

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

VIRTUAL CREATIVE ARTISTS, LLC,

Plaintiff,

v.

BARON APP, INC.,

Defendant.

C.A. No. 1:24-cv-08394

JURY TRIAL DEMANDED

PATENT CASE

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Virtual Creative Artists, LLC files this Original Complaint for Patent Infringement against Baron App, 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 Baron App, Inc. (“Cameo” or “Defendant”) is a limited liability company organized and existing under the laws of Delaware. Defendant has a place of business at 320 N. Elizabeth St, 1st Floor, Chicago, IL 60607. Defendant has a registered agent at C T Corporation System, 208 So LaSalle St, Suite 814, Chicago, IL 60604.

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 Illinois Long-Arm Statute, due at least to its

business in this forum, including at least a portion of the infringements alleged herein at 320 N. Elizabeth St, 1st Floor, Chicago, IL 60607.

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 Illinois. 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 Illinois. 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 Illinois. Defendant has committed such purposeful acts and/or transactions in Illinois 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 a businesses address in this District at 320 N. Elizabeth St, 1st Floor, Chicago, IL 60607. 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.

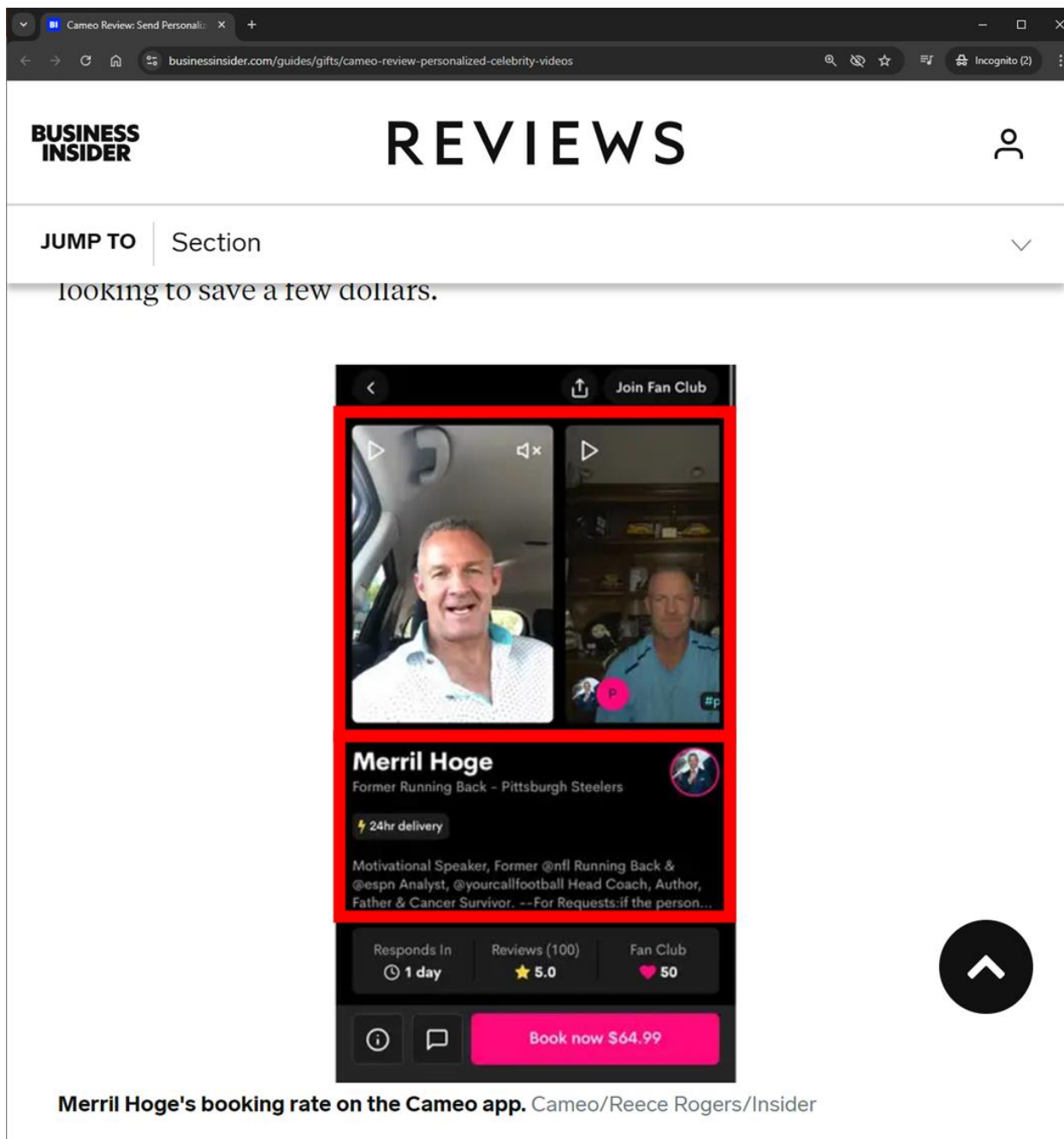
20. Furthermore, the very particular and specifically configured “electronic media creator subsystem” not only provides a detailed and unique physical structure and interrelationship with other claimed components, but also includes a very specific configuration that is not conventional or routine. The 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.”

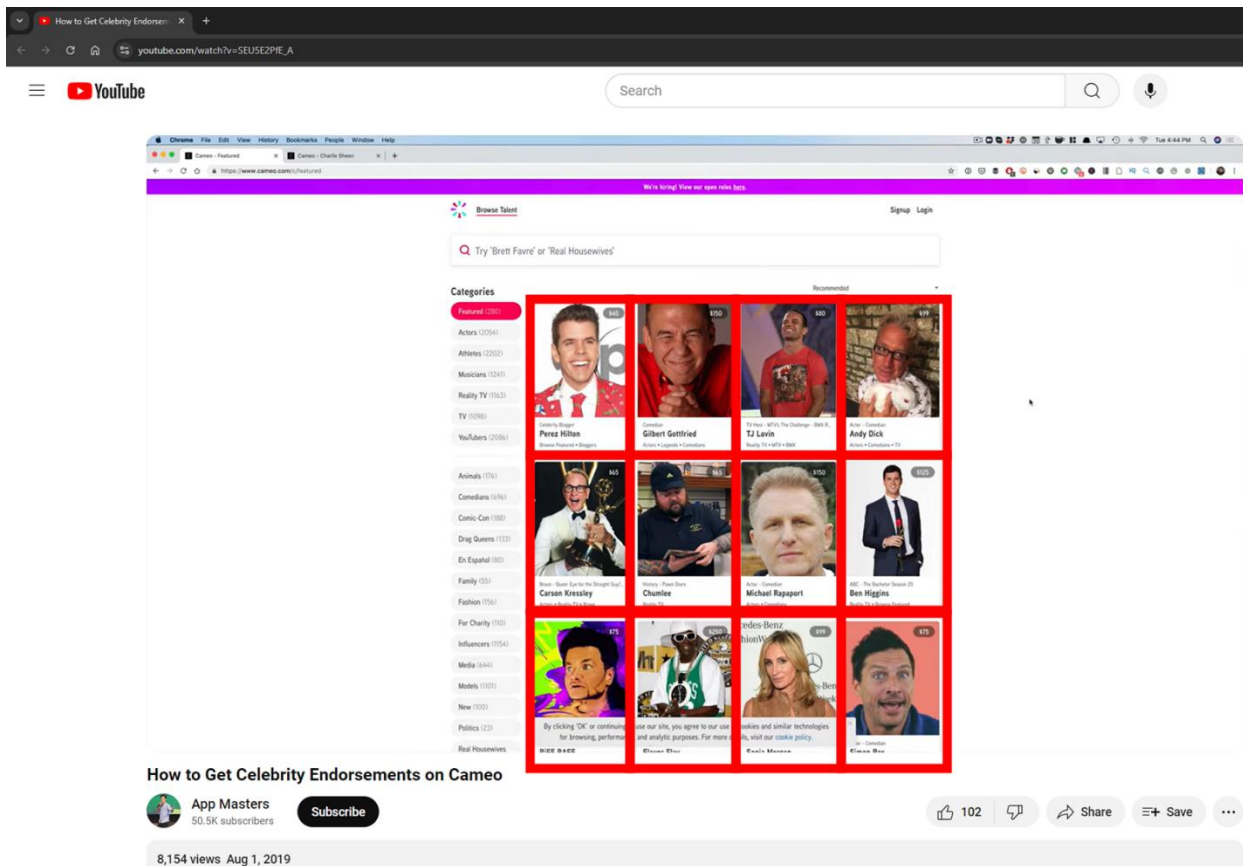
21. These arguments overcame a patent eligibility rejection under 35 U.S.C. §101 of the claim at issue during the prosecution of the ‘480 patent before the United States Patents and Trademark Office.

22. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing claim 1 of the ‘480 Patent in Illinois, and elsewhere in the United States, by employing a computer-based system using <https://www.cameo.com/> (“Accused Instrumentality”) (e.g., <https://www.cameo.com/>). Cameo uses a computer-based system for its Accused Instrumentality to enable user-celebrities to create personalized Celebrity profiles containing multimedia content and publish multimedia content in the form of image content, video content and textual content. Celebrity profiles may showcase information about the celebrity and prior cameo videos of the celebrity, each of which include multimedia content in the form of image content, video content and textual content. Celebrity profiles containing multimedia content may be shown to other users based on, *inter alia*, user preferences and attributes of the user-celebrity or the services offered. Cameo, during the relevant time period, took advantage of multiple cloud server providers for Accused Instrumentality, as discussed above, as well as scalability within its cloud server providers, employing separate server subsystems for all its meaningfully different functions. Cameo 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, 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.businessinsider.com/guides/gifts/cameo-review-personalized-celebrity-videos>).



(E.g., https://www.youtube.com/watch?v=SEU5E2Pfe_A).

How to get a personal video message from CELEBRITIES! | Cameo App Review

Apps Every Day
1.96K subscribers

Subscribe

342 Likes Comments Share Save

22,887 views May 5, 2020

(E.g., <https://www.youtube.com/watch?v=fqAGFqA-1p4>).

The image is a screenshot of a YouTube video player. The video title is "How to get a personal video message from CELEBRITIES! | Cameo App Review". The video content shows a man in a dark shirt looking at his phone. An inset video shows a close-up of Chuck Norris with a wide, open-mouthed smile. The inset video has a red border and displays the following information: "9:39" in the top left corner, a back arrow icon, a share icon, and a book icon. Below the video, the name "Chuck Norris" is displayed, followed by "Actor" and a pink button that says "Book \$349.99". Below this, there are 5 stars, "3 reviews", and "5.0" rating. To the right, it says "22 hours" and "Response time". Underneath, the "Categories" section lists "Actors", "Athletes", and "Featured". The main video player shows the video progress bar at the bottom. Below the video, the channel name "Apps Every Day" is shown with "1.96K subscribers" and a "Subscribe" button. To the right of the channel name are icons for "Like" (342), "Comment", "Share", "Save", and a menu icon. At the bottom left of the video player area, it says "22,887 views May 5, 2020".

(E.g., <https://www.youtube.com/watch?v=fqAGFqA-1p4>).

How to get a personal video message from CELEBRITIES! | Cameo App Review

Apps Every Day
1.96K subscribers

Subscribe

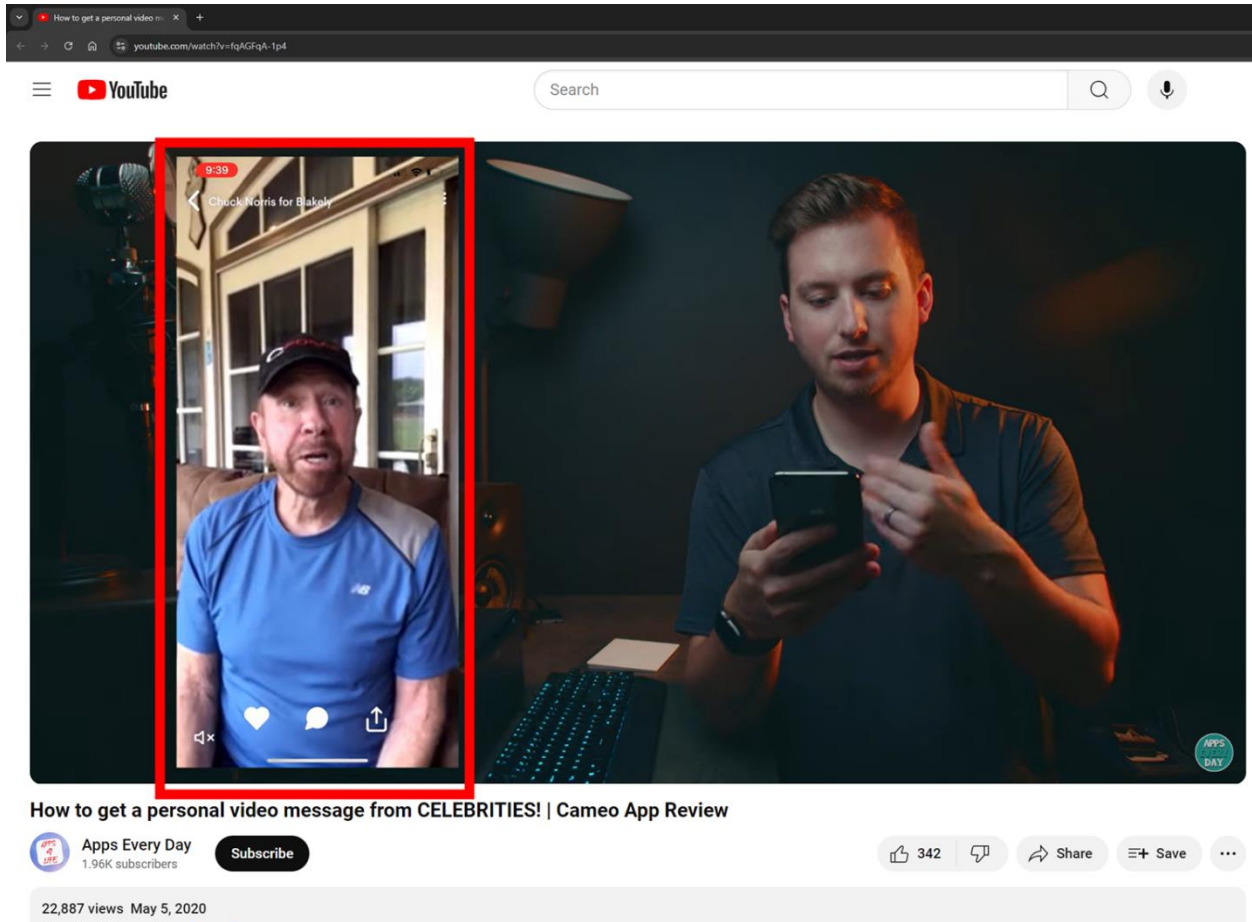
342

Share

Save

22,887 views May 5, 2020

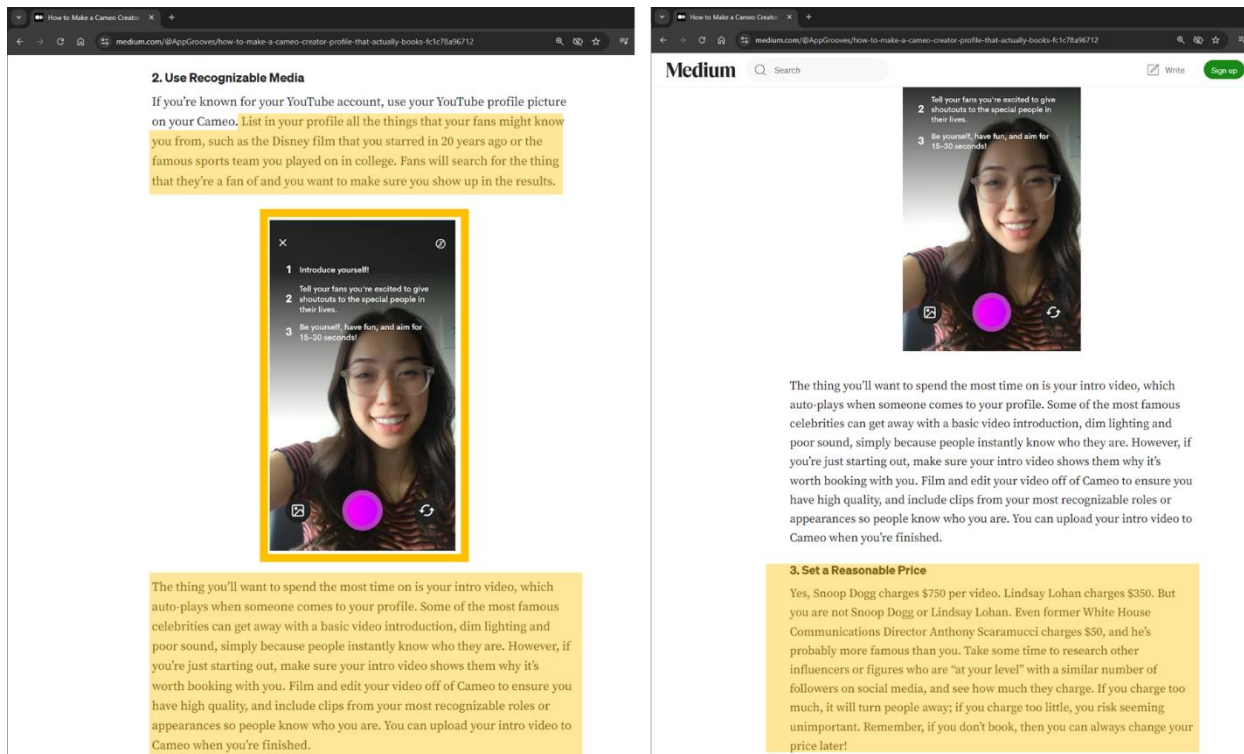
(E.g., <https://www.youtube.com/watch?v=fqAGFqA-1p4>).



