

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

VIRTUAL CREATIVE ARTISTS, LLC,

Plaintiff,

v.

HOMEAWAY.COM, INC.,

Defendant.

C.A. No. 6:24-cv-63

JURY TRIAL DEMANDED

PATENT CASE

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Virtual Creative Artists, LLC files this Original Complaint for Patent Infringement against Homeaway, 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 Homeaway.com, Inc. (“Homeaway” or “Defendant”) is a corporation organized and existing under the laws of Delaware. Defendant has its principal place of business at 11920 Alterra Pkwy, Ste 100, Austin, TX 78758. Defendant has a registered agent at National Registered Agents, Inc., 1999 Bryan Street, Suite 900 Dallas, TX 75201.

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 Texas Long-Arm Statute, due at least to its

business in this forum, including at least a portion of the infringements alleged herein at 11920 Alterra Pkwy, Ste 100, Austin, TX 78758.

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 Texas. 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 Texas. 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 Texas. Defendant has committed such purposeful acts and/or transactions in Texas 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 has businesses in this district at 11920 Alterra Pkwy, Ste 100, Austin, TX 78758. 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 Texas, and elsewhere in the United States, by employing a computer-based system using <https://www.vrbo.com/> (“Accused Instrumentality”) (*e.g.*, <https://www.vrbo.com/>). Homeaway uses a computer-based system for its Accused Instrumentality, to enable users (submitters) to create personalized Host Profiles and share multimedia content pertaining to Rental Listings (*e.g.*, image content and textual content for a short-term or long-term listing). The Host Profiles include multimedia content including image and textual content (*e.g.*, a submitter’s profile picture and an About Me section). The Rental Listings include multimedia content including image and textual content (*e.g.*, a Listing Name, Listing Features such as price, bed count, room count, amenities and the like, and images of the Listing) which may be shown to other users based on, *inter alia*, user attributes. Homeaway, 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. Homeaway 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.vrbo.com/media-center/press-releases/2020/Homeaway-group-retires-homeaway-u-s-brand-to-focus-on-vrbo-and-streamline-its>).

The screenshot shows a YouTube video player. The video content is a screenshot of the HomeAway website. The website shows a property listing for a vacation rental in Hamilton, ON, Canada. The price is \$177/night. The listing includes a search bar, check-in and check-out dates, and a 'Book Now' button. The video player interface includes the YouTube logo, search bar, and video controls. Below the video, the video title 'VRBO Tips | How To List Your Property On VRBO' and channel information 'No-Nonsense Tips for Airbnb Hosts' are visible.

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

The screenshot displays a YouTube video player with a red border. The video content is a HomeAway listing for a '3 BDR Bungalow For Families' in Hamilton, Ontario, Canada. The listing details include: 'Backyard', 'Parking', 'Quiet', 'Sleeps: 8', 'Bedrooms: 3', 'Bathrooms: 1', and 'Min Stay: 2 nights'. The price is listed as '\$177 avg/night'. The video shows a map of the location in Crown Point West, Hamilton, and a video of the host, AirHost Management, who is an Air Manager. The video player interface includes a search bar, a play button, and a progress bar. The video title is 'VRBO Tips | How To List Your Property On VRBO'.

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

The screenshot shows a browser window with the URL w3techs.com/sites/info/VRBO.com. The page title is "Web Technologies used by Vrbo". The navigation menu includes Home, Technologies, Reports, API, Sites, Quality, Users, Blog, Forum, and FAQ. The main content area is titled "Site Info - Vrbo.com" and provides an overview of web technologies used by Vrbo.com. The page is organized into several sections, each with a title and a list of technologies used, along with their usage statistics and descriptions.

Section	Technology	Usage/Description
Website Background	Description on Homepage	Vrbo Book your vacation rentals: beach houses, cabins, condos & more Book amazing rentals on Vrbo - the most popular vacation rental site in the US. ✓+2 million rentals worldwide ✓19+ million reviews ✓Secure online payment ✓24/7 Customer Service
	Popularity rank	Top 10k among all websites
Content Management Systems	WordPress 6.1.1	72% of sites use a newer version used on inner pages WordPress is an open source blog publishing and content management system, based on PHP and MySQL.
	Salesforce Customer 360	used until recently Salesforce Customer 360 provides platforms that enables companies to connect with customers and partners.
Server-side Programming Language	PHP 8.1.10	11% of sites use a newer version used on inner pages PHP is a scripting language for creating websites.
	JavaScript	JavaScript is a lightweight, object-oriented, cross-platform scripting language, often used within web pages.
JavaScript Libraries	jQuery 3.6.0	43% of sites use a newer version used on inner pages jQuery is a JavaScript library that simplifies HTML document traversing, event handling, animating and Ajax interaction. Originally developed by John Resig.
	Modernizr	used on a subdomain Modernizr is a JavaScript library that detects HTML5 and CSS3 features in the visitors browser.
	Bootstrap	used until recently Bootstrap is an open source HTML, CSS, and JavaScript framework.
CSS Framework	Material Design Lite	used on a subdomain Material Design Lite is a framework for designing websites.
	Envoy	used on inner pages Envoy Proxy is a proxy server designed for large service-oriented architectures.
Web Servers	Nginx	used on inner pages Nginx (pronounced as "engine X") is a lightweight open source web server developed by Igor Sysoev.
	Salesforce	used until recently Salesforce is a US-based provider of cloud-based software. This includes the former Demandware brand. hosting info partly based on data from ipinfo.io
Data Center Provider	Salesforce	used until recently Salesforce is a US-based provider of cloud-based software. This includes the former Demandware brand.

(E.g., <https://w3techs.com/sites/info/VRBO.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 Hosts (submitters), for example content pertaining to their respective electronic media submission/Rental Listing on the Accused Instrumentality, as well as multimedia content to be displayed on one or both of the Host's profile and the Rental Listings, as discussed and shown for example in connection with the above discussion. The submissions pertaining to building a Host profile and to posting a Rental Listing may include, *e.g.*, photo and/or textual content. 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.*, hosts/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.

The screenshot displays a YouTube video player. The video title is "VRBO Tips | How To List Your Property On VRBO". The channel is "No-Nonsense Tips for Airbnb Hosts" with 5.63K subscribers. The video has 125 likes and 16,412 views, dated April 26, 2020. The video content shows a man wearing a headset, likely a VRBO host, navigating the HomeAway website. The website page is titled "Verify the location of your property". It prompts the user to enter a unit number (optional) and an address. The address entered is "19 Fraser Ave, Hamilton, ON, L8H 4G6, CA". The video player interface includes a play button, a progress bar, and a video duration of 3:51. The browser's address bar shows the URL "homeaway.com/pob/checklist/121.9447002.8526096/location".

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

The screenshot displays a YouTube video player with a yellow border highlighting a portion of the screen. The video content shows a HomeAway property listing editor. At the top, there is a checklist of amenities: Wireless internet, Hot Tub, Air Conditioning, and Garage. Below this is a section titled "Give your property a headline and description" with instructions to describe what makes the property special. It includes a "Property headline" section with a tip and a text input field containing "3BDR Bungalow For Families Backyard Parking Quiet". A "Property description" section follows with another tip and an empty text input field. A small video inset on the right shows a man with headphones. The video player interface includes a search bar, navigation icons, and a video control bar at the bottom. Below the video, the title "VRBO Tips | How To List Your Property On VRBO" and channel information "No-Nonsense Tips for Airbnb Hosts" are visible, along with engagement buttons for likes, comments, share, and save.

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

The screenshot displays a YouTube video player. At the top, the browser address bar shows the URL [youtube.com/watch?v=ZdCq299yZJA](https://www.youtube.com/watch?v=ZdCq299yZJA). The YouTube interface includes a search bar and navigation icons. The video content is a screen recording of the HomeAway website's property editor. On the left, a sidebar lists various sections: Details, Photos, Security (checked), Payment, Pricing, Booking readiness (checked), and Publish listing. The main content area is titled "What amenities does your property have?" and lists several options with checkboxes: Heated Pool, Indoor Pool, Outdoor Pool, Private Pool, Communal Pool, Internet (checked), Wireless Internet (checked), Hot Tub, Air Conditioning (checked), and Garage. Below this, there is a section for "Give your property a headline and description". A small video inset on the right shows a man wearing headphones. The video player controls at the bottom show a play button, a progress bar, and a 3:51 duration. Below the video, the title "VRBO Tips | How To List Your Property On VRBO" is visible, along with the channel name "No-Nonsense Tips for Airbnb Hosts" (5.63K subscribers) and a "Subscribe" button. Engagement metrics show 125 likes, a comment icon, a share icon, and a save icon. The video has 16,412 views and was posted on April 26, 2020.

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

The screenshot shows a YouTube video player with a HomeAway property listing form overlaid. The video title is "VRBO Tips | How To List Your Property On VRBO" by "No-Nonsense Tips for Airbnb Hosts". The listing form includes a "Property description" field with a list of amenities: "Large backyard ideal for kids", "Fully equipped kitchen", "Fresh linen, towels, toiletries & essentials provided", "Professionally cleaned every time", "High-Speed WiFi, TV w Netflix", "Washer & dryer", "Complimentary tea, coffee, sugar", and "Parking for 1 vehicle on the property". Other fields show "Property type: House", "Bedrooms: 3", and "Accommodates: 0".

Property description
Let travelers know the story behind your home by describing your floor plan, what's unique about it, and what their stay might be like.

Description tips

Property description

- Large backyard ideal for kids
- Fully equipped kitchen
- Fresh linen, towels, toiletries & essentials provided
- Professionally cleaned every time
- High-Speed WiFi, TV w Netflix
- Washer & dryer
- Complimentary tea, coffee, sugar
- Parking for 1 vehicle on the property

10 minimum 30
200 minimum 9502

Property type
House

Bedrooms
3

Accommodates
0

19 Fraser Ave, Hamilton, ON, CA
HA 9447002

My account Help

VRBO Tips | How To List Your Property On VRBO

AIRBNB No-Nonsense Tips for Airbnb Hosts
5.63K subscribers **Subscribe**

125 **Share** **Save**

16,412 views Apr 26, 2020 VRBO Hosting Tips

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

VRBO Tips | How To List Your Property On VRBO

No-Nonsense Tips for Airbnb Hosts
5.63K subscribers

125 | Share | Save

16,412 views Apr 26, 2020 VRBO Hosting Tips

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

The screenshot displays a YouTube video player. The video content shows a HomeAway website interface for setting up availability. The main heading is "Select a starting point for setting up your availability". There are two options presented in boxes:

- Full calendar availability:** "Block out certain dates". It includes a calendar icon and the text "Perfect for full time rental properties or super flexible owners".
- Blocked calendar:** "Select the dates your property will be available". It includes a calendar icon and the text "Perfect for only listing a property during specific events or seasons".

