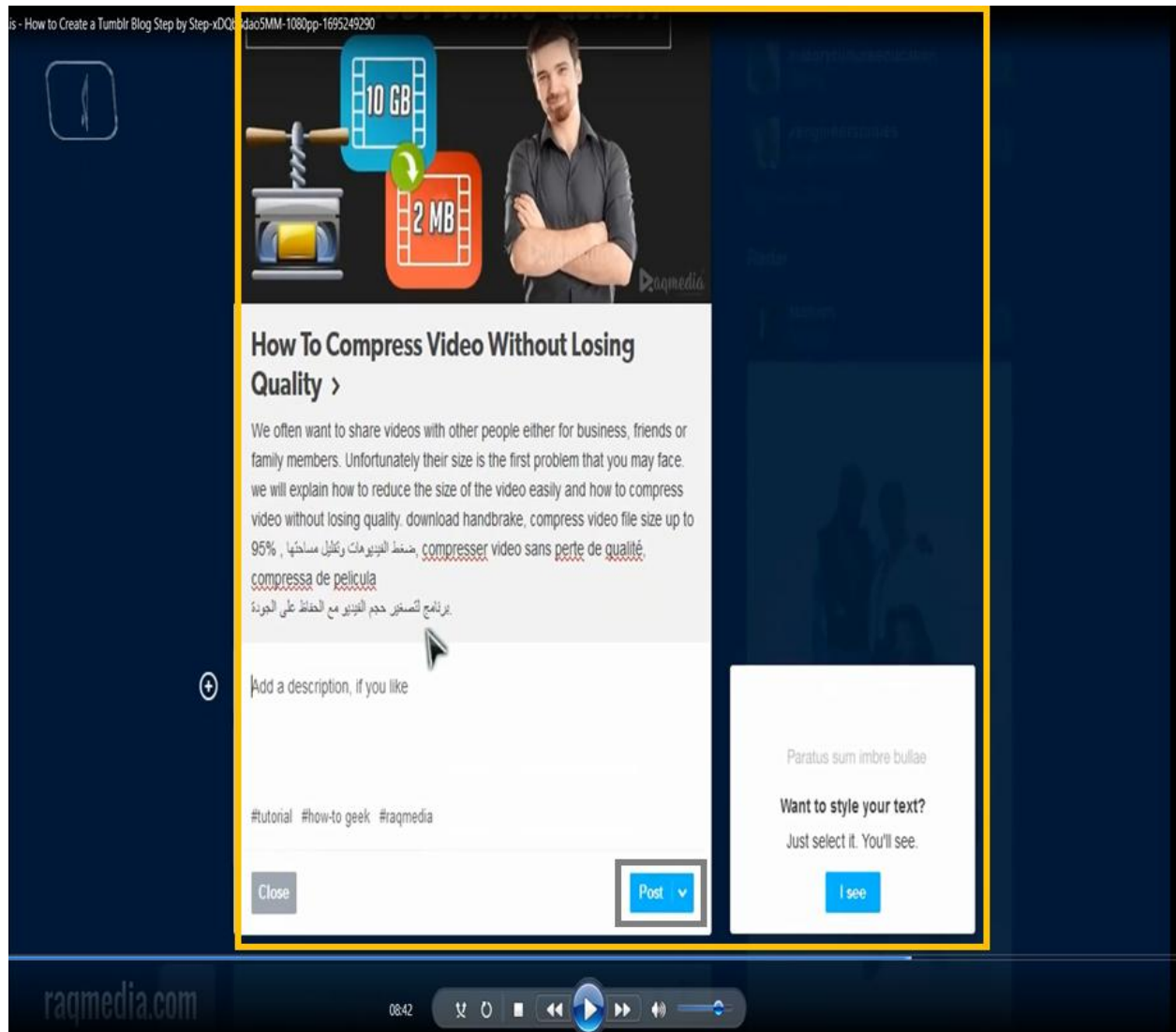
(E.g., <https://www.netify.ai/resources/applications/tumblr>).

59. The computer-based Accused Instrumentality include an electronic media submissions server subsystem, having one or more data processing apparatus and one or more database stored in a non-transitory medium in order to process and store received submissions from users, for example as discussed above in connection with the Accused Instrumentality. These submissions, which include *e.g.*, photos, videos, text, and hashtags, to be provided to the Tumblr platform via a submissions electronic interface, accessible for example by logging in and selecting an option to upload content or import content from a third party website, from a plurality of submitters (*e.g.*, Tumblr users with accompanying created accounts and profiles) over a public network (*e.g.*, the Internet) and stored, via an uploading process, in said electronic

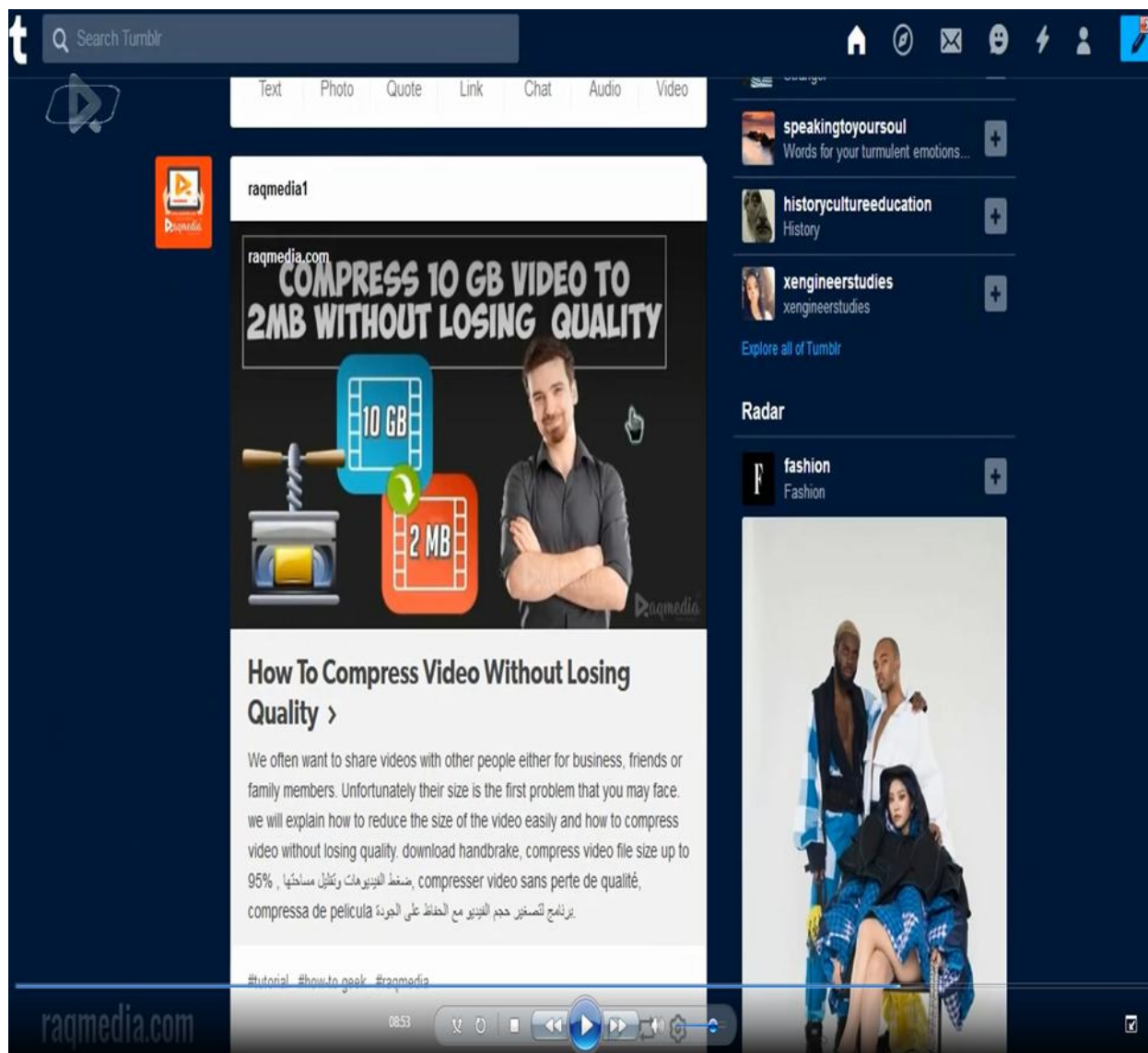
media submissions database for use in distribution to other users. Such submissions comprising photos, videos, text, and hashtags are made available via storage in the electronic media submissions database for use in distribution to other users, such as the general userbase of Tumblr, as per a respective member's interest and follower selections in conjunction with Tumblr's proprietary algorithms as to which content to provide on a given user's customized feed.



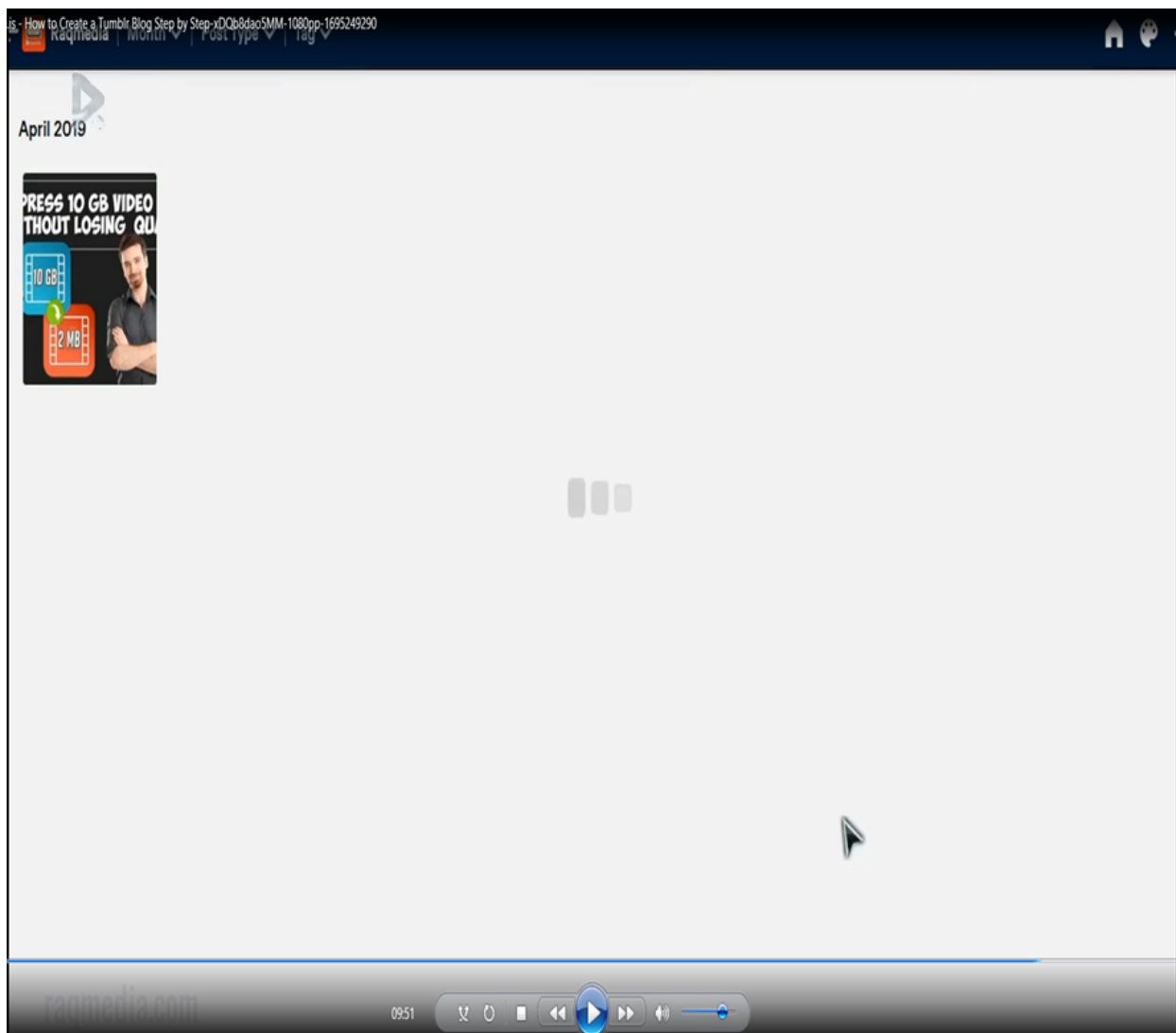
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



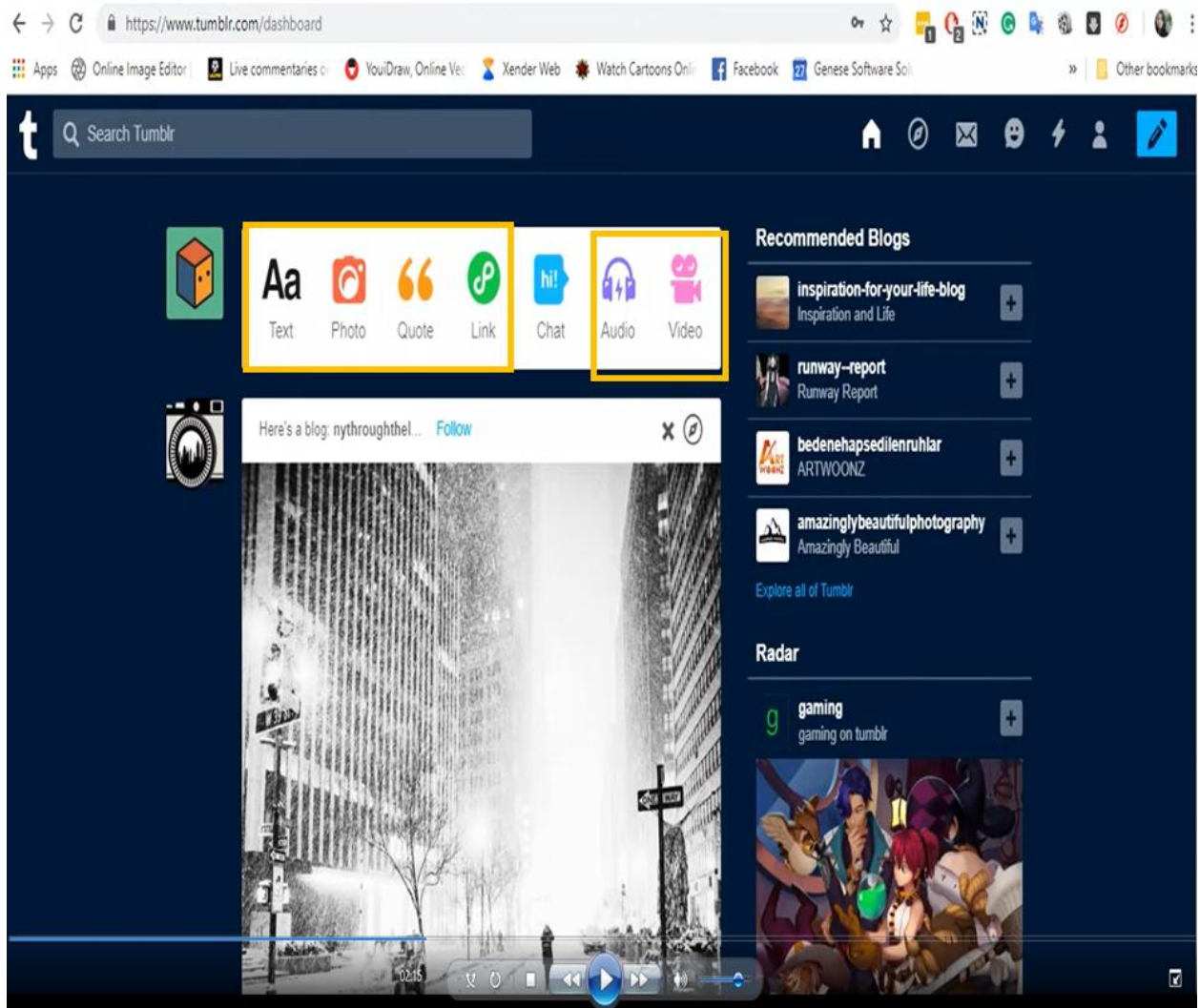
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



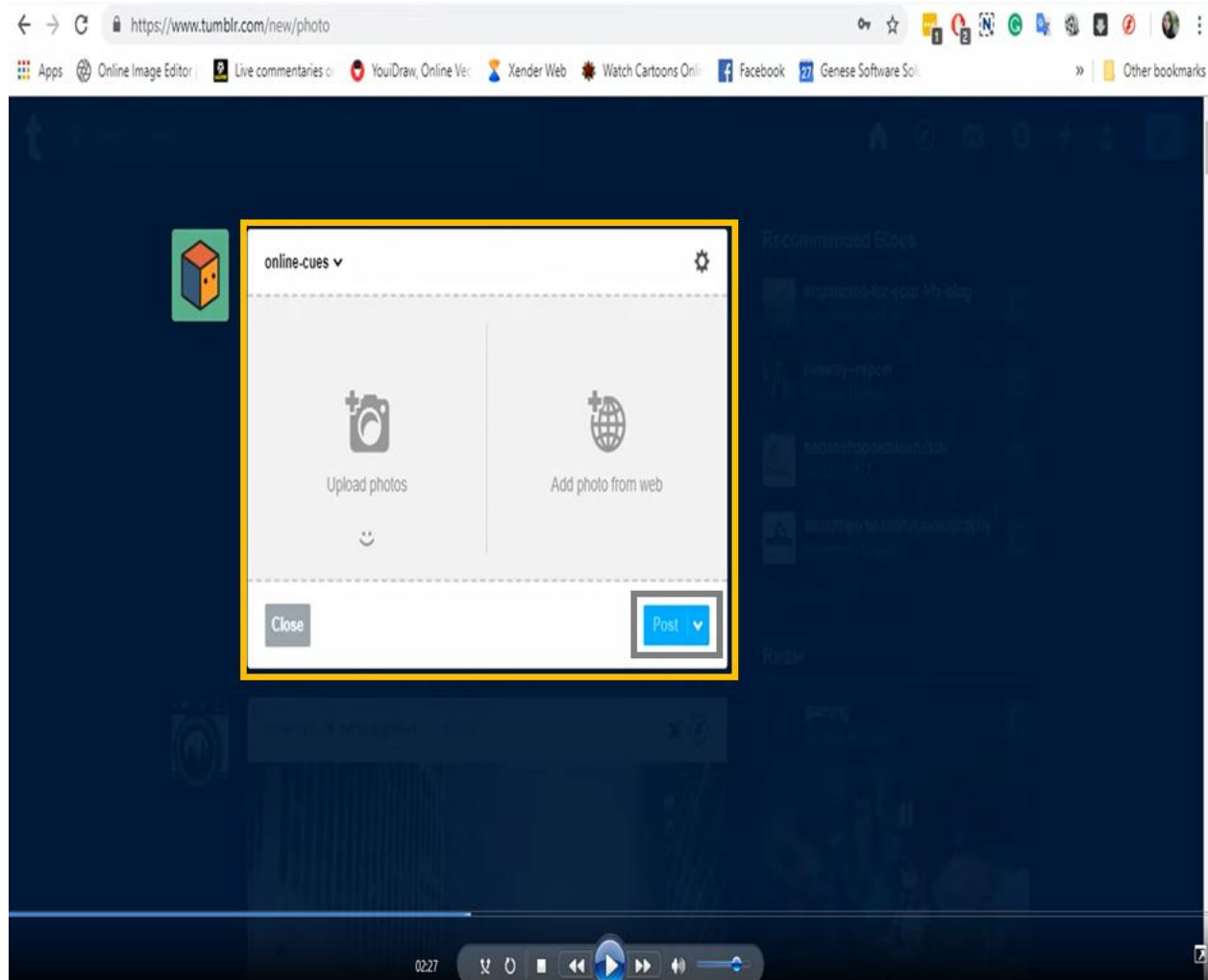
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