(E.g., <https://www.youtube.com/watch?v=fqAGFqA-1p4>).

23. The Accused Instrumentality includes an electronic media submissions server subsystem, having one or more data processing apparatus and an electronic media submissions database stored on a non-transitory medium in order to process and store received submissions from a plurality of users (such as user-celebrities), for example content pertaining to respective celebrity profiles submitted by users on Accused Instrumentality, as discussed and shown for example in connection with the above discussion. For example, the submissions pertaining to creating a celebrity profile may include, *e.g.*, photo, video and/or textual content. Individual users may also submit a request for a celebrity to create a cameo video. The submissions are provided to Accused Instrumentality via a submissions electronic interface, *e.g.*, a web-based content portal,

accessible for example by logging in and selecting options to upload such content or import content, configured to receive such electronic media, from a plurality of submitters over a public network (e.g., the Internet) and stored, via an uploading process, in said electronic media submissions database for use in distribution to other users of Accused Instrumentality.



(E.g., <https://medium.com/@AppGrooves/how-to-make-a-cameo-creator-profile-that-actually-books-fc1c78a96712>).

Apply to join Cameo

If you have fans and want to join Cameo as talent, you can enroll here and we'll be in touch.

Your name
Michael Jordan

Email
you@example.com

Phone number (never shared)
555-555-5555

Where can we find you?
Twitter

Your handle
@jimmybuffet

How many followers do you have?
400k

SUBMIT

Join our Mailing List
Subscribe for updates on new talent and features
yournamehere@cameo.com

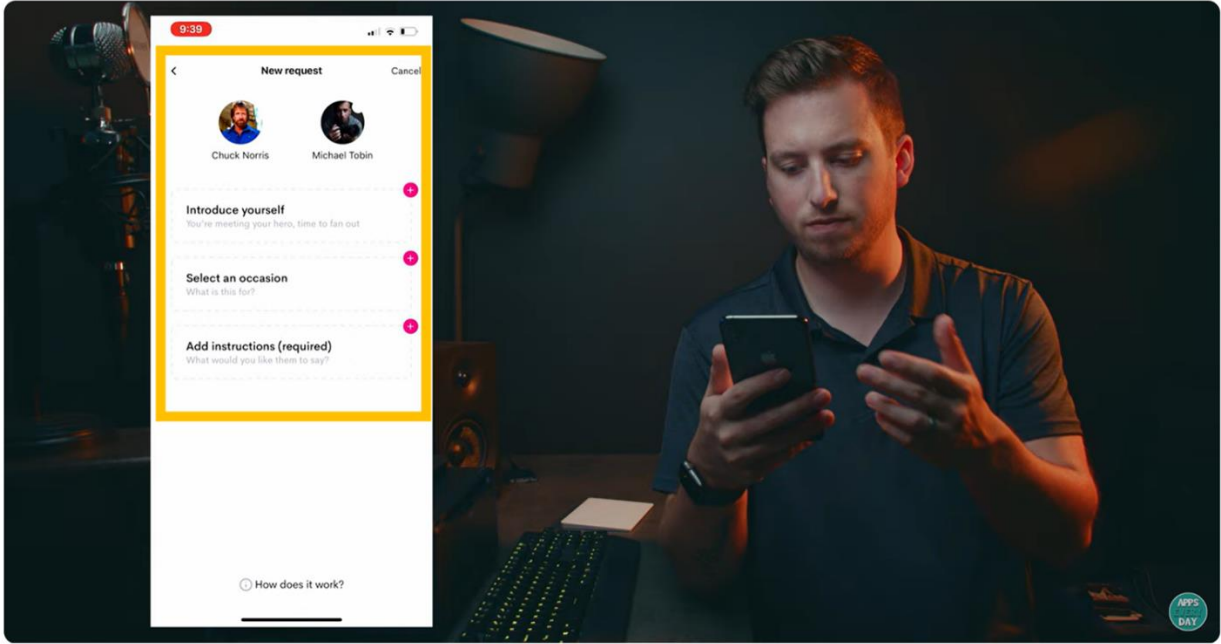
ENROLL AS TALENT

Jobs Faq Privacy Terms Team Merch Accessibility Press Help

© 2017-2019, Baron App, Inc. dba Cameo

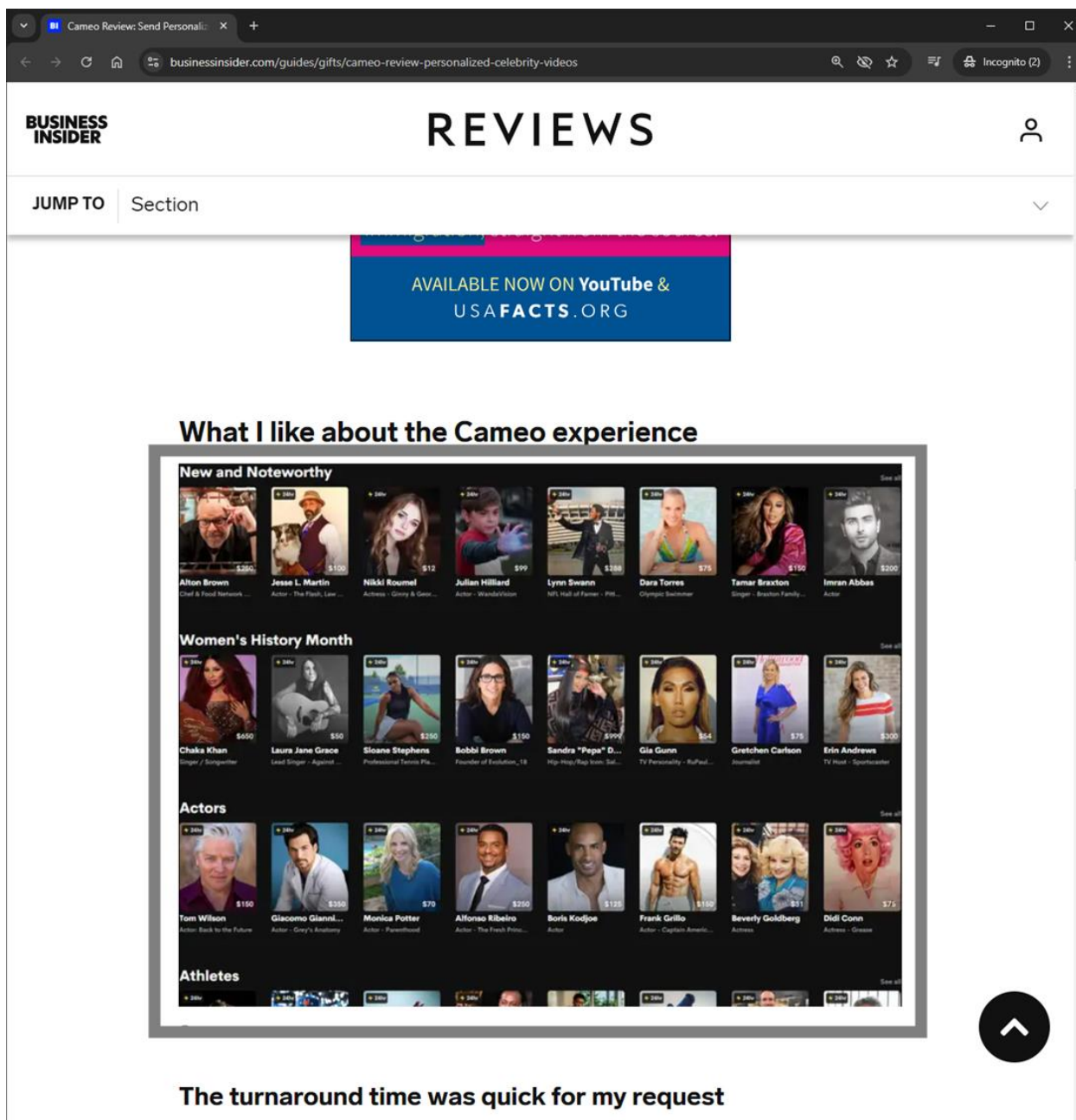
By clicking 'OK' or using our site you accept cookies and similar technologies for performance, analytics, and other purposes. See our Privacy Policy

(E.g., <https://web.archive.org/web/20191220124849/https://www.cameo.com/enroll>).



The screenshot shows a YouTube video player. The video content is a man in a dark polo shirt looking at his smartphone. Overlaid on the left side of the video is a mobile app interface for 'Cameo'. The app screen is titled 'New request' and has a yellow border. It shows two celebrity profiles: 'Chuck Norris' and 'Michael Tobin'. Below the profiles are three sections for creating a request: 'Introduce yourself' (with the text 'You're meeting your hero, time to fan out'), 'Select an occasion' (with the text 'What is this for?'), and 'Add instructions (required)' (with the text 'What would you like them to say?'). At the bottom of the app screen is a link that says 'How does it work?'. The video player interface includes a search bar at the top, a video title 'How to get a personal video message from CELEBRITIES! | Cameo App Review', a channel name 'Apps Every Day' with 1.96K subscribers and a 'Subscribe' button, and engagement icons for likes (342), comments, share, save, and a menu icon. The video has 22,887 views and was posted on May 5, 2020.

(E.g., <https://www.youtube.com/watch?v=fqAGFqA-1p4>).

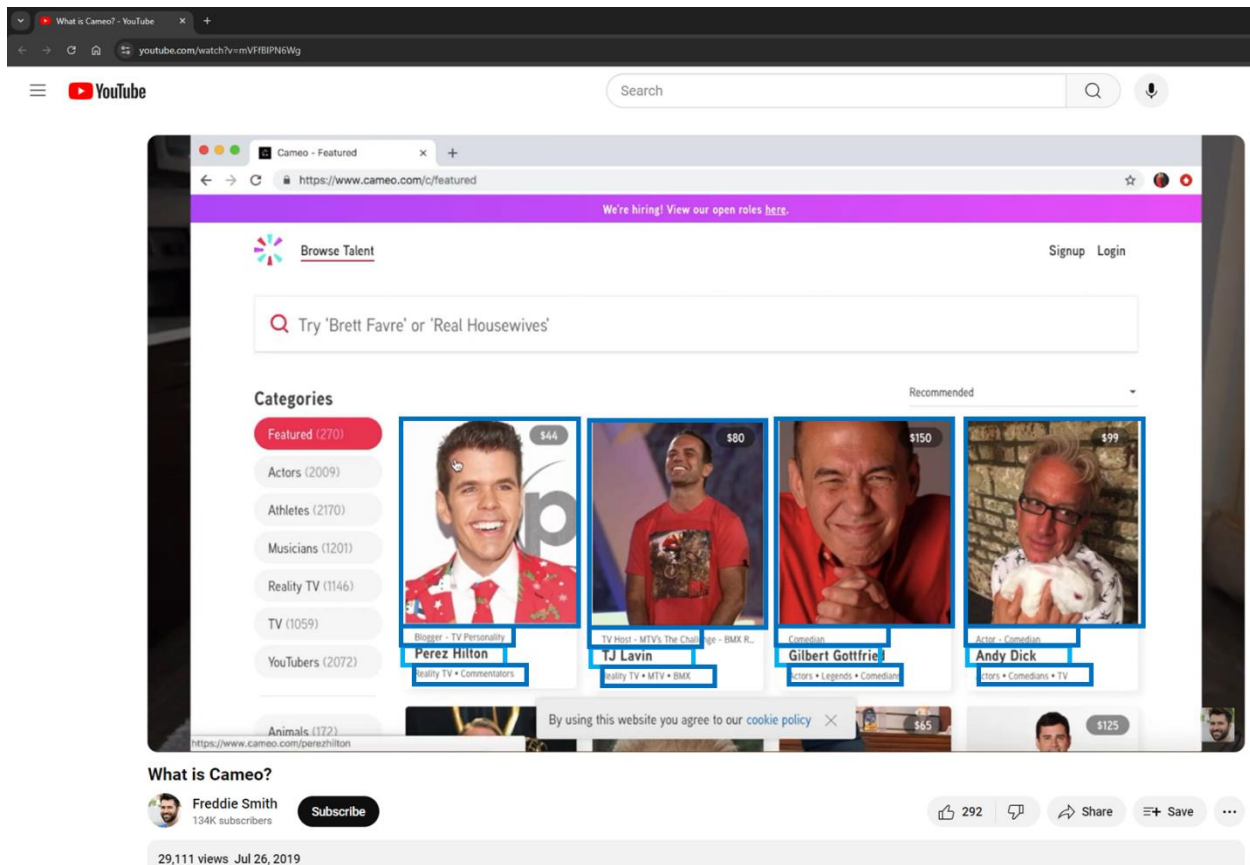


The turnaround time was quick for my request

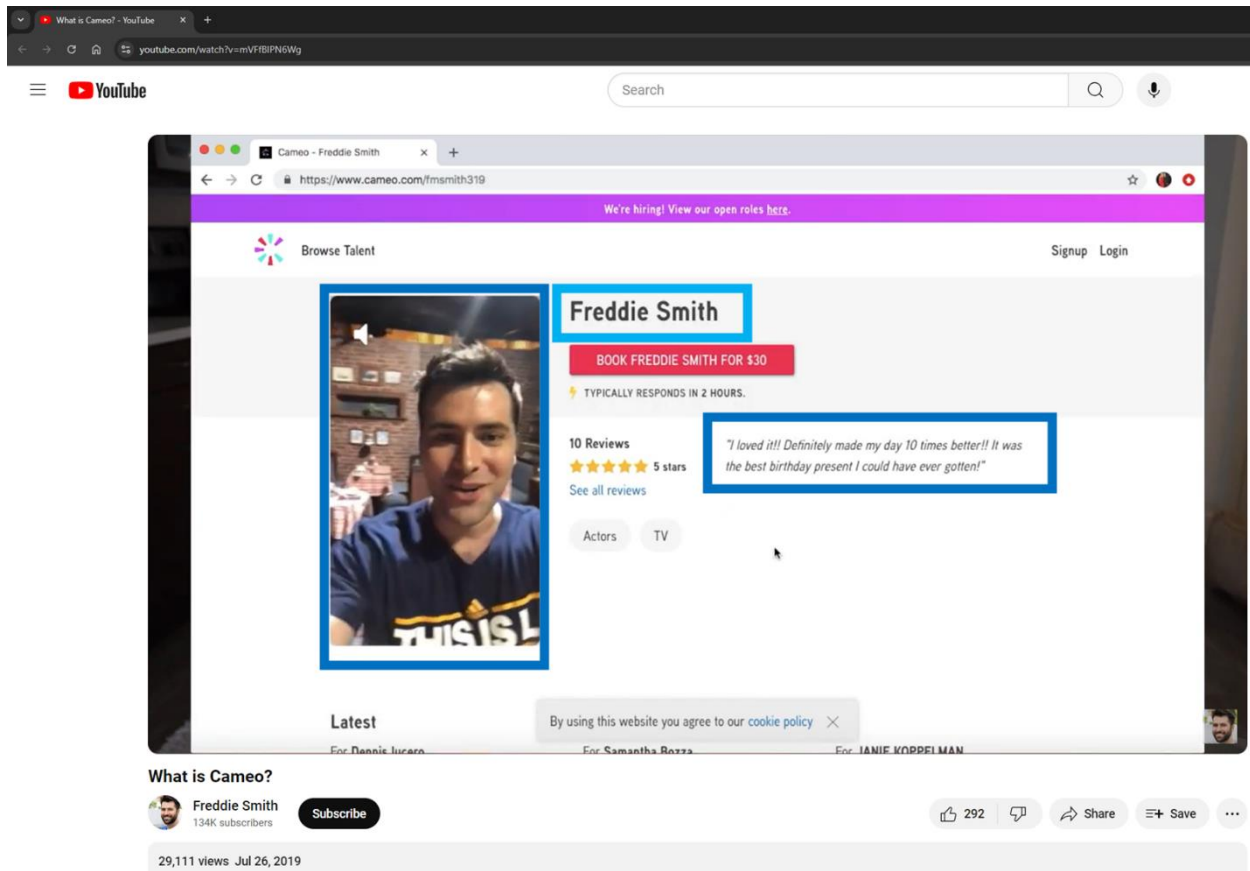
(E.g., <https://www.businessinsider.com/guides/gifts/cameo-review-personalized-celebrity-videos>).

