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

**VIRTUAL CREATIVE ARTISTS,
LLC,**

Plaintiff,

v.

TURO INC.,

Defendant.

C.A. No.

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Virtual Creative Artists, LLC files this Original Complaint for Patent Infringement against Turo 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 a business address at 338 Gracious Way, Henderson, NV 89011.

1 2. On information and belief, Defendant Turo Inc. (“Turo” or “Defendant”) is
2 a corporation organized and existing under the laws of Delaware. Defendant has a place
3 of business at 2390 E Camelback Rd, #300, Phoenix, AZ 85016. Defendant has a
4 registered agent at ISL, Inc. at 300 W Clarendon Avenue, Suite 240, Phoenix, AZ 85013.
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6 **II. JURISDICTION AND VENUE**

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

10 4. On information and belief, Defendant is subject to this Court’s specific and
11 general personal jurisdiction, pursuant to due process and the Arizona Long-Arm Statute,
12 due at least to its business in this forum, including at least a portion of the infringements
13 alleged herein at 2390 E Camelback Rd, #300, Phoenix, AZ 85016.

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

26 6. Venue is proper in this district under 28 U.S.C. § 1400(b). On information
27 and belief, Defendant has businesses in this district at 2390 E Camelback Rd, #300,
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1 Phoenix, AZ 85016. On information and belief, from and within this District Defendant
2 has committed at least a portion of the infringements at issue in this case.

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

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6 **III. COUNT I**

7 **(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 9,501,480)**

8 8. Plaintiff incorporates the above paragraphs herein by reference.

9 9. On November 22, 2016, United States Patent No. 9,501,480 (“the ‘480
10 Patent”) was duly and legally issued by the United States Patent and Trademark Office.
11 The ‘480 Patent is titled “Revenue-Generating Electronic Multi-Media Exchange and
12 Process of Operating Same.” A true and correct copy of the ‘480 Patent is attached hereto
13 as Exhibit A and incorporated herein by reference.

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

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

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

- 3 • “an electronic media submissions server subsystem,”
- 4 • “an electronic multimedia creator server subsystem,”
- 5 • “an electronic release subsystem,”
- 6 • “an electronic voting subsystem,” and
- 7 • their corresponding specialized databases.

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

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

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

25 15. The “submissions electronic interface” is further specifically “configured”
26 [1] “to receive electronic media submissions from a plurality of submitters over a public
27 network, and [2] store the electronic media submissions in the electronic media
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1 submission database.” Further, “the electronic media submissions database” in this
2 subsystem is further required to “store[] [1] data identifying the submitter and [2] data
3 indicating content for each electronic media submission.” Collectively, the level of detail
4 included in this very particular, well-defined, and unconventional subsystem makes clear
5 that the claims include substantially more than the alleged abstract idea or merely
6 performing an alleged abstract idea on a computer.

7 16. Similarly, the claim also requires a separate specifically configured “an
8 electronic multimedia creator server subsystem.” The claim specifically defines how this
9 second subsystem interacts with other components including being “operatively coupled
10 to the electronic media submissions server subsystem.” The claim also specifically
11 defines this subsystem as “having”:

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

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

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

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

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

24 21. Furthermore, the very particular and specifically configured “electronic
25 media creator subsystem” not only provides a detailed and unique physical structure and
26 interrelationship with other claimed components, but also includes a very specific
27 configuration that is not conventional or routine. The claims make clear the
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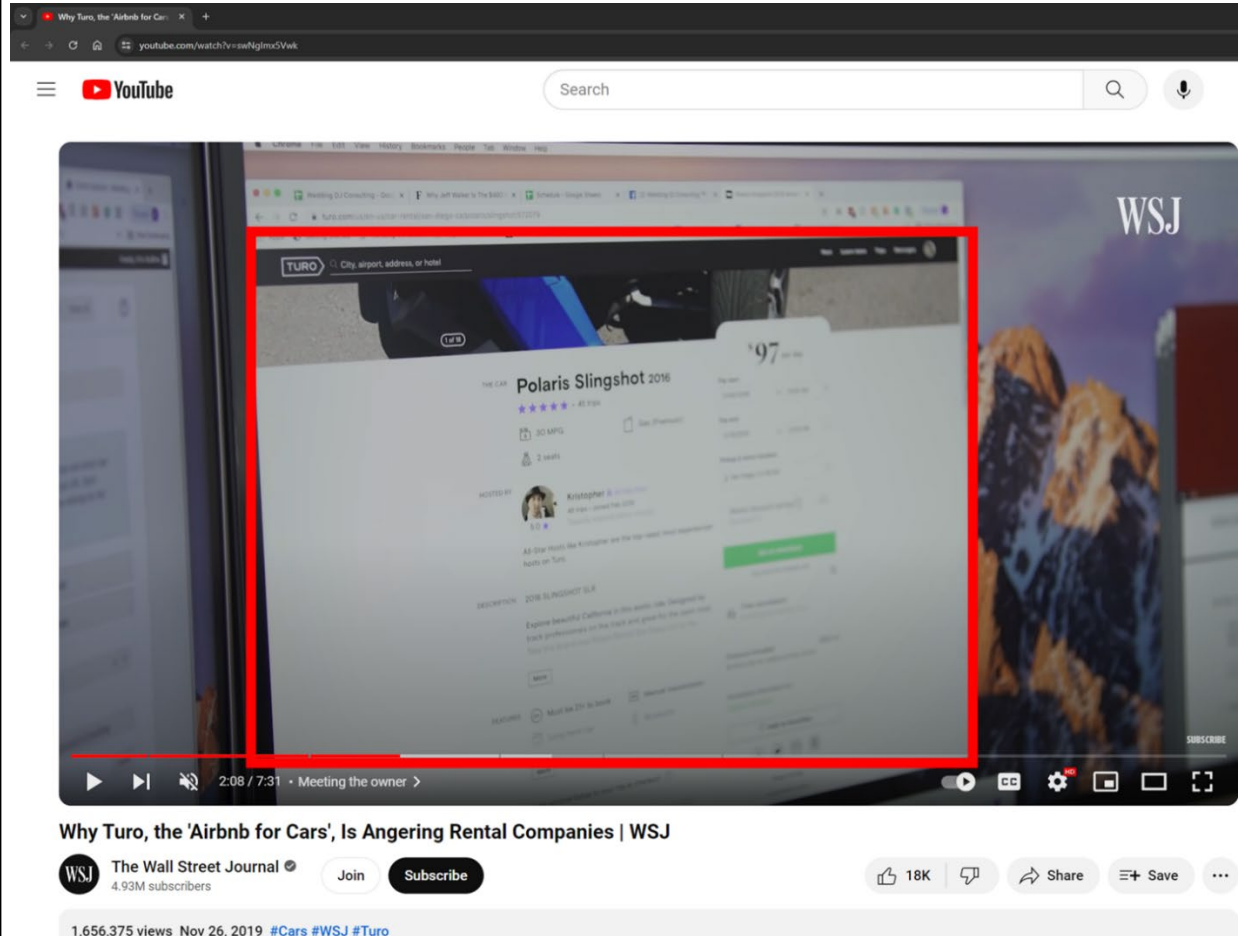
1 interrelationship of the “electronic multimedia creator server subsystem” with respect to
2 “the electronic media submission server subsystem” which must be “operatively coupled”
3 thereto. The claims also provide detail on how the “electronic media creator subsystem”
4 is “configured” “to select and retrieve a plurality of electronic media submissions from
5 the electronic media submission database using an electronic filter.” They also provide
6 detail on how the “electronic filter” is “based at least in part on at least one of the one or
7 more user attributes” and specifies that “the identification of the submitter is maintained
8 with each selected and retrieved submission within the multimedia content.”

9 22. These arguments overcame a patent eligibility rejection under 35 U.S.C.
10 § 101 of the claim at issue during the prosecution of the ‘480 patent before the United
11 States Patent and Trademark Office.

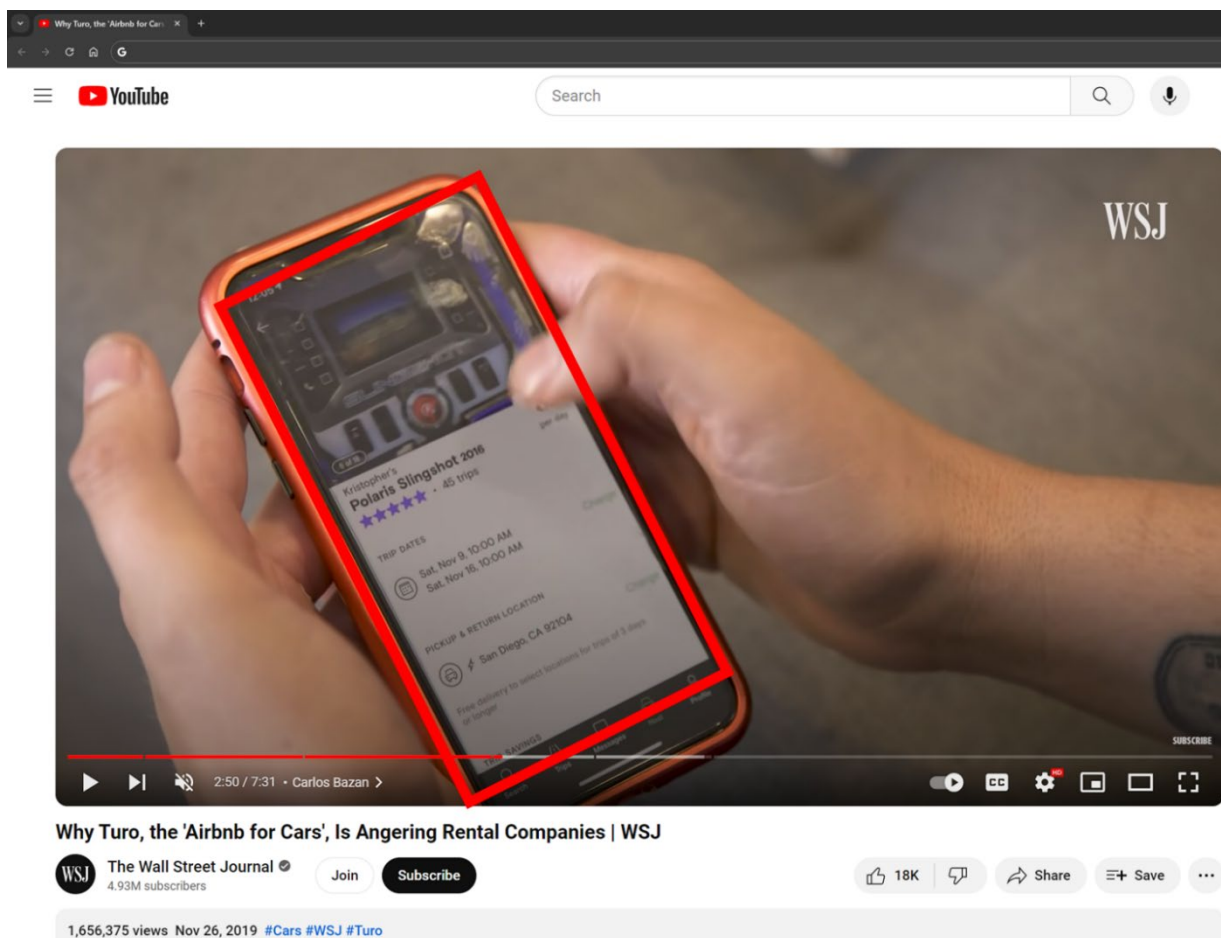
12 23. **Direct Infringement.** Upon information and belief, Defendant has been
13 directly infringing claim 1 of the ‘480 Patent in Arizona, and elsewhere in the United
14 States, by employing a computer-based system using <https://Turo.com/> (“Accused
15 Instrumentality”) (e.g., <https://Turo.com/>).

16 24. Turo uses a computer-based system for its Accused Instrumentality, to
17 enable users (submitters) to create personalized Vehicle Owner Profiles and share
18 multimedia content pertaining to Vehicle Rental Listings. The Vehicle Owner Profiles
19 include multimedia content including image and textual content (e.g., a submitter’s profile
20 picture and an About Me section). The Vehicle Rental Listings include multimedia content
21 including image and textual content (e.g., a Listing Name, Listing Features such as price,
22 amenities and the like, and images of the Vehicle offered) which may be shown to other
23 users based on, *inter alia*, user attributes. Turo, during the relevant time period, took
24 advantage of multiple cloud server providers for the Accused Instrumentality, as discussed
25 above, as well as scalability within its cloud server providers, employing separate server
26 subsystems for all its meaningfully different functions. Turo uses, and has used during the
27 relevant time period, numerous different networks and providers for, *inter alia*, content
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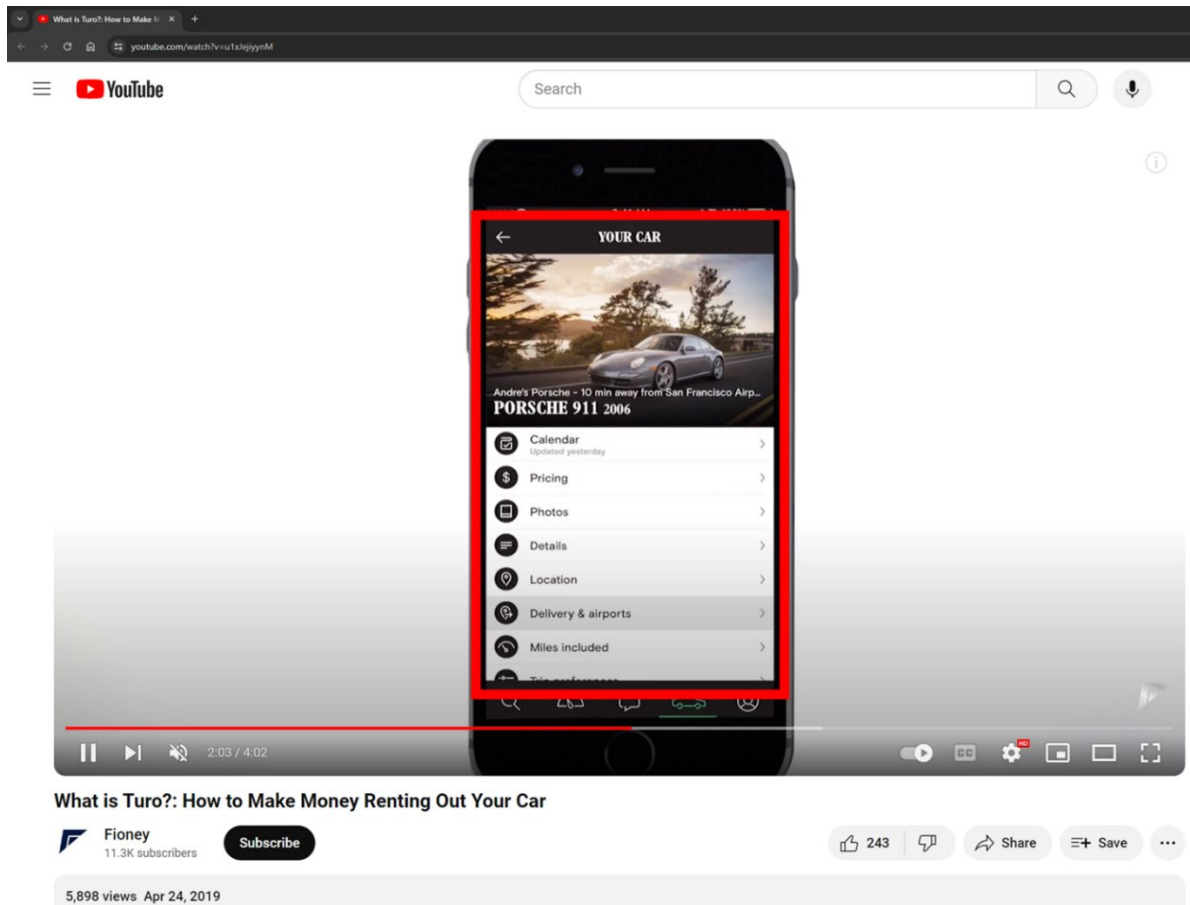
1 management systems, web servers, web hosting, data centers, proxy certificates, SSL
2 certificates, traffic analysis, advertising, and tagging, thereby using separate server
3 subsystems for all its meaningfully different functions, such as those indicated below.



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19 (E.g., <https://www.youtube.com/watch?v=swNgImx5Vwk>).