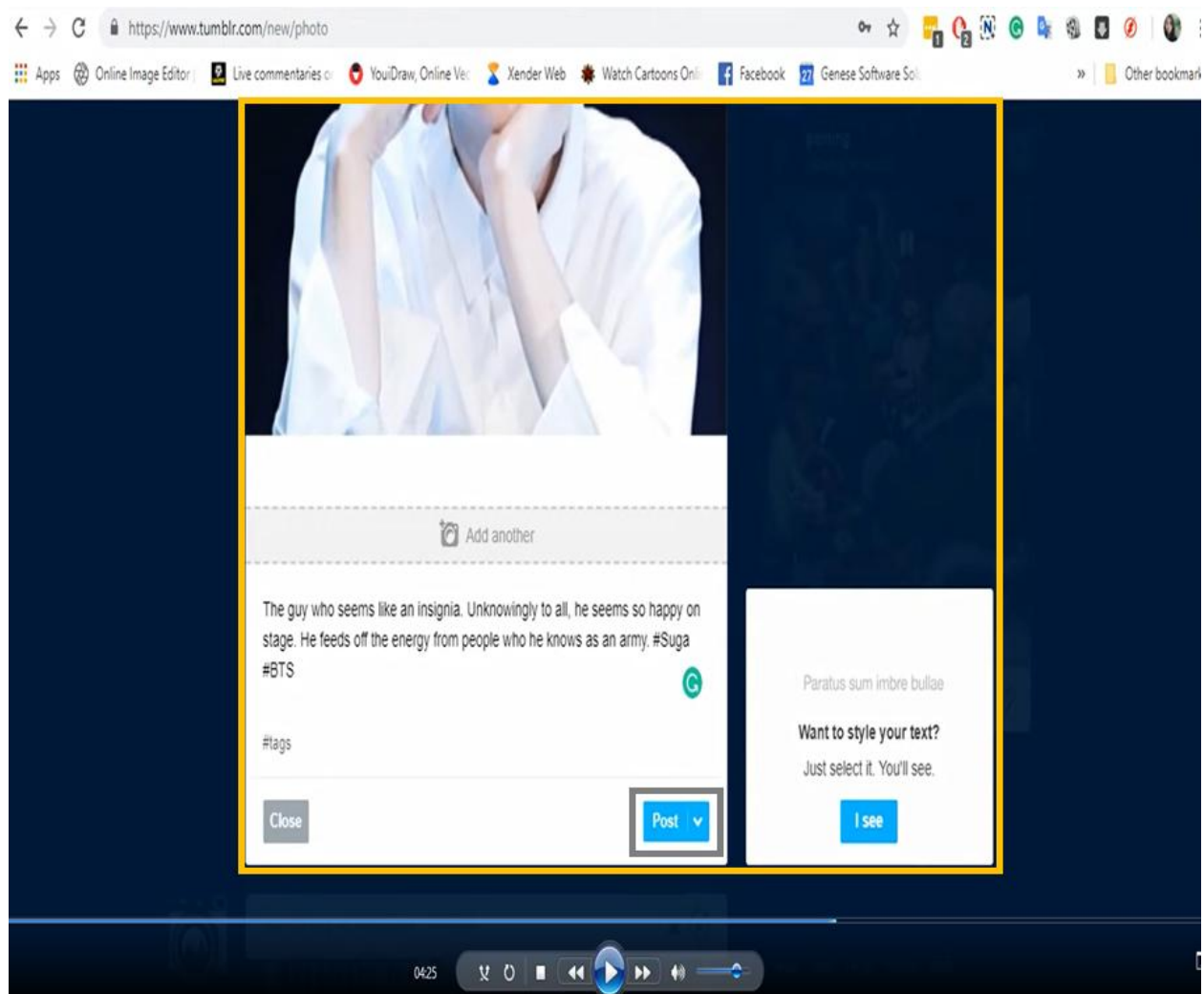
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



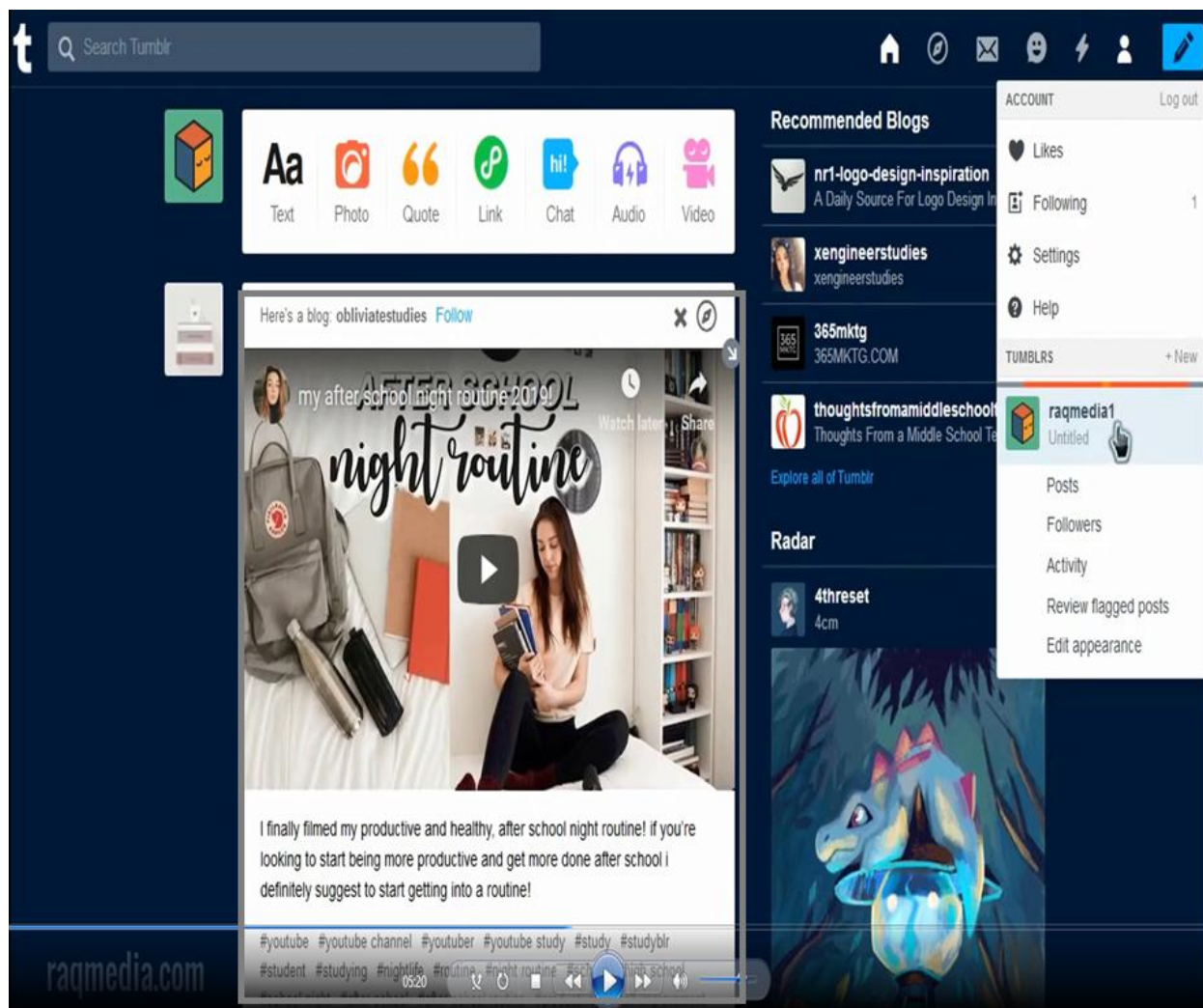
(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).



(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).



(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).



(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).

The image is a screenshot of a Tumblr post. At the top, there is a search bar and navigation icons. Below that, a menu shows options: Text, Photo, Quote, Link, Chat, Audio, Video. The main content is a video player showing a man with arms crossed. The video title is "COMPRESS 10 GB VIDEO TO 2MB WITHOUT LOSING QUALITY". The video player has a progress bar at the bottom showing 08:53. To the right of the video player, there is a sidebar with several user avatars and names: speakingtoyoursoul, historycultureeducation, xengineerstudies, and a "Radar" section with "fashion".

Search Tumblr

Text Photo Quote Link Chat Audio Video

raqmedia1

raqmedia.com

COMPRESS 10 GB VIDEO TO 2MB WITHOUT LOSING QUALITY

10 GB

2 MB

How To Compress Video Without Losing Quality >

We often want to share videos with other people either for business, friends or family members. Unfortunately their size is the first problem that you may face. we will explain how to reduce the size of the video easily and how to compress video without losing quality. download handbrake, compress video file size up to 95% , منضغط الفيديوها وتقليل مساحتها , compresseur video sans perte de qualité, برنامج لتصغير حجم الفيديو مع الحفاظ على الجودة compressa de pelicula

#tutorial #how-to-geek #raqmedia

speakingtoyoursoul
Words for your turbulent emotions...

historycultureeducation
History

xengineerstudies
xengineerstudies

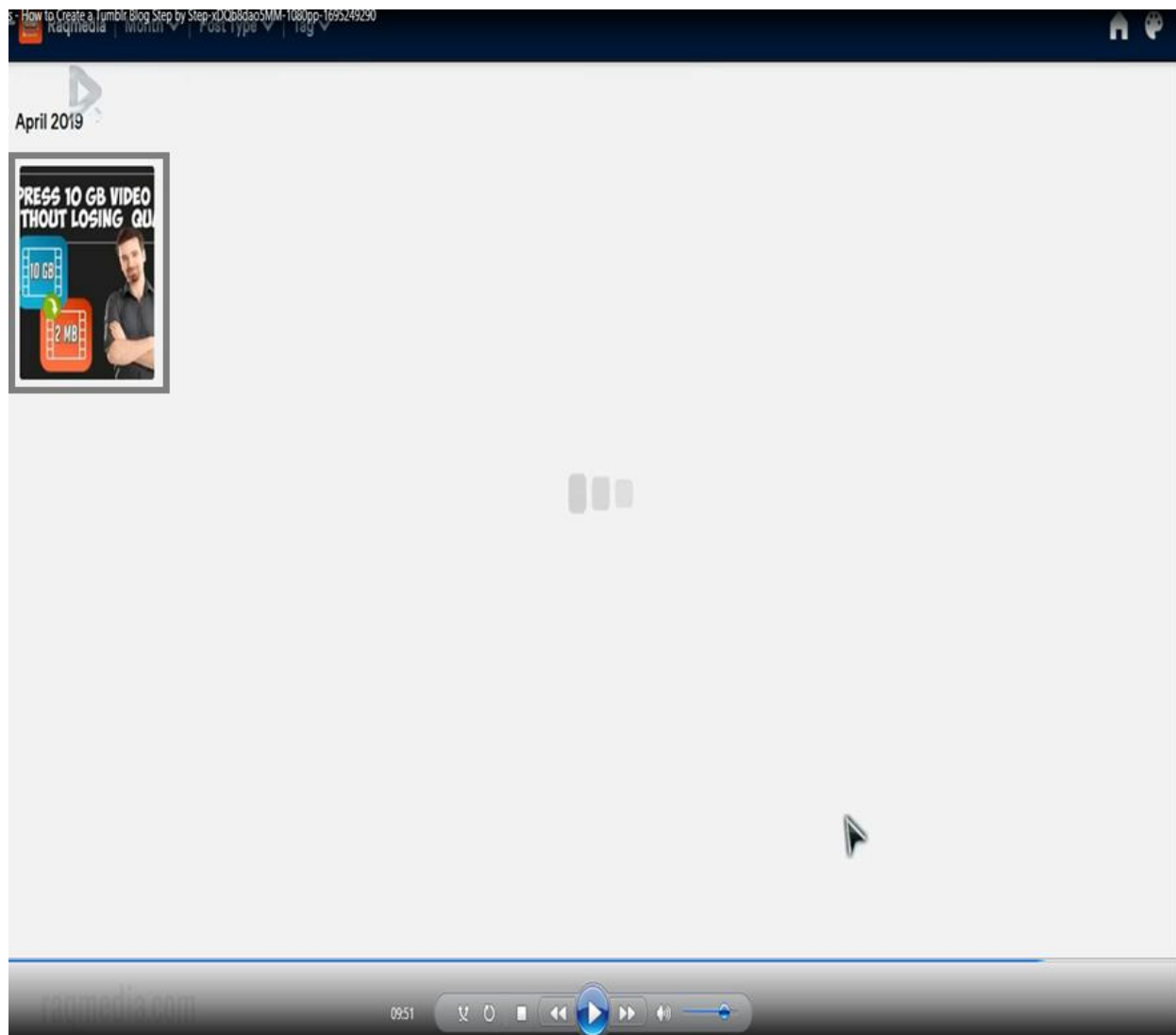
Explore all of Tumblr

Radar

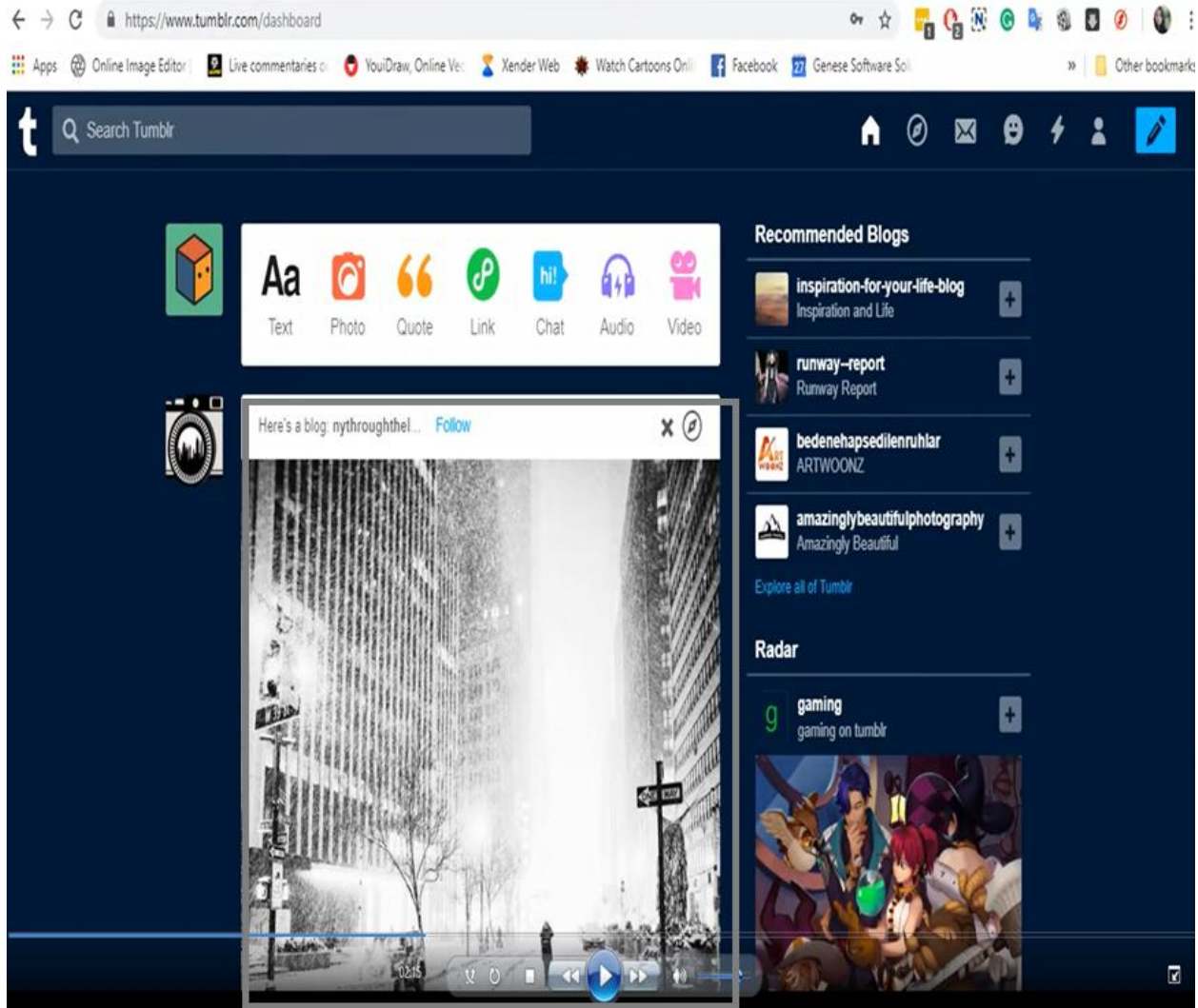
fashion
Fashion

08:53

(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



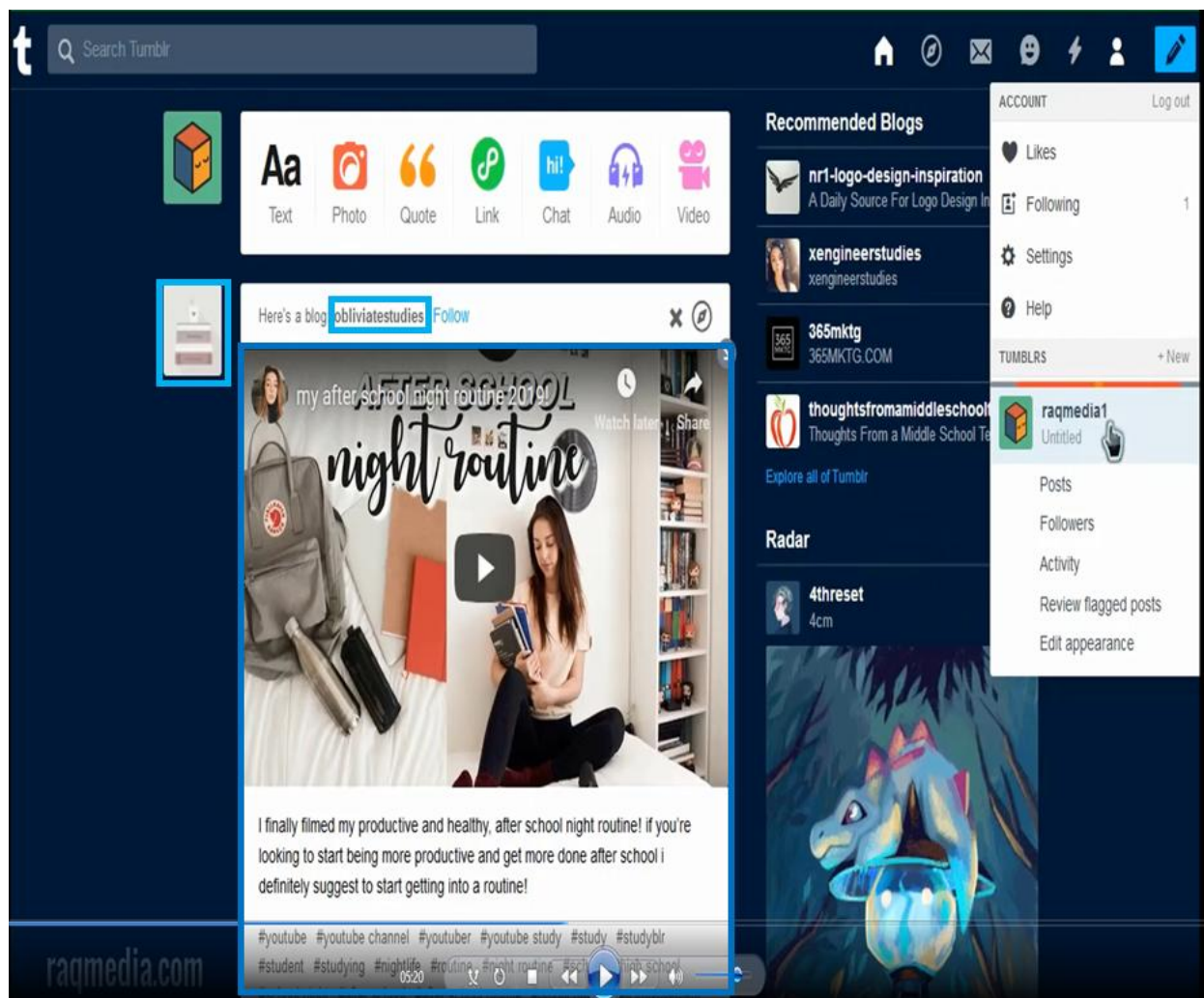
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



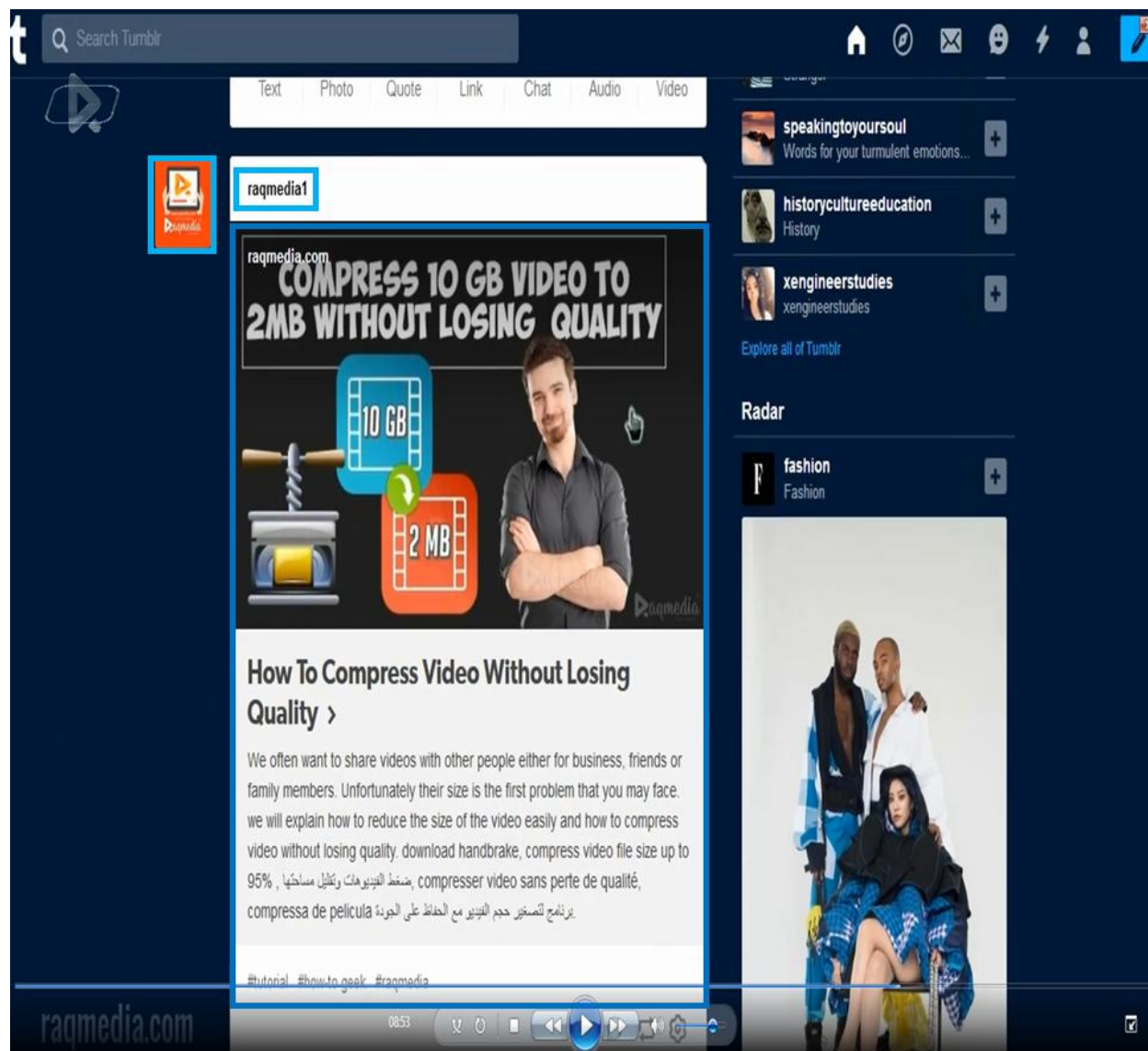
(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).