24. The electronic media submissions database of Accused Instrumentality used by Cameo which stores the submissions further stores data identifying the submitter and data indicating content for each electronic media submission. As shown below, data identifying the

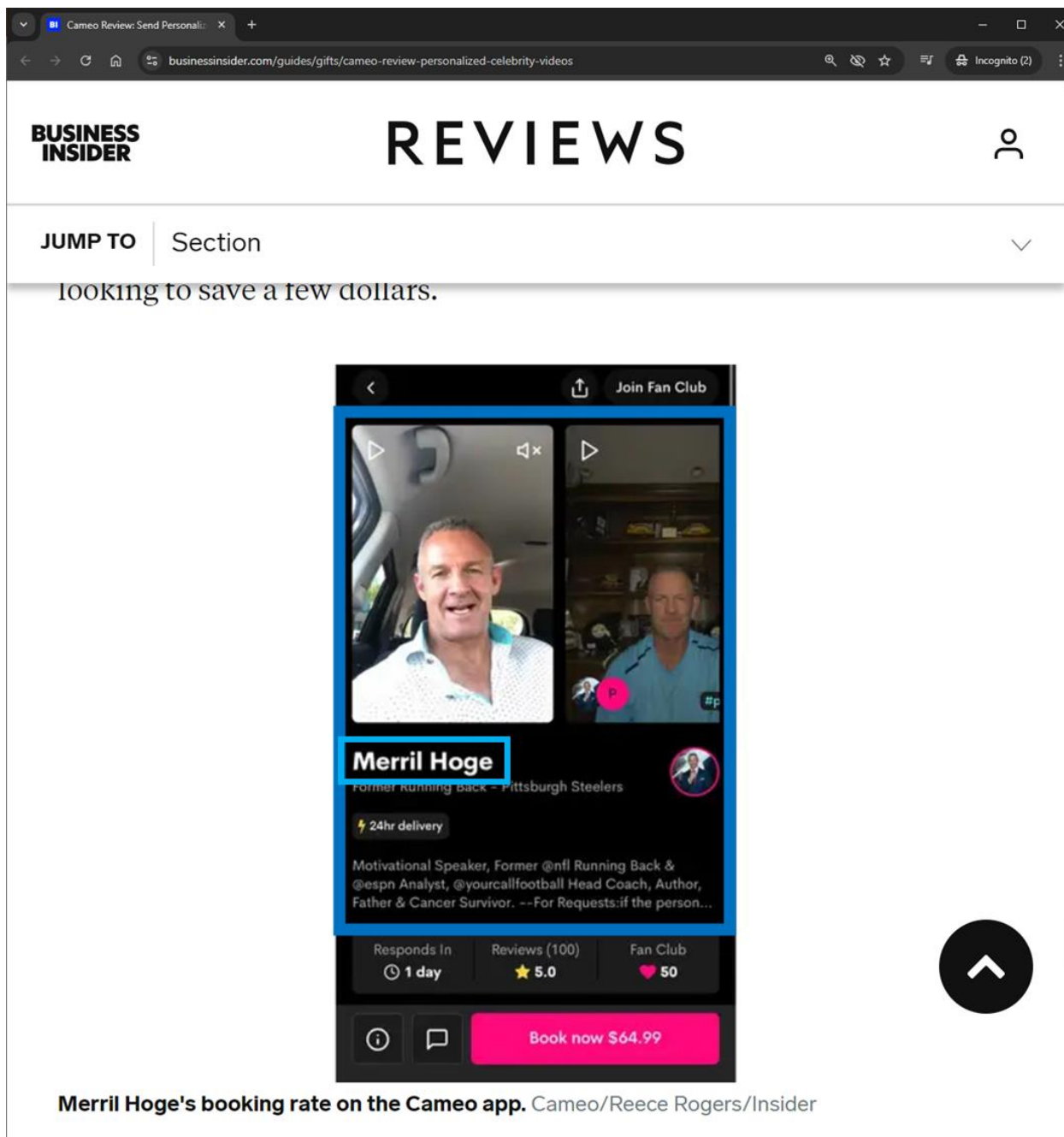
user (submitter) includes, *e.g.*, a name. Data indicating content for each electronic media submission includes photo, audio and/or textual content.



(*E.g.*, <https://www.youtube.com/watch?v=mVFfBIPN6Wg>).



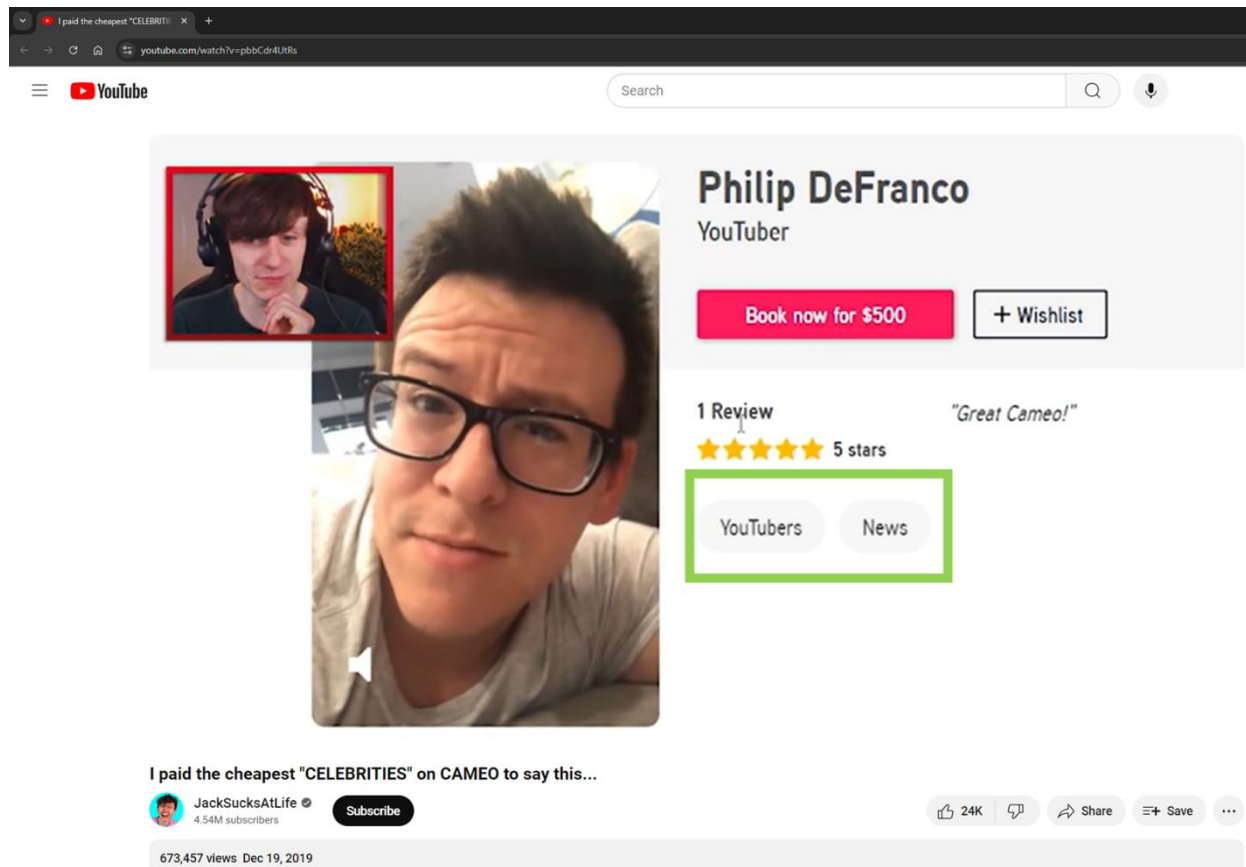
(E.g., <https://www.youtube.com/watch?v=mVFfBIPN6Wg>).



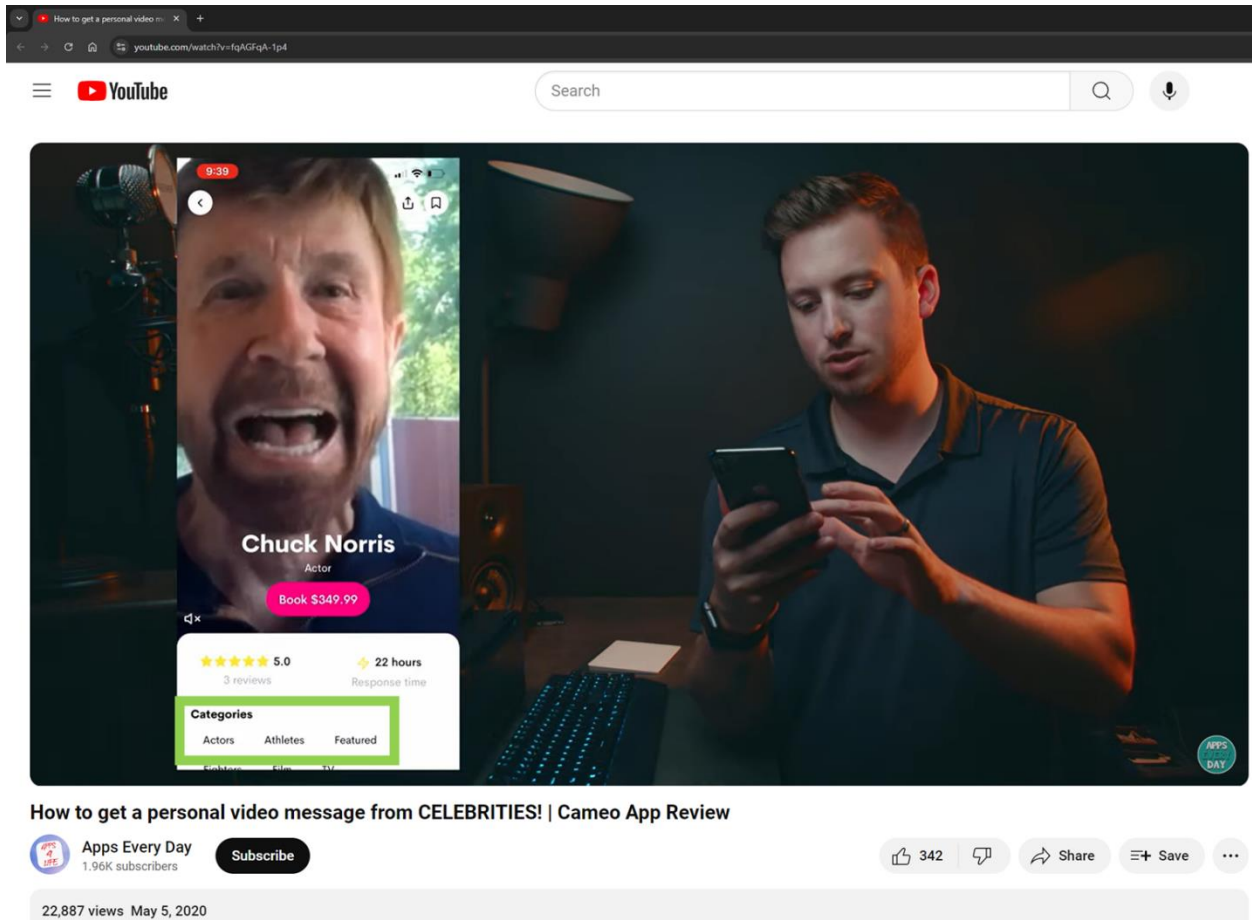
(E.g., <https://www.businessinsider.com/guides/gifts/cameo-review-personalized-celebrity-videos>).

25. Individual users can create a celebrity profile and post celebrity profiles on Cameo's Accused Instrumentality, which are stored in a user database stored in memory. Celebrity profiles are available to other users through Accused Instrumentality, for example as discussed

above. The user attributes of users who create a profile and/or post celebrity profiles include, *e.g.*, the category of the celebrity such as “Actors,” “Athletes,” Musicians” and the like, and the like as shown for example below.



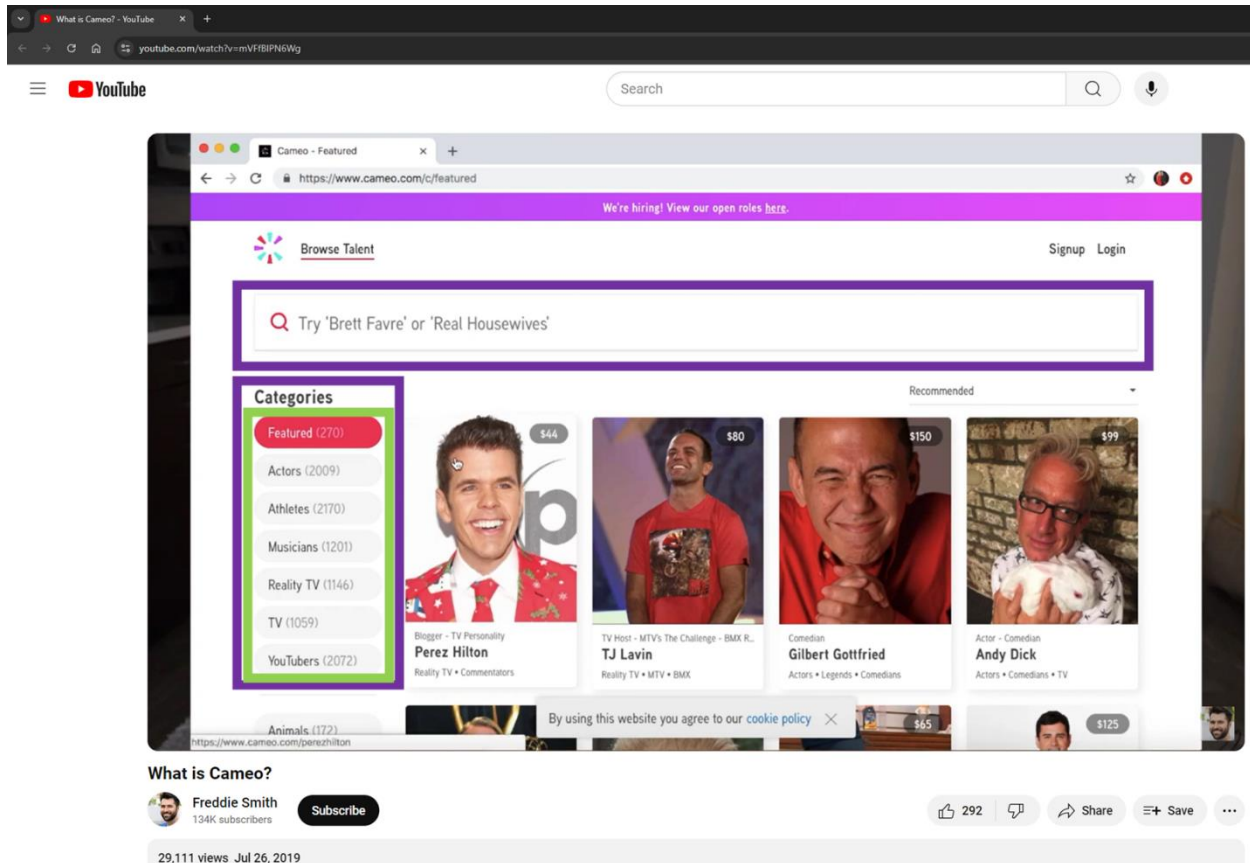
(*E.g.*, <https://www.youtube.com/watch?v=pbbCdr4UtRs>).