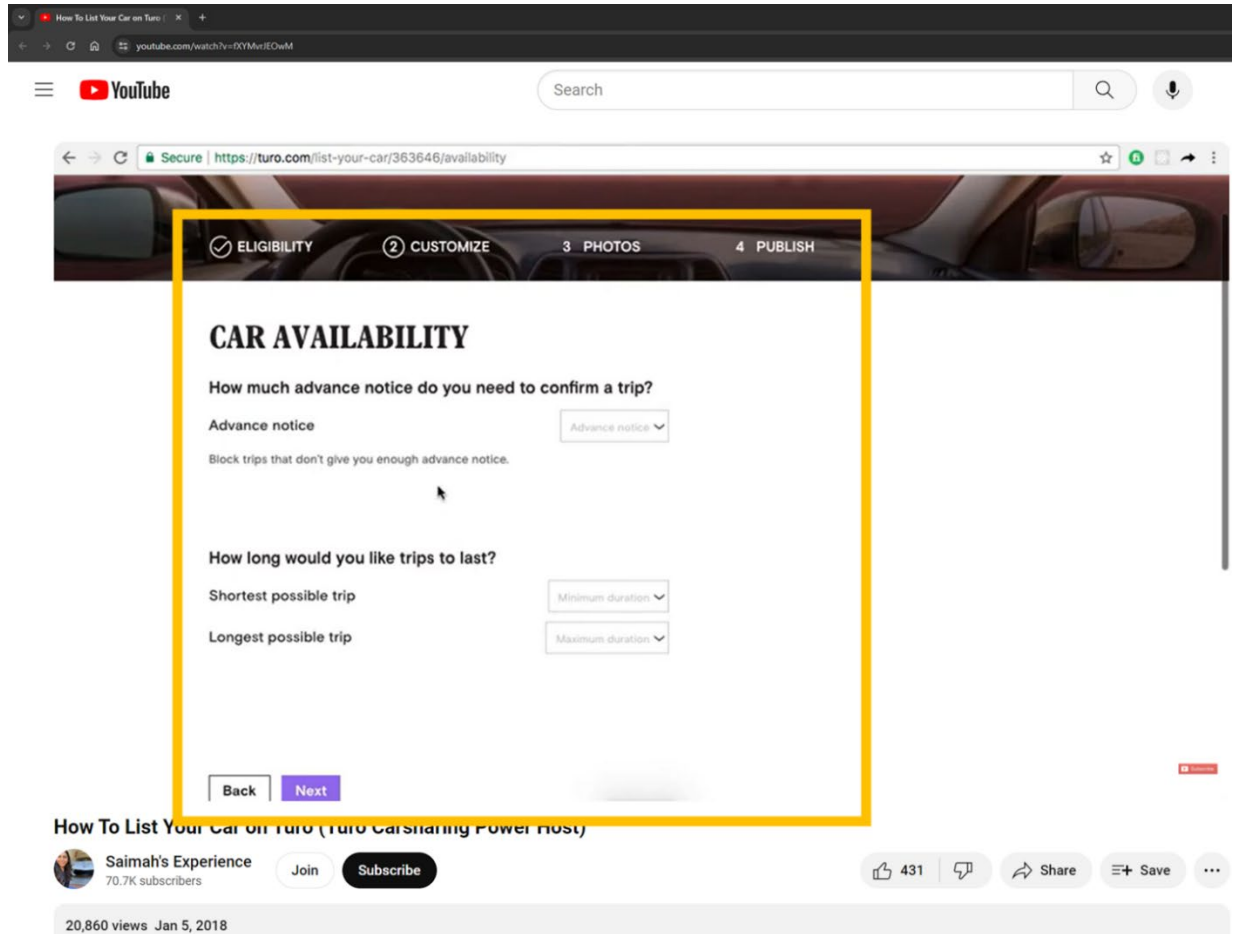
(E.g., <https://www.youtube.com/watch?v=swNgImx5Vwk>).



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

25. 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 Vehicle Owners (submitters), for example content pertaining to their respective electronic media submission (e.g., Vehicle Rental Listing) on the Accused Instrumentality, as well as multimedia content to be displayed on one or both of the user's profile and the Vehicle Rental Listing, as discussed and shown for example in connection with the above discussion. The submissions pertaining to building a user profile and to posting a Vehicle 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 an option to upload such content or import content, configured

1 to receive such electronic media, from a plurality of submitters (e.g., Vehicle
2 Owners/users) over a public network (e.g., the Internet) and stored, via an uploading
3 process, in said electronic media submissions database for use in distribution to other users
4 of the Accused Instrumentality.



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The screenshot shows a YouTube video player with a Turo car listing form. The video title is "How To List Your Car on Turo (Turo Carsharing Power Host)". The channel is "Saimah's Experience" with 70.7K subscribers. The video has 20,860 views and was posted on Jan 5, 2018. The form is highlighted with a yellow box and includes the following sections:

- ELIGIBILITY** (checked)
- 2 CUSTOMIZE** (active)
- 3 PHOTOS**
- 4 PUBLISH**

DETAILS

License plate number

Plate Number State / Province

Your license plate information won't be publicly visible

Car description

A detailed description will help you get more trips.

Describe the basics and unique features of your car.

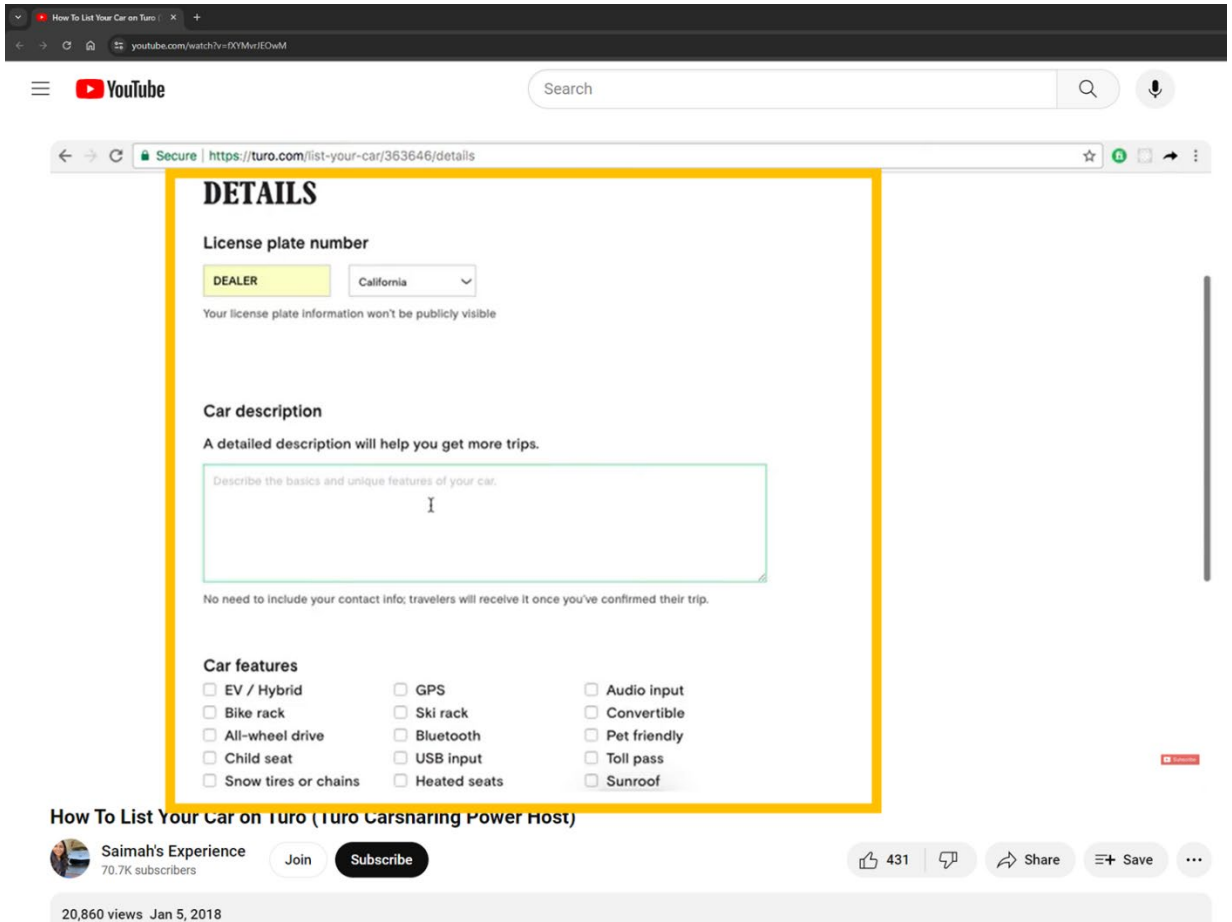
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The screenshot shows a YouTube video player. The video title is "How To List Your Car on Turo (Turo Carsharing Power Host)" by "Saimah's Experience" (70.7K subscribers). The video has 431 likes and was posted on Jan 5, 2018. The video content displays the Turo website's "TELL US ABOUT YOUR CAR" form. The form includes a location field (1 World Way, Los Angeles, CA, United States), dropdown menus for Year (2017), Make (Chevrolet), Model (Corvette), and Transmission (Automatic), an Odometer dropdown (0-50k miles), and a checked checkbox for "My car has never had a branded or salvage title." A "Next" button is visible at the bottom of the form. A yellow box highlights the entire form area.

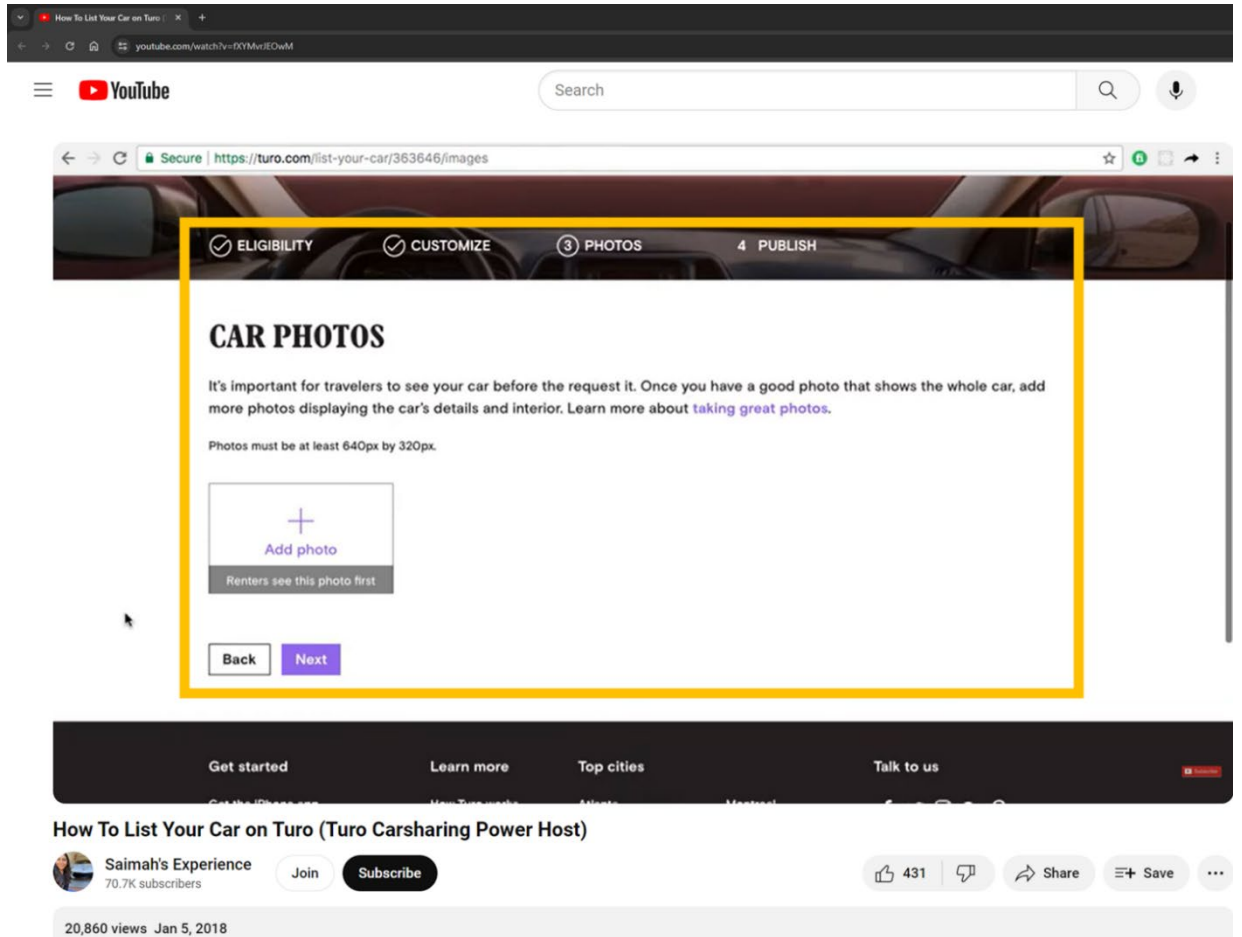
(E.g., <https://www.youtube.com/watch?v=fXYMvrJEOWM>).

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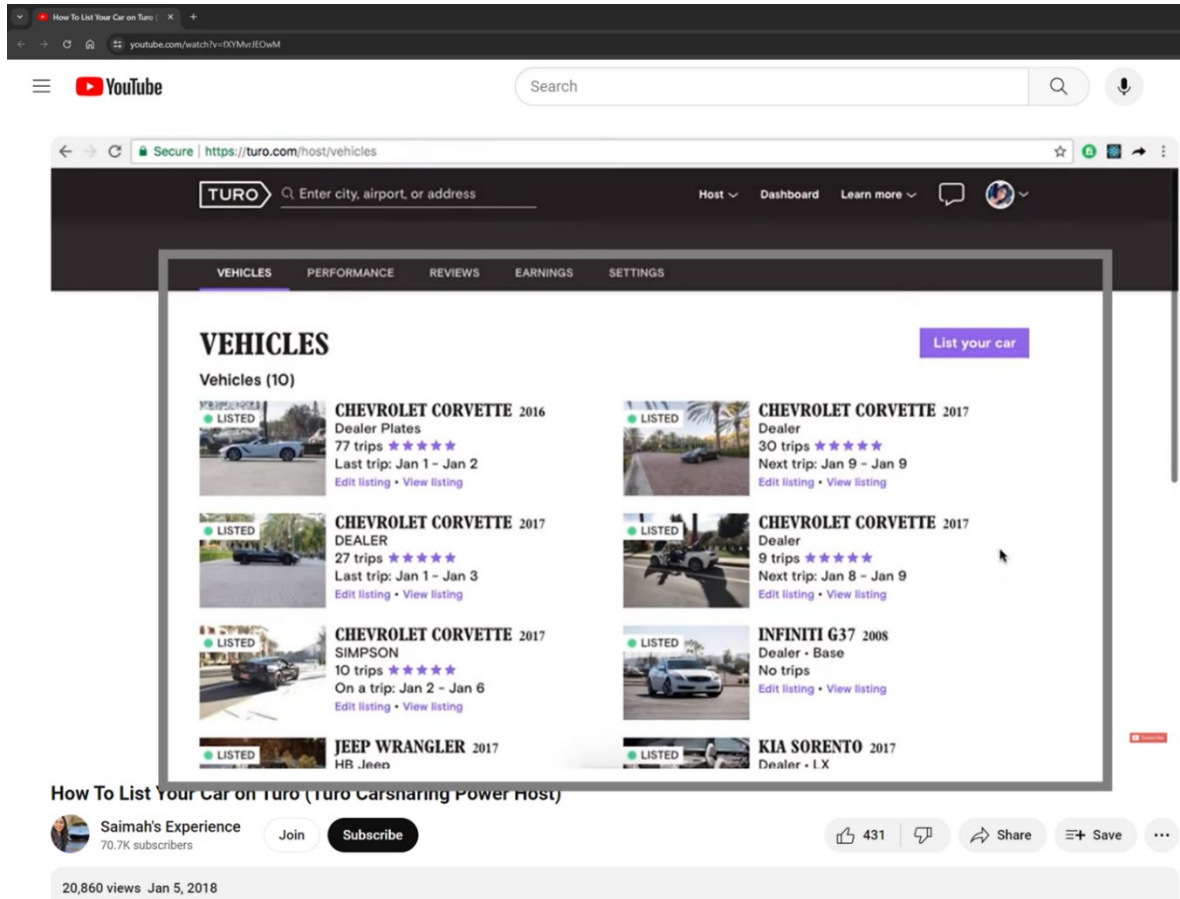


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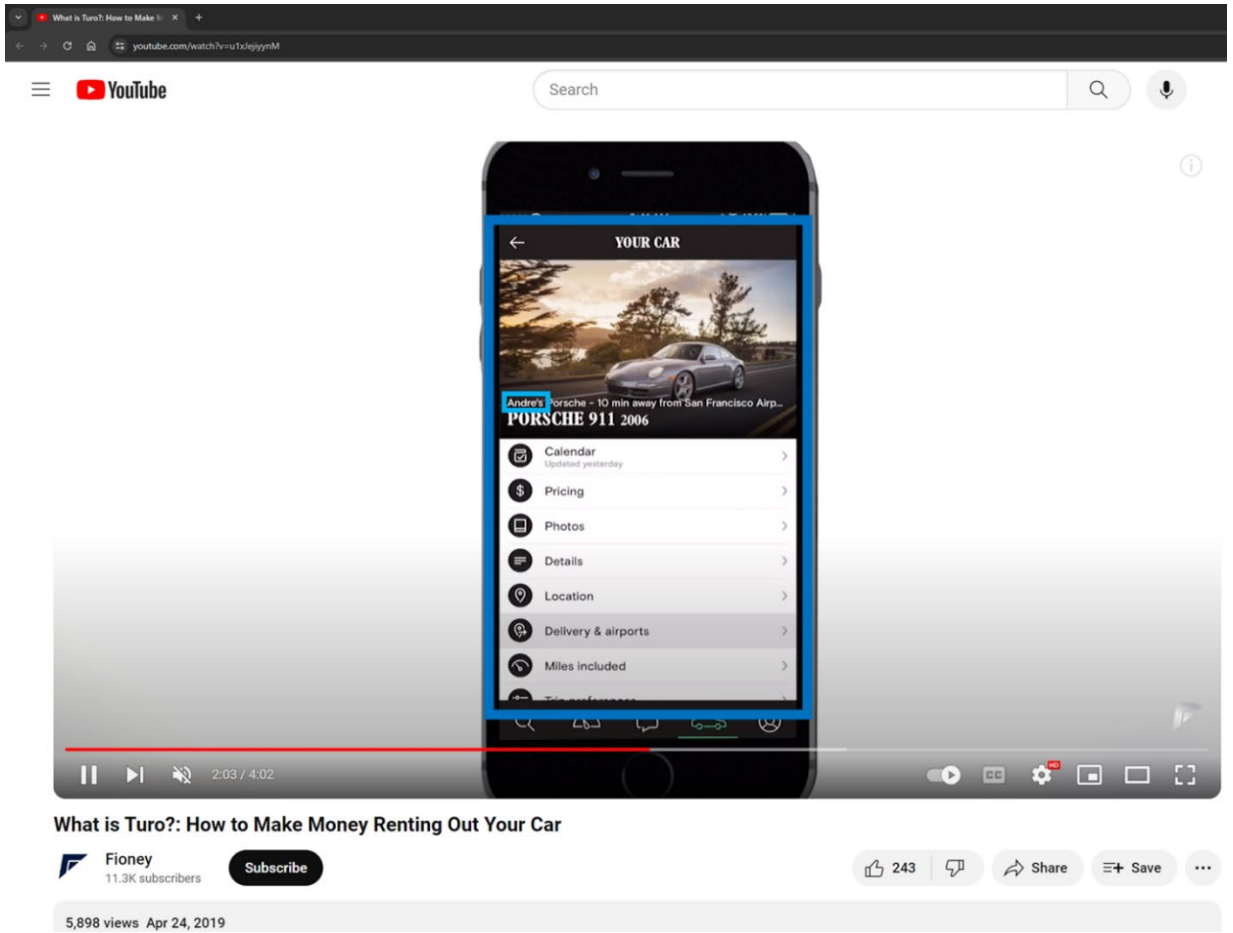
(E.g., <https://www.youtube.com/watch?v=fXYMvrJEOWM>).



