

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

**VIRTUAL CREATIVE ARTISTS, LLC,**

Plaintiff,

v.

**THE MEET GROUP, INC.,**

Defendant.

C.A. No. 1:23-cv-0XXXX

**JURY TRIAL DEMANDED**

**PATENT CASE**

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Virtual Creative Artists, LLC files this Original Complaint for Patent Infringement against The Meet Group, 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 The Meet Group, Inc. (“The Meet Group” or “Defendant”) is a corporation organized and existing under the laws of Delaware. Defendant has a registered agent at Corporation Service Company, 251 Little Falls Drive, Wilmington, DE 19808.

**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 databases 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.

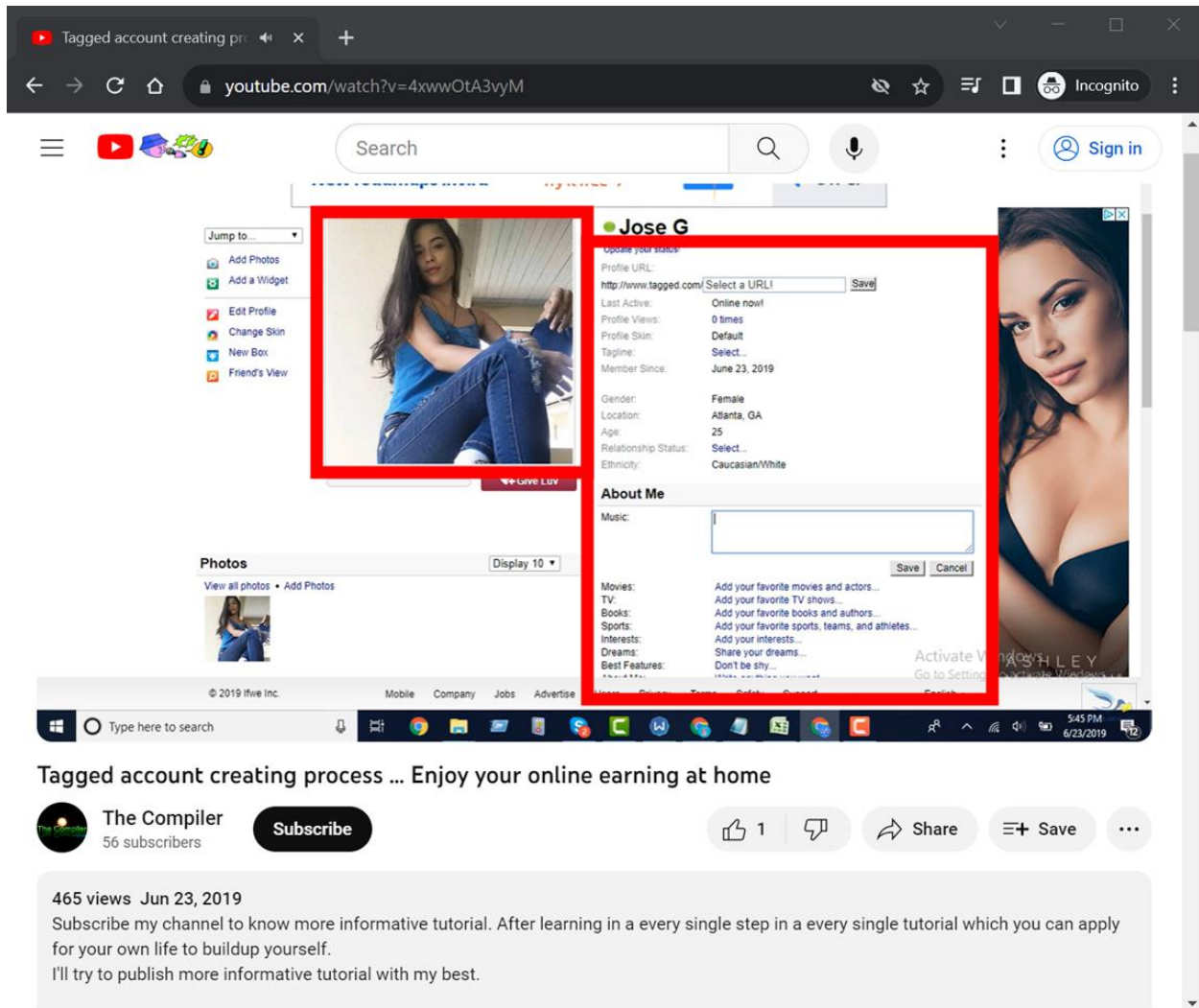
20. Furthermore, the very particular and specifically configured “electronic media creator subsystem” not only provides a detailed and unique physical structure and interrelationship with other claimed components, but also includes a very specific configuration that is not conventional or routine. The 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.tagged.com/> and its Tagged Mobile App (collectively “Accused Instrumentality”) (e.g., <https://www.tagged.com/>). The Meet Group uses a computer-based system for its Accused Instrumentality, to enable users (submitters) to create personalized user profiles and browse the profiles of other users, rate and match with other users, and to share multimedia content (e.g., tags and virtual gifts). The profiles include multimedia content including image and textual content (e.g., a submitter’s profile picture and an About Me section) which may be shown to other users based on, *inter alia*, user-selected preferences and attributes. Users may also submit multimedia content as a public post which may appear on a live feed of other users. On information and belief, and as shown in certain respects below, Accused Instrumentality is also representative of the systems involved with one or more of MeetMe, hi5, LOVOO, Growlr and Skout in relevant respect pertaining to infringement of the asserted patent. Through the Accused Instrumentality, The Meet Group, during the relevant time period, took advantage of multiple cloud server providers for Accused Instrumentality, as well as scalability within its cloud server providers, employing separate server subsystems for all its meaningfully different functions. The Meet Group uses and has used during the relevant time period, numerous

different networks and providers for, *inter alia*, content management systems, web servers, web hosting, data centers, proxy certificates, and SSL certificates, traffic analysis, advertising, and tagging, thereby using separate server subsystems for all its meaningfully different functions, such as those indicated below.



(E.g., <https://www.youtube.com/watch?v=HvTxC-Kgzz8> (Published July 10, 2020)).



How To Make \$100 A Day On Tagged (Secret Social Network)

John Crestani 595K subscribers

2.2K

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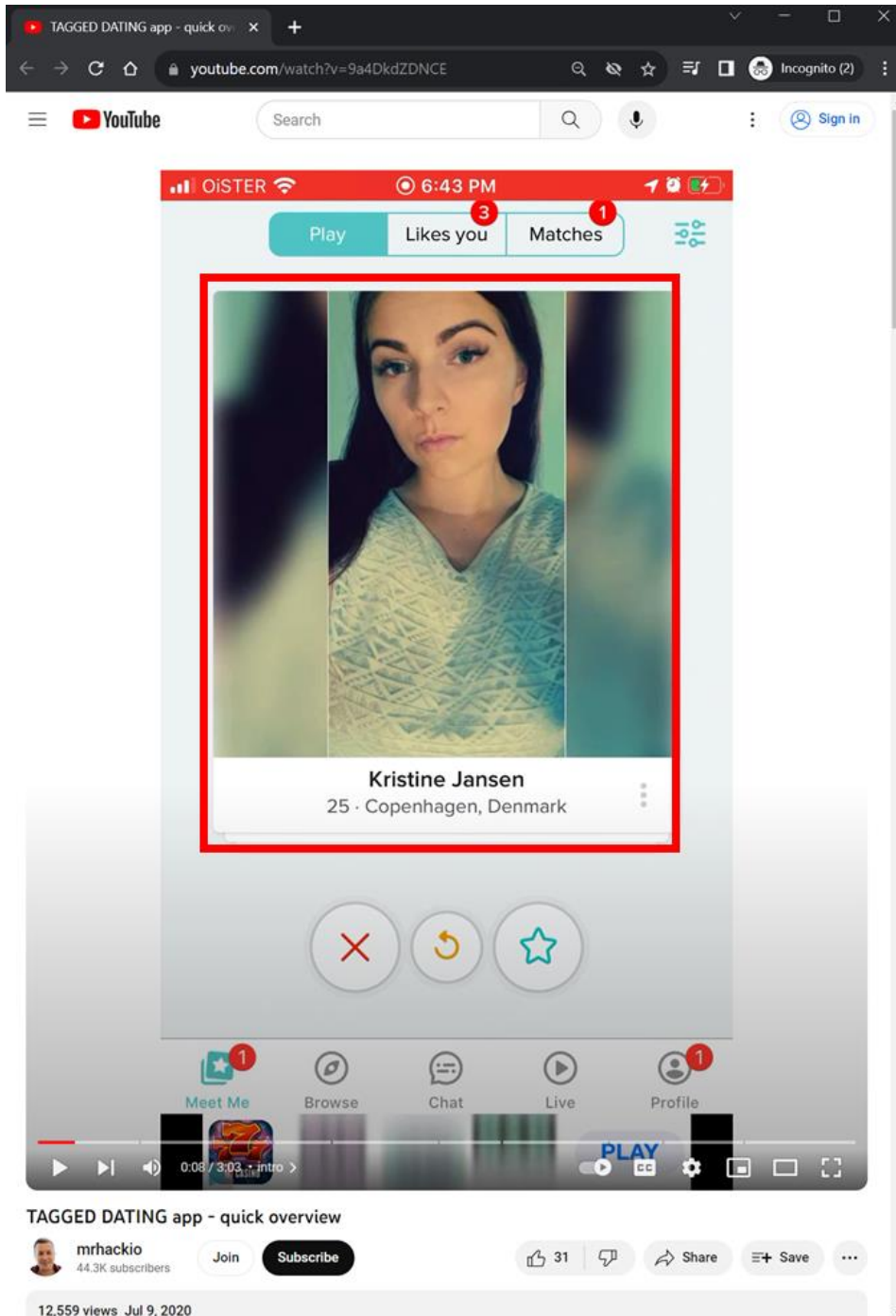
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(E.g., <https://www.youtube.com/watch?v=9a4DkdZDNCE> (Published July 9, 2020)).

The screenshot shows a web browser window with the URL [w3techs.com/sites/info/tagged.com](https://w3techs.com/sites/info/tagged.com). The page title is "Site Info - Tagged.com". The content includes:

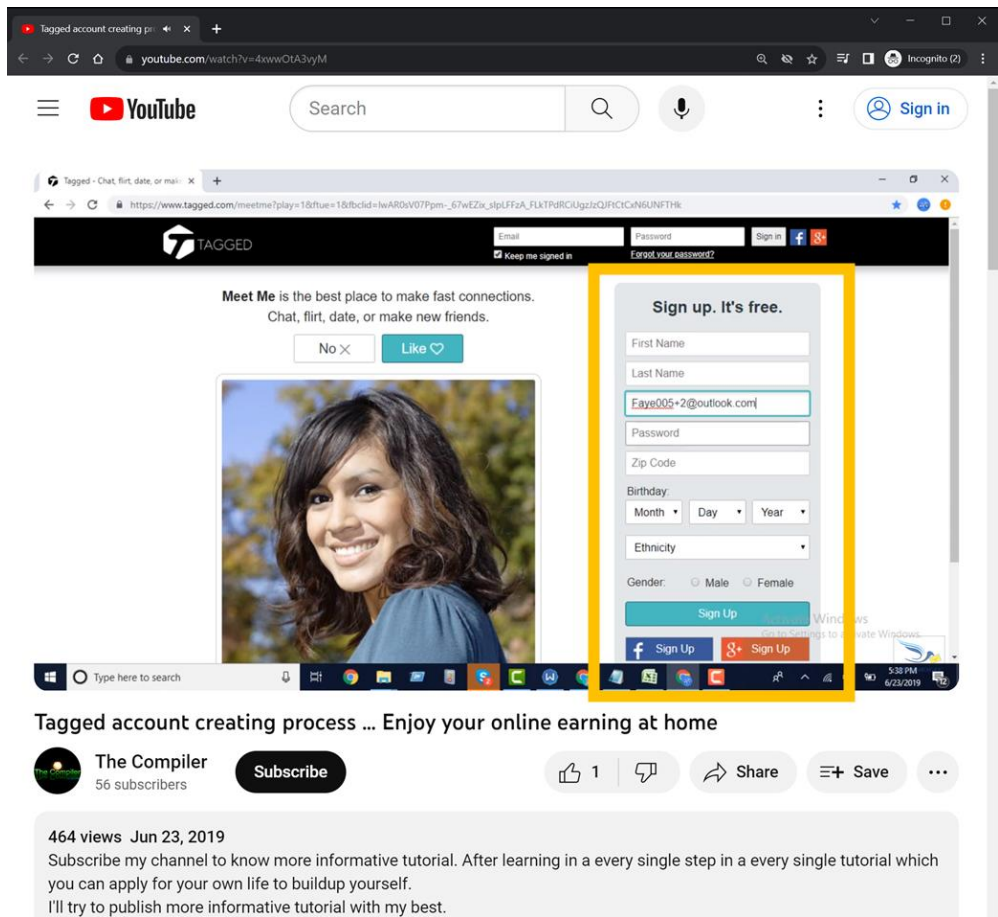
- Website Background:**
  - Description on Homepage: Tagged - The social network for meeting new people. Tagged makes it easy to meet and socialize with new people through games, shared interests, friend suggestions, browsing profiles, and much more.
  - Popularity rank: Top 10k among all websites
- Website Quality Alerts:**
  - No title declaration: Found on page <https://support.tagged.com/portal/en/kb>. There is no title defined for the web page.
  - Are you the webmaster of this site? [Register as user](#) to get quality alerts per email.
- Server-side Programming Language:**
  - Java: used on a subdomain. Java is a general-purpose language originally developed by Sun Microsystems.
- Client-side Programming Language:**
  - JavaScript: JavaScript is a lightweight, object-oriented, cross-platform scripting language, often used within web pages.
- JavaScript Library:**
  - React: used on a subdomain. React is an open source JavaScript library for building user interfaces, developed by Facebook.
- Web Server:**
  - Apache: The Apache HTTP Server is an open source web server by the Apache Software Foundation.
- Web Hosting Provider:**
  - Zoho: used on a subdomain. Zoho provides web hosting and a range of other web services.

At the bottom of the page, it says "hosting info partly based on data from [ipinfo.io](https://www.ipinfo.io)".

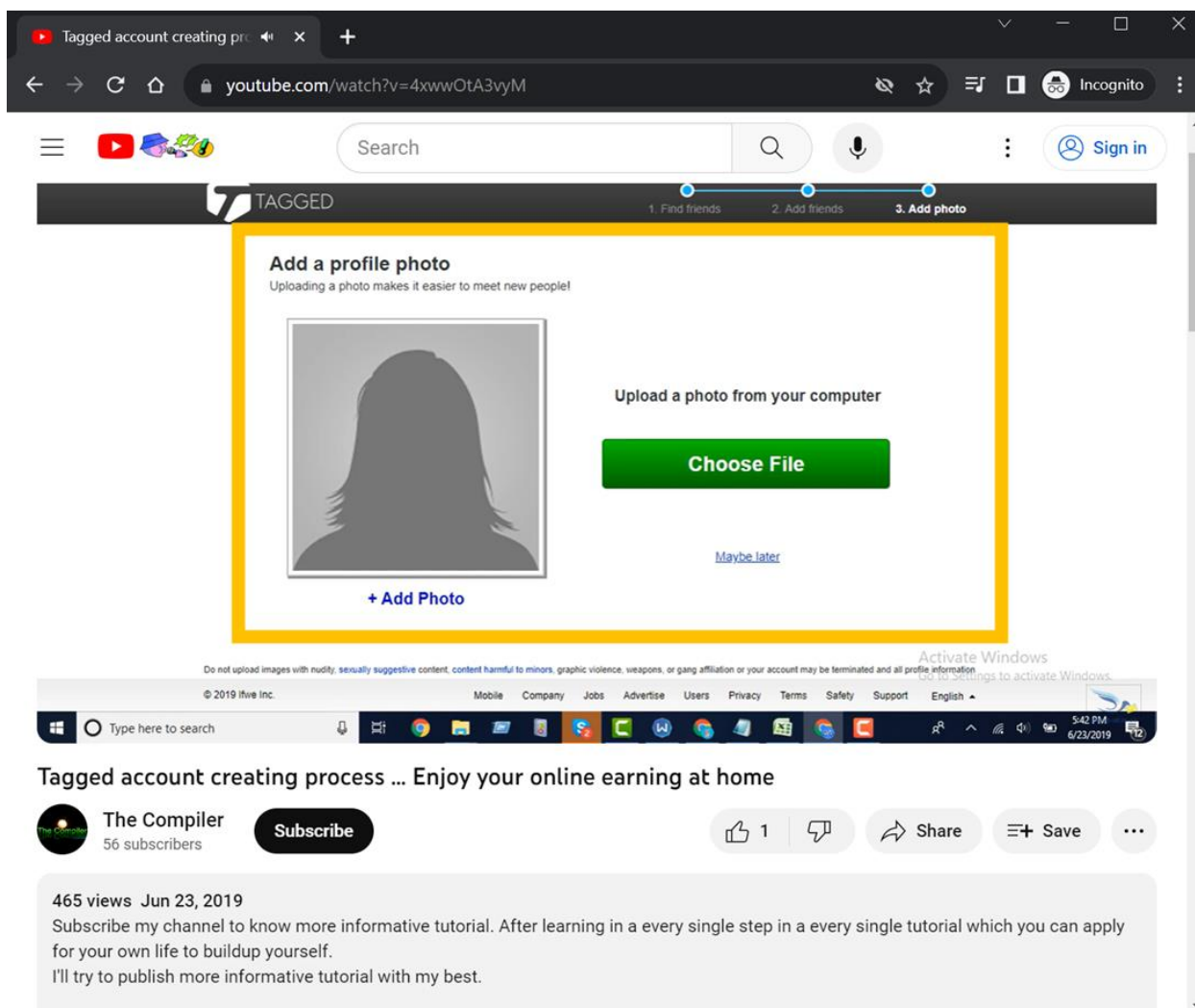
(E.g., <https://w3techs.com/sites/info/tagged.com>).

23. The Accused Instrumentality includes an electronic media submissions server subsystem, having one or more data processing apparatus and an electronic media submissions

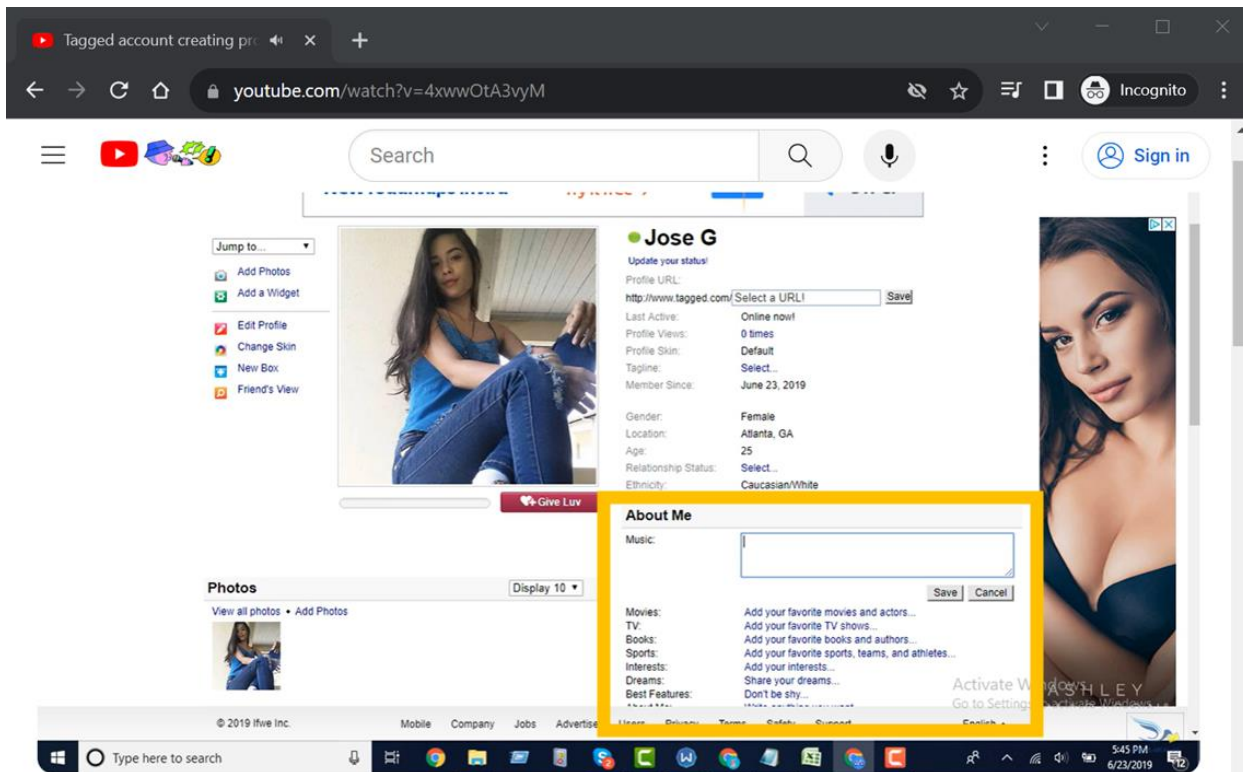
database stored on a non-transitory medium in order to process and store received submissions from a plurality of users (submitters), for example content pertaining to their respective user profiles on Accused Instrumentality, as well as multimedia content to be displayed on one or both of the user's profile and the live feed, as discussed and shown in connection with the above discussion. The submissions pertaining to building a user profile and to posting on the live feed may include *e.g.*, photo, and/or textual content. The submissions are provided to Accused Instrumentality via a submissions electronic interface, *e.g.*, a web-based content portal, accessible for example by logging in and selecting options to upload such content or import content, configured to receive such electronic media, from a plurality of submitters (*e.g.*, users) 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 of Accused Instrumentality.




(E.g., <https://www.youtube.com/watch?v=4xwwOtA3vyM> (Published June 23, 2019)).





(E.g., <https://www.youtube.com/watch?v=4xwwOtA3vyM> (Published June 23, 2019)).