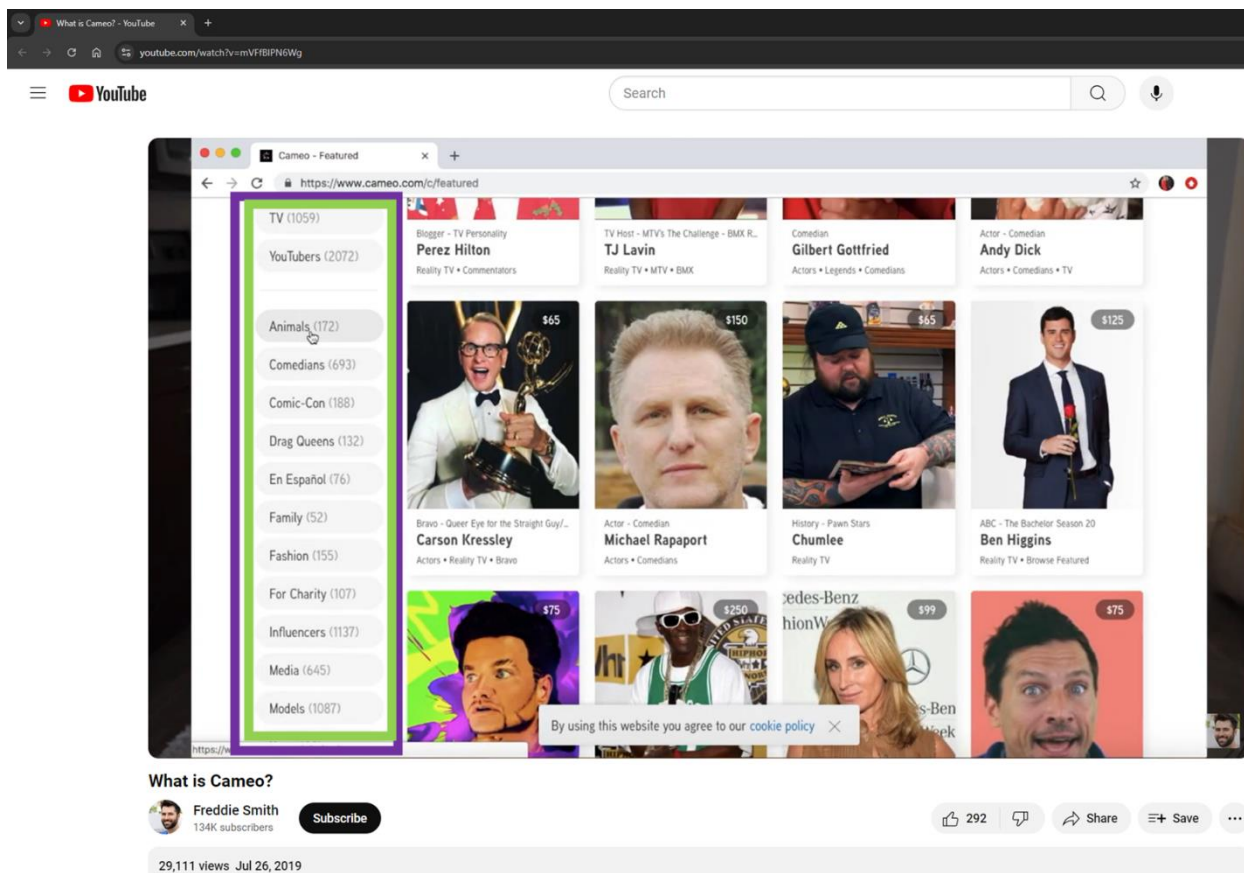
(E.g., <https://www.youtube.com/watch?v=fqAGFqA-1p4>).

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., celebrity profiles) from the electronic media submissions database using an electronic content filter located on the electronic multimedia creator server. For example with respect to a celebrity listing, as can be seen below, such electronic content filter as is used by Cameo is based at least in part on at least one of the one or more user attributes, (e.g., based on, *inter alia*, the category of the celebrity such as “Actors,” “Athletes,” “Musicians” and the like) which in turn affect which electronic media submissions, e.g., the

celebrity profile, appear to the user as shown and discussed for example below. Cameo uses function-specific subsystems, for example as discussed below.

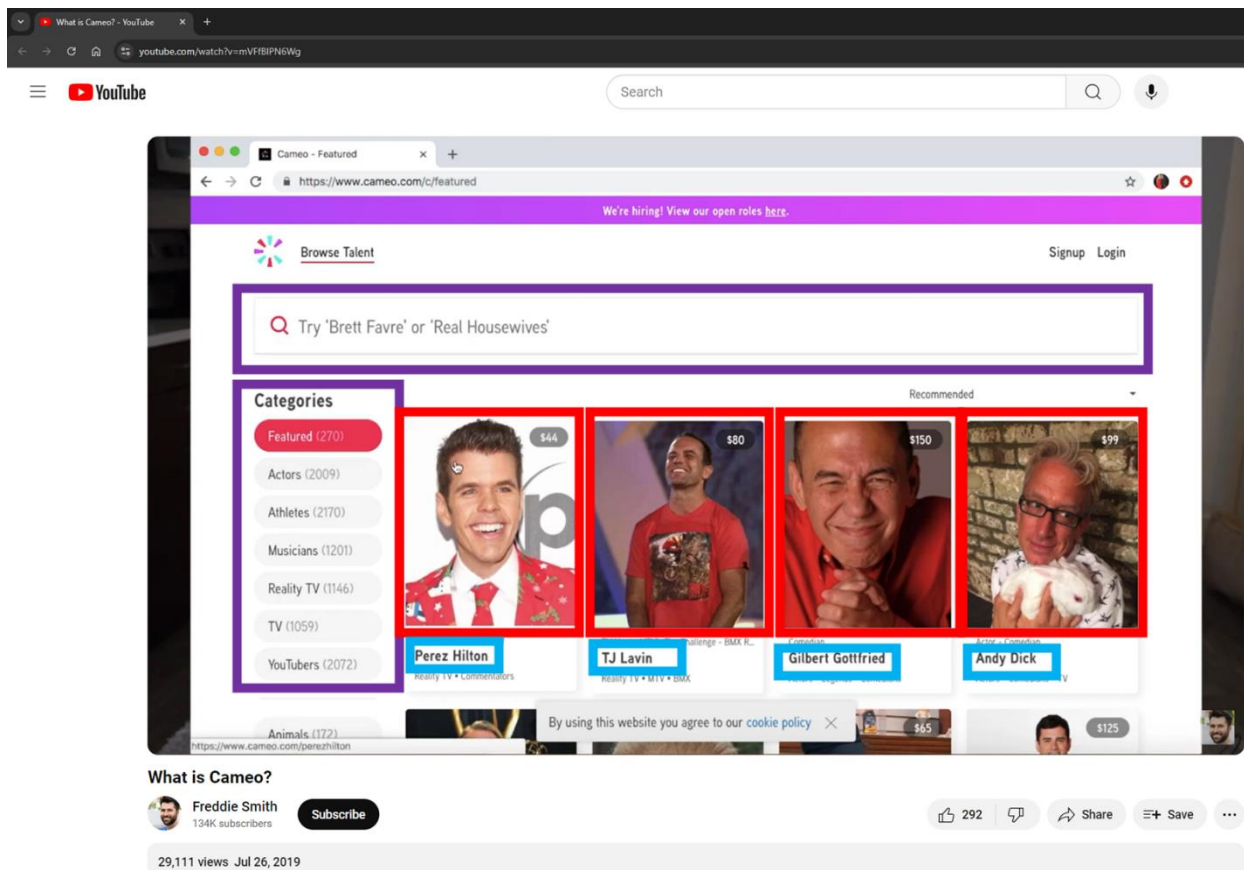


(E.g., <https://www.youtube.com/watch?v=mVFfBIPN6Wg>).



(E.g., <https://www.youtube.com/watch?v=mVFfBIPN6Wg>).

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



(E.g., <https://www.youtube.com/watch?v=mVFfBIPN6Wg>).

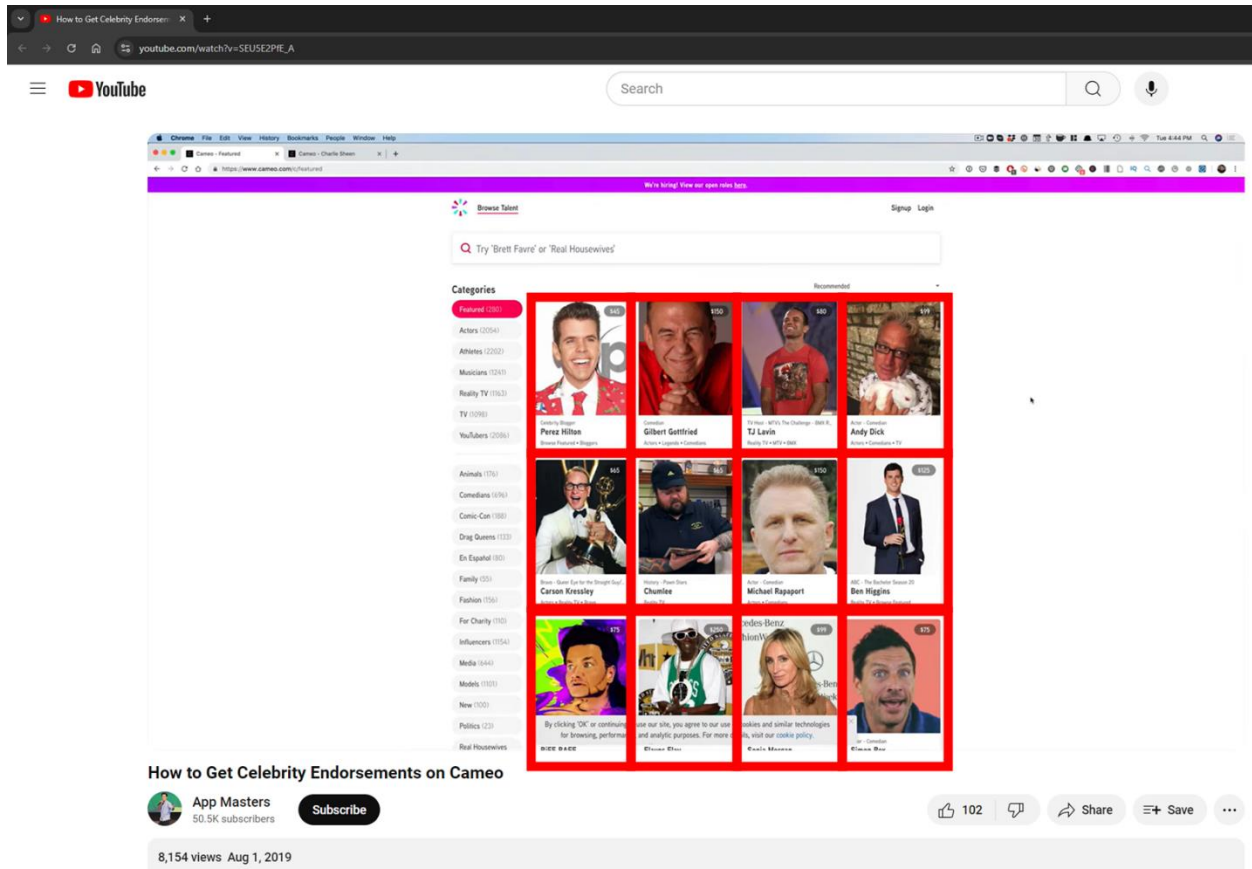
28. The Accused Instrumentality employs an electronic release subsystem operatively coupled to the electronic multimedia creator server subsystem, necessarily having one or more data processing apparatus in order to serve multimedia profile and/or celebrity profiles with associated photo, and textual 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 a celebrity profile is provided on various user devices (e.g., a computer or other device with a web browser or app) in response to a user logging in to Accused Instrumentality. Cameo uses function-specific subsystems, for example as discussed below.

The screenshot shows a web browser window with the Business Insider logo and a 'REVIEWS' section. Below the logo, there is a 'JUMP TO' dropdown menu. The main content area features a video player with two frames: one showing a man in a white shirt and another showing a man in a blue shirt. Below the video player is a profile card for Merrill Hoge, a former Pittsburgh Steelers running back. The profile card includes a '24hr delivery' badge, a bio, and a 'Book now \$64.99' button. The bio mentions he is a motivational speaker, former NFL running back, ESPN analyst, and author. The profile also shows 'Responds in 1 day', 'Reviews (100) 5.0', and 'Fan Club 50'. A 'Join Fan Club' button is visible at the top right of the video player.

looking to save a few dollars.

Merril Hoge's booking rate on the Cameo app. Cameo/Reece Rogers/Insider

(E.g., <https://www.businessinsider.com/guides/gifts/cameo-review-personalized-celebrity-videos>).



(E.g., https://www.youtube.com/watch?v=SEU5E2Pfe_A).

How to get a personal video message from CELEBRITIES! | Cameo App Review

Apps Every Day
1.96K subscribers

Subscribe

342 Likes, Comments, Shares, Saves

22,887 views May 5, 2020

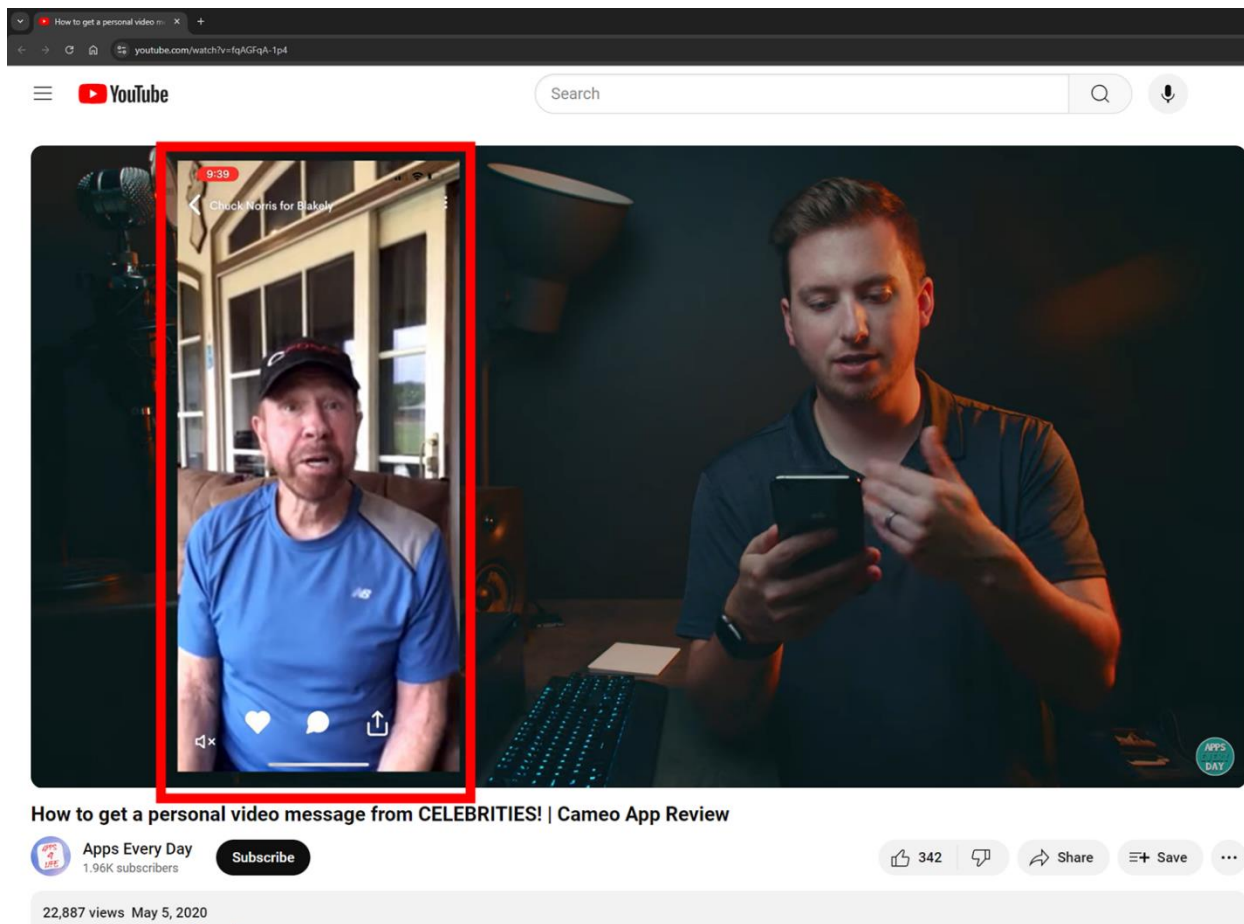
(E.g., <https://www.youtube.com/watch?v=fqAGFqA-1p4>).

The screenshot shows a YouTube video player interface. The video content is a review for the Cameo app, featuring a man in a dark shirt looking at his phone. An inset video shows a close-up of Chuck Norris with a wide, enthusiastic smile. The inset video has a red border and displays the following information: "9:39" at the top, a back arrow, a share icon, and a bookmark icon. Below the video, the name "Chuck Norris" is displayed with the title "Actor" and a pink button that says "Book \$349.99". Underneath, there is a 5.0 star rating from 3 reviews and a "22 hours" response time. The categories "Actors", "Athletes", and "Featured" are listed. The main video player has a search bar at the top with the YouTube logo and a search icon. Below the video, the title "How to get a personal video message from CELEBRITIES! | Cameo App Review" is visible. The channel name "Apps Every Day" with 1.96K subscribers and a "Subscribe" button is shown. Engagement icons for likes (342), comments, share, and save are present. The video statistics "22,887 views" and "May 5, 2020" are displayed at the bottom.

(E.g., <https://www.youtube.com/watch?v=fqAGFqA-1p4>).

The screenshot shows a YouTube video player interface. The video content displays a man in a dark polo shirt looking at his smartphone. Two inset images are overlaid on the left side of the video. The top inset shows a man in a blue t-shirt, identified as Chuck Norris, with the text 'Cameo for Vic and the girls' below it. The bottom inset shows a man in a blue t-shirt and a baseball cap, identified as Gina, with the text 'Cameo for Luke' below it. A pink banner at the bottom of the inset images says 'Book \$349.99'. The video title is 'How to get a personal video message from CELEBRITIES! | Cameo App Review'. The channel name is 'Apps Every Day' with 1.96K subscribers and a 'Subscribe' button. The video has 22,887 views and was posted on May 5, 2020. Interaction buttons for likes (342), comments, share, save, and a menu are visible.

(E.g., <https://www.youtube.com/watch?v=fqAGFqA-1p4>).