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

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

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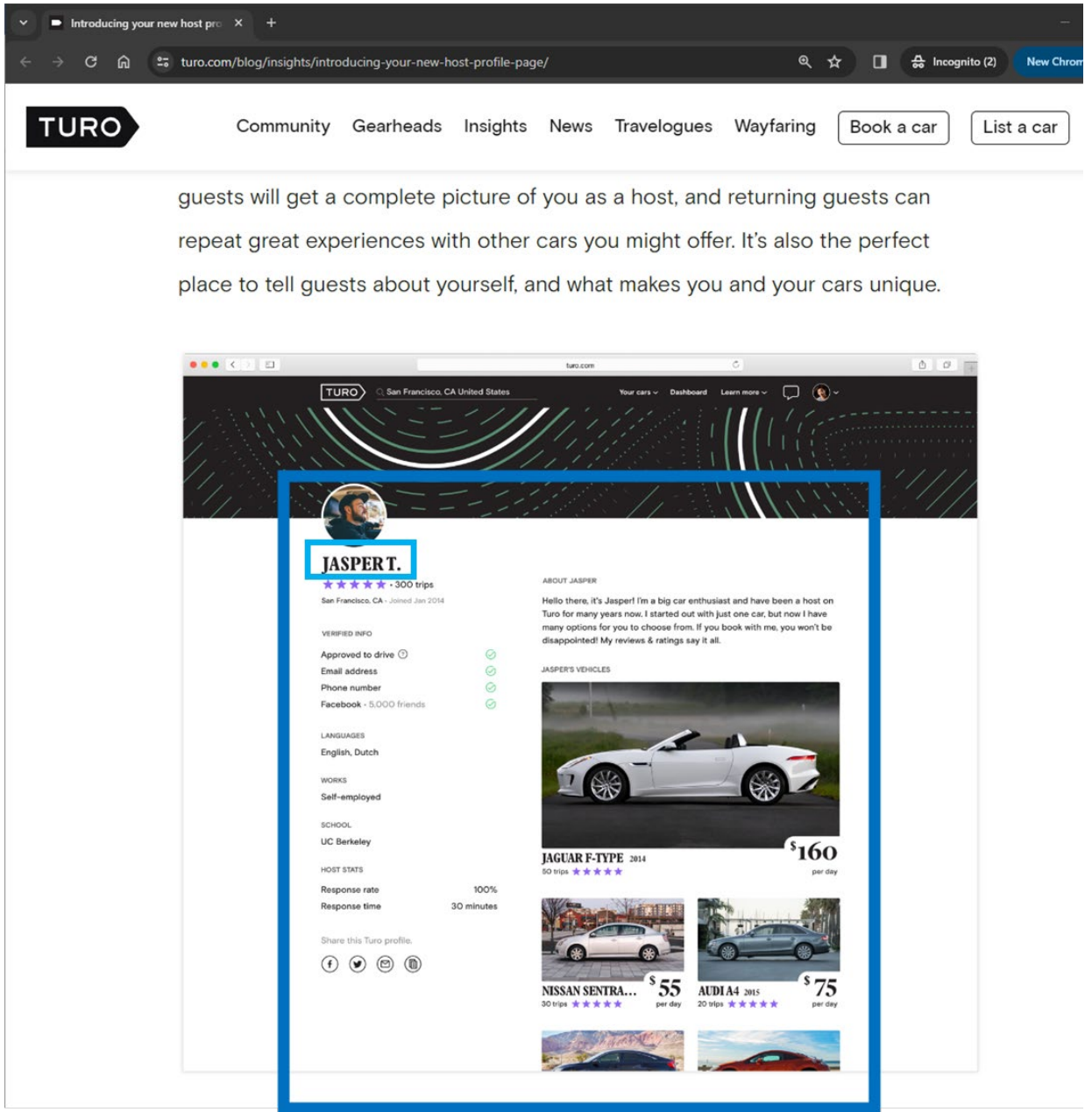
(E.g., <https://www.youtube.com/watch?v=u1xJejiyynM>).

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The screenshot shows a YouTube video player with the following details:

- Title:** Why Turo, the 'Airbnb for Cars', Is Angering Rental Companies | WSJ
- Channel:** The Wall Street Journal (4.93M subscribers)
- Views:** 1,656,375 views
- Date:** Nov 26, 2019
- Hashtags:** #Cars #WSJ #Turo
- Video Content:** A screenshot of a Turo car listing for a Polaris Slingshot 2016. The listing shows a price of \$97 per day, 30 MPG, 7 seats, and a requirement to be 21 to rent. The listing is posted by Christopher.

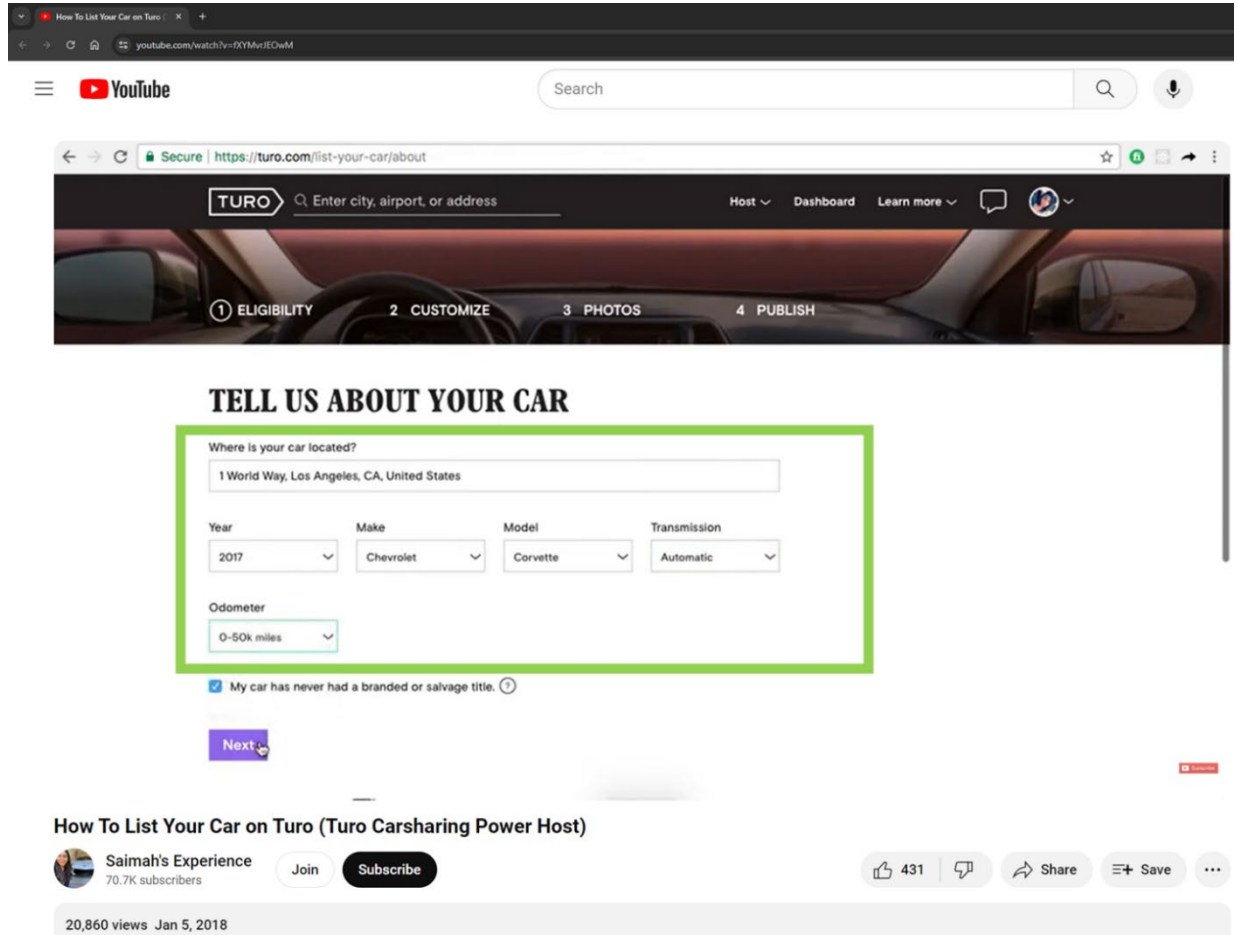
(E.g., <https://www.youtube.com/watch?v=swNgImx5Vwk>).



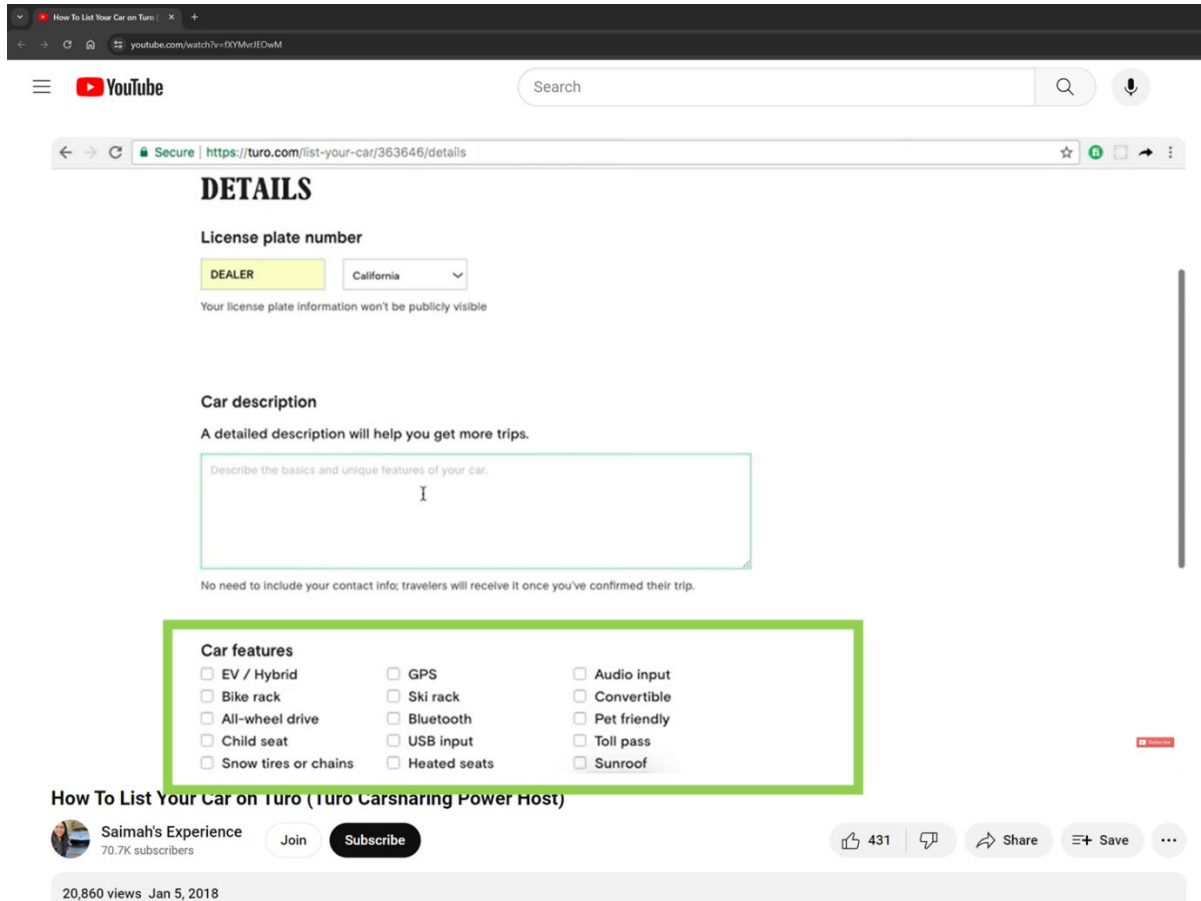
(E.g., <https://turo.com/blog/insights/introducing-your-new-host-profile-page/>).

27. Individual Vehicle Owner-users can sign up and create Vehicle Rental Listings on Turo’s Accused Instrumentality, which are 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 Vehicle Rental Listing, contained on the user database, may include *e.g.*, price, cars available to book instantly, mileage included in rental, vehicle features (bike rack, ski rack, convertible,

1 etc.), vehicle type (car, SUV, minivan, etc.), vehicle make and model, color, transmission
2 and the like as shown for example in the examples below.



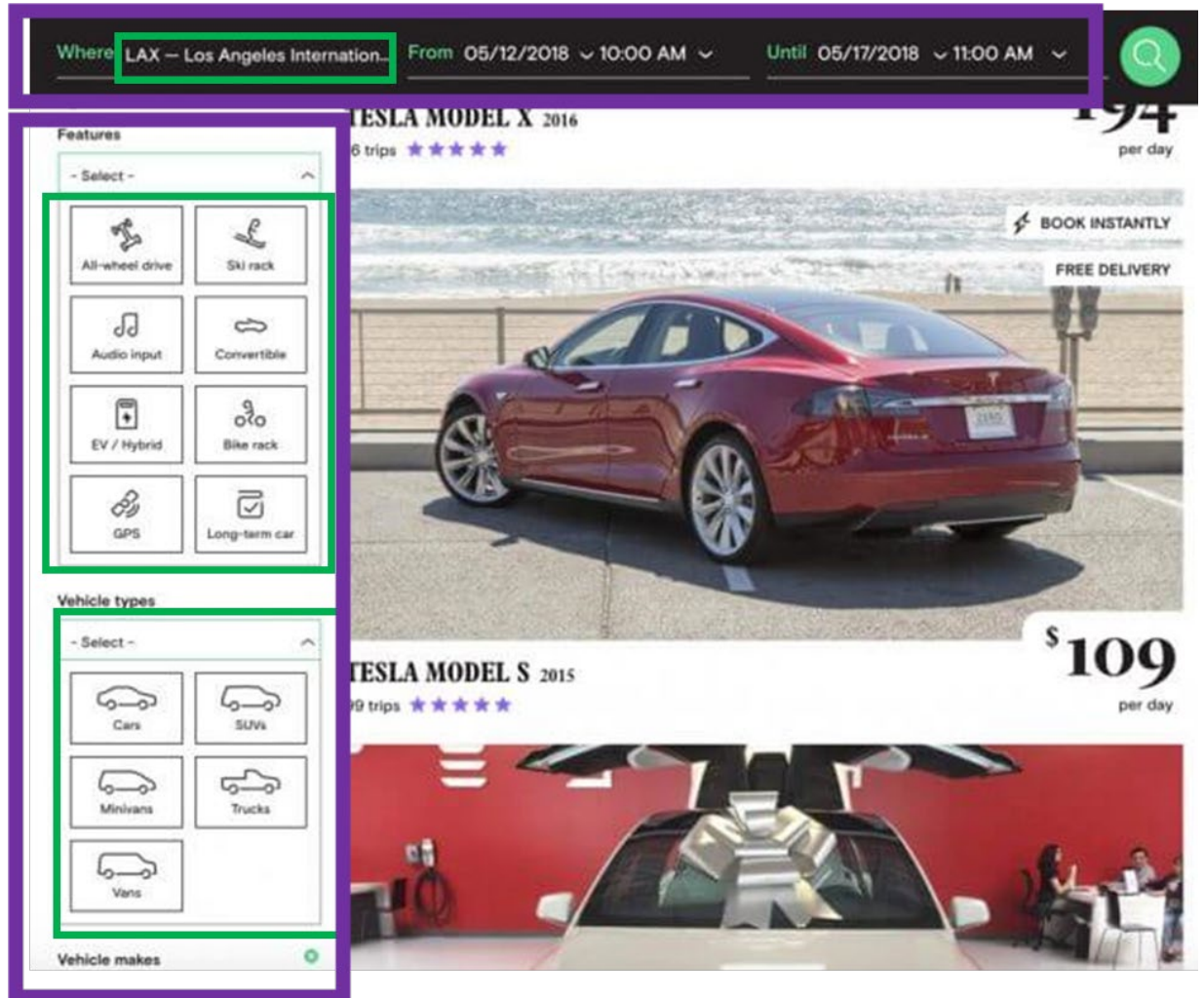
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(E.g., <https://www.youtube.com/watch?v=fXYMvrJEOWM>).

