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

14 **VIRTUAL CREATIVE ARTISTS,**
15 **LLC,**
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18 **HOUZZ INC.,**
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Plaintiff,

v.

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 Houzz 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 On information and belief, from and within this District Defendant has committed at least
2 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).

5
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-centric
22 problem that required a technical solution—how to develop a computer system that would
23 allow remote contributors of electronic content to share and collaborate their content to
24 develop new media content. The claimed invention, which predates modern crowdsourcing
25 solutions, offers a unique, unconventional, and specially configured combination of
26 “subsystems” in which to address the Internet-centric problem.

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. This
14 is one of the many specialized databased required in the claim. In fact, the specification
15 discloses the use of a sophisticated database management system known in the art at the
16 time that was capable of handling data at this level, Oracle7. This type of database
17 management system cannot operate on a generic computing system but rather requires
18 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 The “submissions electronic interface” is further specifically “configured” [1] “to receive
26 electronic media submissions from a plurality of submitters over a public network, and [2]
27 store the electronic media submissions in the electronic media submission database.”
28

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

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

26 17. 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
28

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 subsystem
6 substantially more than an abstract idea or performing an abstract idea on a computer.

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

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

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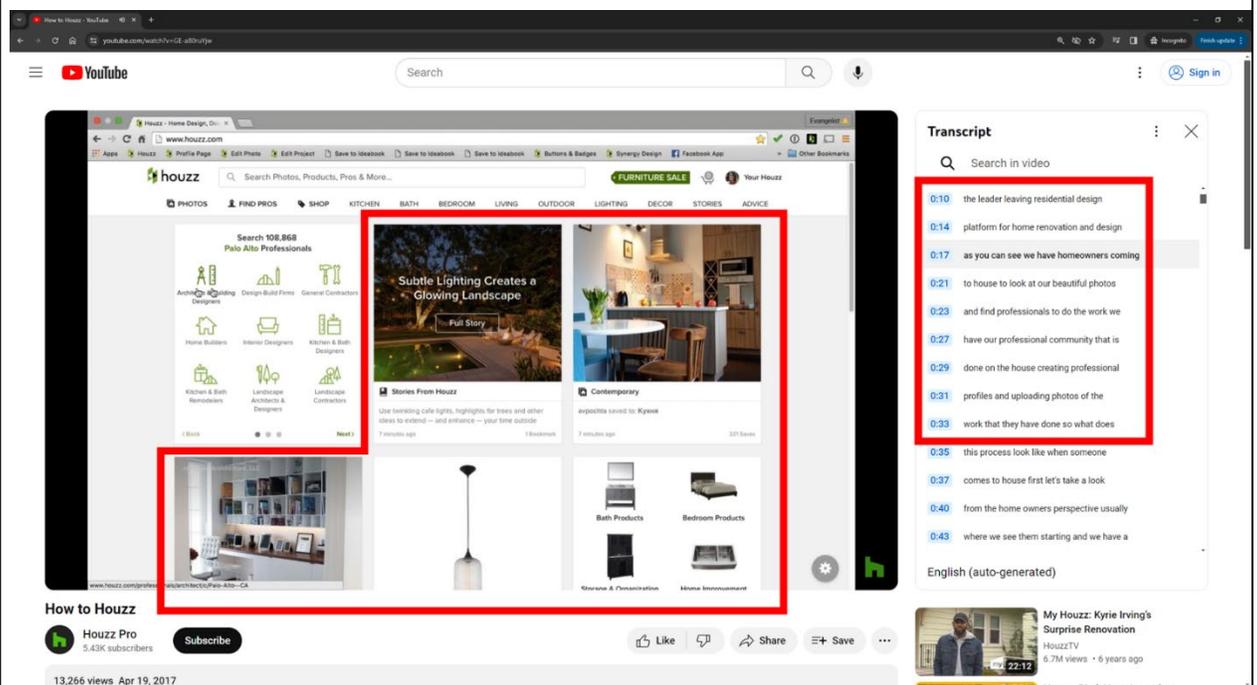
1 “the electronic media submission server subsystem” which must be “operatively coupled”
2 thereto. The claims also provide detail on how the “electronic media creator subsystem”
3 is “configured” “to select and retrieve a plurality of electronic media submissions from the
4 electronic media submission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

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

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

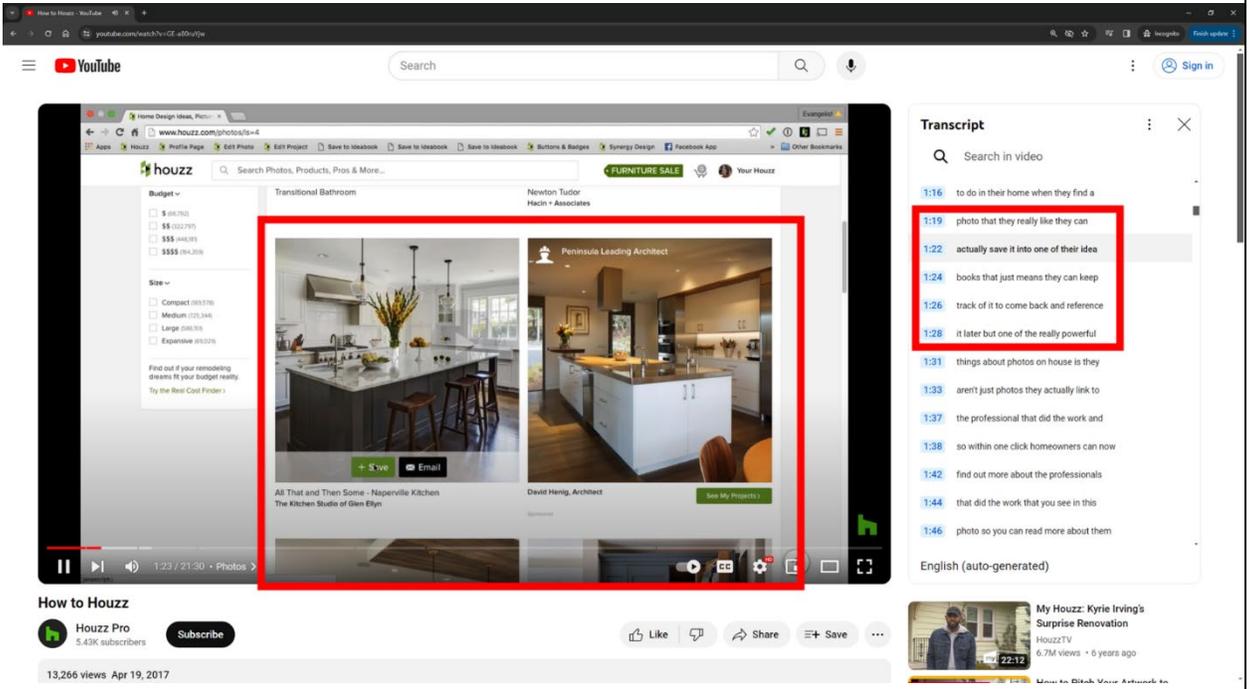
15 23. Houzz uses a computer-based system for its Accused Instrumentality, to
16 enable user-submitters to create designer profiles and share multimedia content pertaining
17 to architecture, interior design and/or decor posts (hereinafter referred to as “Design
18 Listings”). The Design Listings may be in the form of a “Project” or an “Ideabook” and
19 include multimedia content including image and textual content e.g., a Listing Name,
20 design features, design inspiration, cost range and the like, as well as images or renderings
21 of the designs which may be shown to other users based on, *inter alia*, user attributes. User-
22 submitters may also create user profiles which include multimedia content including image
23 and textual content pertaining to the user-submitter (e.g., a submitter’s profile picture and
24 an About Me section and Design Listings). Individual users may save or bookmark the
25 Design Listings and, through Houzz.com, hire a local contractor to perform home
26 renovations based on the Design Listings. Individual users may also submit “Ideabooks”
27 of saved or booked marked Design Listings. Houzz, during the relevant time period, took
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1 advantage of multiple cloud server providers for the Accused Instrumentality, as discussed
 2 above, as well as scalability within its cloud server providers, employing separate server
 3 subsystems for all its meaningfully different functions. Houzz uses, and has used during
 4 the relevant time period, numerous different networks and providers for, *inter alia*, content
 5 management systems, web servers, web hosting, data centers, proxy certificates, SSL
 6 certificates, traffic analysis, advertising, and tagging, thereby using separate server
 7 subsystems for all its meaningfully different functions, such as those indicated below.

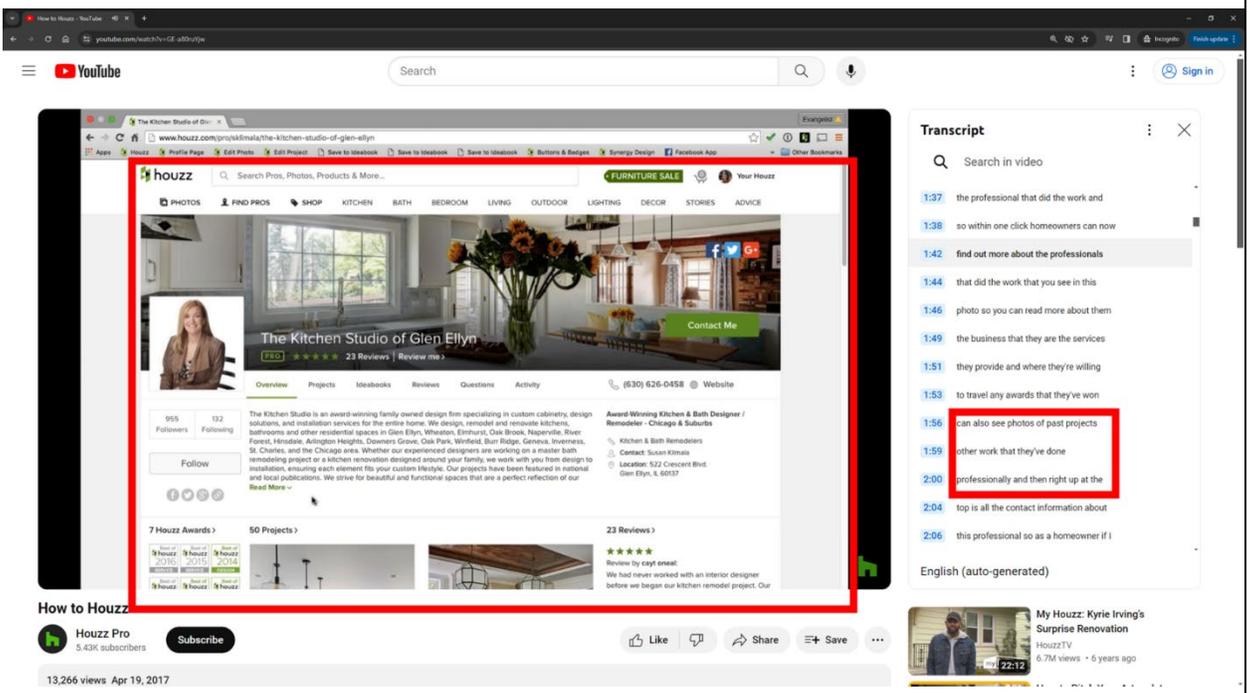


20 (E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).

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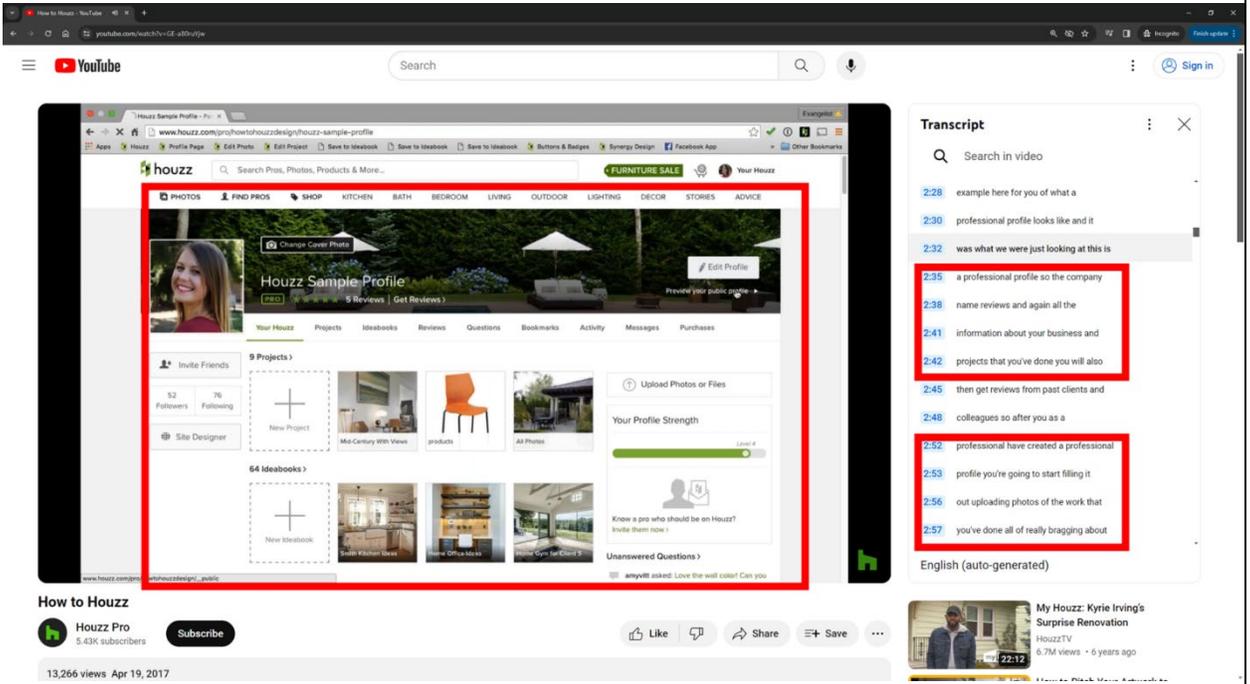


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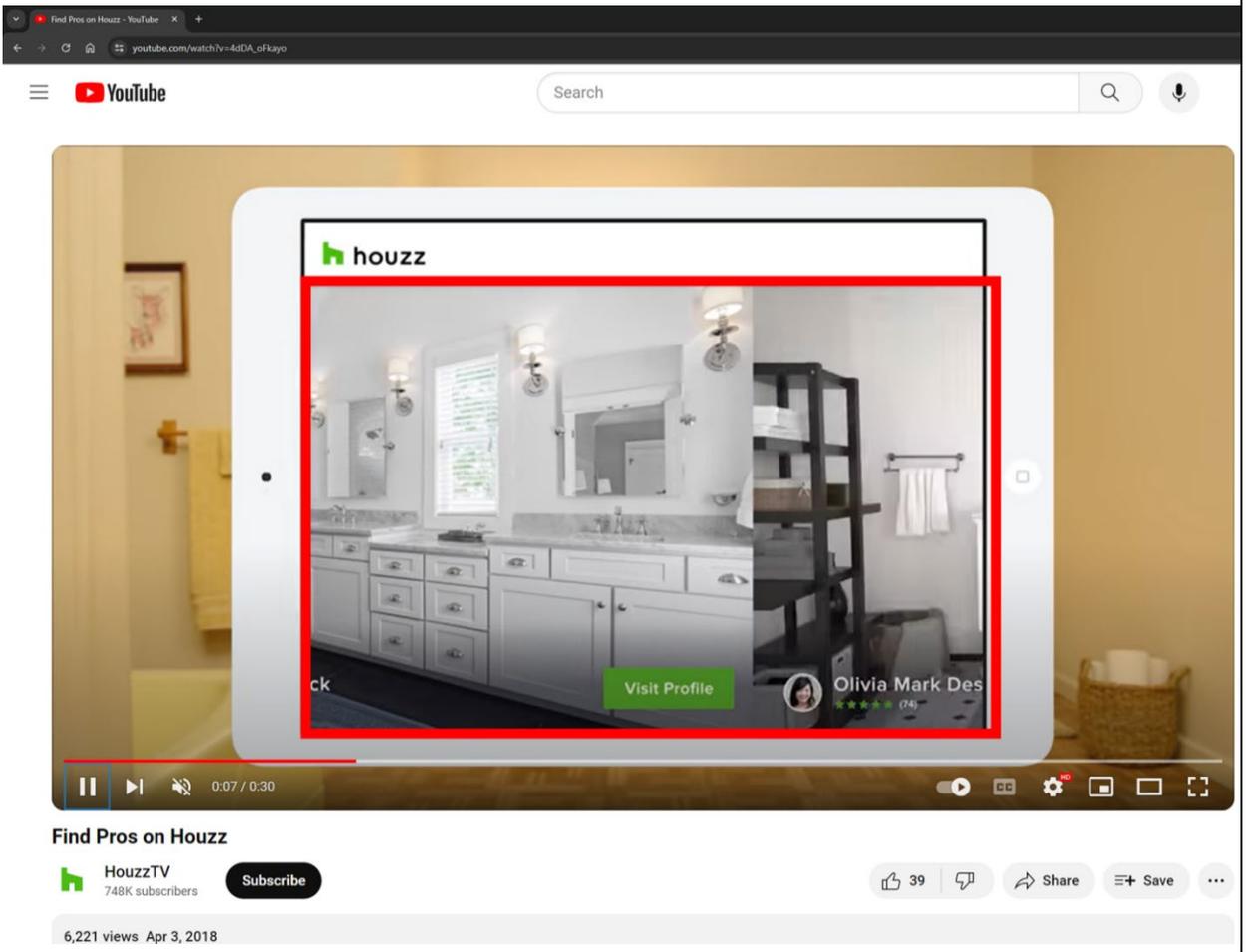


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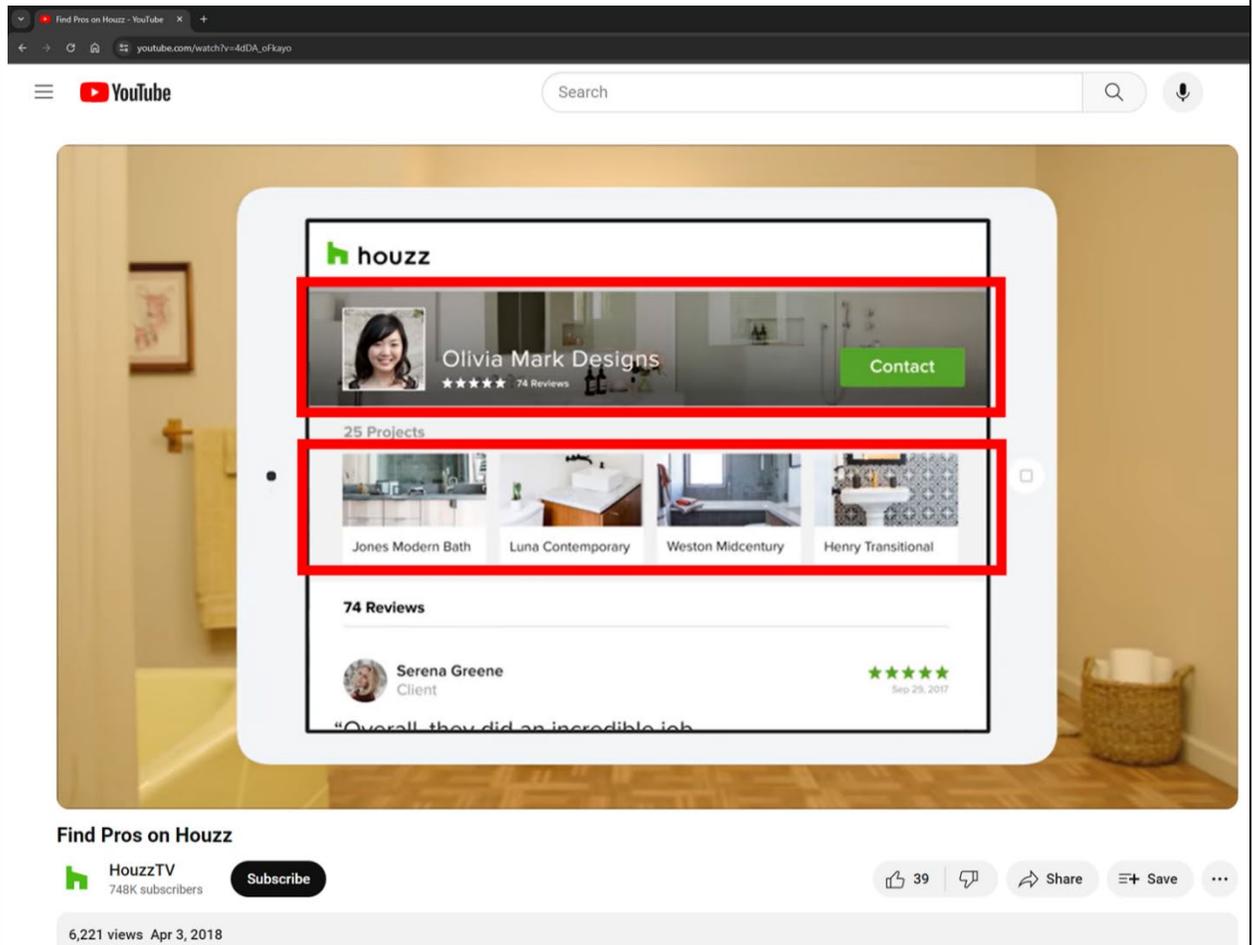
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(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).



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18 (E.g., https://www.youtube.com/watch?v=4dDA_oFkayo).

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Creating a Robust Profile

ANNA CARIN Design
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ANNA CARIN design is a full-figed interior design practice with a broad client list covering many fields including private homes and apartments, residential developments, retail, corporate and hospitality projects in both Scandinavia and Australia. Swedish born Principal Designer Anna Carin McNamara with a Master of Arts degree from the Royal College of Art in London has worked as in-house designer for prominent interior house Svensk Term in Stockholm and as Senior Designer with Rupert Gardner Design, also in Stockholm. Based in Sydney's Paddington the multi-disciplinary studio is shared with Architects and Graphic Designers providing clients with extensive service and expertise. Our aim is, through passionate involvement, to find stylish and functional solutions where each challenge is seen as an opportunity for innovation and the end result brings people together and spaces that last.

Services Provided
 Residential, Commercial, Retail and Hospitality Design

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 Sydney Australia
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3 Houzz Badges > | **5 Projects** > | **6 Reviews** >

1 Affiliation >

Woolahra Cottage
12 photos

the FORSA Rug collection by ANNA CARIN L.
6 photos

Review by lindaL_:
 Anna-Carin came highly recommended to me by a friend in the Design Industry. I engaged Anna-Carin's services during the renovating of our 5 bedroom home in Bronte. I was extremely happy with the sta...

Review by winter1913:
 Highly recommend Anna-Carin designs efficient quality and out standing taste and delivers on tim e genuine design and a specific Scandinavian fair

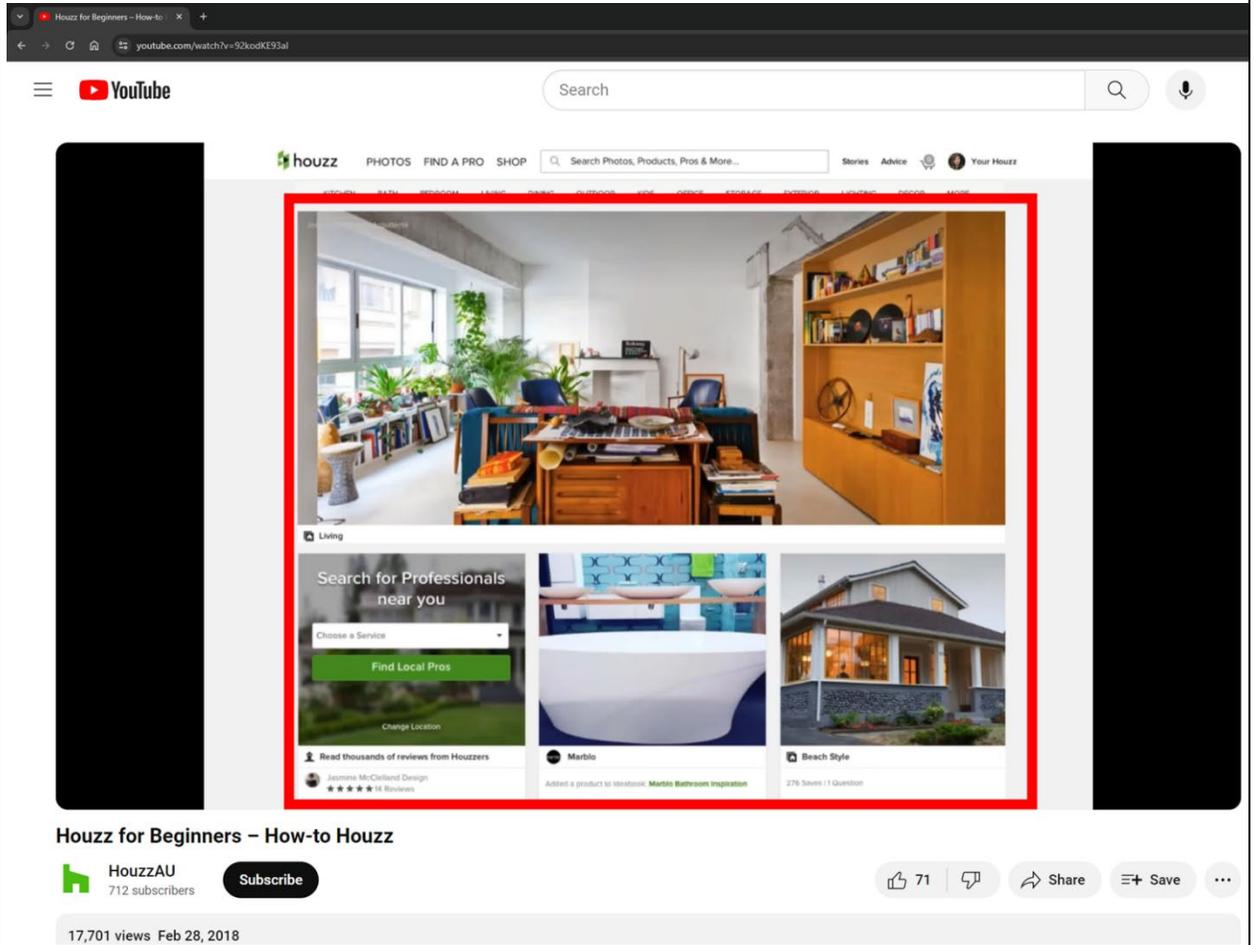
Houzz for Beginners – How-to Houzz

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17,701 views Feb 28, 2018

(E.g., <https://www.youtube.com/watch?v=92kodKE93aI>).



(E.g., <https://www.youtube.com/watch?v=92kodKE93aI>).

The screenshot shows a web browser window with the URL w3techs.com/sites/info/Houzz.com. The page features a navigation menu with links for Home, Technologies, Reports, API, Sites, Quality, Users, Blog, Forum, FAQ, and Search. Below the navigation is a section for 'Featured products and services' with logos for DesignBombs and Themeisle. The main content area is titled 'Site Info - Houzz.com' and provides an overview of web technologies used by Houzz.com. It includes sections for Website Background, Content Management Systems, Server-side Programming Language, Client-side Programming Language, JavaScript Libraries, and Web Server.