Below these options are "Back" and "Next" buttons. The video player interface shows a progress bar at 14:18 / 39:55. Below the video, the title is "VRBO Tips | How To List Your Property On VRBO" and the channel is "No-Nonsense Tips for Airbnb Hosts" with 5.63K subscribers. The video has 16,412 views and was posted on Apr 26, 2020.

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

VRBO Tips | How To List Your Property On VRBO

No-Nonsense Tips for Airbnb Hosts
5.63K subscribers

Subscribe

125

Share

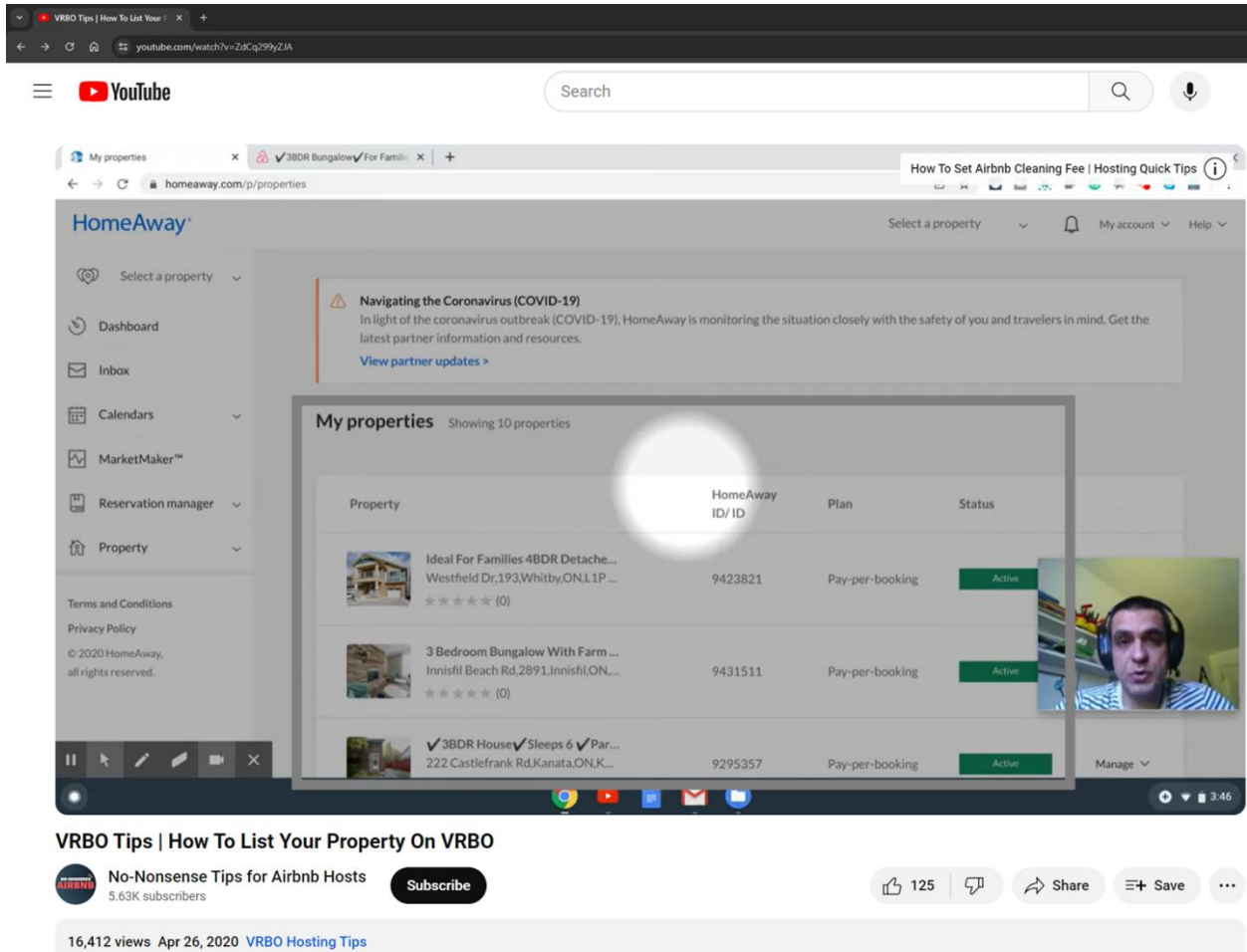
Save

16,412 views Apr 26, 2020 VRBO Hosting Tips

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

The screenshot shows a YouTube video player displaying a screen recording of the HomeAway website. The browser address bar shows the URL [youtube.com/watch?v=ZdCq299yZJA](https://www.youtube.com/watch?v=ZdCq299yZJA). The HomeAway interface includes a navigation sidebar on the left with options like Dashboard, Inbox, Calendars, MarketMaker™, Reservation manager, Ranking metrics, and Property. The main content area is titled 'Edit listing' for a property named '3BDR Bungalow'. A yellow rectangular box highlights the 'Owner story' section, which contains a 'Registration Number' field, a photo of a family with a 'Remove Photo' button, a 'Year Purchased' field, and an 'About You' text area. A 'Save' button is visible at the bottom of the highlighted section. The video player controls at the bottom show a progress bar at 24:22 / 39:55. Below the video, the title 'VRBO Tips | How To List Your Property On VRBO' is displayed, along with the channel name 'No-Nonsense Tips for Airbnb Hosts' (5.65K subscribers) and a 'Subscribe' button. Engagement metrics show 125 likes, a share icon, and a 'Save' button. The video has 16,429 views and was posted on Apr 26, 2020.

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).



(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

24. The electronic media submissions database of the Accused Instrumentality used by Homeaway which stores the submissions further stores data identifying the submitter and data indicating content for each electronic media submission/Rental Listing. As shown below, data identifying the user (submitter) includes, *e.g.*, a name and a profile photo. Data indicating content for each electronic media submission includes photo and/or textual content pertaining to the Rental Listing.

The screenshot shows a YouTube video player with a HomeAway property listing as the video content. The listing features a modern interior with a blue wall and a kitchen, and an exterior view of a house. The price is \$177/night. The video title is "VRBO Tips | How To List Your Property On VRBO" and the channel is "No-Nonsense Tips for Airbnb Hosts".

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

The screenshot displays a YouTube video player with a VRBO listing for a bungalow in Hamilton, Ontario, Canada. The listing details include:

- Property Name:** 3 BDR Bungalow For Families Backyard Parking Quiet
- Price:** \$177 avg/night
- Features:** Bungalow, Sleeps: 8, Bedrooms: 3, Bathrooms: 1, Half Baths: 1, Min Stay: 2 nights
- Amenities:** Instant Confirmation, Air Conditioning, No Smoking, Internet, TV, Fireplace
- Description:** Beautiful 3 BDR Bungalow in Hamilton Ideal For Families with Backyard & Parking. Detached House Ideal for families, couples or a group of friends. Close to Downtown & Highways for a super quick journey to Toronto and Niagara Falls. Three bedroom house has 3 queen beds, one double sofa bed & sleeps up to 8 people. Large backyard ideal for kids.

The video player shows the title "VRBO Tips | How To List Your Property On VRBO" and the channel "No-Nonsense Tips for Airbnb Hosts" with 5.63K subscribers. The video has 16,412 views and was posted on April 26, 2020. The video content includes a map of the location in Hamilton, Ontario, Canada, and a video of a man speaking.

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

25. Individual host-users can sign up and create Rental Listings on the 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 Rental Listings may include, *e.g.*, a price per night of the user's home, a location of the Rental Listing, the number of rooms of the Rental Listing, the home type of the Rental Listing, and amenities selected by the user pertaining to the Rental Listing and the like as shown in the examples below.

The screenshot displays a YouTube video player. The video title is "VRBO Tips | How To List Your Property On VRBO" by the channel "No-Nonsense Tips for Airbnb Hosts" (5.63K subscribers). The video content shows a man in a video call window on the right side of the screen. The main content is a screenshot of the HomeAway website's "Verify the location of your property" form, which is highlighted with a green border. The form includes a sidebar on the left with steps: Welcome, Location, Details, Photos, Security (checked), Payment, Pricing, Booking readiness (checked), and Publish listing. The main form area has the heading "Verify the location of your property" and a note: "If your property is an apartment, suite, or other unit, please enter the number below." There is a text input field for "Unit number (optional)" and an "Add to address" button. Below this, a note states: "Your listing will include a map, but not your address. Your address is only shared with guests who have booked your property." The form shows "You entered: 19 Fraser Ave, Hamilton, ON, L8H 4G6, CA" with an "Edit address" link. At the bottom of the form, it says "If needed, drag the map pin to adjust its location." and shows a map interface with "Map" and "Satellite" options. The video player shows 125 likes, a share button, a save button, and a timestamp of 3:51. The video has 16,412 views and was posted on Apr 26, 2020.

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

The screenshot displays a YouTube video player showing a tutorial on listing a property on VRBO. The video content is a screen recording of the HomeAway property editor. A green box highlights the 'What amenities does your property have?' section, which includes a list of amenities with checkboxes. The checked amenities are Internet, Wireless Internet, and Air Conditioning. Below this, there is a section for 'Give your property a headline and description'. The video player interface includes a progress bar, volume control, and a small video thumbnail of the host. Below the video player, the video title 'VRBO Tips | How To List Your Property On VRBO' is visible, along with the channel name 'No-Nonsense Tips for Airbnb Hosts' (5.63K subscribers) and a 'Subscribe' button. Engagement metrics show 125 likes, and there are buttons for 'Share', 'Save', and a menu icon. The video has 16,412 views and was posted on April 26, 2020.

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

The screenshot displays a YouTube video player with a HomeAway pricing page in the background. The video title is "VRBO Tips | How To List Your Property On VRBO" by the channel "No-Nonsense Tips for Airbnb Hosts" (5.63K subscribers). The video has 125 likes and was posted on April 26, 2020. The background page is titled "How much do you want to charge?" and includes a sidebar with navigation options like Location, Details, Photos, Security, Payment, Pricing, Availability, Rental Rates, Taxes, and Fees. The main content area contains a form with a "Nightly base rate" of C\$ 250.00 and a "Minimum night stay" of 0 nights. Below the form, there is a section titled "Would you like to offer a 20% discount to your first three guests?" with explanatory text and a link to "Learn more about new listing discount".