28. 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., Vehicle 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 Turo is based at least in part on at least one of the one or more user attributes, (e.g., based on, *inter alia*, price, cars available to book instantly, mileage included in rental, vehicle features (bike rack, ski rack, convertible, *etc.*), vehicle type (car, SUV, minivan, *etc.*), vehicle make and model, color, and transmission) which in turn affect which

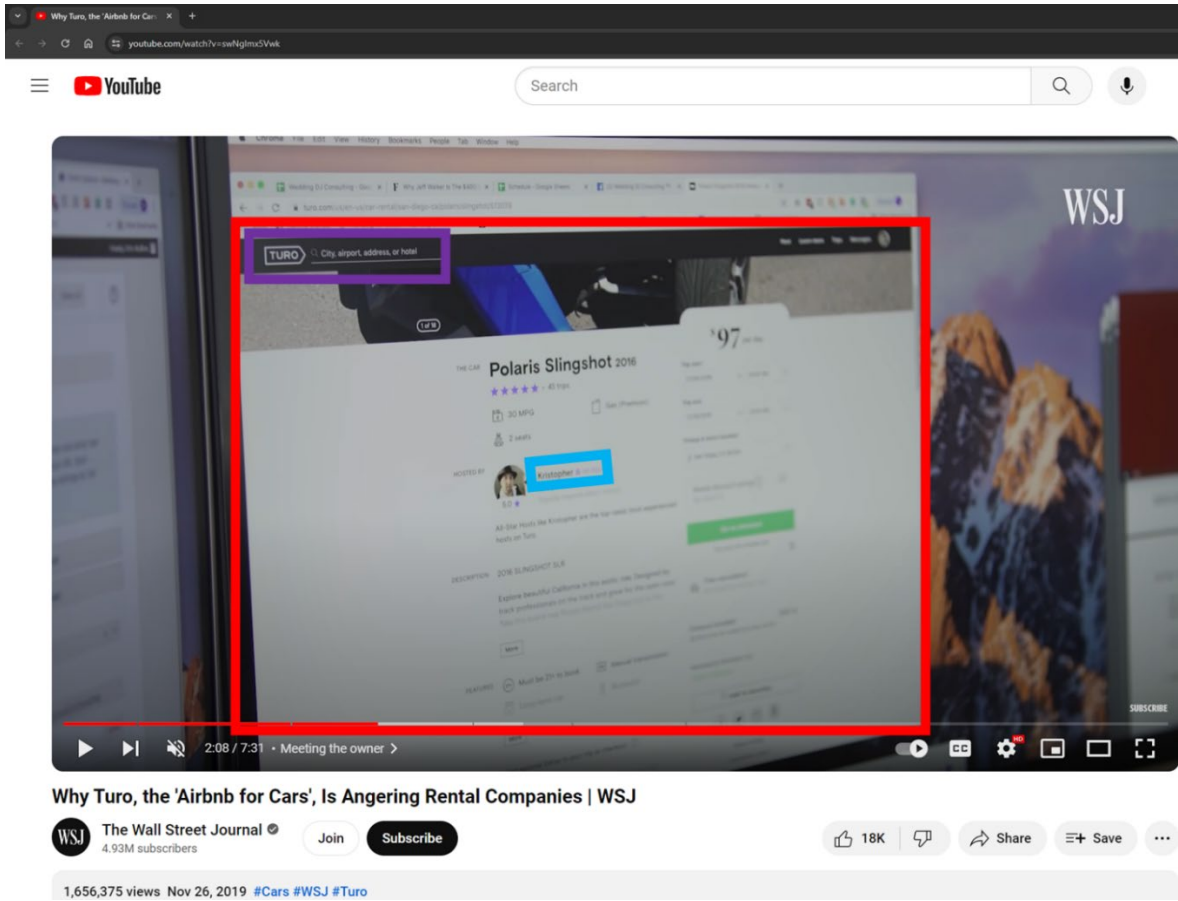
1 electronic media submissions, e.g., Vehicle Rental Listings and associated media, appear
 2 to the user, as shown and discussed for example below.



20 (E.g., <https://millionmilesecrets.com/reviews/turo-car-rental-review/>).

21 29. Such electronic content filter is used by the Accused Instrumentality to
 22 develop multimedia content (e.g., the profiles, Vehicle Rental Listings, and/or various
 23 content as discussed above) associated with the user (submitter) to be electronically
 24 available for viewing on user devices (e.g., devices such as computers and smart phones
 25 incorporating browsers or apps) wherein the identification of the submitter (e.g., a Vehicle
 26 Owner/offeror's name and/or profile picture) is maintained with each selected and
 27 retrieved submission within the multimedia content, for example as shown below.

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(E.g., <https://www.youtube.com/watch?v=swNgImx5Vwk>).

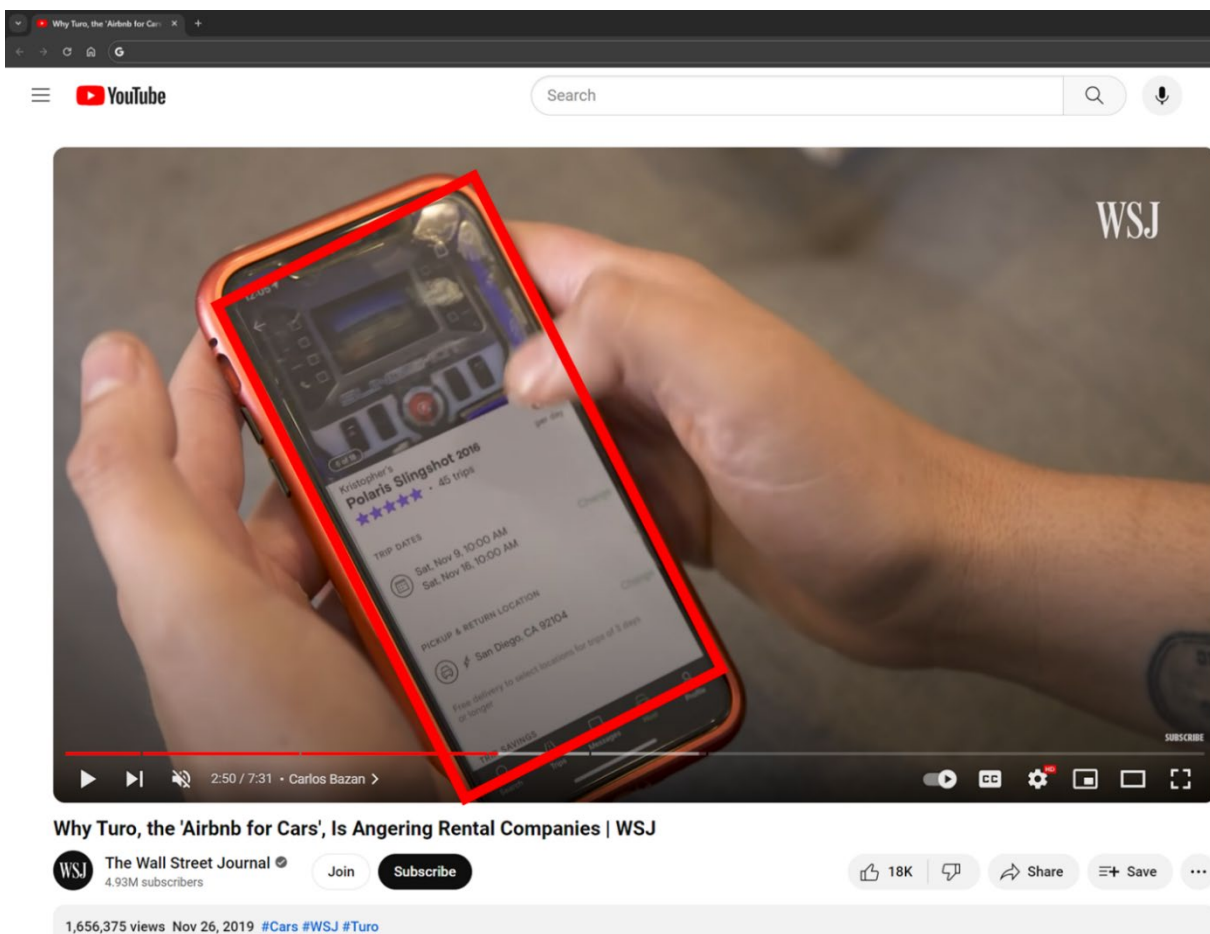
30. The Accused Instrumentality employs an electronic release subsystem operatively coupled to the electronic multimedia creator server subsystem, necessarily having one or more data processing apparatus in order to serve multimedia profile and/or post content with associated photo, profile picture, 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 the Vehicle Rental Listing is provided on various user devices (e.g., computers or other devices with a web browser or app) in response to a user logging in to the Accused Instrumentality. Turo uses function-specific subsystems, for example as discussed below.

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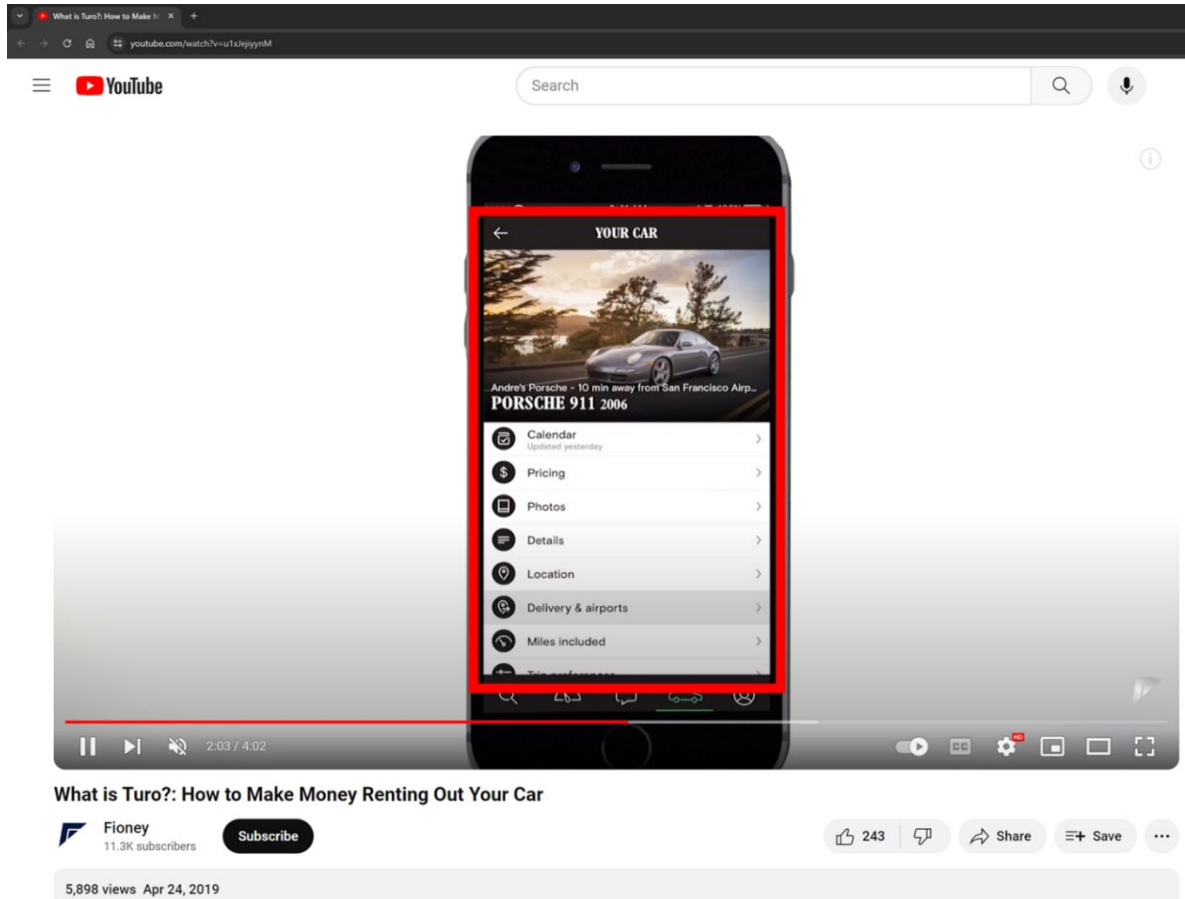
The screenshot shows a YouTube video player. The video content is a screen recording of a Turo website listing for a Polaris Slingshot 2016. A red rectangular box highlights the listing details, including the car name, year, price per day (\$97), and the listing owner's name (Christopher B.). Below the listing, there is a description and a 'Book Now' button. The video player interface includes a search bar at the top, a play button, and a progress bar showing 2:08 / 7:31. Below the video player, the video title is 'Why Turo, the 'Airbnb for Cars', Is Angering Rental Companies | WSJ'. The channel name is 'The Wall Street Journal' with 4.93M subscribers. The video has 1,656,375 views and was uploaded on Nov 26, 2019. There are buttons for 'Join', 'Subscribe', 'Like' (18K), 'Share', and 'Save'.

(E.g., <https://www.youtube.com/watch?v=swNgImx5Vwk>).

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(E.g., <https://www.youtube.com/watch?v=swNgImx5Vwk>).



(E.g., <https://www.youtube.com/watch?v=u1xJejiyynM>).

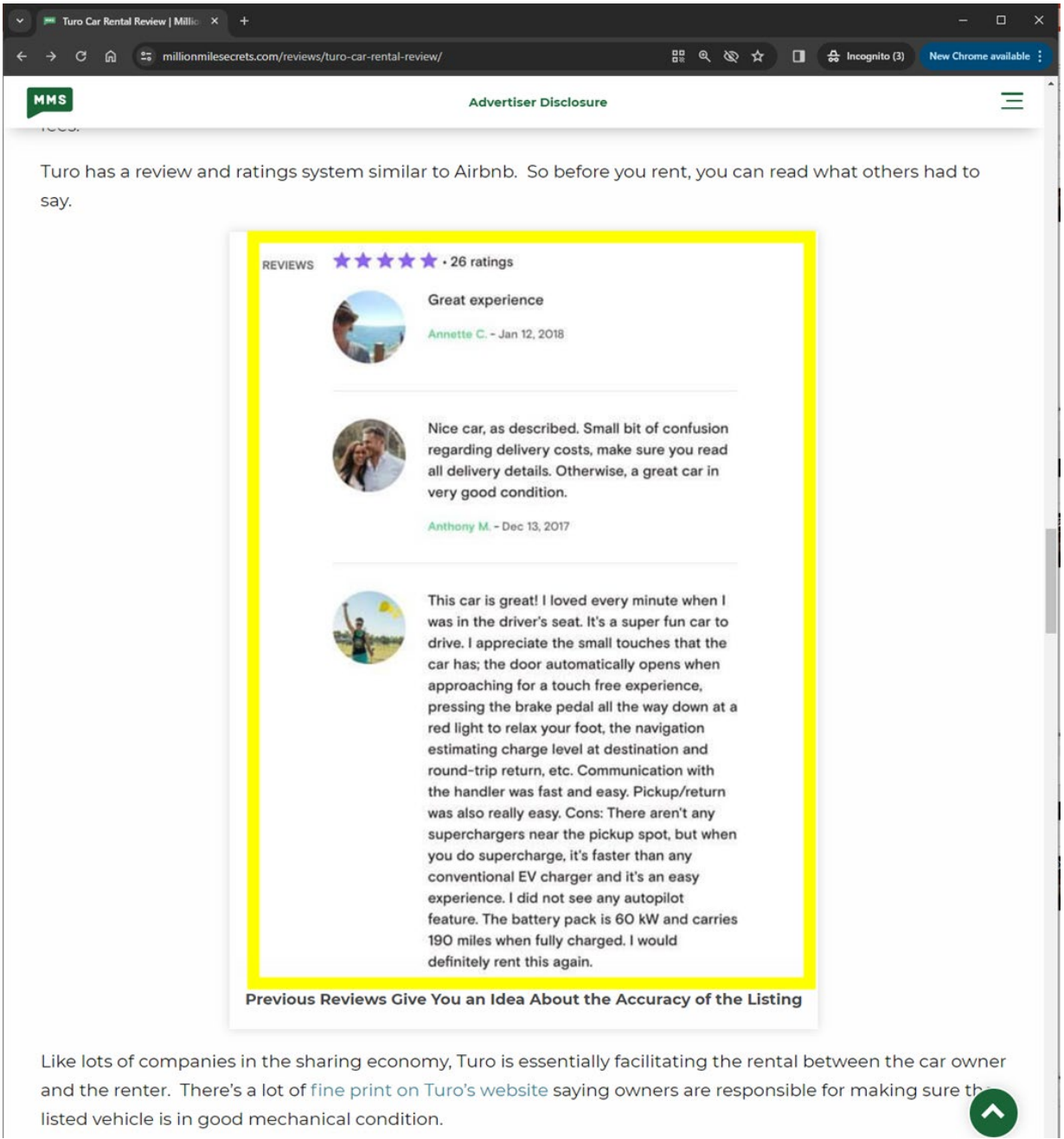
31. The Accused Instrumentality employs an electronic voting subsystem, necessarily having one or more data processing apparatus in order to track voting or electronic rating, configured to enable a user to electronically vote for or rate (e.g., by the user's choices with respect to a selection of one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

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The screenshot shows a YouTube video player with a red border around the main content area. The video content is a screen recording of a Turo car listing for a Polaris Slingshot 2016. The listing shows a star rating of 4.9 (highlighted in yellow), a price of \$97 per day, and is listed by Christopher B. The video title is "Why Turo, the 'Airbnb for Cars', Is Angering Rental Companies | WSJ". Below the video player, the channel name "The Wall Street Journal" is visible with 4.93M subscribers, and the video has 1,656,375 views as of Nov 26, 2019. The video player controls at the bottom show a progress bar at 2:08 / 7:31 and the text "Meeting the owner".

(E.g., <https://www.youtube.com/watch?v=swNgImx5Vwk>).

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(E.g., <https://millionmilesecrets.com/reviews/turo-car-rental-review/>).

32. 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.

1 33. To the extent marking is required, VCA has complied with all marking
2 requirements.

3 **IV. COUNT II**

4 **(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 9,477,665)**

5 34. Plaintiff incorporates the above paragraphs herein by reference.