Tagged account creating process ... Enjoy your online earning at home

 **The Compiler**  
56 subscribers [Subscribe](#)

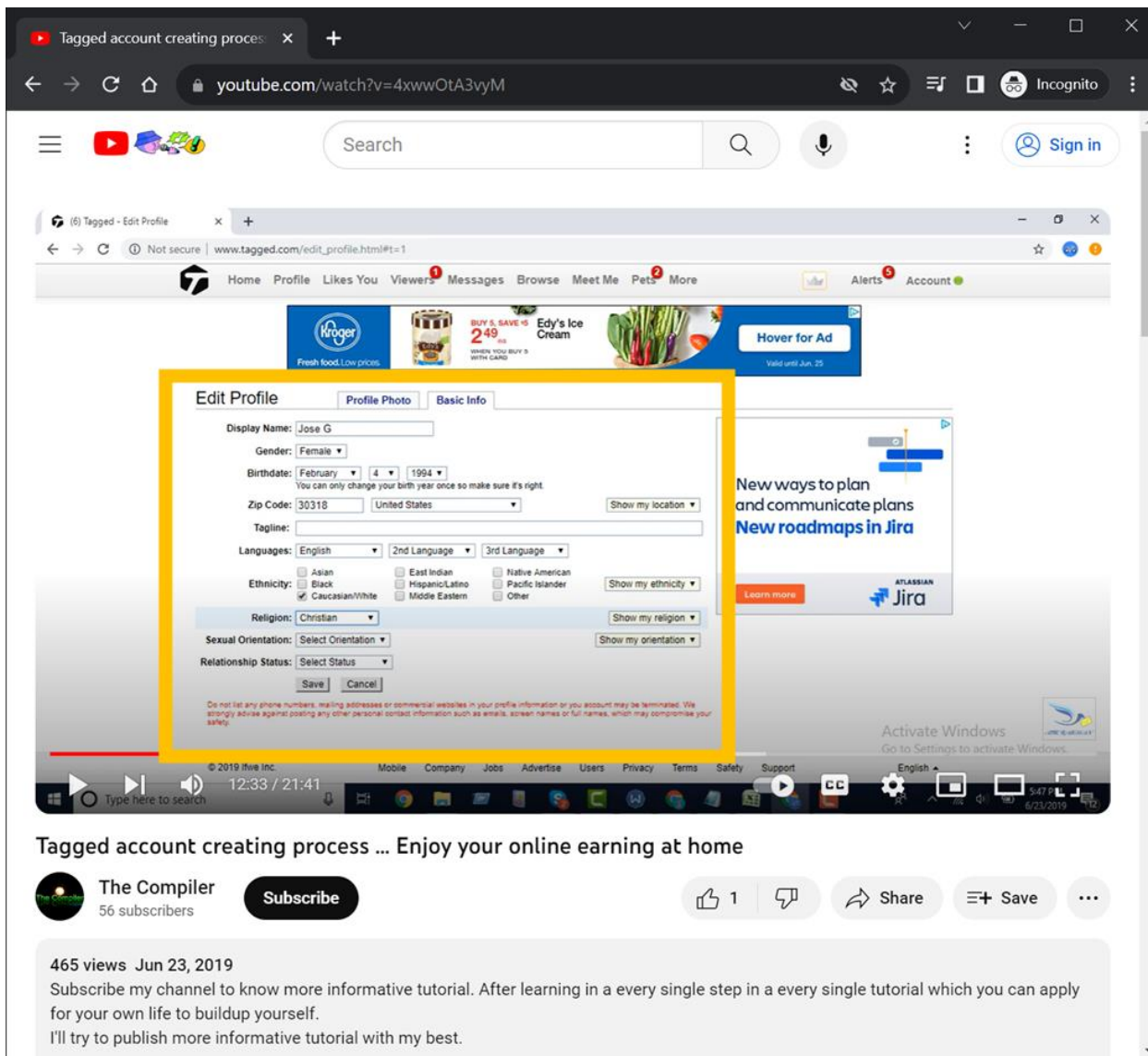
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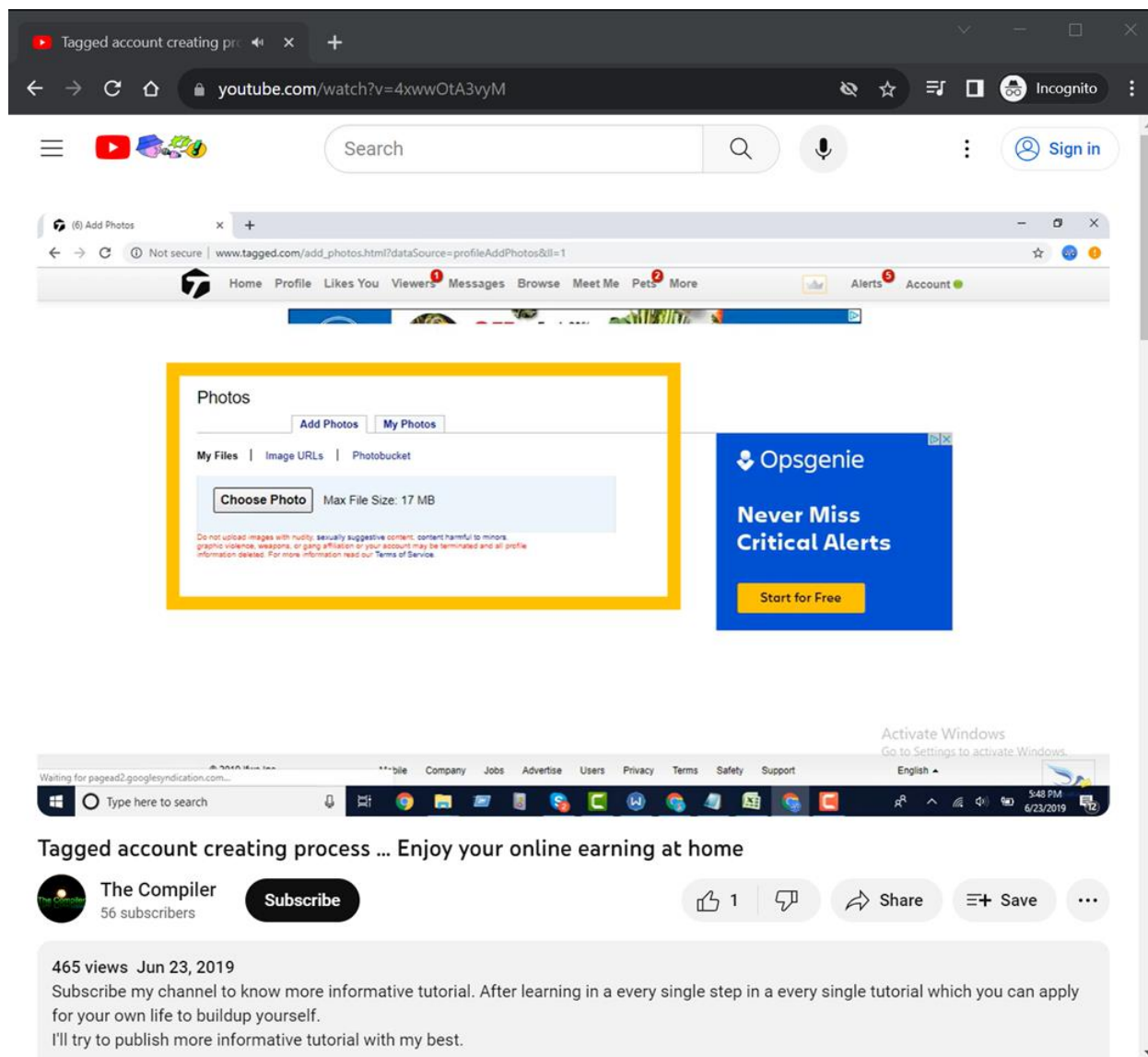
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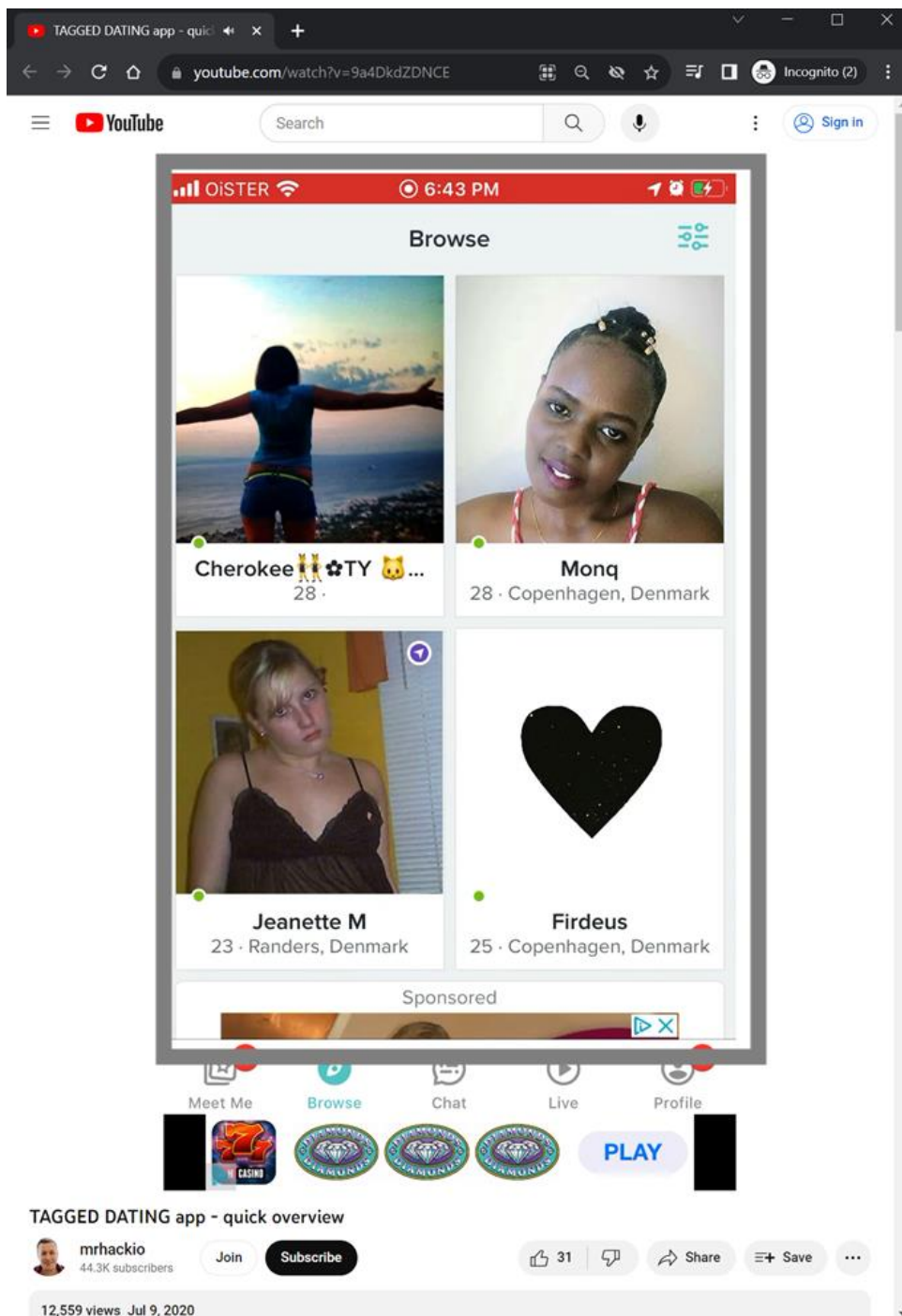
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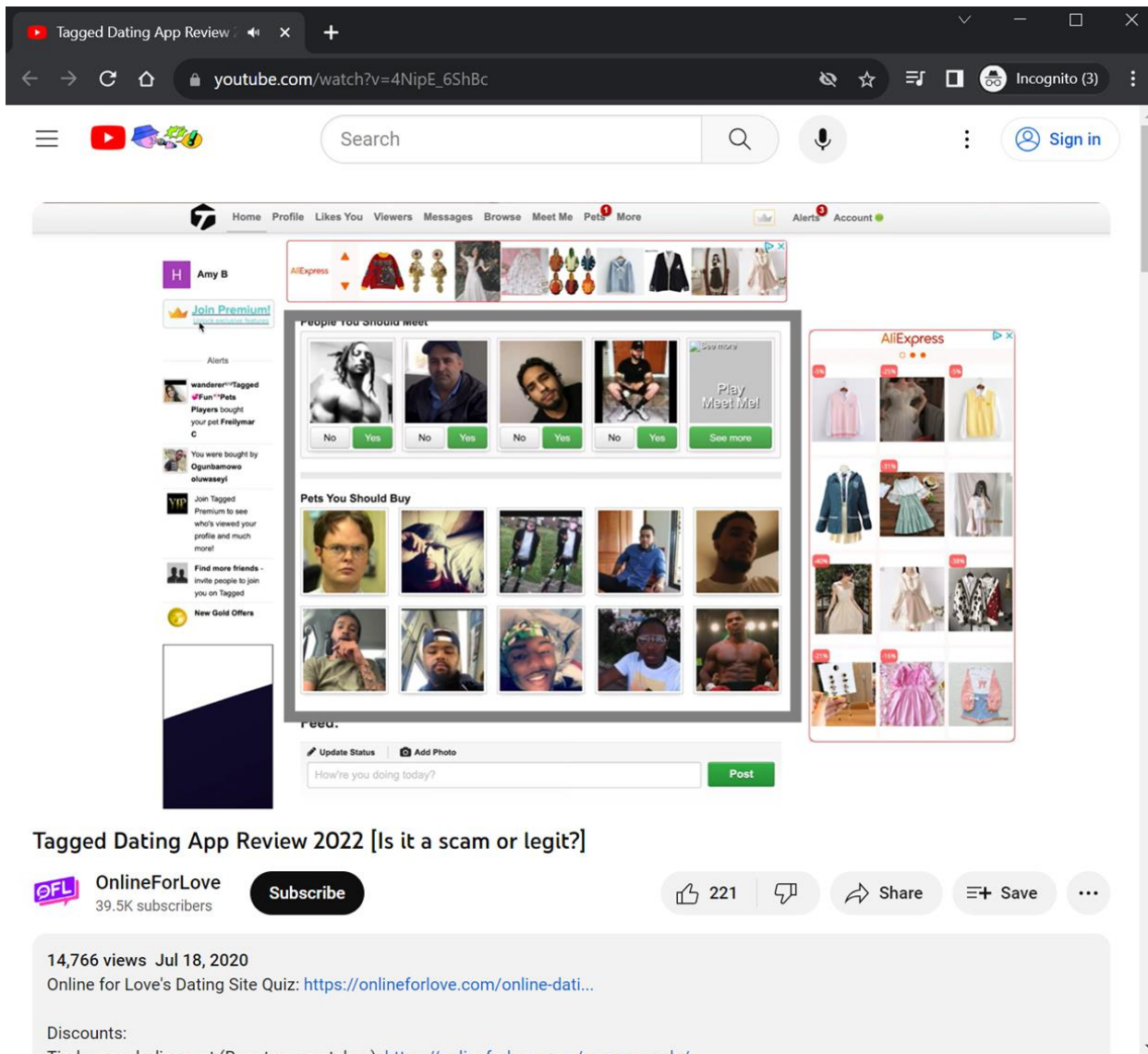


(E.g., <https://www.youtube.com/watch?v=4xwwOtA3vyM> (Published June 23, 2019)).



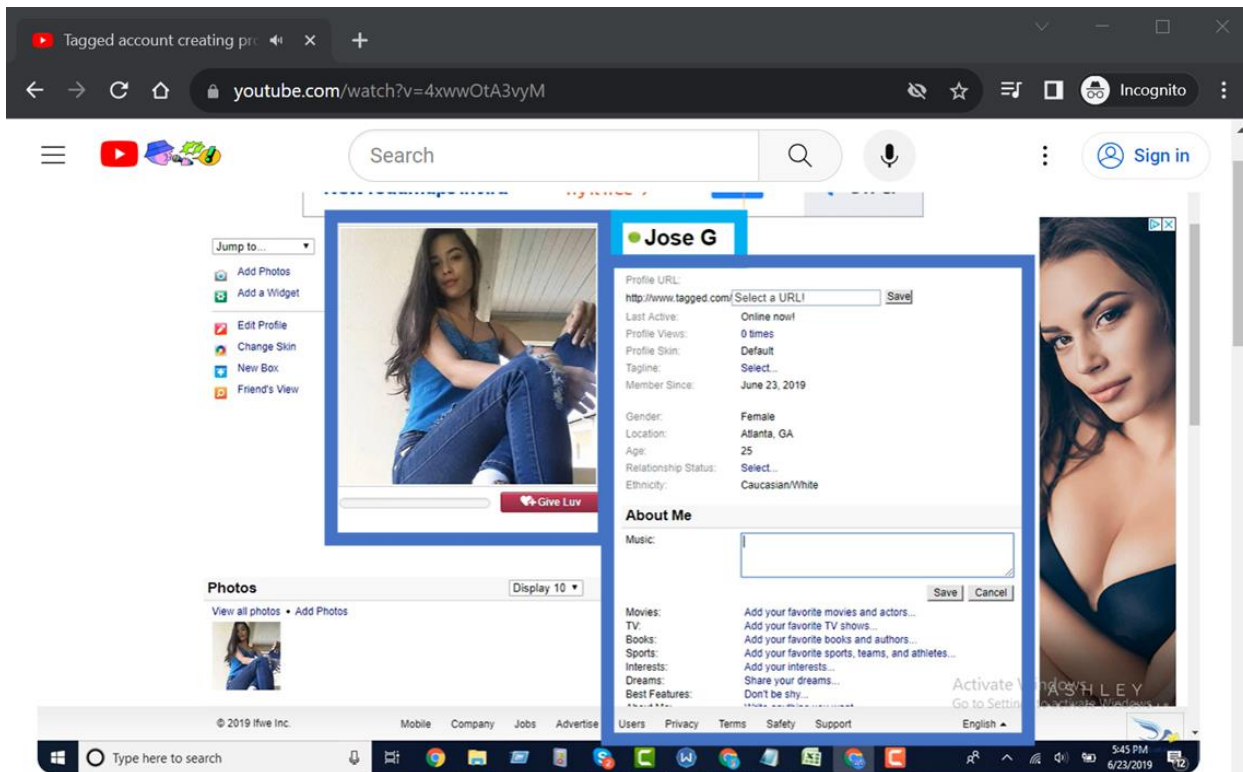


(E.g., <https://www.youtube.com/watch?v=9a4DkdZDNCE> (Published July 9, 2020)).




(E.g., [https://www.youtube.com/watch?v=4NipE\\_6ShBc](https://www.youtube.com/watch?v=4NipE_6ShBc) (Published July 18, 2020)).

24. The electronic media submissions database of Accused Instrumentality stores the submissions further stores data identifying the submitter and data indicating content for each electronic media submission. As shown below, data identifying the user (submitter) includes, e.g., a name. Data indicating content for each electronic media submission includes a photo and/or textual content. Similarly, the electronic media submissions database of the MeetMe System used by The Meet Group which stores the submissions further stores data identifying the submitter and data indicating content for each electronic media submission.



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I'll try to publish more informative tutorial with my best.

(E.g., <https://www.youtube.com/watch?v=4xwwOtA3vyM> (Published June 23, 2019)).

The screenshot displays a YouTube video player. The video title is "Tagged account creating process ... Enjoy your online earning at home". The channel is "The Compiler" with 56 subscribers. The video has 465 views and was published on June 23, 2019. The description states: "Subscribe my channel to know more informative tutorial. After learning in a every single step in a every single tutorial which you can apply for your own life to buildup yourself. I'll try to publish more informative tutorial with my best." The video content shows a man with a beard and a baseball cap, and a woman with red hair. The video has 1 like and 1 comment. The video is from the channel "The Compiler" (56 subscribers). The video has 465 views and was published on June 23, 2019. The description reads: "Subscribe my channel to know more informative tutorial. After learning in a every single step in a every single tutorial which you can apply for your own life to buildup yourself. I'll try to publish more informative tutorial with my best."

(E.g., <https://www.youtube.com/watch?v=4xwwOtA3vyM> (Published June 23, 2019)).