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

The screenshot displays a YouTube video player with a HomeAway property listing form overlaid. The video title is "VRBO Tips | How To List Your Property On VRBO" by "No-Nonsense Tips for Airbnb Hosts" (5.63K subscribers). The listing form includes a "Property description" section with a list of amenities: "Large backyard ideal for kids", "Fully equipped kitchen", "Fresh linen, towels, toiletries & essentials provided", "Professionally cleaned every time", "High-Speed WiFi, TV w Netflix", "Washer & dryer", "Complimentary tea, coffee, sugar", and "Parking for 1 vehicle on the property". Below this, the "Property type" is set to "House", "Bedrooms" is set to "3", and "Accommodates" is set to "0". A green box highlights the "Property type" and "Bedrooms" fields. The video player shows a man speaking in a headset. The video has 125 likes and 16,412 views.

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

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., Rental Listings with associated photo content and textual 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 Homeaway is based at least in part on at least one of the one or more user attributes, (e.g., based on, *inter alia*, a price per night of the user's home, location of the Rental

Listing, the amount of rooms of the Rental Listing, the home type of the Rental Listing, and amenities selected by the user pertaining to the Rental Listing) which in turn affect which electronic media submissions, *e.g.*, Rental Listings and associated media, appear to the user as shown and discussed for example below.

3. Use the search bar to identify your destination, travel dates, and party size

You will automatically be taken back to the home page. From here, use the search bar to identify your basic travel needs. Click in the first highlighted box and type where you want to go. Then click each calendar box to select your arrival and departure dates. Finally, click the Guests drop-down menu to select your party size. Then click **Search**.

Select your Homeaway travel needs

Remember that when selecting your party size, HomeAway will always give you the option of that number, with a + symbol. This means you will be shown any properties that can facilitate *at least* that many people. So when looking at the listings, be sure to check what the party size of the property actually is. That way, you can avoid paying a lot of money for something that is intended to be split between 6 people, when you're only looking for a cozy one-bedroom suite.

4. Filter through the available listings

Once you have begun your search, HomeAway will take you to a page with all of the listings that meet your search criteria. At any time, you can scroll through these results, and click the **blue arrow** at the bottom to load more. Click on the **name of any listing** to view it in detail.

View the available listings on Homeaway based on your initial search

At the top of your screen, you can always filter your search results, which will help you narrow down listings from the original search criteria. Scroll to the top of the screen, and click any of the drop-down menus to narrow your search. Choose from **Price, Party Size, Number of Bedrooms, Booking Type, and More Filters**, which includes over 50 additional options to choose from. At any time, click the **Clear Filters** button to start the search over.

Filter your Homeaway search results to make them more applicable to your needs

At the top of your results, you can choose from various sorting options, including **Price, Rating, Last Updated**, and more; simply click on an option to change the way the results are sorted.

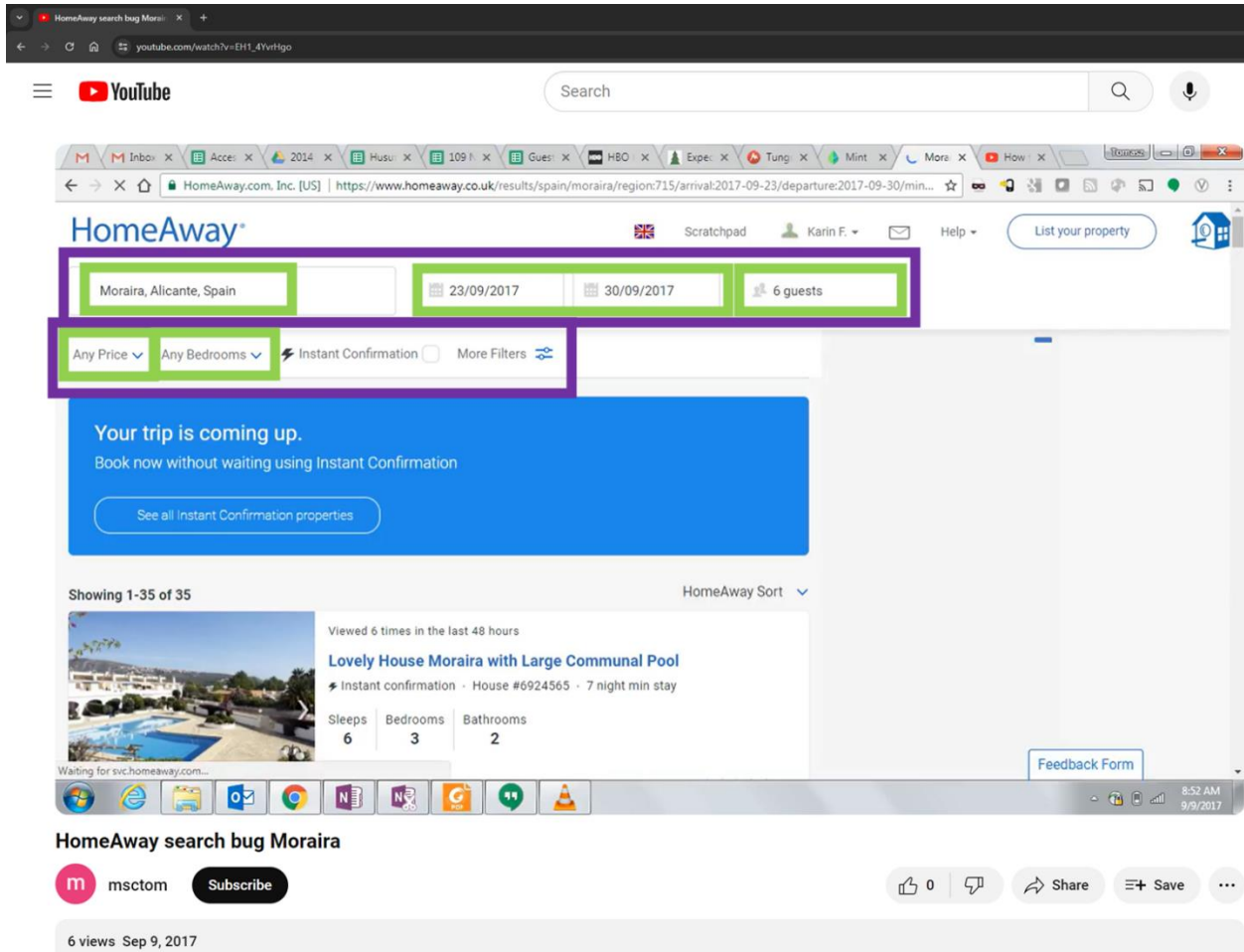
Sort your Homeaway search results based on what is most relevant to you

5. Choose a listing and view it in detail

Click on any **listing name** to view it in detail. Click on any category at the top to view more information, such as the **rating and reviews**, a **map**, **rates**, **availability**, and **amenities**. Scroll through available pictures by clicking the **arrows** beside the image.

Overview | Reviews | Map | Photos | Rates | Availability | Amenities

(*E.g.*, <https://web.archive.org/web/20200927035347/https://techboomers.com/t/how-to-book-on-homeaway>).



(E.g., https://www.youtube.com/watch?v=EH1_4YvrHgo).

27. Such electronic content filter is used by the Accused Instrumentality to develop multimedia content (e.g., the profiles, Rental Listings, and/or other 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 host/user's name and profile picture) is maintained with each selected and retrieved submission within the multimedia content, for example as shown below.

The screenshot displays a YouTube video player showing a HomeAway search results page. The browser address bar shows the URL: <https://www.homeaway.co.uk/results/spain/moraira/region:715/arrival:2017-09-23/departure:2017-09-30/min...>. The HomeAway search filters are set to Moraira, Alicante, Spain, with arrival on 23/09/2017 and departure on 30/09/2017 for 6 guests. A blue banner promotes "Your trip is coming up. Book now without waiting using Instant Confirmation." Below this, a property listing for "Lovely House Moraira with Large Communal Pool" is highlighted with a red box. The listing includes the text "Viewed 6 times in the last 48 hours", "Instant confirmation - House #6924565 - 7 night min stay", and a table of specifications:

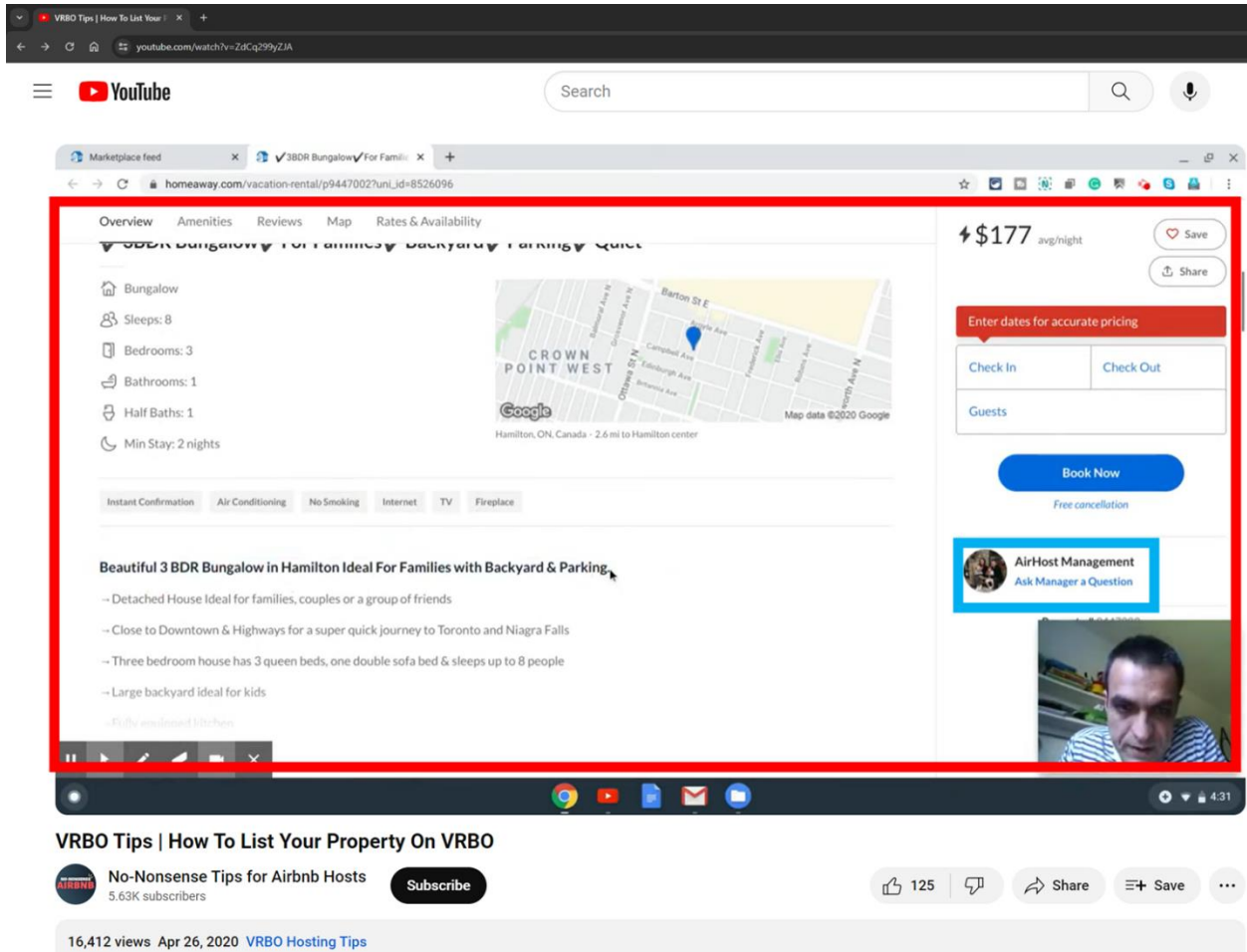
Sleeps	Bedrooms	Bathrooms
6	3	2

The video player interface includes a channel name "msctom" with a "Subscribe" button, 0 likes, and a "Share" button. The video has 6 views and was posted on Sep 9, 2017.

(E.g., https://www.youtube.com/watch?v=EH1_4YvrHgo).

The screenshot shows a YouTube video player with a HomeAway listing. The listing features two main images: an interior view of a modern living area with a blue wall and a kitchen island, and an exterior view of a small, modern house. The price is listed as \$177 avg/night. There are buttons for 'Check In', 'Check Out', 'Book Now', and 'Share'. The video title is 'VRBO Tips | How To List Your Property On VRBO' and the channel is 'No-Nonsense Tips for Airbnb Hosts' with 5.63K subscribers. The video has 16,412 views and was posted on Apr 26, 2020.

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).



(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

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 Rental Listing 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 the Rental Listing 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. Homeaway uses function-specific subsystems, for example as discussed below.

The screenshot displays a YouTube video player. The video content is a screenshot of the HomeAway website. The website shows a property listing for a vacation rental in Hamilton, ON, Canada. The price is listed as \$177 avg/night. The listing includes a search bar with 'Where Hamilton, ON, Canada', 'Check In', 'Check Out', and 'Search' buttons. There are also 'Save' and 'Share' buttons. A 'Book Now' button is visible. The video player interface includes the YouTube logo, search bar, and video controls. The video title is 'VRBO Tips | How To List Your Property On VRBO' by the channel 'No-Nonsense Tips for Airbnb Hosts'.

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

The screenshot displays a YouTube video player. The video content is a screen recording of a HomeAway vacation rental listing for a '3 BDR Bungalow For Families' in Hamilton, Ontario, Canada. The listing details include:




- Price: \$177 avg/night
- Features: Backyard, Parking, Quiet
- Capacity: Sleeps 8, 3 Bedrooms, 1 Bathroom, Min Stay 2 nights
- Amenities: Instant Confirmation, Air Conditioning, No Smoking, Internet, TV, Fireplace
- Description: 'Beautiful 3 BDR Bungalow in Hamilton Ideal For Families with Backyard & Parking'. It is a detached house, close to downtown and highways, with three bedrooms (3 queen beds, 1 double sofa bed) and a large backyard.

 The video player interface shows the title 'VRBO Tips | How To List Your Property On VRBO' and the channel 'No-Nonsense Tips for Airbnb Hosts' (5.63K subscribers). The video has 16,412 views and was posted on April 26, 2020. The video player controls at the bottom show a progress bar at 4:31.

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

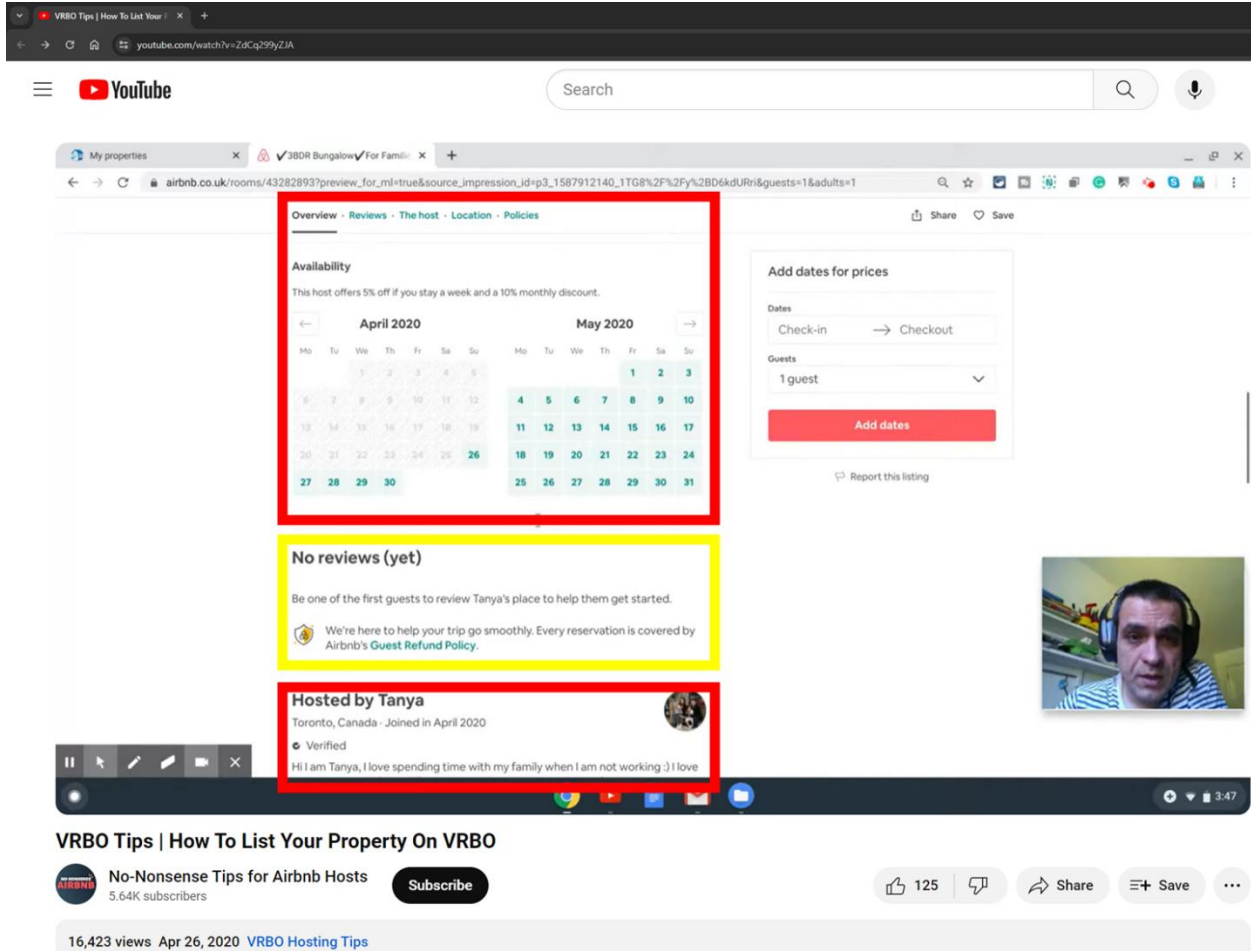
29. The Accused Instrumentality employs an electronic voting subsystem, necessarily having one or more data processing apparatus in order to track voting or electronic rating, configured to enable a user to electronically vote for or rate (e.g., by the user's choices with respect to a selection of one or more Stars and textual content in the form of a Review) an electronically available multimedia content (e.g., a multimedia Rental Listing provided by a submitter, with accompanying photo and/or textual content). Homeaway uses function-specific subsystems, for example as discussed below.

The screenshot shows a YouTube video player displaying a HomeAway dashboard. The dashboard has a sidebar with navigation options like 'Select a property', 'Dashboard', 'Inbox', 'Calendars', 'MarketMaker™', 'Reservation manager', and 'Property'. The main content area is titled 'My properties' and shows a table of 10 properties. Three properties are highlighted with red boxes:

Property	HomeAway ID/ ID	Plan	Status
 Ideal For Families 4BDR Detache... Westfield Dr,193,Whitby,ON L1P... ★★★★★ (0)	9423821	Pay-per-booking	Active
 3 Bedroom Bungalow With Farm... Innisfil Beach Rd,2891,Innisfil,ON... ★★★★★ (0)	9431511	Pay-per-booking	Active
 ✓3BDR House✓Sleeps 6 ✓Par... 222 Castlefrank Rd,Kanata,ON,K... ★★★★★ (1)	9295357	Pay-per-booking	Active

Below the dashboard, the YouTube video player shows the video title 'VRBO Tips | How To List Your Property On VRBO' and the channel name 'No-Nonsense Tips for Airbnb Hosts' with 5.64K subscribers. The video has 125 likes and 16,423 views as of April 26, 2020. A video call window is visible in the bottom right corner of the dashboard, showing a man wearing headphones.

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).



(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

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 web servers 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 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.”