Website Background	
Description on Homepage	Houzz - Home Design, Decorating and Remodeling Ideas and Inspiration, Kitchen and Bathroom Design Houzz is the new way to design your home. Browse 25 million interior design photos, home decor, decorating ideas and home professionals online.
Popularity rank	Top 10k among all websites

Content Management Systems	
WordPress used on a subdomain	WordPress is an open source blog publishing and content management system, based on PHP and MySQL.
Salesforce Customer 360 used on a subdomain	Salesforce Customer 360 provides platforms that enables companies to connect with customers and partners.

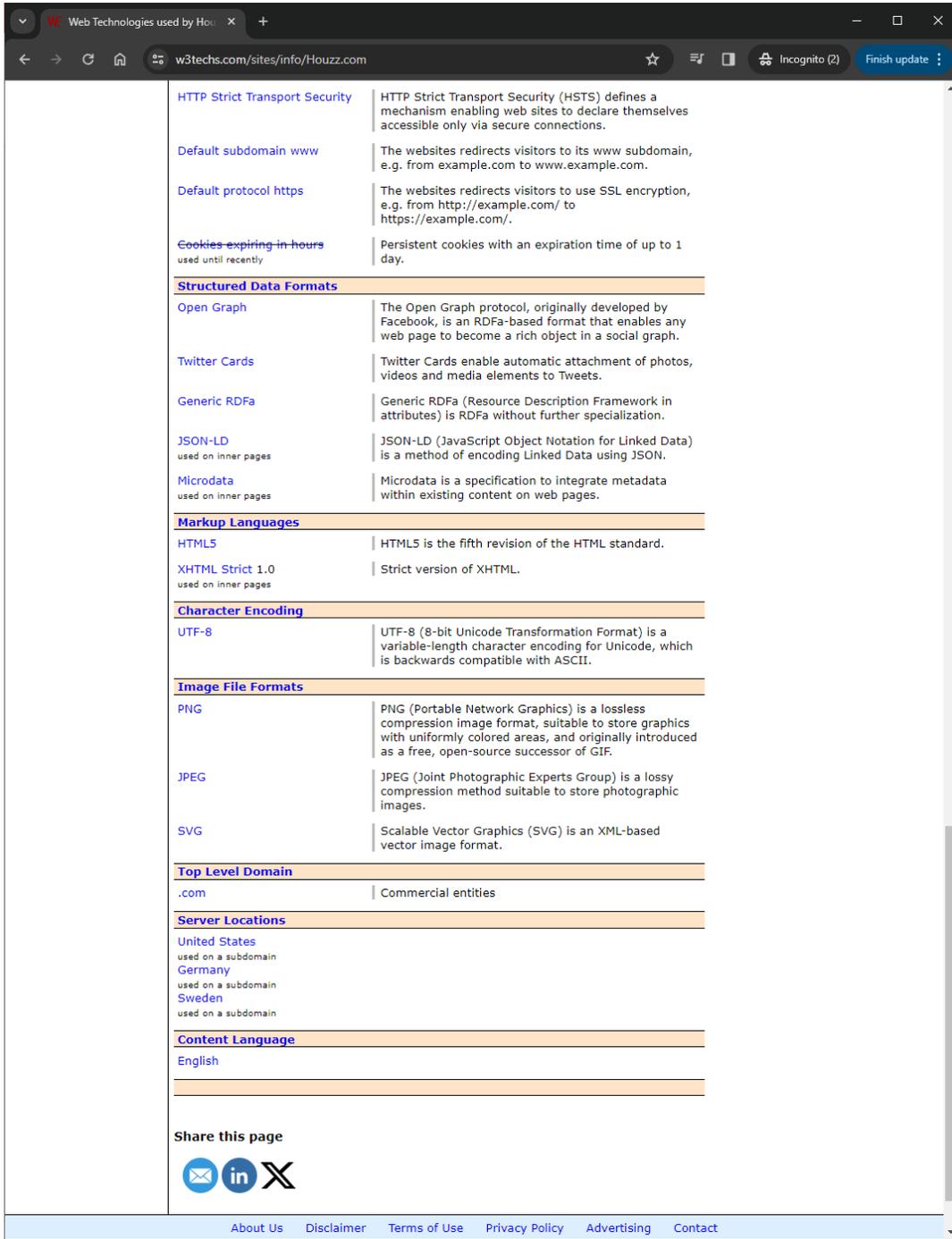
Server-side Programming Language	
PHP 7.2.12 79% of sites use a newer version used on a subdomain	PHP is a scripting language for creating websites.

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

JavaScript Libraries	
jQuery 3.1.1 66% of sites use a newer version	jQuery is a JavaScript library that simplifies HTML document traversing, event handling, animating and Ajax interaction. Originally developed by John Resig.
Bootstrap used on a subdomain	Bootstrap is an open source HTML, CSS, and JavaScript framework.

Web Server	
Envoy	Envoy Proxy is a proxy server designed for large service-oriented architectures.

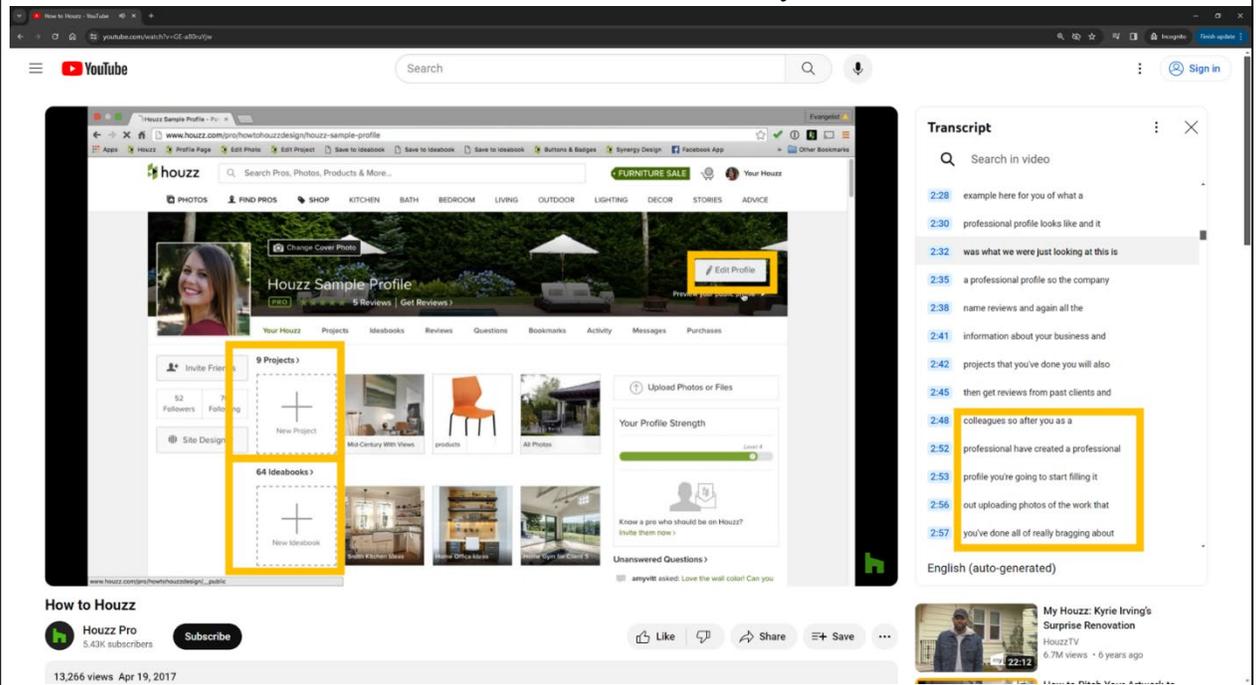
(E.g., <https://w3techs.com/sites/info/Houzz.com>).



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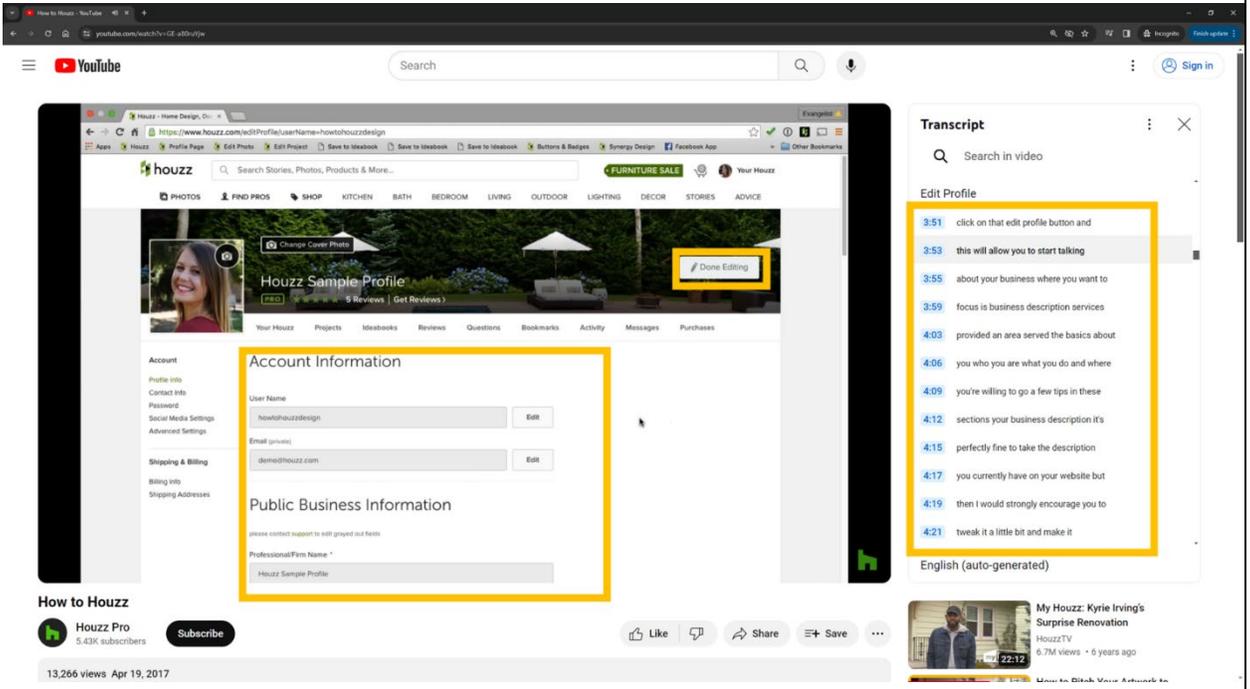
24. The Accused Instrumentality includes an electronic media submissions server subsystem, having one or more data processing apparatus and an electronic media submissions database stored on a non-transitory medium in order to process and store received submissions from a plurality of user-submitters, for example content pertaining

1 to their respective electronic media submission (e.g., Design Listing) on the Accused
 2 Instrumentality, as well as multimedia content to be displayed on one or both of the user's
 3 profile and the Design Listing, as discussed and shown for example in connection with the
 4 above discussion. The submissions pertaining to building a user profile and to posting a
 5 Design Listing may include e.g., photo and/or textual content. The submissions are
 6 provided to the Accused Instrumentality via a submissions electronic interface, e.g., a web-
 7 based content portal, accessible for example by logging in and selecting an option to upload
 8 such content or import content, configured to receive such electronic media, from a
 9 plurality of submitters (e.g., user-submitters) over a public network (e.g., the Internet) and
 10 stored, via an uploading process, in said electronic media Listings database for use in
 11 distribution to other users of the Accused Instrumentality.

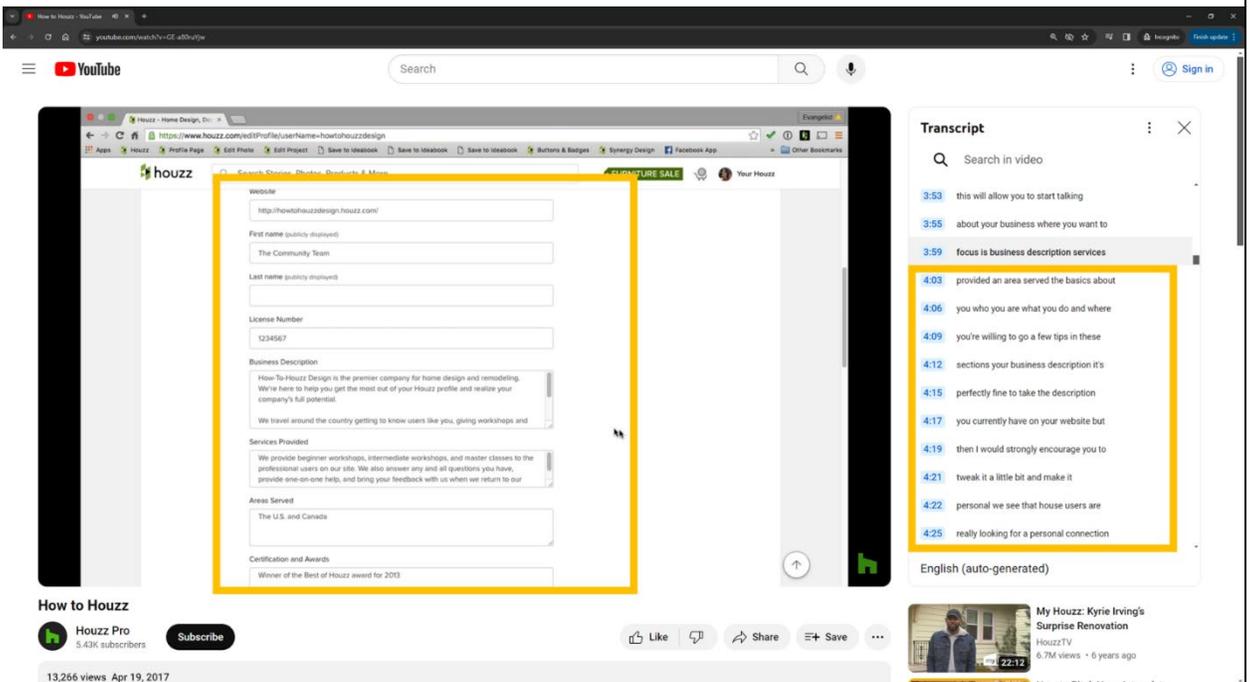


23 (E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).

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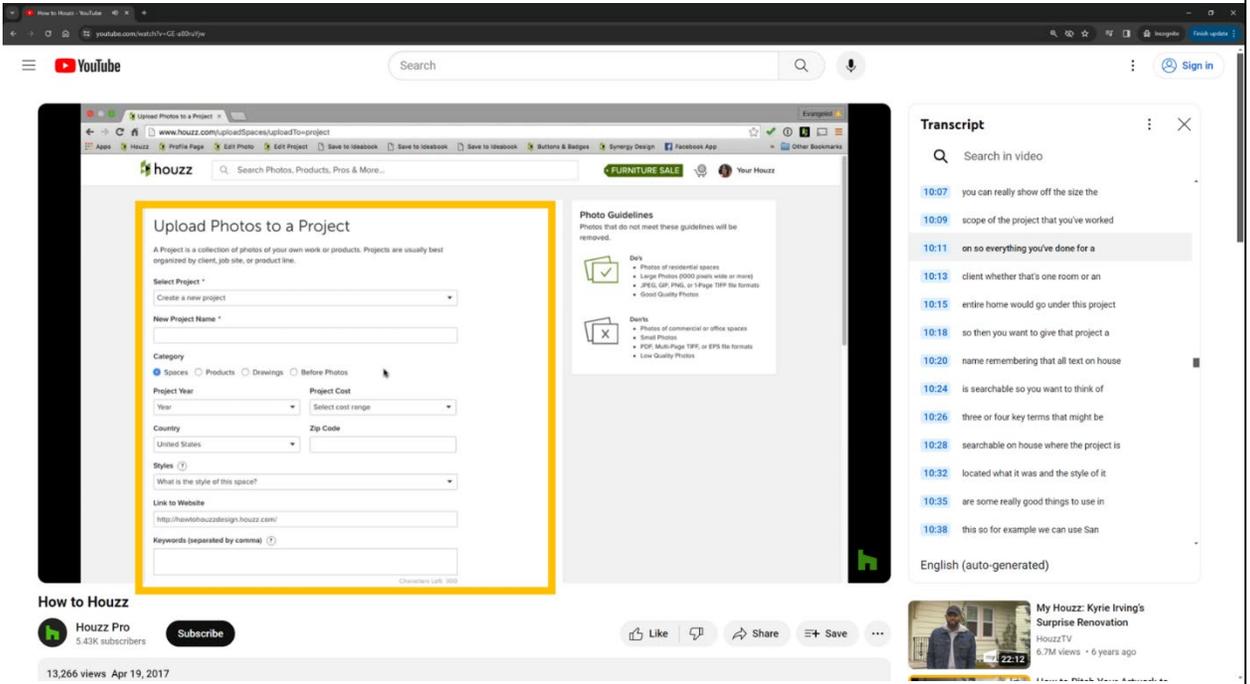


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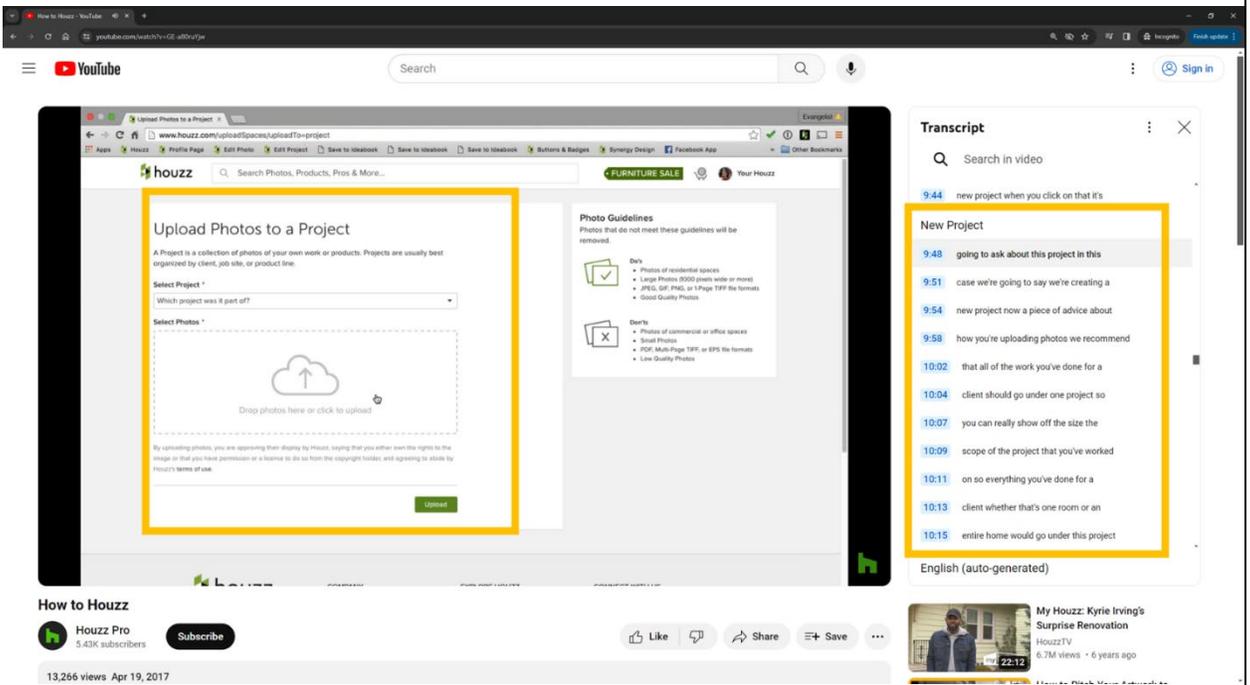


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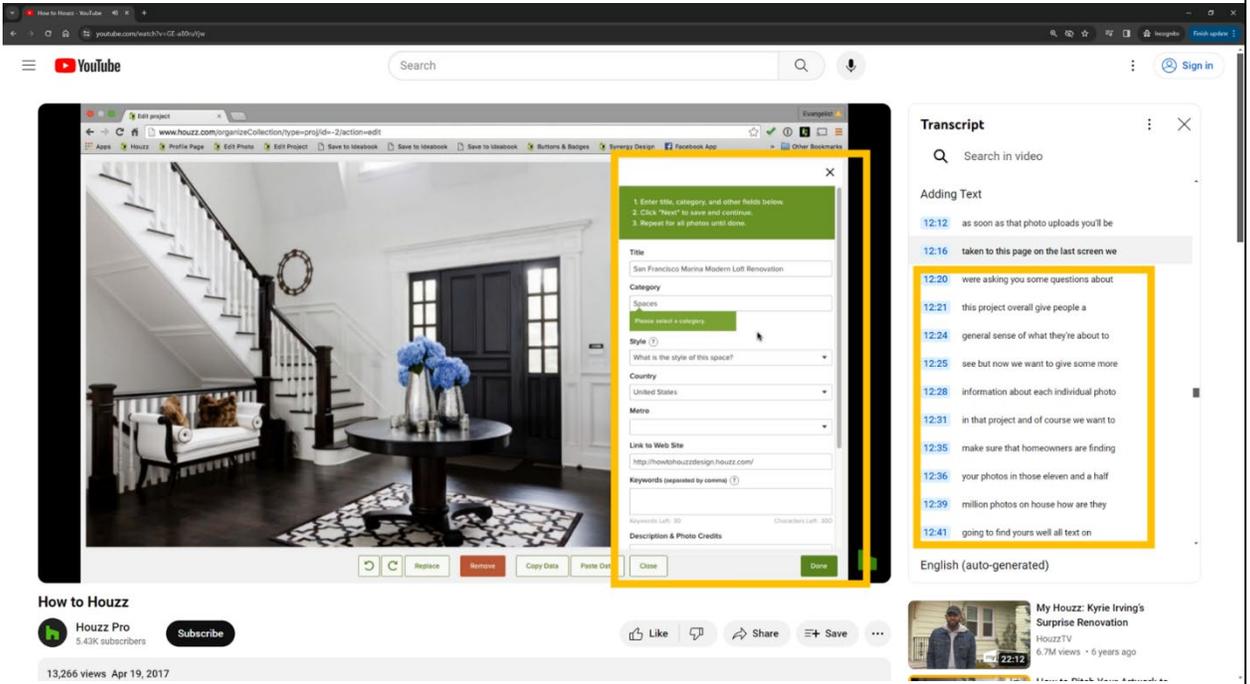


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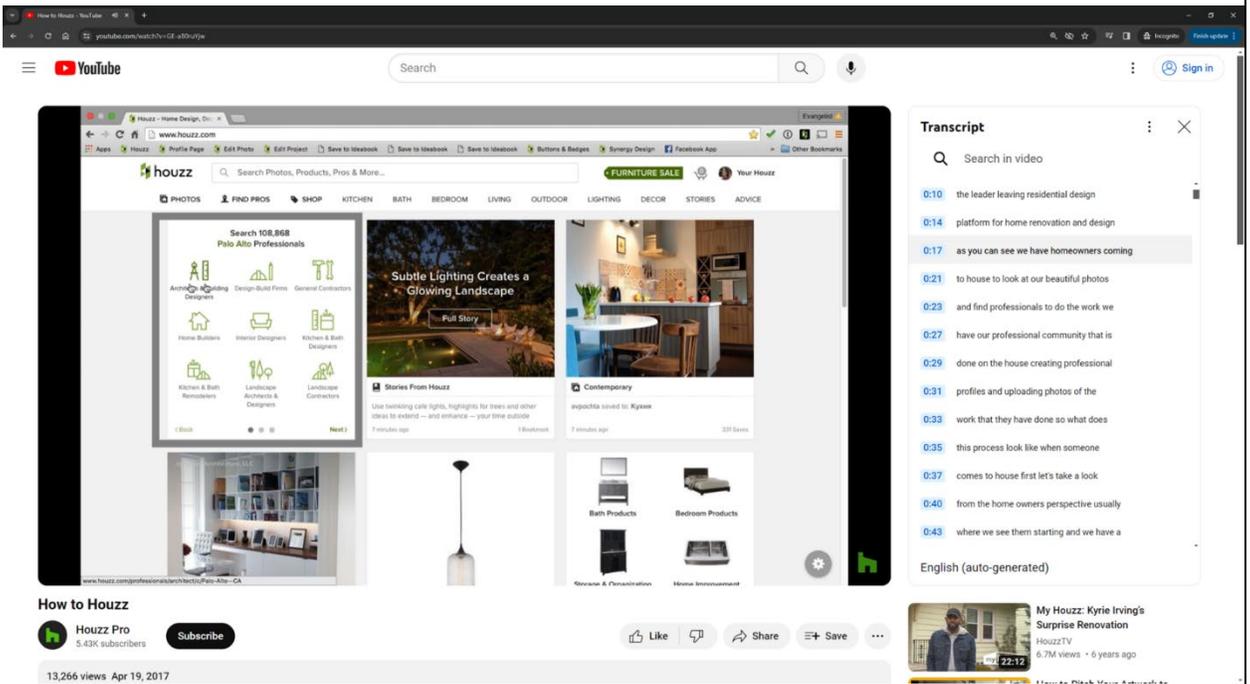