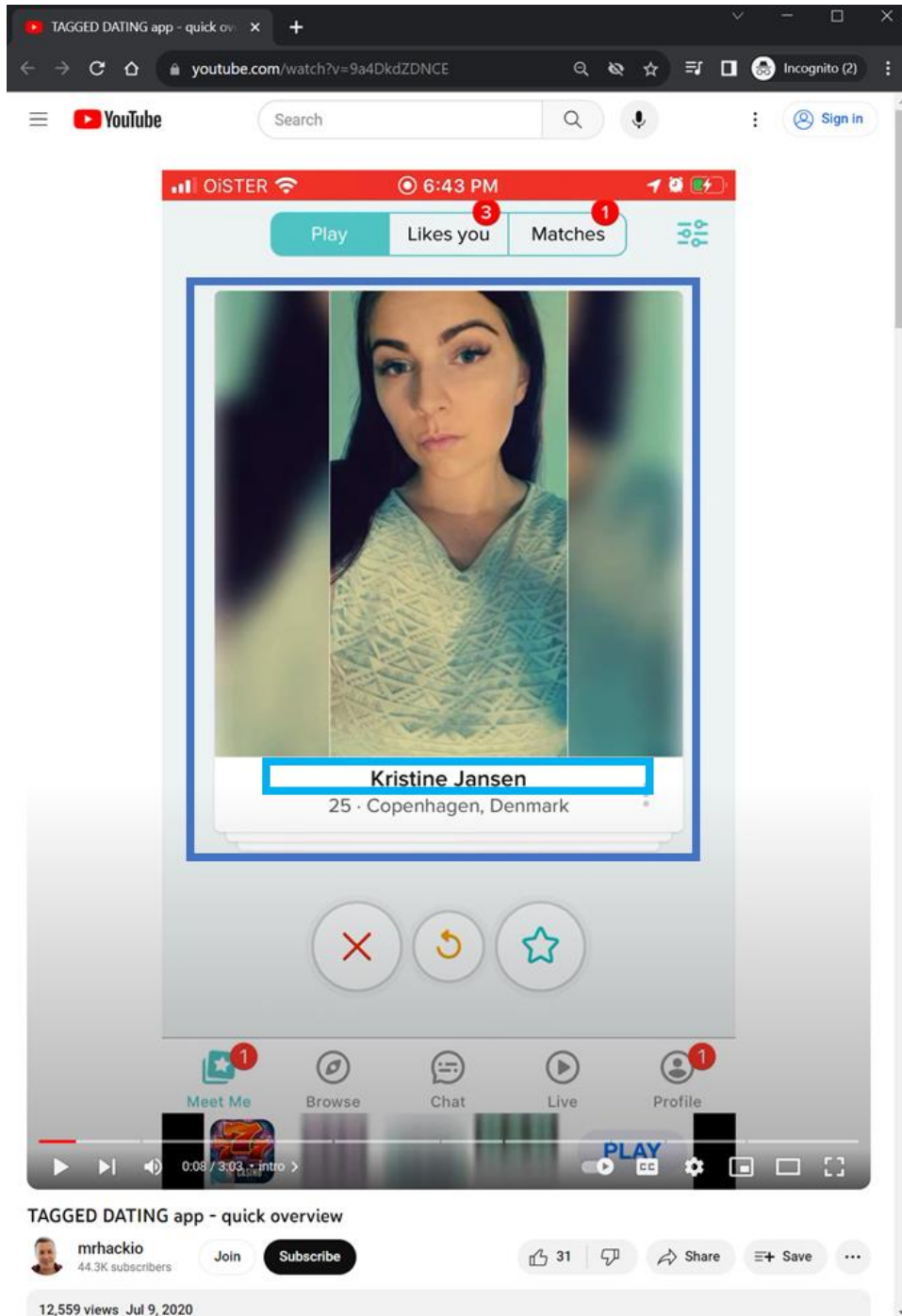
How To Make \$100 A Day On Tagged (Secret Social Network)

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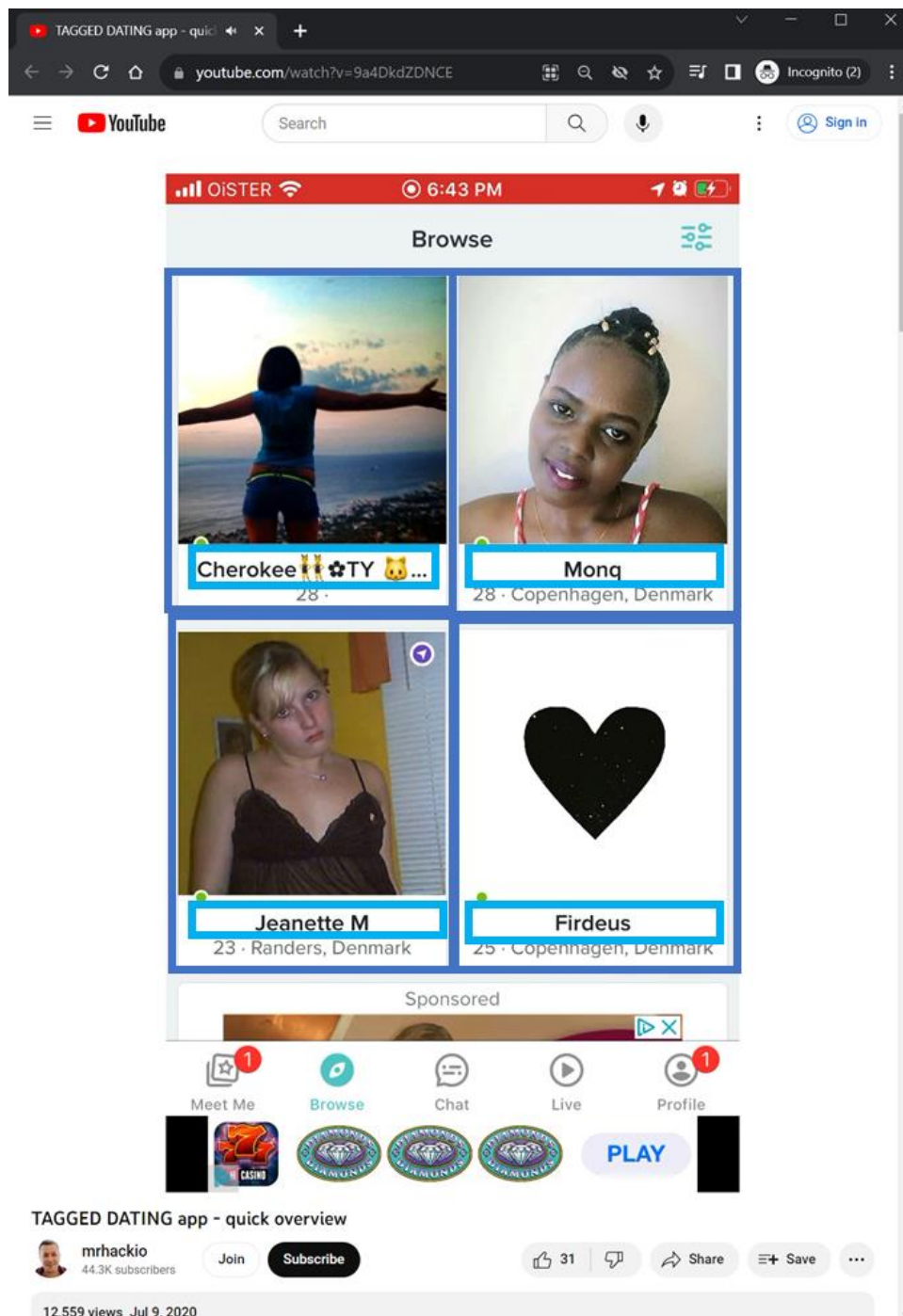
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(E.g., <https://www.youtube.com/watch?v=HvTxC-Kgzz8> (Published July 10, 2020)).

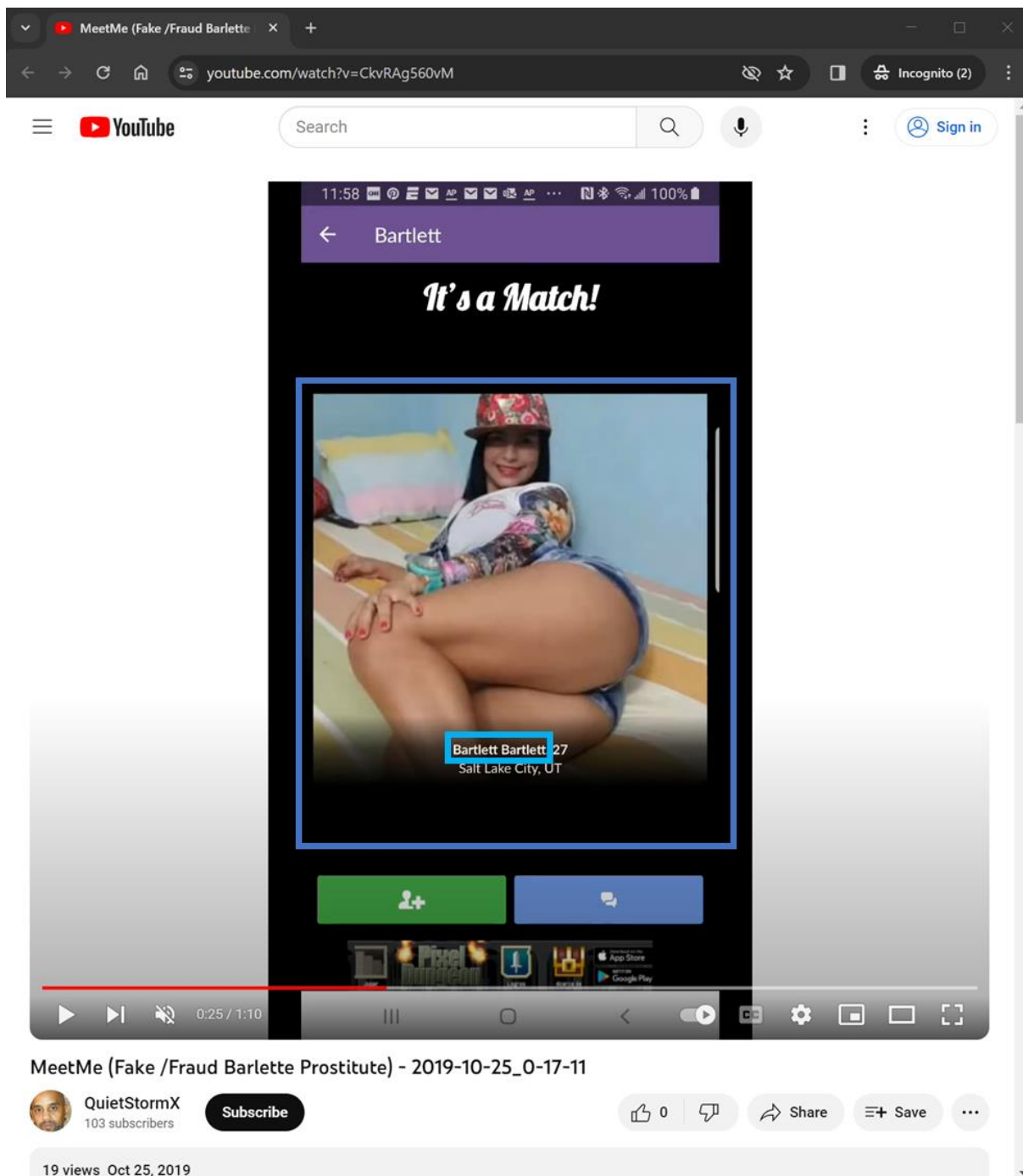




(E.g., <https://www.youtube.com/watch?v=9a4DkdZDNCE> (Published July 9, 2020)).



(E.g., <https://www.youtube.com/watch?v=9a4DkdZDNCE> (Published July 9, 2020)).

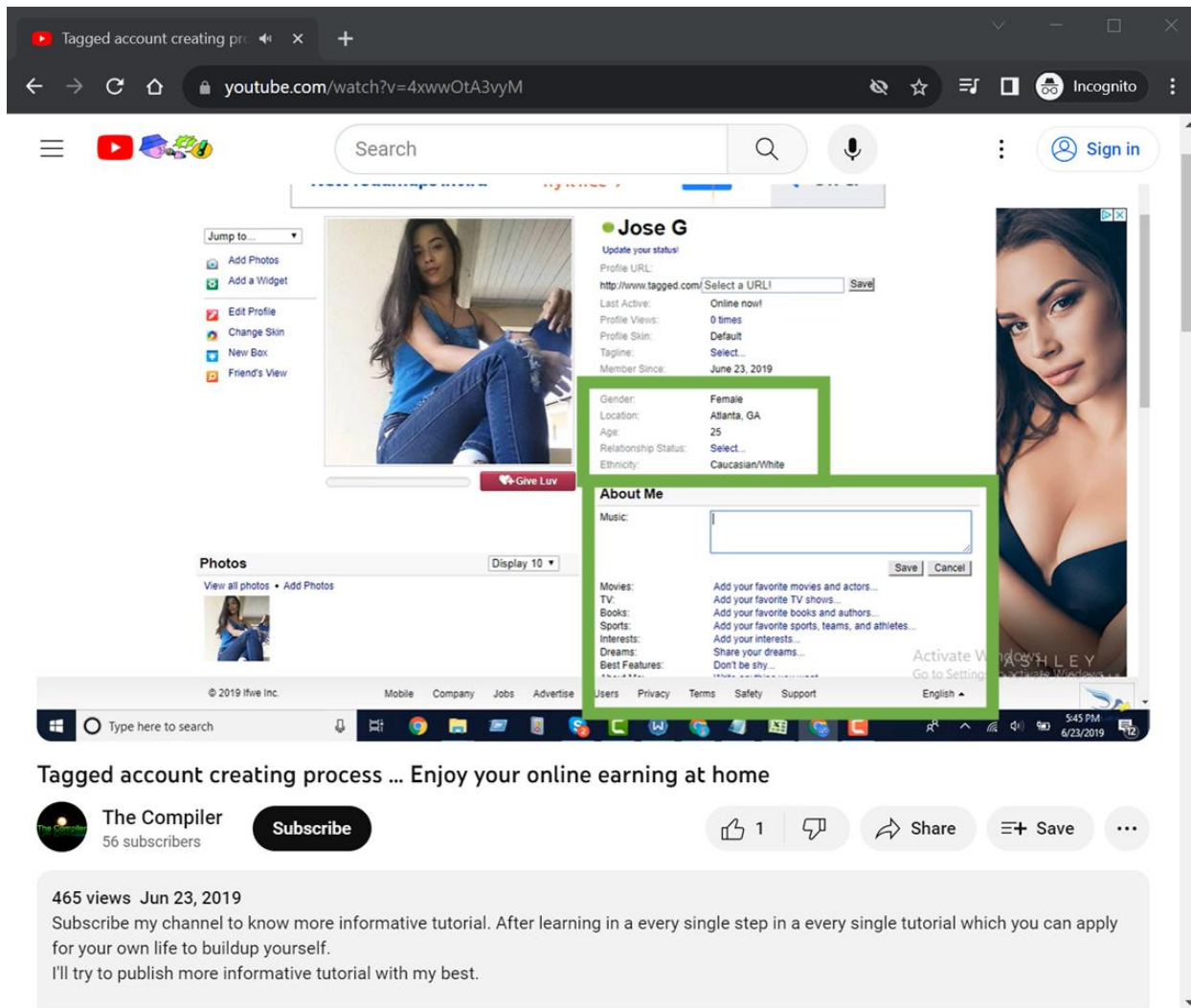


(E.g., <https://www.youtube.com/watch?v=CkvRAg560vM> (Published October 25, 2019)).

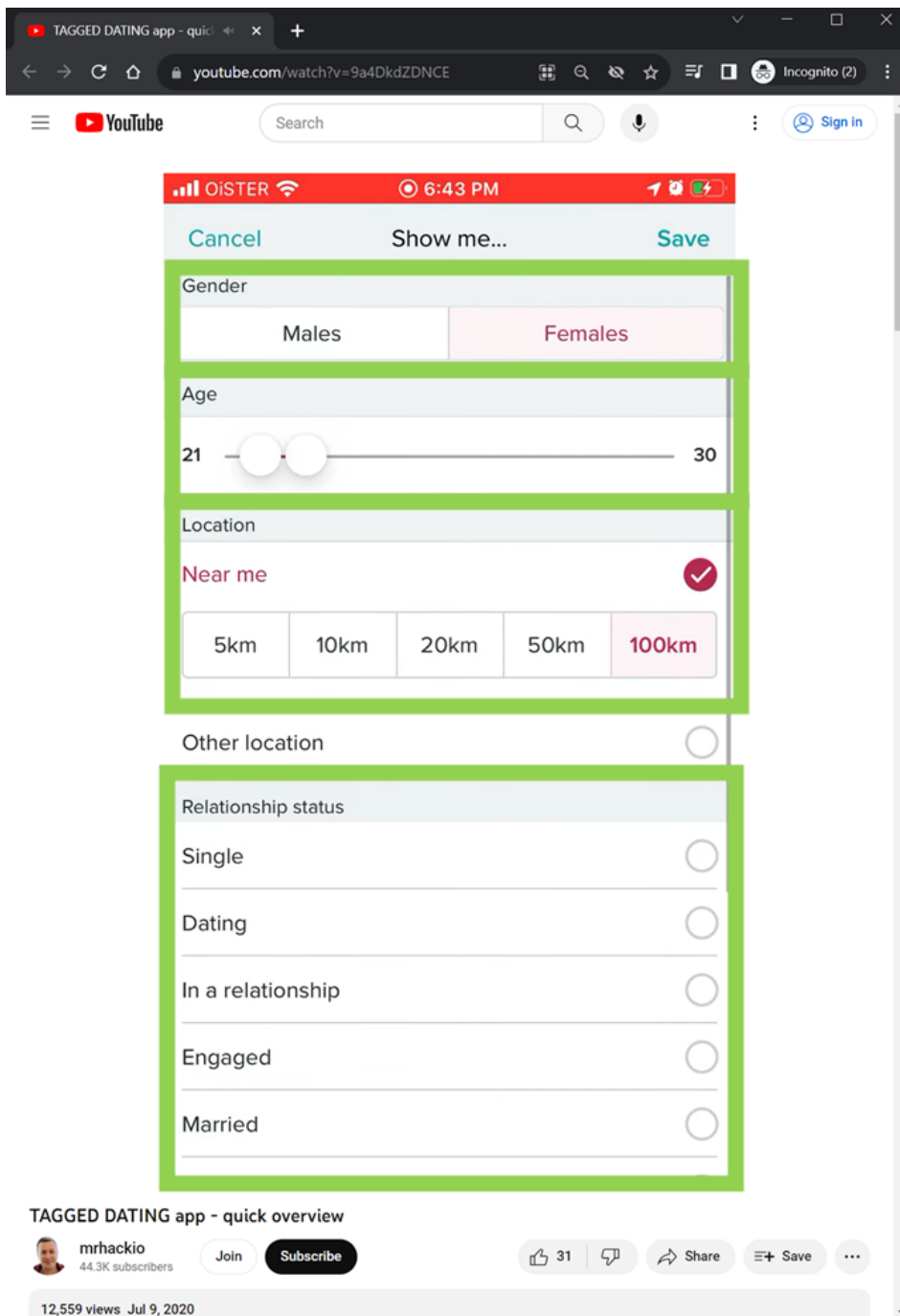
25. Individual users can Sign Up and create an Account on the Accused Instrumentality, which is stored on a user database. Such user database is stored in memory available through Accused Instrumentality, for example as discussed above. The user attributes of



users who create a profile may include, *e.g.*, a name, age, gender, relationship status, ethnicity, interests, desired range of search, and more generally a geographical region, and the like as shown in the examples below.



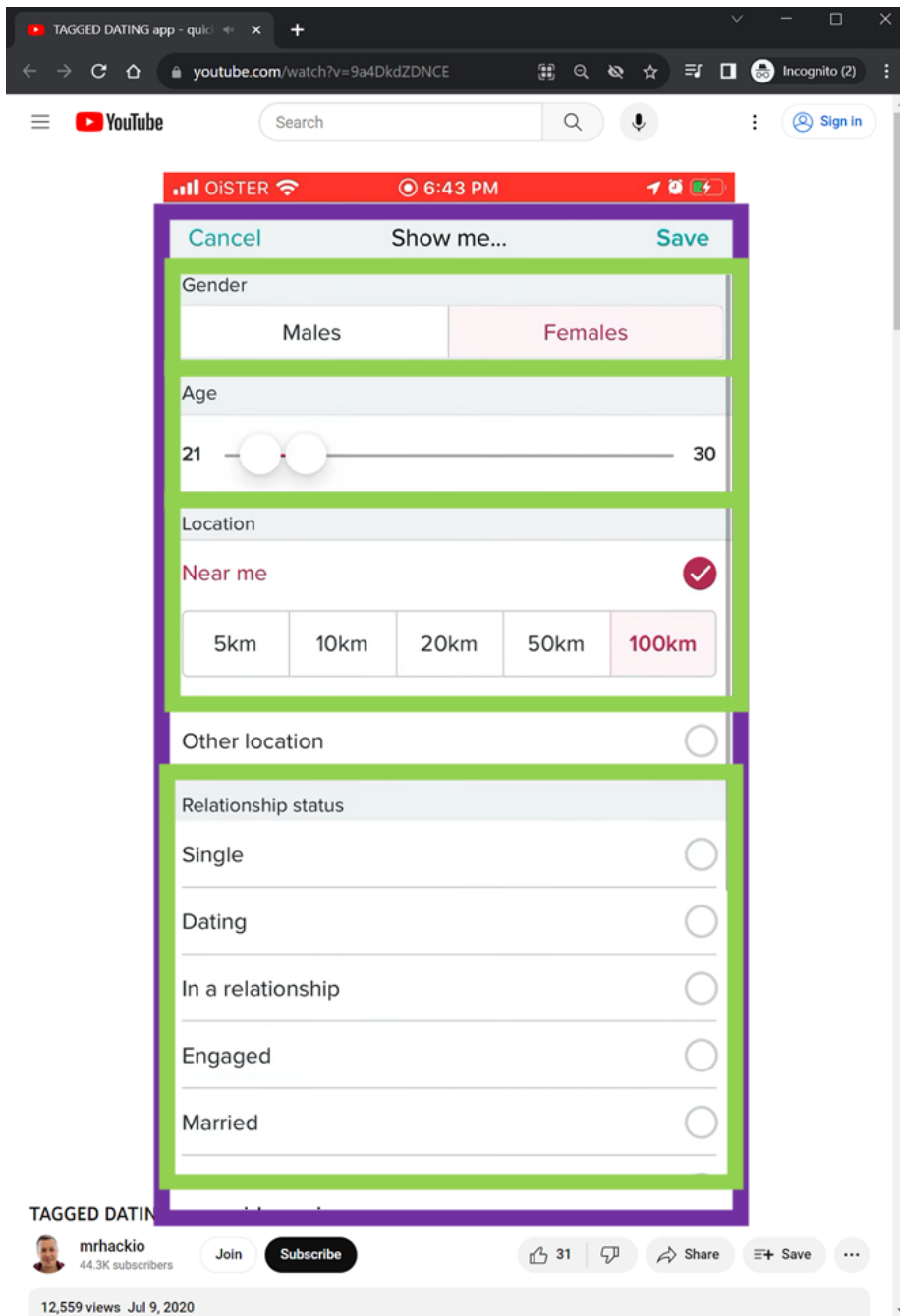
(*E.g.*, <https://www.youtube.com/watch?v=4xwwOtA3vyM> (Published June 23, 2019)).



(E.g., <https://www.youtube.com/watch?v=9a4DkdZDNCE> (Published July 9, 2020)).

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

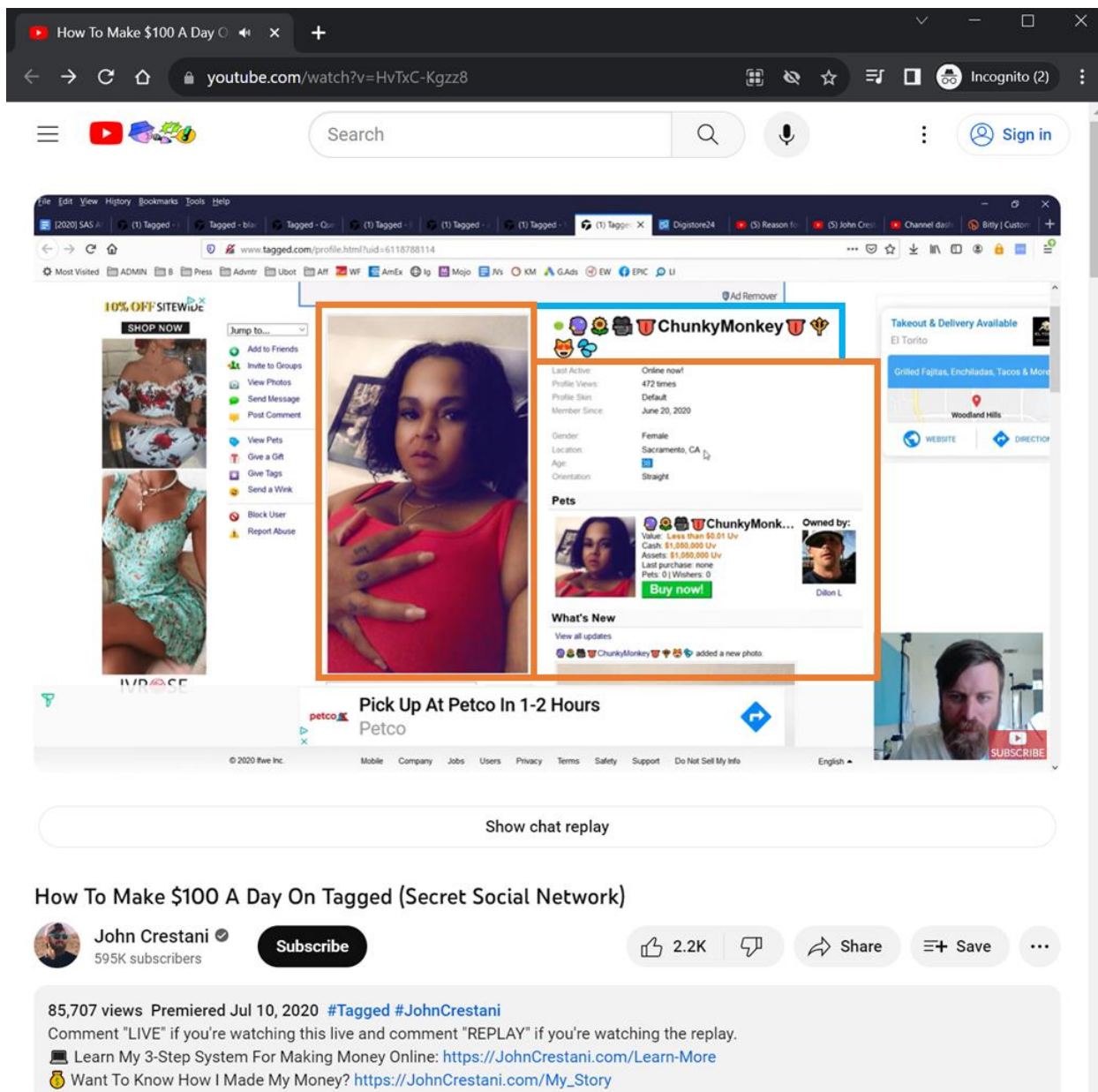
multimedia database stored on a non-transitory medium, configured to select and retrieve a plurality of electronic media submissions (*e.g.*, user profiles with associated photo content and textual content associated with the user (submitter)) from the electronic media submissions database using an electronic content filter located on the electronic multimedia creator server. As can be seen below, such electronic content filter as is used by The Meet Group is based at least in part on at least one of the one or more user attributes, (*e.g.*, based on, *inter alia*, age, gender, relationship status, ethnicity, interests, desired range of search, and more generally a geographical region) which in turn affect which electronic media submissions, *e.g.*, profiles and associated media, appear to the user) as shown and discussed for example below. The Meet Group uses function-specific subsystems, for example as discussed below.