60. The stored electronic media submissions submitted via the Tumblr platform for customized feeds used by Tumblr with respect to the first electronic media submission (e.g., a submission comprising a post made up of photos, videos, text, and/or hashtags, submitted by a Tumblr user) stores data identifying the submitter and data indicating content for each electronic media submission, e.g., as shown below with a name and user profile photo identifying the submitter and photos, videos, text, and/or hashtags, along with URLs to further material indicating content. The stored electronic media submissions submitted via the Accused

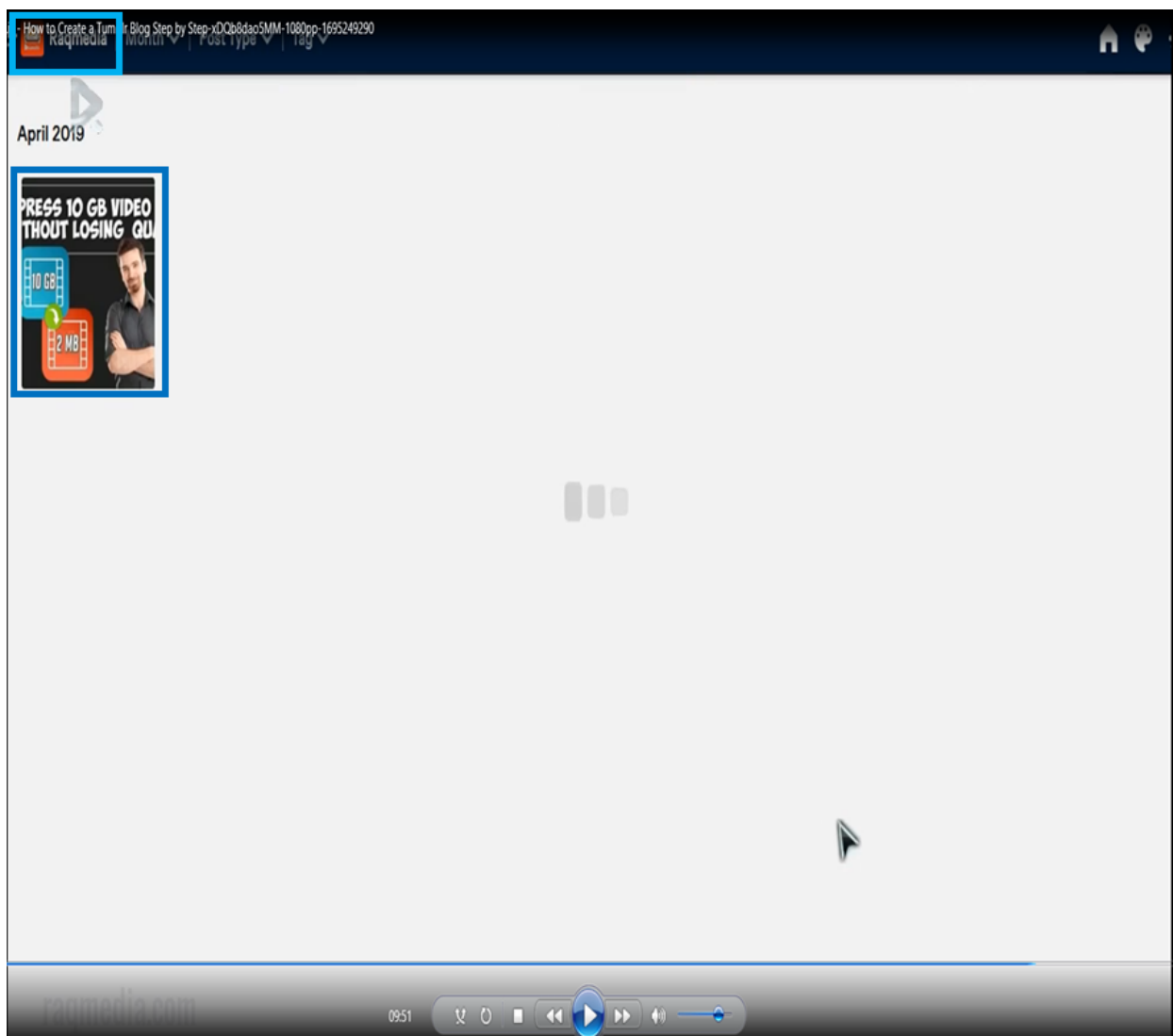
Instrumentality by Tumblr with respect to the first electronic media submission (*e.g.*, a submission comprising a post made up of photos, videos, text, and/or hashtags, submitted by a Tumblr user) further include data identifying date and time associated with receipt of the first electronic media submission. This data identifying date and time associated with receipt of the first electronic media submission, while in some cases not displayed or not displayed in full detail to users, is used by Tumblr, *inter alia*, to display the month and year associated with the submission as well as to dynamically and precisely sort respective submissions according to their chronological order (*e.g.*, a “Most Recent” sort of posts matching a particular search or a review of all posts from a particular user from a particular day in chronological order) and to regularly update users (*e.g.*, via email) when others’ posts meeting certain criteria are received.



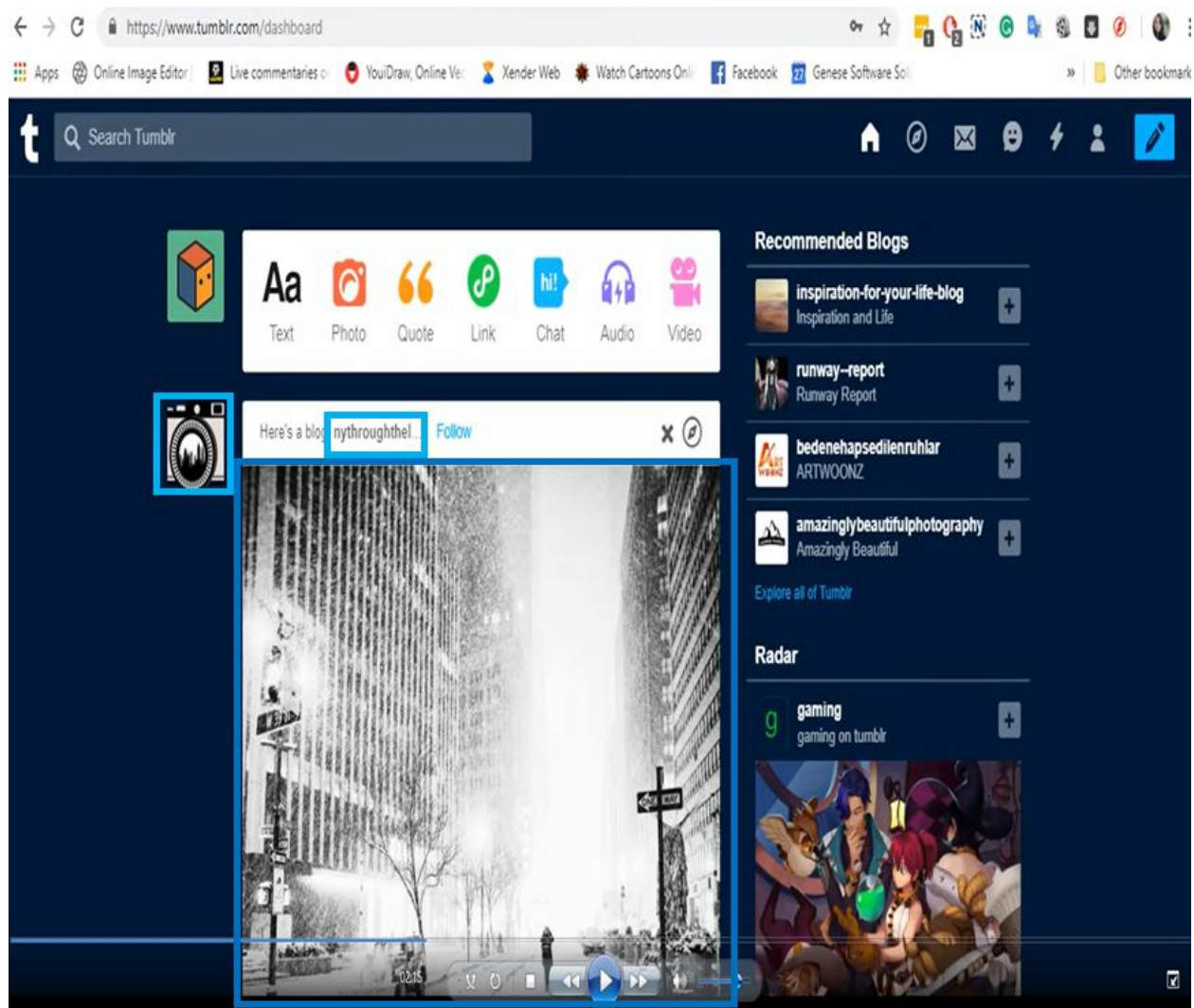
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



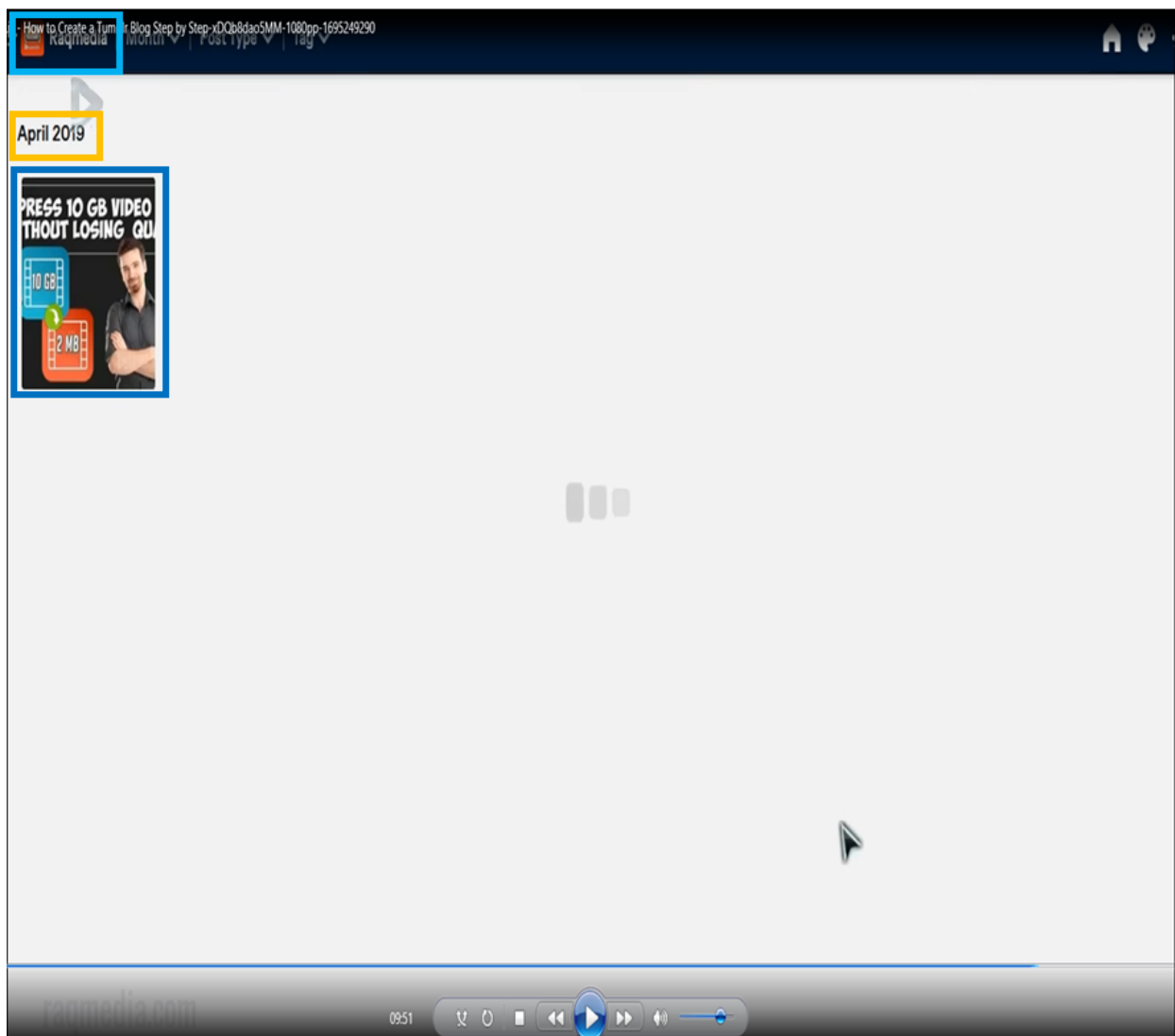
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



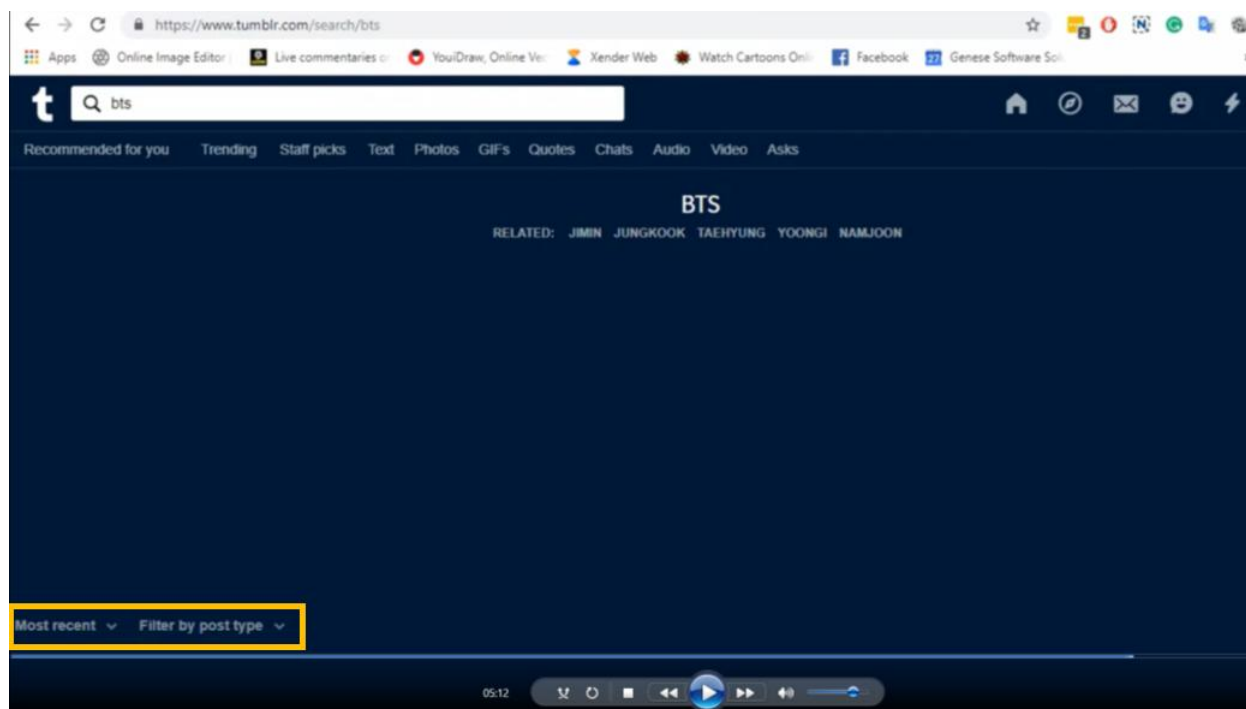
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).



(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).

How can I effectively search Tumblr?

Tumblr is a treasure trove of cool old stuff. Here are some URL tips for searching Tumblr effectively!

I'm using Dan's blog as an example:

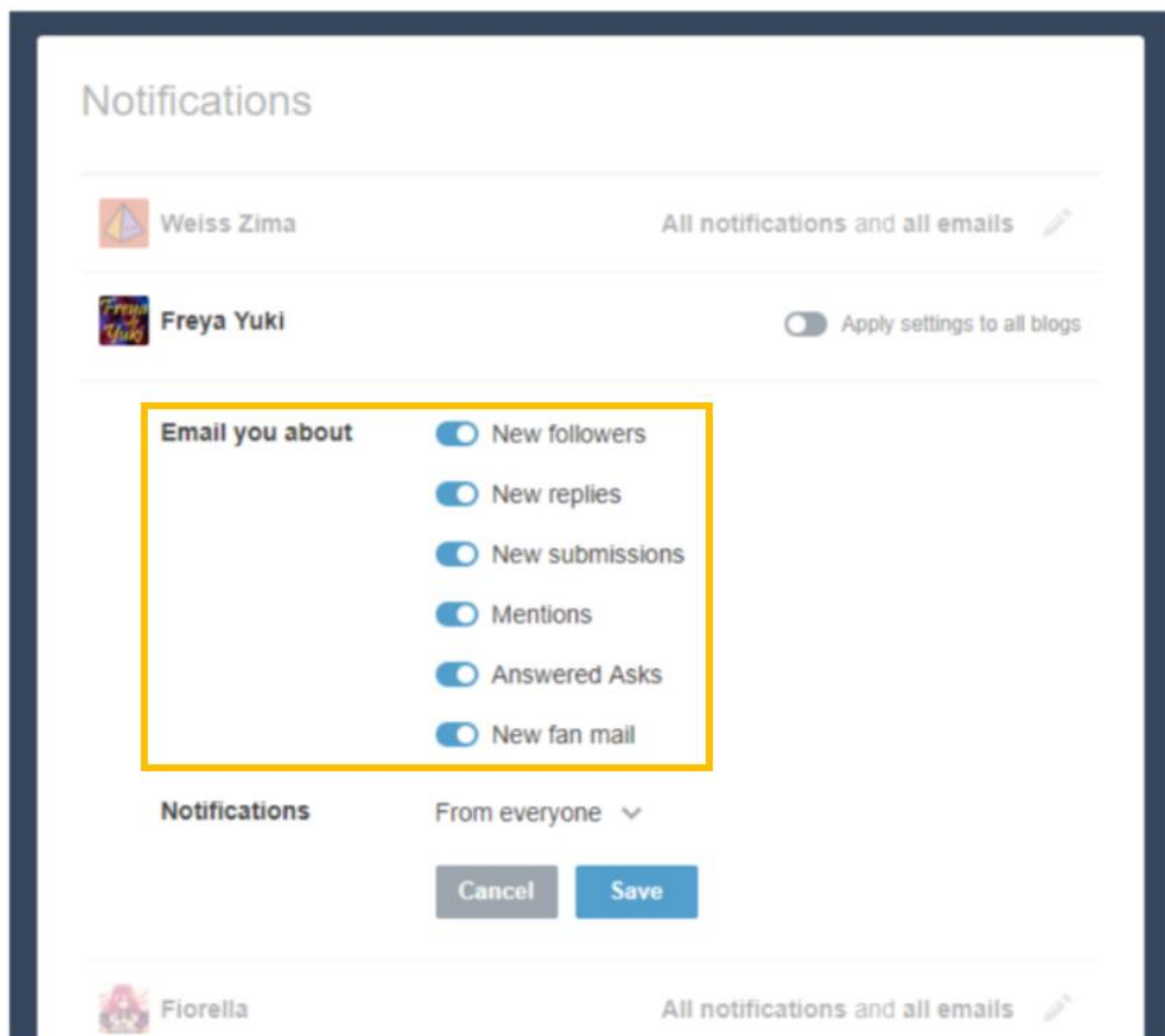
<http://danielhowell.tumblr.com//archive>

- From here, you can filter by either date (by choosing a month and year) or by post type (photo, text, ask, etc.)

<http://danielhowell.tumblr.com//day/YYYY/MM/DD>

- Example: <http://danielhowell.tumblr.com//day/2013/05/19>
- This will show you everything he posted on a specific day, in chronological order.