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

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

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

21 38. The ‘665 Patent shares the identical specification as the ‘480 patent and
22 therefore VCA incorporates the background and discussion of the invention in Paragraphs
23 11-18. Furthermore claim 1 involves a system for generating multimedia content. The
24 claim requires, among other things, electronically generating a multimedia file from the
25 retrieved electronic media Submissions in accordance with a selected digital format,
26 wherein the identification of the submitter is maintained with each retrieved submission
27 within the multimedia file. The claim requires electronically transmitting the multimedia
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1 file to a plurality of publicly accessible webservers to be electronically available for
2 viewing on one or more user devices over a public network via a web-browser and. This
3 allows electronically transmit data indicating votes or rating of multimedia content in a
4 much quicker and easier fashion based on specific user criteria. There is nothing abstract
5 about this very particular, unconventional, and non-routine system for the generation of
6 multimedia content as specifically claimed and there is no risk of preempting creating and
7 distribution contention generally, or even within the context of the Internet.

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

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

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

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

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

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

26 44. The claims also have inventive concepts. For example, the claim requires
27 that he filtering tool be at a specific location, remote from the end-users, with customizable
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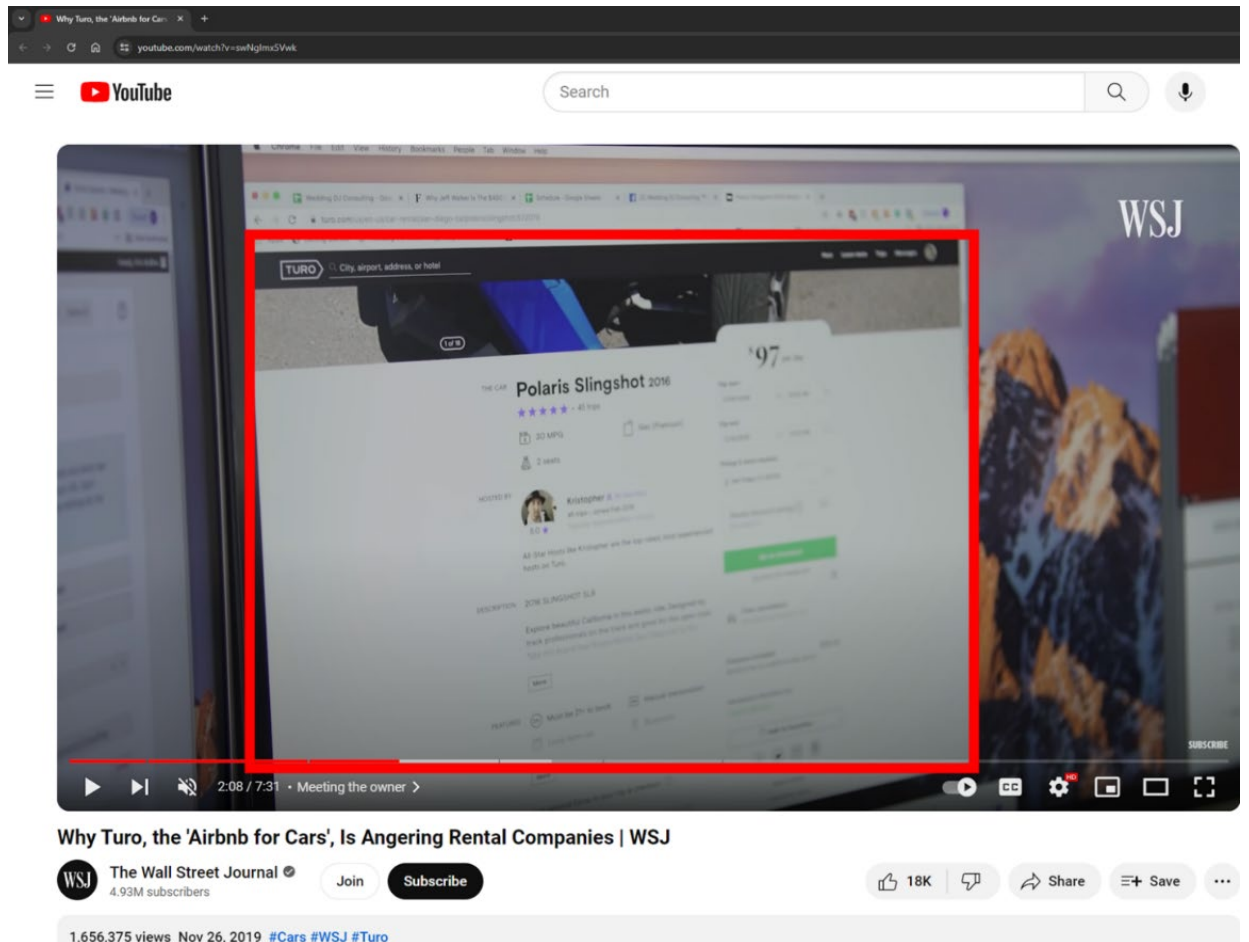
1 filtering features specific to each end user. The "electronic content filter" is located at the
2 server, remote from the end user, and customizable based on user attributes. The "electron
3 voting" step at the time of the invention was also novel, inventive, and added sufficient
4 inventive contributions to avoid a risk of preempting the creation and distribution of media
5 content. It is clearly possible to create and distribute media content without ever having
6 to include a "voting" subsystem on what components should be included in such media
7 content.

8 45. These arguments overcame a patent eligibility rejection under 35 U.S.C.
9 § 101 of the claim at issue during the prosecution of the '665 patent before the United
10 States Patent and Trademark Office.

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

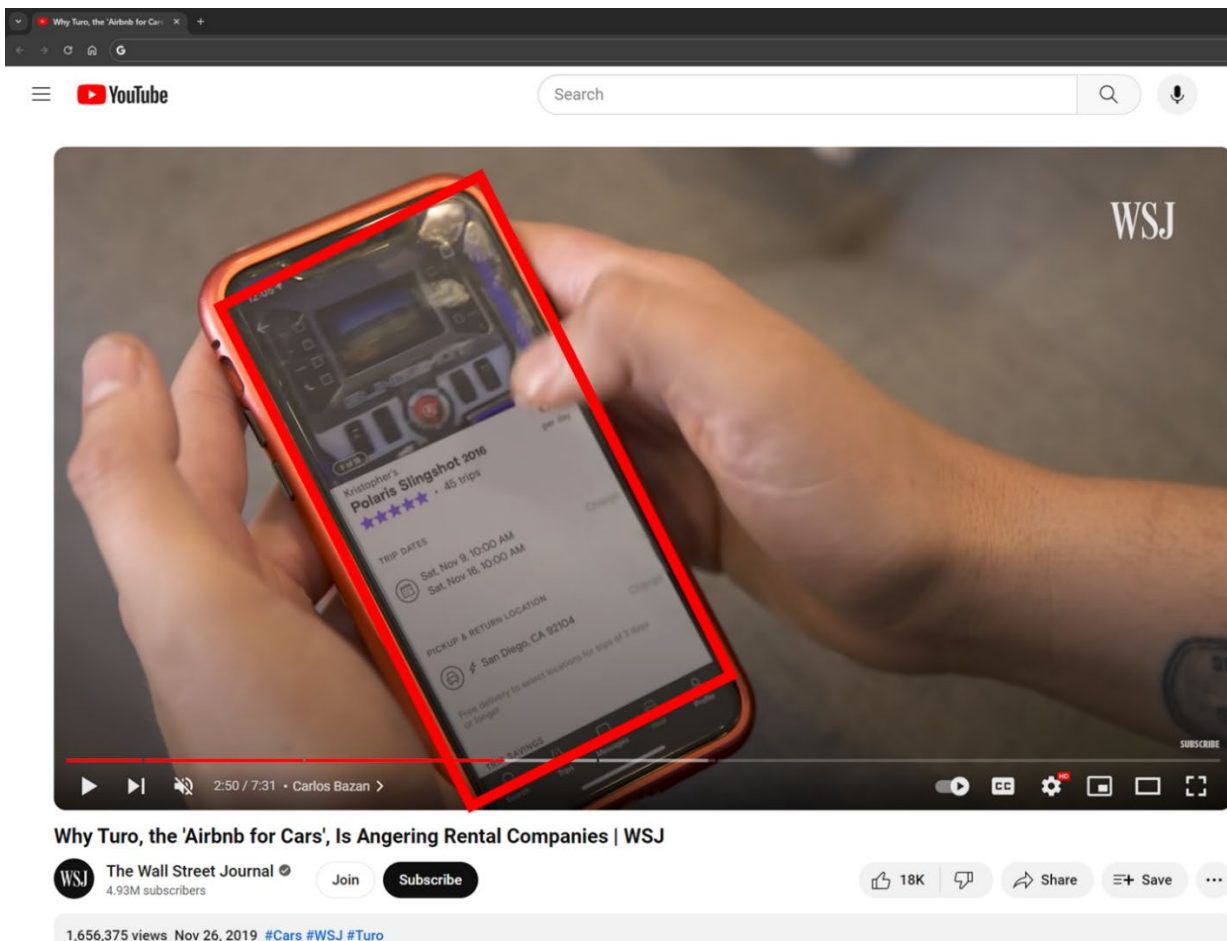
15 47. Turo uses a computer-based system for its Accused Instrumentality, to
16 enable users (submitters) to create personalized Vehicle Owner Profiles and share
17 multimedia content pertaining to Vehicle Rental Listings. The Vehicle Owner Profiles
18 include multimedia content including image and textual content (e.g., a submitter's profile
19 picture and an About Me section). The Vehicle Rental Listings include multimedia content
20 including image and textual content (e.g., a Listing Name, Listing Features such as price,
21 amenities and the like, and images of the vehicle offered) which may be shown to other
22 users based on, *inter alia*, user attributes. This system makes use of one or more data
23 processing apparatus, and a computer readable medium coupled to the one or more data
24 processing apparatus having instructions stored thereon which, when executed by the one
25 or more data processing apparatus, cause the one or more data processing apparatus to
26 perform an electronic method comprising the functions as further discussed below. Turo,
27 during the relevant time period, took advantage of multiple cloud server providers for the
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1 Accused Instrumentality, as discussed above, as well as scalability within its cloud server
 2 providers, employing separate server subsystems for all its meaningfully different
 3 functions. Turo uses and has used during the relevant time period, numerous different
 4 networks and providers for, *inter alia*, content management systems, web servers, web
 5 hosting, data centers, proxy certificates, SSL certificates, traffic analysis, advertising, and
 6 tagging, thereby using separate server subsystems for all its meaningfully different
 7 functions, such as those indicated below.

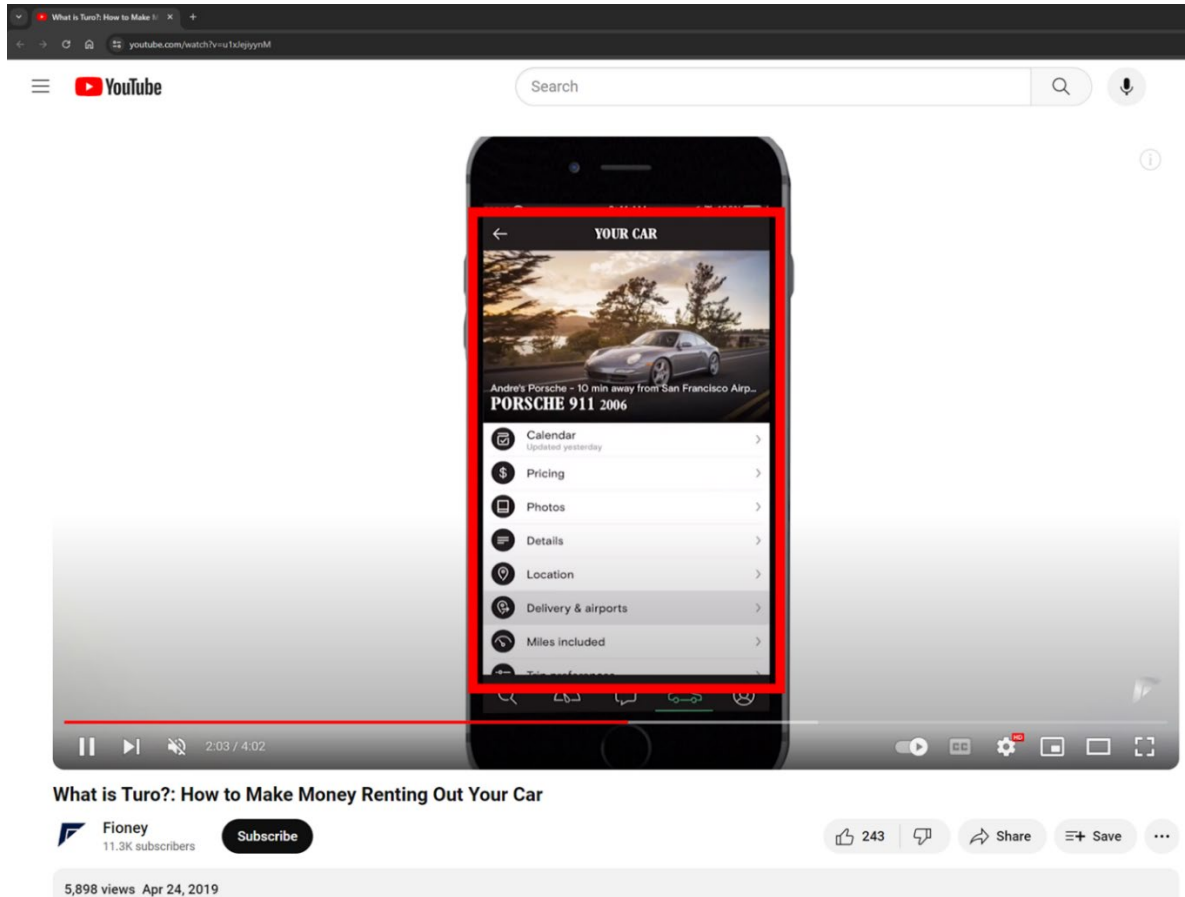


23 (E.g., <https://www.youtube.com/watch?v=swNgImx5Vwk>).

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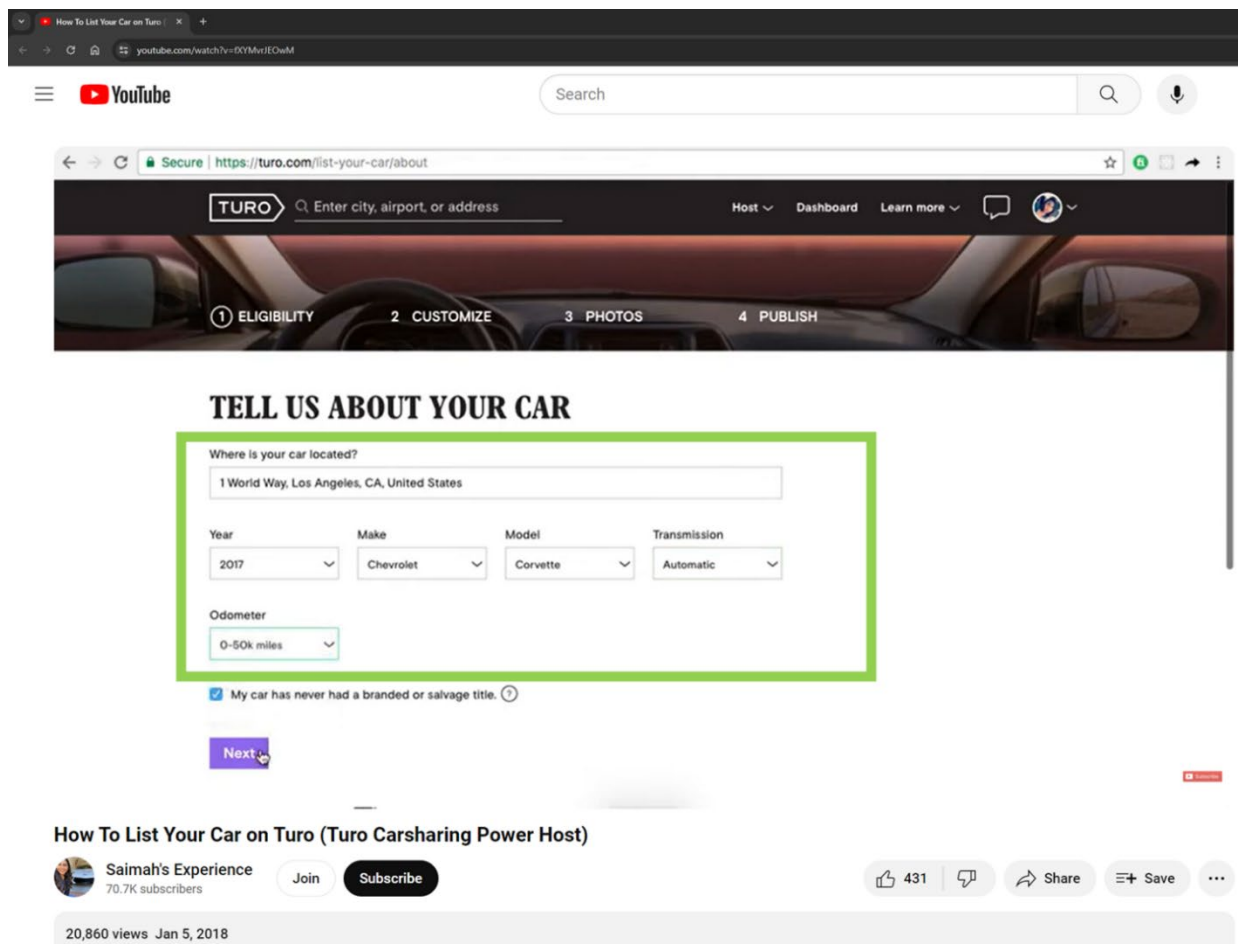
(E.g., <https://www.youtube.com/watch?v=swNgImx5Vwk>).