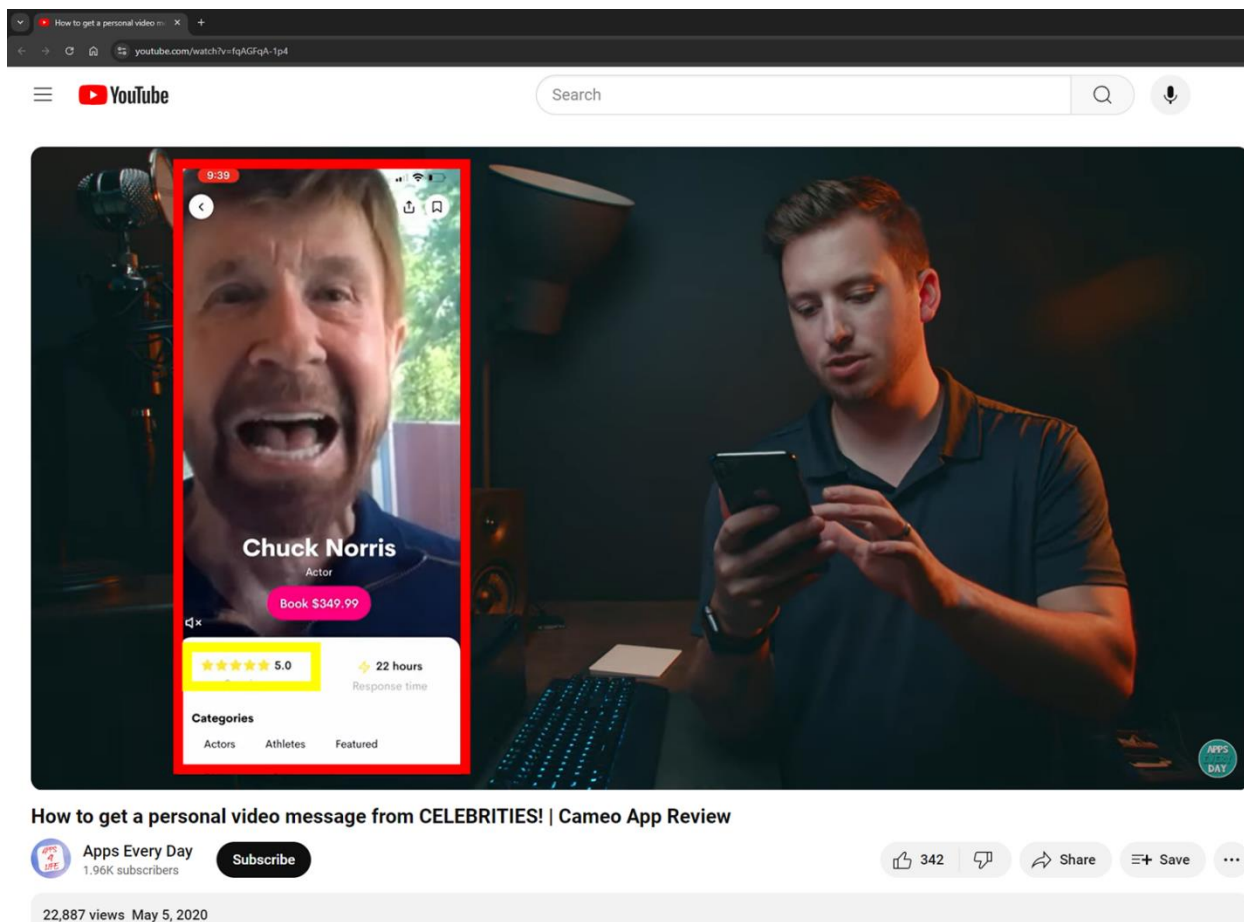


(E.g., <https://www.youtube.com/watch?v=fqAGFqA-1p4>).

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 a Heart Icon) an electronically available multimedia content (e.g., a celebrity listing provided by an user-celebrity submitter, such as accompanying profile or cameo video). Cameo uses function-specific subsystems, for example as discussed below.

The image is a screenshot of a YouTube video player. The browser address bar shows the URL [youtube.com/watch?v=fqAGFqA-1p4](https://www.youtube.com/watch?v=fqAGFqA-1p4). The YouTube logo and search bar are visible at the top. The video player shows a man in a blue shirt and cap on the left, and a man in a dark shirt looking at a smartphone on the right. A red rectangular box highlights the man in the blue shirt, and a yellow square highlights the heart icon in the video player's bottom-left corner. Below the video, the title "How to get a personal video message from CELEBRITIES! | Cameo App Review" is displayed. The channel name "Apps Every Day" with 1.96K subscribers and a "Subscribe" button are shown. Interaction buttons for likes (342), comments, share, save, and a menu icon are present. The video statistics show "22,887 views" and "May 5, 2020".

(E.g., <https://www.youtube.com/watch?v=fqAGFqA-1p4>).



(E.g., <https://www.youtube.com/watch?v=fqAGFqA-1p4>).

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 transmitting data indicating votes or

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

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

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

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

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

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

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

42. The 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 every having to include a “voting” subsystem on what components should be included in such media content.

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

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

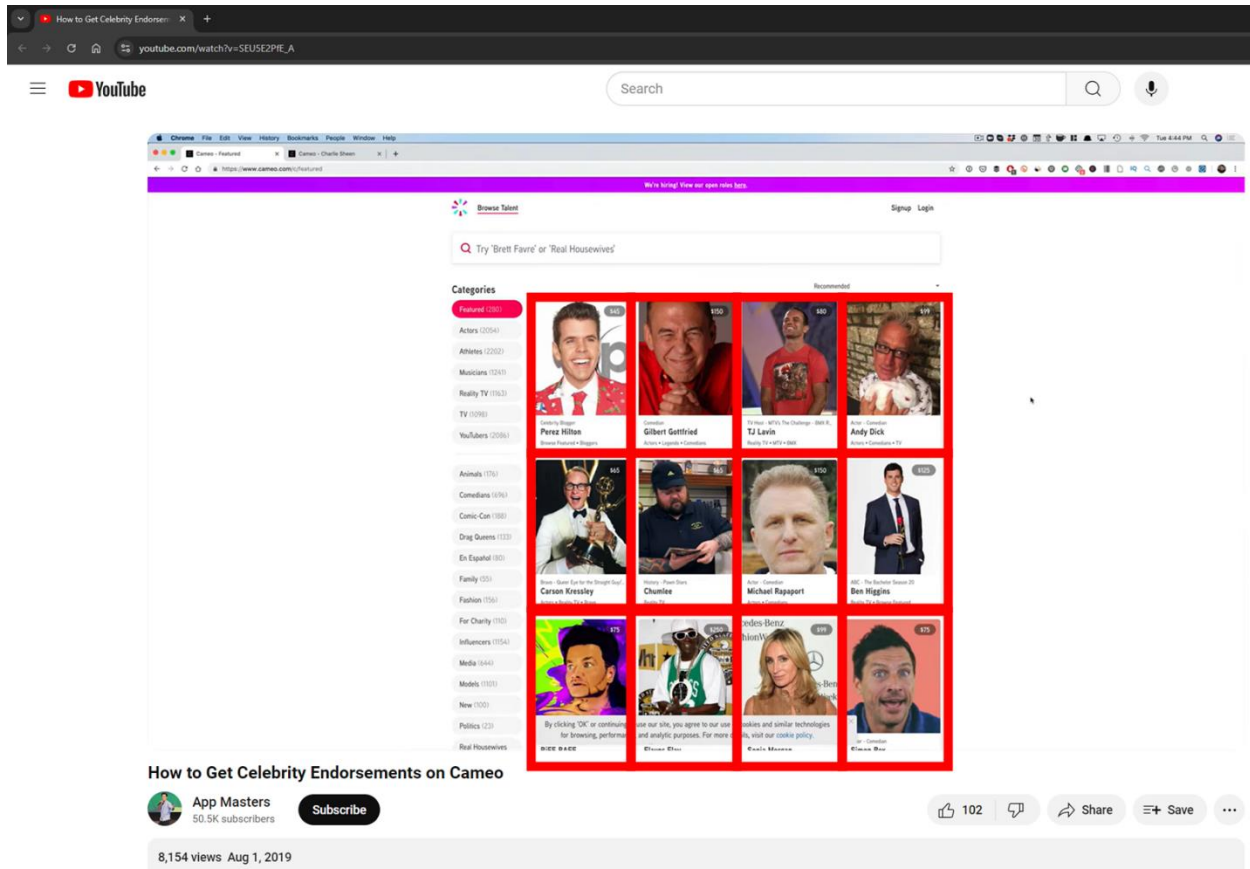
45. Cameo uses a computer-based system for its Accused Instrumentality, to enable user-celebrities to create personalized Celebrity profiles containing multimedia content and publish multimedia content in the form of celebrity profiles containing associated image content, video content and textual content. Celebrity profiles may showcase information about the celebrity and prior cameo videos of the celebrity, each of which include multimedia content in the form of image content, video content and textual content. Celebrity profiles containing multimedia content may be shown to other users based on, *inter alia*, user preferences and attributes of the user-celebrity or the services offered. 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. Cameo, 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. Cameo 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, SSL certificates, traffic analysis, advertising, and tagging, thereby using separate server subsystems for all its meaningfully different functions, such as those indicated below.

The screenshot shows a web browser window with the URL [businessinsider.com/guides/gifts/cameo-review-personalized-celebrity-videos](https://www.businessinsider.com/guides/gifts/cameo-review-personalized-celebrity-videos). The page features the Business Insider logo and a large 'REVIEWS' heading. Below the heading is a 'JUMP TO' section with a dropdown menu. The main content area contains the text 'looking to save a few dollars.' followed by a video player. The video player displays two side-by-side video thumbnails of Merrill Hoge. Below the video player is a profile card for Merrill Hoge, a former Pittsburgh Steelers running back, with a '24hr delivery' badge and a bio. The profile card also shows 'Responds in 1 day', 'Reviews (100) 5.0', and 'Fan Club 50'. A pink 'Book now \$64.99' button is visible at the bottom of the profile card. A circular navigation arrow is located to the right of the video player.

Merril Hoge's booking rate on the Cameo app. Cameo/Reece Rogers/Insider

(E.g., <https://www.businessinsider.com/guides/gifts/cameo-review-personalized-celebrity-videos>).



(E.g., https://www.youtube.com/watch?v=SEU5E2Pfe_A).

How to get a personal video message from CELEBRITIES! | Cameo App Review

Apps Every Day
1.96K subscribers

Subscribe

342 Likes Comments Share Save

22,887 views May 5, 2020

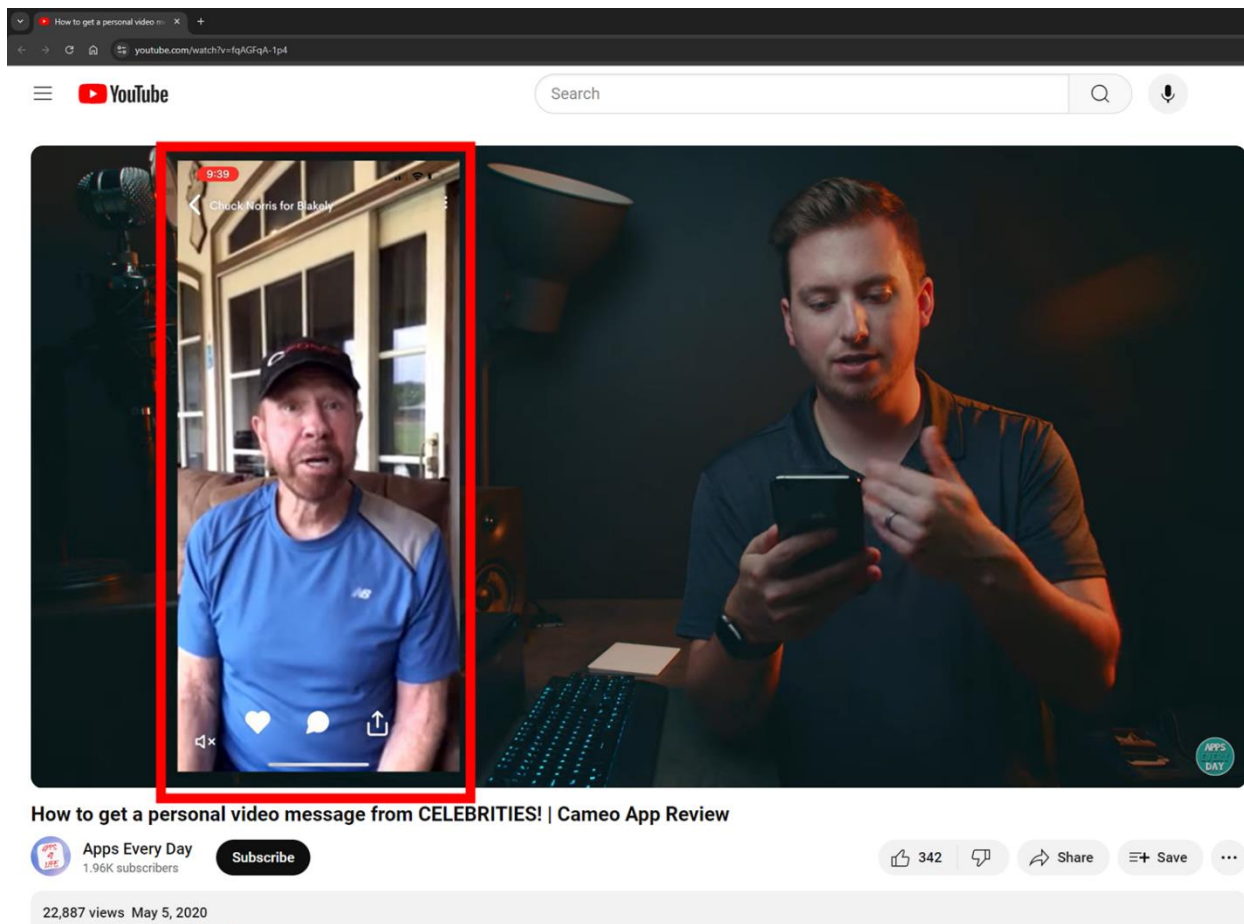
(E.g., <https://www.youtube.com/watch?v=fqAGFqA-1p4>).

The screenshot shows a YouTube video player interface. The video content is a review for the Cameo app, featuring a man in a dark shirt looking at his phone. An inset video shows a close-up of Chuck Norris with a wide, enthusiastic smile. The inset video has a red border and displays the following information: a 9:39 duration, a back arrow, share and bookmark icons, the name "Chuck Norris" with "Actor" below it, a pink "Book \$349.99" button, a 5.0 star rating from 3 reviews, and a "22 hours" response time. Below the rating, the categories "Actors", "Athletes", and "Featured" are listed. The main video player has a search bar at the top with the YouTube logo and a search icon. Below the video, the title "How to get a personal video message from CELEBRITIES! | Cameo App Review" is displayed. The channel name "Apps Every Day" with 1.96K subscribers and a "Subscribe" button is shown. Engagement icons for likes (342), comments, share, and save are present. The video statistics "22,887 views" and "May 5, 2020" are at the bottom.

(E.g., <https://www.youtube.com/watch?v=fqAGFqA-1p4>).

The image is a screenshot of a YouTube video player. The video title is "How to get a personal video message from CELEBRITIES! | Cameo App Review". The channel is "Apps Every Day" with 1.96K subscribers. The video has 22,887 views and was uploaded on May 5, 2020. The video content shows a man in a dark polo shirt looking at his phone. An inset shows a mobile app interface with two video messages from celebrities: one from Chuck Norris (labeled "Blakely" and "Cameo for Vic and the girls") and one from Gina (labeled "Gina" and "Cameo for Luke"). The Gina message is highlighted with a red border and has a price tag of "Book \$349.99". The video player includes a search bar, a microphone icon, and interaction buttons for likes (342), comments, share, save, and a menu.

(E.g., <https://www.youtube.com/watch?v=fqAGFqA-1p4>).



(E.g., <https://www.youtube.com/watch?v=fqAGFqA-1p4>).

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 creating a celebrity profile on the Accused Instrumentality, as well as multimedia content to be displayed on the user's profile or curated feed of other users, for example as discussed and shown above in connection with the above discussion. Individual users can create a celebrity profile and post celebrity profiles on Cameo's Accused Instrumentality, which are stored in a user database stored in memory. Celebrity profiles are available to other users through the Accused Instrumentality, for example as discussed above. The user attributes of users who create a profile and/or post celebrity profiles include, *e.g.*, the category

of the celebrity such as “Actors,” “Athletes,” Musicians” and the like, and the like as shown for example below. 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.*, celebrity profiles) from the electronic media submissions database using an electronic content filter located on the electronic multimedia creator server. For example with respect to a celebrity profile, as can be seen below, such electronic content filter as is used by Cameo is based at least in part on at least one of the one or more user attributes, (*e.g.*, based on, *inter alia*, the category of the celebrity such as “Actors,” “Athletes,” Musicians” and the like) which in turn affect which electronic media submissions, *e.g.*, the celebrity profile, appear to the user as shown and discussed for example below. Cameo uses function-specific subsystems, for example as discussed below.

I paid the cheapest "CELEBRITIES" on CAMEO to say this...