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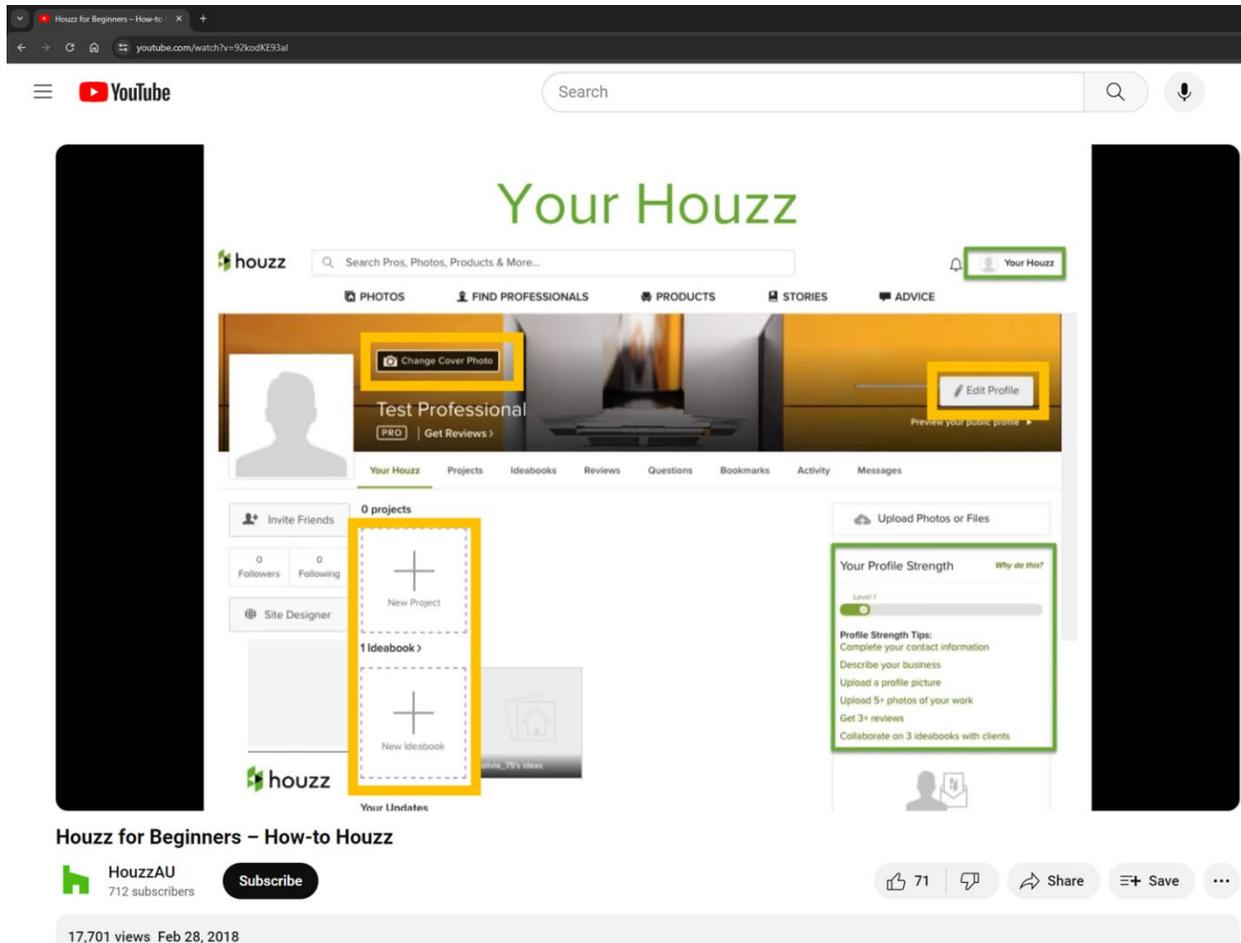
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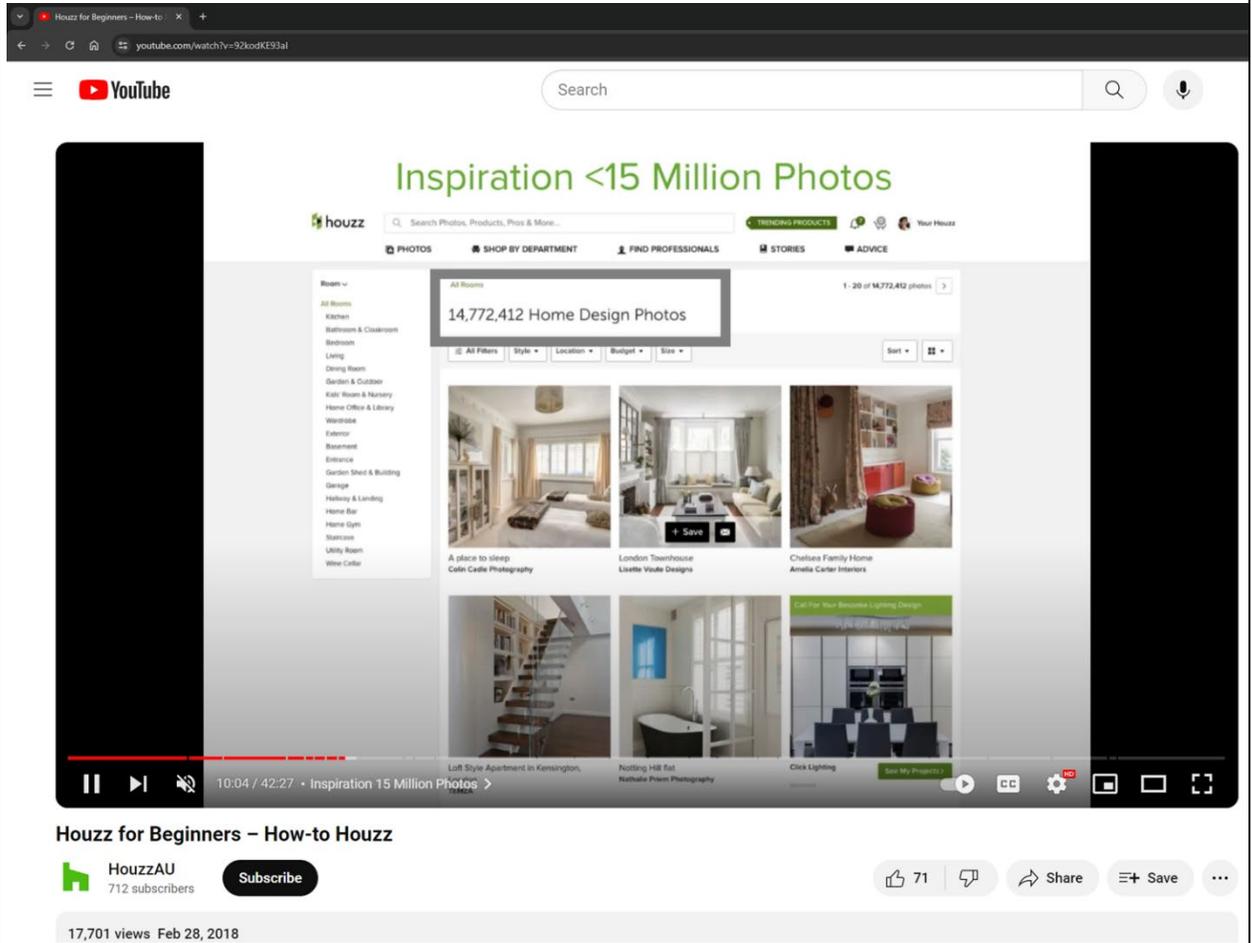
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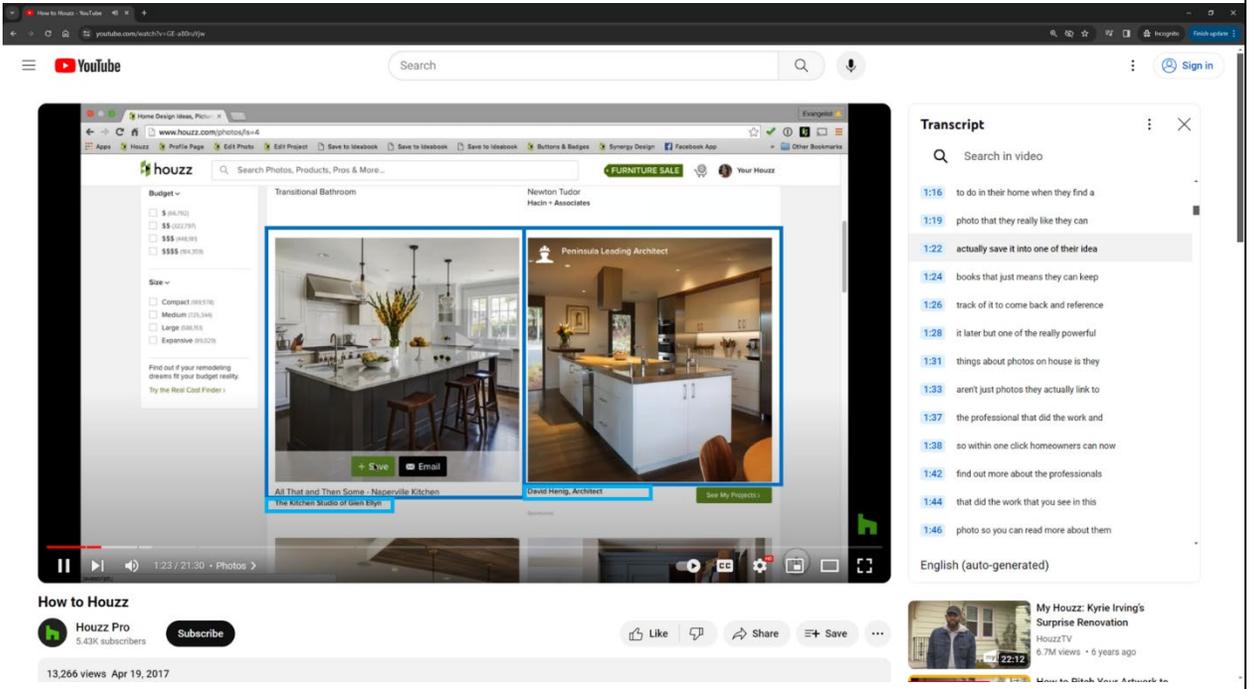
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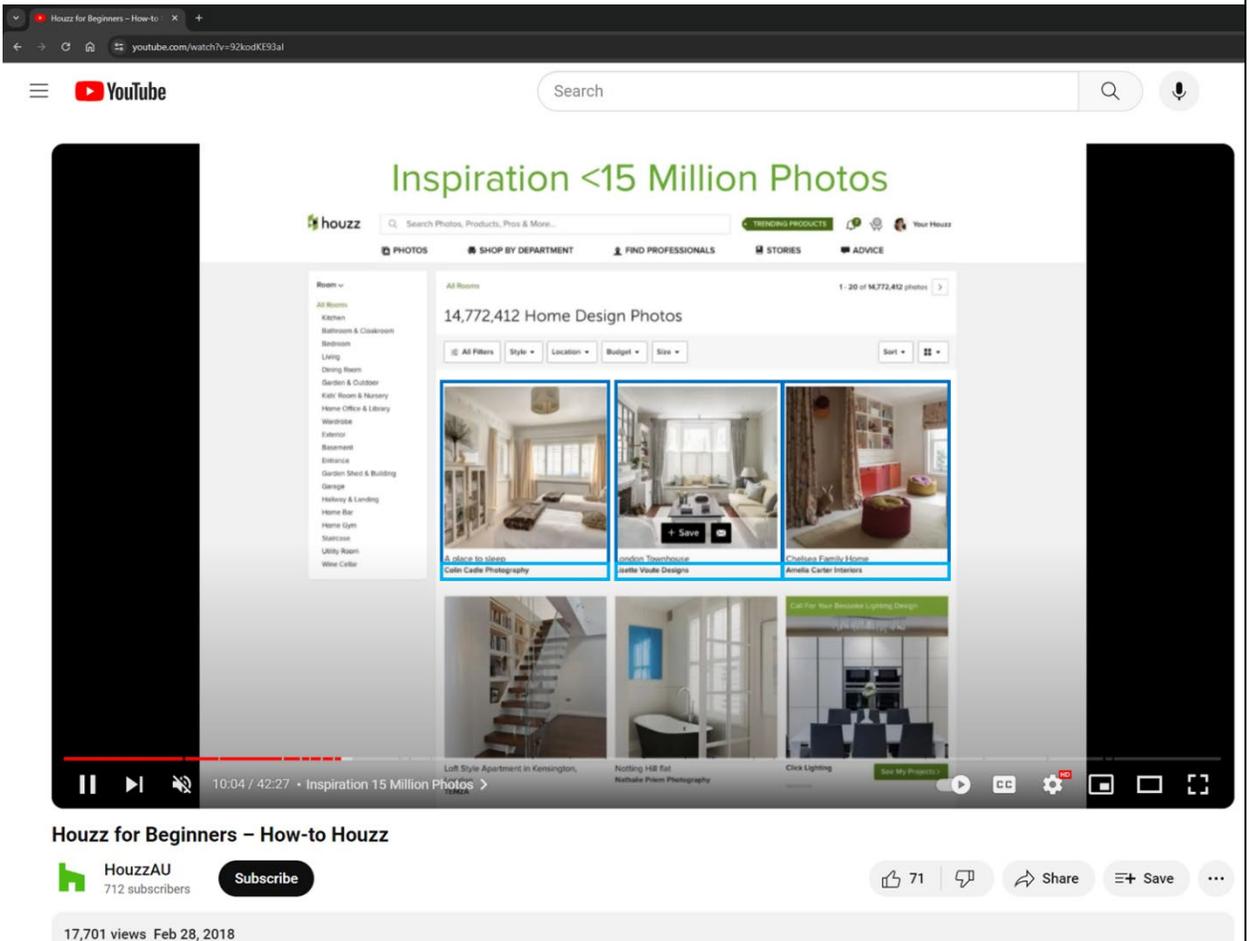
(E.g., <https://www.youtube.com/watch?v=92kodKE93aI>).

25. The electronic media submissions database of the Accused Instrumentality used by Houzz which stores the submissions further stores data identifying the submitter and data indicating content for each electronic media submission (e.g., Design 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 Design Listing.

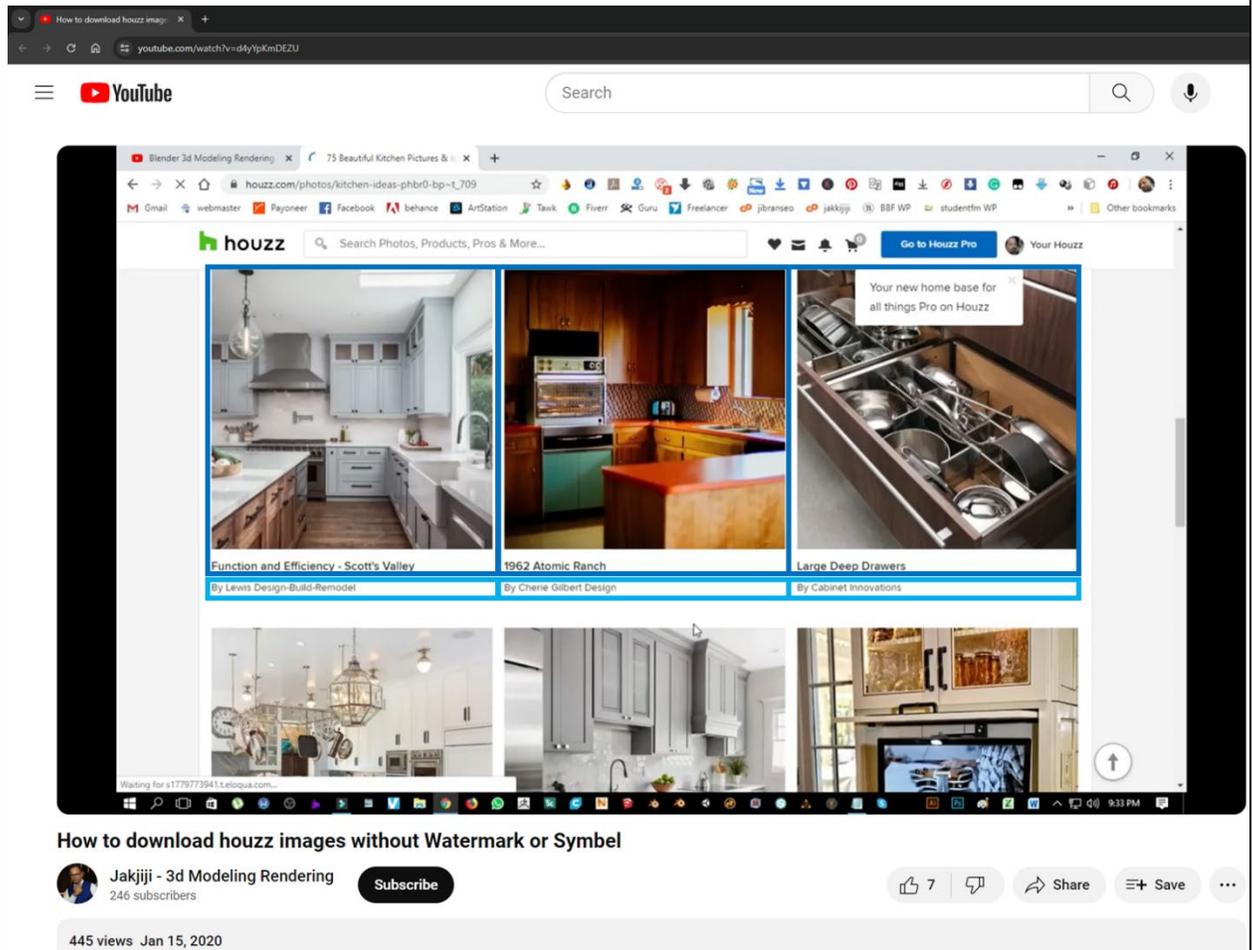
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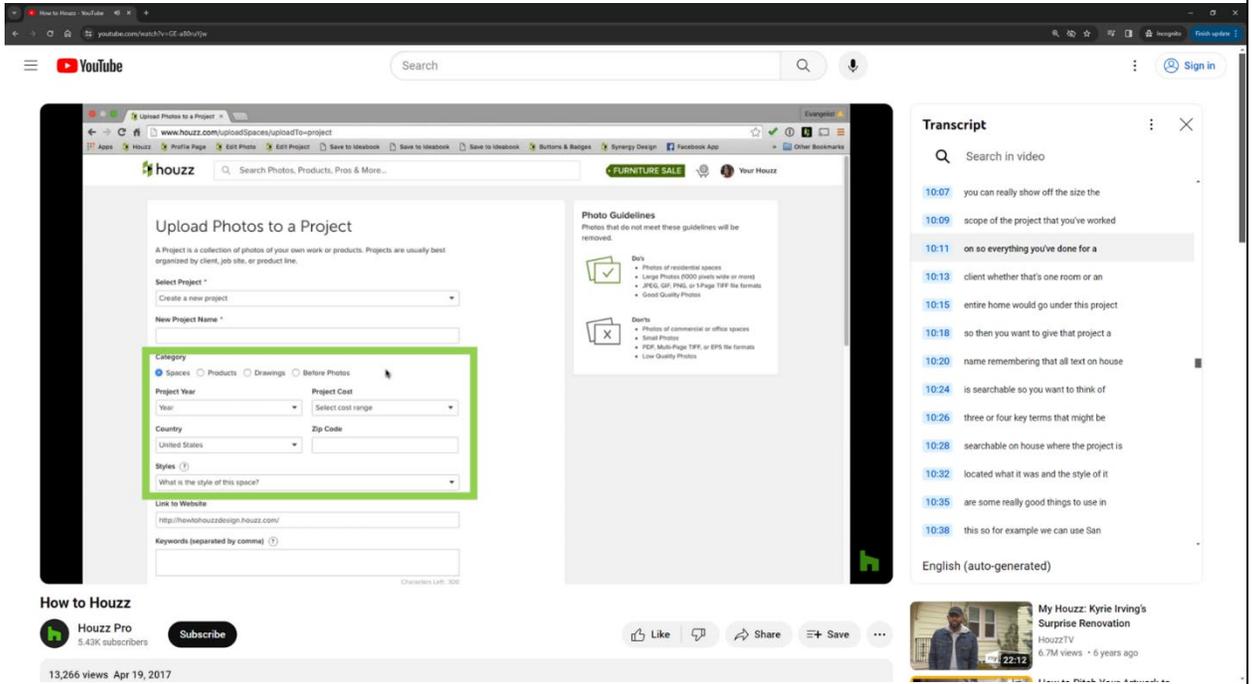


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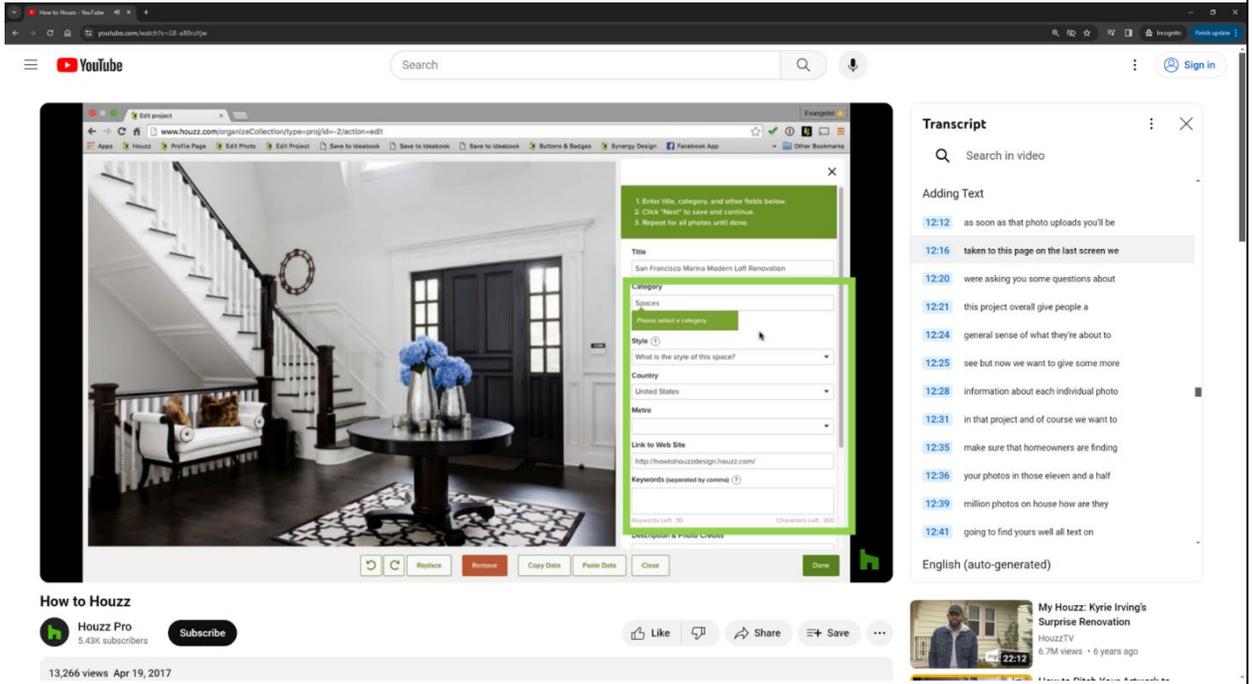


(E.g., <https://www.youtube.com/watch?v=d4yYpKmDEZU>).

26. Individual user-submitters can sign up and create user profiles, designer profiles and Design Listings on Houzz'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 a Design Listing, contained on the user database, may include e.g., project space, project cost range, geographical region, country, design style, room and/or area of a home, and the like as shown for example in the examples below.

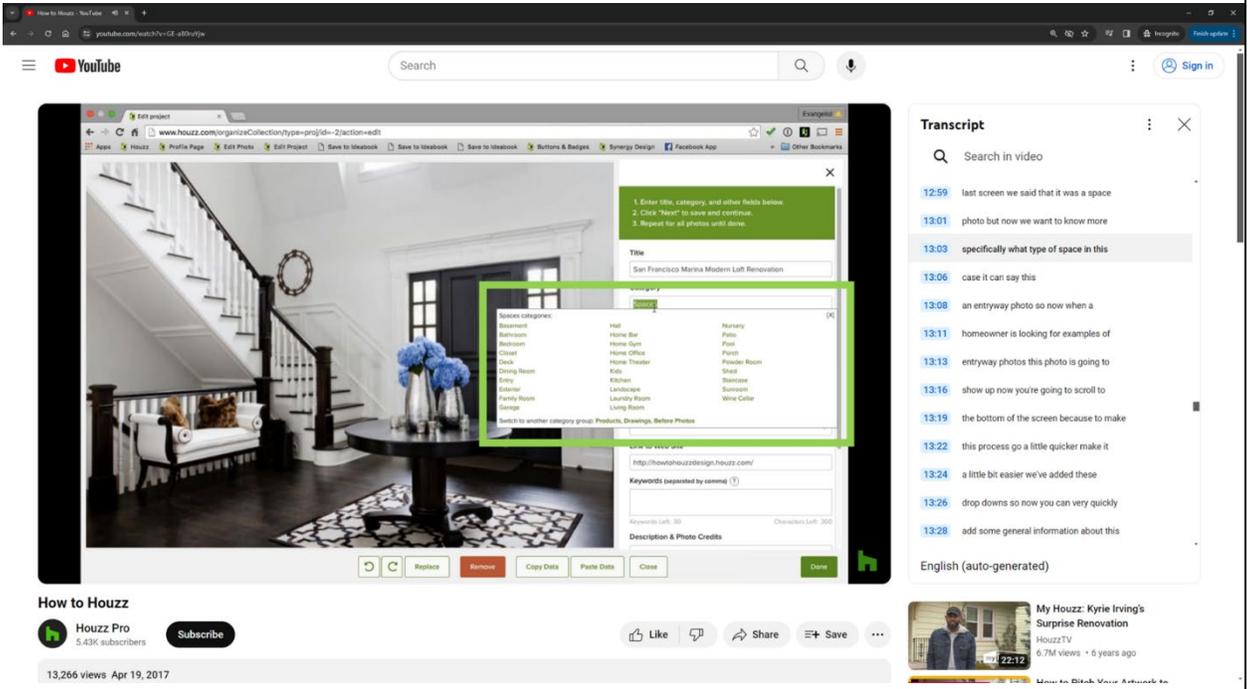


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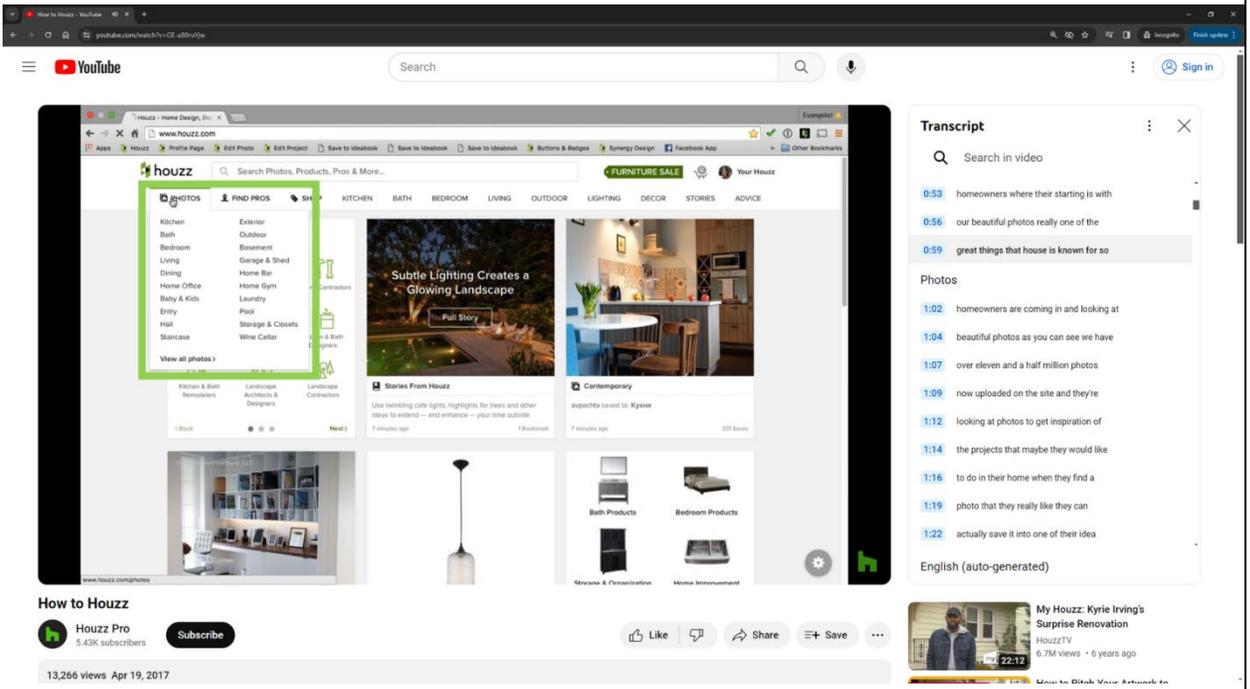