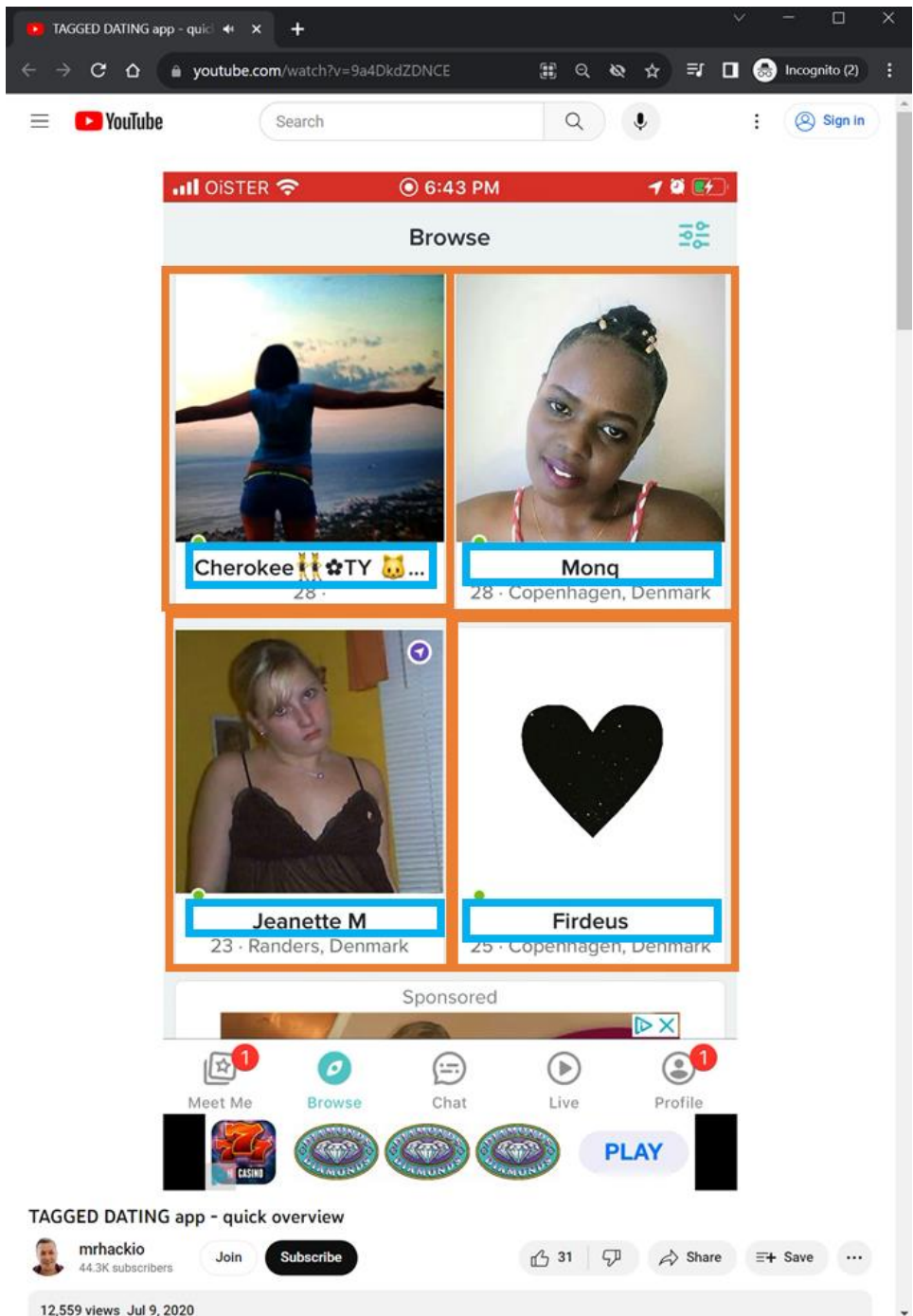
(E.g., <https://www.youtube.com/watch?v=9a4DkdZDNCE> (Published July 9, 2020)).

27. Such electronic content filter is used by Accused Instrumentality to develop multimedia content (e.g., the profiles and/or various content as discussed above) associated with the user (submitter) to be electronically available for viewing on user devices (e.g., devices such as computers and smart phones incorporating browsers or apps) wherein the identification of the

submitter (e.g., a user's name and profile picture) 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=HvTxC-Kgzz8> (Published July 10, 2020)).

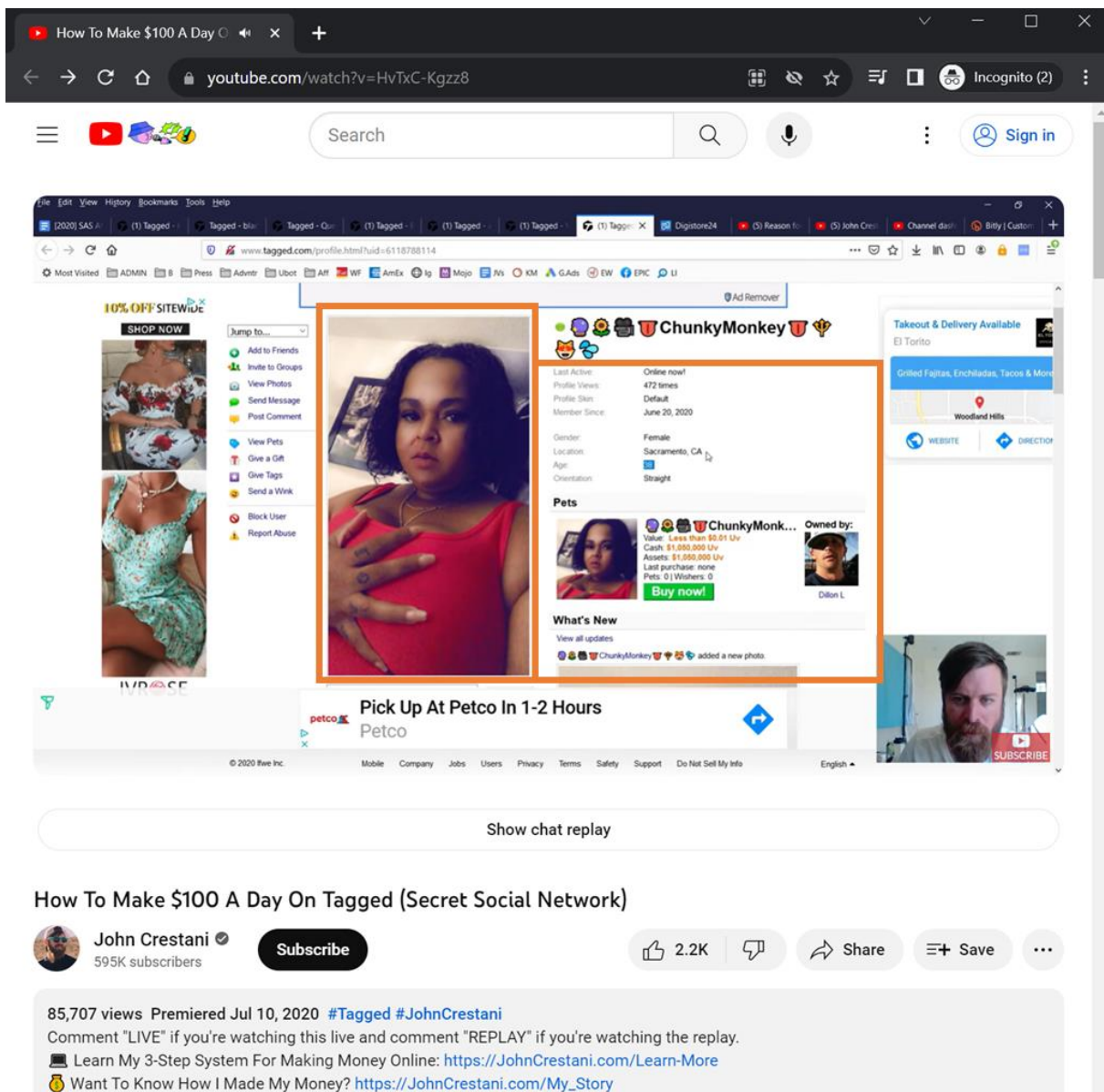


(E.g., <https://www.youtube.com/watch?v=9a4DkdZDNCE> (Published July 9, 2020)).

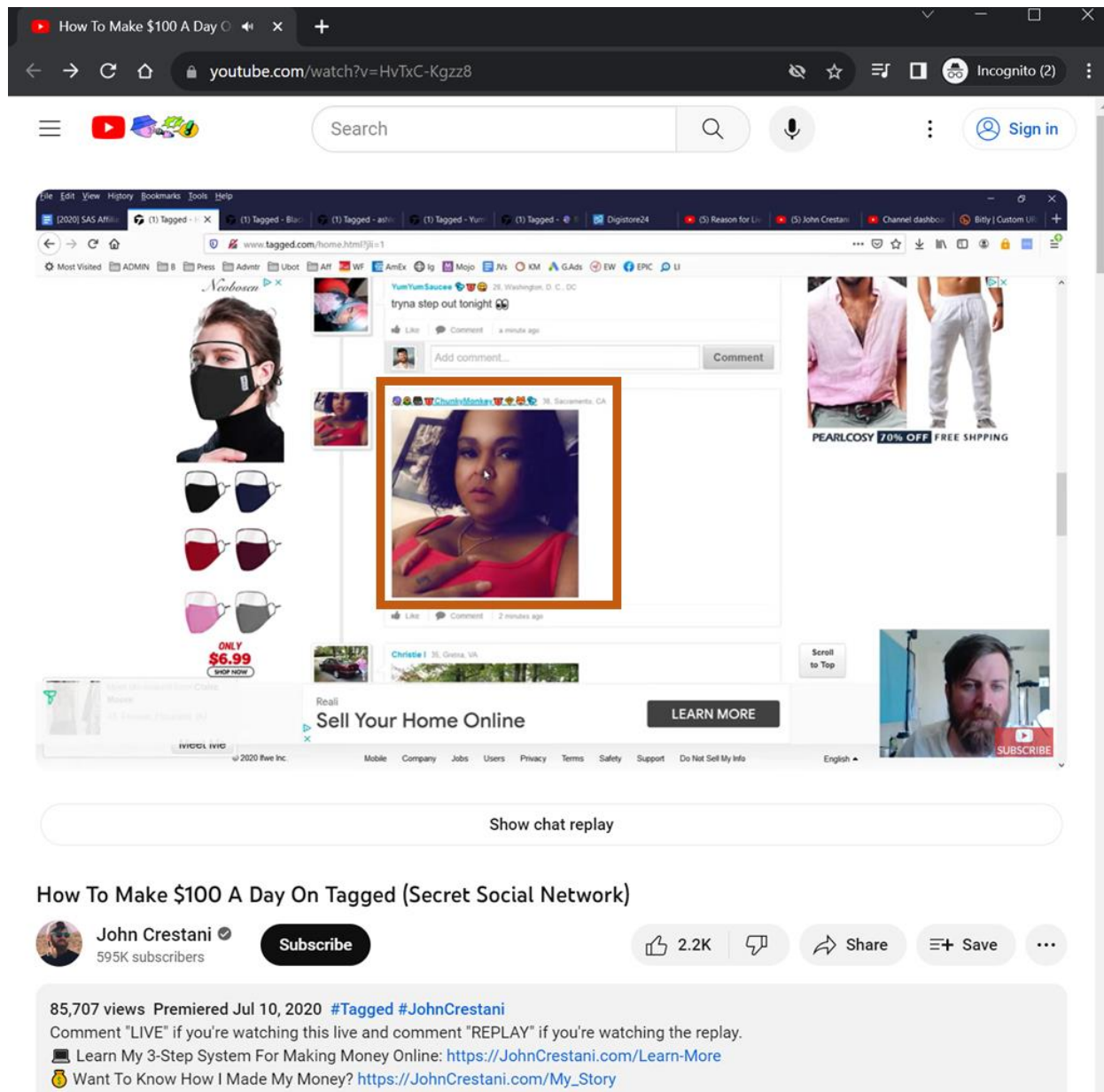
28. The Accused Instrumentality employs an electronic release subsystem operatively coupled to the electronic multimedia creator server subsystem, necessarily having one or more data processing apparatus in order to serve multimedia profile and/or post content with associated



photo, profile picture, and textual content to users, configured to make the multimedia content electronically available for viewing on one or more user devices. For example, as shown below, multimedia content associated with user profiles and posts is provided on various user devices (e.g., a computer or other device with a web browser or app) in response to a user logging in to Accused Instrumentality. The Meet Group uses function-specific subsystems, for example as discussed below.



(E.g., <https://www.youtube.com/watch?v=HvTxC-Kgzz8> (Published July 10, 2020)).

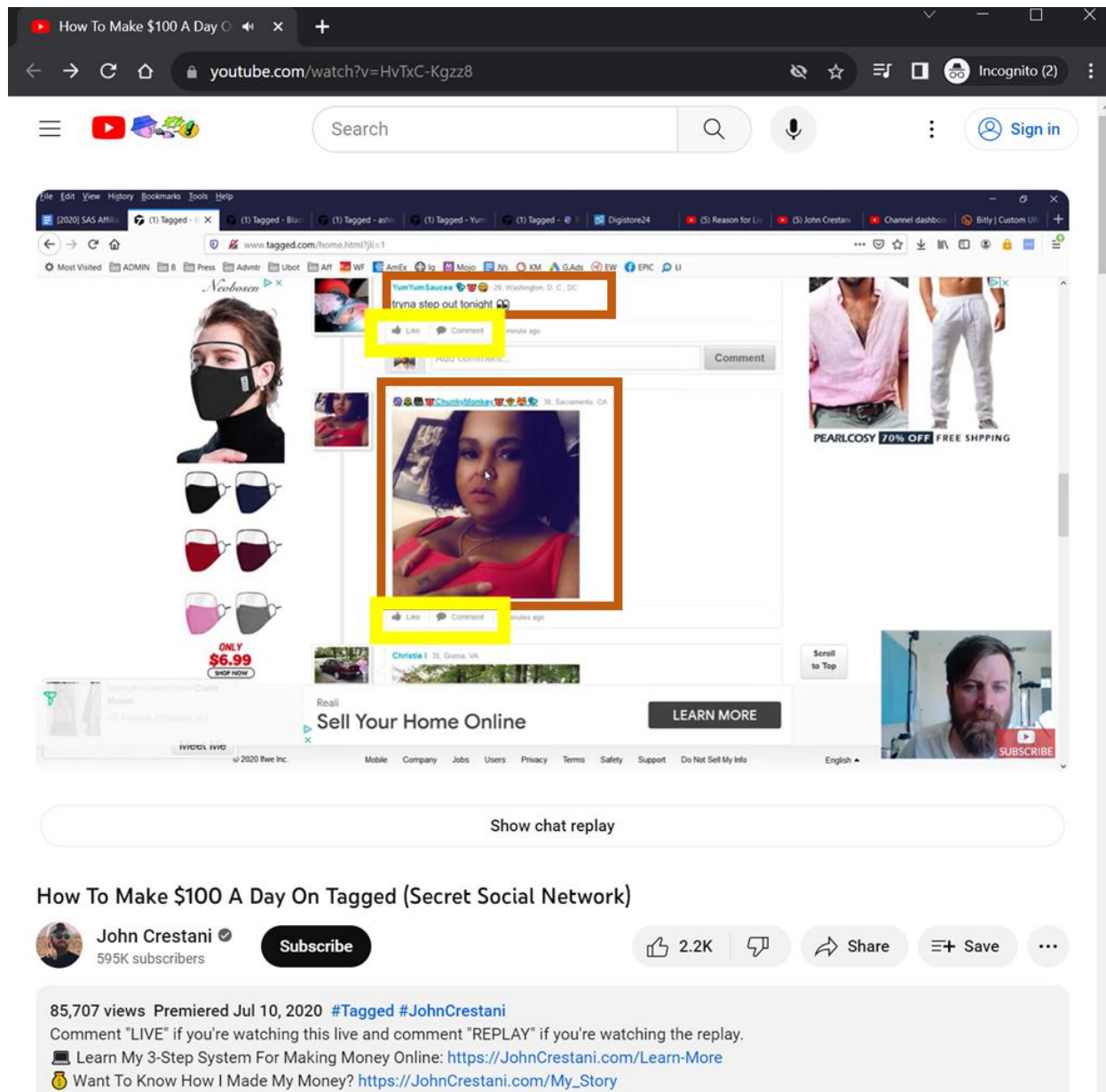


(E.g., <https://www.youtube.com/watch?v=HvTxC-Kgzz8> (Published July 10, 2020)).

29. The Meet Group’s System employs an electronic voting subsystem, necessarily having one or more data processing apparatus in order to track voting or electronic rating, configured to enable a user to electronically vote for or rate (e.g., by the users choices with respect to a selection of a star icon, an X icon, and swiping right or left) an electronically available



multimedia content (e.g., a multimedia profile provided by a submitter, with accompanying photo and/or textual content). Users may also elect to Like or Comment on multimedia comment posted by other users appearing on the live feed. The Meet Group uses function-specific subsystems, for example as discussed below.



(E.g., <https://www.youtube.com/watch?v=HvTxC-Kgzz8> (Published July 10, 2020)).

The screenshot displays a YouTube video player. The video title is "Tagged account creating process ... Enjoy your online earning at home". The channel name is "The Compiler" with 56 subscribers. The video has 465 views and was published on June 23, 2019. The video content shows a "Meet Me - Tagged" interface. A yellow box highlights the "Like" button, and an orange box highlights a profile picture of a man with a beard. An advertisement for "INSTANT BUSINESS INSURANCE" is visible on the right side of the video player. The video player interface includes a search bar, a "Sign in" button, and a "Meet Me - Tagged" tab. The video player also shows a "Report Abuse" button and a "Support" link. The video player is embedded in a browser window with the URL "youtube.com/watch?v=4xwwOtA3vyM".

Tagged account creating process ... Enjoy your online earning at home

The Compiler  
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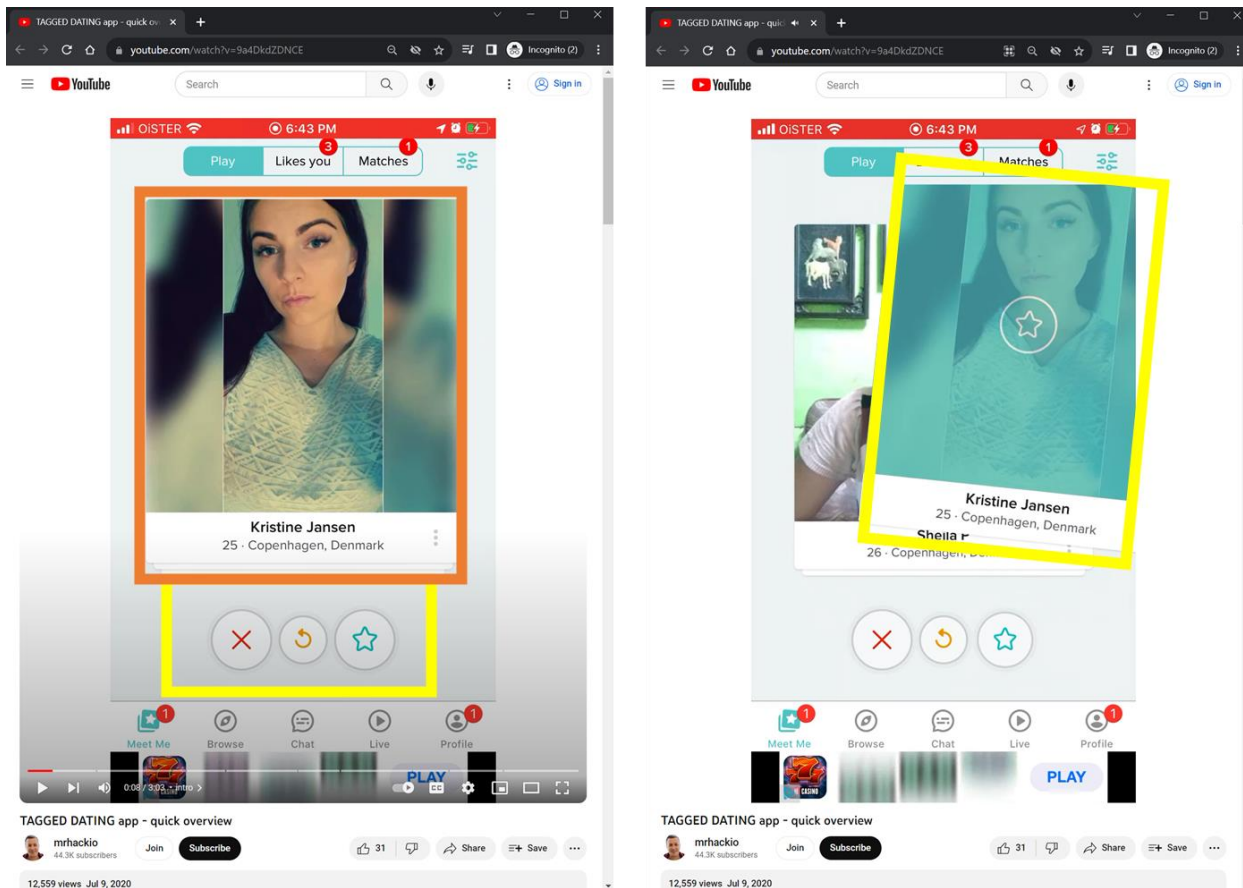
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(E.g., <https://www.youtube.com/watch?v=4xwwOtA3vyM> (Published June 23, 2019)).