40. The claim also requires 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 claim also requires “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 claim 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

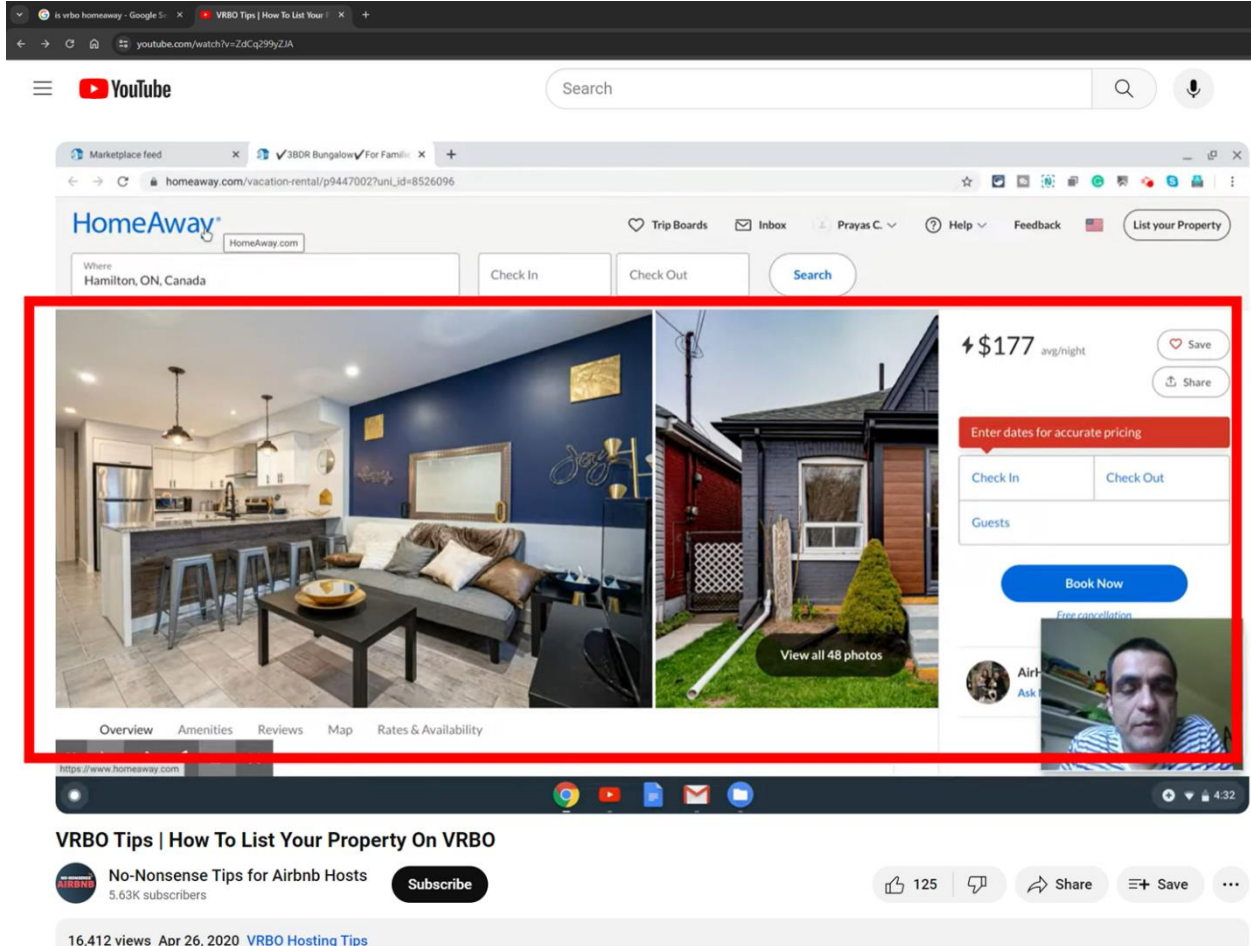
from the end user, and customizable based on user attributes. The “electron voting” step at the time of the invention was also novel, inventive, and added sufficient inventive contributions to avoid a risk of preempting the creation and distribution of media content. It is clearly possible to create and distribute media content without ever 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 Texas, and elsewhere in the United States, by employing a computer-based system using <https://www.vrbo.com/> (“Accused Instrumentality”) (e.g., <https://www.vrbo.com/>).

45. Homeaway uses a computer system for its Accused Instrumentality to enable users (submitters) to create personalized Host Profiles and share multimedia content pertaining to Rental Listings (e.g., image content and textual content for a short-term or long-term listing). The Host Profiles include multimedia content including image and textual content (e.g., a submitter’s profile picture and an About Me section). The Rental Listings include multimedia content including image and textual content (e.g., a Listing Name, Listing Features such as price, bed count, room count, amenities and the like, and images of the Listing) which may be shown to other users based on, *inter alia*, user attributes. 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. Homeaway, 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. Homeaway 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=ZdCq299yZJA>).

The screenshot shows a YouTube video player displaying a HomeAway listing. The listing is for a '3 BDR Bungalow For Families' in Hamilton, Ontario, Canada. Key details include: 'Backyard', 'Parking', 'Quiet', 'Sleeps: 8', 'Bedrooms: 3', 'Bathrooms: 1', and 'Min Stay: 2 nights'. The price is listed as '\$177 avg/night'. The listing also features a map showing the location in 'CROWN POINT WEST' and a list of amenities: 'Instant Confirmation', 'Air Conditioning', 'No Smoking', 'Internet', 'TV', and 'Fireplace'. The video player interface includes a search bar, navigation icons, and a video player with a red border around the listing content.

VRBO Tips | How To List Your Property On VRBO



No-Nonsense Tips for Airbnb Hosts
5.63K subscribers

Subscribe

125



Share

Save



16,412 views Apr 26, 2020 VRBO Hosting Tips

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

Web Technologies used by Vrbo.com

w3techs.com/sites/info/VRBO.com

Home Technologies Reports API Sites Quality Users Blog Forum FAQ

Featured products and services

Web Design Tips, Tutorials, and Guides - DesignBombs

WordPress Tutorials & Themes - Themeisle

lookup another site: [Site Info](#)
Get our [site info tools](#).

Site Info - Vrbo.com

Overview of web technologies used by Vrbo.com.

Website Background

Description on Homepage	Vrbo Book your vacation rentals: beach houses, cabins, condos & more Book amazing rentals on Vrbo - the most popular vacation rental site in the US. ✓+2 million rentals worldwide ✓19+ million reviews ✓Secure online payment ✓24/7 Customer Service
Popularity rank	Top 10k among all websites

Content Management Systems

WordPress 6.1.1 72% of sites use a newer version used on inner pages	WordPress is an open source blog publishing and content management system, based on PHP and MySQL.
Salesforce Customer 360 used until recently	Salesforce Customer 360 provides platforms that enables companies to connect with customers and partners.

Server-side Programming Language

PHP 8.1.10 11% of sites use a newer version used on inner pages	PHP is a scripting language for creating websites.
--	--

Client-side Programming Language

JavaScript	JavaScript is a lightweight, object-oriented, cross-platform scripting language, often used within web pages.
------------	---

JavaScript Libraries

jQuery 3.6.0 43% of sites use a newer version used on inner pages	jQuery is a JavaScript library that simplifies HTML document traversing, event handling, animating and Ajax interaction. Originally developed by John Resig.
Modernizr used on a subdomain	Modernizr is a JavaScript library that detects HTML5 and CSS3 features in the visitors browser.
Bootstrap used until recently	Bootstrap is an open source HTML, CSS, and JavaScript framework.

CSS Framework

Material Design Lite used on a subdomain	Material Design Lite is a framework for designing websites.
---	---

Web Servers

Envoy used on inner pages	Envoy Proxy is a proxy server designed for large service-oriented architectures.
Nginx	Nginx (pronounced as "engine X") is a lightweight open source web server developed by Igor Sysoev.

Web Hosting Provider

Salesforce used until recently	Salesforce is a US-based provider of cloud-based software. This includes the former Demandware brand. <small>hosting info partly based on data from ipinfo.io</small>
-----------------------------------	--

Data Center Provider

Salesforce used until recently	Salesforce is a US-based provider of cloud-based software. This includes the former Demandware brand.
-----------------------------------	---

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

46. The Accused Instrumentality electronically retrieves a plurality of electronic media submissions from an electronic media submissions database on a non-transitory medium, for example multimedia content pertaining to building personalized Host Profiles on the Accused

Instrumentality, as well as multimedia content pertaining to Rental Listings (*e.g.*, image content and textual content for a short-term or long-term listing). Individual host-users can sign up and create Rental Listings on Homeaway'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 Rental Listings may include *e.g.*, a price per night of the user's home, a location of the Rental Listing, the amount of rooms of the Rental Listing, the home type of the Rental Listing, and amenities selected by the user pertaining to the Rental Listing and the like as shown in the examples below. Homeaway's Accused Instrumentality's retrieval of electronic media with associated photo content and textual content associated with the Rental Listings from the electronic media submissions database uses an electronic content filter located on the one or more data processing apparatus. As can be seen below, such electronic content filter as is used by Homeaway is based at least in part on at least one of the one or more user attributes, (*e.g.*, based on, *inter alia*, a price per night of the user's home, a location of the Rental Listing, the amount of rooms of the Rental Listing, the home type of the Rental Listing, and amenities selected by the user pertaining to the Rental Listing) which in turn affect which electronic media submissions, *e.g.*, Rental Listings and associated media, appear to the user as shown and discussed for example below. Homeaway uses function-specific subsystems, for example as discussed below.

VRBO Tips | How To List Your Property On VRBO

No-Nonsense Tips for Airbnb Hosts
5.63K subscribers

Subscribe

125 | Share | Save

16,412 views Apr 26, 2020 VRBO Hosting Tips

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

The screenshot displays a YouTube video player showing a tutorial on listing a property on VRBO. The video content is a screen recording of the HomeAway property editor. On the left, a navigation menu includes 'Details', 'Photos', 'Security', 'Payment', 'Pricing', 'Booking readiness', and 'Publish listing'. The main area is titled 'What amenities does your property have?' and lists various options: Heated Pool, Indoor Pool, Outdoor Pool, Private Pool, Communal Pool, Internet (checked), Wireless Internet (checked), Hot Tub, Air Conditioning (checked), and Garage. Below this is a section for 'Give your property a headline and description'. A small video inset shows a man with headphones. The video player controls at the bottom show a progress bar and a 3:51 duration. Below the video, the channel name 'VRBO Tips | How To List Your Property On VRBO' is visible, along with a 'Subscribe' button and engagement metrics: 125 likes, a share icon, and a 'Save' button. The video has 16,412 views and was posted on April 26, 2020.

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

VRBO Tips | How To List Your Property On VRBO

No-Nonsense Tips for Airbnb Hosts
5.63K subscribers

Subscribe

125

Share

Save

16,412 views Apr 26, 2020 VRBO Hosting Tips

How much do you want to charge?

We recommend starting with a low price to get a few bookings and earn some initial guest reviews. You can update your rates at any time.

Nightly base rate

Minimum night stay nights

Would you like to offer a 20% discount to your first three guests?