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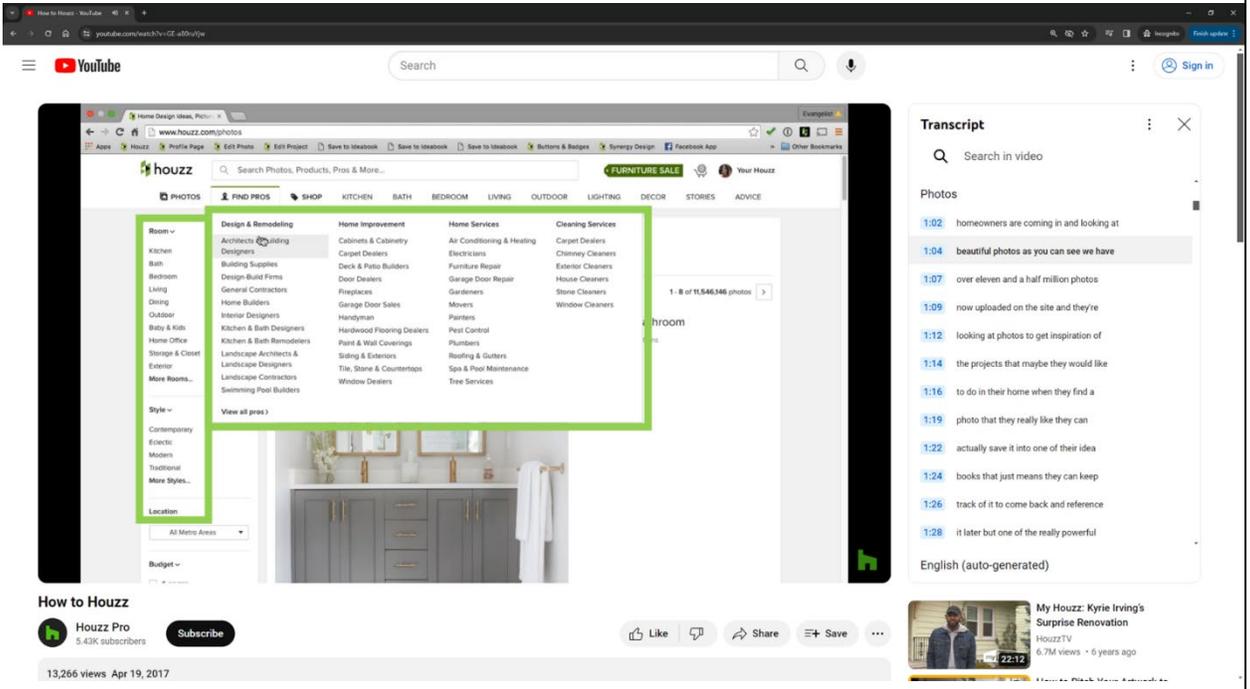


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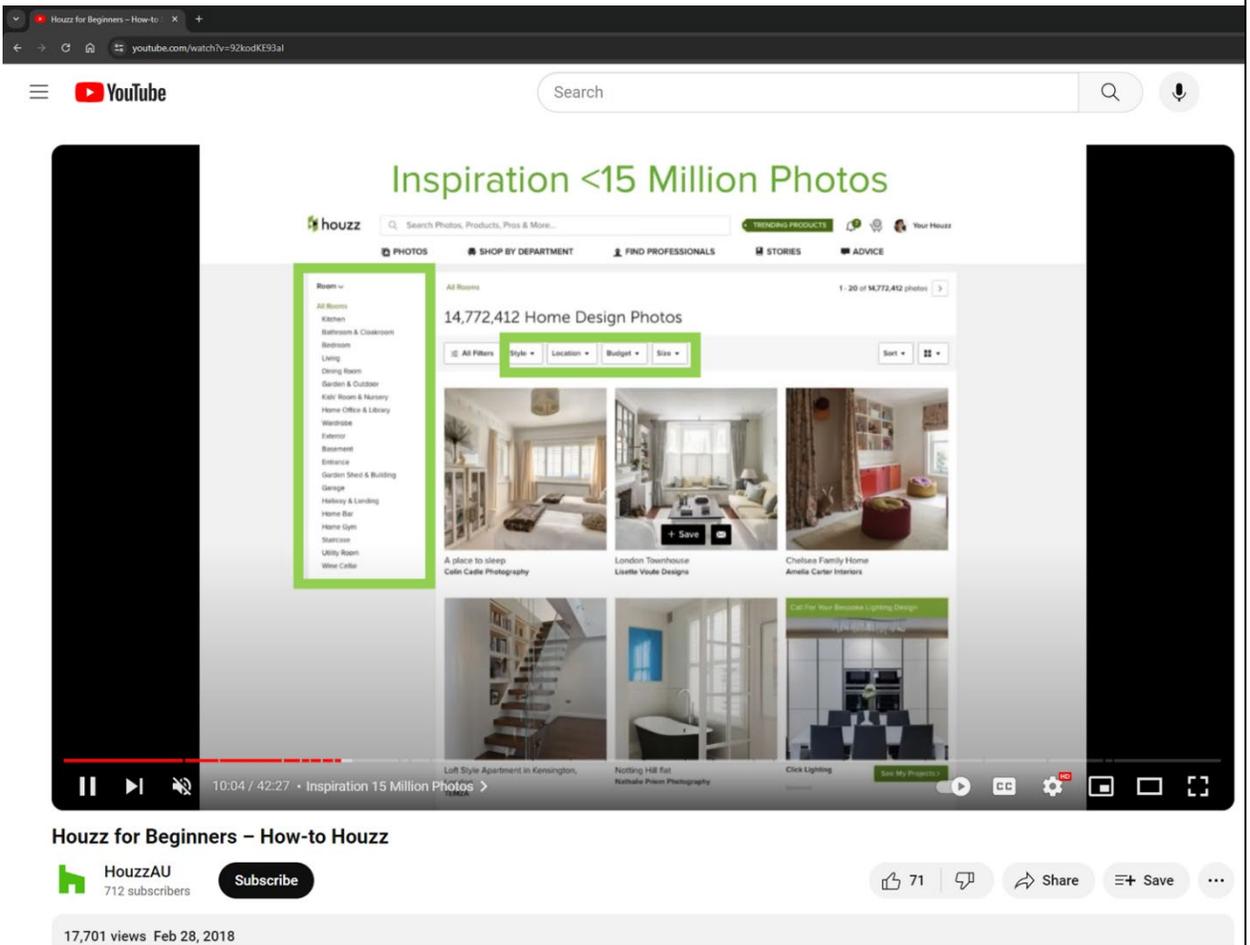


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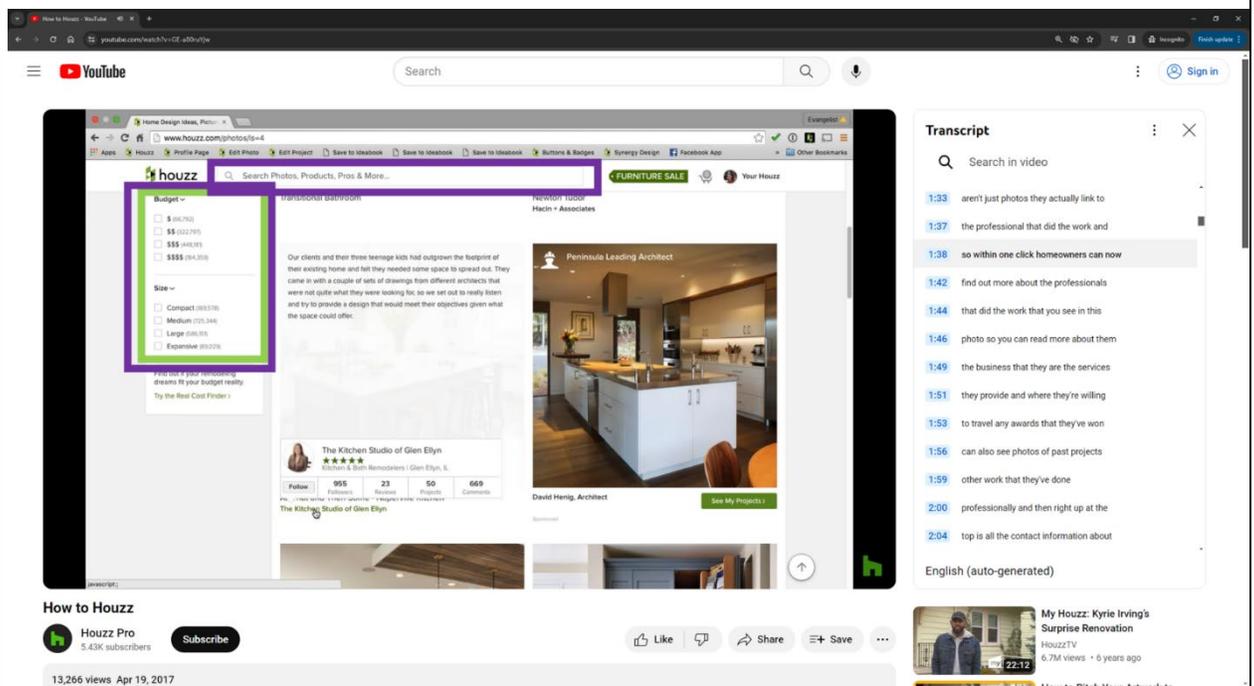


(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).



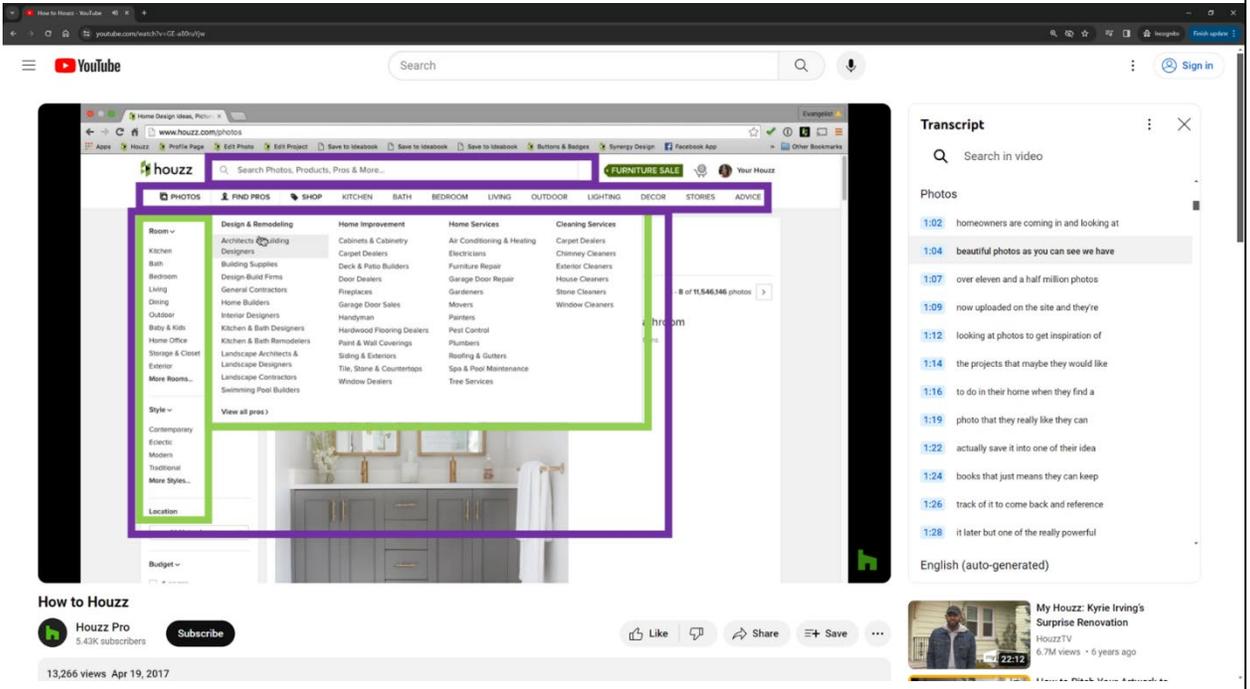
(E.g., <https://www.youtube.com/watch?v=92kodKE93aI>).

27. 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., Design 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 Houzz is based at least in part on at least one of the one or more user attributes, (e.g., based on, *inter alia*, project space, project cost range, geographical region, country, design style, room and/or area of a home, project size) which in turn affect which electronic media submissions, and associated media, appear to the user, as shown and discussed for example below.

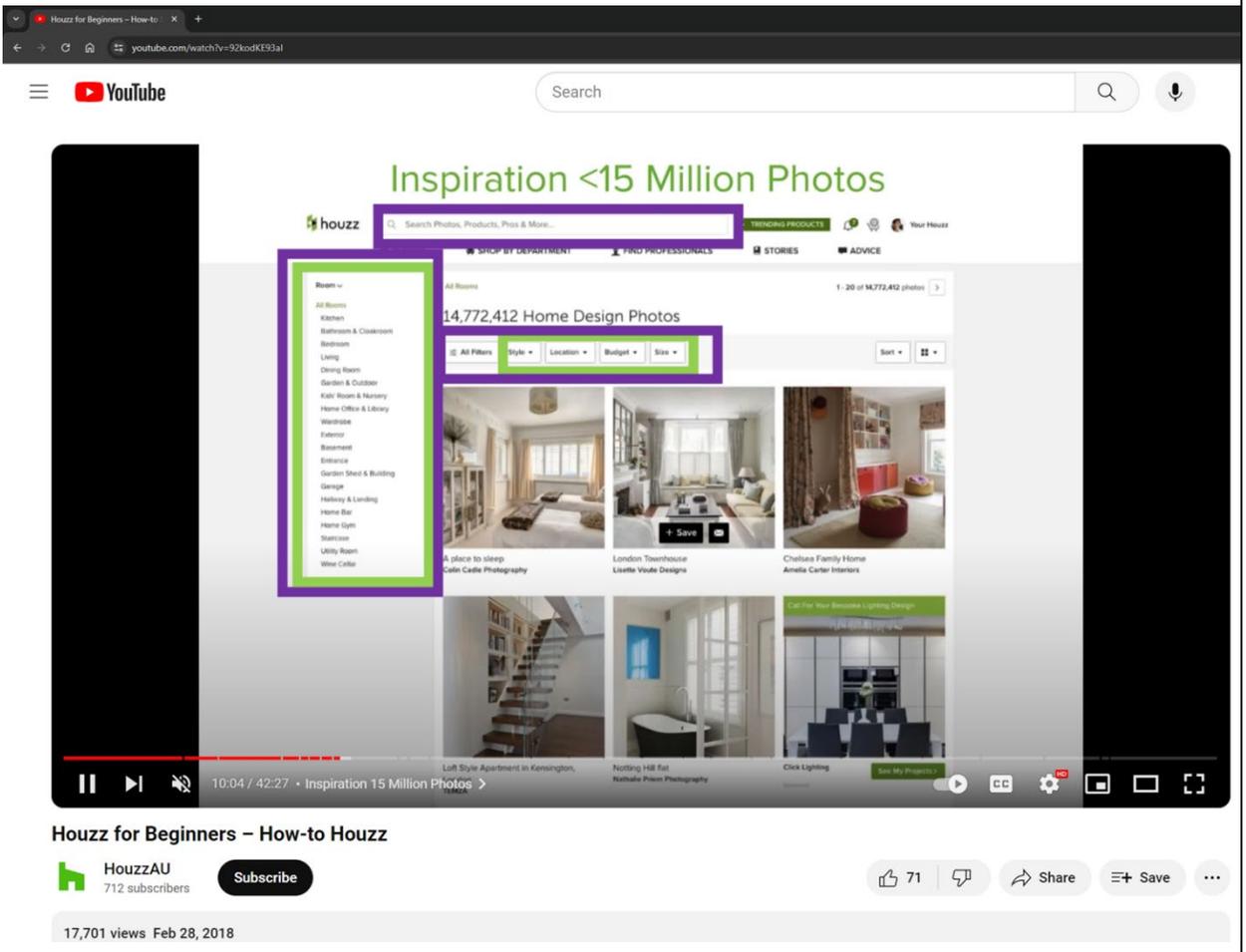


(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).

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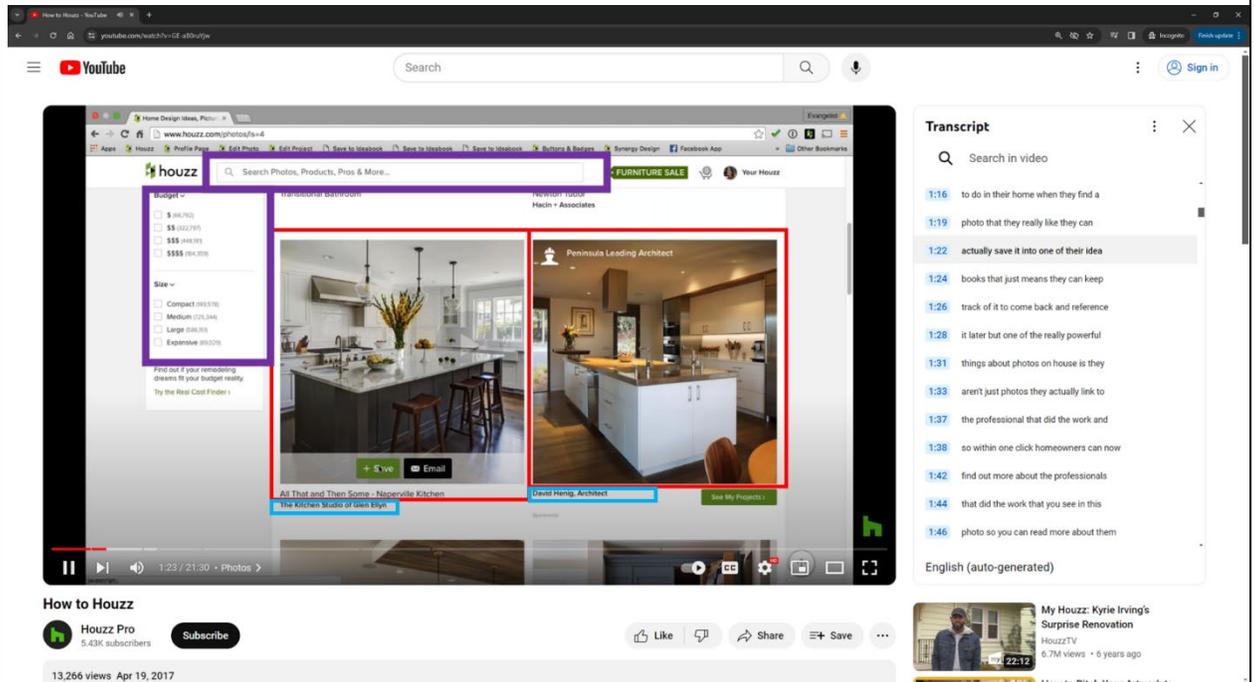


(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).



(E.g., <https://www.youtube.com/watch?v=92kodKE93aI>).

28. Such electronic content filter is used by the Accused Instrumentality to develop multimedia content (e.g., user profiles, Design Listings, 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 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=GE-a80ruYjw>).

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Houzz for Beginners - How-to

YouTube

Search

Inspiration <15 Million Photos

houzz Search Photos, Products, Pro's & More...

PHOTOS SHOP BY DEPARTMENT FIND PROFESSIONALS STORIES ADVICE

Room -> All Rooms Kitchen Bathroom & Classroom Bedroom Living Dining Room Garden & Outdoor Kids Room & Nursery Home Office & Library Wardrobe Exterior Basement Entrance Garden Shed & Building Garage Hobby & Landing Home Bar Home Gym Staircase Utility Room Wine Cellar

All Rooms 1-20 of 14,772,412 photos

14,772,412 Home Design Photos

All Filters Style Location Budget Size

Sort

Save

Alaska to sleep Colin Cade Photography

London Townhouse Celia Voule Designs

Chubbans Family Home Amelie Carter Interiors

Loft Style Apartment in Kensington Nothing Hill Flat Nathalie Proust Photography

Click Lighting See My Projects

10:04 / 42:27 • Inspiration 15 Million Photos

Houzz for Beginners - How-to Houzz

HouzzAU 712 subscribers Subscribe

71

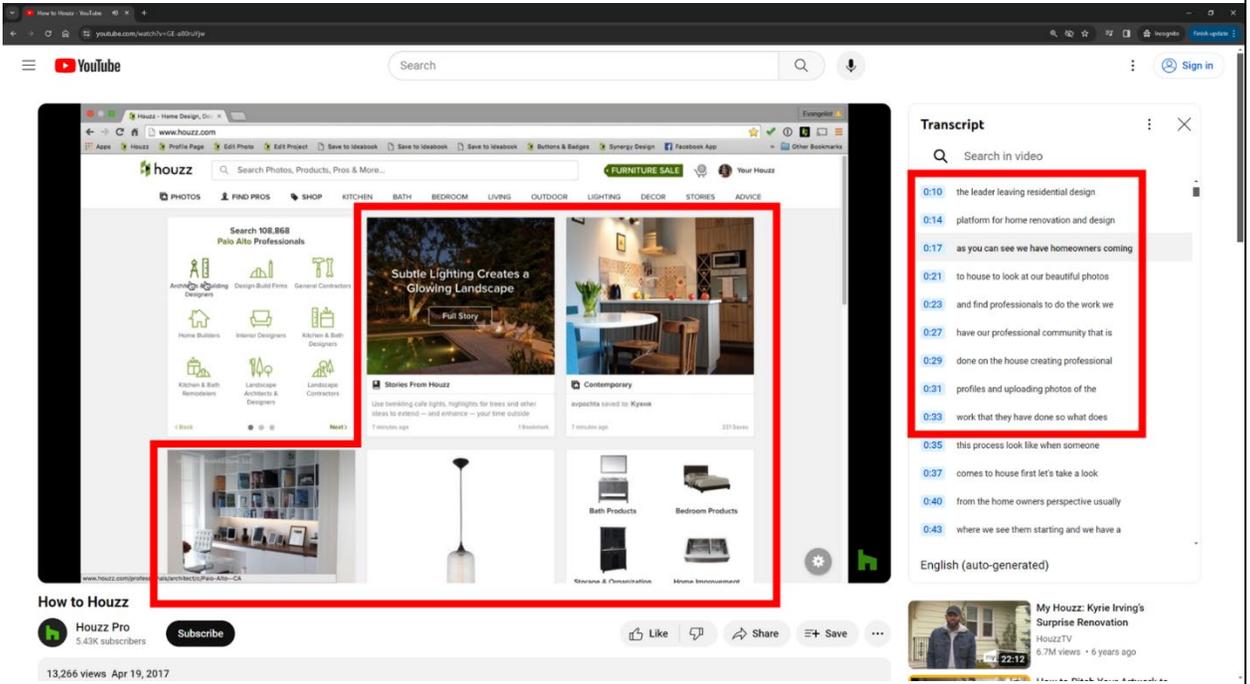
Share Save

17,701 views Feb 28, 2018

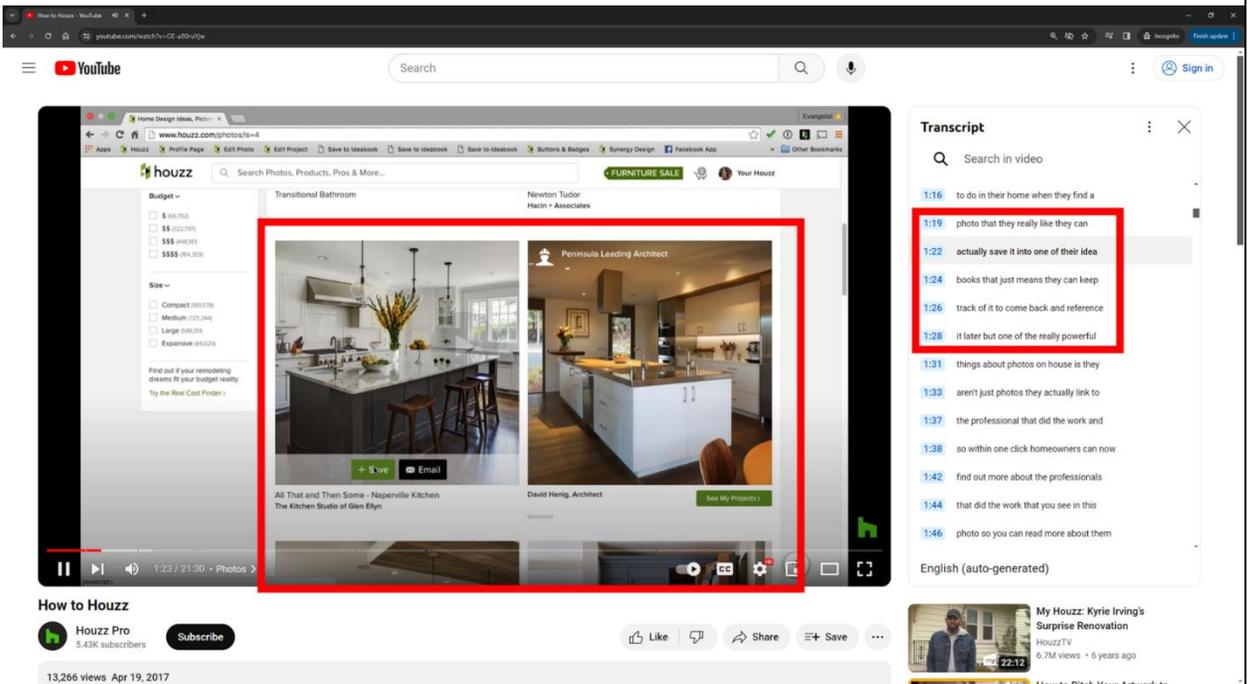
16 (E.g., <https://www.youtube.com/watch?v=92kodKE93aI>).

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18 29. The Accused Instrumentality employs an electronic release subsystem
19 operatively coupled to the electronic multimedia creator server subsystem, necessarily
20 having one or more data processing apparatus in order to serve multimedia profile and/or
21 post content with associated photo, profile picture, and textual content to users, configured
22 to make the multimedia content electronically available for viewing on one or more user
23 devices. For example, as shown below, multimedia content associated with the Design
24 Listing or a designer/user profile is provided on various user devices (e.g., computers or
25 other devices with a web browser or app) in response to a user logging in to the Accused
26 Instrumentality. Houzz uses function-specific subsystems, for example as discussed below.
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(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).



(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).

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The screenshot shows a YouTube player displaying a video of a Houzz profile for 'The Kitchen Studio of Glen Ellyn'. The profile page is highlighted with a red rectangular box. The transcript on the right side of the video is also visible, with several lines highlighted in red to match the video content.

Transcript:

- 1:37 the professional that did the work and
- 1:38 so within one click homeowners can now
- 1:42 find out more about the professionals
- 1:44 that did the work that you see in this
- 1:46 photo so you can read more about them
- 1:49 the business that they are the services
- 1:51 they provide and where they're willing
- 1:53 to travel any awards that they've won
- 1:56 can also see photos of past projects
- 1:59 other work that they've done
- 2:00 professionally and then right up at the
- 2:04 top is all the contact information about
- 2:06 this professional so as a homeowner if I

(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).

The screenshot shows a YouTube player displaying a video of a Houzz profile for 'Houzz Sample Profile'. The profile page is highlighted with a red rectangular box. The transcript on the right side of the video is also visible, with several lines highlighted in red to match the video content.