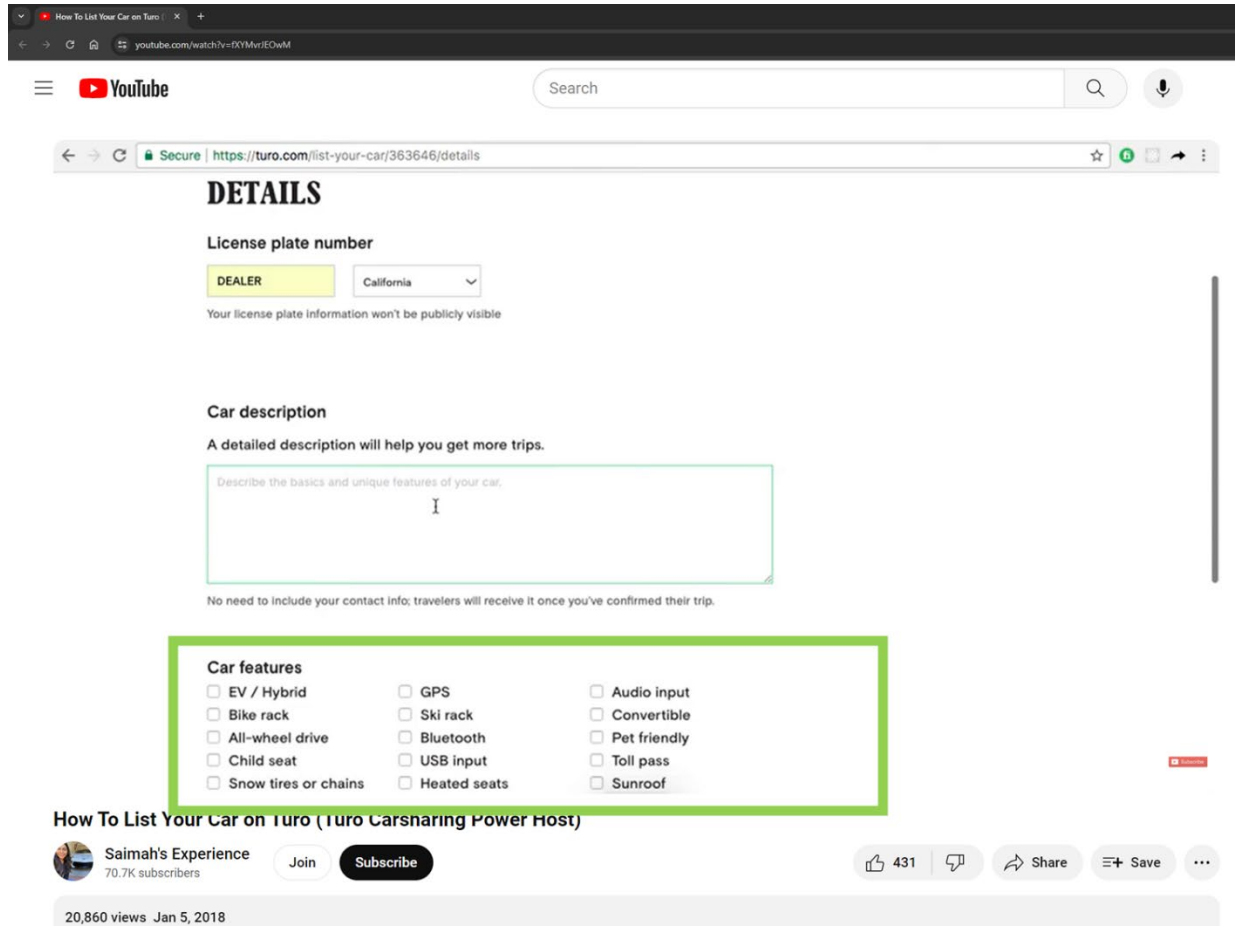
(E.g., <https://www.youtube.com/watch?v=u1xJejiyynM>).

48. 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 a personalized Vehicle Owner Profile on the Accused Instrumentality, as well as multimedia content pertaining to Vehicle Rental Listings (e.g., image content and textual content for a short-term or long-term listing). Individual Vehicle Owner-users can sign up and create Vehicle Rental Listings on Turo's Accused Instrumentality, which Vehicle Rental Listings are 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 Vehicle Rental Listing, which are stored on the user database, may include e.g., price, cars available to book instantly, mileage included in rental, vehicle features (bike rack, ski rack, convertible, etc.), vehicle type (car, SUV, minivan, etc.), vehicle make and model,

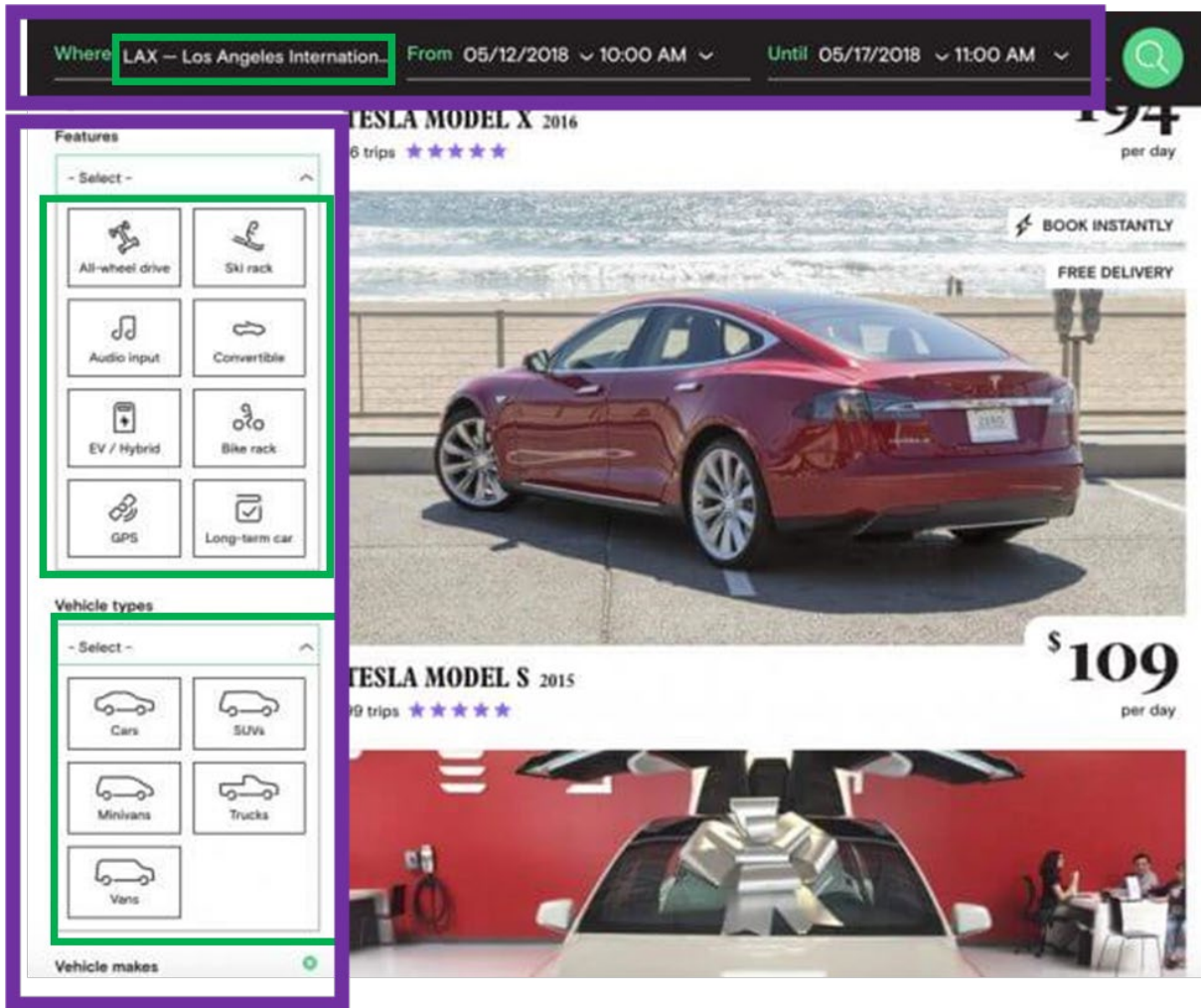
1 color, transmission and the like as shown in the examples below. The Accused
2 Instrumentality's retrieval of electronic media with associated photo content and textual
3 content associated with the Vehicle Rental Listings from the electronic media submissions
4 database uses an electronic content filter located on the one or more data processing
5 apparatus. As can be seen below, such electronic content filter as is used by Turo is based
6 at least in part on at least one of the one or more user attributes, (e.g., based on, *inter alia*,
7 price, cars available to book instantly, mileage included in rental, vehicle features (bike
8 rack, ski rack, convertible, etc.), vehicle type (car, SUV, minivan, etc.), vehicle make and
9 model, color, and transmission) which in turn affect which electronic media submissions,
10 e.g., Vehicle Rental Listings and associated media, appear to the user as shown and
11 discussed for example below. Turo uses function-specific subsystems, for example as
12 discussed below.



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



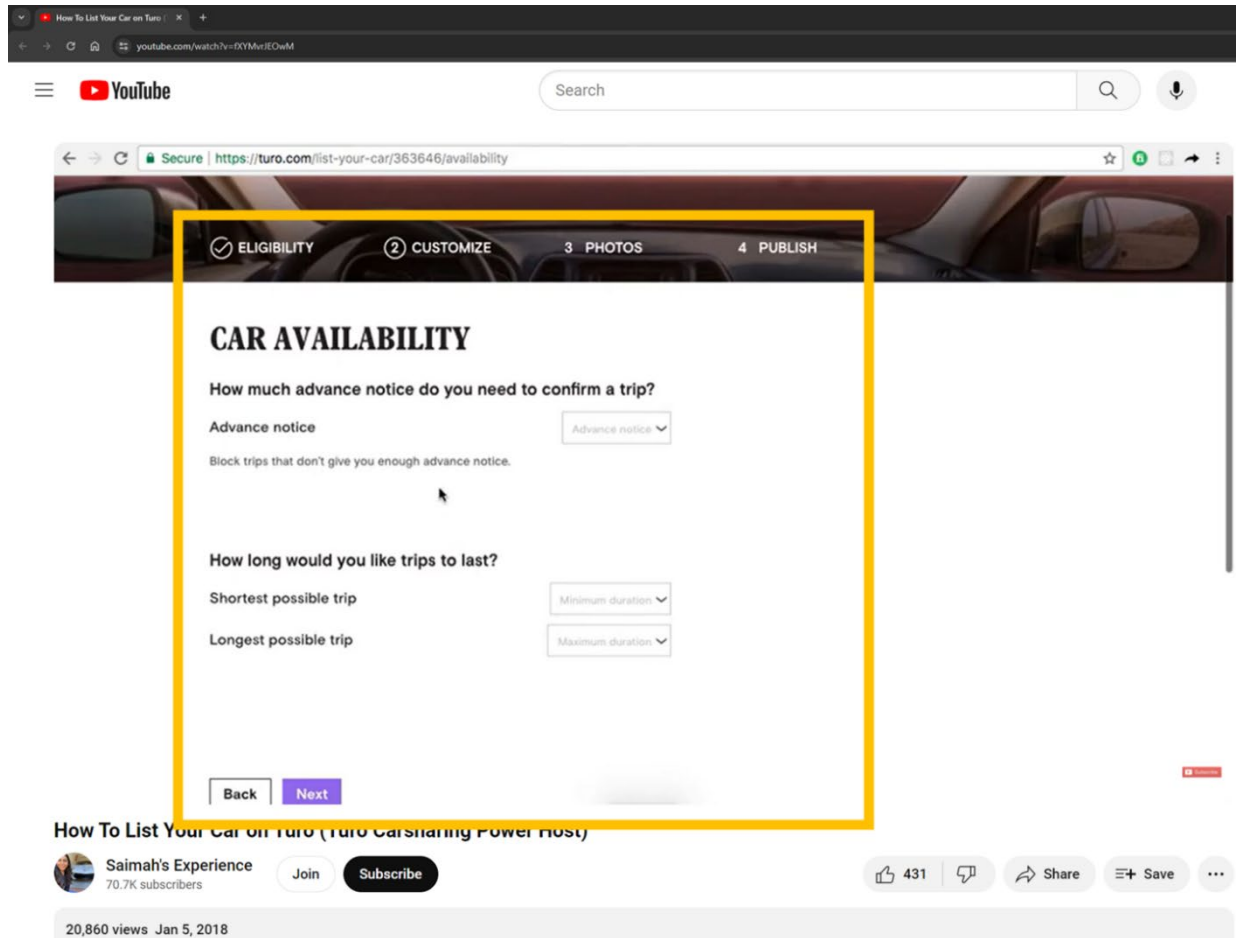
(E.g., <https://www.youtube.com/watch?v=fXYMvrJEOwM>).



(E.g., <https://millionmilesecrets.com/reviews/turo-car-rental-review/>).

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

1 a submissions electronic interface, *e.g.*, a web-based content portal, accessible for example
2 by logging in and selecting an option to upload such content or import content, configured
3 to receive such electronic media, from a plurality of submitters (*e.g.*, Vehicle
4 Owners/users) over a public network (*e.g.*, the Internet) and stored, via an uploading
5 process, in said electronic media submissions database for use in distribution to other users
6 of the Accused Instrumentality.



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

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How To List Your Car on Turo (Turo Carsharing Power Host)

Saimah's Experience
70.7K subscribers

431 likes

Share

Save

20,860 views Jan 5, 2018

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

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The screenshot shows a YouTube video player with a Turo website overlay. The Turo website has a navigation bar with 'TURO' and a search bar. Below the navigation bar, there are four steps: 1 ELIGIBILITY, 2 CUSTOMIZE, 3 PHOTOS, and 4 PUBLISH. The 'TELL US ABOUT YOUR CAR' form is highlighted with a yellow box. The form includes a location field with '1 World Way, Los Angeles, CA, United States', a year dropdown set to '2017', a make dropdown set to 'Chevrolet', a model dropdown set to 'Corvette', and a transmission dropdown set to 'Automatic'. There is also an odometer dropdown set to '0-50k miles' and a checkbox labeled 'My car has never had a branded or salvage title.' with a 'Next' button below it.

How To List Your Car on Turo (Turo Carsharing Power Host)

Saimah's Experience
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431 likes

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20,860 views Jan 5, 2018

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

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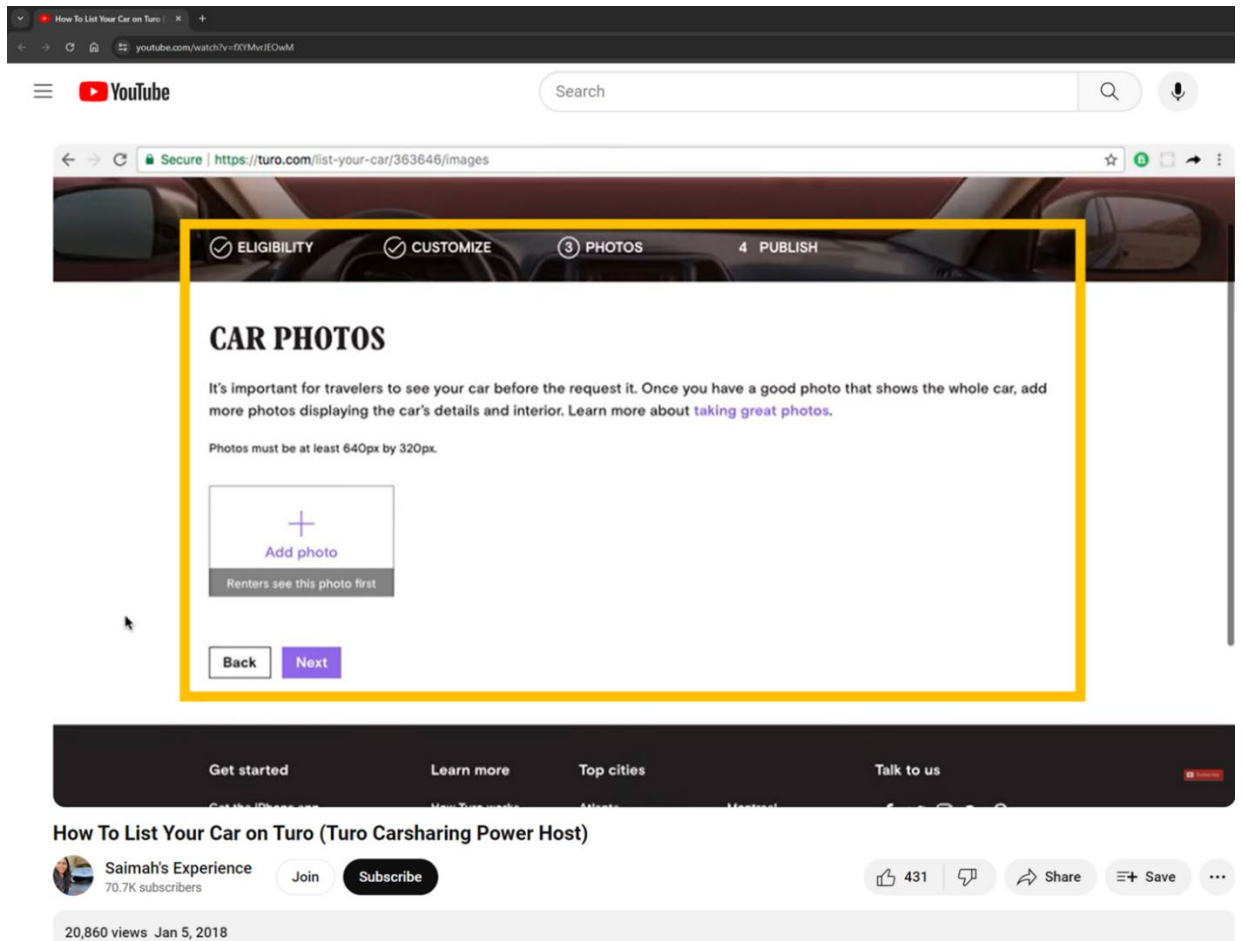
The screenshot shows a YouTube video player with a URL bar displaying <https://turo.com/list-your-car/363646/details>. The video content is a form titled "DETAILS" for listing a car on Turo. The form includes the following sections:

- License plate number:** A dropdown menu set to "DEALER" and a state dropdown set to "California". Below it, a note states: "Your license plate information won't be publicly visible".
- Car description:** A text area with the prompt "Describe the basics and unique features of your car." and a cursor. Below the text area, a note states: "No need to include your contact info; travelers will receive it once you've confirmed their trip."
- Car features:** A grid of checkboxes for various features:
 - EV / Hybrid
 - Bike rack
 - All-wheel drive
 - Child seat
 - Snow tires or chains
 - GPS
 - Ski rack
 - Bluetooth
 - USB input
 - Heated seats
 - Audio input
 - Convertible
 - Pet friendly
 - Toll pass
 - Sunroof

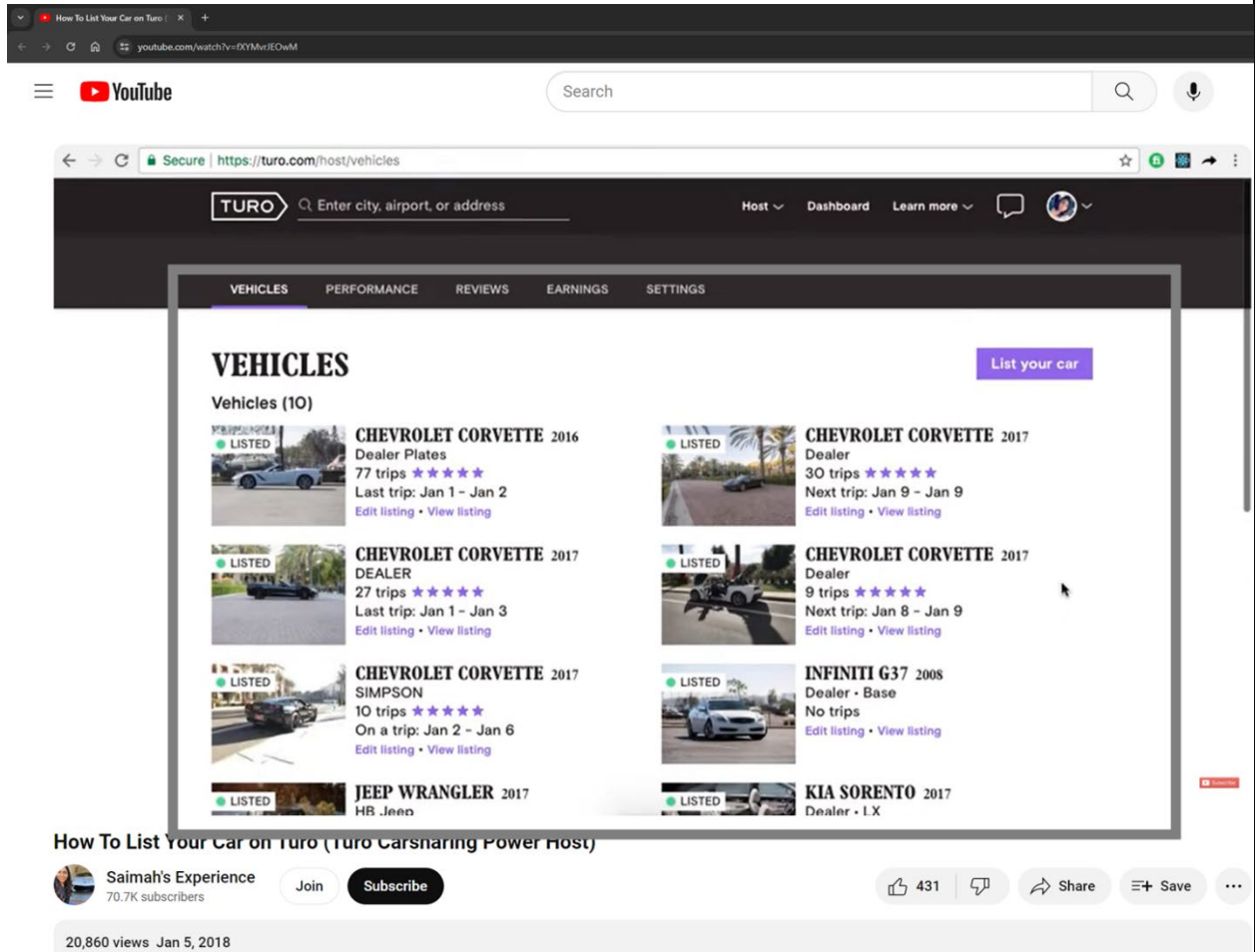
Below the form, the video title is "How To List Your Car on Turo (Turo Carsnaring Power Host)". The channel name is "Saimah's Experience" with 70.7K subscribers. The video has 431 likes, a share button, a save button, and a menu icon. The view count is 20,860 views, dated Jan 5, 2018.

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

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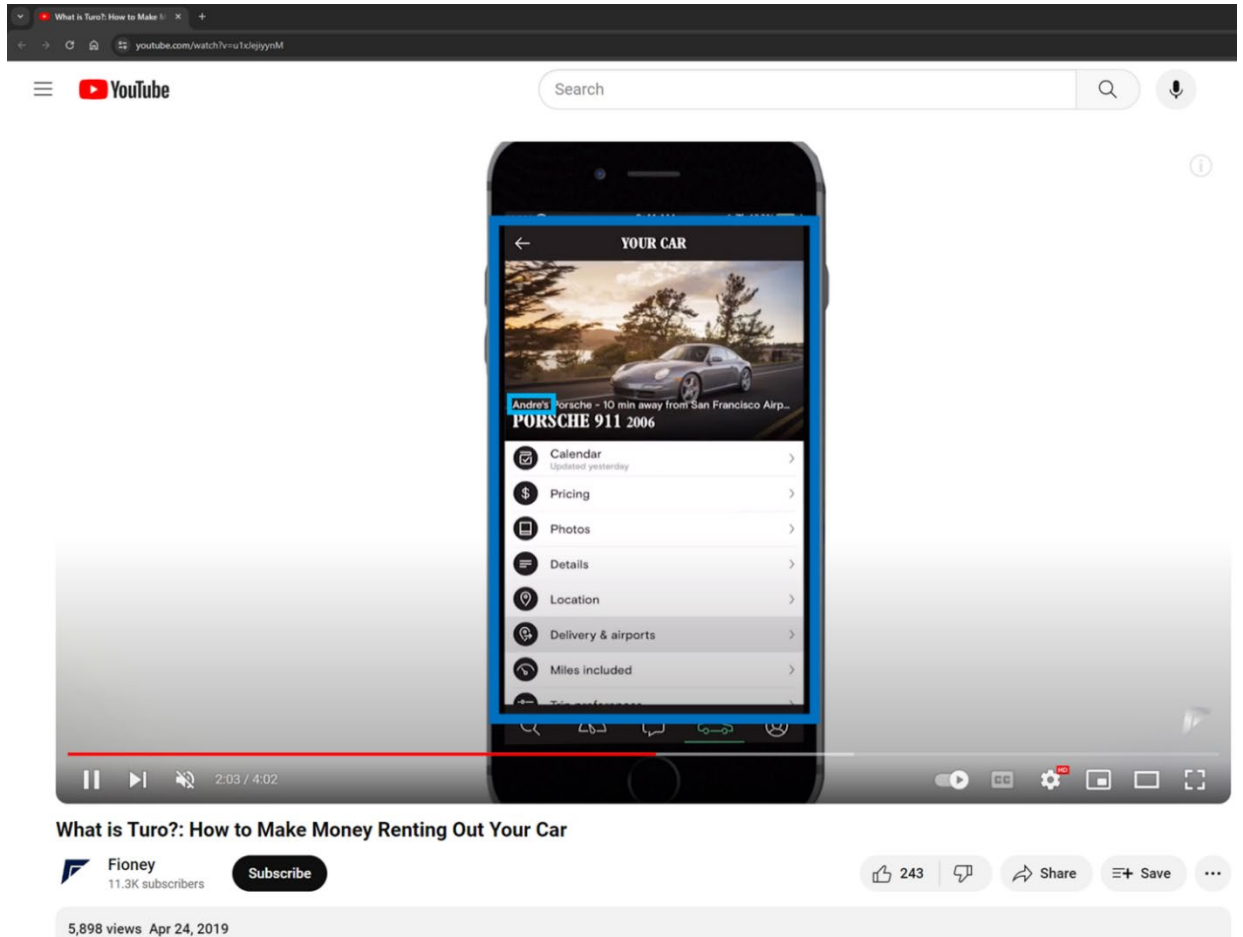
(E.g., <https://www.youtube.com/watch?v=fXYMvrJEOWM>).



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

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

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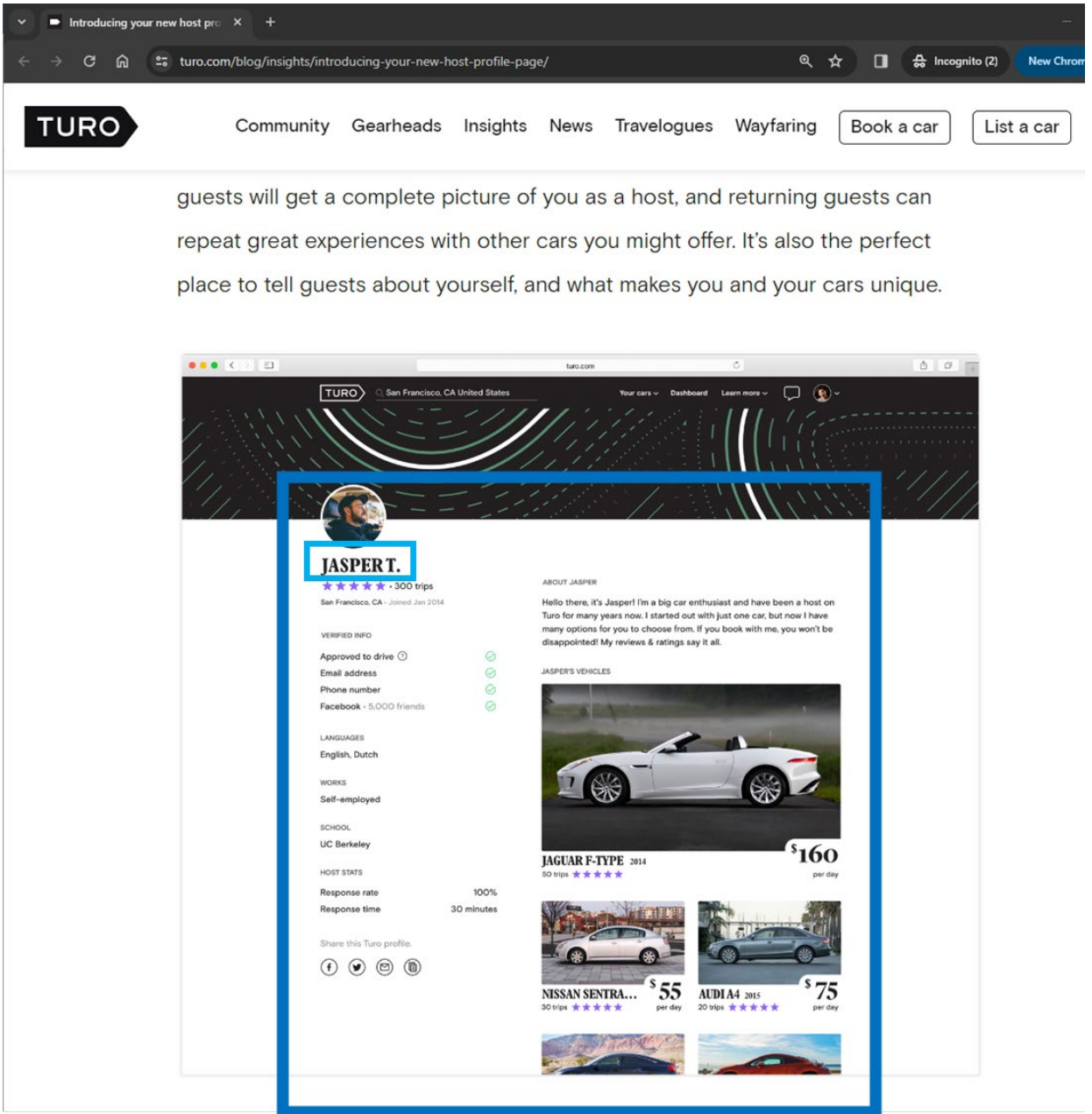


(E.g., <https://www.youtube.com/watch?v=u1xJejiyynM>).

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The screenshot shows a YouTube video player with a blue border around the video content. The video displays a webpage for a Turo listing of a 'Polaris Slingshot 2016'. The webpage shows a price of '\$97 per day', a 4.5-star rating, and a 'Book Now' button. The video player interface includes a search bar at the top, a play button, a progress bar at 2:08 / 7:31, and a video title 'Why Turo, the 'Airbnb for Cars', Is Angering Rental Companies | WSJ'. Below the video, there is a channel name 'The Wall Street Journal' with 4.93M subscribers, a 'Subscribe' button, and engagement metrics: 18K likes, 1 comment, and 1,656,375 views from Nov 26, 2019. The video description includes the text '#Cars #WSJ #Turo'.

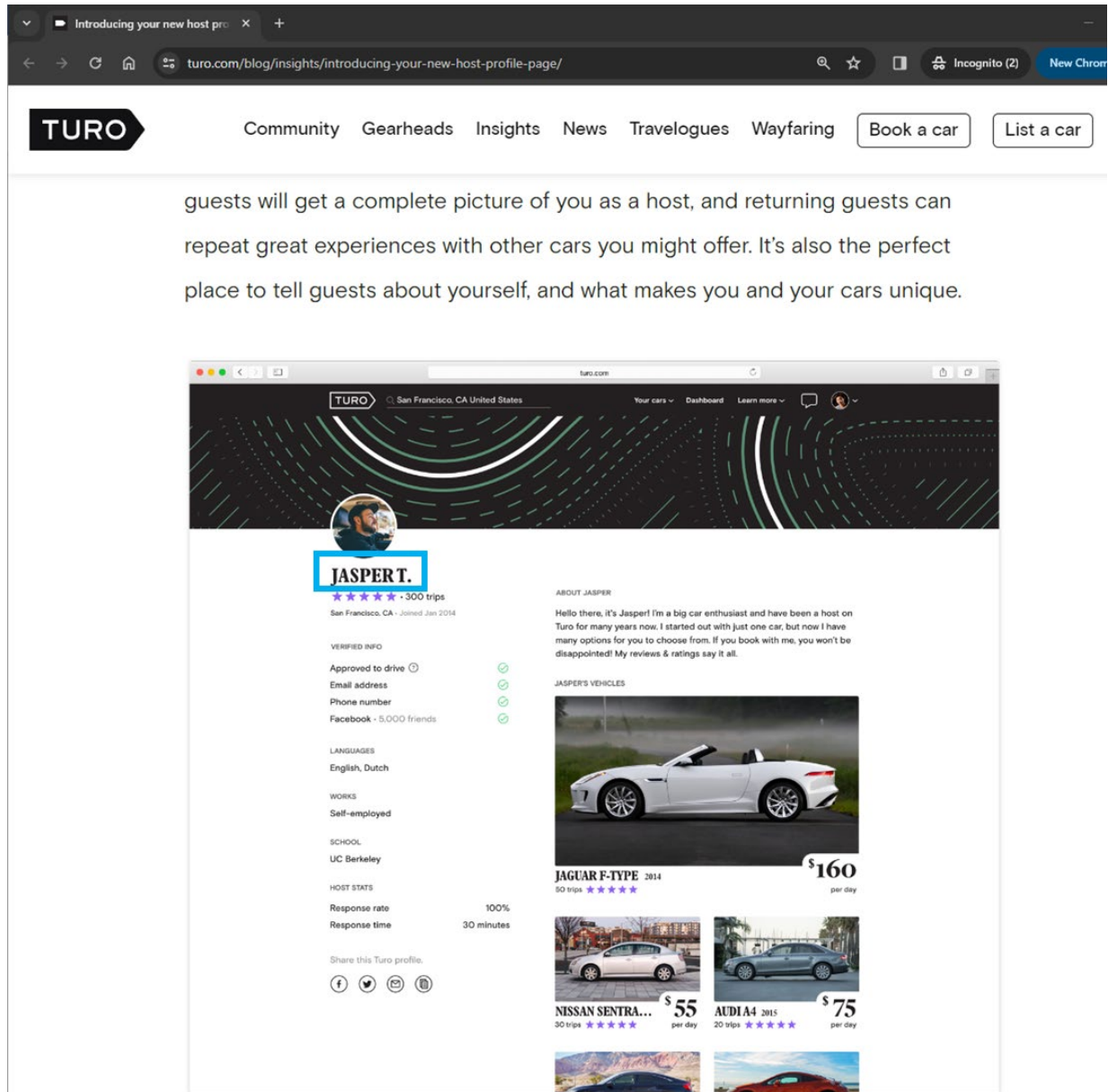
(E.g., <https://www.youtube.com/watch?v=swNgImx5Vwk>).