(E.g., <https://www.youtube.com/watch?v=9a4DkdZDNCE> (Published July 9, 2020)).

30. 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.

31. 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)**

32. Plaintiff incorporates the above paragraphs herein by reference.

33. 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.

34. 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.

35. 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.*).

36. 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.

37. 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.”

38. 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.

39. 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 and “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.”

40. 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.”

41. 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.

42. The also has inventive concepts. For example, the claim requires that he 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.

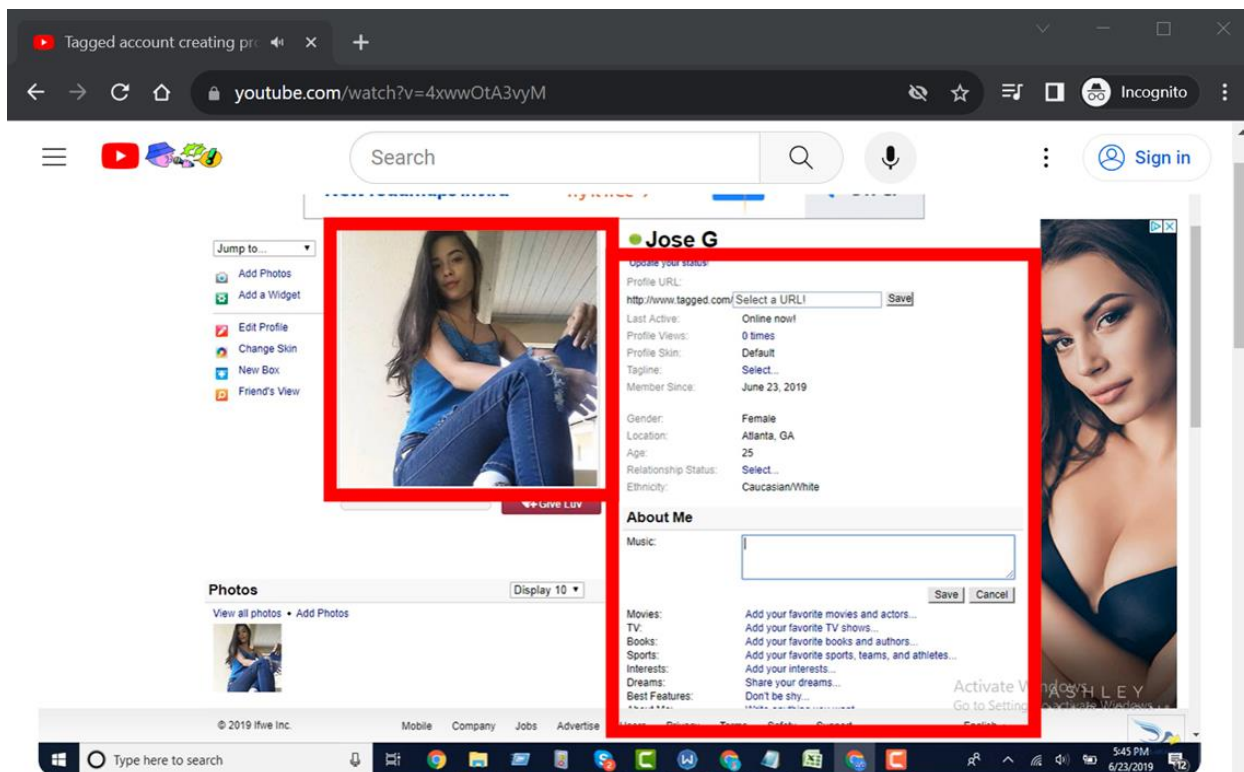
43. These arguments overcame a patent eligibility rejection under 35 U.S.C. §101 of the claim at issue during the prosecution of the ‘665 patent before the United States Patent and Trademark Office.

44. **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.tagged.com/> and/or the Tagged Mobile App (collectively “Accused Instrumentality”) (e.g., <https://www.tagged.com/>).


45. The Meet Group uses a computer-based system for its Accused Instrumentality, to enable users (submitters) to create personalized user profiles and browse the profiles of other users, rate and match with other users, and to share multimedia content e.g., tags and virtual gifts. The profiles include multimedia content including image and textual content (e.g., a submitter’s profile picture and an About Me section) which may be shown to other users based on, *inter alia*, user-selected preferences and attributes. Users may also submit multimedia content as a public post which may appear on a live feed of other users. 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. On information and belief, and as



shown in certain respects below, The Accused Instrumentality is representative of the systems involved with one or more of MeetMe, hi5, LOVOO, Growlr and Skout in relevant respect pertaining to infringement of the asserted patent. The Meet Group, during the relevant time period, took advantage of multiple cloud server providers for the Accused Instrumentality, as discussed above, as well as scalability within its cloud server providers, employing separate server subsystems for all its meaningfully different functions. The Meet Group uses and has used during the relevant time period, numerous different networks and providers for, *inter alia*, content management systems, web servers, web hosting, data centers, proxy certificates, and SSL certificates, traffic analysis, advertising, and tagging, thereby using separate server subsystems for all its meaningfully different functions, such as those indicated below.





Tagged account creating process ... Enjoy your online earning at home

 **The Compiler**  
56 subscribers [Subscribe](#)

1  [Share](#) [Save](#) 

465 views Jun 23, 2019

Subscribe my channel to know more informative tutorial. After learning in a every single step in a every single tutorial which you can apply for your own life to buildup yourself.  
I'll try to publish more informative tutorial with my best.

(E.g., <https://www.youtube.com/watch?v=4xwwOtA3vyM> (Published June 23, 2019)).

How To Make \$100 A Day On Tagged (Secret Social Network)

John Crestani 595K subscribers

2.2K Like Comment Share Save

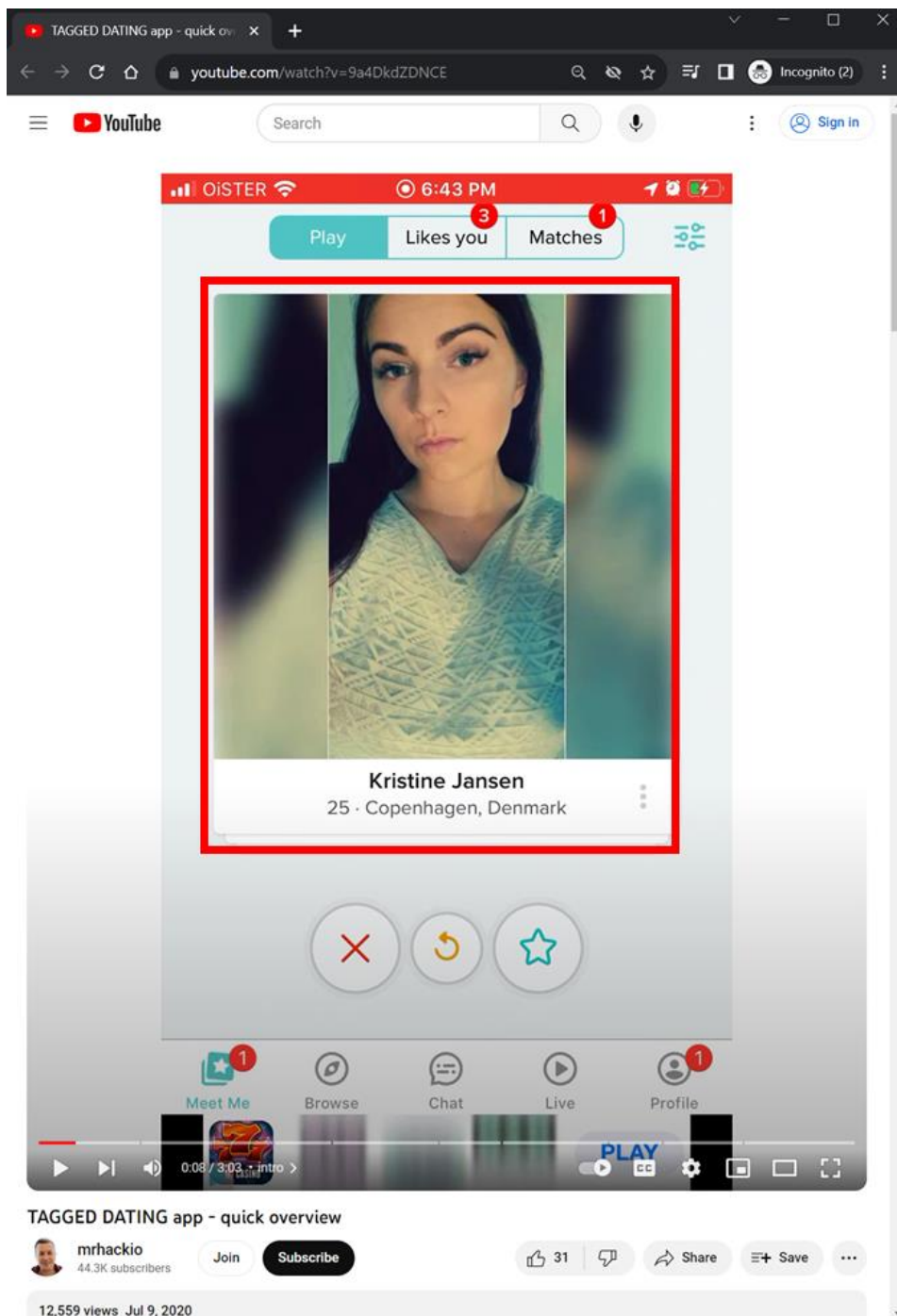
85,707 views Premiered Jul 10, 2020 #Tagged #JohnCrestani

Comment "LIVE" if you're watching this live and comment "REPLAY" if you're watching the replay.

Learn My 3-Step System For Making Money Online: <https://JohnCrestani.com/Learn-More>

Want To Know How I Made My Money? [https://JohnCrestani.com/My\\_Story](https://JohnCrestani.com/My_Story)

(E.g., <https://www.youtube.com/watch?v=HvTxC-Kgzz8> (Published July 10, 2020)).



(E.g., <https://www.youtube.com/watch?v=9a4DkdZDNCE> (Published July 9, 2020)).

The screenshot shows a web browser window with the URL [w3techs.com/sites/info/tagged.com](https://w3techs.com/sites/info/tagged.com). The page title is "Site Info - Tagged.com". The content includes:

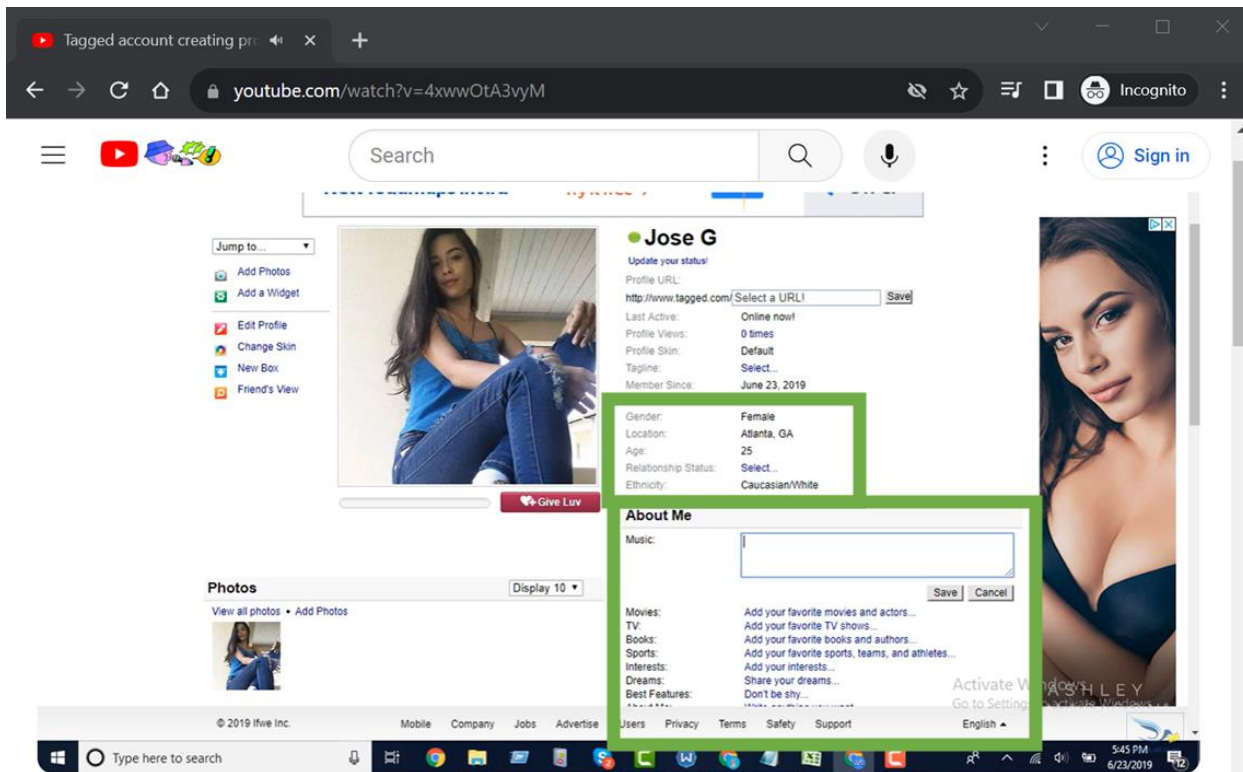
- Website Background:**
  - Description on Homepage: Tagged - The social network for meeting new people. Tagged makes it easy to meet and socialize with new people through games, shared interests, friend suggestions, browsing profiles, and much more.
  - Popularity rank: Top 10k among all websites
- Website Quality Alerts:**
  - No title declaration: Found on page <https://support.tagged.com/portal/en/kb>. There is no title defined for the web page.
  - Are you the webmaster of this site? [Register as user](#) to get quality alerts per email.
- Server-side Programming Language:**
  - Java: used on a subdomain. Java is a general-purpose language originally developed by Sun Microsystems.
- Client-side Programming Language:**
  - JavaScript: JavaScript is a lightweight, object-oriented, cross-platform scripting language, often used within web pages.
- JavaScript Library:**
  - React: used on a subdomain. React is an open source JavaScript library for building user interfaces, developed by Facebook.
- Web Server:**
  - Apache: The Apache HTTP Server is an open source web server by the Apache Software Foundation.
- Web Hosting Provider:**
  - Zoho: used on a subdomain. Zoho provides web hosting and a range of other web services.

At the bottom of the page, it says "hosting info partly based on data from [ipinfo.io](https://www.ipinfo.io)".


(E.g., <https://w3techs.com/sites/info/tagged.com>).

46. 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 (submitters), for example content pertaining to building a user profile on the Accused Instrumentality, as well as multimedia content to be displayed on the user's profile or live feed, as discussed and shown above in connection with the above discussion. Individual users can Sign Up and create an Account on The Meet Group's Accused Instrumentality, which is stored on a user database. Such user database is stored in memory available through the Accused Instrumentality, for example as discussed above. The user attributes of users who create a profile may include, *e.g.*, a name, age, gender, relationship status, ethnicity, interests, desired range of search, and more generally a geographical region, and the like as shown in the examples below. The Meet Group's 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.*, user profiles with associated photo content and textual content associated with the user (submitter) 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 The Meet Group is based at least in part on at least one of the one or more user attributes, (*e.g.*, based on, *inter alia*, age, gender, relationship status, ethnicity, interests, desired range of search, and more generally a geographical region) which in turn affect which electronic media submissions, *e.g.*, profiles and associated media, appear to the user) as shown and discussed for example below. The Meet Group uses function-specific subsystems, for example as discussed below.



Tagged account creating process ... Enjoy your online earning at home

 **The Compiler**  
56 subscribers [Subscribe](#)

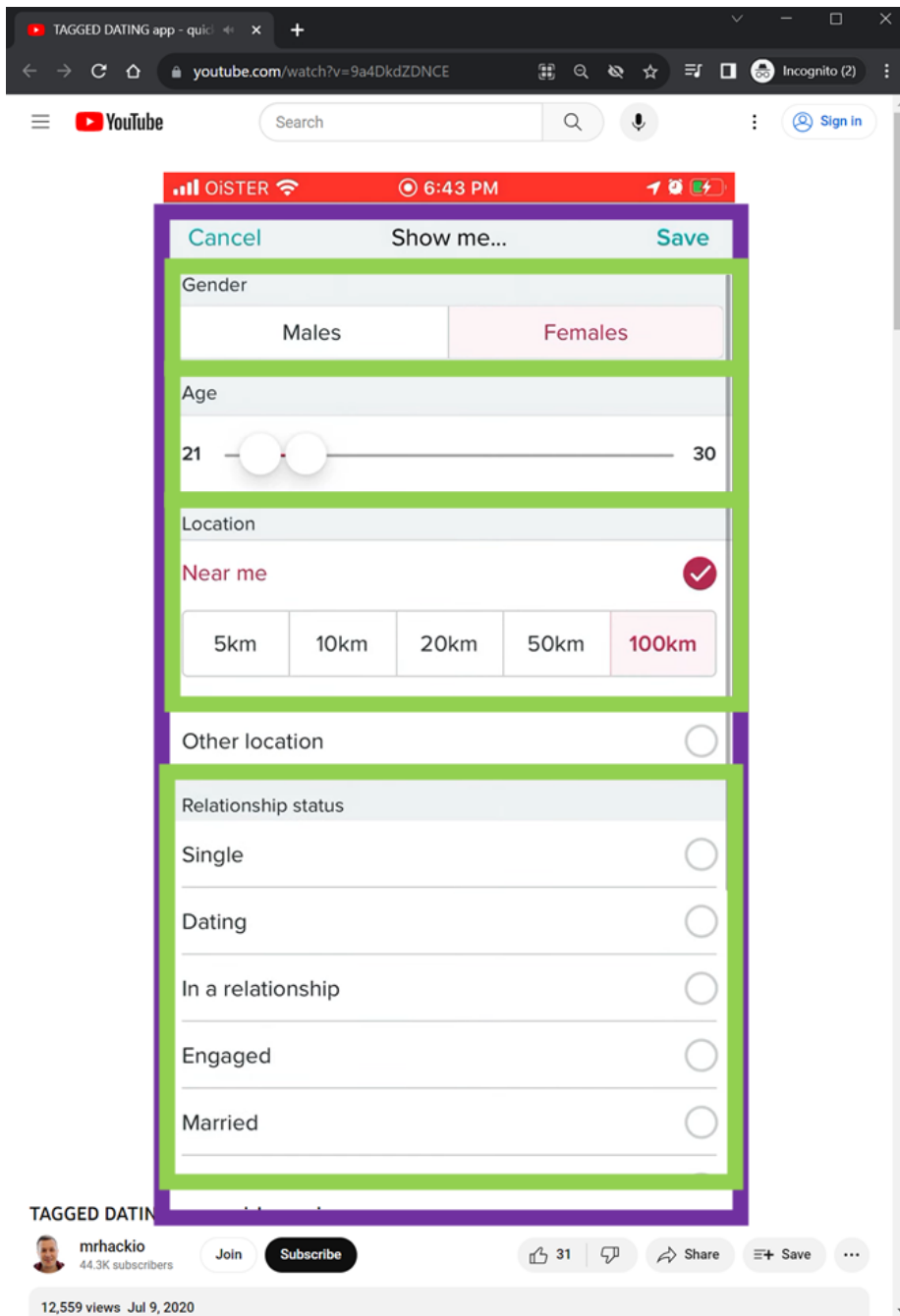
👍 1    💬    ➦ Share    ⌵ Save    ⋮

465 views Jun 23, 2019

Subscribe my channel to know more informative tutorial. After learning in a every single step in a every single tutorial which you can apply for your own life to buildup yourself.  
I'll try to publish more informative tutorial with my best.

(E.g., <https://vimeo.com/259913577> (uploaded March 13, 2018)).

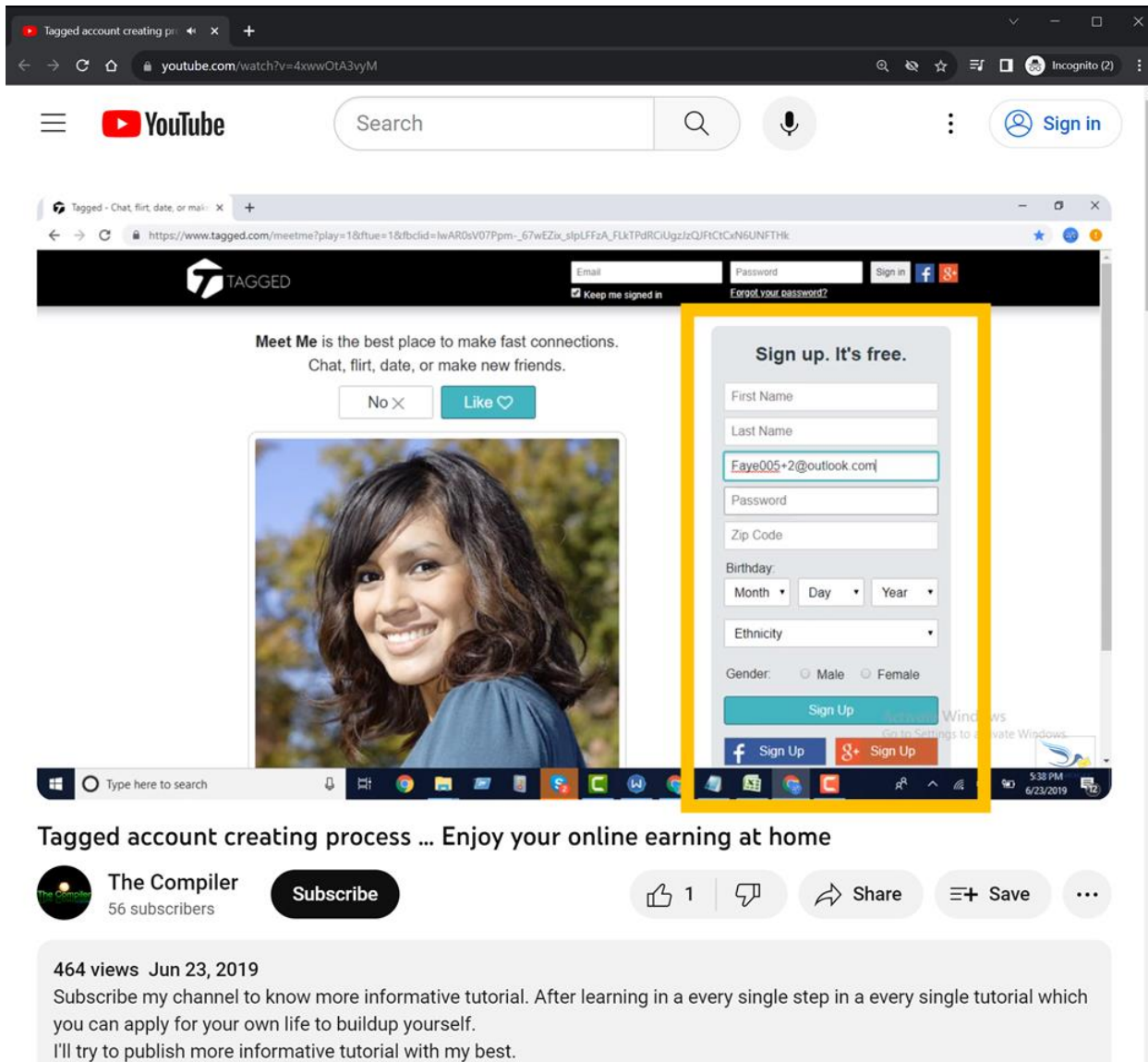




(E.g., <https://www.youtube.com/watch?v=9a4DkdZDNCE> (Published July 9, 2020)).