Transcript:

- 2:28 example here for you of what a
- 2:30 professional profile looks like and it
- 2:32 was what we were just looking at this
- 2:35 a professional profile so the company
- 2:38 name reviews and again all the
- 2:41 information about your business and
- 2:42 projects that you've done you will also
- 2:45 then get reviews from past clients and
- 2:48 colleagues so after you as a
- 2:52 professional have created a professional
- 2:53 profile you're going to start filling it
- 2:56 out uploading photos of the work that
- 2:57 you've done all of really bragging about

(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).

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Creating a Robust Profile

ANNA CARIN Design
 338 Followers | 4 Following | 6 Reviews | Review me ? | Contact Me

Overview Projects Milebooks Reviews Questions Activity | (02) 8055 3099 | Website

ANNA CARIN design is a full-figured interior design practice with a broad client list covering many fields including private homes and apartments, residential developments, retail, corporate and hospitality projects in both Scandinavia and Australia. Swedish born Principal Designer Anna Carin McManus with a Master of Arts degree from the Royal College of Art in London has worked as in-house designer for prominent interior house Svensk Term in Stockholm and as Senior Designer with Rupert Gardner Design, also in Stockholm. Based in Sydney's Paddington the multi-disciplinary studio is shared with Architects and Graphic Designers providing clients with extensive service and expertise. Our aim is, through passionate involvement, to find stylish and functional solutions where each challenge is seen as an opportunity for innovation and the end result brings people together and spaces that last.

Services Provided
 Residential, Commercial, Retail and Hospitality Design

Areas Served
 Sydney Australia
 Melbourne Australia
 Scandinavia

Certifications and Awards
 Member Design Institute Australia (DIA)
 Less >

3 Houzz Badges > | 5 Projects > | 6 Reviews >

1 Affiliation >

Woolahra Cottage | the FORSA Rug collection by ANNA CARIN L.

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 HouzzAU 712 subscribers | Subscribe | 71 | Share | Save

17,701 views Feb 28, 2018

16 (E.g., <https://www.youtube.com/watch?v=92kodKE93aI>).

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Houzz for Beginners – How-to Houzz

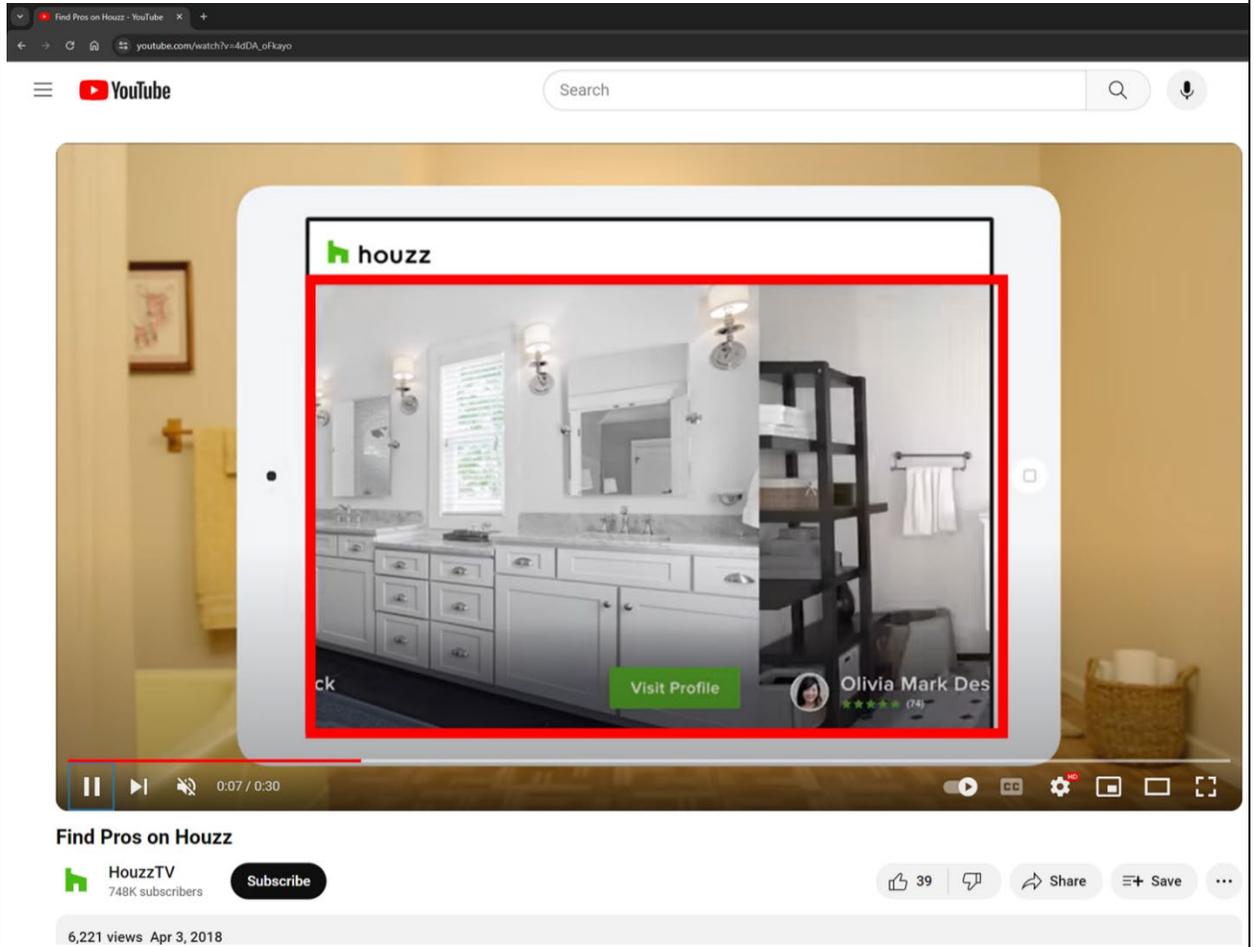
HouzzAU 712 subscribers **Subscribe**

71 **Share** **Save** ...

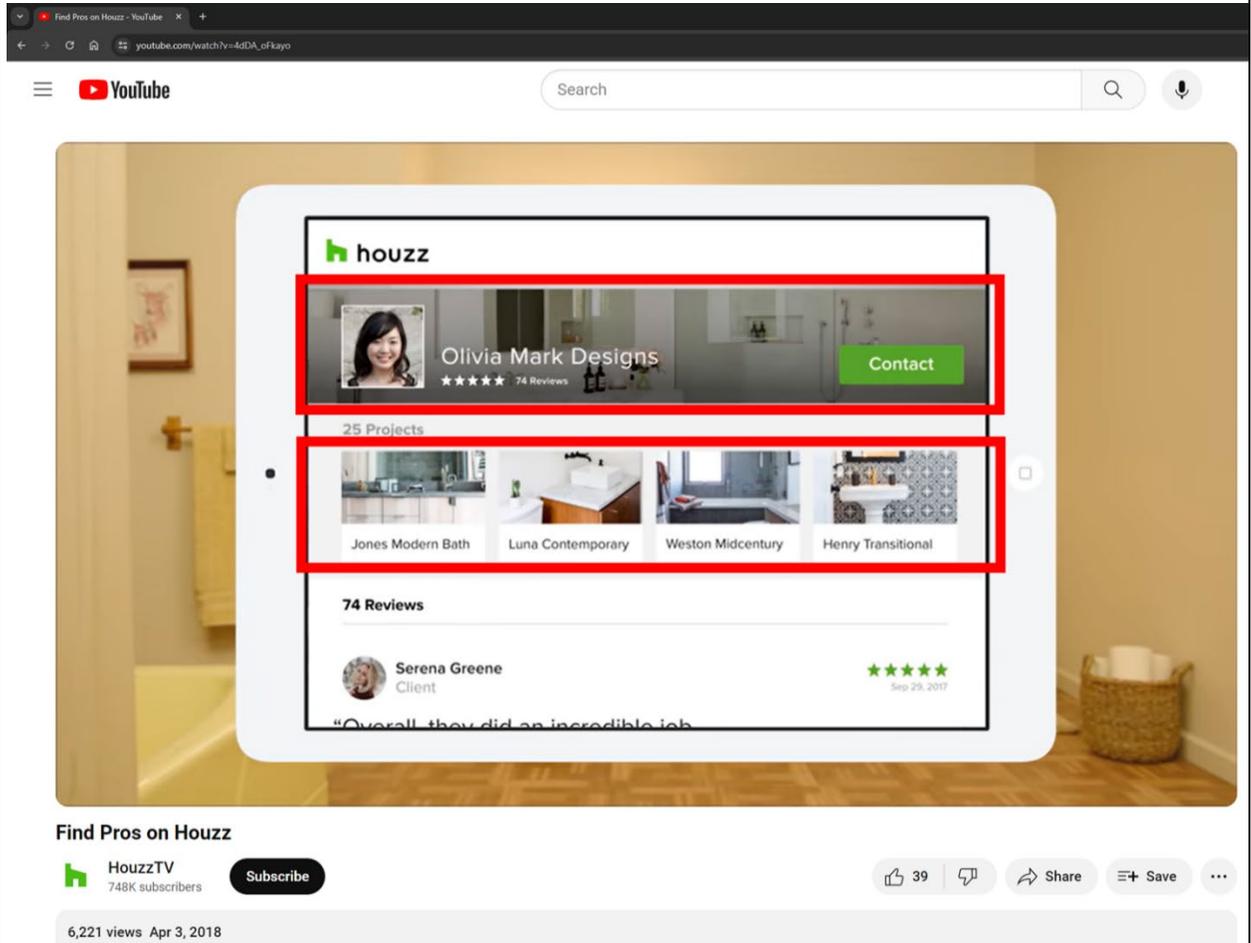
17,701 views Feb 28, 2018

16 (E.g., <https://www.youtube.com/watch?v=92kodKE93aI>).

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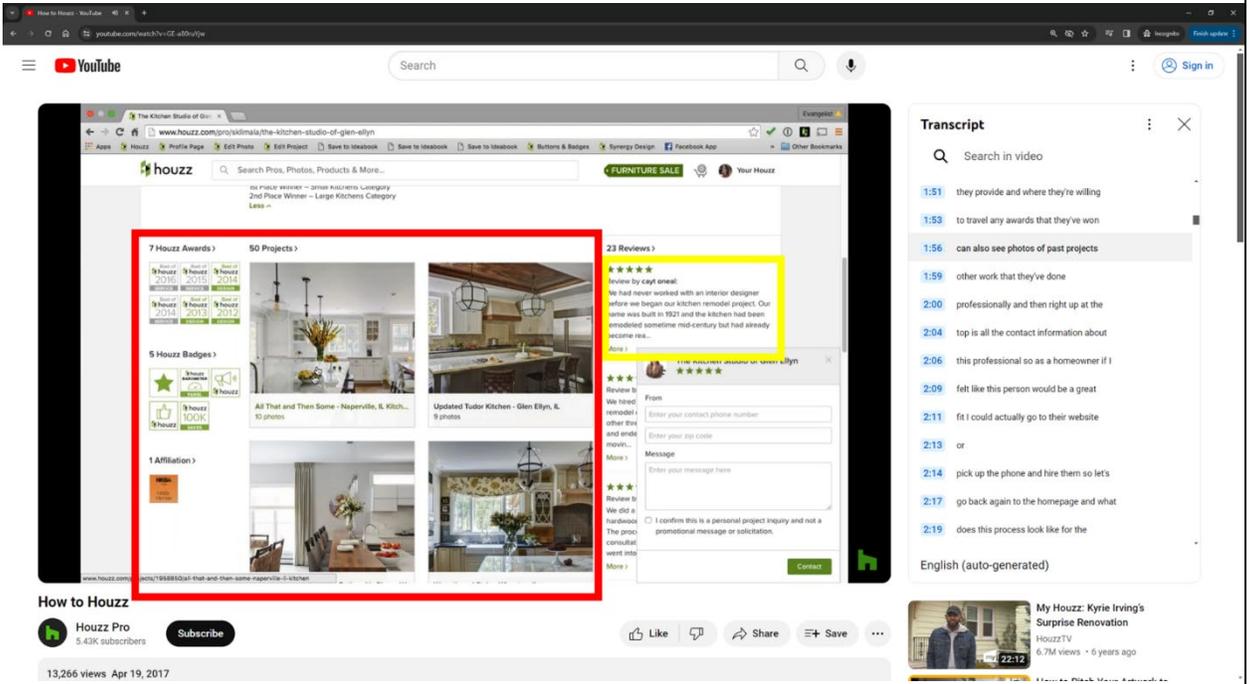
(E.g., https://www.youtube.com/watch?v=4dDA_oFkayo).



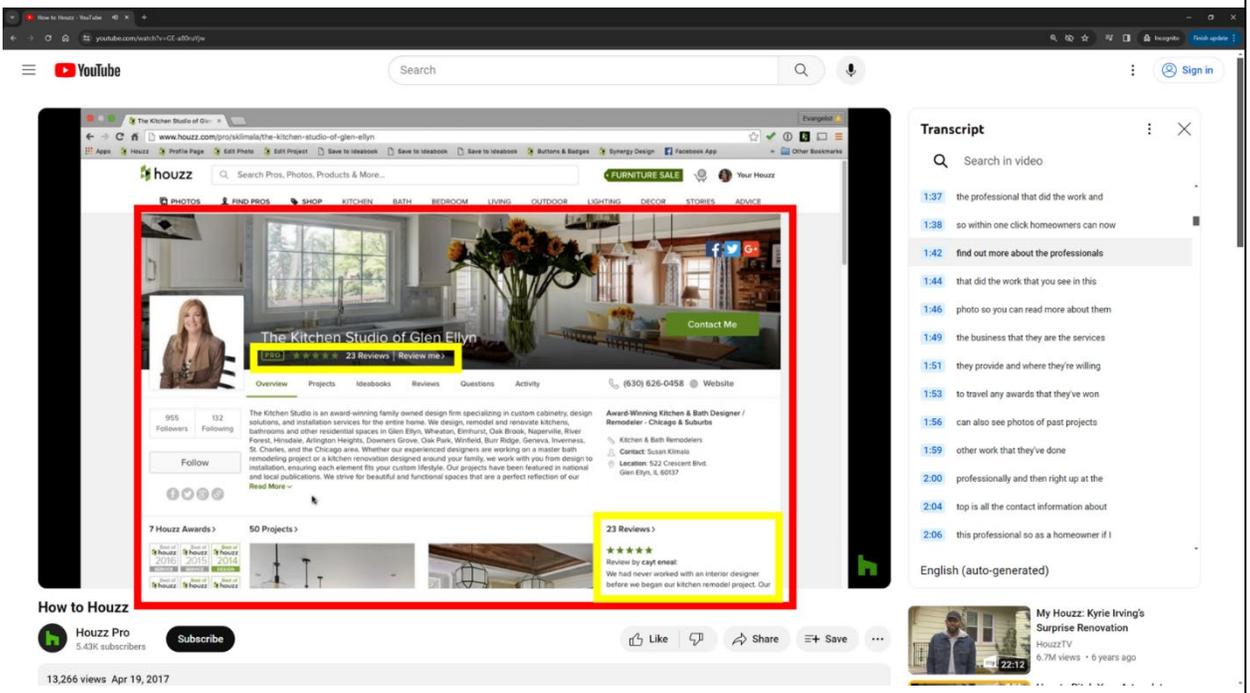
(E.g., https://www.youtube.com/watch?v=4dDA_oFkayo).

30. 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 Design Listing provided by a submitter, with accompanying photo and/or textual content). Houzz uses function-specific subsystems, for example as discussed below.

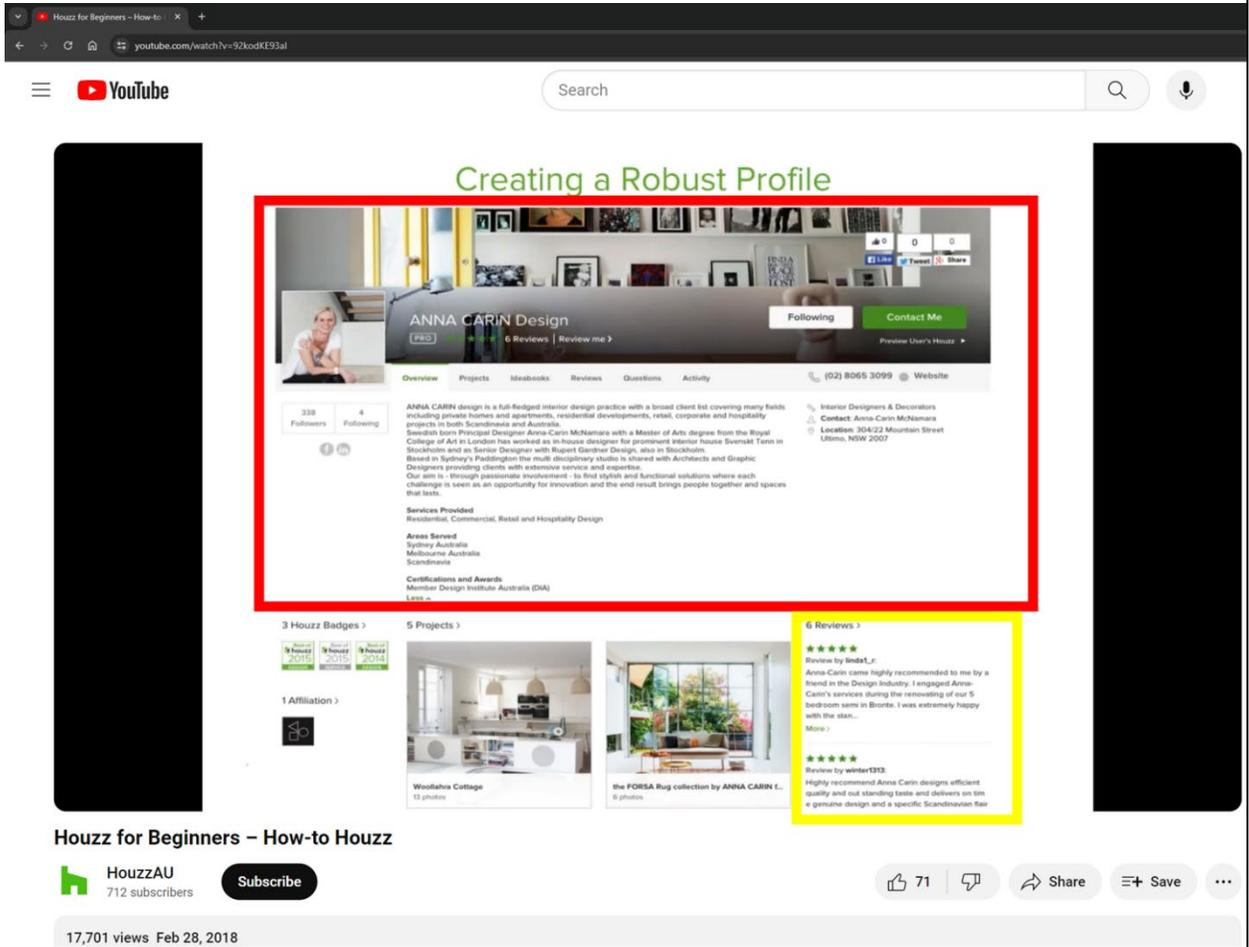
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(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).



(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).



(E.g., <https://www.youtube.com/watch?v=92kodKE93aI>).

31. 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.

32. 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)

33. Plaintiff incorporates the above paragraphs herein by reference.

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

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

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

16 37. The ‘665 Patent shares the identical specification as the ‘480 patent and
17 therefore VCA incorporates the background and discussion of the invention in Paragraphs
18 11-18. Furthermore claim 1 involves a system for generating multimedia content. The
19 claim requires, among other things, electronically generating a multimedia file from the
20 retrieved electronic media Submissions in accordance with a selected digital format,
21 wherein the identification of the submitter is maintained with each retrieved submission
22 within the multimedia file. The claim requires electronically transmitting the multimedia
23 file to a plurality of publicly accessible web servers to be electronically available for
24 viewing on one or more user devices over a public network via a web-browser and. This
25 allows electronically transmit data indicating votes or rating of multimedia content in a
26 much quicker and easier fashion based on specific user criteria. There is nothing abstract
27 about this very particular, unconventional, and non-routine system for the generation of
28

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

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

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

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

26 40. The claim also provides details to explain how each step operates. For
27 example, the claim requires “electronically retrieving a plurality of electronic media
28

1 submissions from an electronic media submissions database using an electronic content
2 filter located on one or more data processing apparatus.” Further, “the electronic media
3 submissions database” in this step is further required to “store[] [1] data identifying the
4 submitter and [2] data indicating content for each electronic media submission.” The step
5 further requires and “electronic content filter.” The “filter” also includes a very specific
6 algorithm of “being based at least in part on at least one of the one or more user attributes.”

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

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

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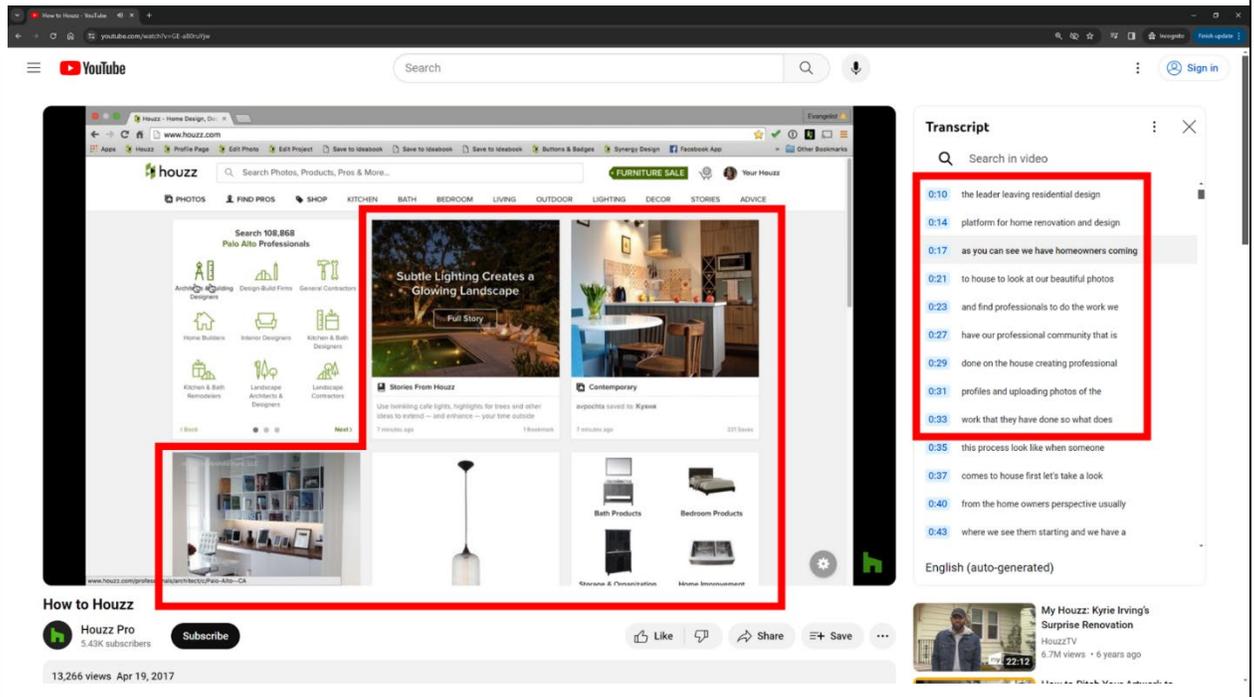
1 include a “voting” subsystem on what components should be included in such media
2 content.

3 44. These arguments overcame a patent eligibility rejection under 35 U.S.C.
4 § 101 of the claim at issue during the prosecution of the ‘665 patent before the United
5 States Patent and Trademark Office.

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

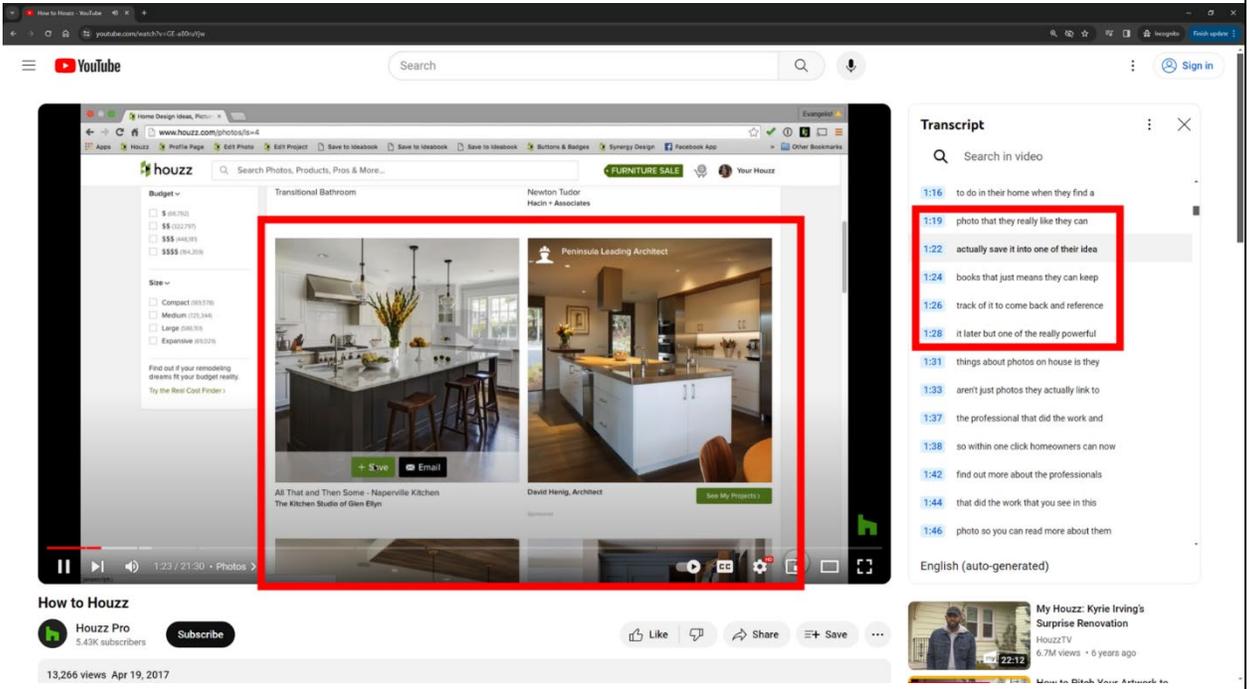
10 46. Houzz uses a computer-based system for its Accused Instrumentality, to
11 enable user-submitters to create designer profiles and share multimedia content pertaining
12 to architecture, interior design and/or decor posts (hereinafter referred to as “Design
13 Listings”). The Design Listings may be in the form of a “Project” or an “Ideabook” and
14 include multimedia content including image and textual content e.g., a Listing Name,
15 design features, design inspiration, cost range and the like, as well as images or renderings
16 of the designs which may be shown to other users based on, *inter alia*, user attributes. User-
17 submitters may also create user profiles which include multimedia content including image
18 and textual content pertaining to the user-submitter (e.g., a submitter’s profile picture and
19 an About Me section and Design Listings). Individual users may save or bookmark the
20 Design Listings and, through Houzz.com, hire a local contractor to perform home
21 renovations based on the Design Listings. Individual users may also submit “Ideabooks”
22 of saved or booked marked Design Listings. 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. Houzz,
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. Houzz 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.