Philip DeFranco
YouTuber

Book now for \$500 + Wishlist

1 Review "Great Cameo!"
★★★★★ 5 stars

YouTubers News

JackSucksAtLife
4.54M subscribers

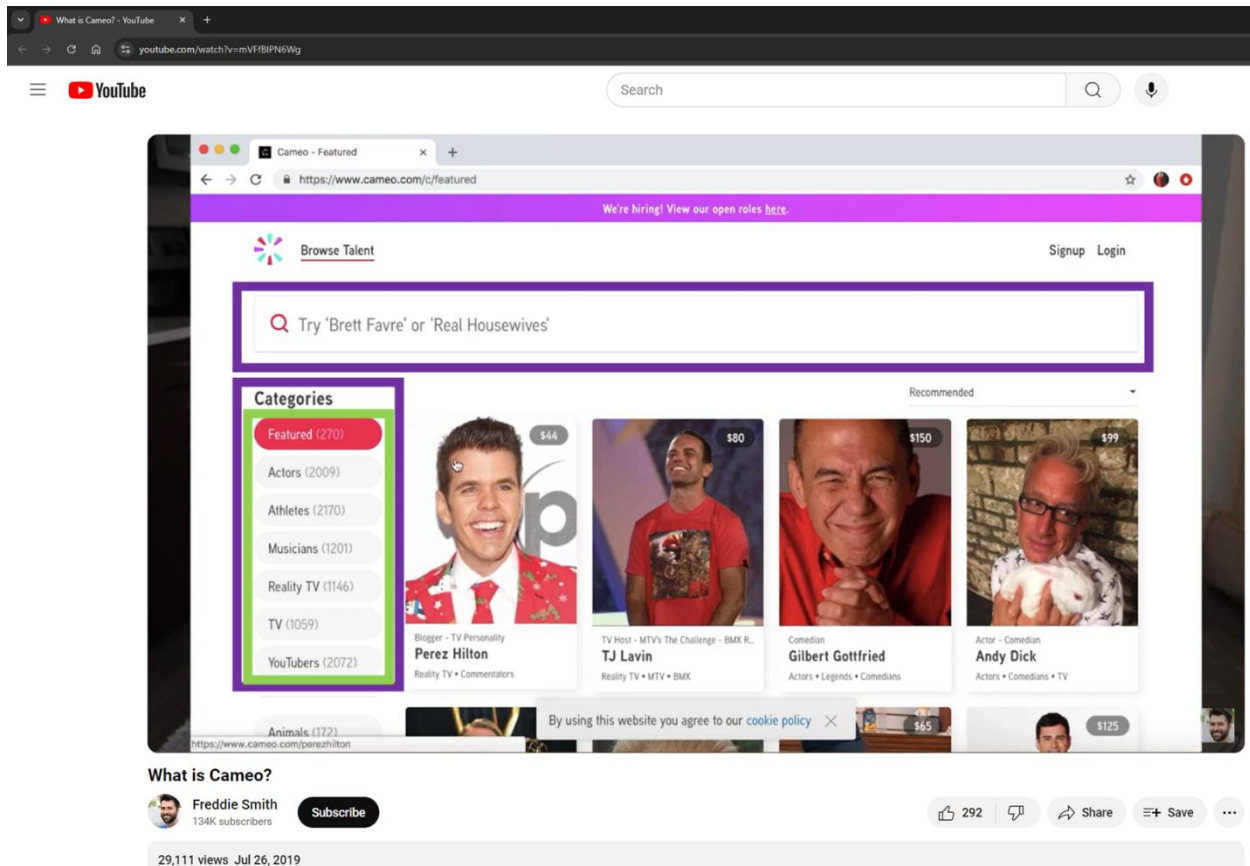
24K Share Save

673,457 views Dec 19, 2019

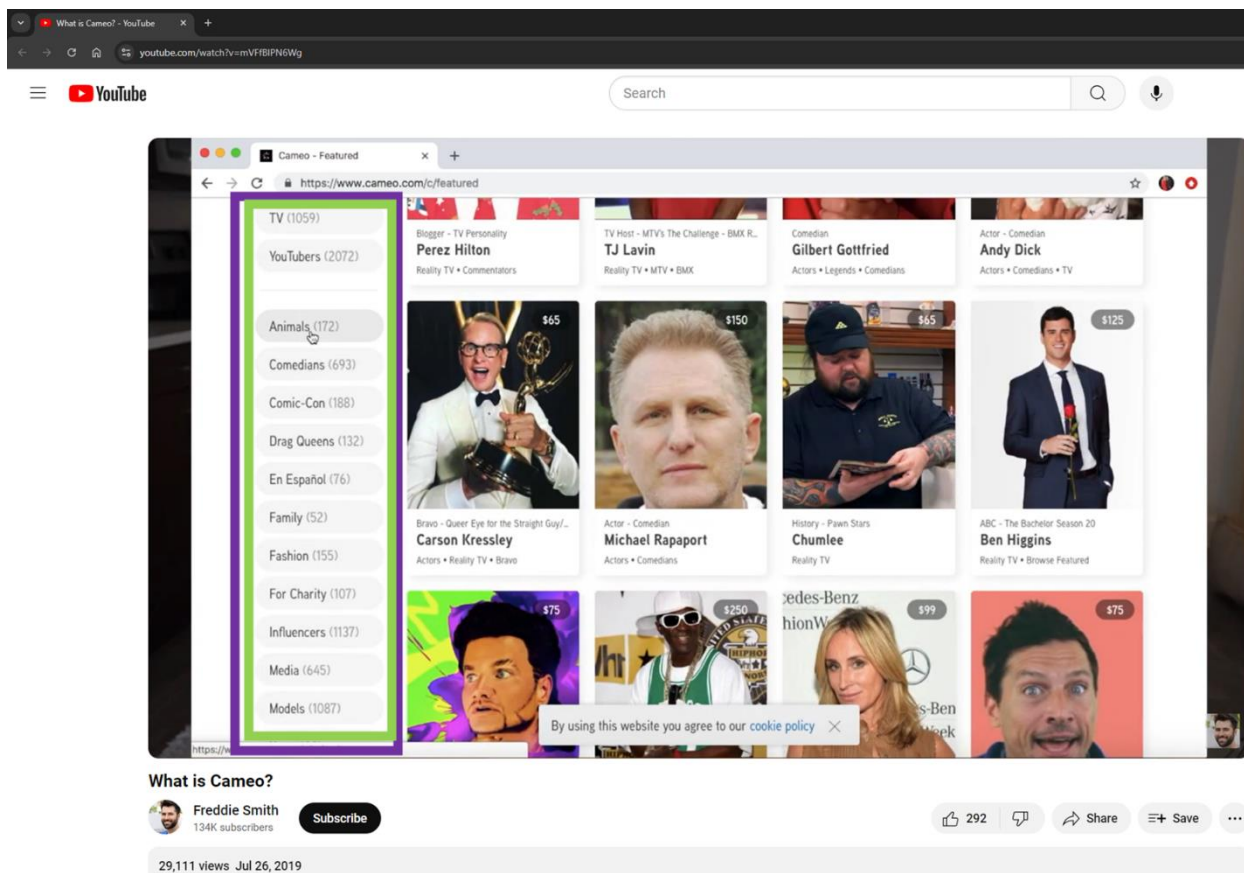
(E.g., <https://www.youtube.com/watch?v=pbbCdr4UtRs>).

The screenshot shows a YouTube video player interface. The video content is a split-screen review. On the left, a close-up of actor Chuck Norris is shown with a wide, enthusiastic smile. On the right, a man in a dark polo shirt is looking at his smartphone. The video player includes a search bar at the top, a video title "How to get a personal video message from CELEBRITIES! | Cameo App Review", and a channel name "Apps Every Day" with 1.96K subscribers. Below the video, there are engagement buttons for likes (342), comments, share, save, and a menu icon. The video has 22,887 views and was posted on May 5, 2020. A small inset window in the video shows a Cameo app interface for Chuck Norris, listing a price of \$349.99, a 5.0 star rating from 3 reviews, and a 22-hour response time. The categories "Actors", "Athletes", and "Featured" are visible in the inset.

(E.g., <https://www.youtube.com/watch?v=fqAGFqA-1p4>).



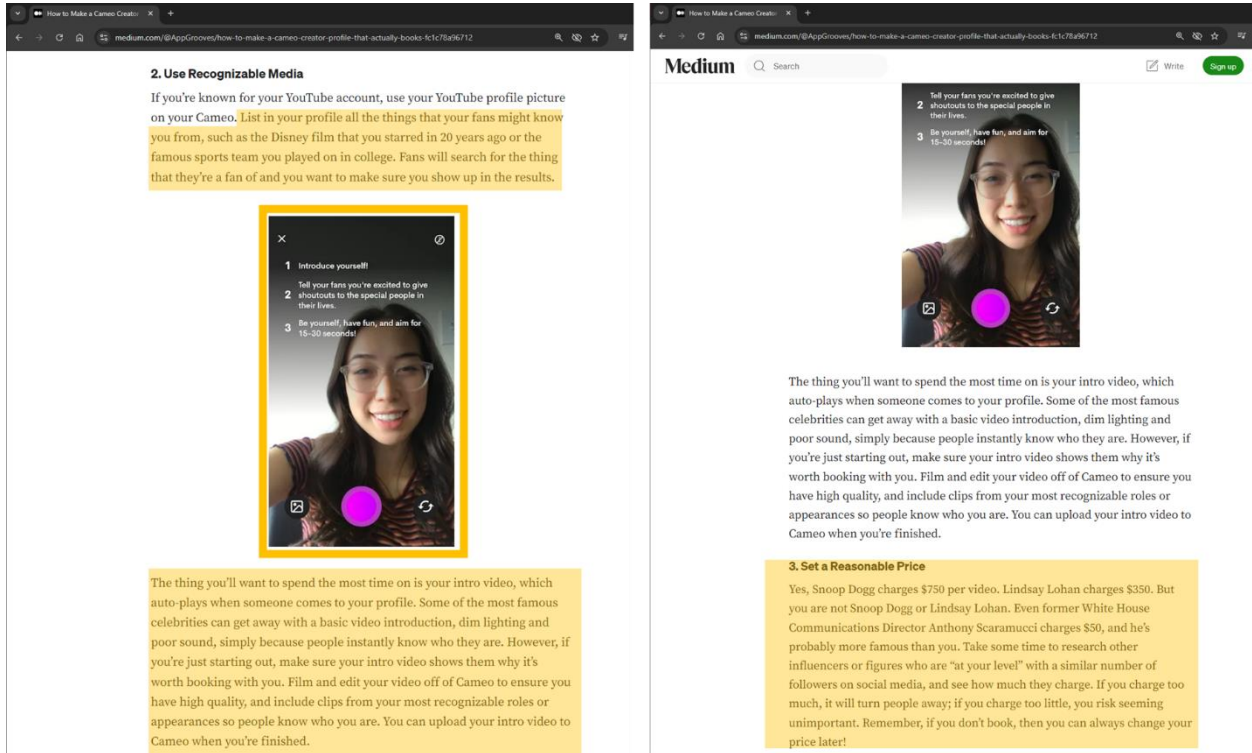
(E.g., <https://www.youtube.com/watch?v=mVFfBIPN6Wg>).



(E.g., <https://www.youtube.com/watch?v=mVFfBIPN6Wg>).

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 users (such as user-celebrities), for example content pertaining to respective celebrity profiles submitted by users on the Accused Instrumentality, as discussed and shown for example in connection with the above discussion. For example, the submissions pertaining to creating a celebrity profile may include, *e.g.*, photo, video and/or textual content. Individual users may also submit a request for a celebrity to create a cameo video. 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 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.



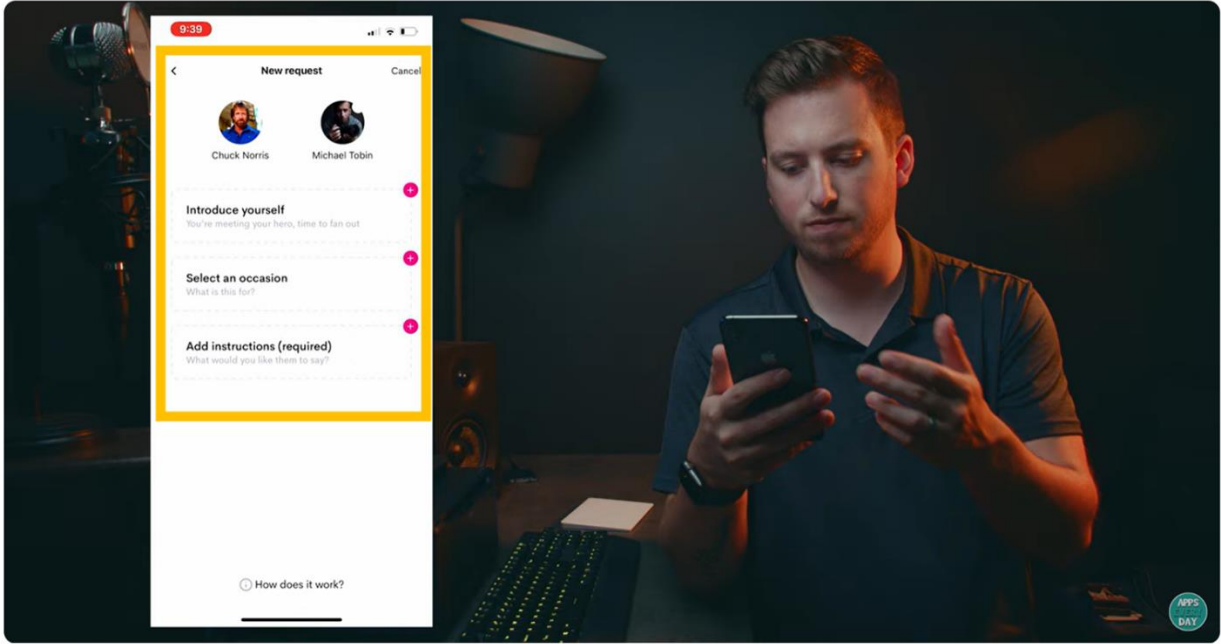
(E.g., <https://medium.com/@AppGrooves/how-to-make-a-cameo-creator-profile-that-actually-books-fc1c78a96712>).

The screenshot shows a web browser window with the URL web.archive.org/web/20191220124849/https://www.cameo.com/enroll. The page title is "Cameo - Enroll". The main content is a form titled "Apply to join Cameo". The form includes the following fields and values:

- Your name:** Michael Jordan
- Email:** you@example.com
- Phone number (never shared):** 555-555-5555
- Where can we find you?:** Twitter
- Your handle:** @jimmybuffet
- How many followers do you have?:** 400k

A red "SUBMIT" button is located at the bottom of the form. Below the form is a "Join our Mailing List" section with a text input field containing "yournamehere@cameo.com" and a "Subscribe" button. To the right of the mailing list is an "ENROLL AS TALENT" button. The footer contains social media icons for Facebook, Instagram, Twitter, Email, and Apple, along with links for Jobs, Faq, Privacy, Terms, Team, Merch, Accessibility, Press, and Help. A copyright notice reads "© 2017-2019, Baron App, Inc. dba Cameo". A cookie consent banner is visible at the bottom of the page.

(E.g., <https://web.archive.org/web/20191220124849/https://www.cameo.com/enroll>).