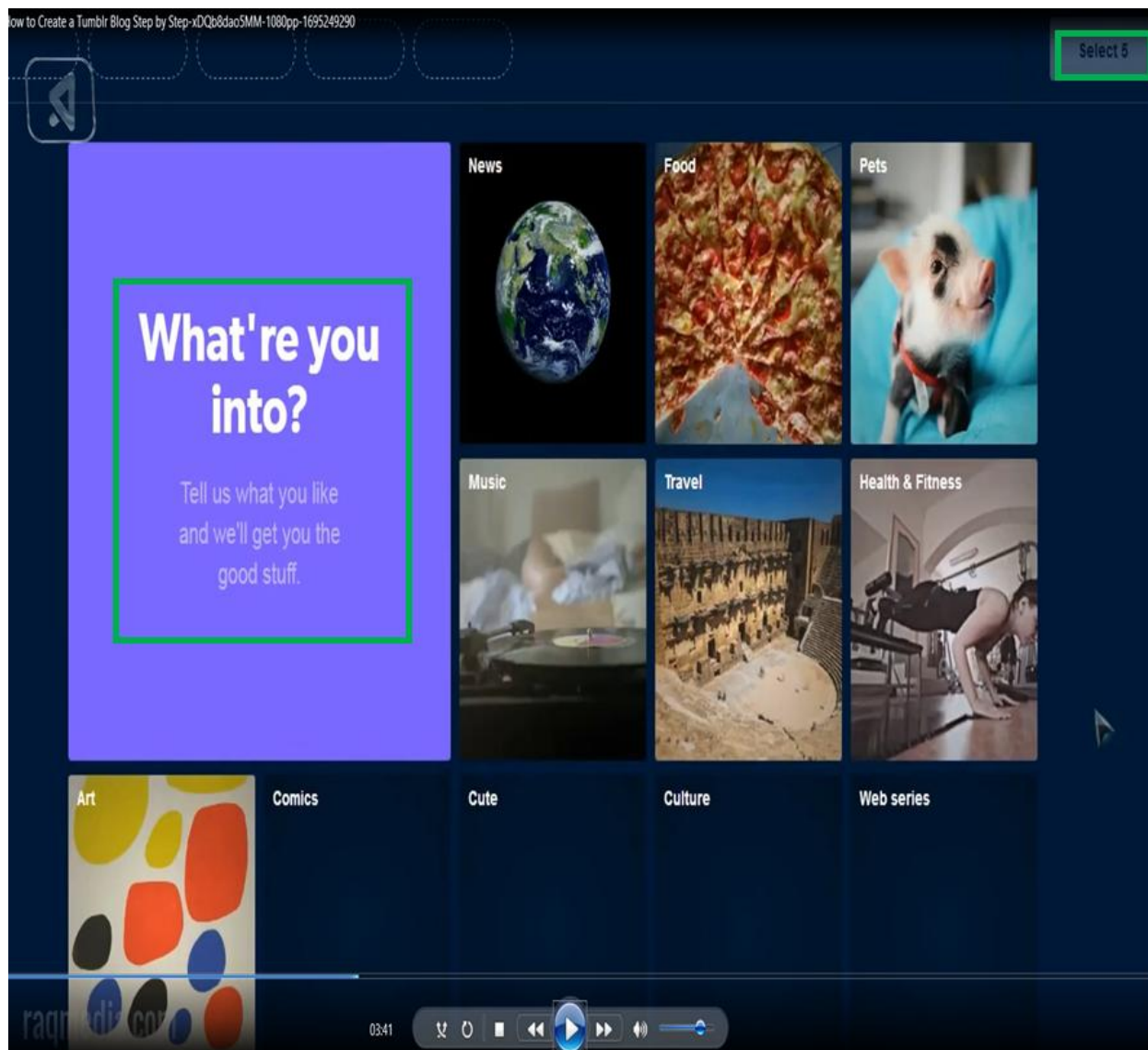
(E.g., <https://indepthbants.com/viewtopic.php?t=592> (published February 9, 2017)).



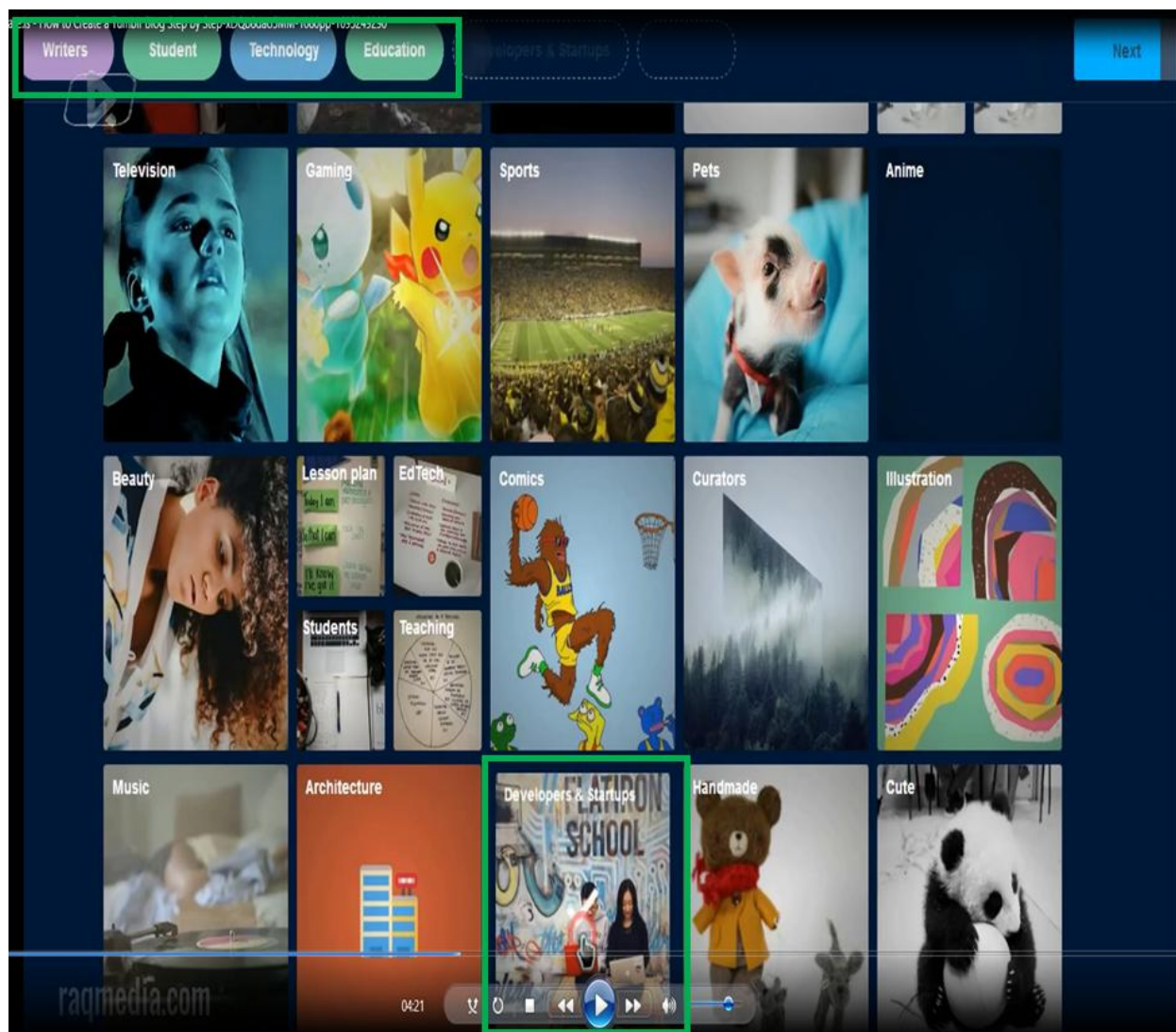
(E.g., <https://freayuki.tumblr.com/post/177170900262/tutorial-how-know-tumblr-post-notes-likes-reblog-replies> (published August 20, 2018)).

61. The Accused Instrumentality comprises one or more databases comprising criteria associated with one or more users of the plurality of users stored in such database. Such user database is stored in memory available through the Accused Instrumentality's servers, for example as discussed throughout. Some examples of such criteria stored in such user database on the Accused Instrumentality are selections of Tumblr users with respect to interests, those who the user follows, and the user's followers, which in turn affect which electronic media

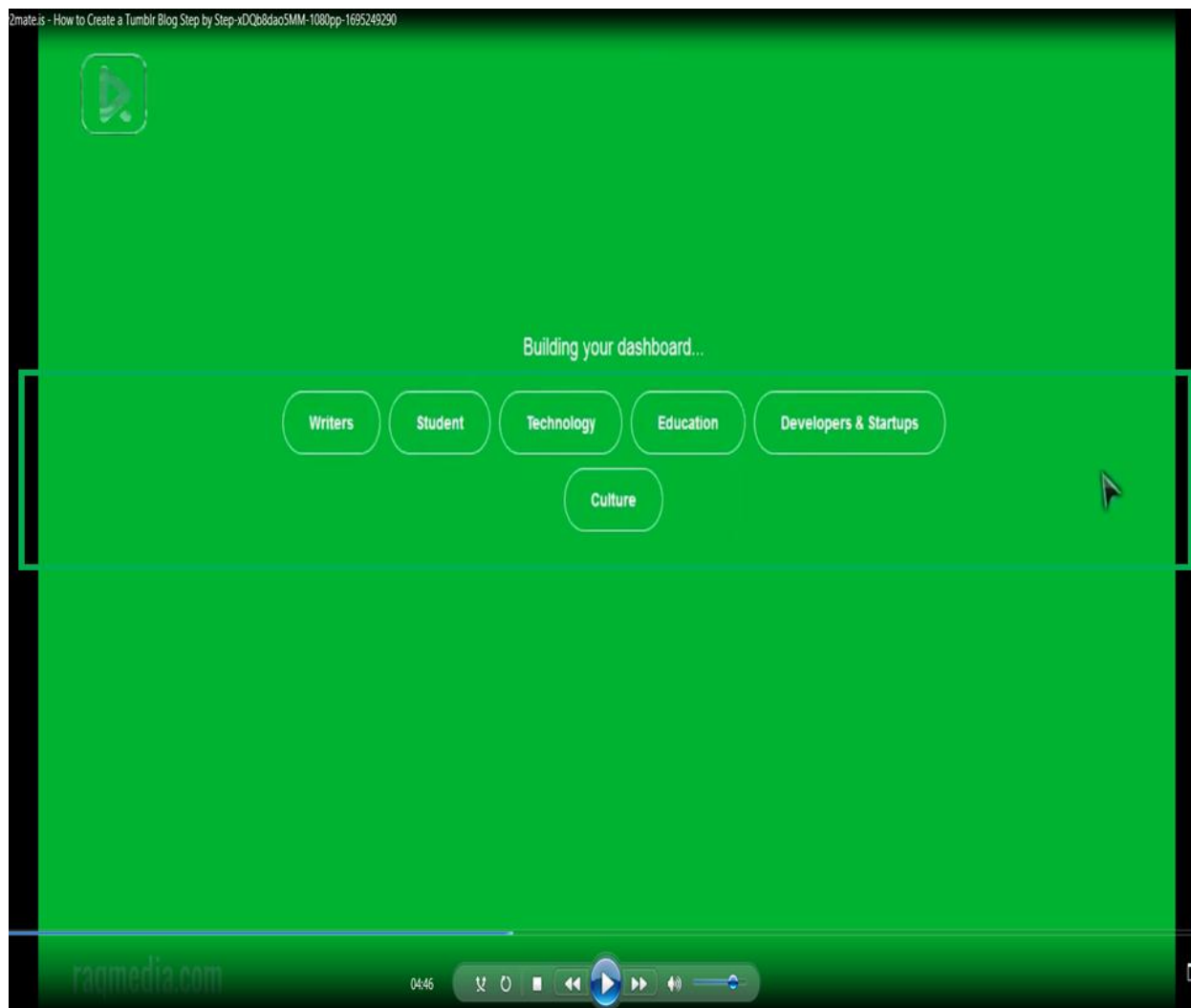
submissions, *e.g.*, posts, appear on a given user's customized feeds, as shown and discussed for example below.



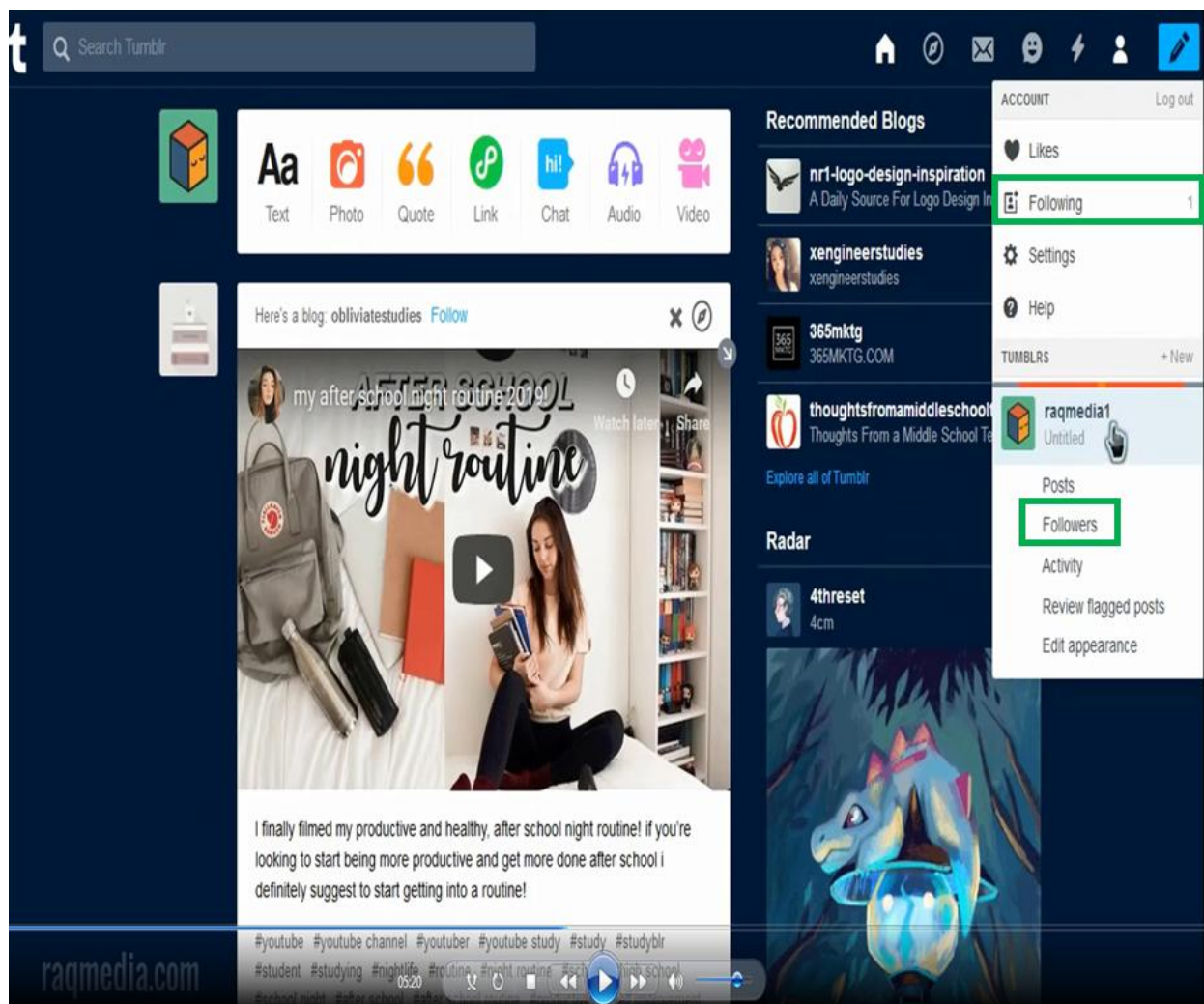
(*E.g.*, <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



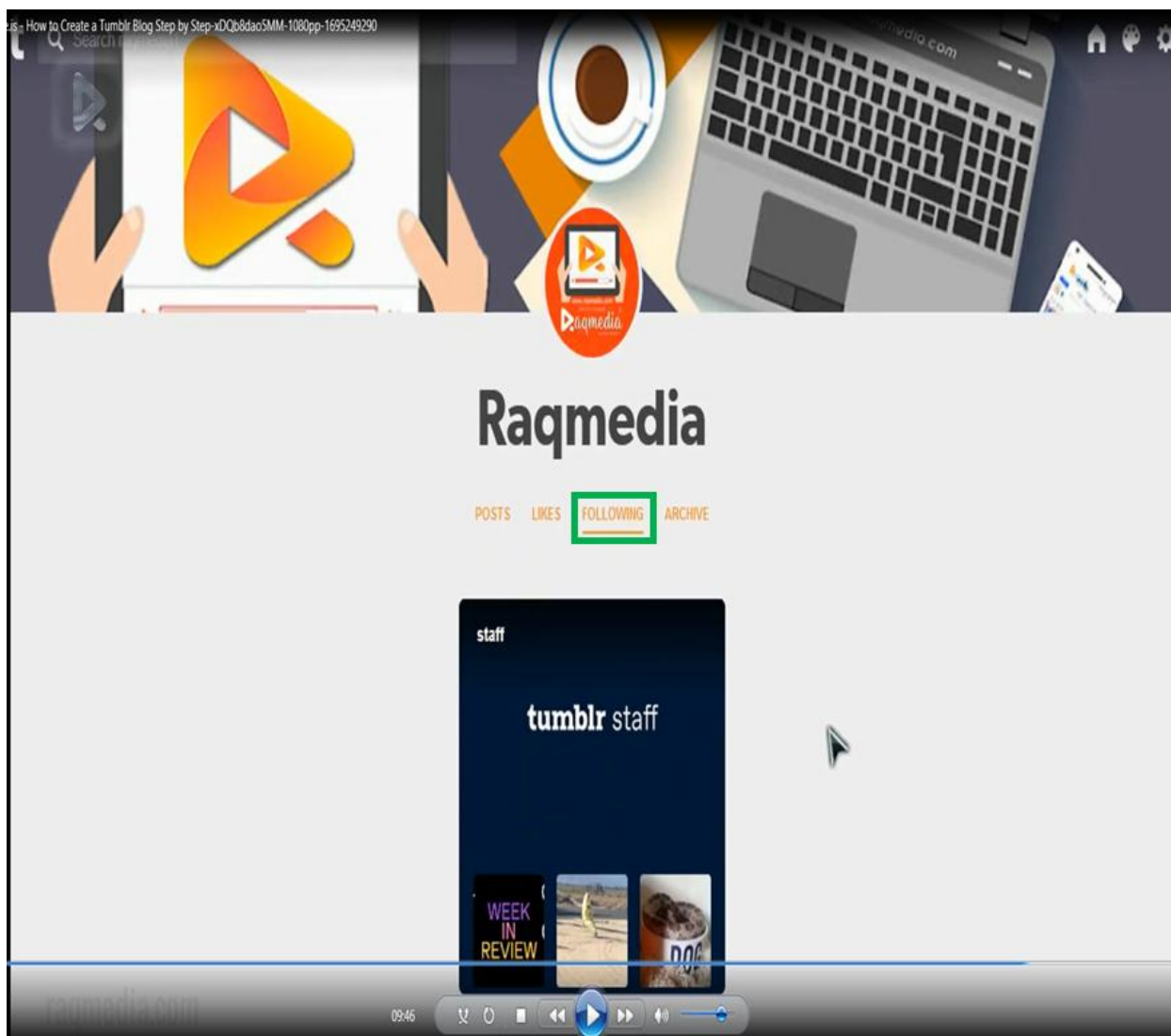
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



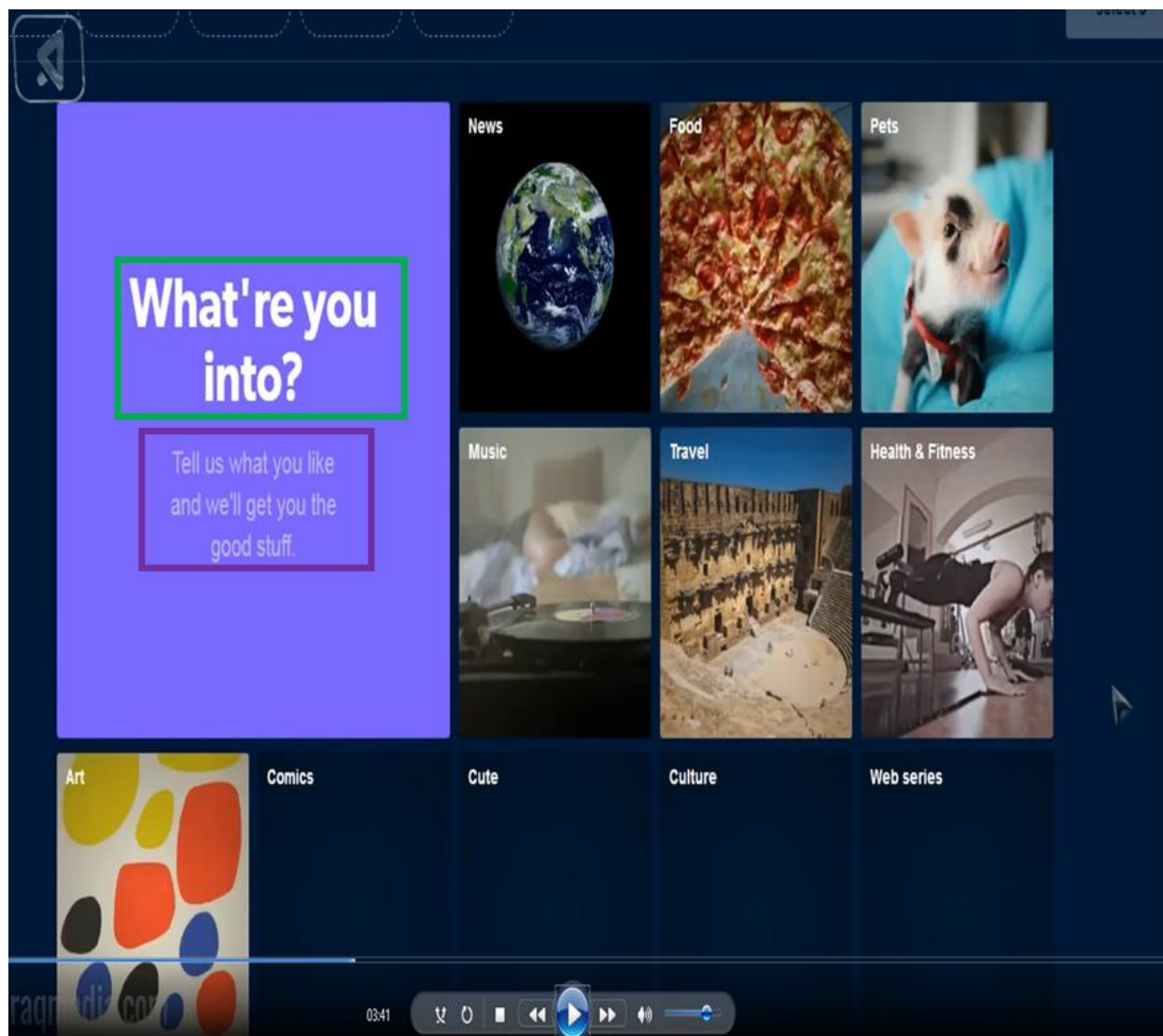
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