47. The Accused Instrumentality enables a plurality of electronic media submissions to be provided to The Meet Group’s platform. These submissions include content pertaining to a user profile on the Accused Instrumentality, as well as multimedia content to be displayed on the user’s profile or live feed, as discussed and shown in connection with the above discussion. The

submissions pertaining to building a user profile may include photo and textual content (*e.g.*, a submitter's profile picture and an About Me section) which may be shown to other users based on, *inter alia*, user-selected preferences and attributes. The submissions are provided to the Accused Instrumentality via a submissions electronic interface, *e.g.*, a web-based content portal, accessible for example by logging in and selecting options to upload such content or import content, configured to receive such electronic media, from a plurality of submitters (*e.g.*, users) 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 of the Accused Instrumentality.



Tagged account creating process ... Enjoy your online earning at home

**The Compiler**  
56 subscribers

Subscribe

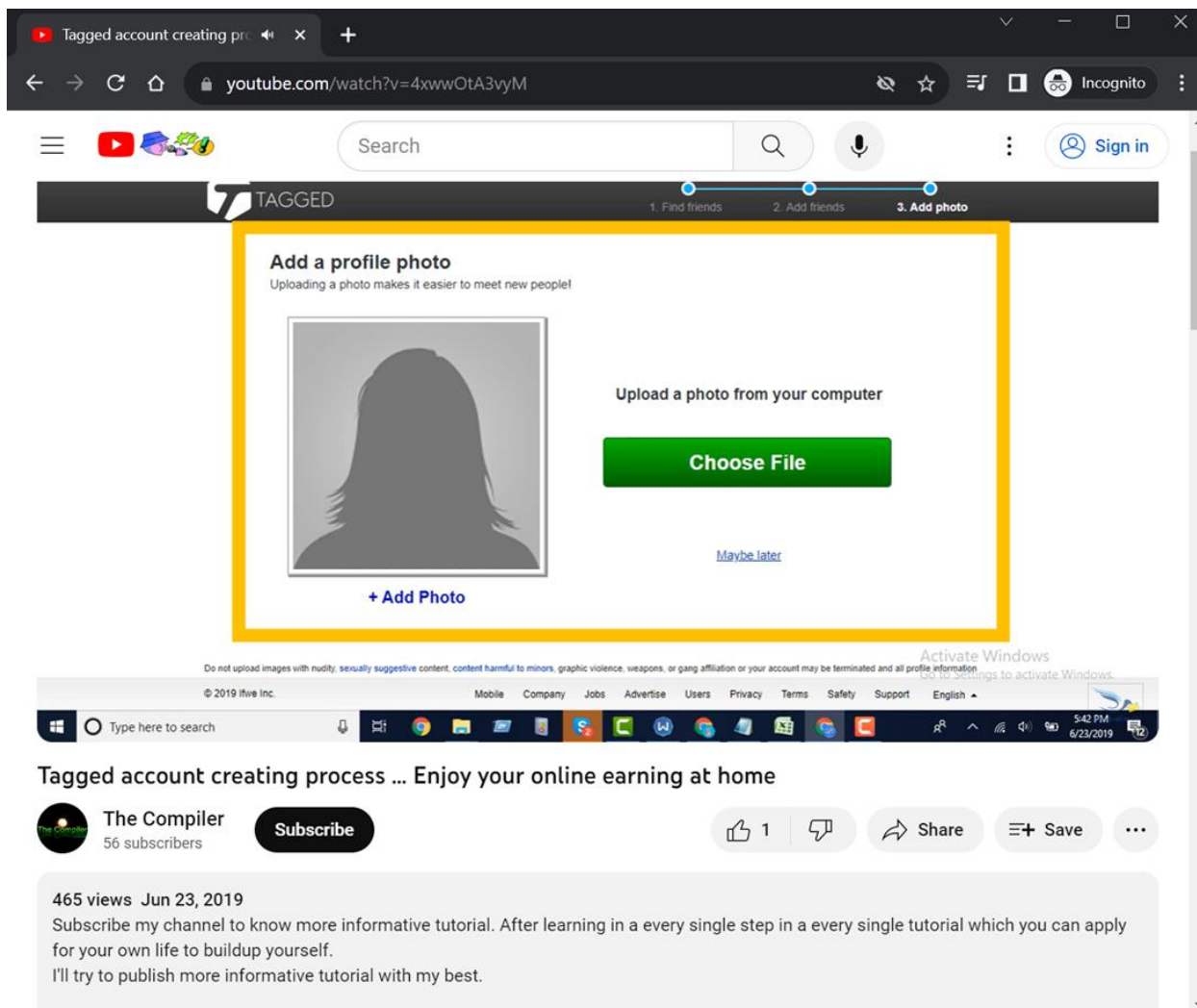
1 Like

Share Save

464 views Jun 23, 2019

Subscribe my channel to know more informative tutorial. After learning in a every single step in a every single tutorial which you can apply for your own life to buildup yourself. I'll try to publish more informative tutorial with my best.

(E.g., <https://www.youtube.com/watch?v=4xwwOtA3vyM> (Published June 23, 2019)).



(E.g., <https://www.youtube.com/watch?v=4xwwOtA3vyM> (Published June 23, 2019)).

The screenshot shows a web browser window displaying a YouTube video player. The video title is "Tagged account creating process ... Enjoy your online earning at home". The channel name is "The Compiler" with 56 subscribers. The video has 465 views and was published on June 23, 2019. The description reads: "Subscribe my channel to know more informative tutorial. After learning in a every single step in a every single tutorial which you can apply for your own life to buildup yourself. I'll try to publish more informative tutorial with my best." The video player interface includes a search bar, a "Sign in" button, and a profile card for "Jose G". The profile card shows a profile picture of a woman, a "Give Livr" button, and an "About Me" section. The "About Me" section is highlighted with a yellow border and contains a text input field for "Music" and a "Save" button. Below the "About Me" section are fields for "Movies:", "TV:", "Books:", "Sports:", "Interests:", "Dreams:", and "Best Features:". The browser's address bar shows the URL "youtube.com/watch?v=4xwwOtA3vyM". The Windows taskbar is visible at the bottom of the browser window.

(E.g., <https://www.youtube.com/watch?v=4xwwOtA3vyM> (Published June 23, 2019)).

The screenshot shows a YouTube video player. The video title is "Tagged account creating process ... Enjoy your online earning at home". The channel is "The Compiler" with 56 subscribers. The video has 465 views and was published on June 23, 2019. The video content displays a web browser window showing the "Edit Profile" page of a Tagged account. The form is highlighted with a yellow border and contains the following information:

- Display Name: Jose G
- Gender: Female
- Birthdate: February 4, 1994
- Zip Code: 30318, United States
- Tagline: (empty)
- Languages: English, 2nd Language, 3rd Language
- Ethnicity:  Black,  East Indian,  Native American,  Hispanic/Latino,  Pacific Islander,  Caucasian/White,  Middle Eastern,  Other
- Religion: Christian
- Sexual Orientation: Select Orientation
- Relationship Status: Select Status

Buttons for "Save" and "Cancel" are visible at the bottom of the form. A warning message at the bottom of the form states: "Do not list any phone numbers, mailing addresses or commercial websites in your profile information or your account may be terminated. We strongly advise against posting any other personal contact information such as emails, screen names or full names, which may compromise your safety."

Below the video player, the channel information and video description are visible:

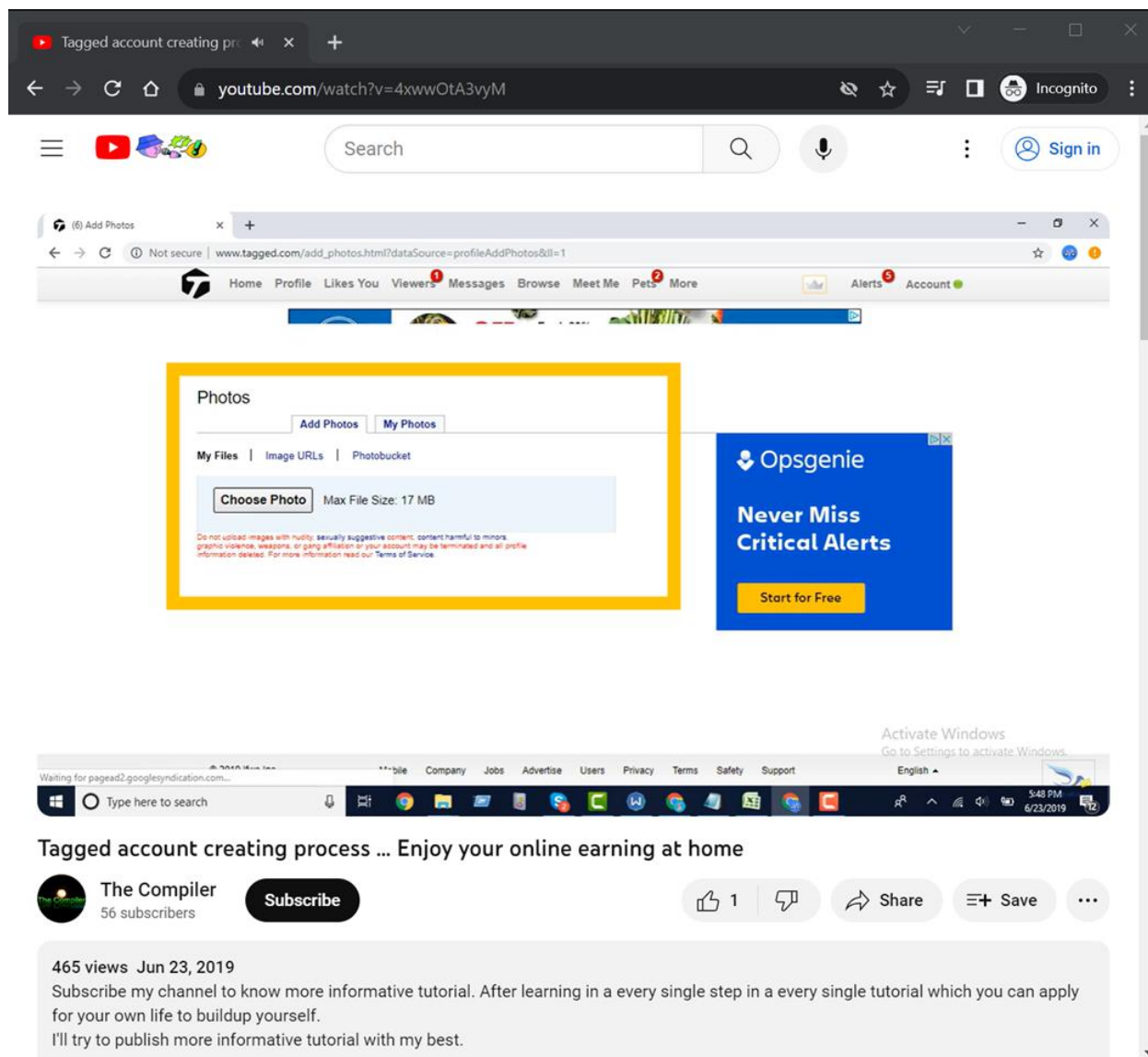
**The Compiler** 56 subscribers **Subscribe** 1 Like Share Save

465 views Jun 23, 2019

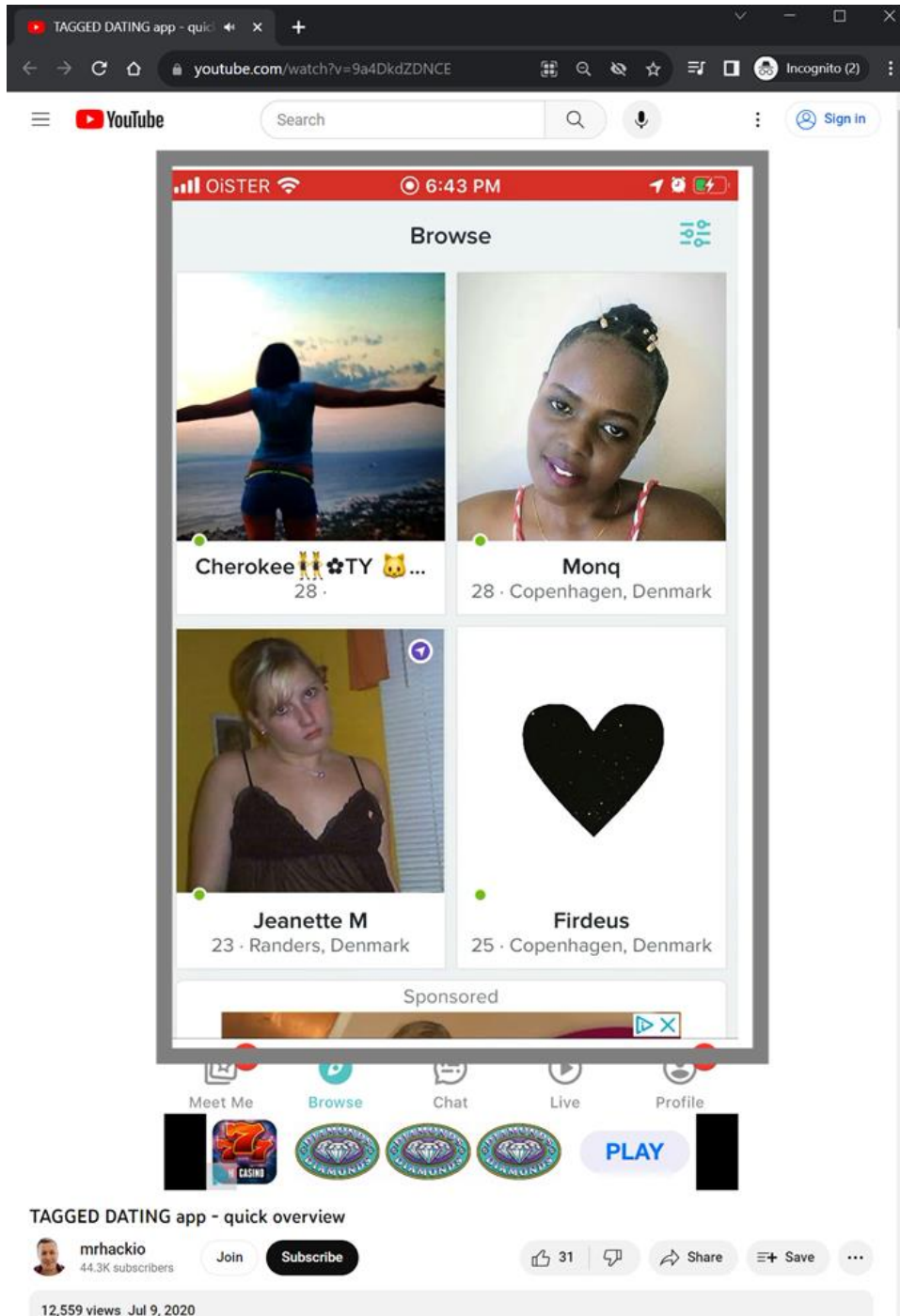
Subscribe my channel to know more informative tutorial. After learning in a every single step in a every single tutorial which you can apply for your own life to buildup yourself. I'll try to publish more informative tutorial with my best.

(E.g., <https://www.youtube.com/watch?v=4xwwOtA3vyM> (Published June 23, 2019)).

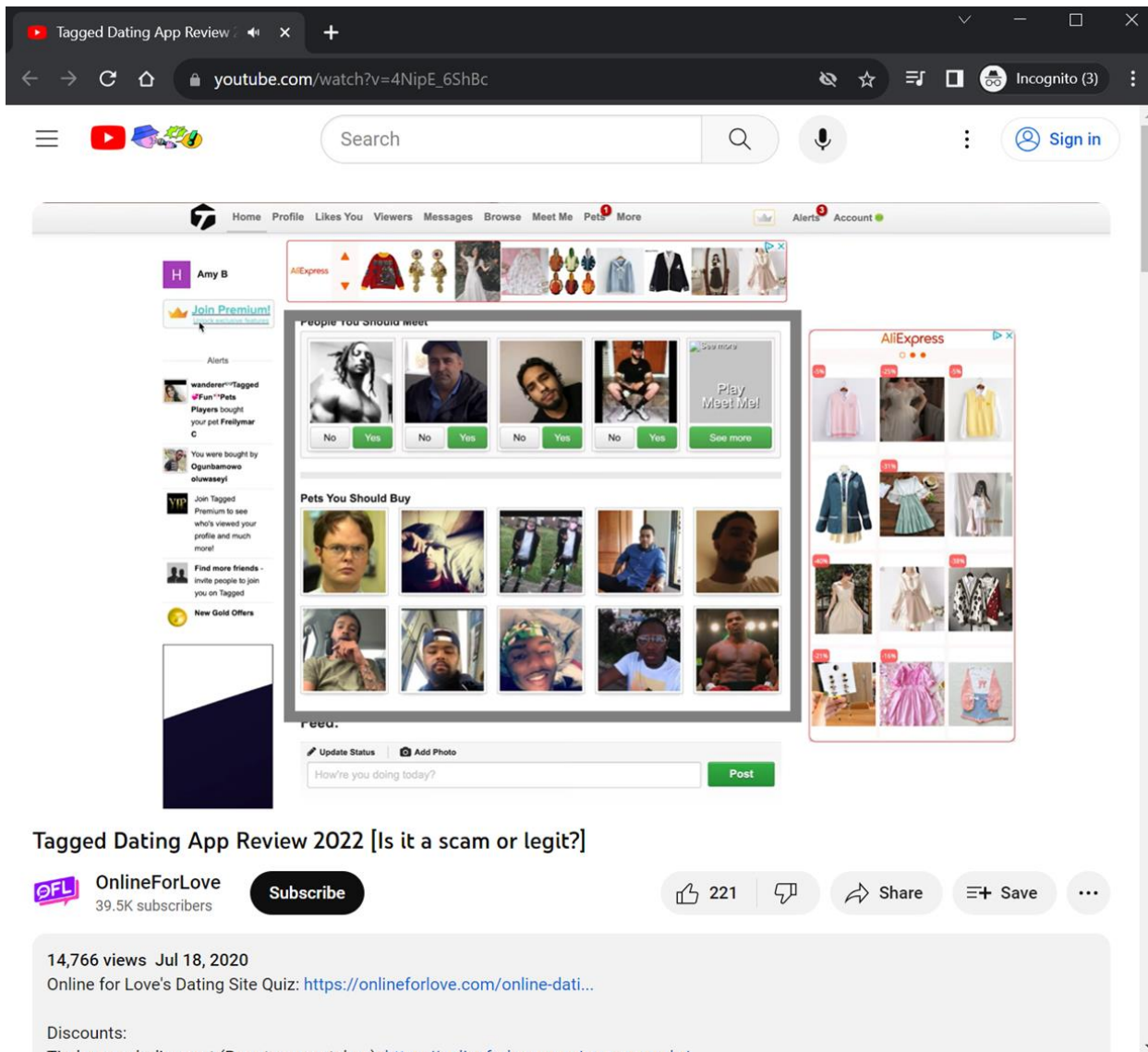




(E.g., <https://www.youtube.com/watch?v=4xwwOtA3vyM> (Published June 23, 2019)).



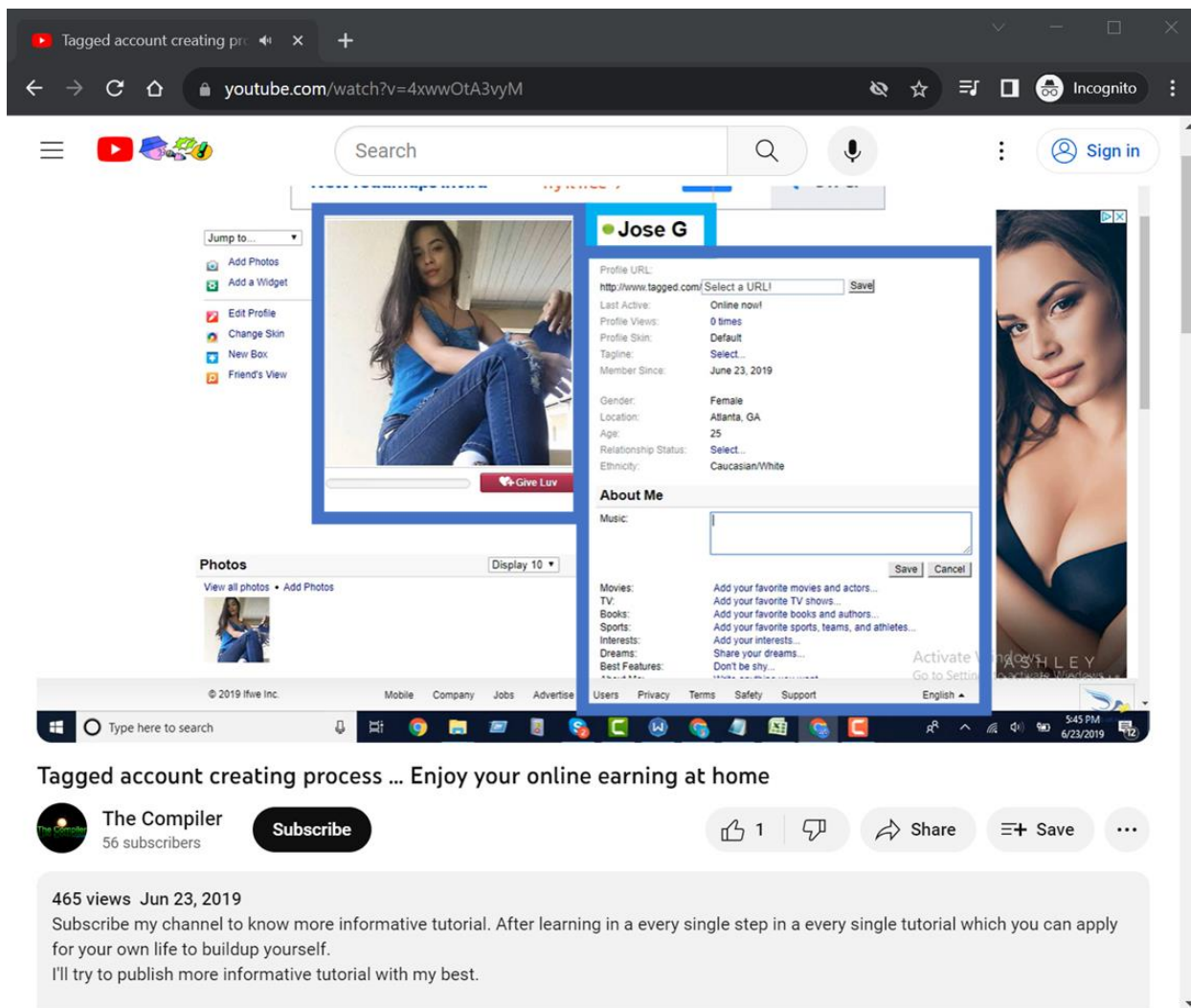
(E.g., <https://www.youtube.com/watch?v=9a4DkdZDNCE> (Published July 9, 2020)).