It can be tough to get bookings when your property has zero reviews. Give a discount on your base rate to gain more visibility for travelers searching in your area.

[Learn more about new listing discount](#)

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

VRBO Tips | How To List Your Property On VRBO

10 minimum 30

Property description
Let travelers know the story behind your home by describing your floor plan, what's unique about it, and what their stay might be like.

Description tips ▾

Property description

- Large backyard ideal for kids
- Fully equipped kitchen
- Fresh linen, towels, toiletries & essentials provided
- Professionally cleaned every time
- High-Speed WiFi, TV w Netflix
- Washer & dryer
- Complimentary tea, coffee, sugar
- Parking for 1 vehicle on the property

200 minimum 9502

Property type
House ▾

Bedrooms
3

Accommodates
0

19 Fraser Ave, Hamilton, ON, CA
HA 9447002

My account ▾ Help ▾

VRBO No-Nonsense Tips for Airbnb Hosts 5.63K subscribers

Subscribe

125 0 Share Save ...

16,412 views Apr 26, 2020 VRBO Hosting Tips

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

How to Book on HomeAway - x +

web.archive.org/web/20200927035347/https://techboomers.com/t/how-to-book-on-homeaway

INTERNET ARCHIVE Wayback Machine 2 captures 27 Sep 2020 - 23 Mar 2023

Go AUG SEP MAR 27 2020 2023 About this capture

3. Use the search bar to identify your destination, travel dates, and party size

You will automatically be taken back to the home page. From here, use the search bar to identify your basic travel needs. Click in the first highlighted box and type where you want to go. Then click each calendar box to select your arrival and departure dates. Finally, click the Guests drop-down menu to select your party size. Then click **Search**.

Select your Homeaway travel needs

Remember that when selecting your party size, HomeAway will always give you the option of that number, with a + symbol. This means you will be shown any properties that can facilitate *at least* that many people. So when looking at the listings, be sure to check what the party size of the property actually is. That way, you can avoid paying a lot of money for something that is intended to be split between 6 people, when you're only looking for a cozy one-bedroom suite.

4. Filter through the available listings

Once you have begun your search, HomeAway will take you to a page with all of the listings that meet your search criteria. At any time, you can scroll through these results, and click the **blue arrow** at the bottom to load more. Click on the **name of any listing** to view it in detail.

View the available listings on Homeaway based on your initial search

At the top of your screen, you can always filter your search results, which will help you narrow down listings from the original search criteria. Scroll to the top of the screen, and click any of the drop-down menus to narrow your search. Choose from **Price, Party Size, Number of Bedrooms, Booking Type, and More Filters**, which includes over 50 additional options to choose from. At any time, click the **Clear Filters** button to start the search over.

Filter your Homeaway search results to make them more applicable to your needs

At the top of your results, you can choose from various sorting options, including **Price, Rating, Last Updated**, and more; simply click on an option to change the way the results are sorted.

Sort your Homeaway search results based on what is most relevant to you

5. Choose a listing and view it in detail

Click on any **listing name** to view it in detail. Click on any category at the top to view more information, such as the **rating and reviews, a map, rates, availability, and amenities**. Scroll through available pictures by clicking the **arrows** beside the image.

Overview Reviews Map Photos Rates Availability Amenities

(E.g., <https://web.archive.org/web/20200927035347/https://techboomers.com/t/how-to-book-on-homeaway>).

The screenshot displays a YouTube video of a HomeAway search results page. The search criteria are highlighted with a purple box: location (Moraira, Alicante, Spain), dates (23/09/2017 to 30/09/2017), and 6 guests. Below the search bar, there are filters for 'Any Price' and 'Any Bedrooms', and a blue banner that says 'Your trip is coming up. Book now without waiting using Instant Confirmation'. The search results show 'Showing 1-35 of 35' and a listing for 'Lovely House Moraira with Large Communal Pool' with 6 sleeps, 3 bedrooms, and 2 bathrooms. The video player interface includes a channel name 'msctom', a 'Subscribe' button, and a 'Feedback Form' link.

(E.g., https://www.youtube.com/watch?v=EH1_4YvrHgo).

47. 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 Hosts (submitters), for example content pertaining to their respective electronic media submission/Rental Listing on the Accused Instrumentality, as well as multimedia content to be displayed on one or both of the Host's profile and the Rental Listings, as discussed and shown for example in connection with the above discussion. The submissions pertaining to building a Host Profile and to posting a Rental Listing may include *e.g.*, photo and/or textual content. 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.*, hosts/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.

The screenshot displays a YouTube video player. The video title is "VRBO Tips | How To List Your Property On VRBO" by the channel "No-Nonsense Tips for Airbnb Hosts" (5.63K subscribers). The video content shows a man wearing a headset, likely a host, navigating through the HomeAway website's "Verify the location of your property" process. A yellow rectangular box highlights the central part of the screen, which contains the following text and elements:

- Verify the location of your property**
- If your property is an apartment, suite, or other unit, please enter the number below.
- Unit number (optional) [input field] [Add to address button]
- Your listing will include a map, but not your address. Your address is only shared with guests who have booked your property.
- You entered: 19 Fraser Ave, Hamilton, ON, L8H 4G6, CA [Edit address link]
- If needed, drag the map pin to adjust its location.
- Map [Satellite button] [Map view]

Below the video player, the video title "VRBO Tips | How To List Your Property On VRBO" is repeated. The channel name "No-Nonsense Tips for Airbnb Hosts" and "5.63K subscribers" are shown, along with a "Subscribe" button. The video has 125 likes, a share button, a save button, and a menu icon. The video statistics show "16,412 views Apr 26, 2020 VRBO Hosting Tips".

(*E.g.*, <https://www.youtube.com/watch?v=ZdCq299yZJA>).

The screenshot displays a YouTube video player with a browser window in the background. The browser shows the HomeAway website's property listing editor. A yellow box highlights the 'Give your property a headline and description' section. In this section, the 'Property headline' field is filled with the text: '3BDR Bungalow For Families Backyard Parking Quiet'. Above this, a checklist of amenities is visible, with 'Wireless internet', 'Air Conditioning', and 'Quiet' checked. Below the headline field, there is a 'Property description' field. The video player below the browser shows the video title 'VRBO Tips | How To List Your Property On VRBO' and the channel name 'No-Nonsense Tips for Airbnb Hosts' with 5.63K subscribers. The video has 125 likes and 16,412 views, and was posted on April 26, 2020.

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

VRBO Tips | How To List Your Property On VRBO

No-Nonsense Tips for Airbnb Hosts
5.63K subscribers

125 likes

Share

Save

16,412 views Apr 26, 2020 VRBO Hosting Tips

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

The screenshot shows a YouTube video player with a HomeAway property listing form overlaid. The video title is "VRBO Tips | How To List Your Property On VRBO" by the channel "No-Nonsense Tips for Airbnb Hosts". The listing form includes a "Property description" field with a list of amenities: "Large backyard ideal for kids", "Fully equipped kitchen", "Fresh linen, towels, toiletries & essentials provided", "Professionally cleaned every time", "High-Speed WiFi, TV w Netflix", "Washer & dryer", "Complimentary tea, coffee, sugar", and "Parking for 1 vehicle on the property". Other form fields show "Property type: House", "Bedrooms: 3", and "Accommodates: 0".

Property description
Let travelers know the story behind your home by describing your floor plan, what's unique about it, and what their stay might be like.

Description tips

Property description

- Large backyard ideal for kids
- Fully equipped kitchen
- Fresh linen, towels, toiletries & essentials provided
- Professionally cleaned every time
- High-Speed WiFi, TV w Netflix
- Washer & dryer
- Complimentary tea, coffee, sugar
- Parking for 1 vehicle on the property

10 minimum 30
200 minimum 9502

Property type
House

Bedrooms
3

Accommodates
0

19 Fraser Ave, Hamilton, ON, CA
HA 9447002

My account Help

VRBO Tips | How To List Your Property On VRBO

AIRBNB No-Nonsense Tips for Airbnb Hosts
5.63K subscribers

Subscribe

125 0 Share Save

16,412 views Apr 26, 2020 VRBO Hosting Tips

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

VRBO Tips | How To List Your Property On VRBO

No-Nonsense Tips for Airbnb Hosts
5.63K subscribers

16,412 views Apr 26, 2020 VRBO Hosting Tips

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

The screenshot displays a YouTube video player. The video content shows a HomeAway website interface for setting up availability. The main heading is "Select a starting point for setting up your availability". There are two options presented in cards:

- Full calendar availability:** "Block out certain dates". It includes a calendar icon and the text "Perfect for full time rental properties or super flexible owners".
- Blocked calendar:** "Select the dates your property will be available". It includes a calendar icon and the text "Perfect for only listing a property during specific events or seasons".

Below the cards are "Back" and "Next" buttons. The video player interface shows a progress bar at 14:18 / 39:55. Below the video, the title "VRBO Tips | How To List Your Property On VRBO" and channel name "No-Nonsense Tips for Airbnb Hosts" (5.63K subscribers) are visible. Interaction buttons for likes (125), comments, share, and save are also present. The video was viewed 16,412 times on Apr 26, 2020.

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

The screenshot displays a YouTube video player. The video content shows a man in a striped shirt speaking. The background of the video is a browser window showing the HomeAway website's pricing configuration page. The page title is "How much do you want to charge?". It includes a sidebar with navigation options like "Location", "Details", "Photos", "Security", "Payment", "Pricing", "Availability", "Rental Rates", "Taxes", and "Fees". The main content area contains the following text and form fields:

How much do you want to charge?

We recommend starting with a low price to get a few bookings and earn some initial guest reviews. You can update your rates at any time.

Nightly base rate:

Minimum night stay: nights

Would you like to offer a 20% discount to your first three guests?

It can be tough to get bookings when your property has zero reviews. Give a discount on your base rate to gain more visibility for travelers searching in your area.