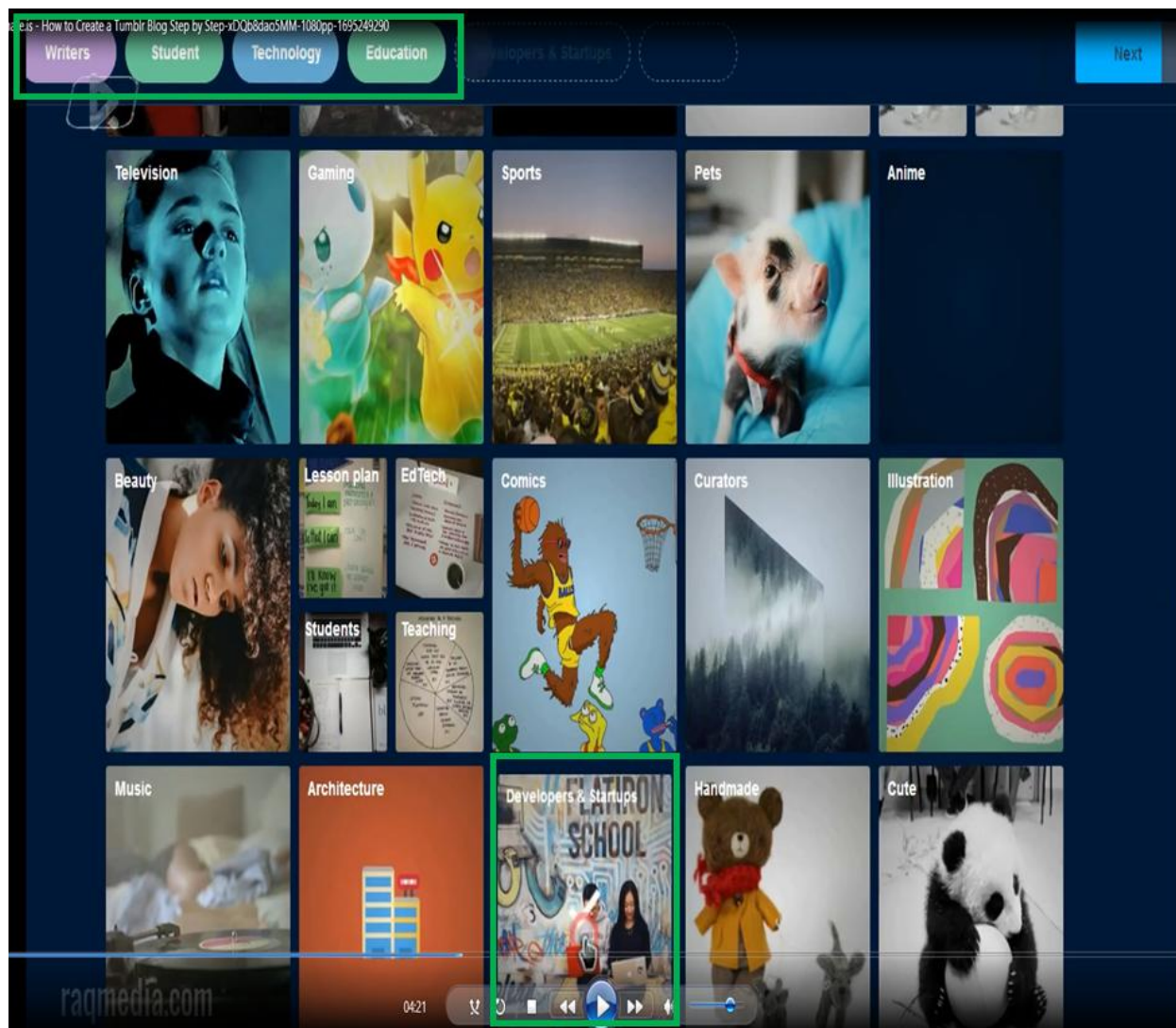
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).

62. The Accused Instrumentality employs an electronic multimedia creator server subsystem operatively coupled to the electronic media submissions server subsystem, necessarily having one or more data processing apparatus in order to manage content, and an electronic creator multimedia database stored on a non-transitory medium, configured to select and retrieve a plurality of electronic media submissions (e.g., posts of various Tumblr users with associated multimedia content) from the electronic media submissions database using an electronic content filter located on the electronic multimedia creator server. As can be seen below, such electronic

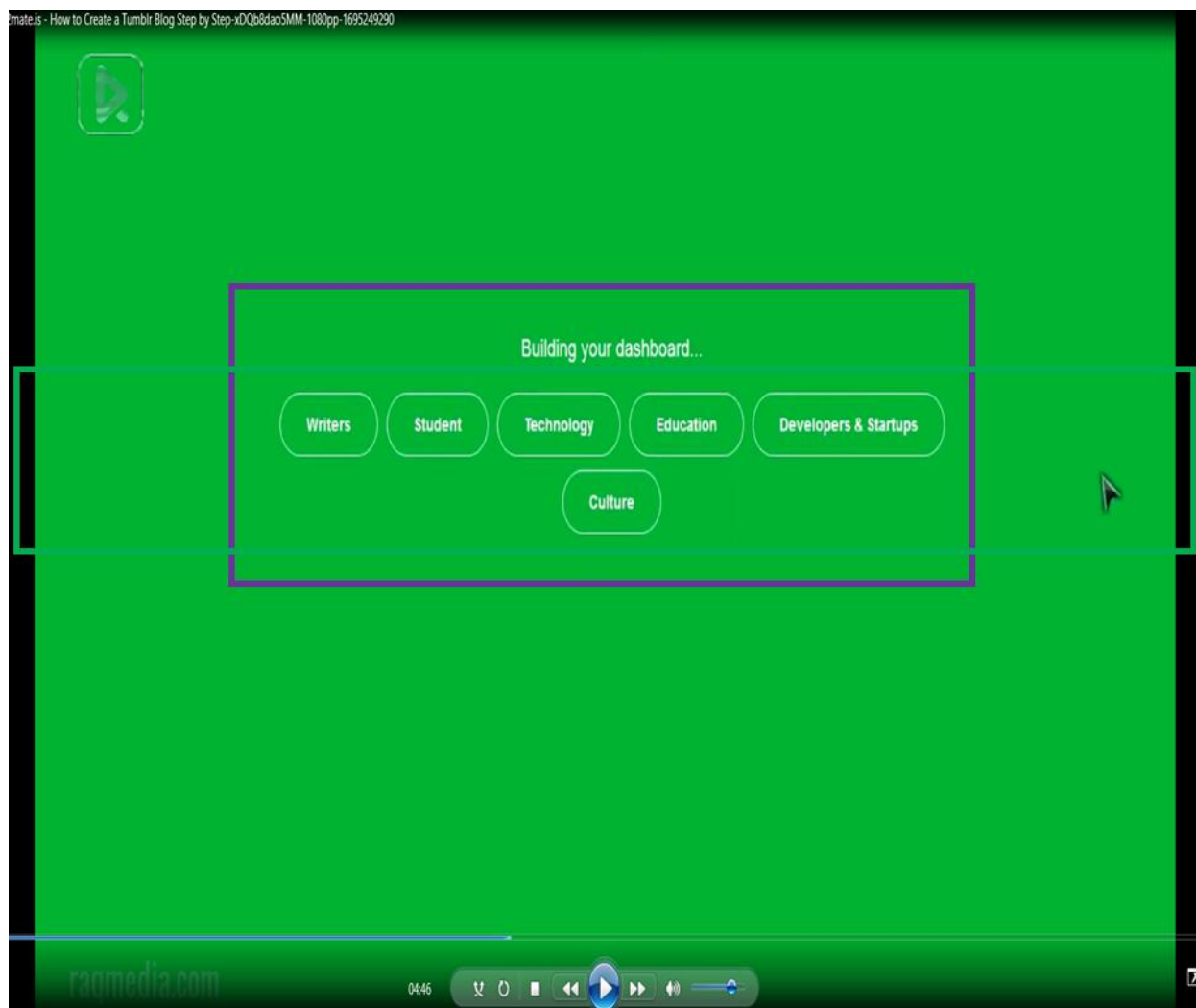
content filter as is used by Tumblr is based at least in part on at least one of the one or more criteria, (*e.g.*, based on, *inter alia*, interests, those who the user follows, which in turn affects which electronic media submissions, *e.g.*, posts, appear on a given user's customized feeds), as shown and discussed for example below. Tumblr uses function-specific subsystems, for example as discussed below. Such electronic content filter is used by the Accused Instrumentality to develop multimedia content (*e.g.*, posts of various Tumblr users) to be electronically available for viewing on user devices (*e.g.*, devices such as computers and/or smart phones incorporating browsers or apps), including at least one user device associated with the first user.



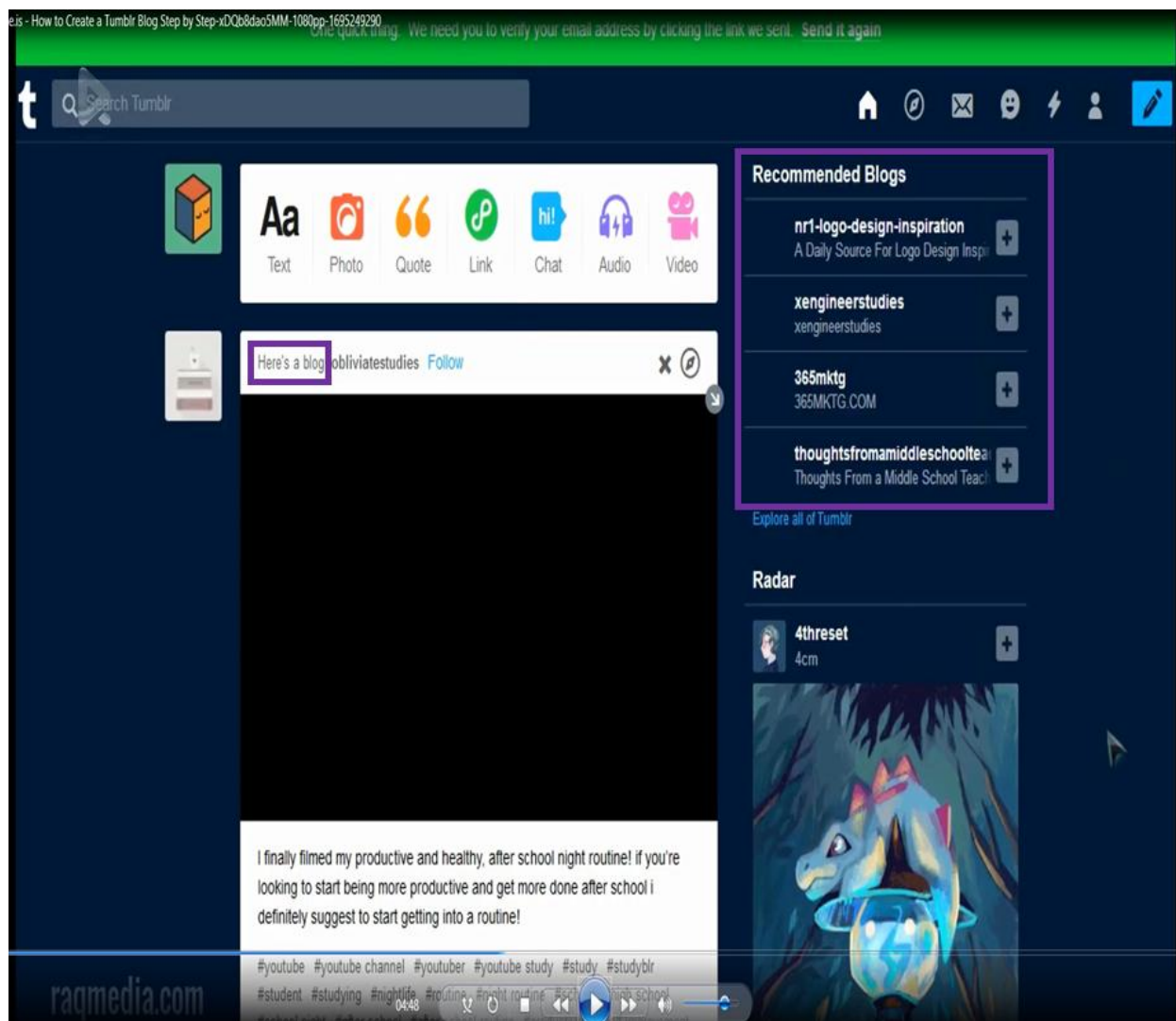
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



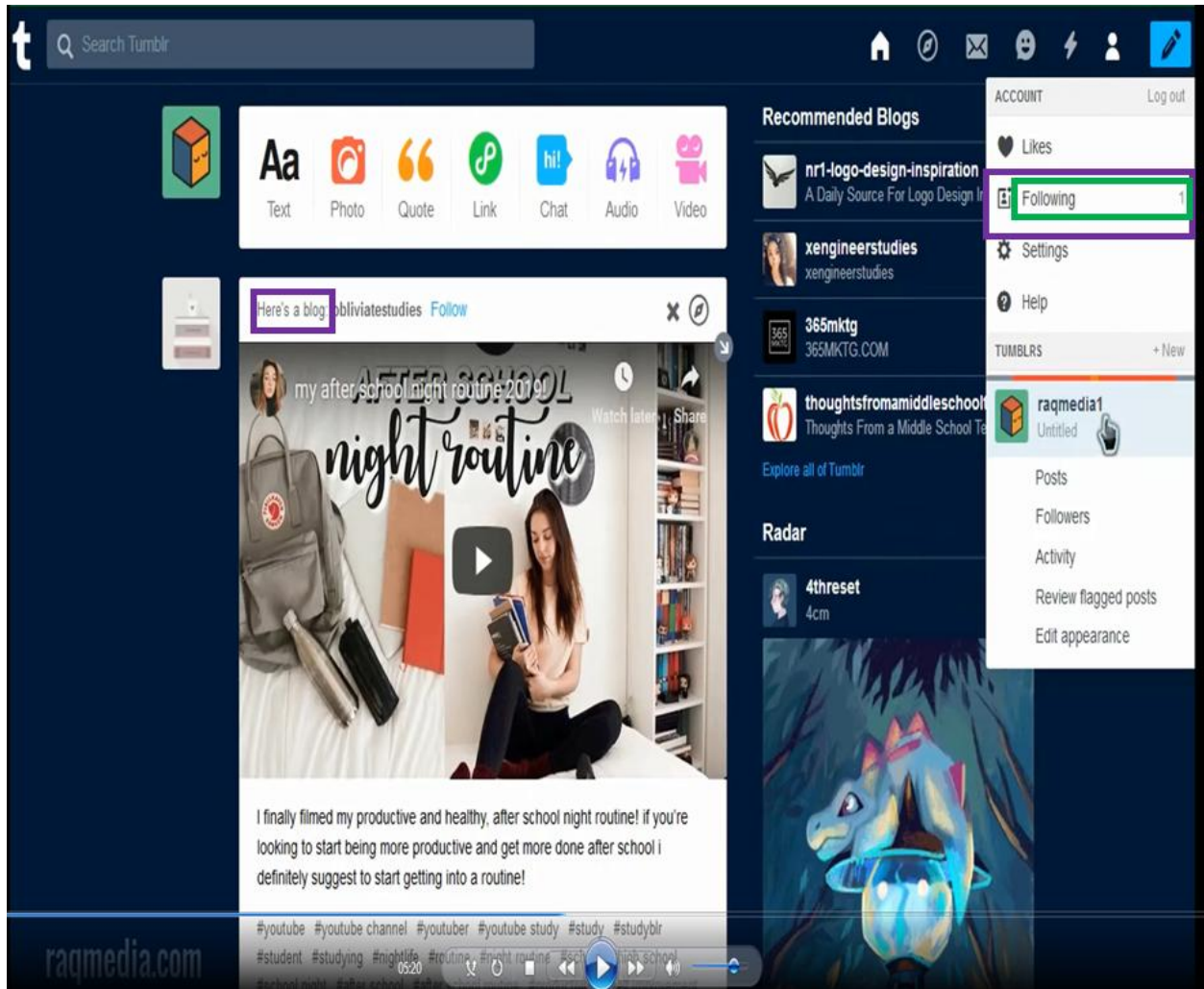
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



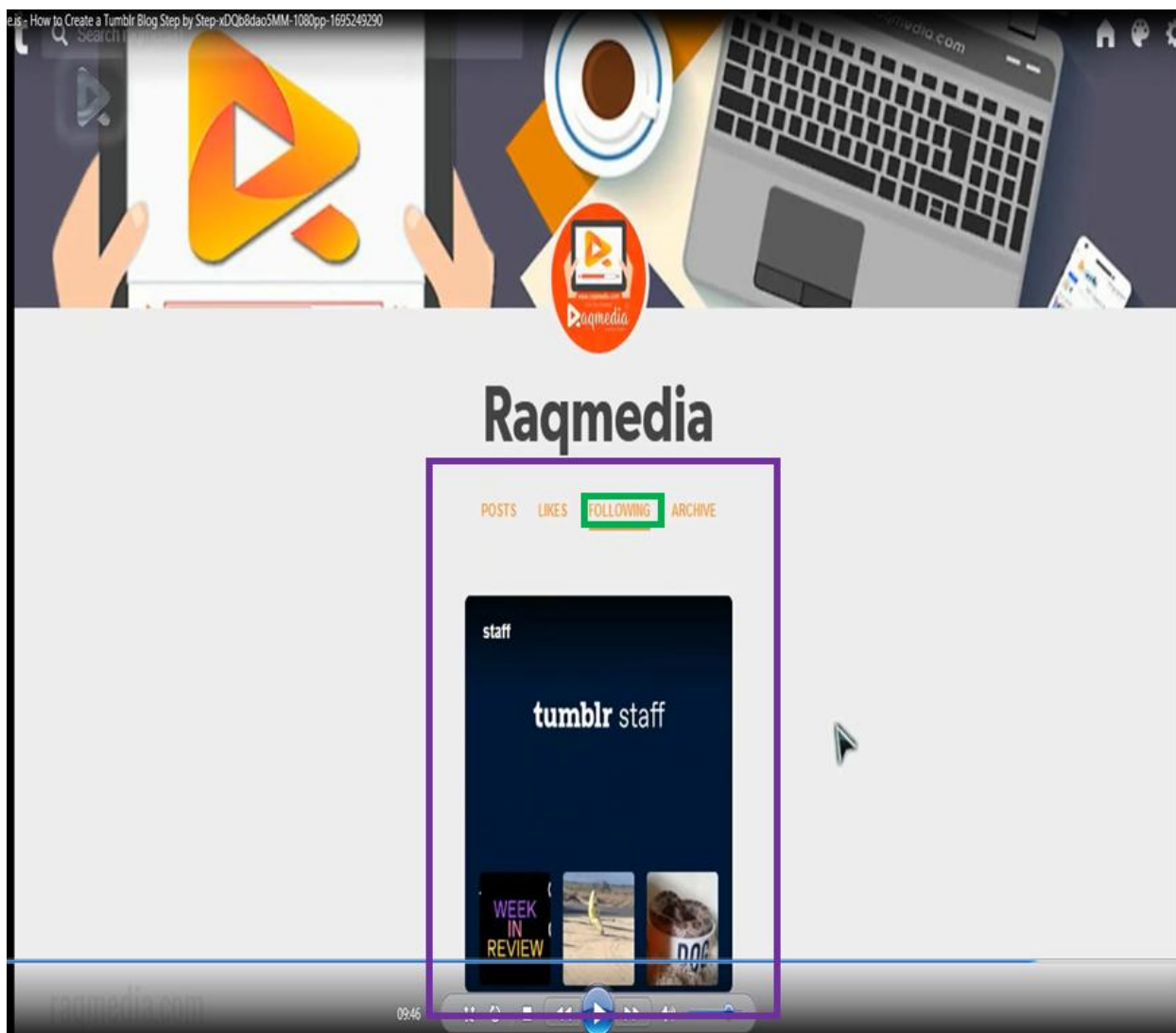
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



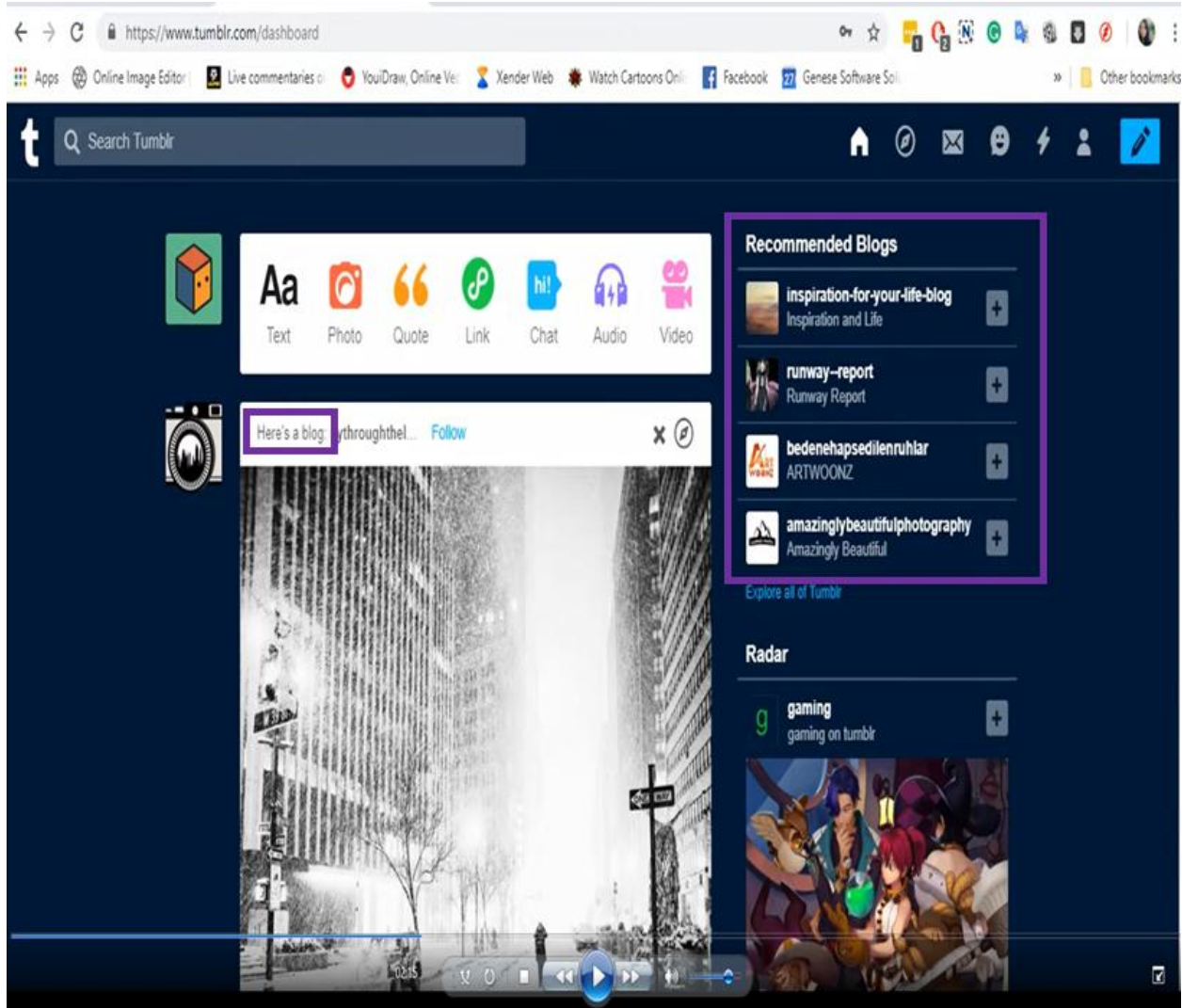
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).