(E.g., [https://www.youtube.com/watch?v=4NipE\\_6ShBc](https://www.youtube.com/watch?v=4NipE_6ShBc) (Published July 18, 2020)).

48. The electronic media submissions database of the Accused Instrumentality used by The Meet Group which stores the submissions further stores data identifying the submitter and data indicating content for each electronic media submission. As shown below, data identifying the user (submitter) includes, e.g., a name. Data indicating content for each electronic media submission includes a photo and/or textual content. Similarly, the electronic media submissions database of the MeetMe System used by The Meet Group which stores the submissions further

stores data identifying the submitter and data indicating content for each electronic media submission.



(E.g., <https://www.youtube.com/watch?v=4xwwOtA3vyM> (Published June 23, 2019)).

The screenshot displays a YouTube video player. The video title is "Tagged account creating process ... Enjoy your online earning at home". The channel is "The Compiler" with 56 subscribers. The video has 465 views and was published on June 23, 2019. The description says: "Subscribe my channel to know more informative tutorial. After learning in a every single step in a every single tutorial which you can apply for your own life to buildup yourself. I'll try to publish more informative tutorial with my best." The video content shows a man with a beard and a baseball cap, and a woman with red hair. The video has 1 like and 1 comment. The video is from the channel "The Compiler" (56 subscribers). The video has 465 views and was published on June 23, 2019. The video description reads: "Subscribe my channel to know more informative tutorial. After learning in a every single step in a every single tutorial which you can apply for your own life to buildup yourself. I'll try to publish more informative tutorial with my best."

(E.g., <https://www.youtube.com/watch?v=4xwwOtA3vyM> (Published June 23, 2019)).



How To Make \$100 A Day On Tagged (Secret Social Network)

John Crestani 595K subscribers

85,707 views Premiered Jul 10, 2020 #Tagged #JohnCrestani

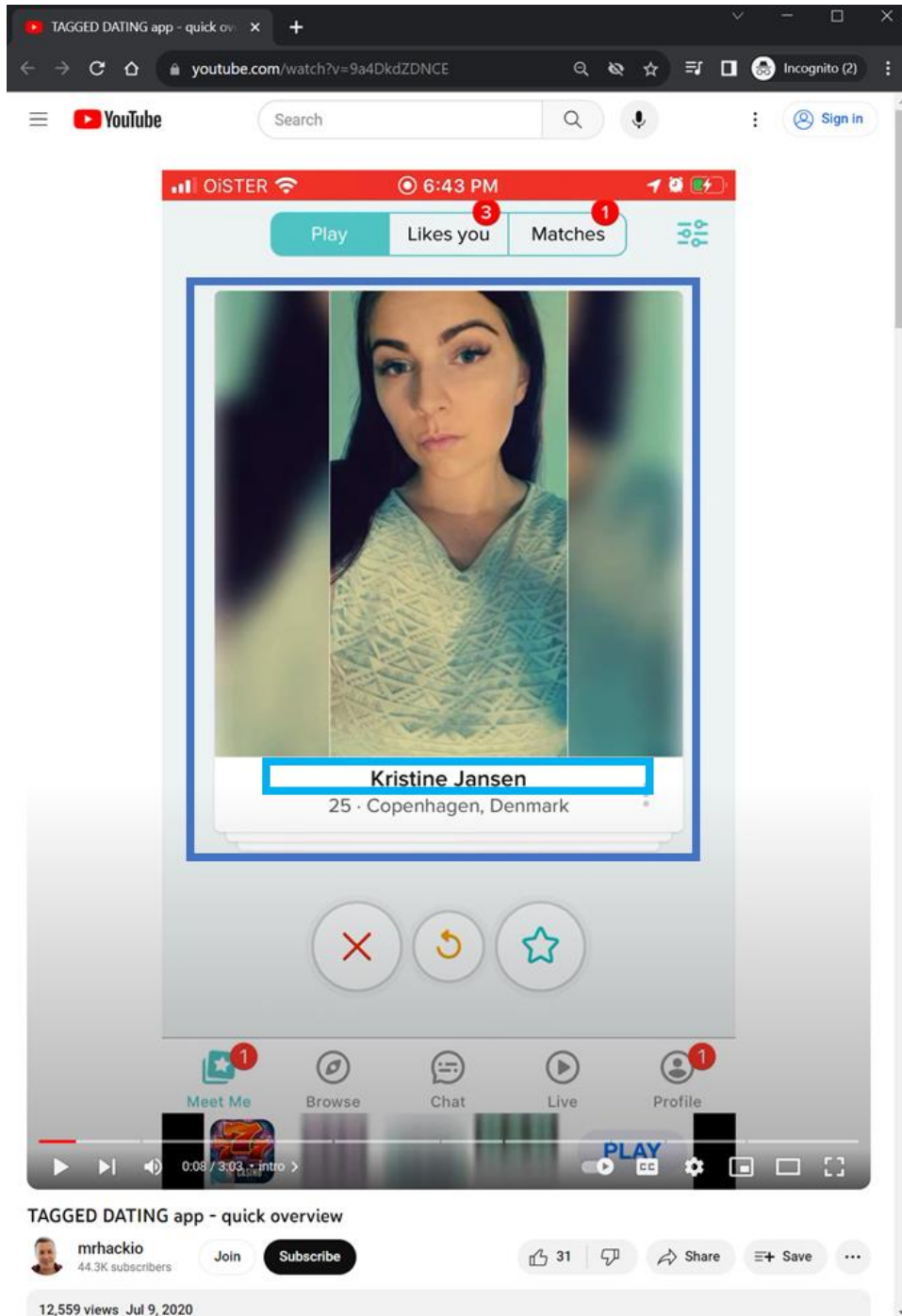
Comment "LIVE" if you're watching this live and comment "REPLAY" if you're watching the replay.

Learn My 3-Step System For Making Money Online: <https://JohnCrestani.com/Learn-More>

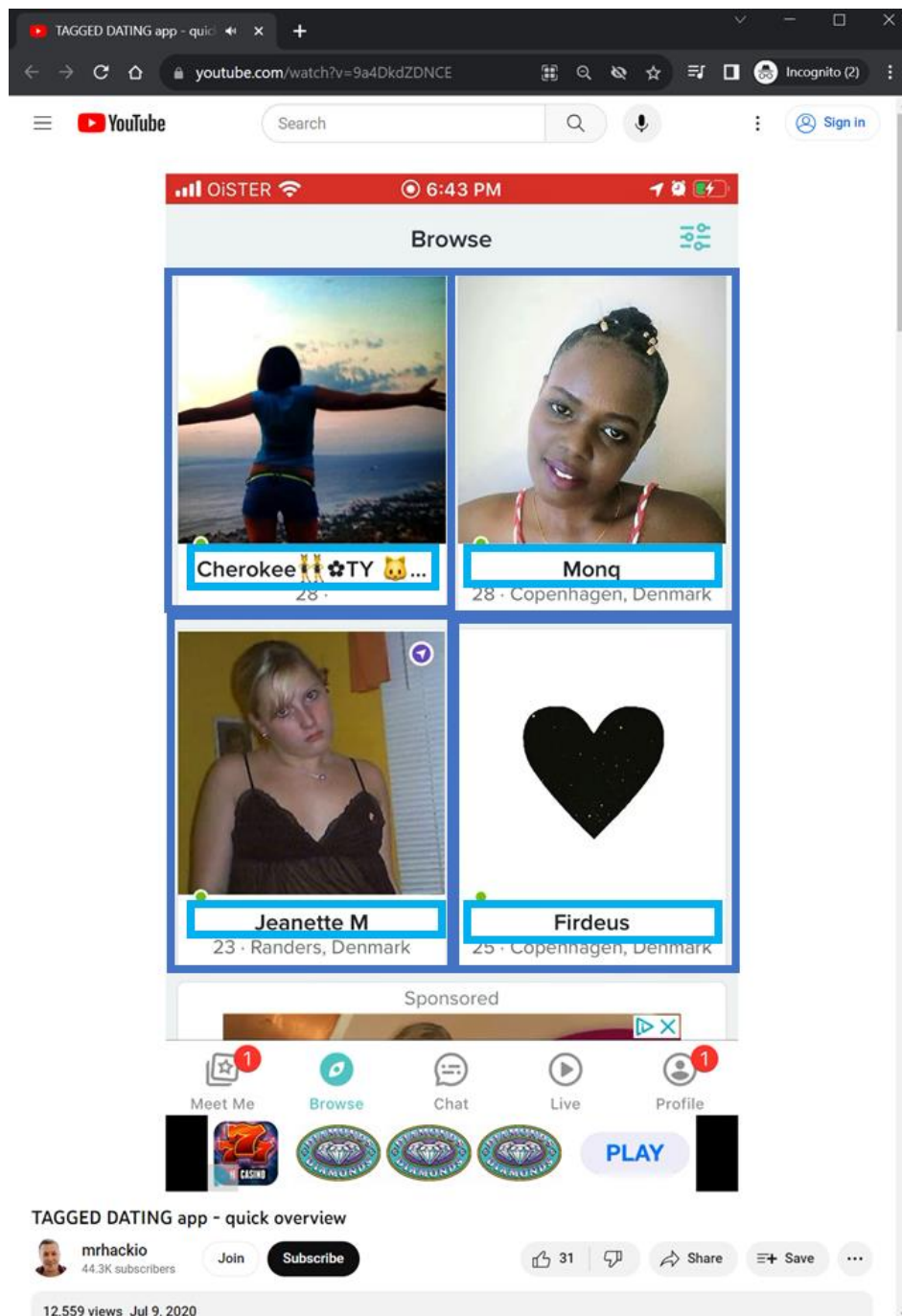
Want To Know How I Made My Money? [https://JohnCrestani.com/My\\_Story](https://JohnCrestani.com/My_Story)

(E.g., <https://www.youtube.com/watch?v=9a4DkdZDNCE> (Published July 9, 2020)).

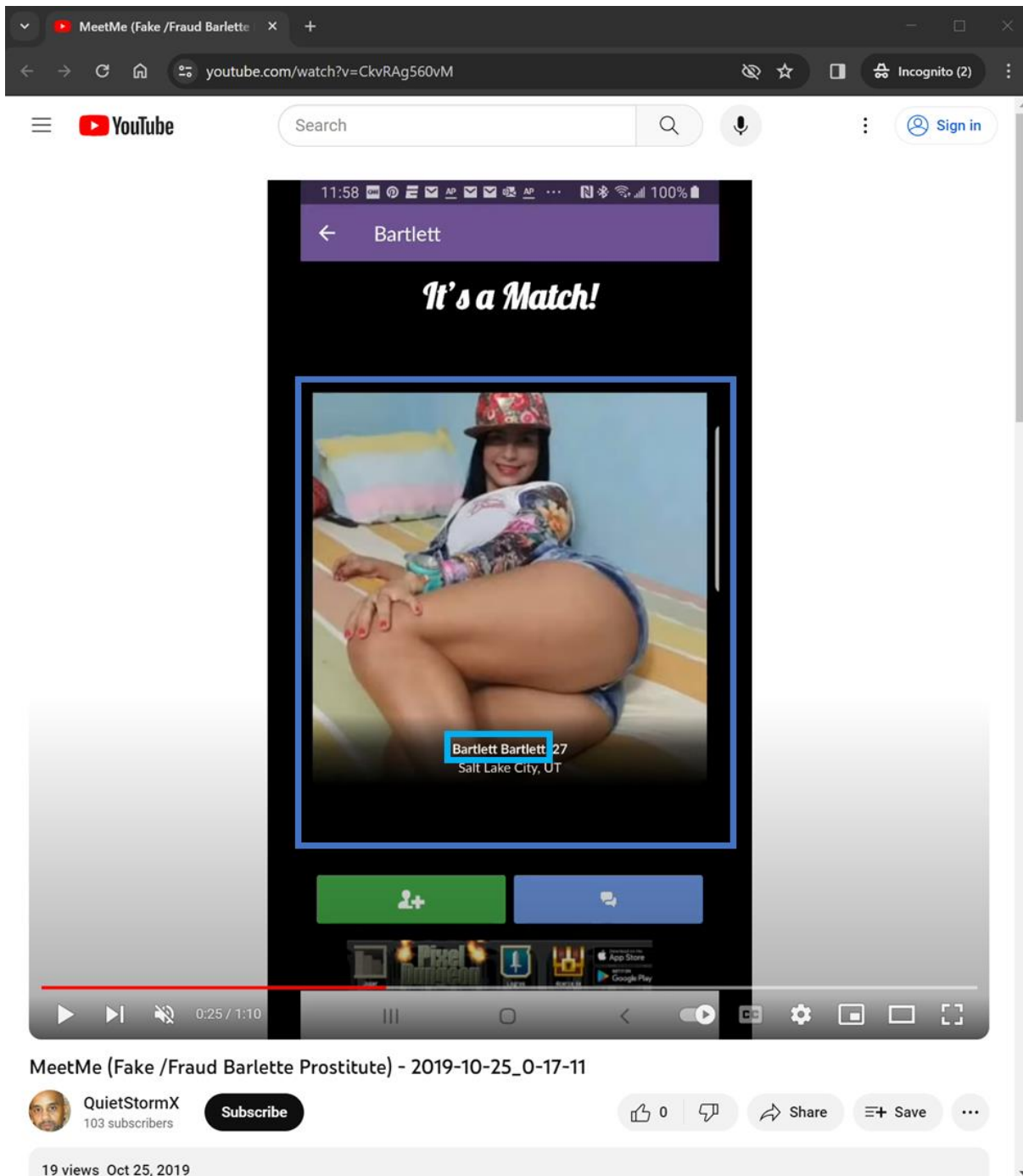




(E.g., <https://www.youtube.com/watch?v=9a4DkdZDNCE> (Published July 9, 2020)).



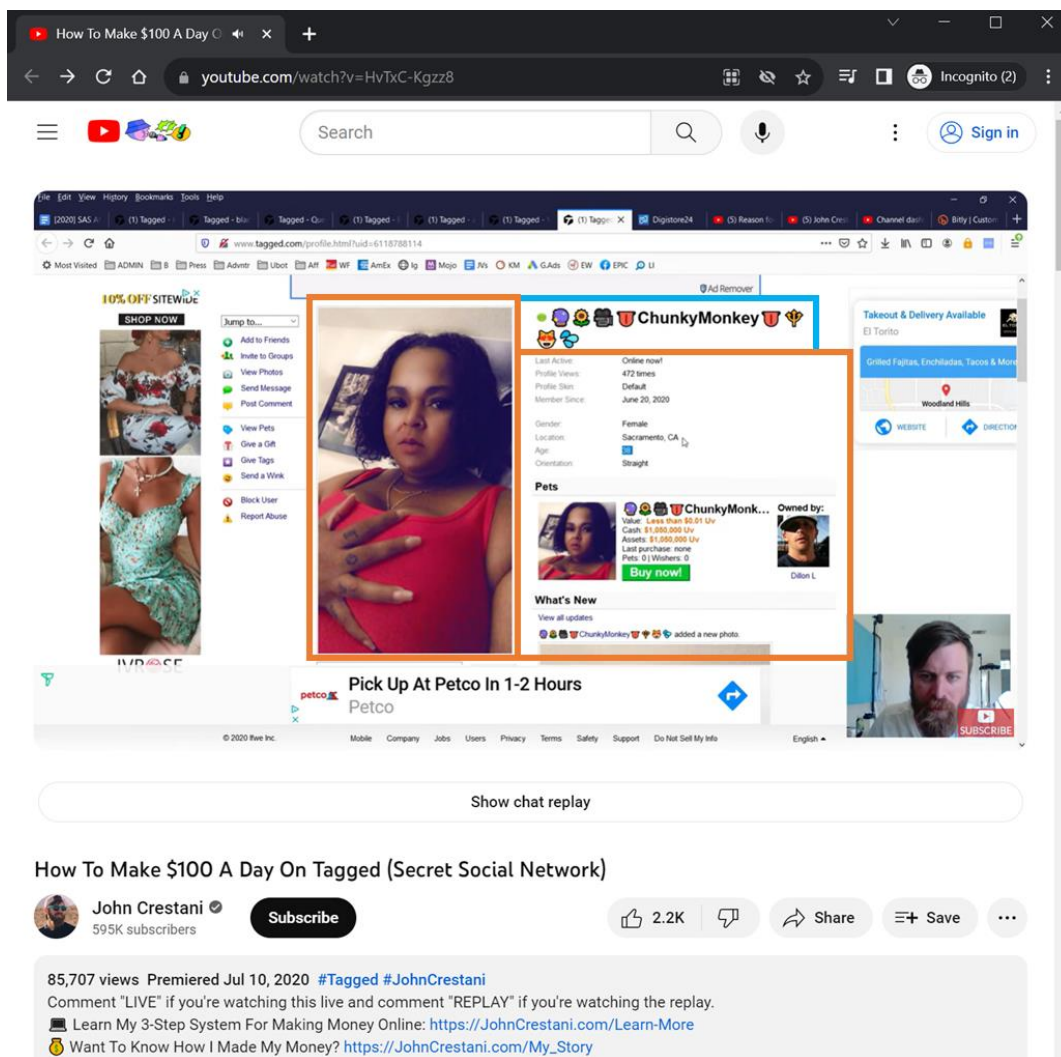
(E.g., <https://www.youtube.com/watch?v=9a4DkdZDNCE> (Published July 9, 2020)).



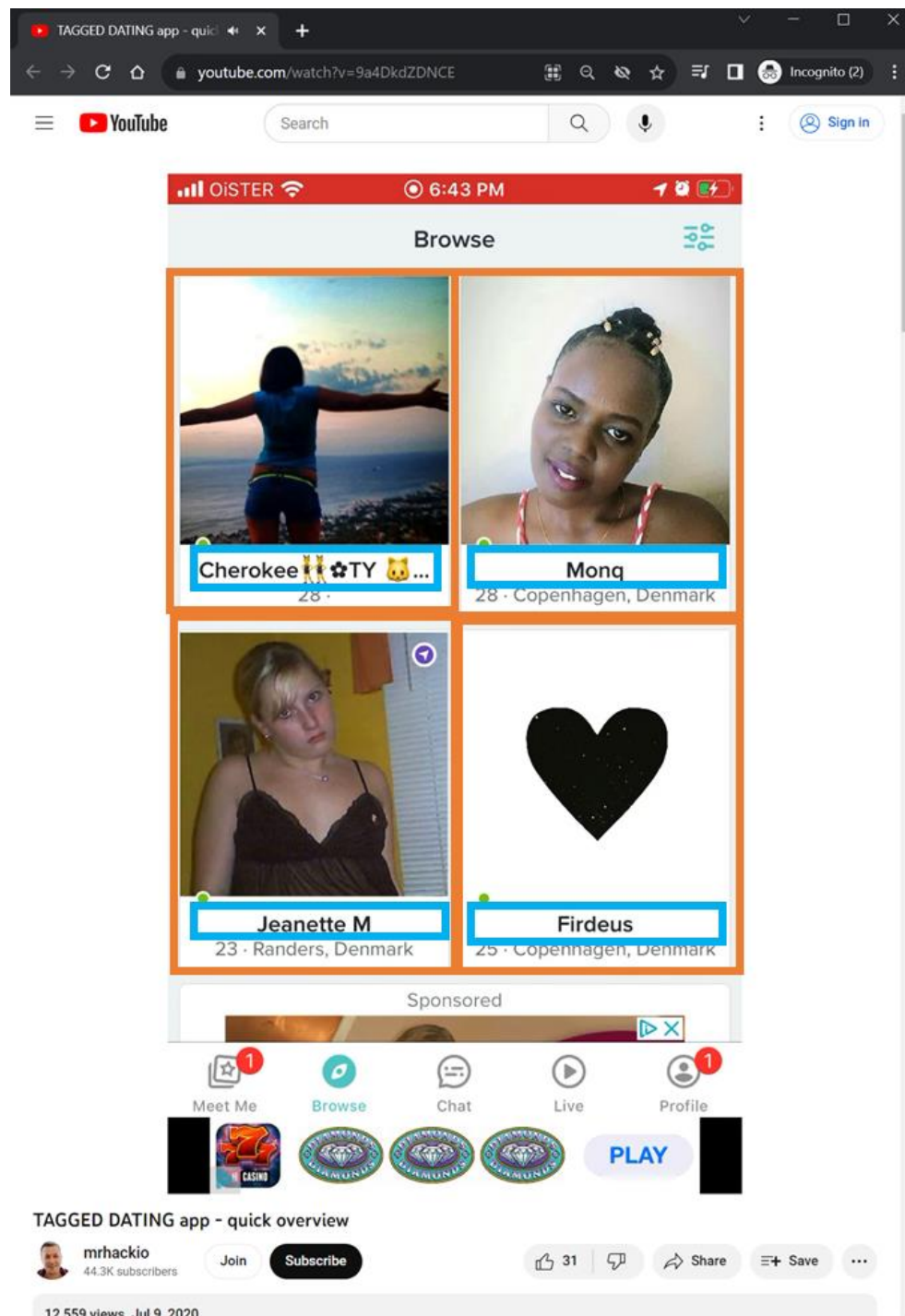
(E.g., <https://www.youtube.com/watch?v=CkvRAg560vM> (Published October 25, 2019)).