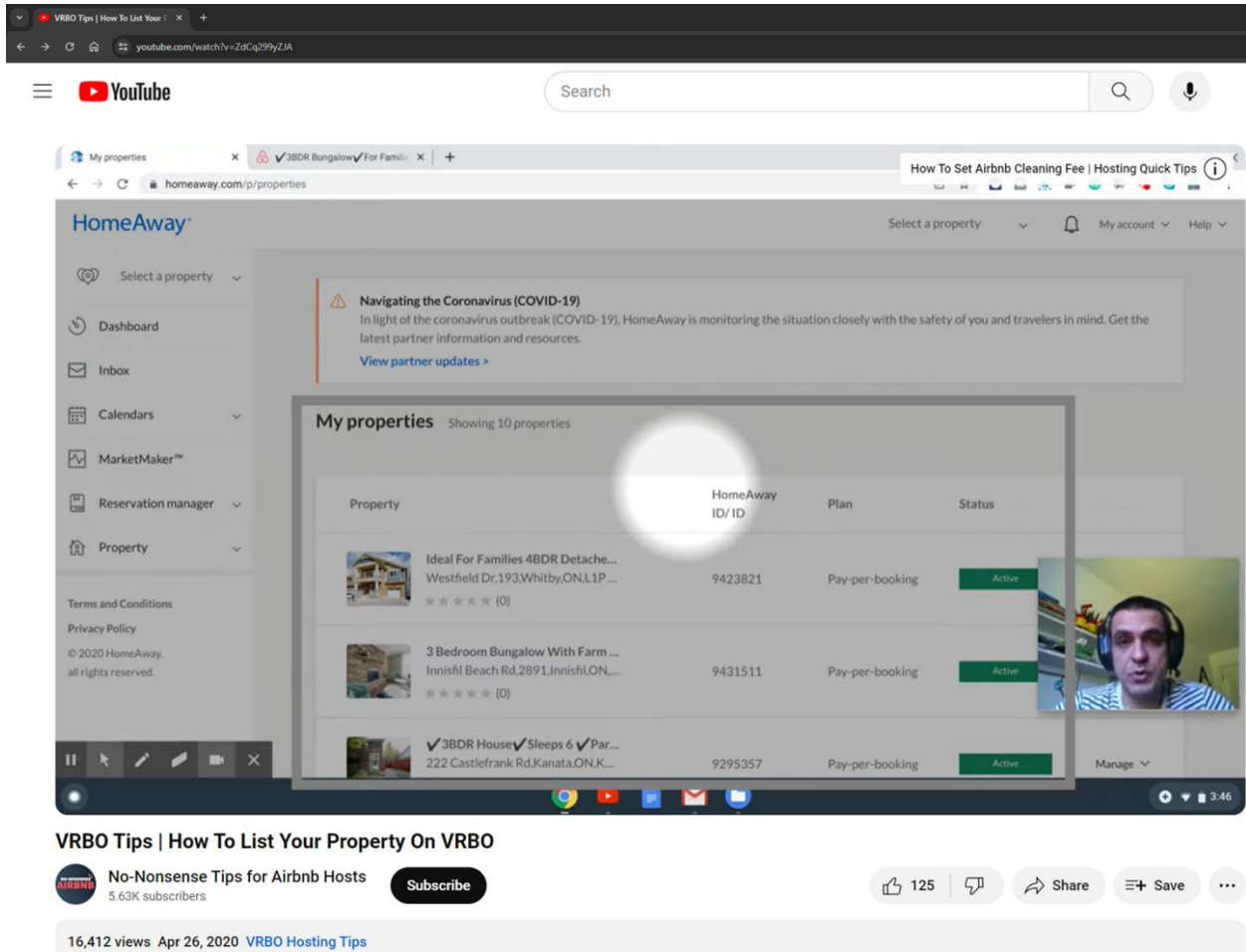
[Learn more about new listing discount](#)

Below the video player, the video title is "VRBO Tips | How To List Your Property On VRBO" and the channel name is "No-Nonsense Tips for Airbnb Hosts" with 5.63K subscribers. The video has 125 likes and was viewed 16,412 times on April 26, 2020.

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

The screenshot displays a YouTube video player showing a screen recording of a HomeAway property listing edit page. The browser address bar shows the URL [youtube.com/watch?v=ZdCq299yZJA](https://www.youtube.com/watch?v=ZdCq299yZJA). The HomeAway interface includes a sidebar with navigation options like Dashboard, Inbox, Calendars, MarketMaker™, Reservation manager, Ranking metrics, and Property. The main content area is titled "Owner story" and contains a registration number field, a photo of a family with a "Remove Photo" button, a "Year Purchased" field, and an "About You" text area. A blue "Save" button is at the bottom of the form. A small video window in the bottom right corner shows a man speaking. Below the video player, the video title is "VRBO Tips | How To List Your Property On VRBO" by "No-Nonsense Tips for Airbnb Hosts" (5.65K subscribers). The video has 125 likes, a share button, and a save button. The view count is 16,429 views, dated Apr 26, 2020, with the tag "VRBO Hosting Tips".

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

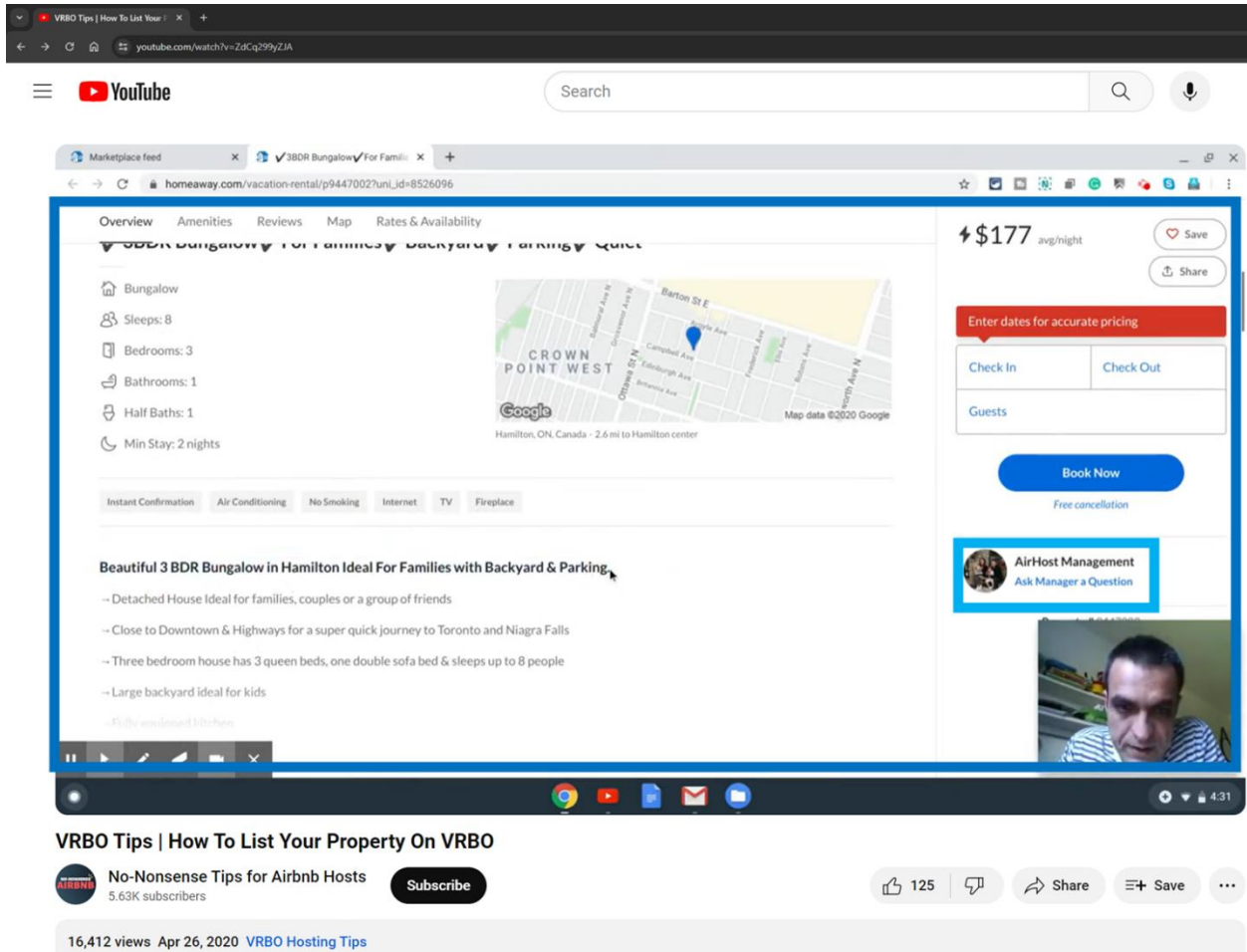


(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

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

The screenshot shows a YouTube video player with a HomeAway property listing as the video content. The listing features a modern interior with a blue wall and a kitchen, and an exterior view of a house. The price is \$177/night. The video title is "VRBO Tips | How To List Your Property On VRBO" and the channel is "No-Nonsense Tips for Airbnb Hosts".