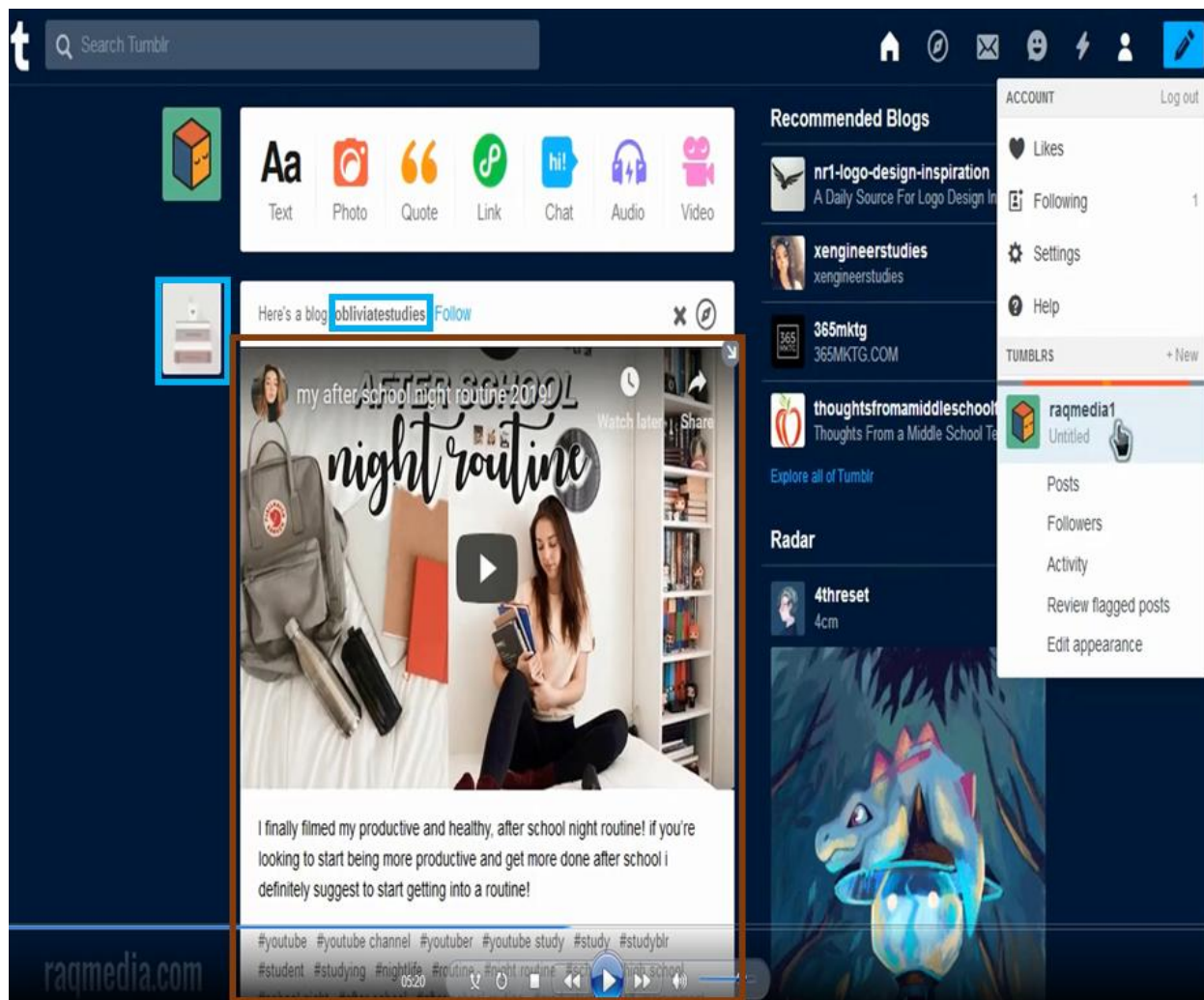


(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).

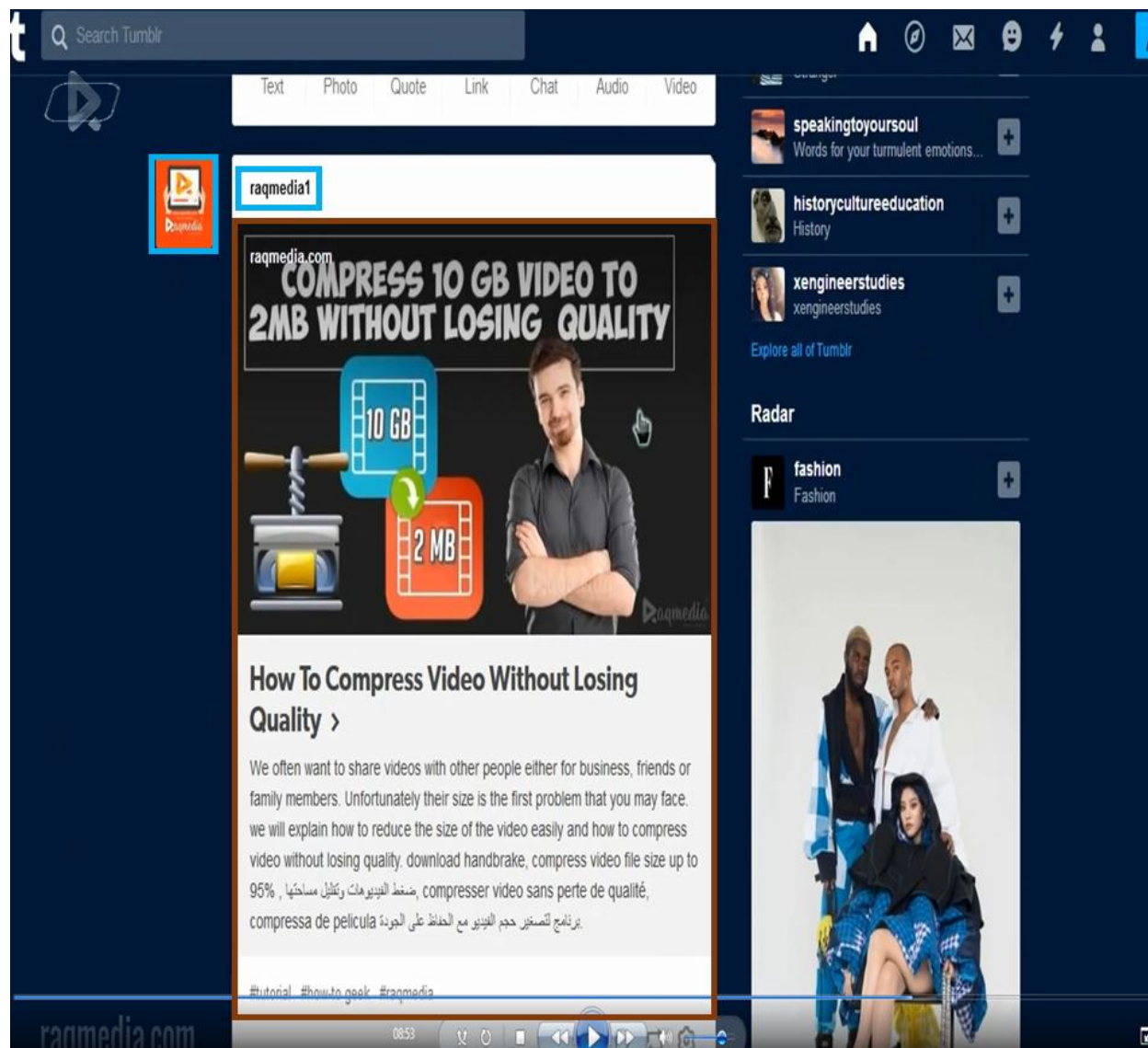


(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).

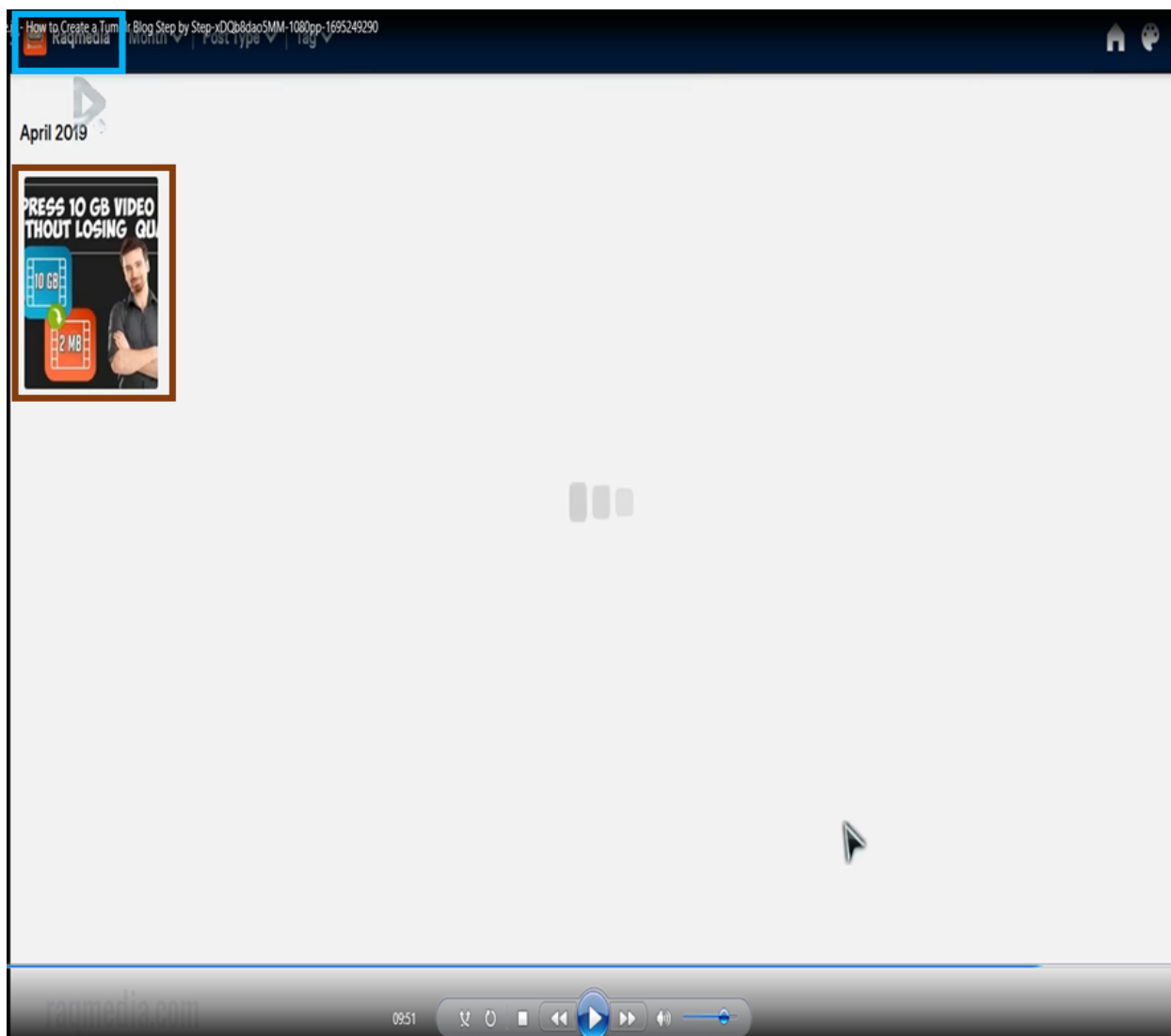
63. Such electronic content filter is used by Tumblr to develop multimedia content (e.g., various content as discussed above associated with user posts) to be electronically available for viewing on user devices (e.g., devices such as computers or smart phones incorporating browsers or apps) wherein the identification of a respective user (e.g., a name and profile photo(s)) is maintained with each selected and retrieved submission within the multimedia content, for example as shown below.



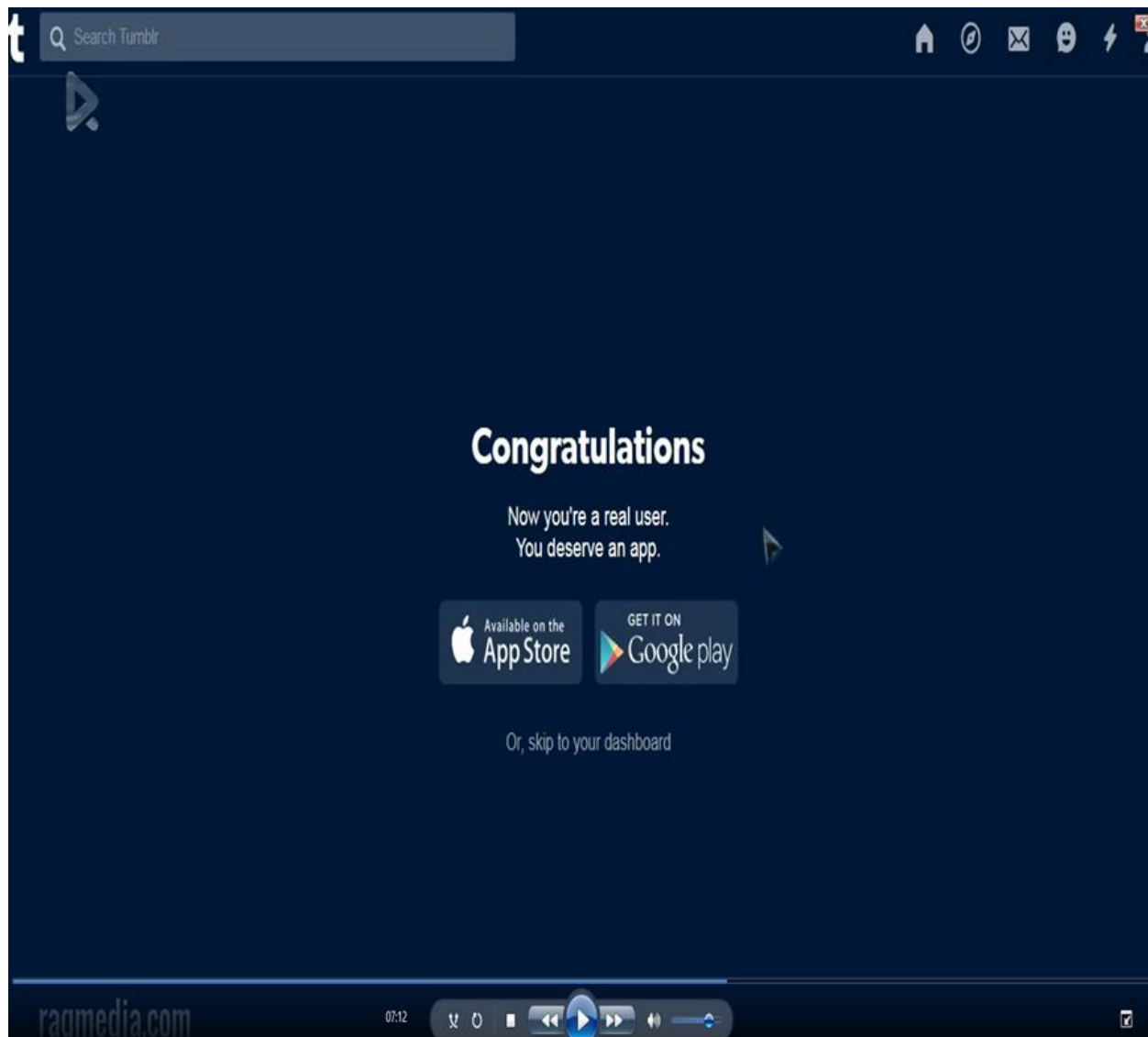
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



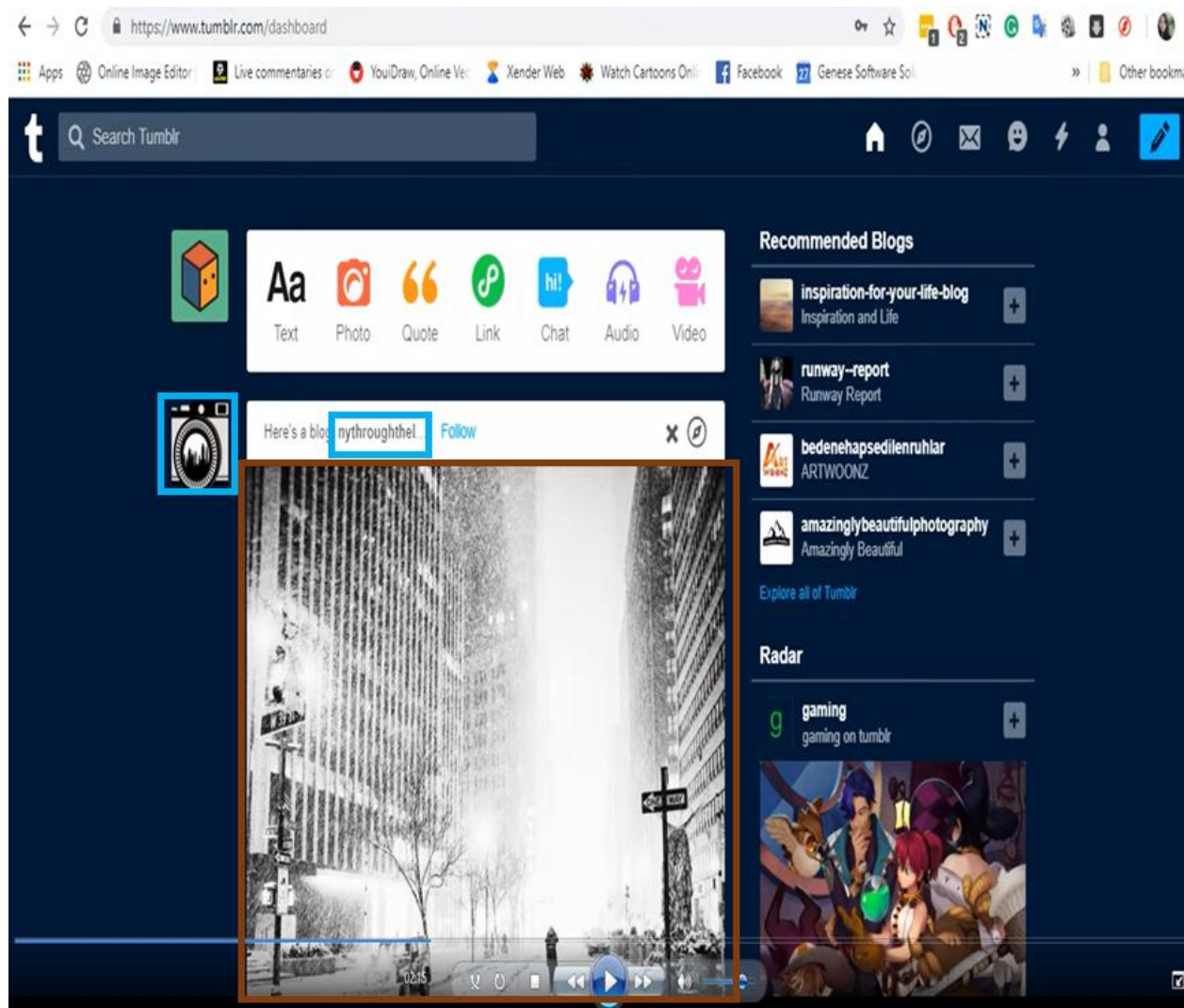
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