How to get a personal video message from CELEBRITIES! | Cameo App Review

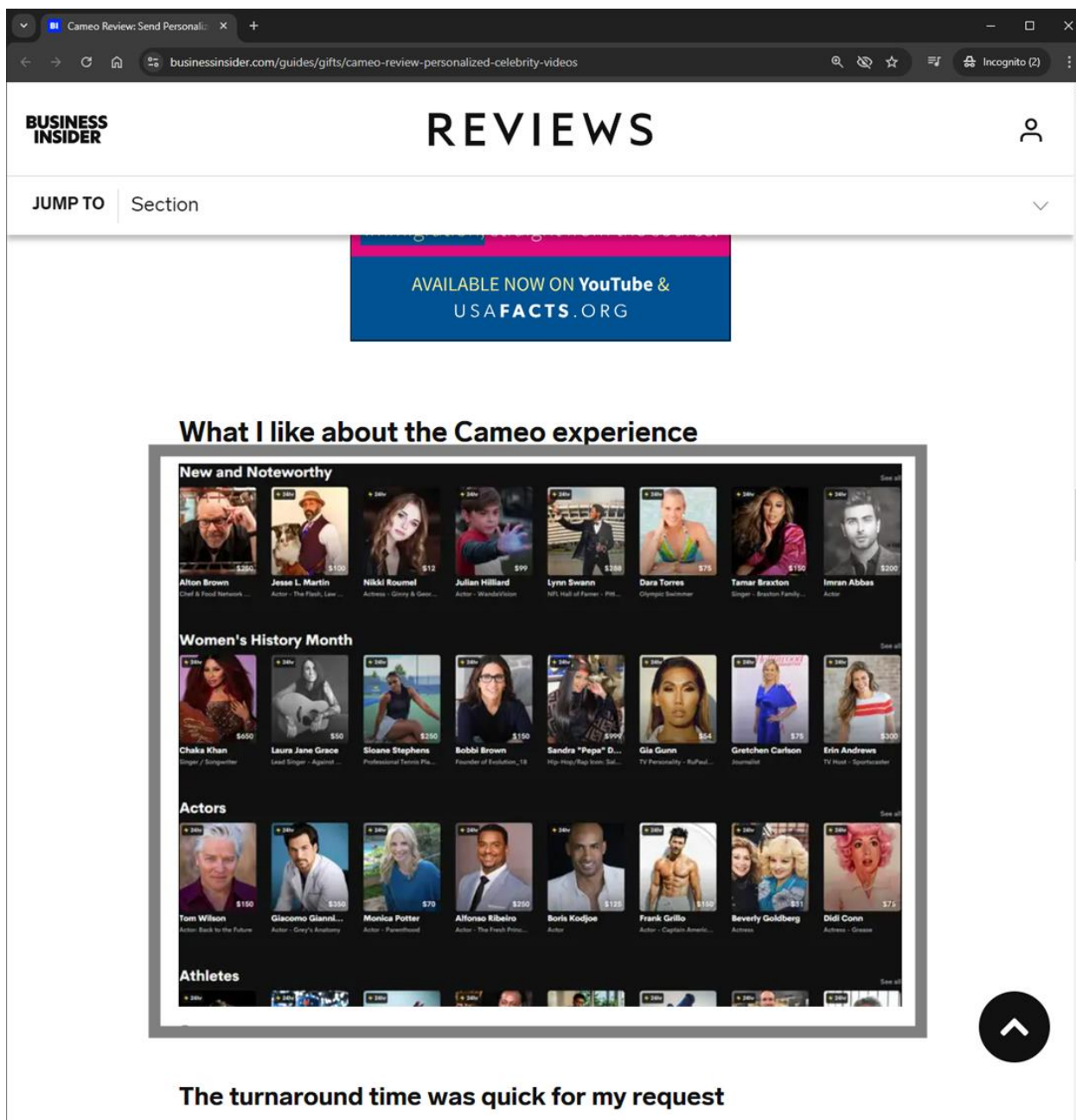
Apps Every Day
1.96K subscribers

Subscribe

342 Share Save ...

22,887 views May 5, 2020

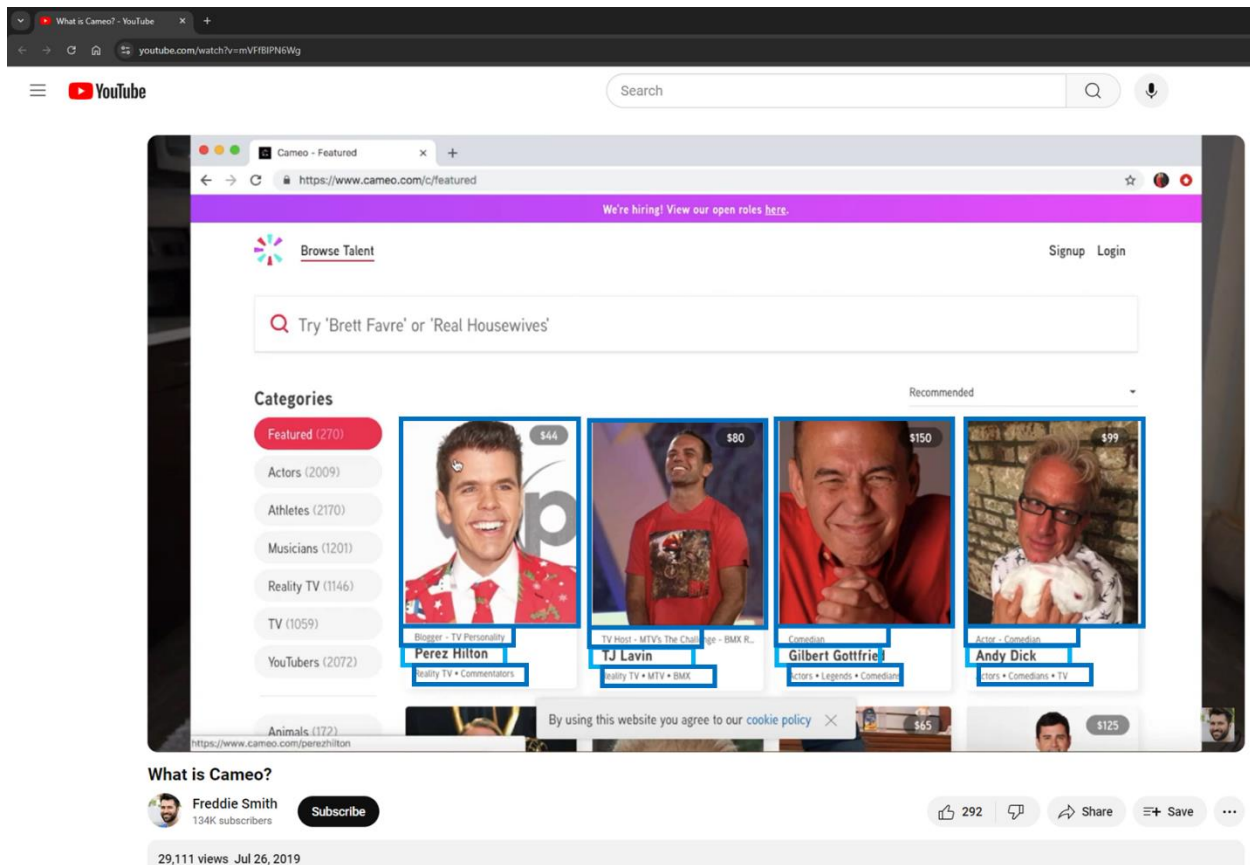
(E.g., <https://www.youtube.com/watch?v=fqAGFqA-1p4>).



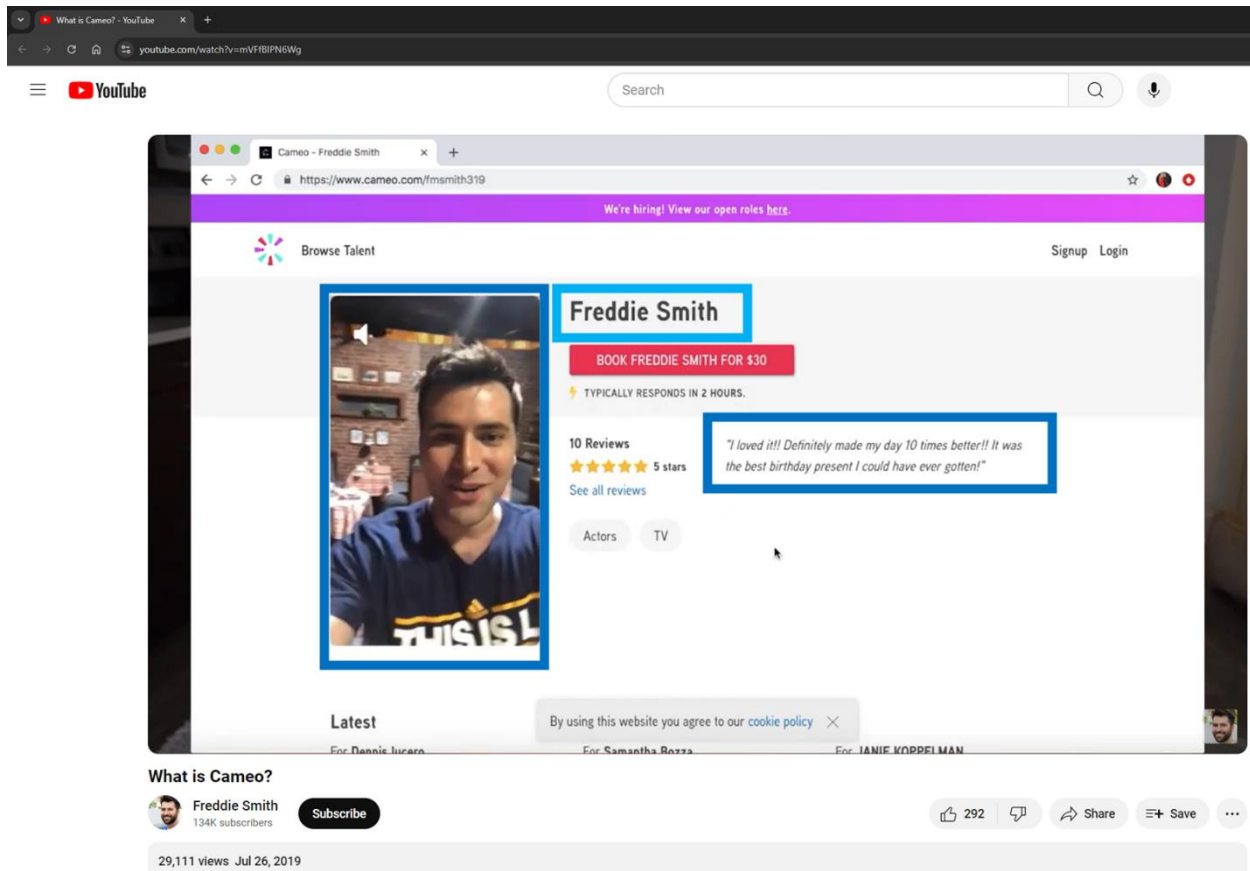
(E.g., <https://www.businessinsider.com/guides/gifts/cameo-review-personalized-celebrity-videos>).

48. The electronic media submissions database of the Accused Instrumentality used by Cameo which stores the submissions further stores data identifying the submitter and data indicating content for each electronic media submission. As shown below, data identifying the

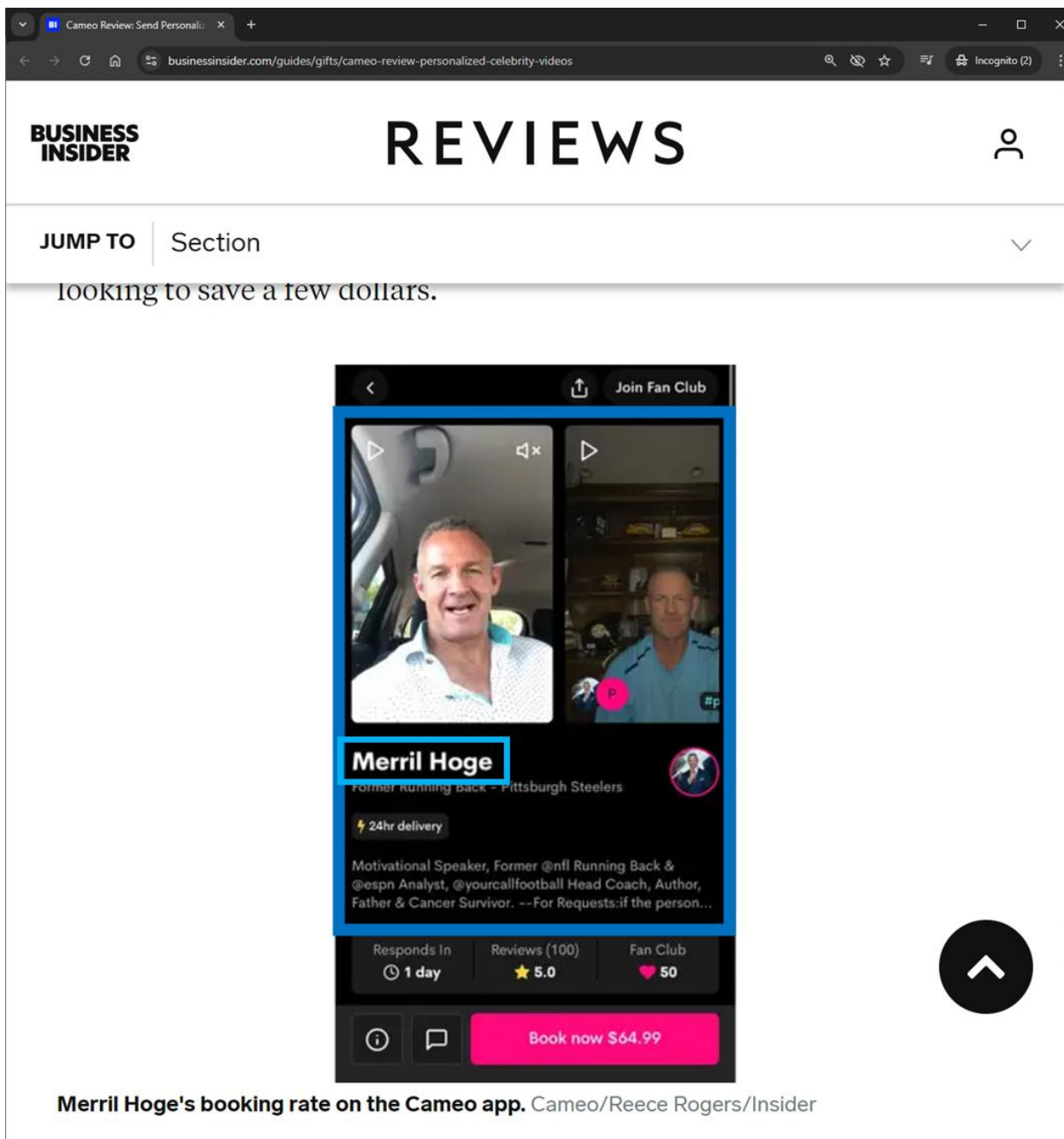
user (submitter) includes, *e.g.*, a name. Data indicating content for each electronic media submission includes photo, audio and/or textual content.



(*E.g.*, <https://www.youtube.com/watch?v=mVFfBIPN6Wg>).



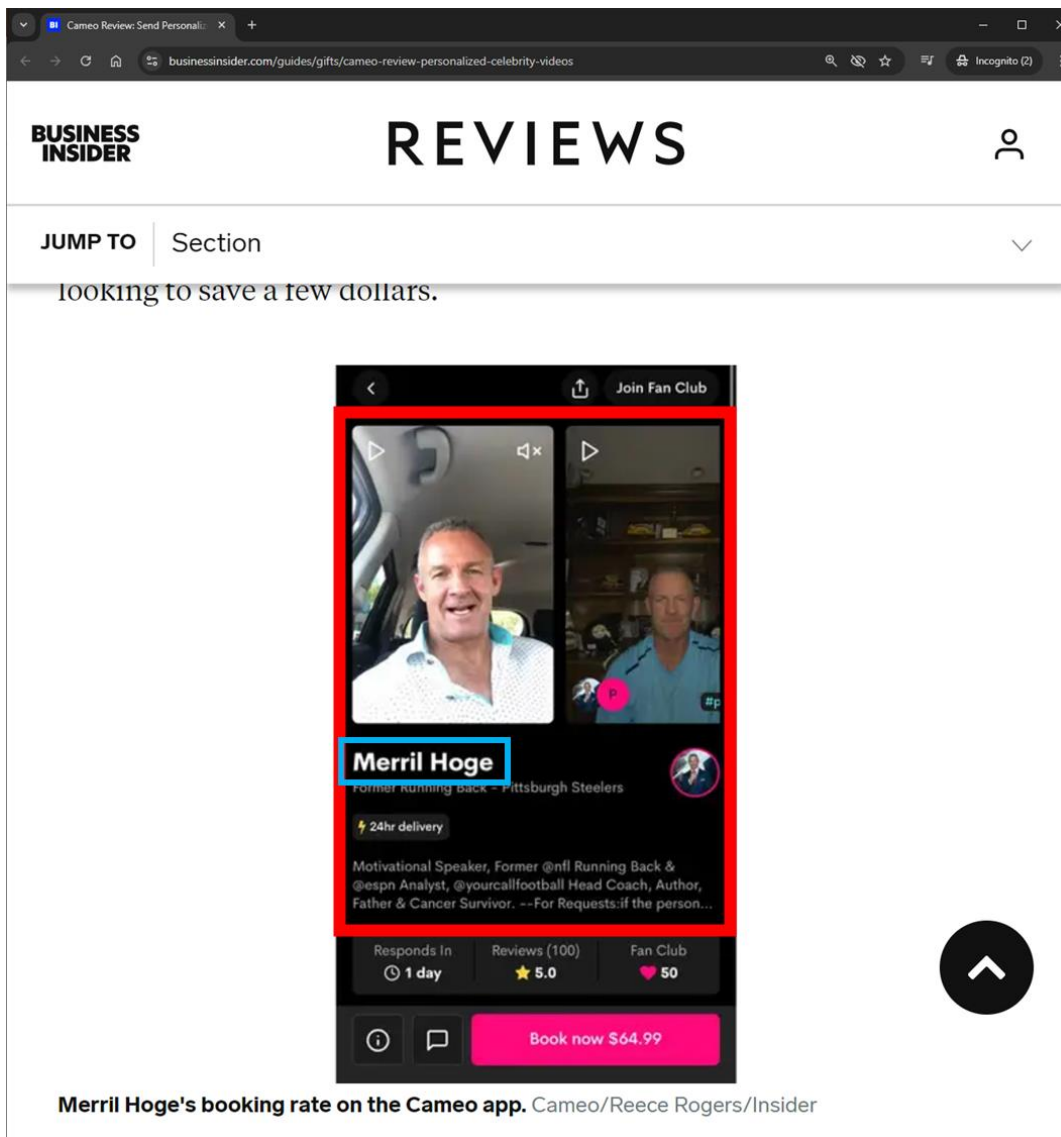
(E.g., <https://www.youtube.com/watch?v=mVFfBIPN6Wg>).