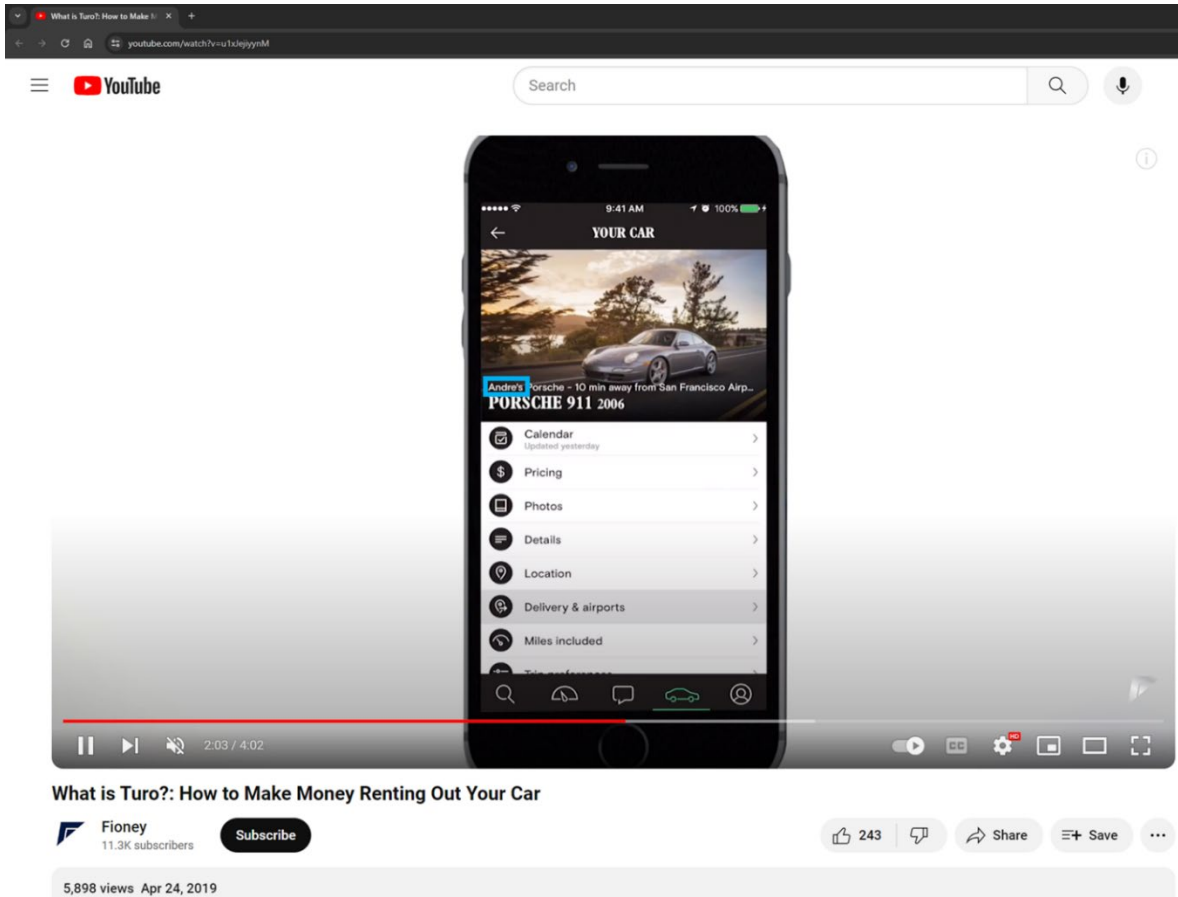
(E.g., <https://turo.com/blog/insights/introducing-your-new-host-profile-page/>).

51. 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 computer or smart phone incorporating one or more browsers or apps), and the identification of the submitter is maintained with each retrieved

1 submission within the multimedia file. As shown below, data identifying the user
 2 (submitter) includes *e.g.*, a name identifying the user.



23 (*E.g.*, <https://turo.com/blog/insights/introducing-your-new-host-profile-page/>).



(E.g., <https://www.youtube.com/watch?v=u1xJejiyynM>).

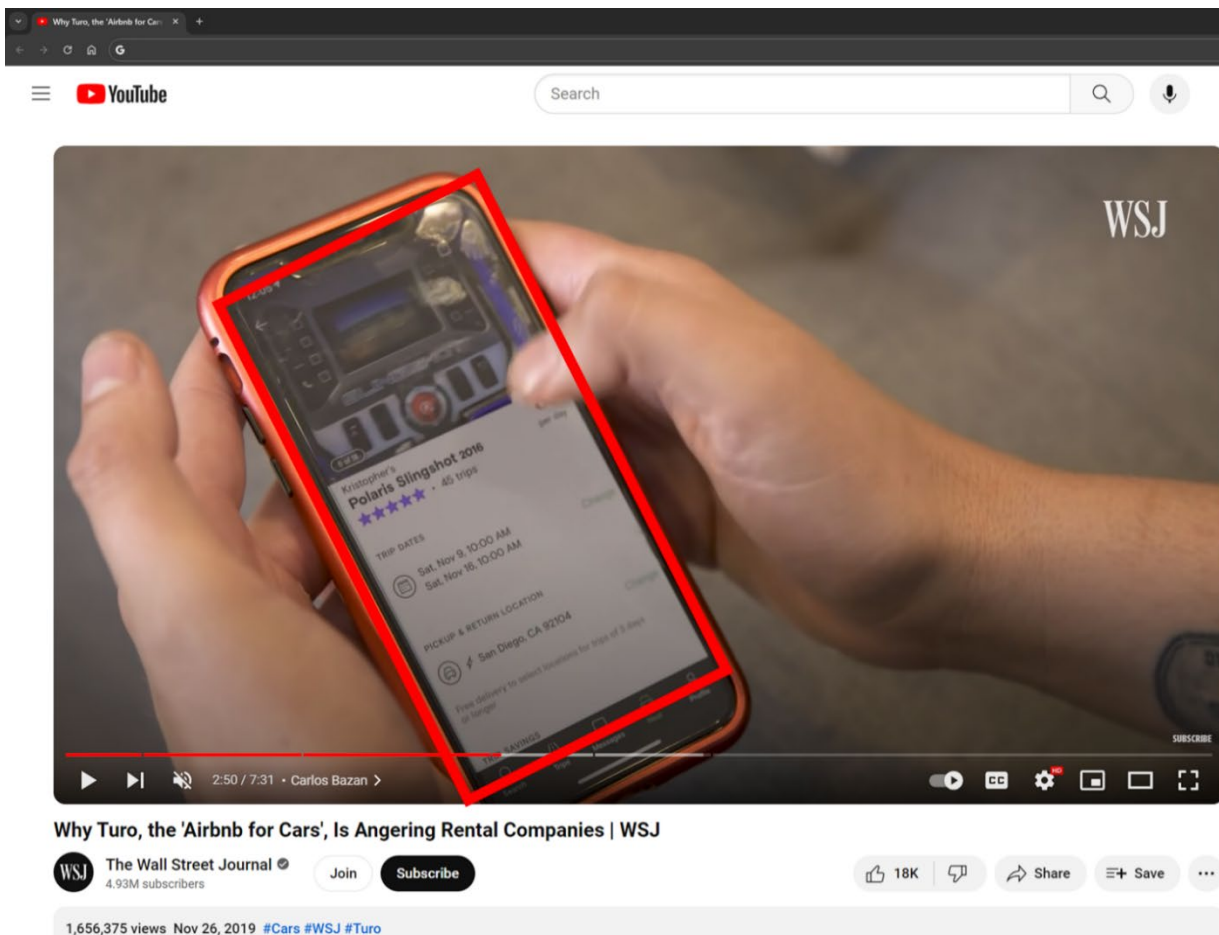
52. The Accused Instrumentality, in order to distribute its multimedia file to a geographically distributed userbase, electronically transmits the multimedia file to a plurality of publicly accessible webservers, so as to make electronically available multimedia profiles and/or Vehicle Rental Listings,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

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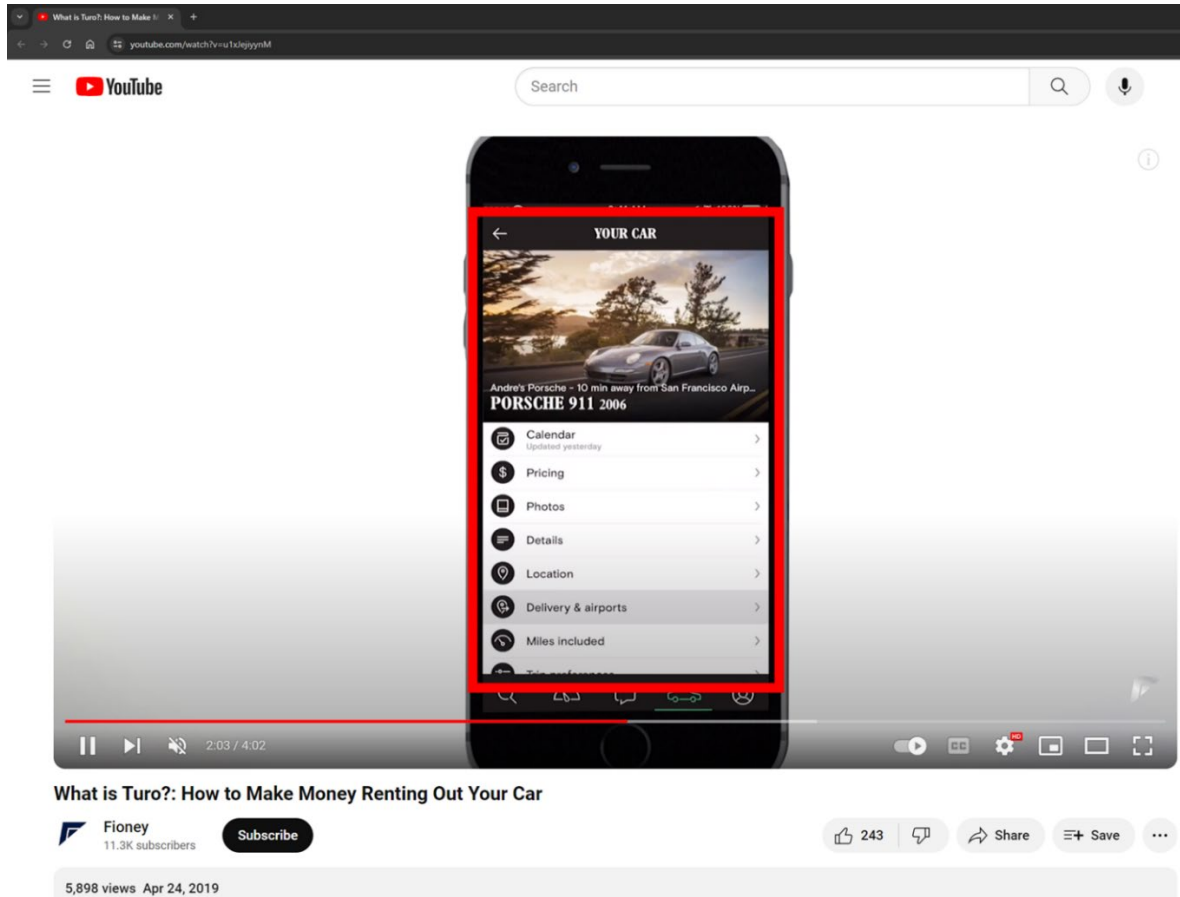
The screenshot shows a YouTube video player interface. The video title is "Why Turo, the 'Airbnb for Cars', Is Angering Rental Companies | WSJ". The video player shows a red box highlighting a portion of the webpage content, which includes a car listing for a "Polaris Slingshot 2016". The listing shows a price of \$97 per day, 40 MPG, and 2 seats. The listing is hosted by Kristopher. The video player also shows the WSJ logo, a search bar, and a subscribe button. The video player shows a progress bar at 2:08 / 7:31. The video player shows a play button, a volume icon, a full screen icon, and a share icon. The video player shows a like button with 18K likes, a comment icon, a share icon, a save icon, and a more options icon. The video player shows 1,656,375 views, Nov 26, 2019, #Cars #WSJ #Turo.

(E.g., <https://www.youtube.com/watch?v=swNgImx5Vwk>).

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(E.g., <https://www.youtube.com/watch?v=swNgImx5Vwk>).



(E.g., <https://www.youtube.com/watch?v=u1xJejiyynM>).

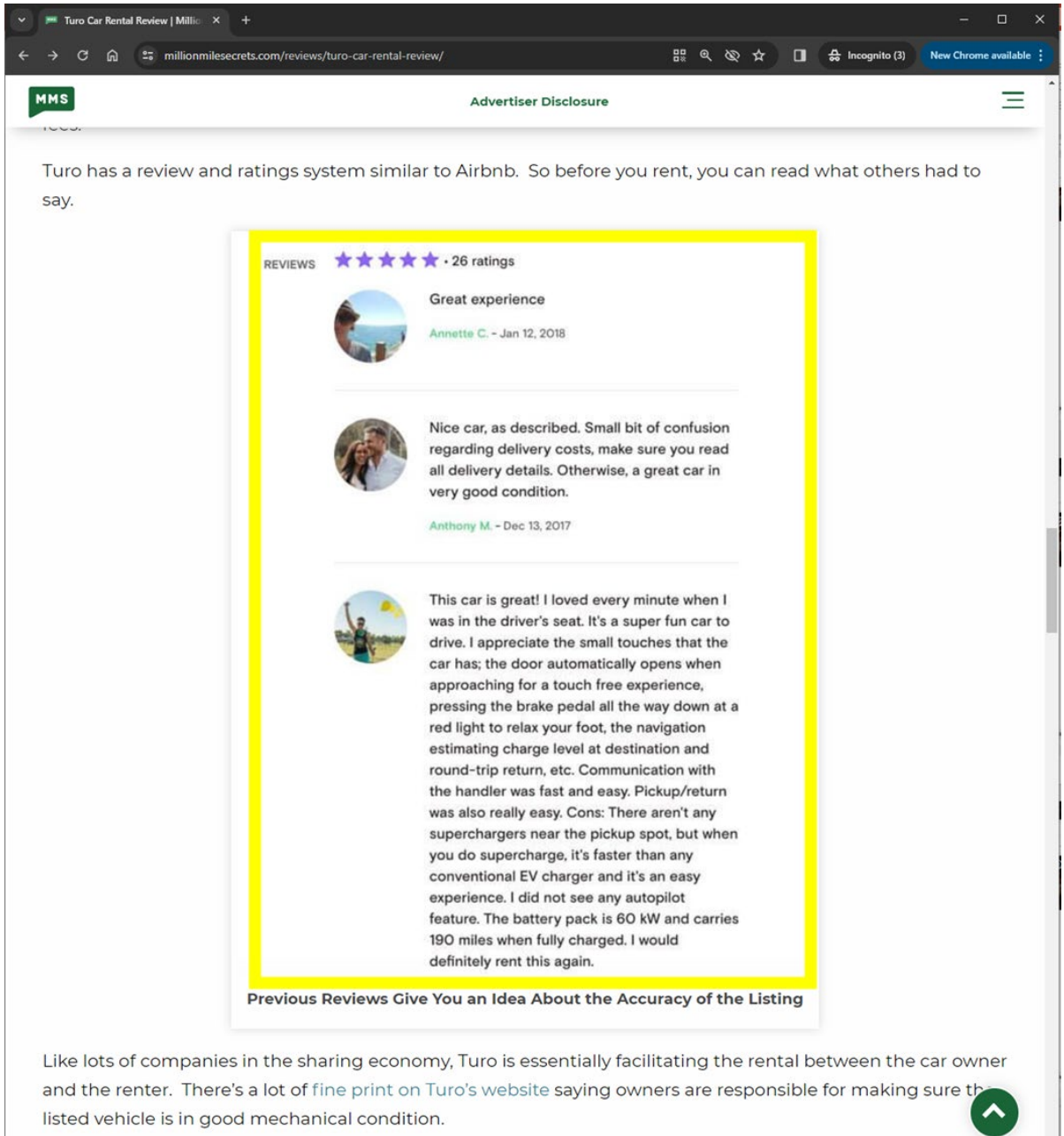
53. The Accused Instrumentality employs a web-based graphical user interface enabling its users to electronically access an electronic voting subsystem, enabling tracking of voting or electronic rating, configured to enable a user to electronically transmit data indicating a vote for or rating of (e.g., 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 Vehicle Rental Listing provided by a submitter, with accompanying photo and/or textual content). Turo uses function-specific subsystems, for example as discussed below.

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The screenshot shows a YouTube video player with a red border around the main content area. The video is titled "Why Turo, the 'Airbnb for Cars', Is Angering Rental Companies | WSJ". The main content of the video is a screenshot of a Turo car rental listing for a "Polaris Slingshot 2016". The listing shows a star rating of 4.9 (highlighted in yellow), a price of \$97 per day, and is listed by Christopher B. The video player interface includes a search bar at the top, a play button, and a progress bar at the bottom. The video has 1,656,375 views and was uploaded on Nov 26, 2019.

(E.g., <https://www.youtube.com/watch?v=swNgImx5Vwk>).

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(E.g., <https://millionmilesecrets.com/reviews/turo-car-rental-review/>).

54. 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.

1 55. To the extent marking is required, VCA has complied with all marking
2 requirements.

3 **V. JURY DEMAND**

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

6 **VI. PRAYER FOR RELIEF**

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

9 a. Judgment that one or more claims of United States Patent No. 9,501,480
10 have been infringed, either literally and/or under the doctrine of equivalents, by
11 Defendant;

12 b. Judgment that one or more claims of United States Patent No. 9,477,665
13 have been infringed, either literally and/or under the doctrine of equivalents, by
14 Defendant;

15 c. Judgment that Defendant account for and pay to Plaintiff all damages and
16 costs incurred by Plaintiff because of Defendant's infringing activities and other conduct
17 complained of herein, and an accounting of all infringements and damages not presented
18 at trial;

19 d. That Plaintiff be granted pre-judgment and post-judgment interest on the
20 damages caused by Defendant's infringing activities and other conduct complained of
21 herein; and

22 e. That Plaintiff be granted such other and further relief as the Court may
23 deem just and proper under the circumstances.

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1 June 27, 2024

MESSNER REEVES LLP

2 Of Counsel:

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4 (*pro hac vice* forthcoming)

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