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

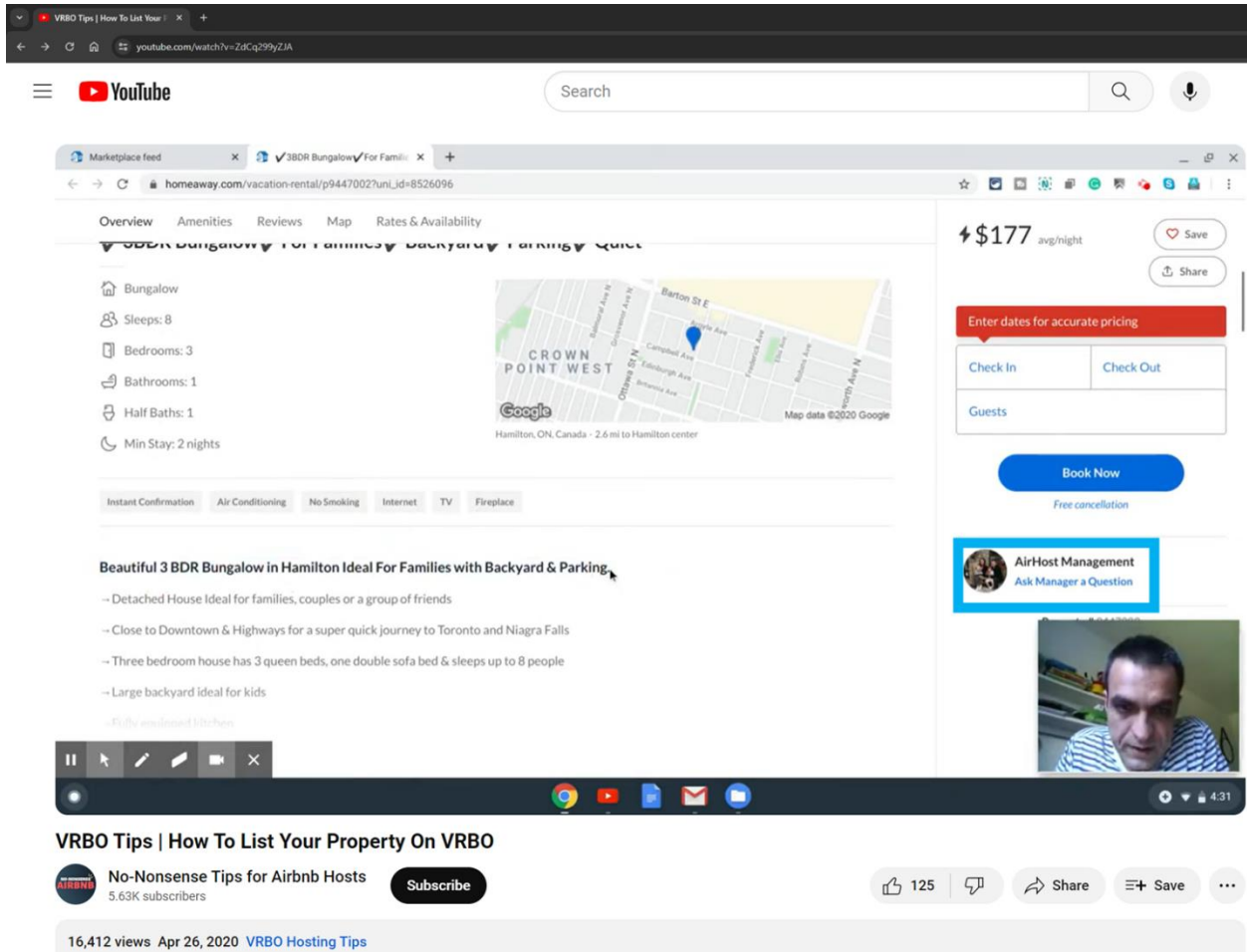


(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

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.

The screenshot displays a YouTube video player with a HomeAway listing as the video content. The listing includes a search bar with 'Hamilton, ON, Canada' entered, a price of '\$177 avg/night', and a 'Book Now' button. The video player shows the title 'VRBO Tips | How To List Your Property On VRBO' and the channel name 'No-Nonsense Tips for Airbnb Hosts' with 5.63K subscribers. The video has 125 likes and 16,412 views, dated April 26, 2020. The video player interface includes a progress bar, volume control, and a share button.

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).



(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

50. The Accused Instrumentality, in order to distribute its multimedia file to a geographically distributed userbase, electronically transmits the multimedia file to a plurality of publicly accessible web servers, so as to make electronically available multimedia Rental Listing content with associated photo, profile picture, and textual content to various users amongst a geographically distributed userbase, thereby making the multimedia file electronically available for viewing on one or more user devices over a public network (e.g., the Internet), via a web browser. Homeaway uses function-specific subsystems, for example as discussed below.

The screenshot displays a YouTube video player with a HomeAway listing embedded within it. The listing features two main images: an interior view of a modern living space with a blue wall and a grey sofa, and an exterior view of a grey and brown house. To the right of the images is a booking widget showing a price of \$177/night, a 'Book Now' button, and a 'View all 48 photos' link. Below the listing, the video title 'VRBO Tips | How To List Your Property On VRBO' is visible, along with the channel name 'No-Nonsense Tips for Airbnb Hosts' and a 'Subscribe' button. The video has 125 likes and 16,412 views.

(E.g., <https://www.youtube.com/watch?v=DX8HCcTyS0s>).

The screenshot displays a YouTube video player showing a HomeAway vacation rental listing. The listing is for a "Beautiful 3 BDR Bungalow in Hamilton Ideal For Families with Backyard & Parking". Key details include:

- Price: \$177 avg/night
- Location: Hamilton, ON, Canada - 2.6 mi to Hamilton center
- Features: Instant Confirmation, Air Conditioning, No Smoking, Internet, TV, Fireplace
- Specifications: Sleeps: 8, Bedrooms: 3, Bathrooms: 1, Min Stay: 2 nights
- Description: Detached House Ideal for families, couples or a group of friends; Close to Downtown & Highways for a super quick journey to Toronto and Niagara Falls; Three bedroom house has 3 queen beds, one double sofa bed & sleeps up to 8 people; Large backyard ideal for kids.

 The video is titled "VRBO Tips | How To List Your Property On VRBO" and is from the channel "No-Nonsense Tips for Airbnb Hosts" (5.63K subscribers). It has 125 likes, 16,412 views, and was posted on Apr 26, 2020. The video player shows a man speaking, likely the host or a VRBO representative.

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

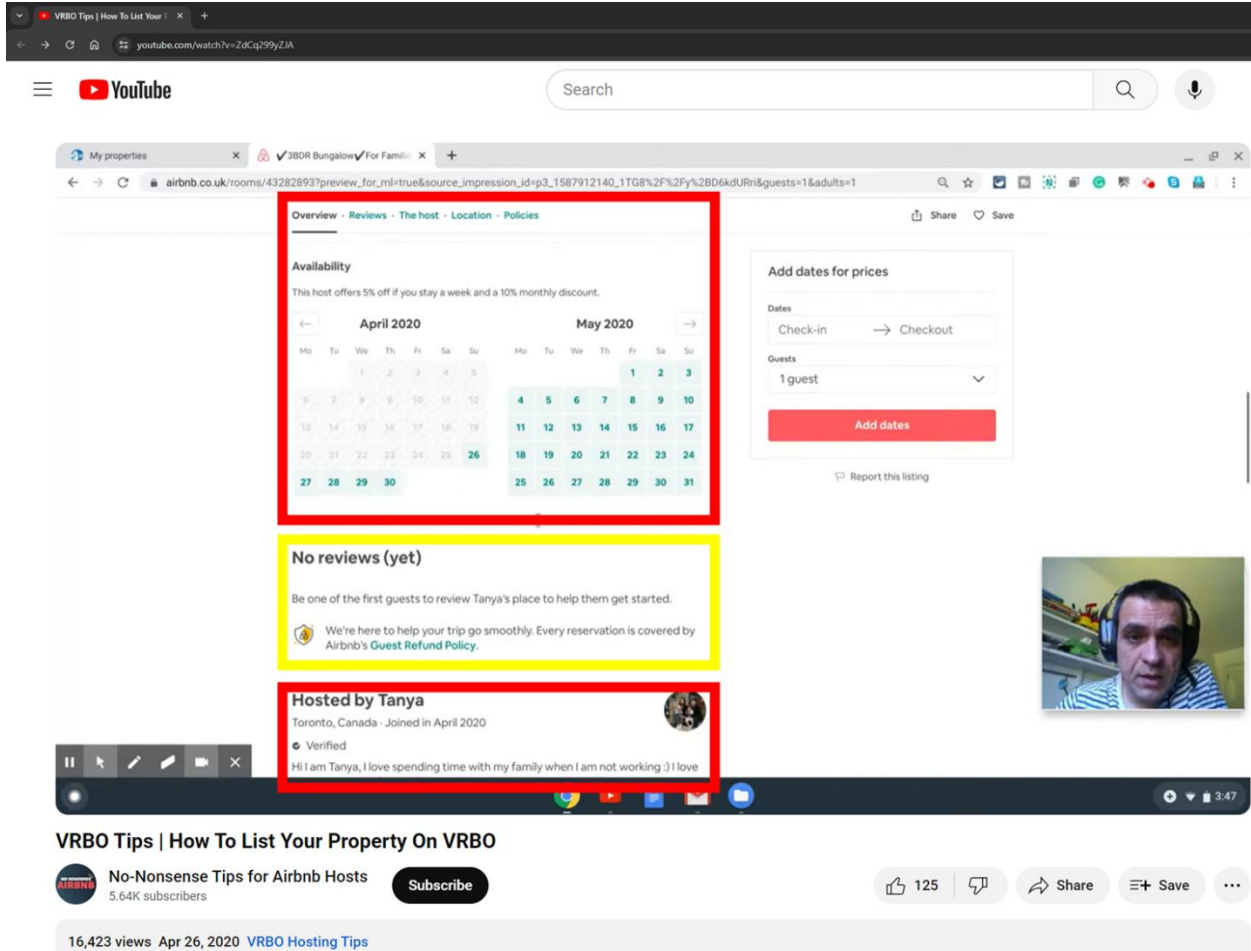
51. The Accused Instrumentality employs a web-based graphical user interface enabling its users to electronically access an electronic voting subsystem, enabling tracking of voting or electronic rating, configured to enable a user to electronically transmit data indicating a vote for or rating of (e.g., by the user's choices with respect to a selection of one or more Stars and textual content in the form of a Review) an electronically available multimedia content (e.g., a multimedia Rental Listing provided by a submitter, with accompanying photo and/or textual content). Homeaway uses function-specific subsystems, for example as discussed below.

The screenshot shows a YouTube video player displaying a screen recording of a HomeAway property management dashboard. The dashboard has a left sidebar with navigation options like 'Select a property', 'Dashboard', 'Inbox', 'Calendars', 'MarketMaker™', 'Reservation manager', and 'Property'. The main content area shows a message about COVID-19 and a table titled 'My properties' with 10 properties listed. Three properties are highlighted with red boxes:

Property	HomeAway ID/ ID	Plan	Status
Ideal For Families 4BDR Detache.. Westfield Dr,193,Whitby,ON L1P. ★★★★★ (0)	9423821	Pay-per-booking	Active
3 Bedroom Bungalow With Farm.. Innisfil Beach Rd,2891,Innisfil,ON. ★★★★★ (0)	9431511	Pay-per-booking	Active
✓3BDR House✓Sleeps 6 ✓Par. 222 Castlefrank Rd,Kanata,ON,K. ★★★★★ (1)	9295357	Pay-per-booking	Active

Below the dashboard, the YouTube video player shows the video title 'VRBO Tips | How To List Your Property On VRBO', the channel name 'No-Nonsense Tips for Airbnb Hosts' with 5.64K subscribers, and engagement metrics: 125 likes, 0 comments, and 0 shares. The video has 16,423 views and was posted on April 26, 2020.

(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).



(E.g., <https://www.youtube.com/watch?v=ZdCq299yZJA>).

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.

February 1, 2024

DIRECTION IP LAW

/s/ David R. Bennett

David R. Bennett

(Admitted to the U.S. Dist. Ct. for the W.D. Texas)

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Attorney for Plaintiff

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