49. 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 device such as a

computers or smart phone incorporating one or more browsers or apps), and the identification of the submitter is maintained with each retrieved submission within the multimedia file. As shown below, data identifying the user (submitter) includes *e.g.*, a name and profile picture identifying the user and textual content, along with embedded hyperlinks to social media pages of the user (submitter), as well as an About Us page. For example, below are examples of such multimedia files being displayed within a user's browser or app, on a user device, in association with the identification of the submitter (*e.g.*, the profiles and/or various content as discussed above associated with the online retailer-submitter) is maintained with each retrieved submission within the multimedia file having associated multimedia content, for example as shown below.

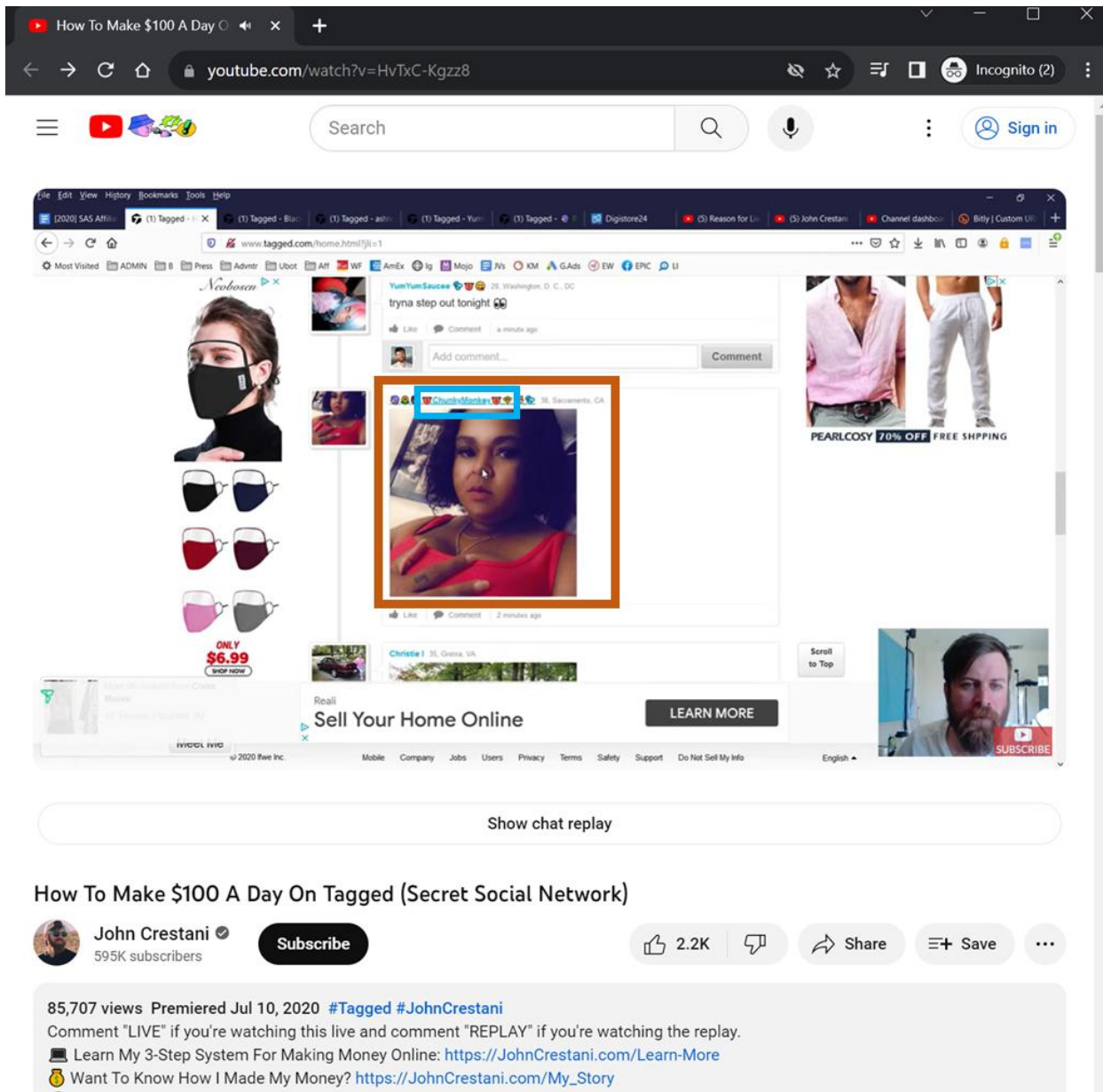


(E.g., <https://www.youtube.com/watch?v=HvTxC-Kgzz8> (Published July 10, 2020)).



(E.g., <https://www.youtube.com/watch?v=9a4DkdZDNCE> (Published July 9, 2020)).



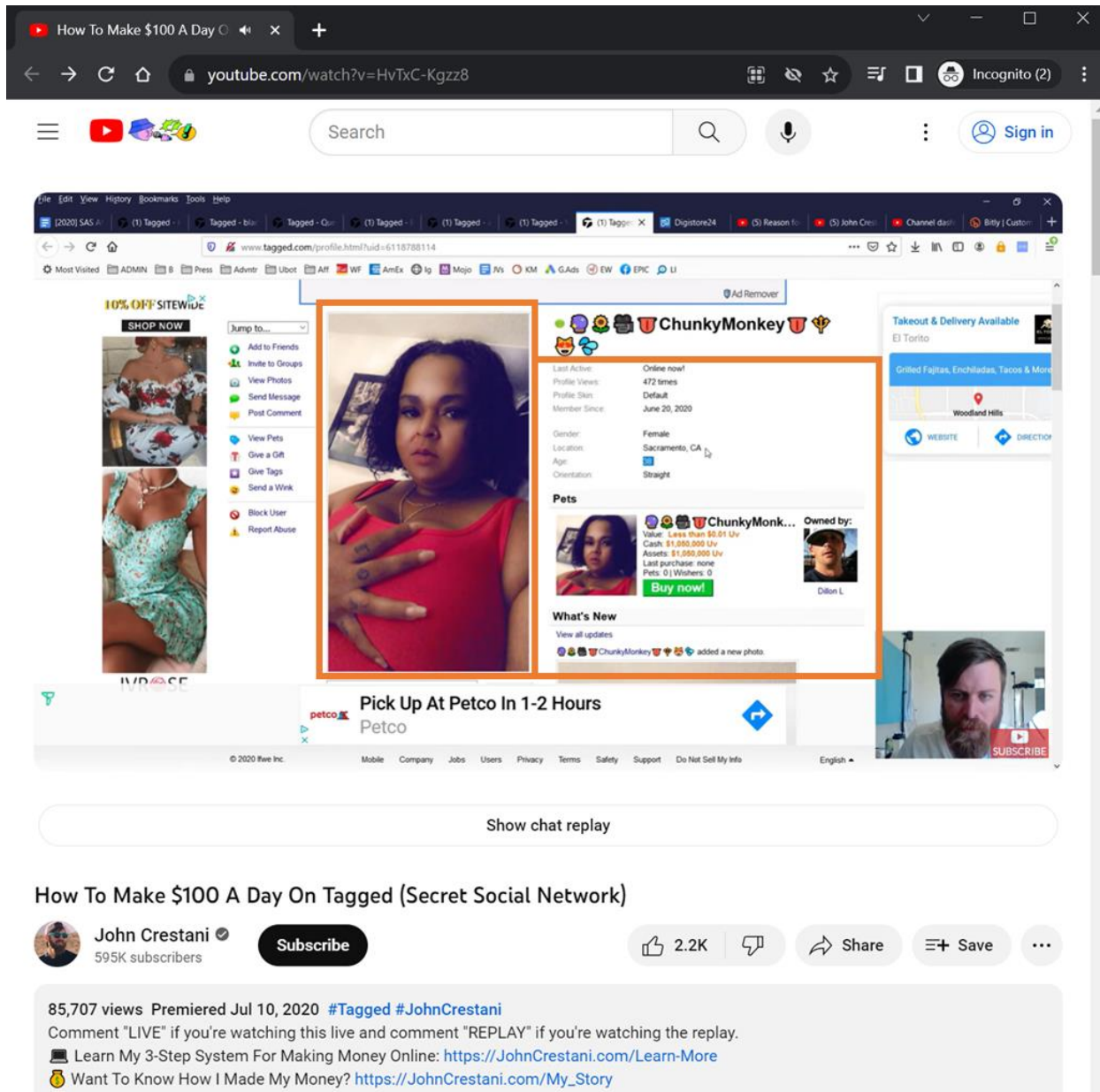


(E.g., <https://www.youtube.com/watch?v=HvTxC-Kgzz8> (Published July 10, 2020)).

50. 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 multimedia profile and/or post content with associated photo, profile picture, and textual content to users, configured to make the multimedia content electronically available for viewing on one or more user devices. For example, as shown below,



multimedia content associated with user profiles and posts is provided on various user devices (e.g., a computer or other device with a web browser or app) in response to a user logging in to the Accused Instrumentality. The Meet Group uses function-specific subsystems, for example as discussed below.



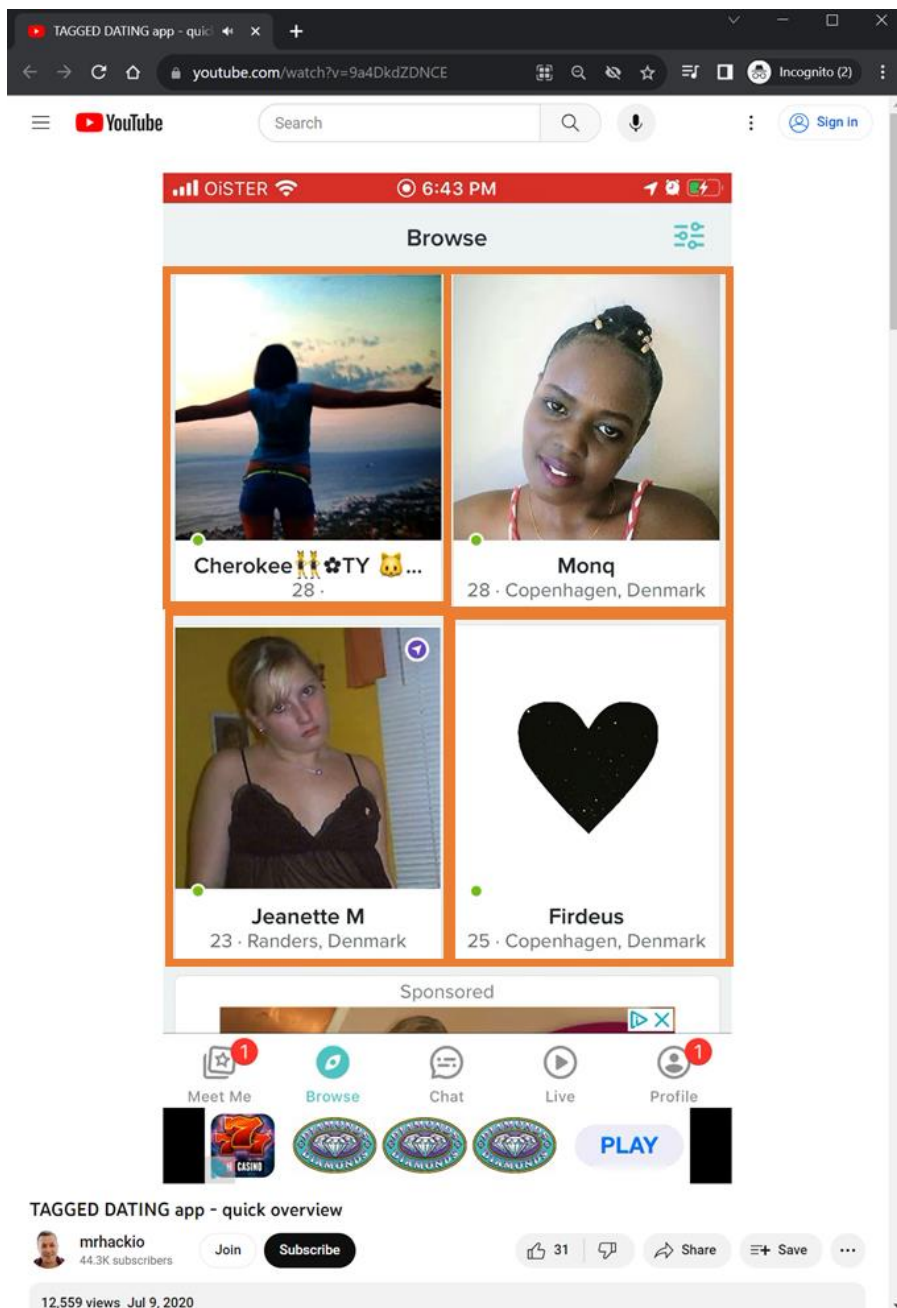
(E.g., <https://www.youtube.com/watch?v=HvTxC-Kgzz8> (Published July 10, 2020)).

How To Make \$100 A Day On Tagged (Secret Social Network)

**John Crestani** ✓  
595K subscribers [Subscribe](#) 2.2K [Share](#) [Save](#) [...](#)

85,707 views Premiered Jul 10, 2020 [#Tagged](#) [#JohnCrestani](#)  
Comment "LIVE" if you're watching this live and comment "REPLAY" if you're watching the replay.  
[Learn My 3-Step System For Making Money Online: https://JohnCrestani.com/Learn-More](https://JohnCrestani.com/Learn-More)  
[Want To Know How I Made My Money? https://JohnCrestani.com/My\\_Story](https://JohnCrestani.com/My_Story)

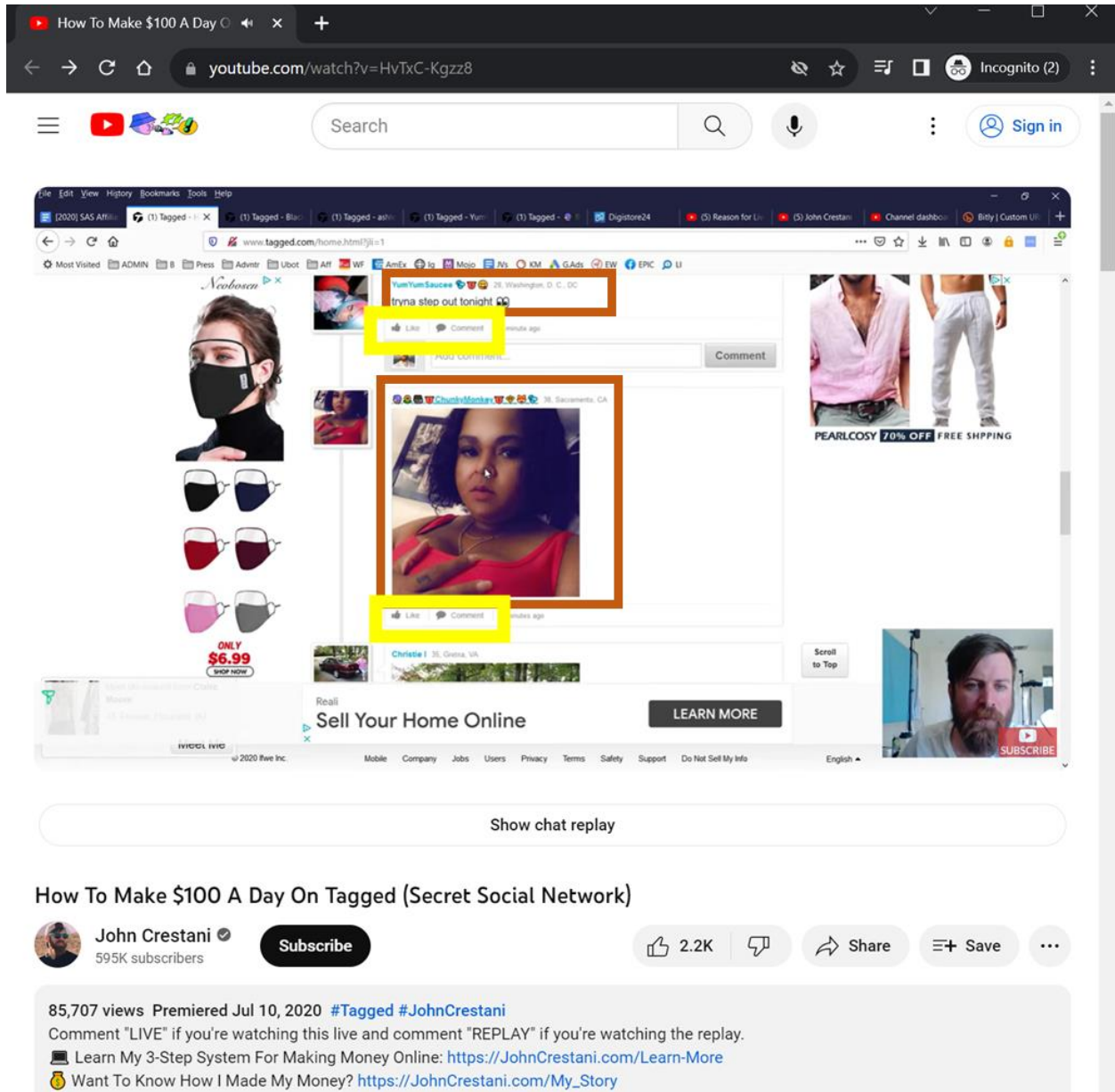
(E.g., <https://www.youtube.com/watch?v=HvTxC-Kgzz8> (Published July 10, 2020)).



(E.g., <https://www.youtube.com/watch?v=9a4DkdZDNCE> (Published July 9, 2020)).

51. The Accused Instrumentality employs an electronic voting subsystem, necessarily having one or more data processing apparatus in order to track voting or electronic rating, configured to enable a user to electronically vote for or rate (e.g., by the users choices with respect to a selection of a star icon, an X icon, and swiping right or left) an electronically available

multimedia content (e.g., a multimedia profile provided by a submitter, with accompanying photo and/or textual content) on a web-based graphical user interface (e.g., below each multimedia content in the live feed). Users may also elect to Like or Comment on multimedia comment posted by other users appearing on the life feed. The Meet Group uses function-specific subsystems, for example as discussed below.

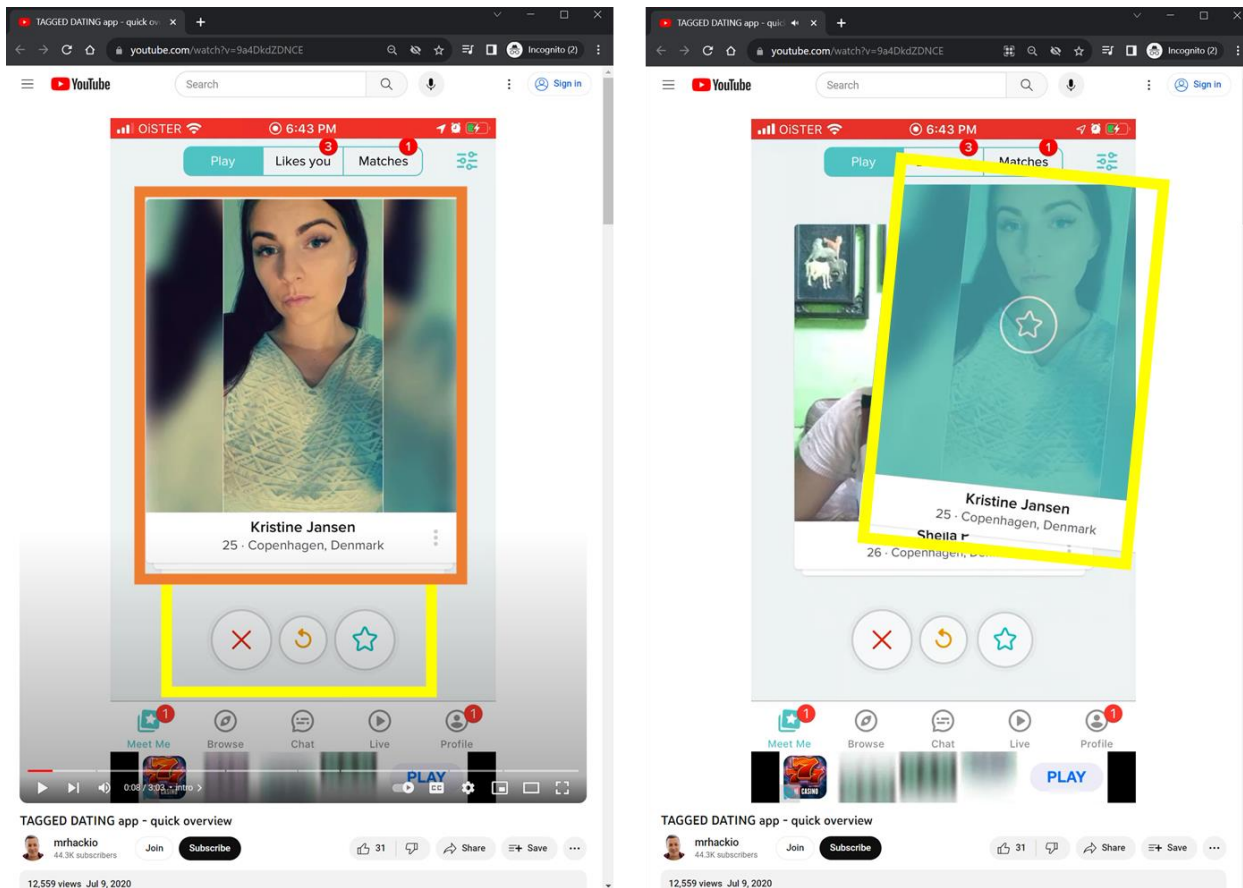


(E.g., <https://www.youtube.com/watch?v=HvTxC-Kgzz8> (Published July 10, 2020)).



The screenshot shows a YouTube video player. The video title is "Tagged account creating process ... Enjoy your online earning at home". The channel name is "The Compiler" with 56 subscribers. The video has 465 views and was published on June 23, 2019. The video content displays the Tagged app interface. A yellow box highlights the "Like" button, and an orange box highlights the profile picture of a man with a beard. The video also shows a "Meet Me - Tagged" section with a "No X" button and a "Like" button. The video content includes a "Males between 19-36 within 100 miles of Atlanta, GA" filter and a profile for "Skyler H" from Stone Mountain, GA. There are also advertisements for "INSTANT BUSINESS INSURANCE" and "INSTANT" visible in the video player.

(E.g., <https://www.youtube.com/watch?v=4xwwOtA3vyM> (Published June 23, 2019)).



(E.g., <https://www.youtube.com/watch?v=9a4DkdZDNCE> (Published July 9, 2020)).

52. 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.

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

## V. 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.



**VI. 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 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;
- d. 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
- e. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

November 20, 2023

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