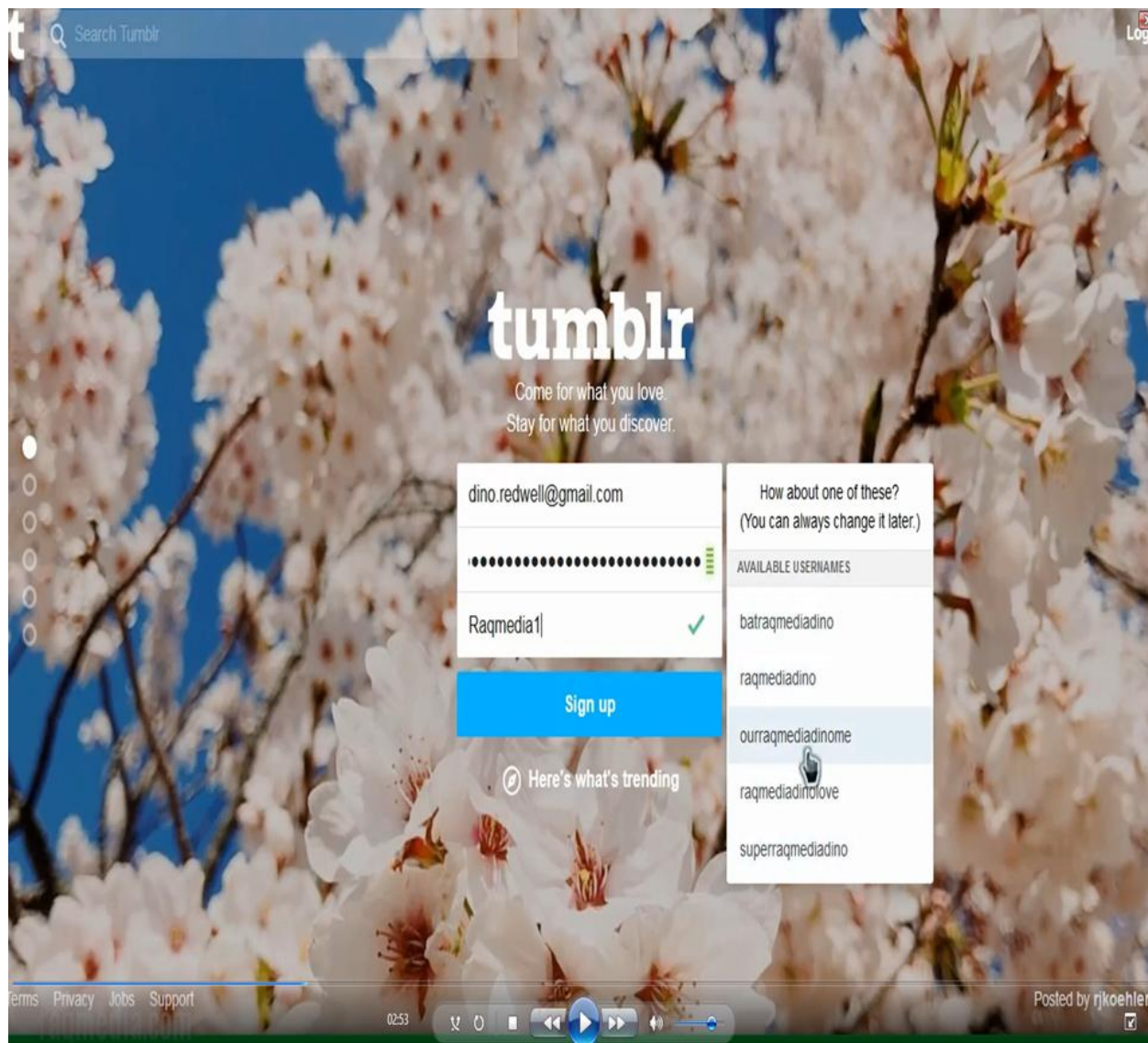
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



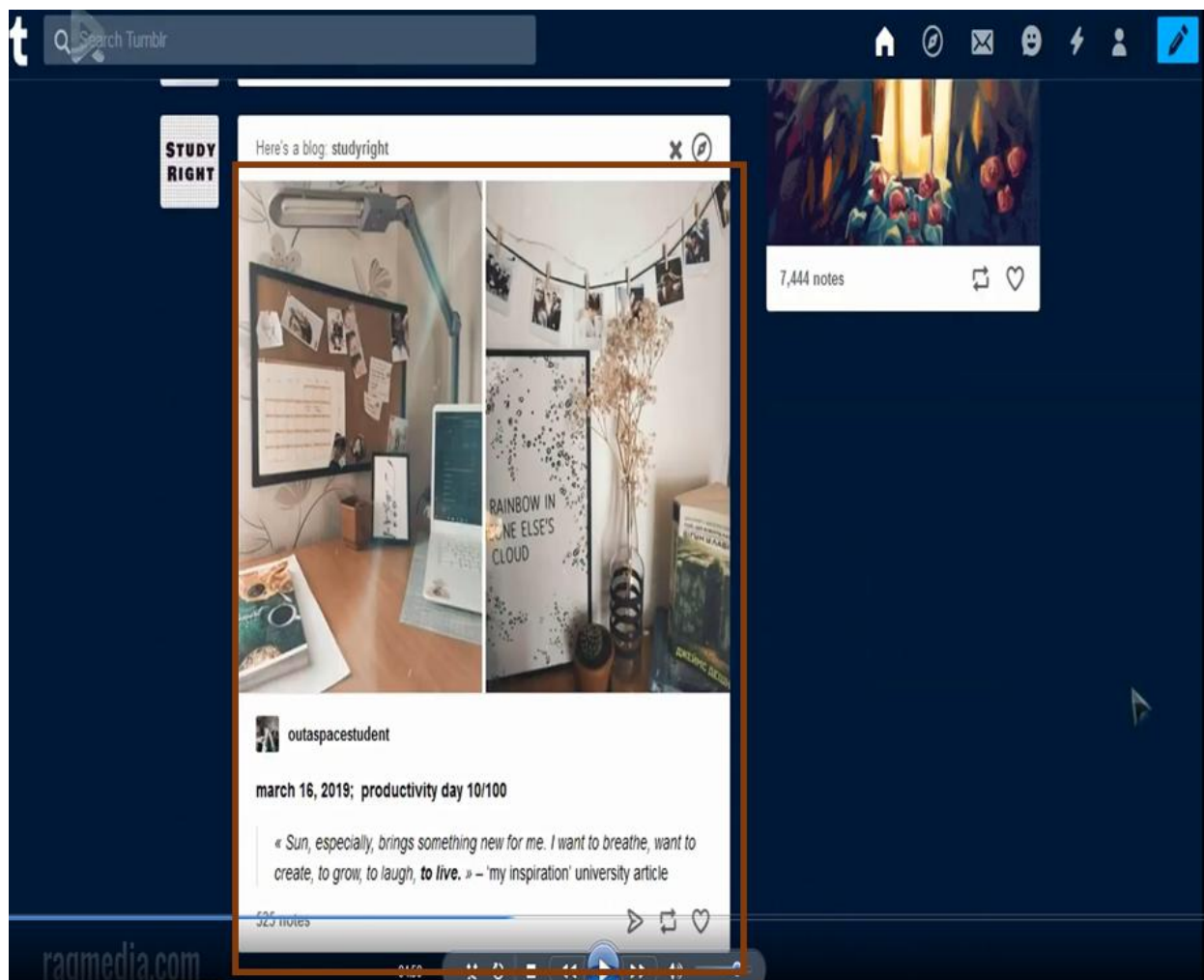
(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).

64. The Accused Instrumentality employs an electronic release subsystem operatively coupled to the electronic multimedia creator server subsystem, necessarily having one or more data processing apparatus in order to serve posts and associated multimedia content to Tumblr users, configured to make the multimedia content electronically available for viewing on one or more user devices. For example, as shown below, multimedia content (e.g., videos, photos, text, hashtags, and links to additional materials) associated with a users' interests and his or her followers is provided on a user's device in response to a user logging in to Tumblr and viewing

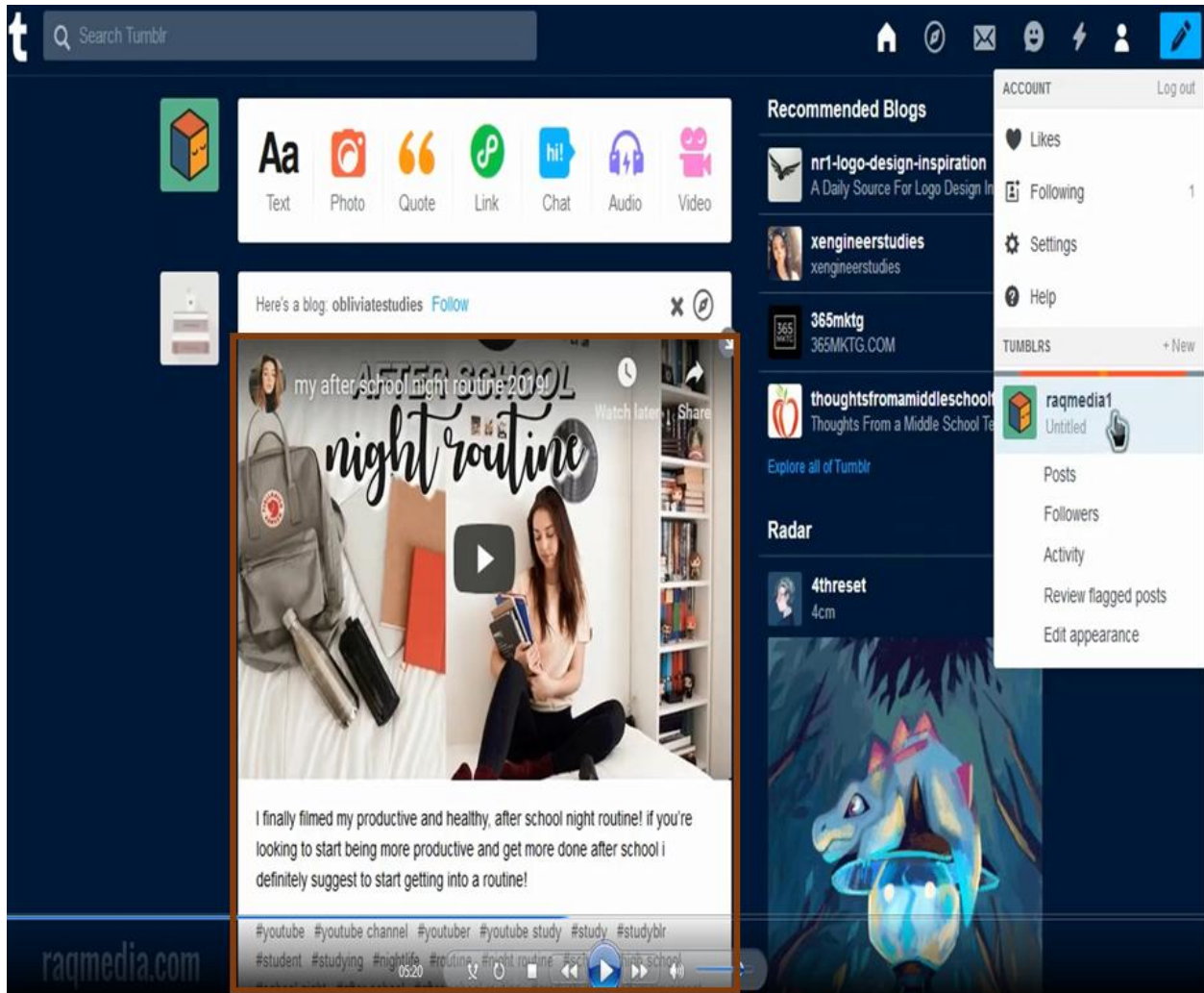
their Tumblr customized feeds. Tumblr uses function-specific subsystems, for example as discussed below.



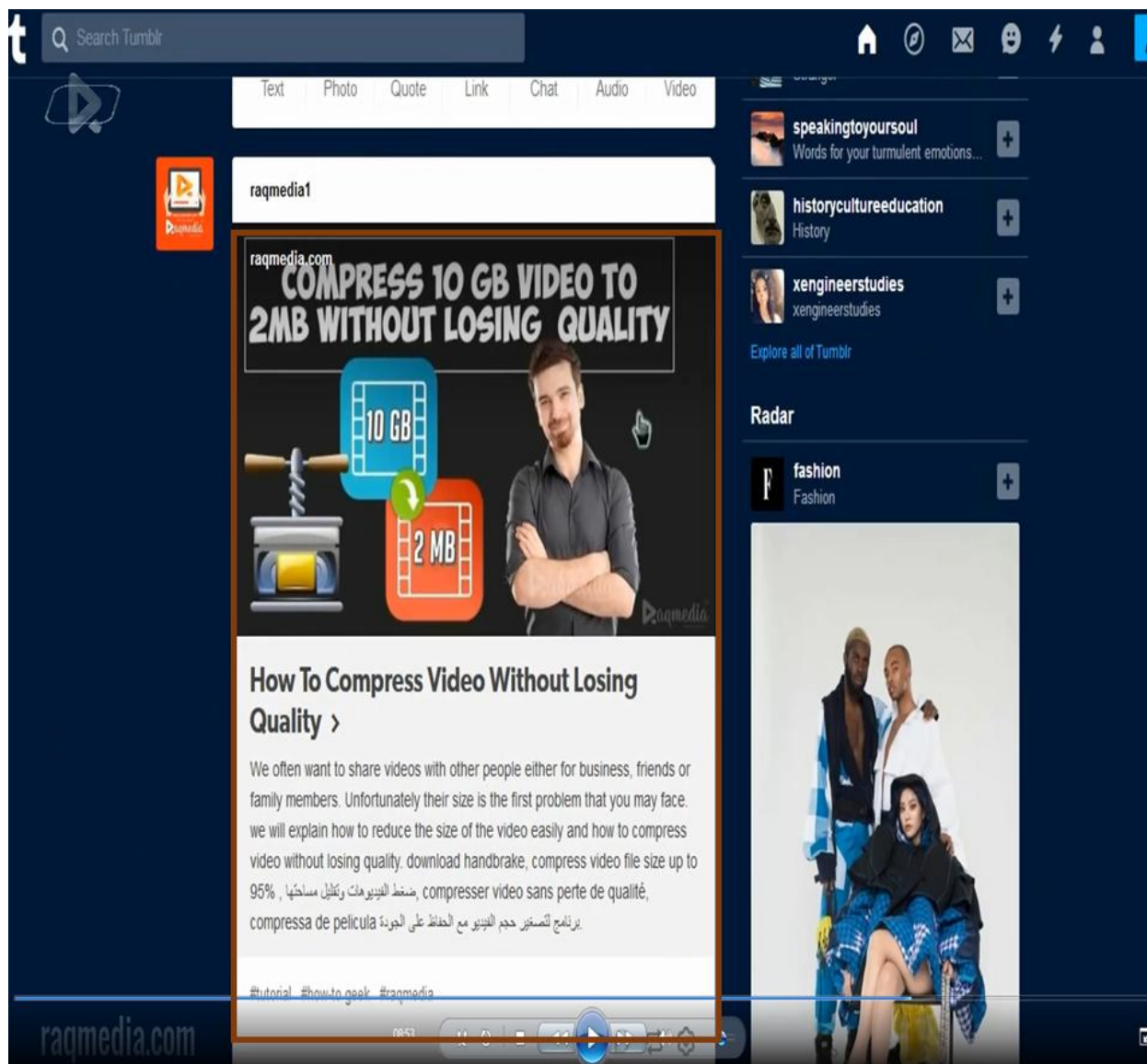
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



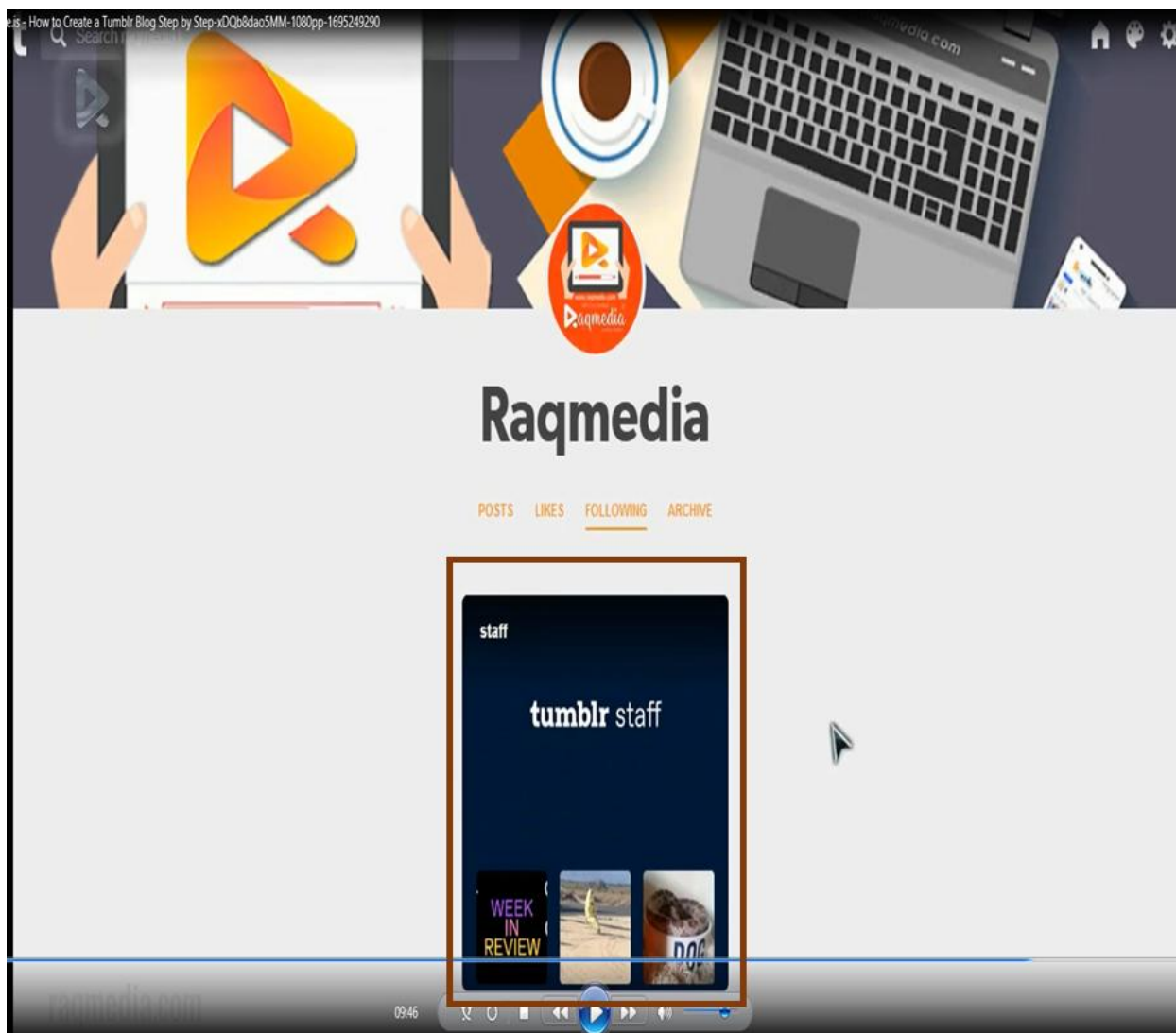
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