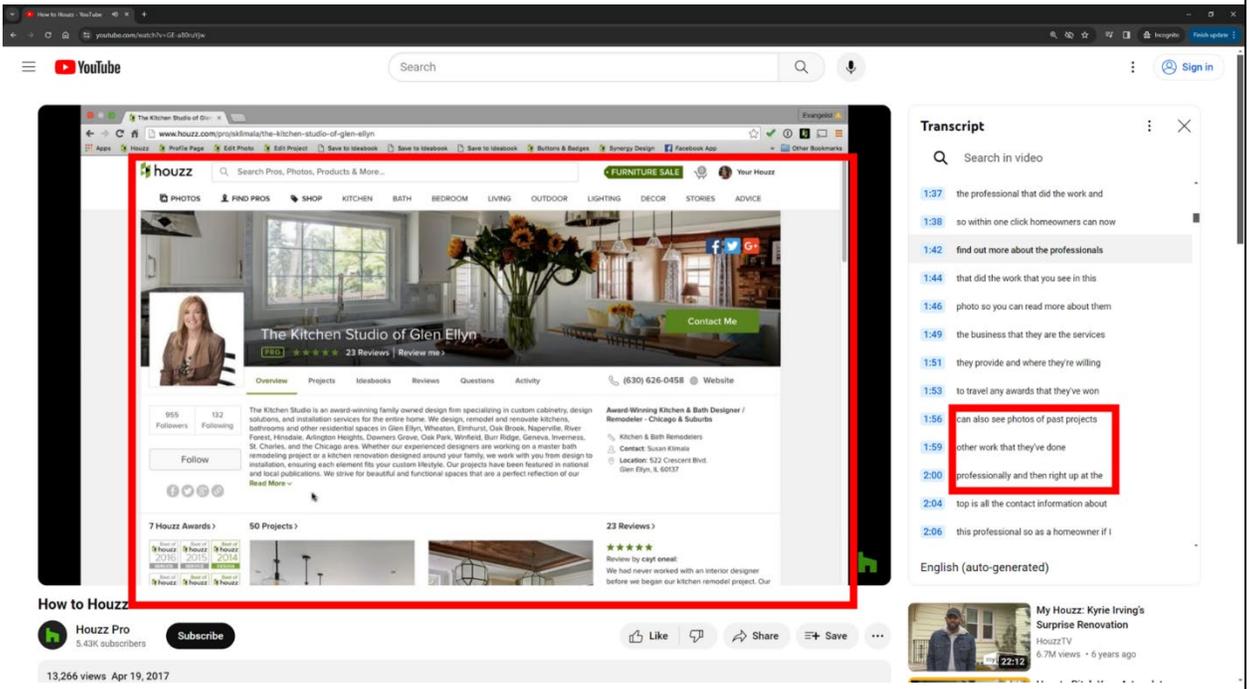


19 (E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).

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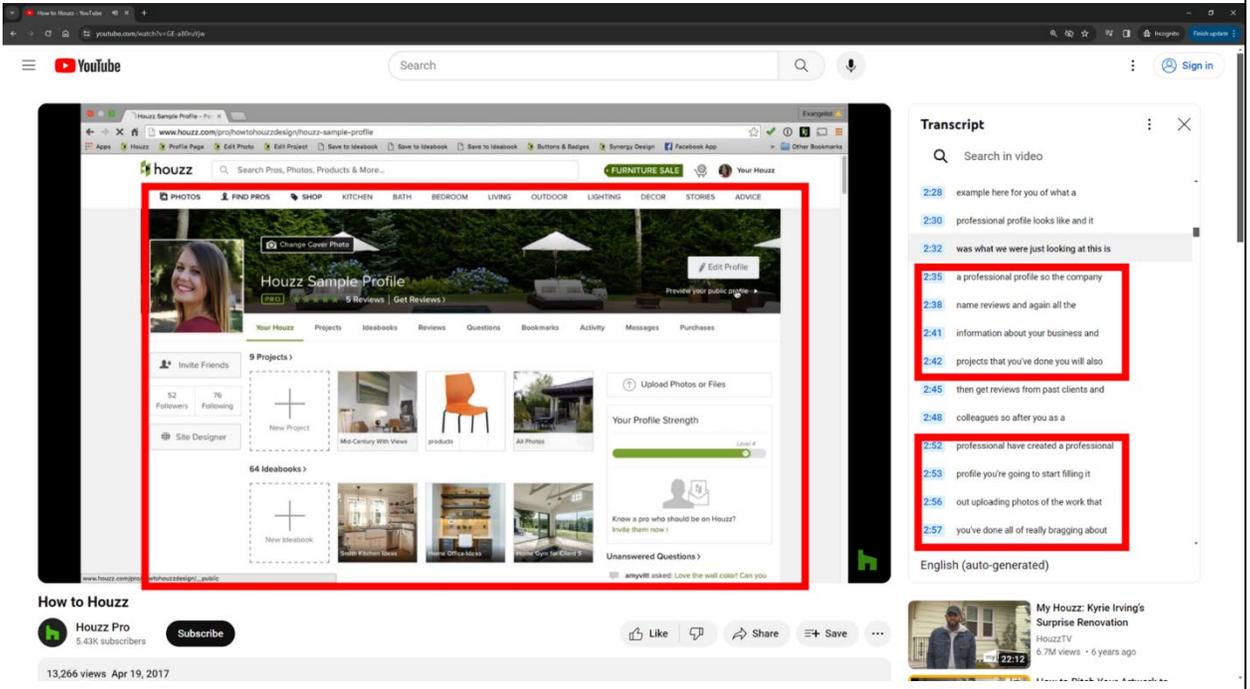


(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).

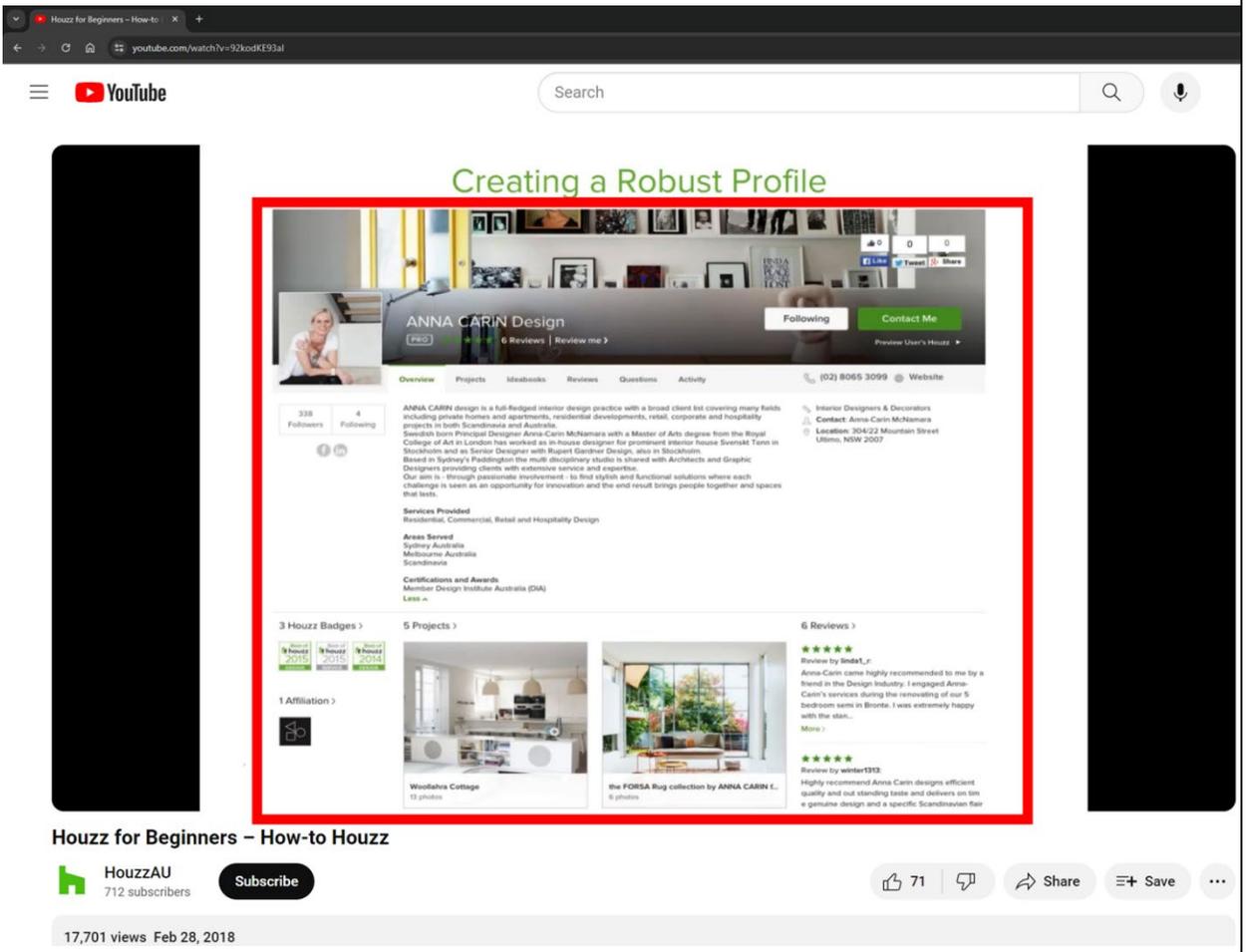


(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).

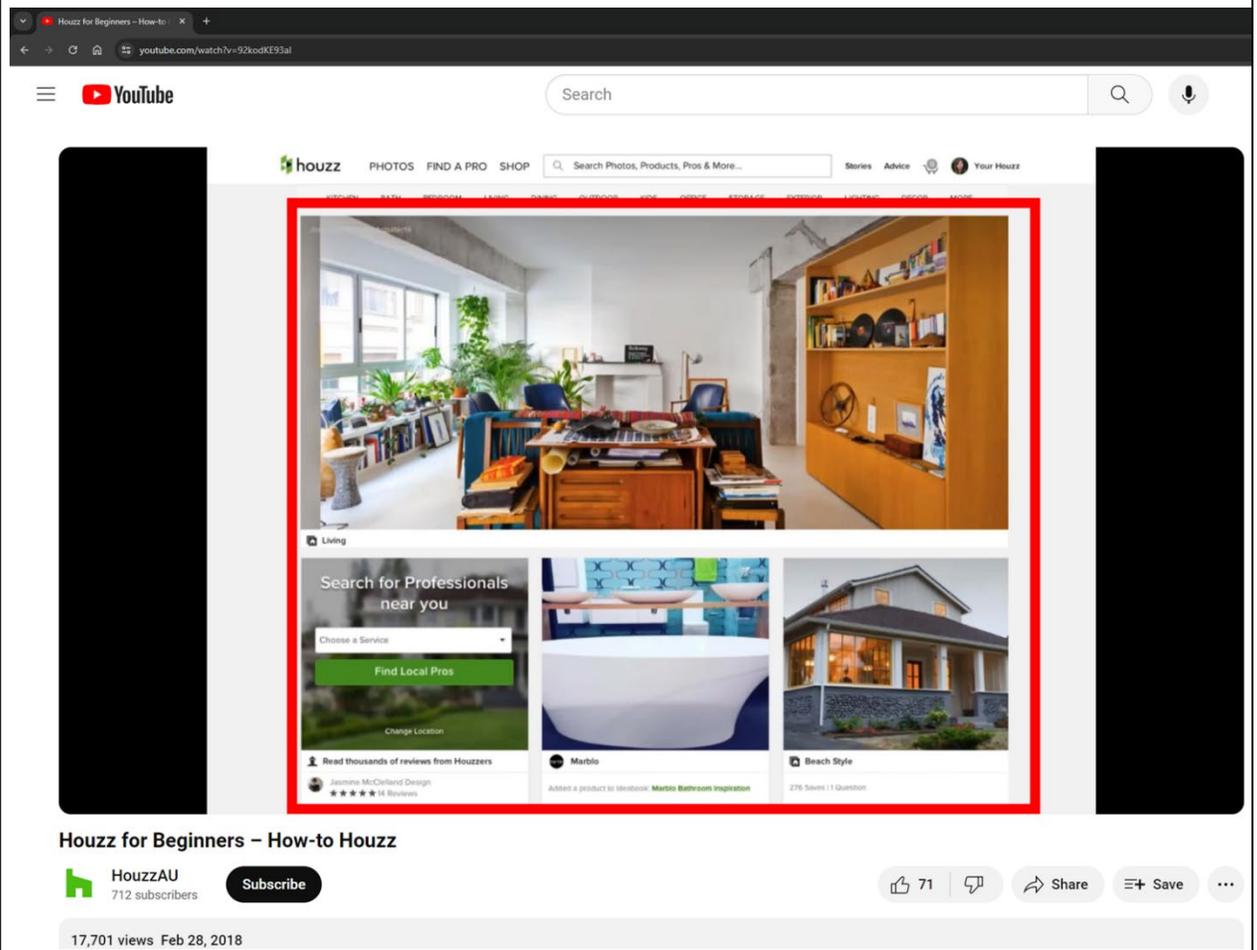
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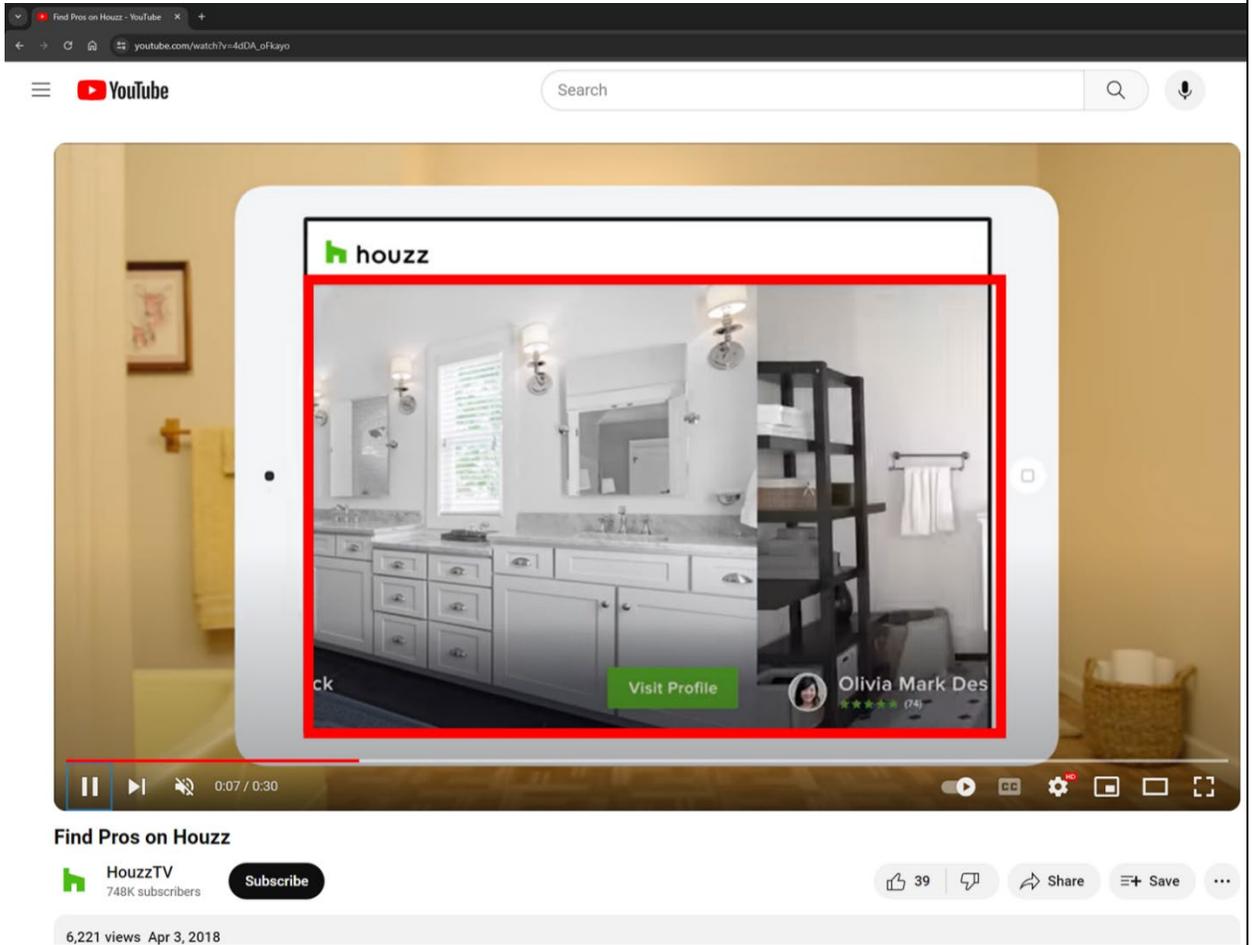


(E.g., <https://www.youtube.com/watch?v=92kodKE93aI>).



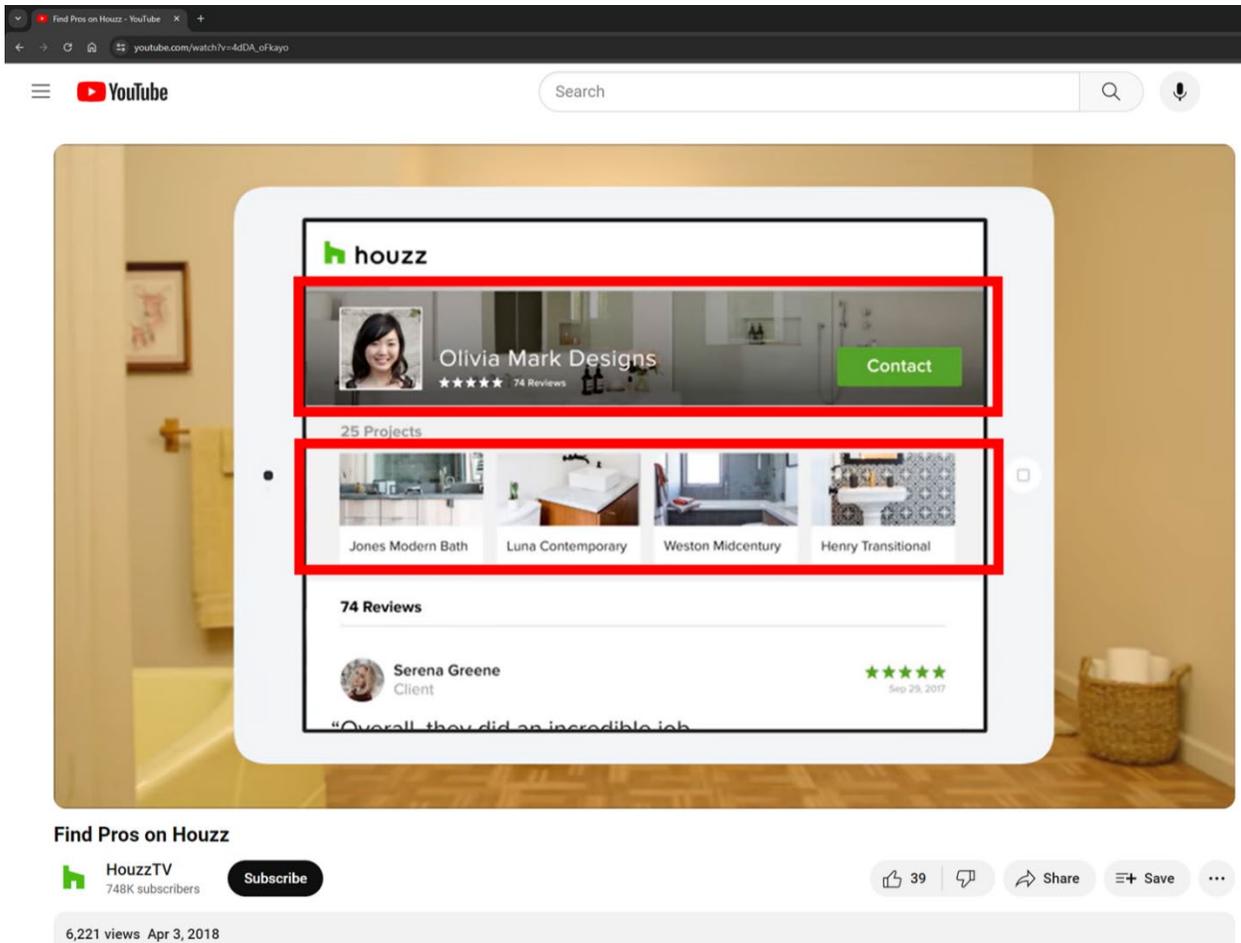
(E.g., <https://www.youtube.com/watch?v=92kodKE93aI>).

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(E.g., https://www.youtube.com/watch?v=4dDA_oFkayo).

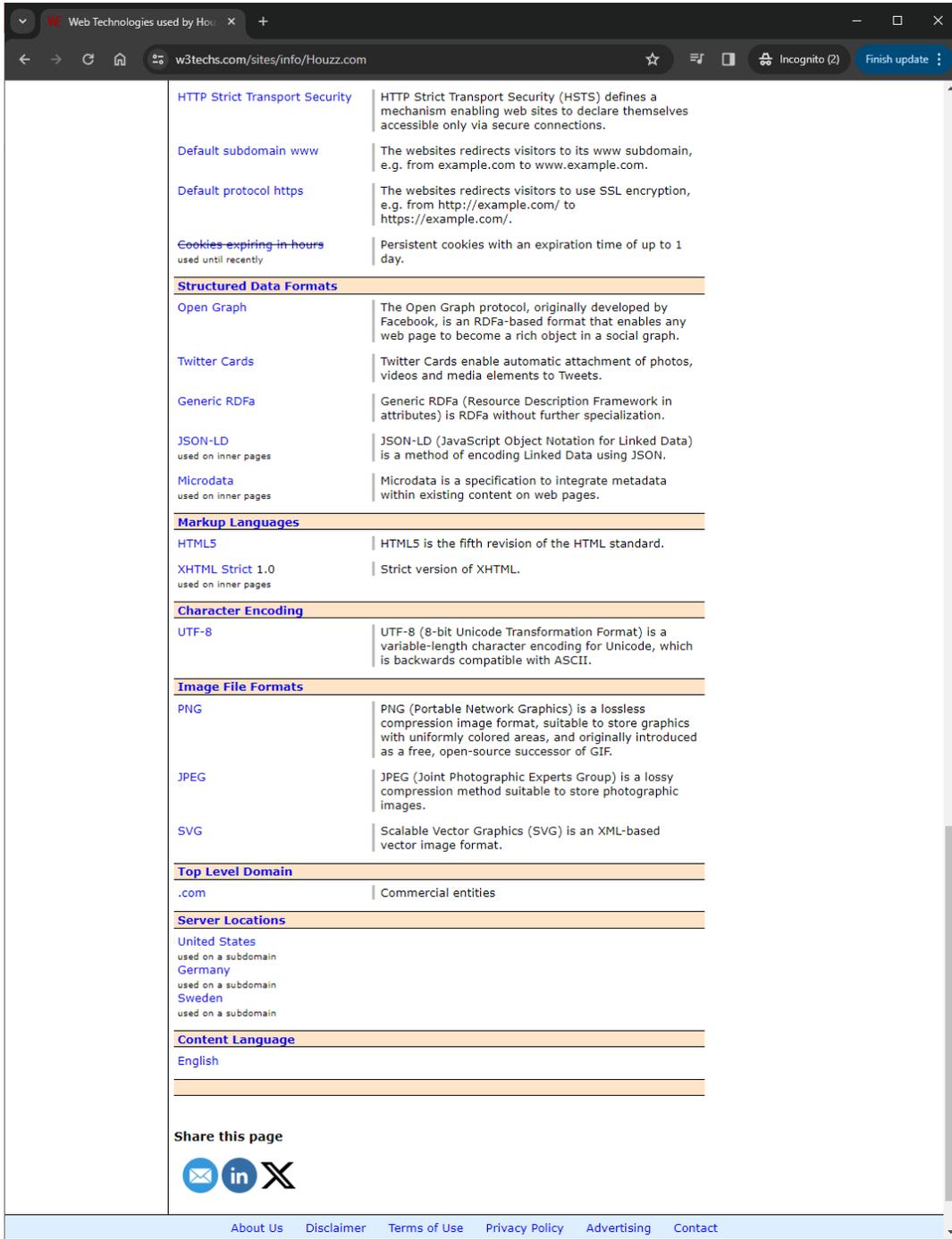
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(E.g., https://www.youtube.com/watch?v=4dDA_oFkayo).

The screenshot shows a web browser window with the URL w3techs.com/sites/info/Houzz.com. The page features a navigation menu with links for Home, Technologies, Reports, API, Sites, Quality, Users, Blog, Forum, FAQ, and Search. Below the navigation is a section for 'Featured products and services' with logos for DesignBombs and Themeisle. The main content area is titled 'Site Info - Houzz.com' and provides an overview of web technologies used by Houzz.com. It includes sections for Website Background, Content Management Systems (WordPress, Salesforce Customer 360), Server-side Programming Language (PHP 7.2.12), Client-side Programming Language (JavaScript), JavaScript Libraries (jQuery 3.1.1, Bootstrap), and Web Server (Envoy).

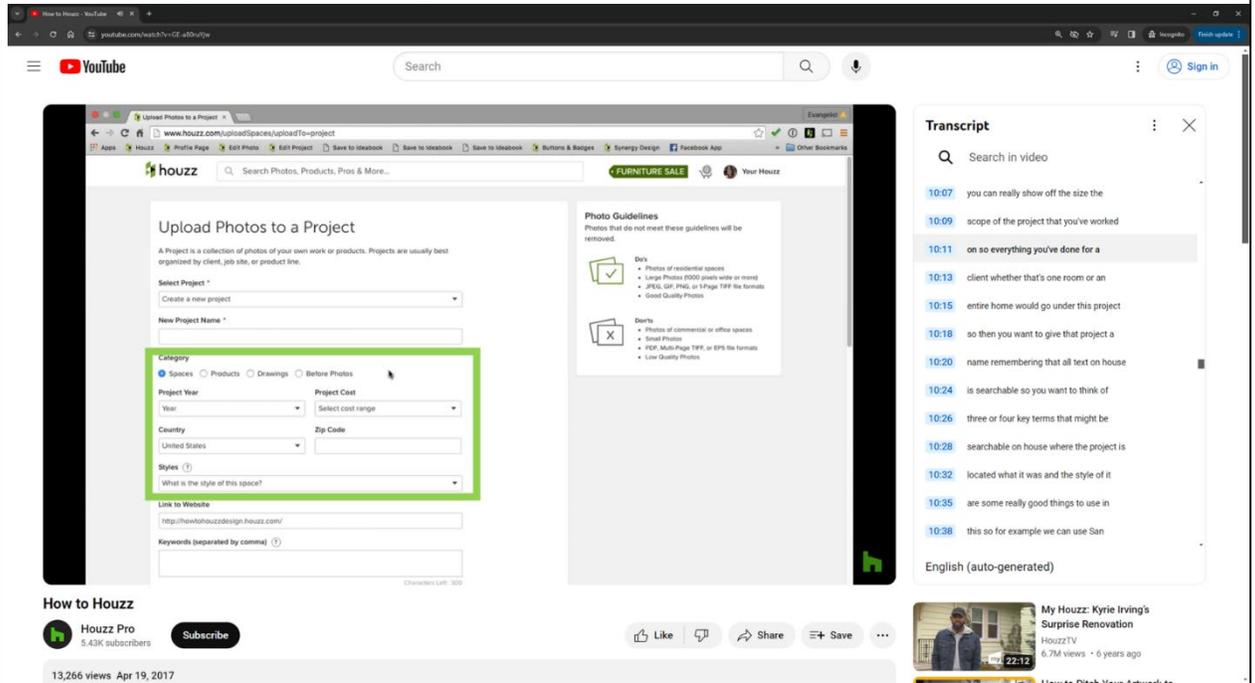
(E.g., <https://w3techs.com/sites/info/Houzz.com>).