(E.g., <https://www.businessinsider.com/guides/gifts/cameo-review-personalized-celebrity-videos>).

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-celebrity submitter includes, *e.g.*, a name identifying the user. For example, below are examples of such multimedia files being displayed within a user's browser or app, on a user device, where the identification of the submitter (*e.g.*, the name of the user-celebrity submitter of the celebrity profiles and/or various content as discussed above) is maintained with each retrieved submission within the multimedia file having associated multimedia content, for example as shown below.



(*E.g.*, <https://www.businessinsider.com/guides/gifts/cameo-review-personalized-celebrity-videos>).

50. The Accused Instrumentality employs an electronic release subsystem operatively coupled to the electronic multimedia creator server subsystem, necessarily having one or more data processing apparatus in order to serve multimedia profile and/or celebrity profiles with associated photo, 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 a celebrity profile 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. Cameo uses function-specific subsystems, for example as discussed below.

The screenshot shows a web browser window with the URL [businessinsider.com/guides/gifts/cameo-review-personalized-celebrity-videos](https://www.businessinsider.com/guides/gifts/cameo-review-personalized-celebrity-videos). The page features the Business Insider logo and a large 'REVIEWS' heading. Below the heading is a 'JUMP TO' dropdown menu. The main content area contains a video player showing two side-by-side video thumbnails of Merrill Hoge. Below the video player is a booking card for Merrill Hoge, a former Pittsburgh Steelers running back. The card includes a '24hr delivery' badge, a bio, and booking statistics: 'Responds In 1 day', 'Reviews (100) 5.0', and 'Fan Club 50'. A prominent pink button at the bottom of the card says 'Book now \$64.99'. A red rectangular box highlights the video player and the top portion of the booking card. A circular arrow icon is visible on the right side of the page.

BUSINESS INSIDER **REVIEWS**

JUMP TO Section

looking to save a few dollars.

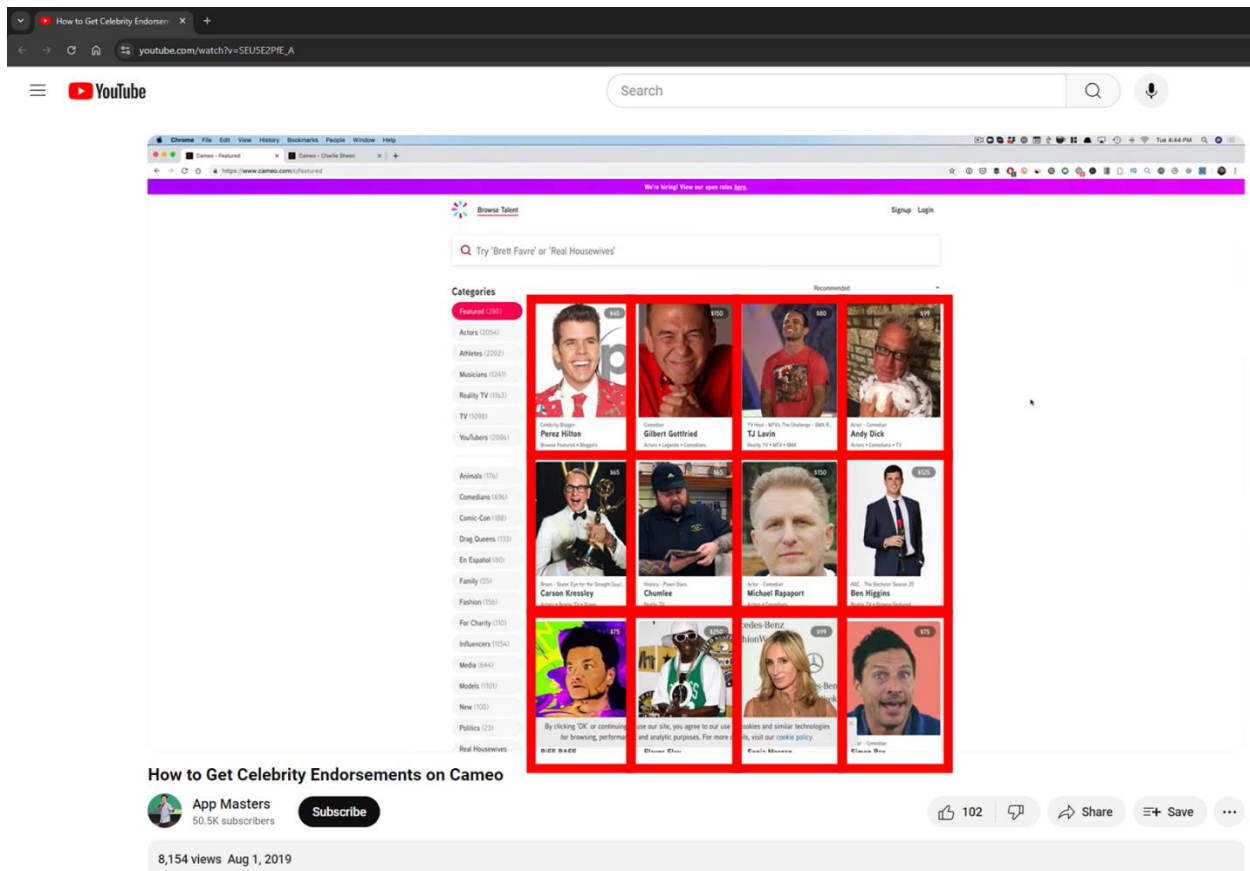
Merril Hoge
Former Running Back - Pittsburgh Steelers
24hr delivery
Motivational Speaker, Former @nfl Running Back & @espn Analyst, @yourcallfootball Head Coach, Author, Father & Cancer Survivor. --For Requests:if the person...

Responds In 1 day | Reviews (100) 5.0 | Fan Club 50

Book now \$64.99

Merril Hoge's booking rate on the Cameo app. Cameo/Reece Rogers/Insider

(E.g., <https://www.businessinsider.com/guides/gifts/cameo-review-personalized-celebrity-videos>).



(E.g., https://www.youtube.com/watch?v=SEU5E2Pfe_A).

How to get a personal video message from CELEBRITIES! | Cameo App Review

Apps Every Day
1.96K subscribers

Subscribe

342 Likes Comments Share Save

22,887 views May 5, 2020

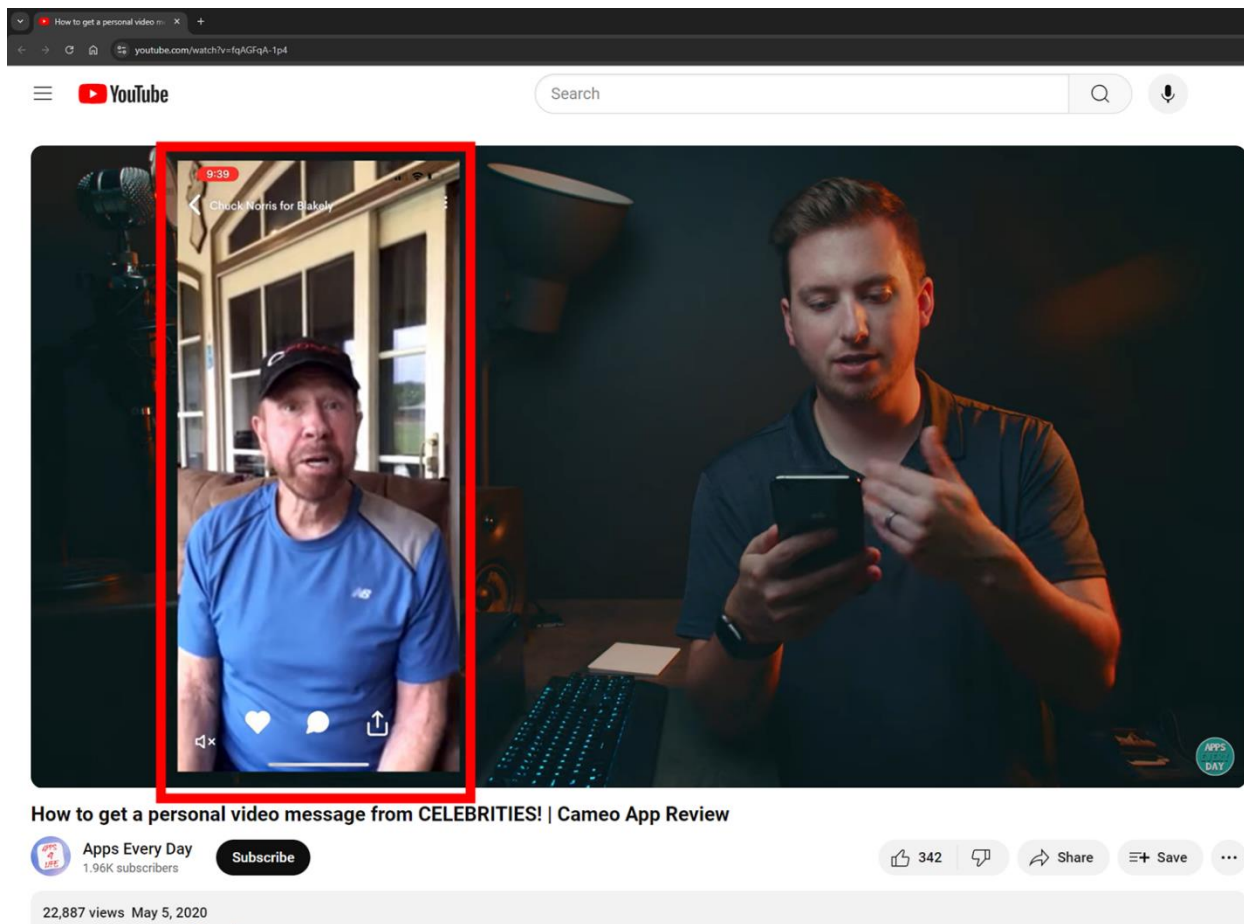
(E.g., <https://www.youtube.com/watch?v=fqAGFqA-1p4>).

The image is a screenshot of a YouTube video player. The video title is "How to get a personal video message from CELEBRITIES! | Cameo App Review". The video content shows a man in a dark shirt looking at his phone. An inset video shows a close-up of Chuck Norris with a wide, open-mouthed smile. The inset video has a red border and displays the following information: "9:39" at the top, "Chuck Norris Actor" in the center, and a pink button that says "Book \$349.99". Below the inset, there are 5.0 stars, "3 reviews", and "22 hours Response time". The categories listed are "Actors", "Athletes", and "Featured". The main video player shows the video title, the channel name "Apps Every Day" with 1.96K subscribers, a "Subscribe" button, 342 likes, a comment icon, a "Share" button, a "Save" button, and a "22,887 views May 5, 2020" bar at the bottom.

(E.g., <https://www.youtube.com/watch?v=fqAGFqA-1p4>).

The image is a screenshot of a YouTube video player. The video title is "How to get a personal video message from CELEBRITIES! | Cameo App Review". The channel is "Apps Every Day" with 1.96K subscribers. The video has 22,887 views and was uploaded on May 5, 2020. The video content shows a man in a dark polo shirt looking at his smartphone. An inset shows a mobile app interface with two video messages from celebrities: one from Chuck Norris (labeled "Blakely" and "Cameo for Vic and the girls") and one from Gina (labeled "Gina" and "Cameo for Luke"). The Gina message is highlighted with a red border and has a price tag of "Book \$349.99". The video player includes a search bar, a microphone icon, and interaction buttons for likes (342), comments, share, save, and a menu.

(E.g., <https://www.youtube.com/watch?v=fqAGFqA-1p4>).

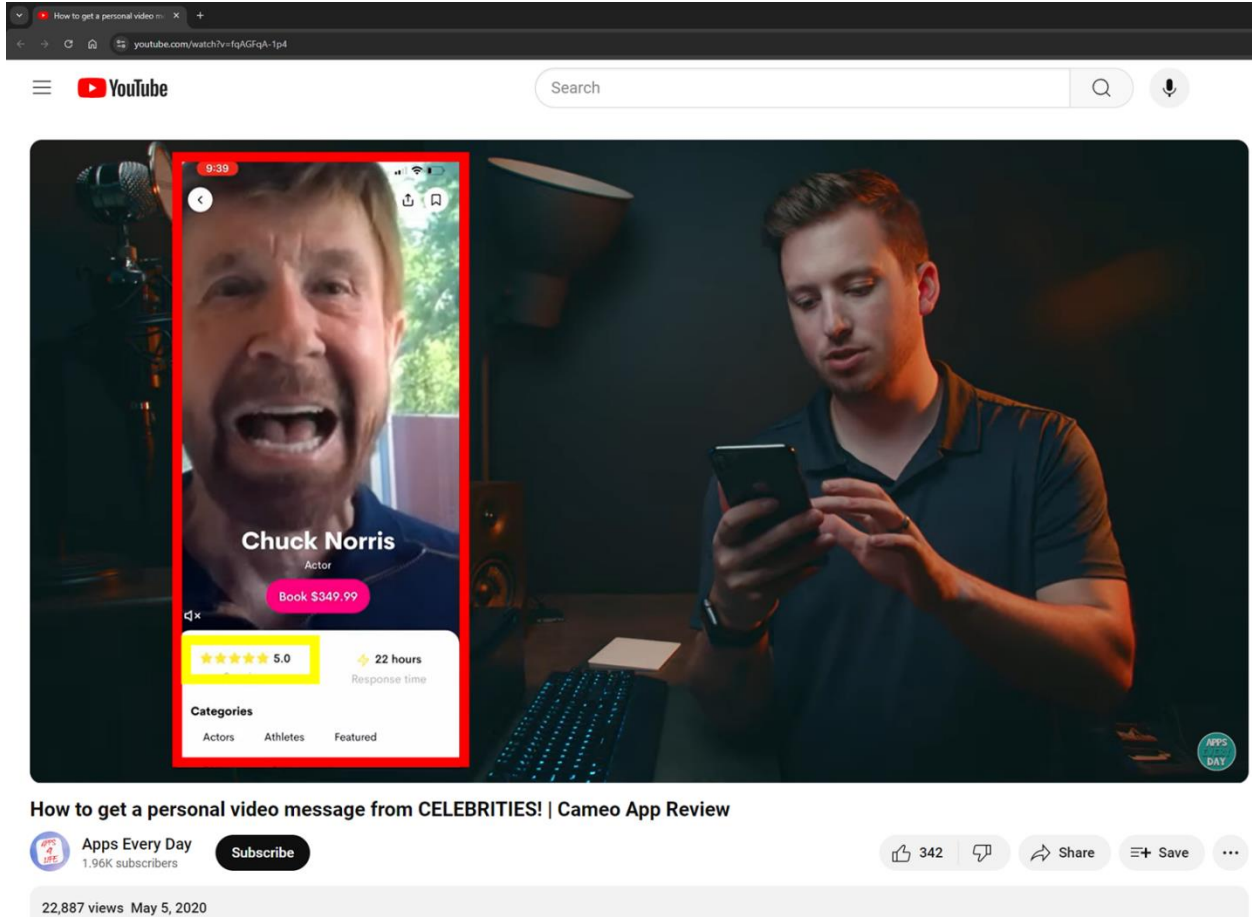


(E.g., <https://www.youtube.com/watch?v=fqAGFqA-1p4>).

51. The Accused Instrumentality employs an electronic voting subsystem, necessarily having one or more data processing apparatus in order to track voting or electronic rating, configured to enable a user to electronically vote for or rate (e.g., by the user's choices with respect to a selection of a Heart Icon) an electronically available multimedia content (e.g., a listing provided by an user-celebrity submitter, such as accompanying profile or cameo video). Cameo uses function-specific subsystems, for example as discussed below.

The image is a screenshot of a YouTube video player. The browser address bar shows the URL [youtube.com/watch?v=fqAGFqA-1p4](https://www.youtube.com/watch?v=fqAGFqA-1p4). The YouTube logo and search bar are visible at the top. The video player shows a man in a blue shirt and cap on the left, and a man in a dark shirt holding a smartphone on the right. A red rectangular box highlights the man in the blue shirt, and a yellow square highlights the heart icon in the video player's bottom-left corner. Below the video, the title "How to get a personal video message from CELEBRITIES! | Cameo App Review" is displayed. The channel name "Apps Every Day" with 1.96K subscribers and a "Subscribe" button are shown. Interaction buttons for likes (342), comments, share, save, and a menu icon are present. The video statistics show "22,887 views" and "May 5, 2020".

(E.g., <https://www.youtube.com/watch?v=fqAGFqA-1p4>).



(E.g., <https://www.youtube.com/watch?v=fqAGFqA-1p4>).

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.

September 13, 2024

Respectfully Submitted,

/s/Steven G. Kalberg

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Steven G. Kalberg (IL Bar No.: 6336131)
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