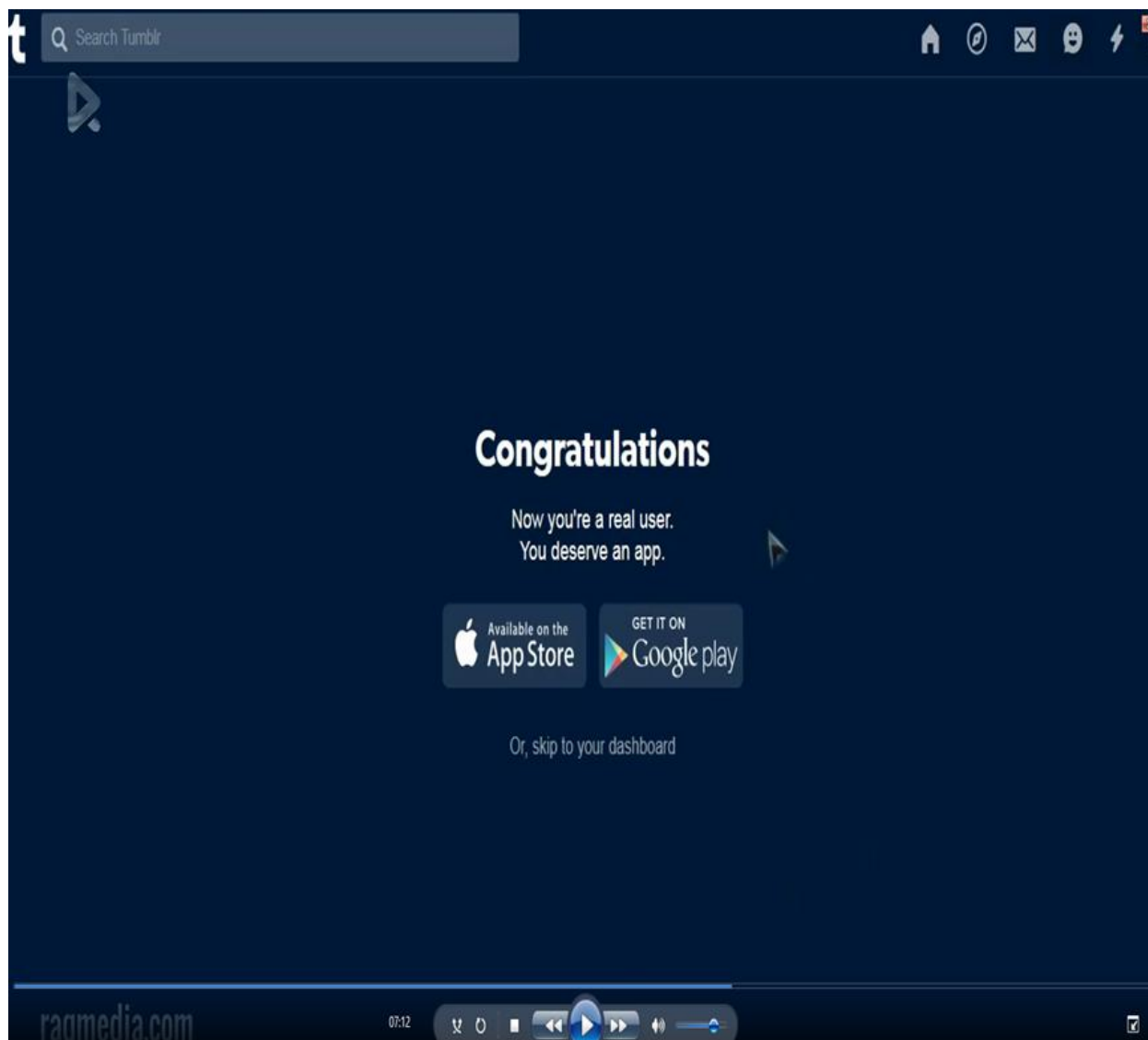
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



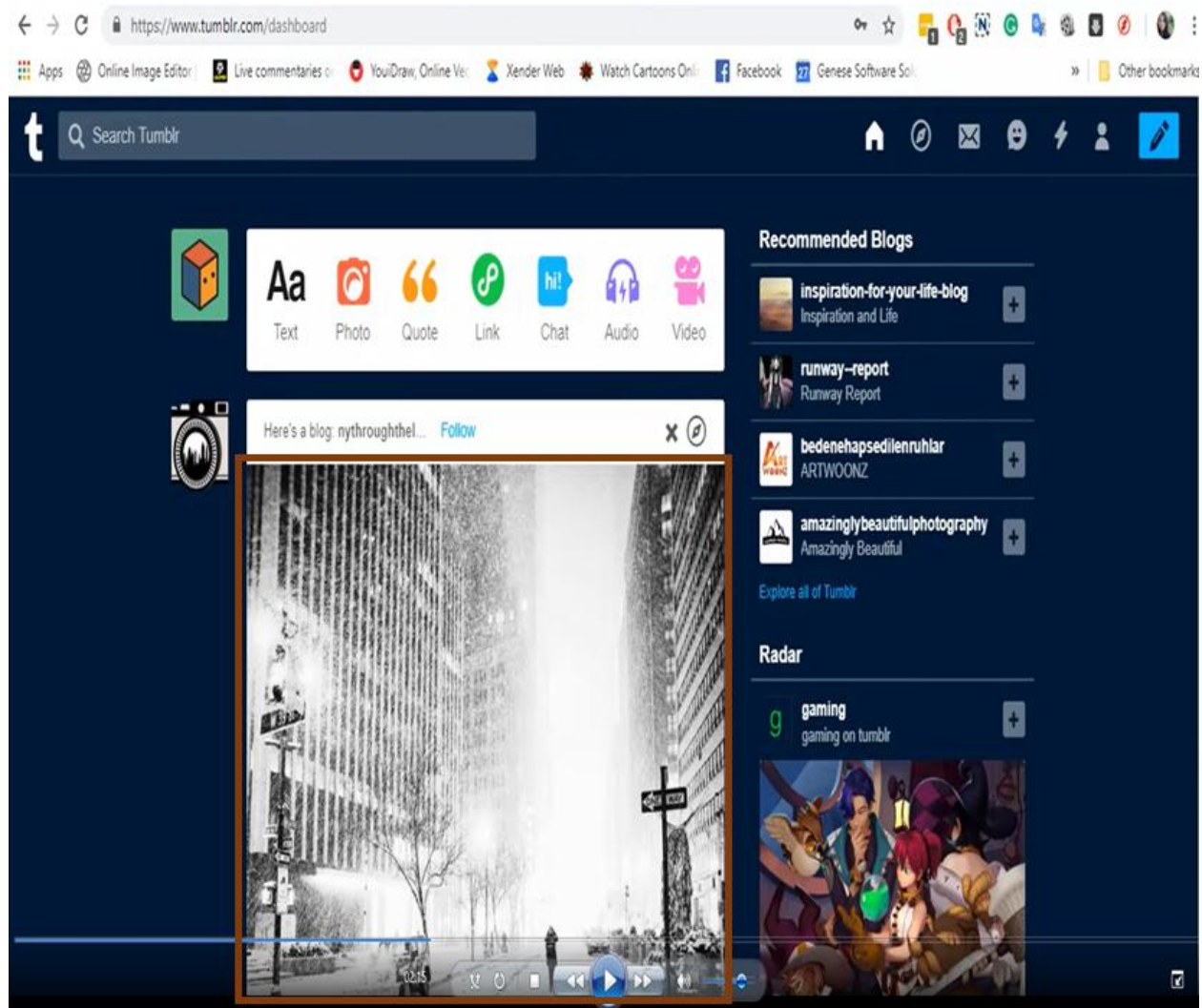
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



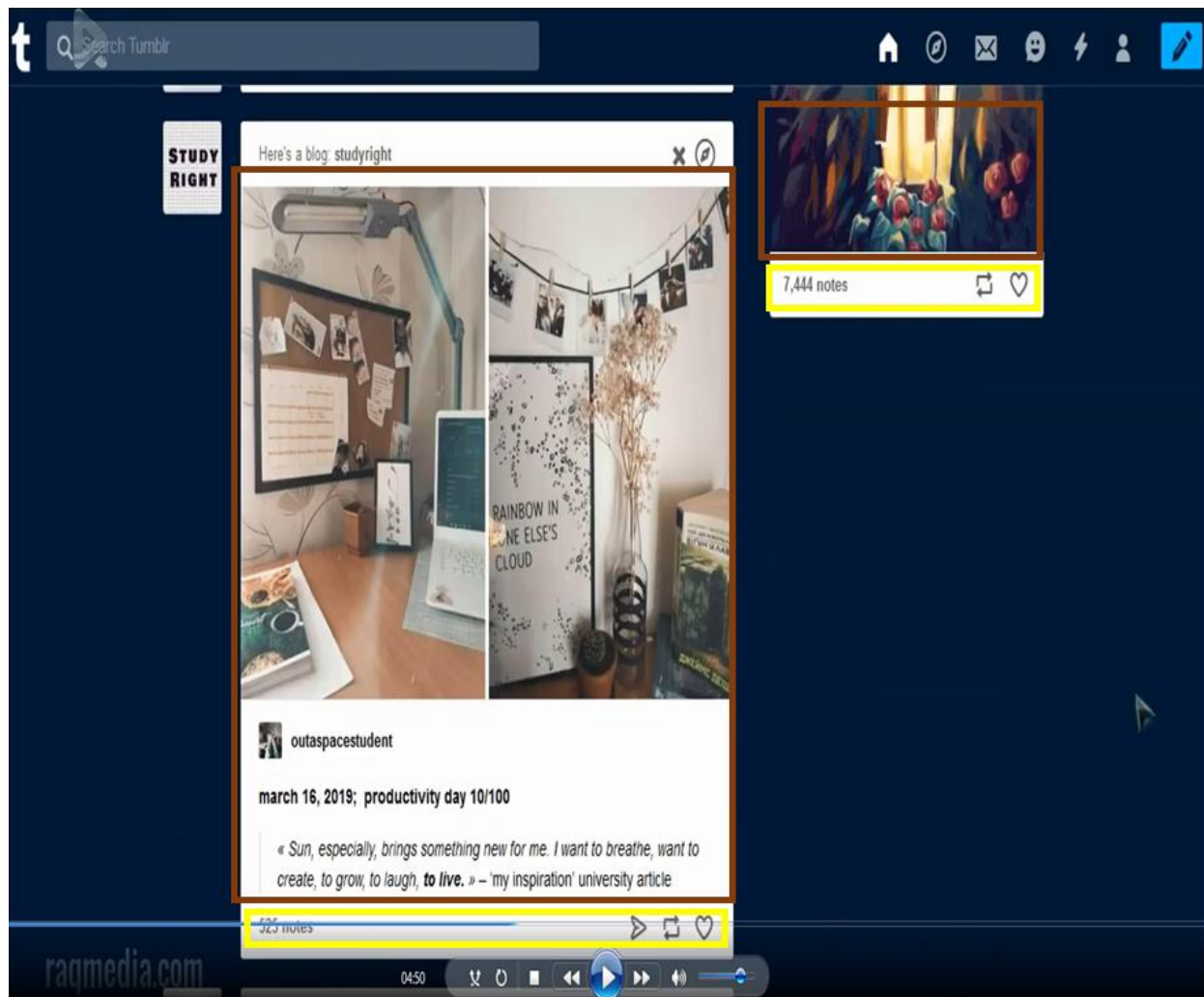
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



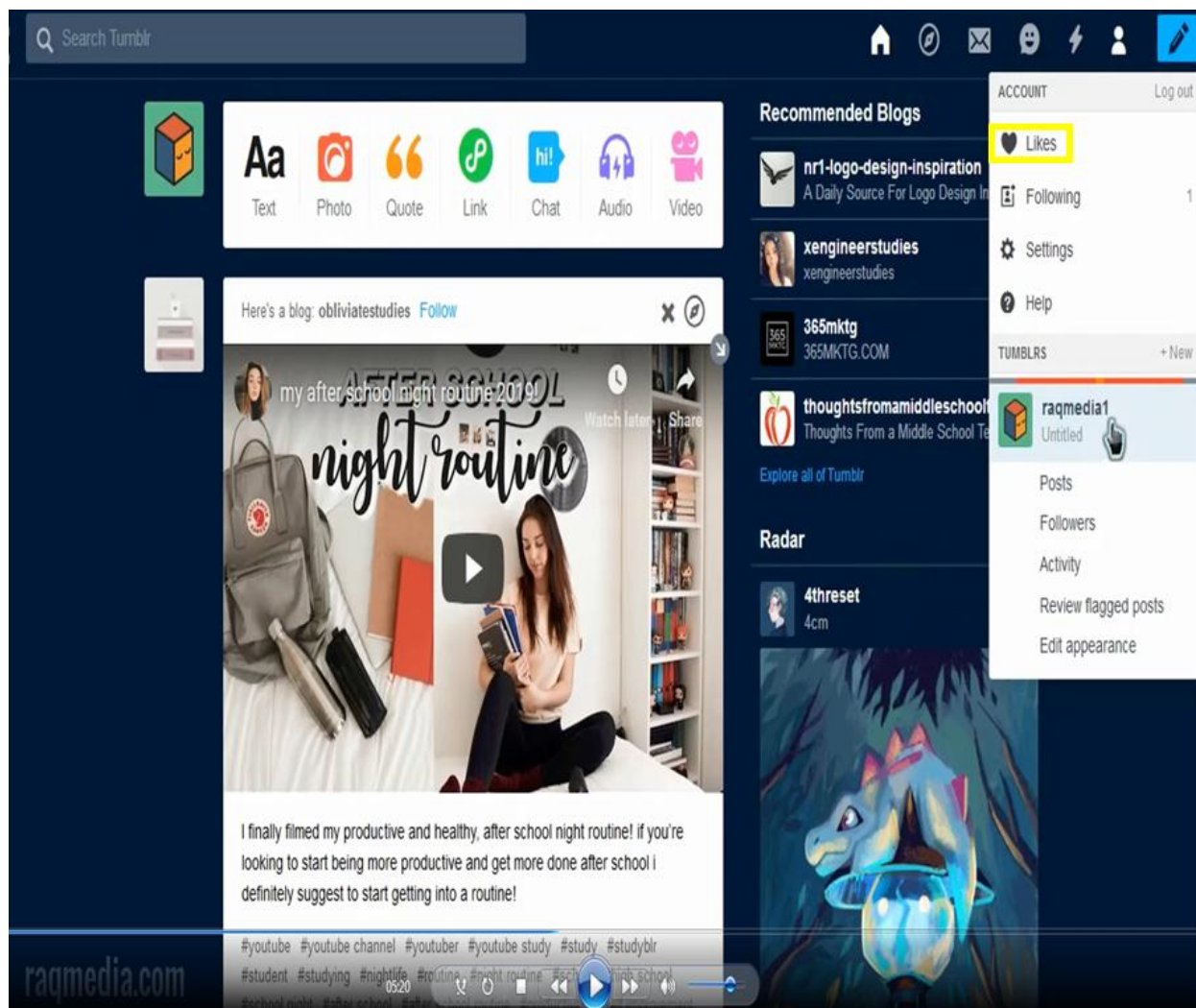
(E.g., https://www.youtube.com/watch?v=TdPX1_1RsQA (published February 9, 2019)).

65. The Accused Instrumentality comprises an electronic voting subsystem, necessarily having one or more data processing apparatus in order to track voting, configured to enable a user to electronically vote for (e.g., by the user’s choices with respect to “liking” by selecting a heart icon, reblogging by selecting a recycle icon, replying, or otherwise contributing to a “notes” score) an electronically available multimedia content (e.g., a multimedia post of another user). As can be seen below, the option to vote for electronically available multimedia content (e.g., a user post) is made available to users via the user’s option to “like” (heart) the multimedia content, reblog (recycle), or reply, contributing to the “notes” score, and this voting

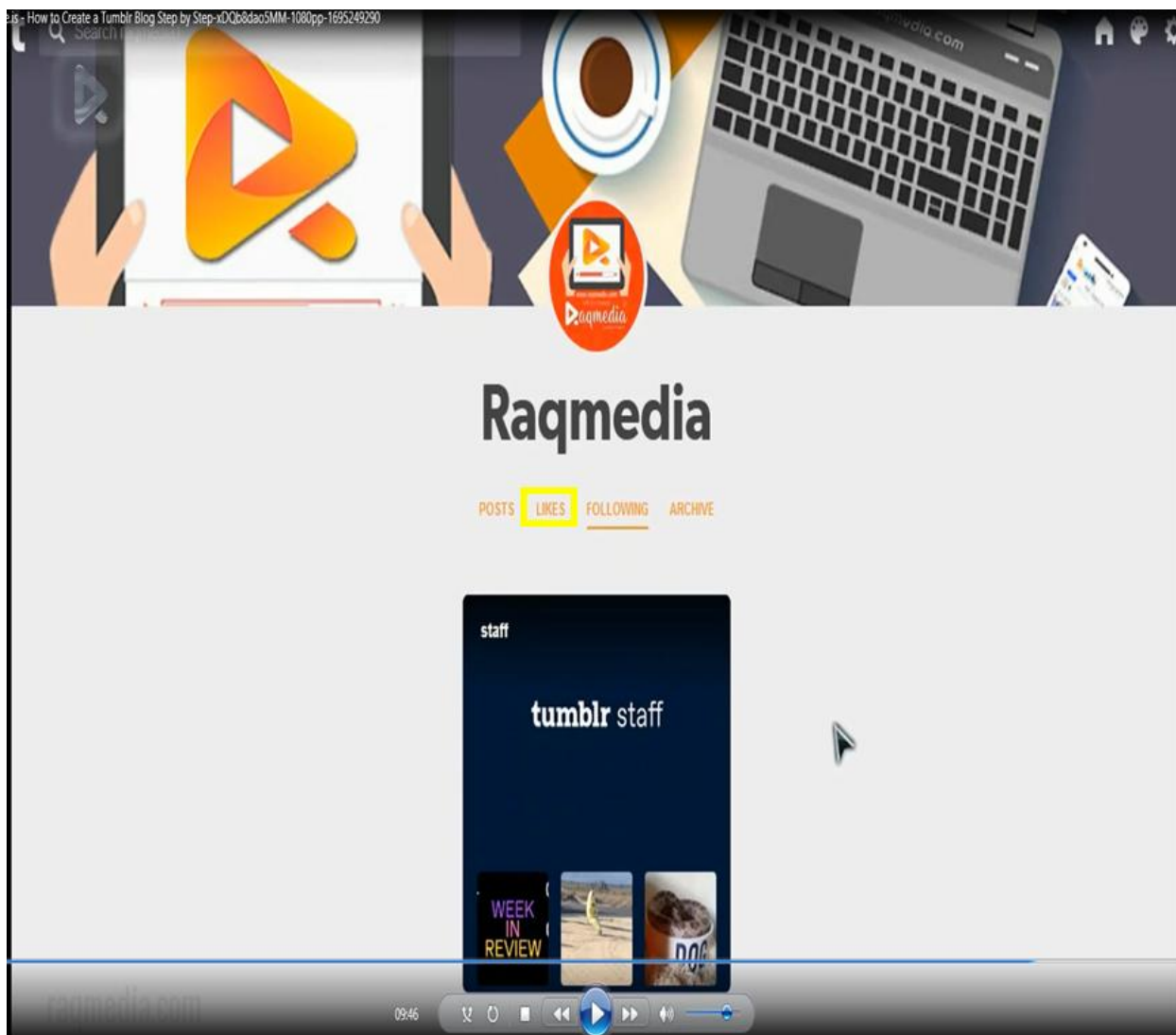
behavior is tracked and associated with the multimedia content. On information and belief, such scoring is used by proprietary algorithms of Tumblr to determine which content to provide to other users on the Tumblr platform. Tumblr uses function-specific subsystems, for example as discussed below.



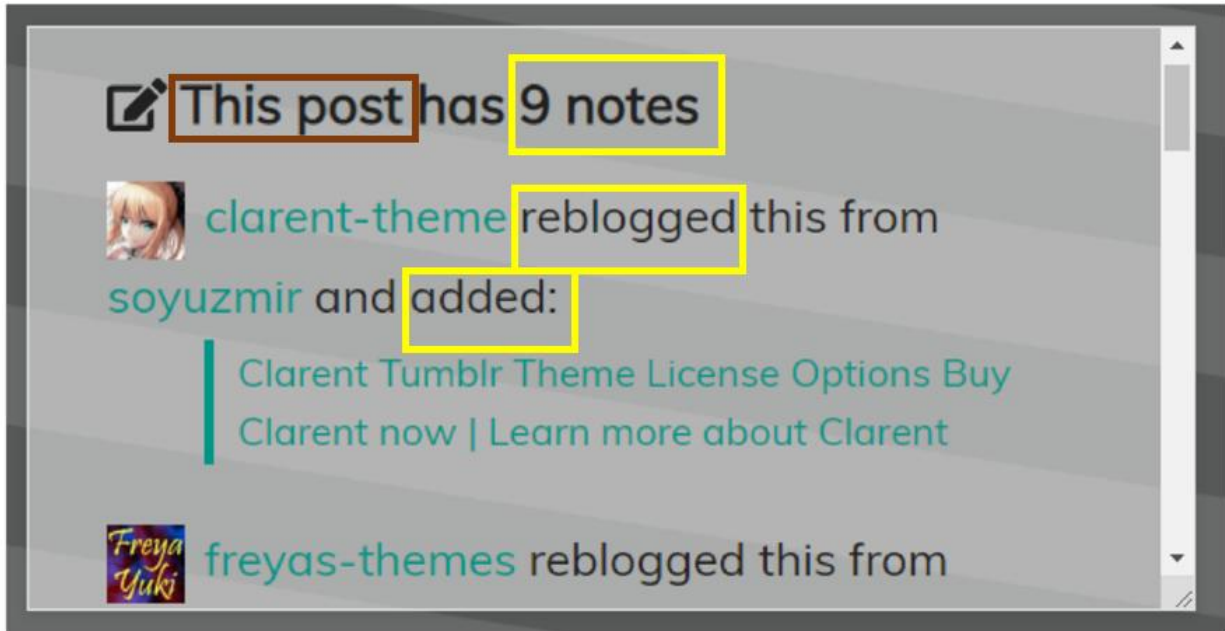
(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



(E.g., <https://www.youtube.com/watch?v=xDQb8dao5MM> (published April 24, 2019)).



So what do you think about this? Do you know other ways to check if one of your blog posts has received notes (likes, reblogs, and replies)?

(E.g., <https://freyayuki.tumblr.com/post/177170900262/tutorial-how-know-tumblr-post-notes-likes-reblog-replies> (published August 20, 2018)).

66. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates Plaintiff for such Defendant's infringement of the '576 Patent, *i.e.*, in an amount that by law cannot be less than would constitute a reasonable royalty for the use of the patented technology, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

67. To the extent marking is required, VCA has complied with all marking requirements.

VI. JURY DEMAND

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of United States Patent No. 9,501,480 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- b. Judgment that one or more claims of United States Patent No. 9,477,665 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- c. Judgment that one or more claims of United States Patent No. 10,339,576 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- d. Judgment that Defendant account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of Defendant's infringing activities and other conduct complained of herein, and an accounting of all infringements and damages not presented at trial;
- e. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein; and
- f. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

October 10, 2023

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