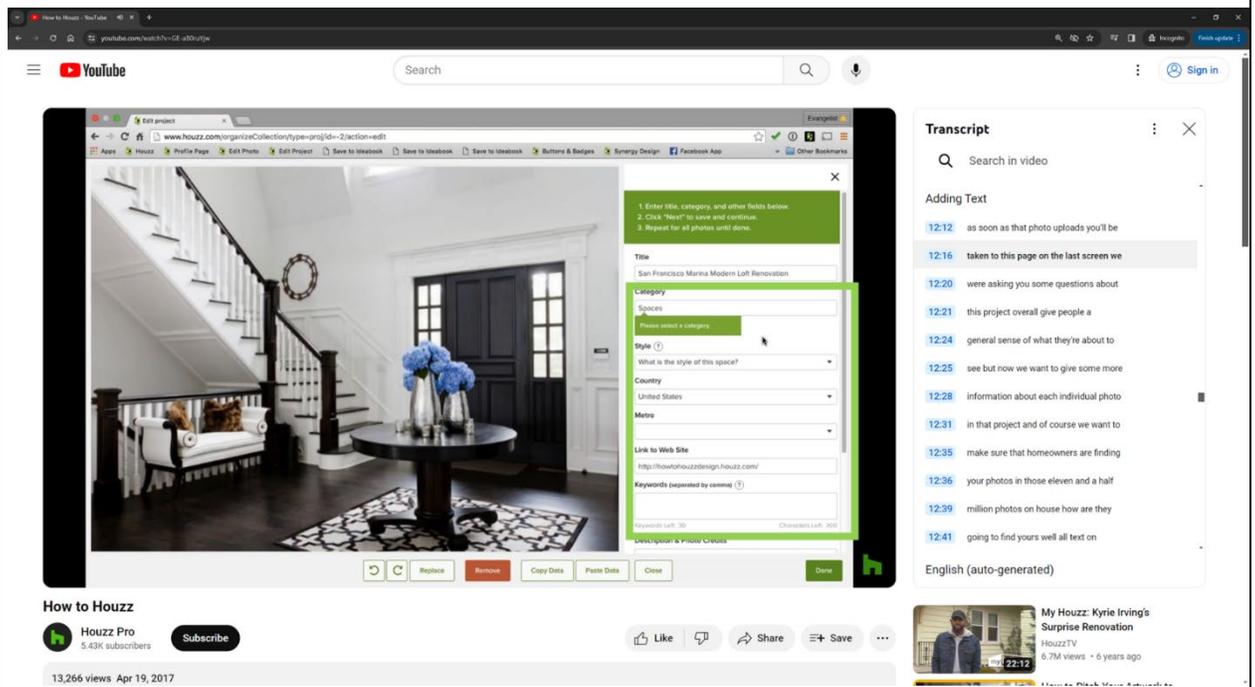
(E.g., <https://w3techs.com/sites/info/Houzz.com>).

47. 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 Design Listing, Ideabook, Project or personalized user profile on the Accused Instrumentality, as well as

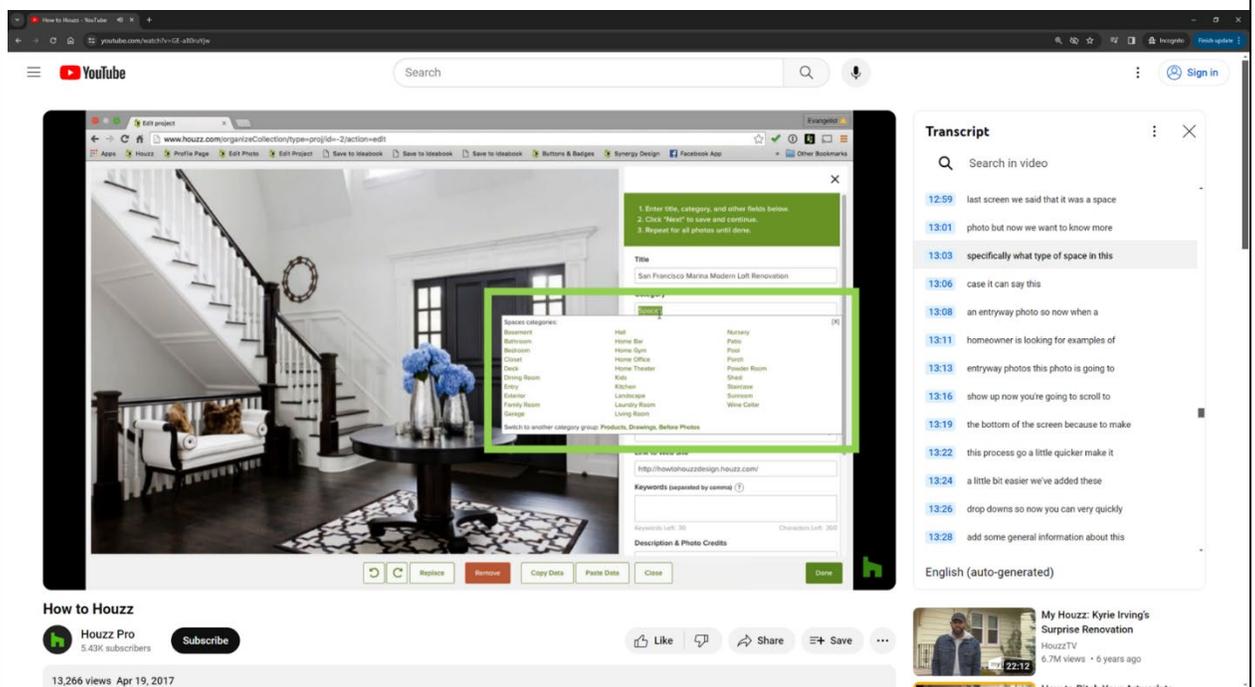
1 multimedia content pertaining to Design Listings (e.g., image content and textual content
 2 pertaining to the Ideabook or Project). Individual user-submitters can sign up and create
 3 Design Listings on Houzz 's Accused Instrumentality, which are stored on a user database.
 4 Such user database is stored in memory available through the Accused Instrumentality, for
 5 example as discussed above. The user attributes of users who create a Design Listing,
 6 contained on the user database, may include e.g., project space, project cost range,
 7 geographical region, country, design style, room and/or area of a home, and the like as
 8 shown for example in the examples below. Houzz 's Accused Instrumentality's retrieval
 9 of electronic media with associated photo content and textual content associated with the
 10 Design Listings from the electronic media submissions database uses an electronic content
 11 filter located on the one or more data processing apparatus. As can be seen below, such
 12 electronic content filter as is used by Houzz is based at least in part on at least one of the
 13 one or more user attributes, (e.g., based on, *inter alia*, project space, project cost range,
 14 geographical region, country, design style, room and/or area of a home, project size) which
 15 in turn affect which electronic media submissions, e.g., Design Listings and associated
 16 media, appear to the user, as shown and discussed for example below. Houzz uses function-
 17 specific subsystems, for example as discussed below.



(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).

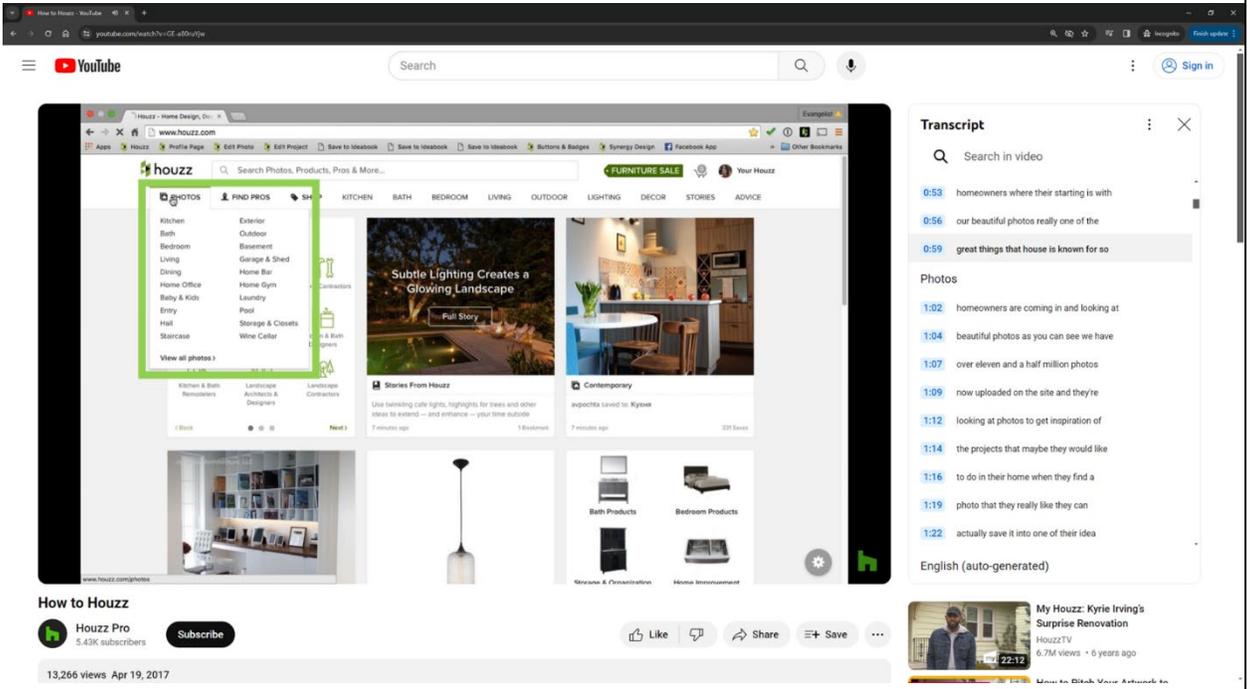


(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).

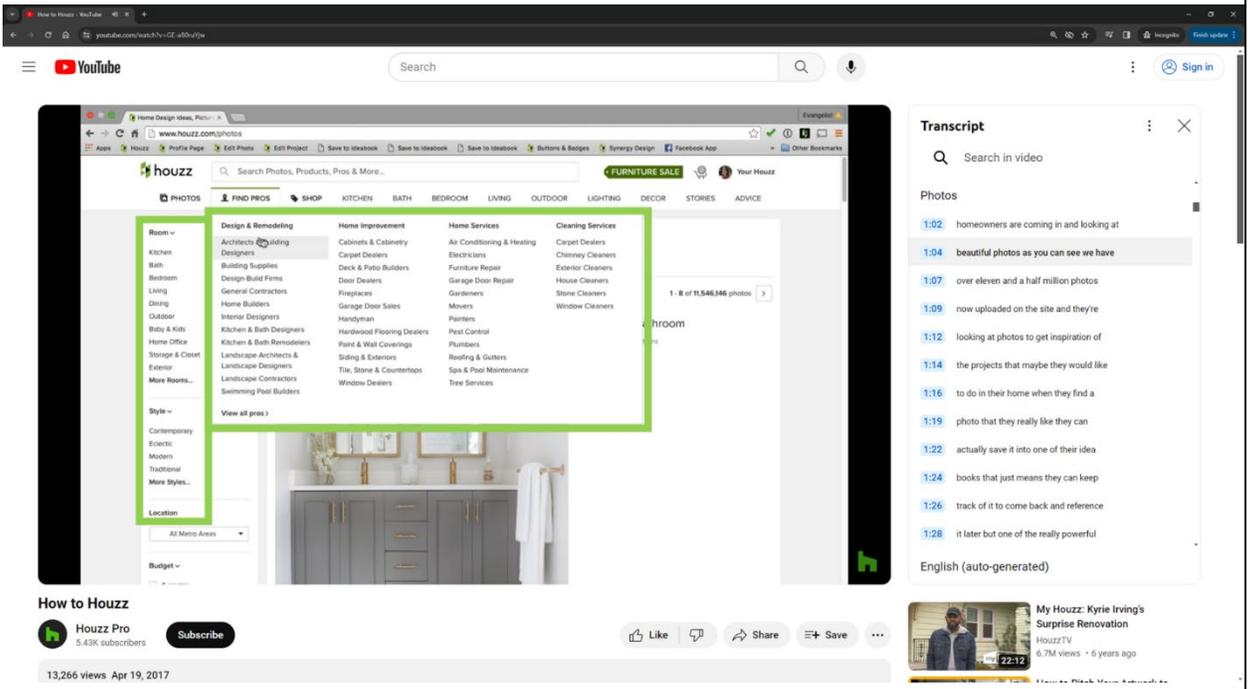


(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).

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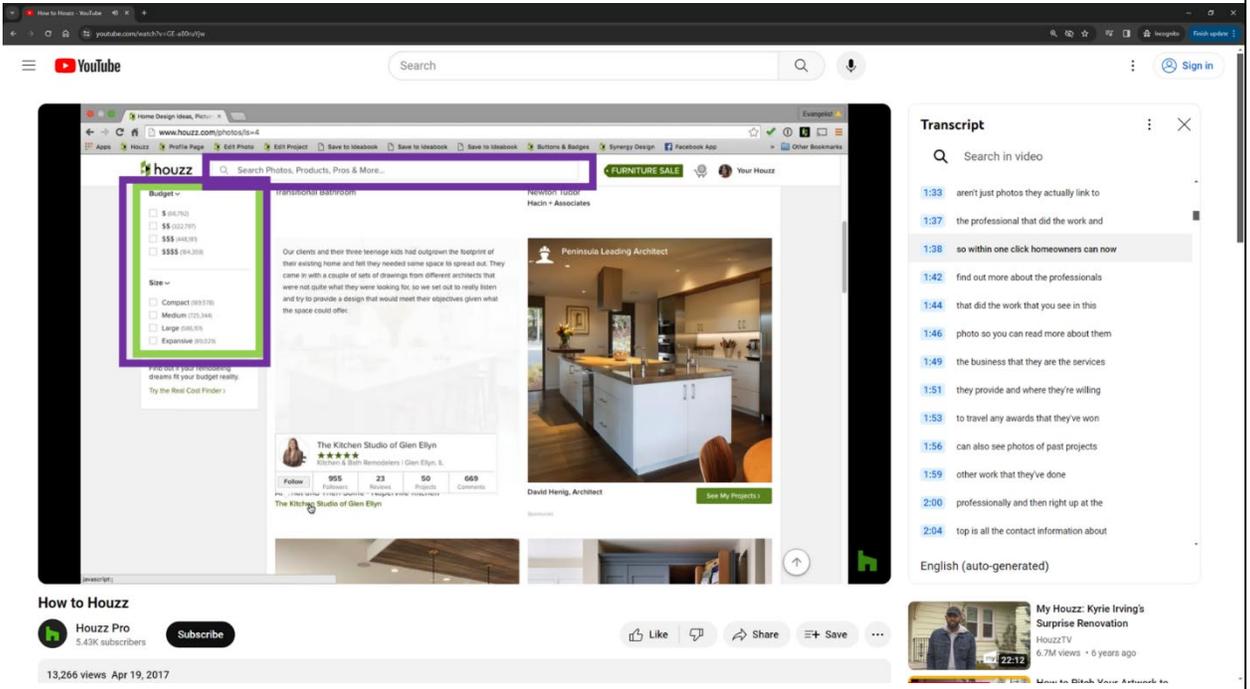


(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).

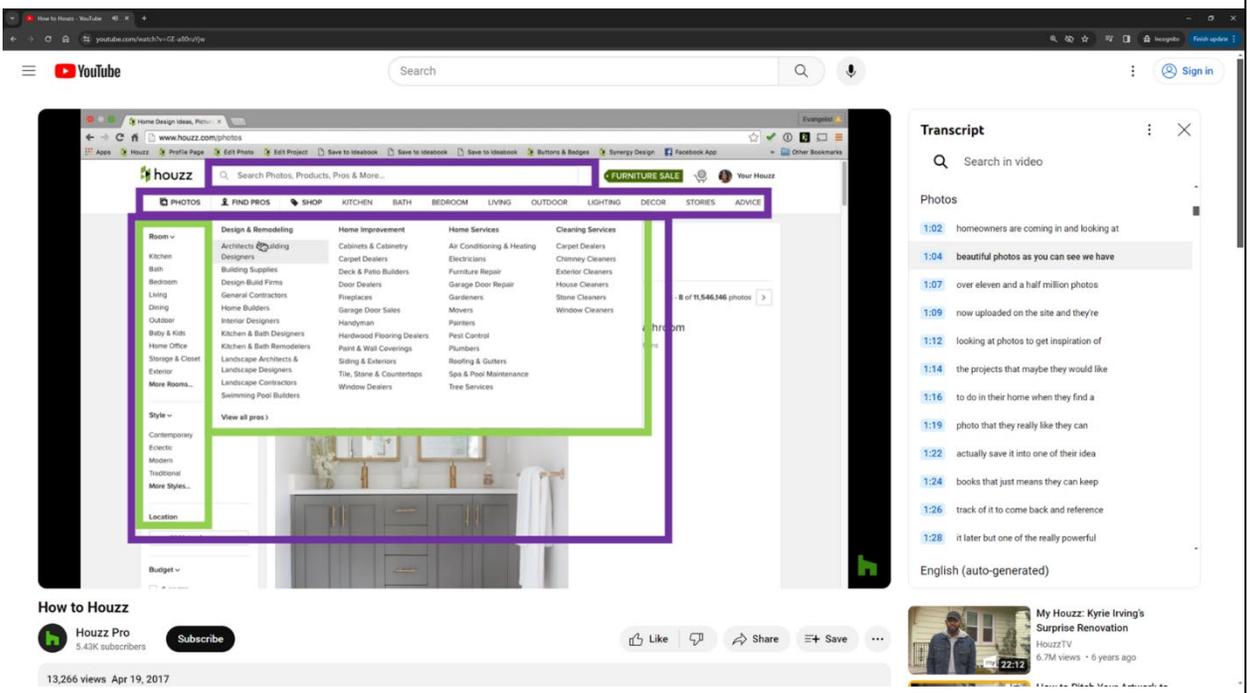


(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).

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(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).



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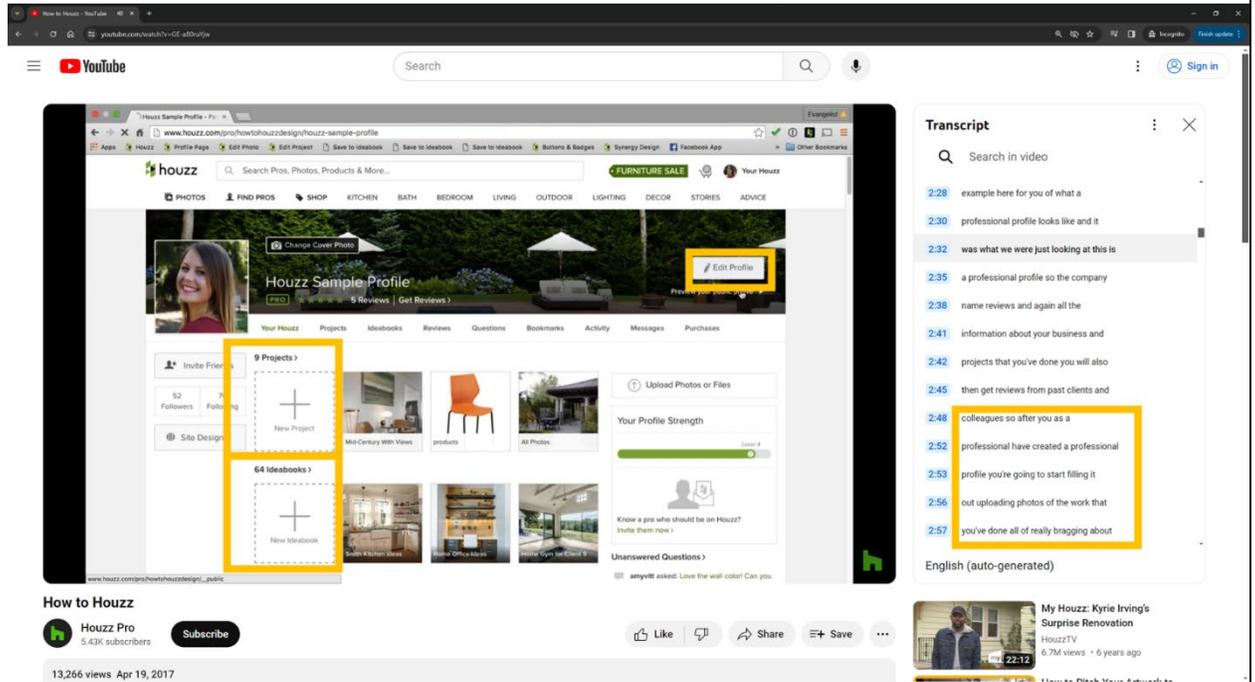
The screenshot displays a YouTube video player with the following elements:

- Video Title:** Houzz for Beginners - How-to Houzz
- Channel:** HouzzAU (712 subscribers)
- Views:** 17,701 views
- Date:** Feb 28, 2018
- Website Content:**
 - Header:** "Inspiration <15 Million Photos"
 - Search Bar:** "Search Photos, Products, Pro's & More..."
 - Navigation:** SHOP BY DEPARTMENT, FIND PROFESSIONALS, STORES, ADVICE
 - Sidebar Menu (Room):** All Rooms, Kitchen, Bathroom & Cloakroom, Bedroom, Living, Dining Room, Garden & Outdoor, Kids' Room & Nursery, Home Office & Library, Workshop, Exterior, Basement, Entrance, Garden Shed & Building, Garage, Hobby & Landing, Home Bar, Home Gym, Staircase, Utility Room, Wine Cellar
 - Main Content:** "14,772,412 Home Design Photos" with filters for Style, Location, Budget, and Size. Below are several photo thumbnails with captions like "A place to sleep", "London Townhouse", and "Chelsea Family Home".

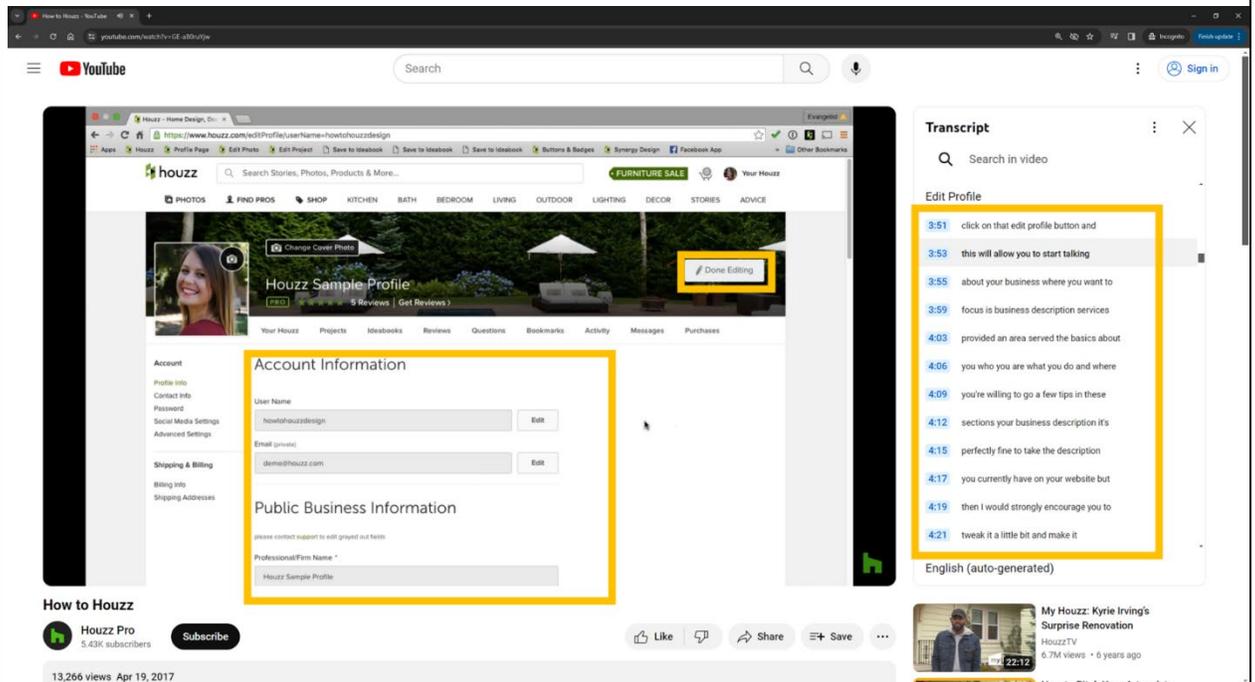
16 (E.g., <https://www.youtube.com/watch?v=92kodKE93aI>).

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18 48. The Accused Instrumentality includes an electronic media submissions
19 server subsystem, having one or more data processing apparatus and an electronic media
20 submissions database stored on a non-transitory medium in order to process and store
21 received submissions from a plurality of user-submitters, for example content pertaining
22 to their respective electronic media submission (e.g., Design Listing) on the Accused
23 Instrumentality, as well as multimedia content to be displayed on one or both of the user's
24 profile and the Design Listings, as discussed and shown for example in connection with
25 the above discussion. The submissions pertaining to building a user profile and to posting
26 a Design Listing may include, e.g., photo and/or textual content. The submissions are
27 provided to the Accused Instrumentality via a submissions electronic interface, e.g., a web-
28 based content portal, accessible for example by logging in and selecting an option to upload

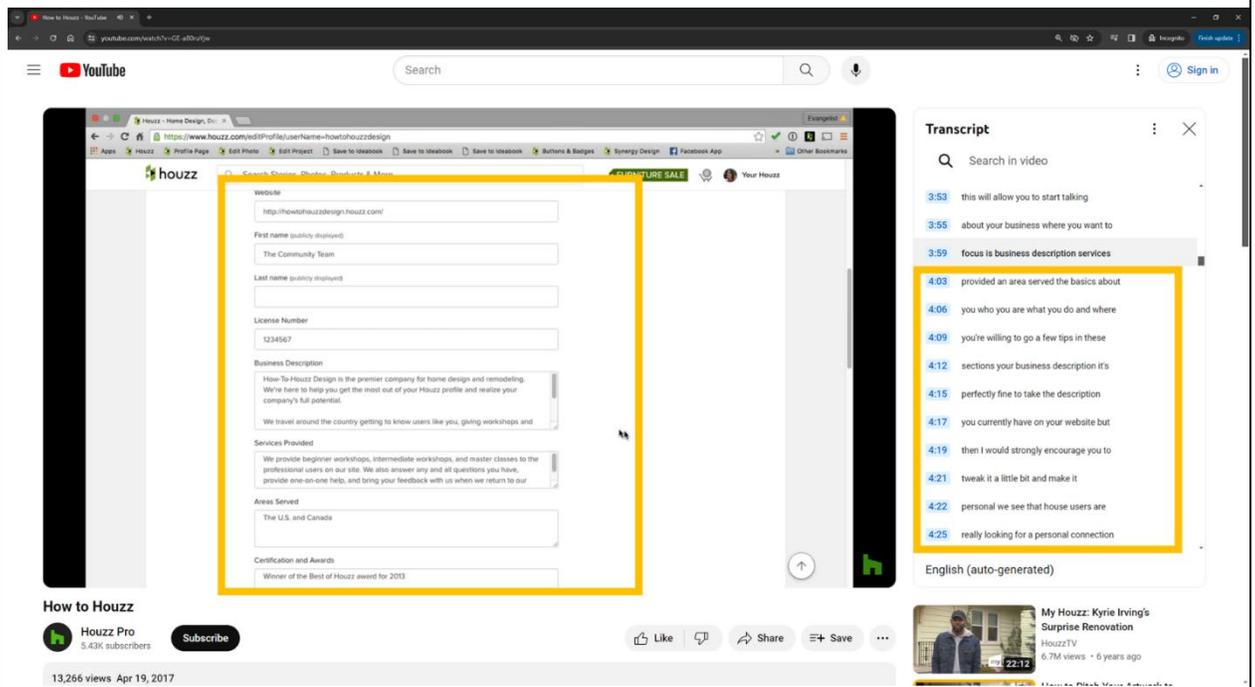
1 such content or import content, configured to receive such electronic media, from a
2 plurality of submitters (e.g., User-submitters) over a public network (e.g., the Internet) and
3 stored, via an uploading process, in said electronic media submissions database for use in
4 distribution to other users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



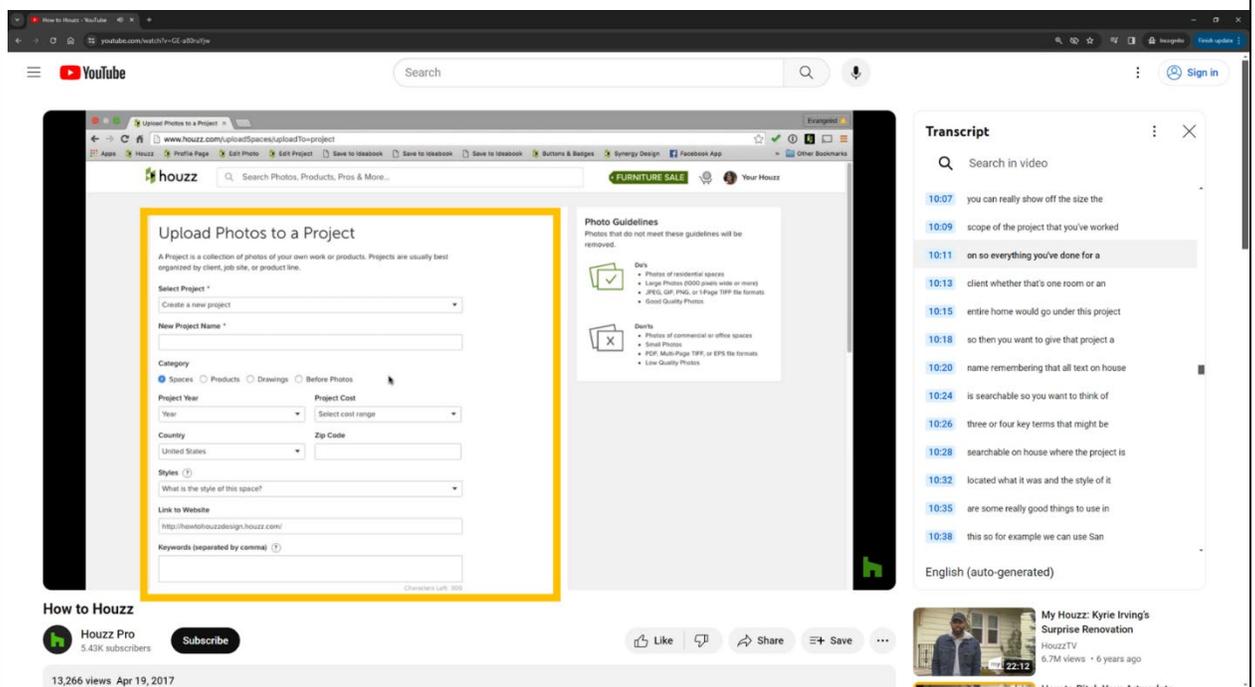
16 (E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).



(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).

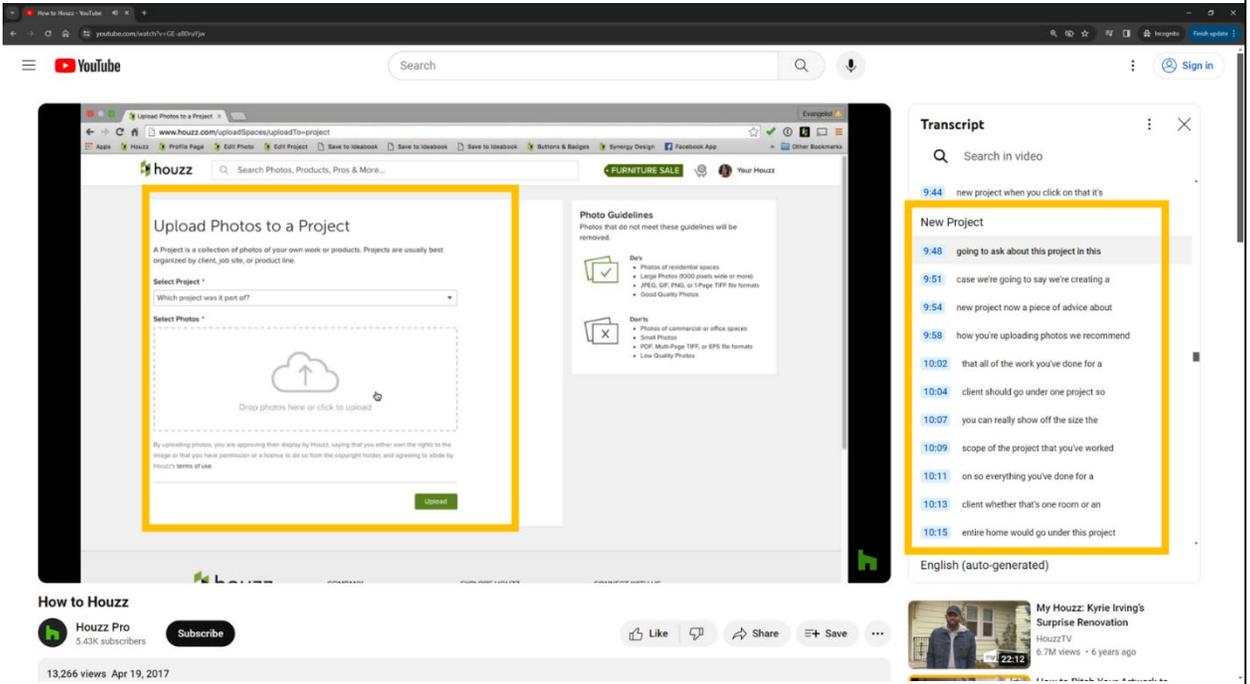


(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).

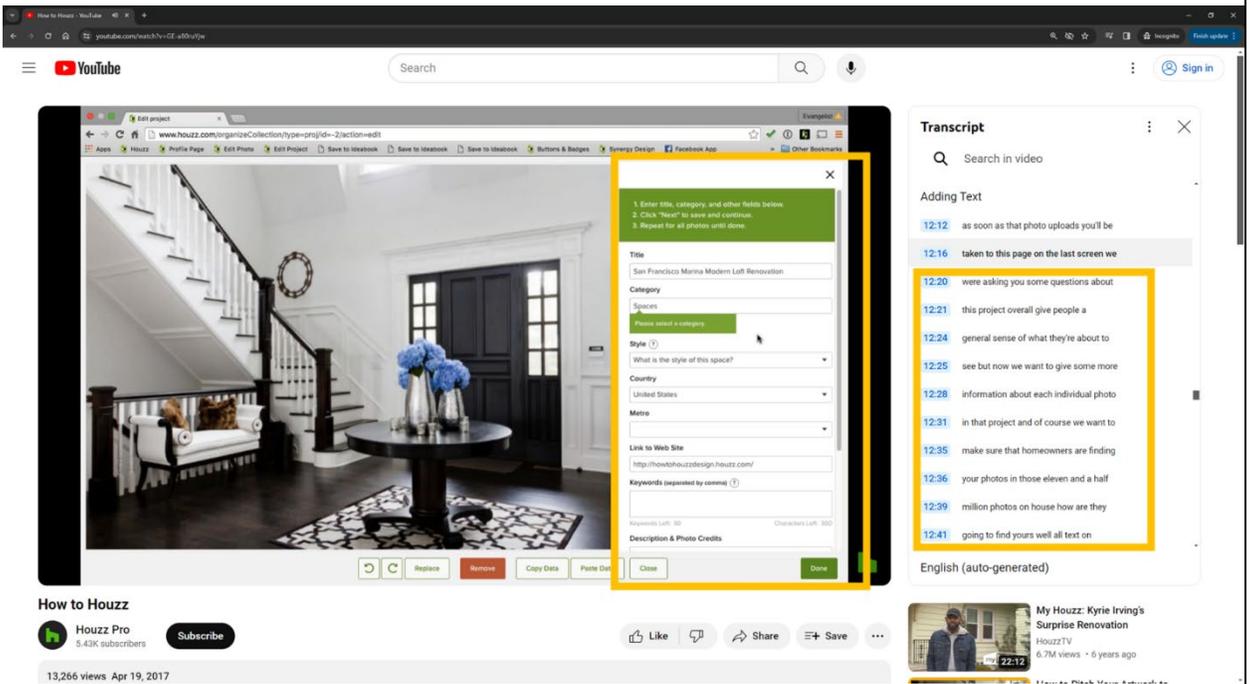


(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).

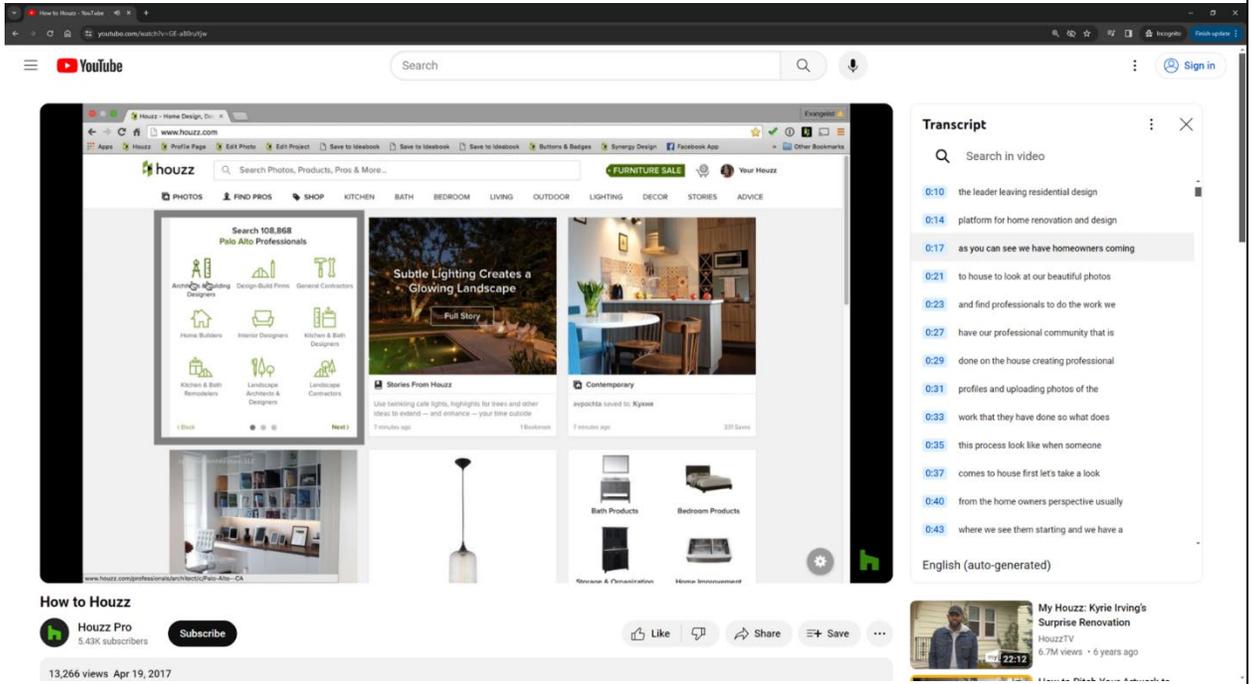
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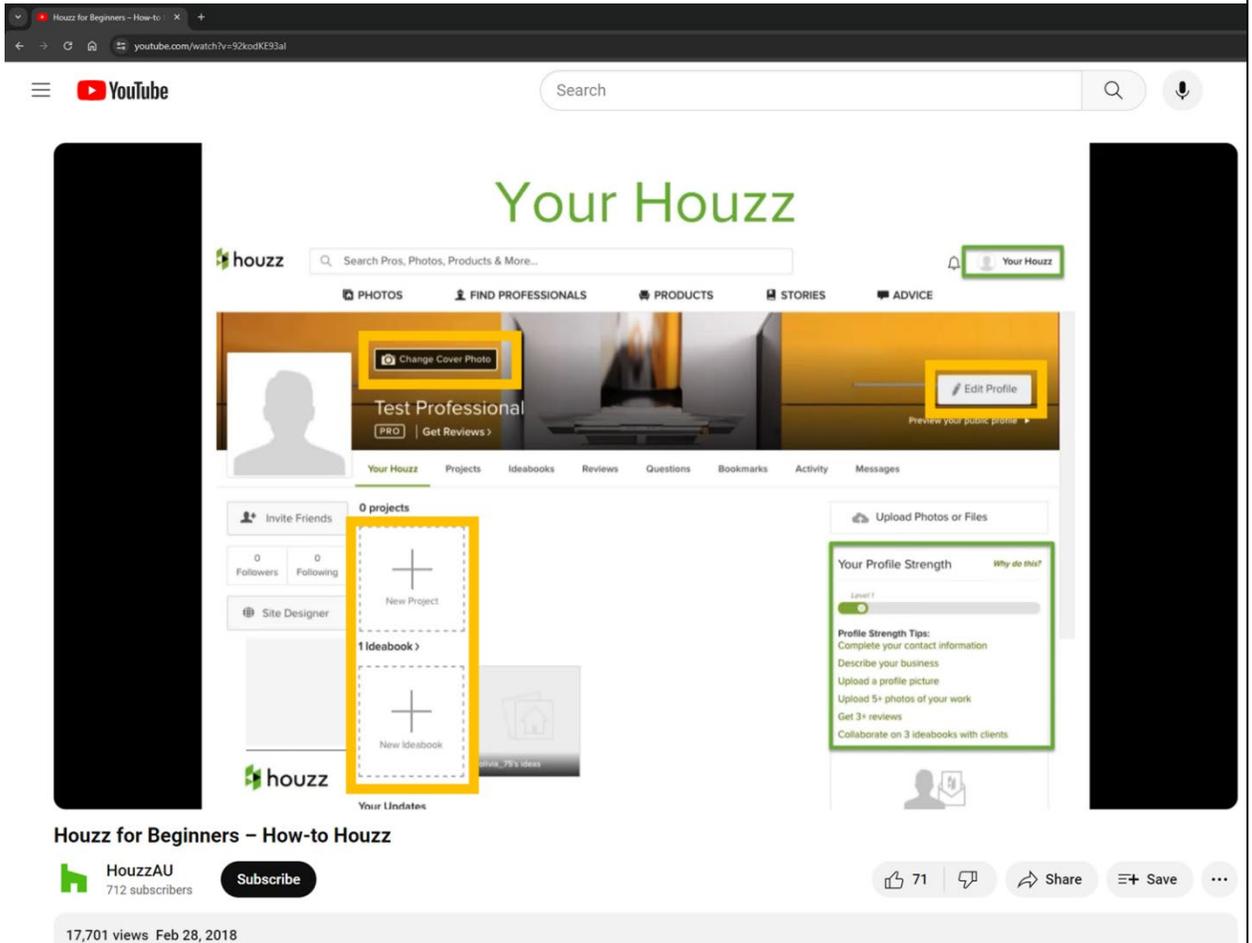
(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).



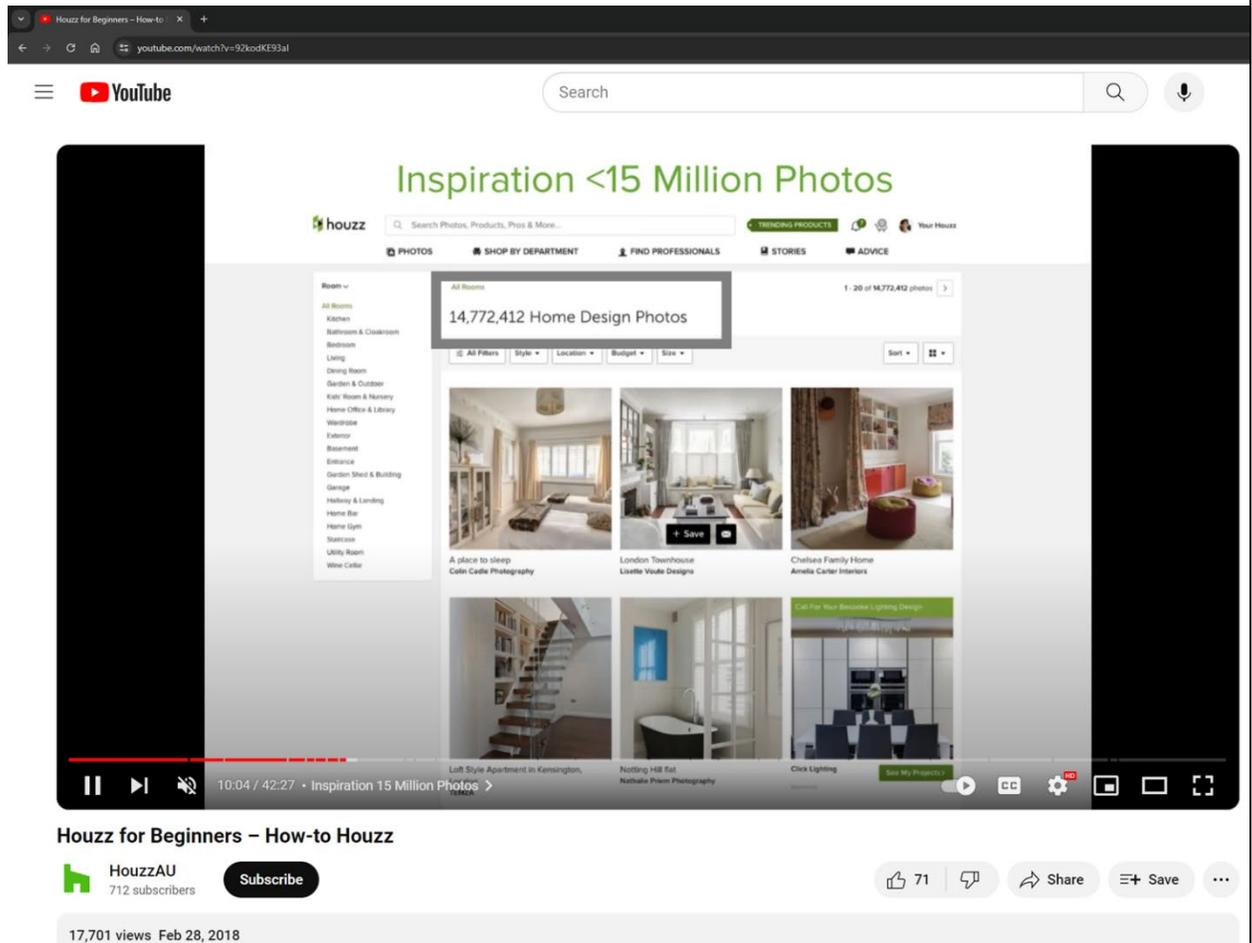
(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).



(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).



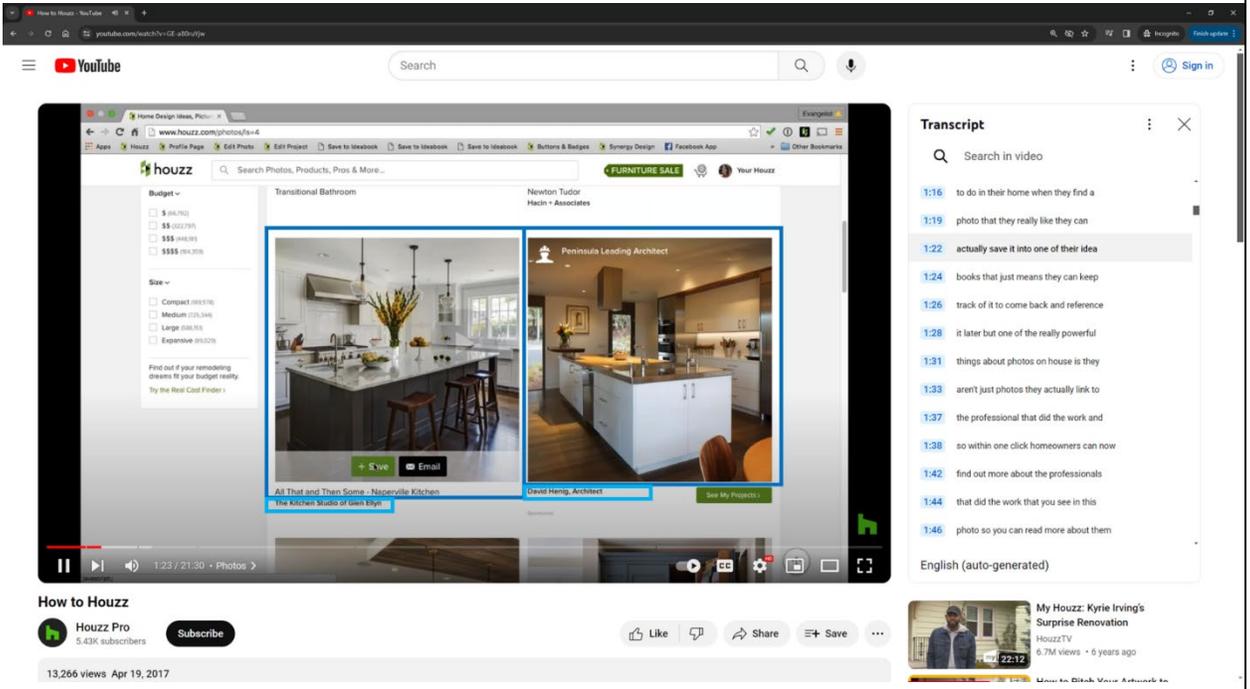
(E.g., <https://www.youtube.com/watch?v=92kodKE93aI>).



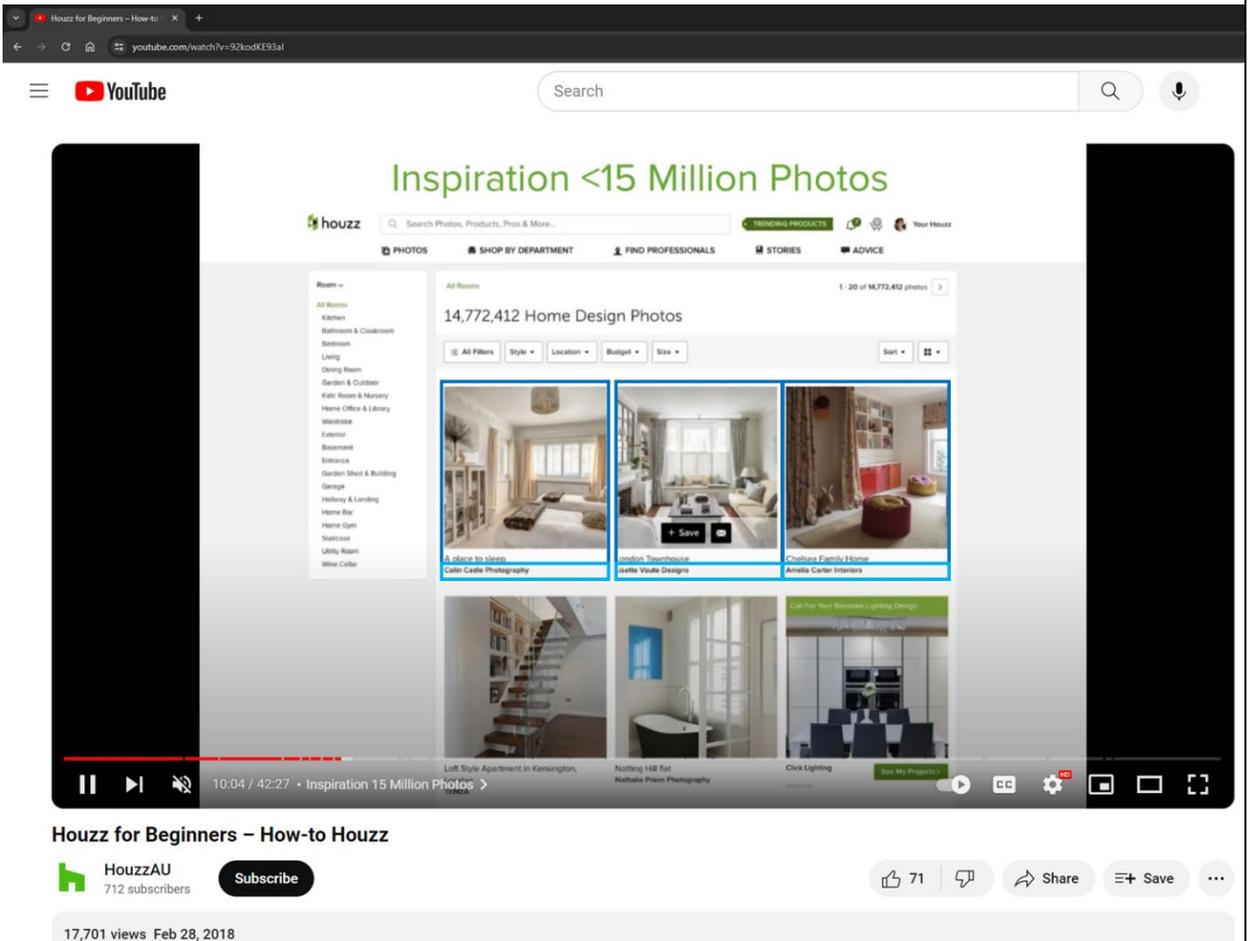
(E.g., <https://www.youtube.com/watch?v=92kodKE93aI>).

49. The electronic media submissions database of the Accused Instrumentality used by Houzz which stores the submissions further stores data identifying the submitter and data indicating content for each electronic media submission (e.g., Design 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.

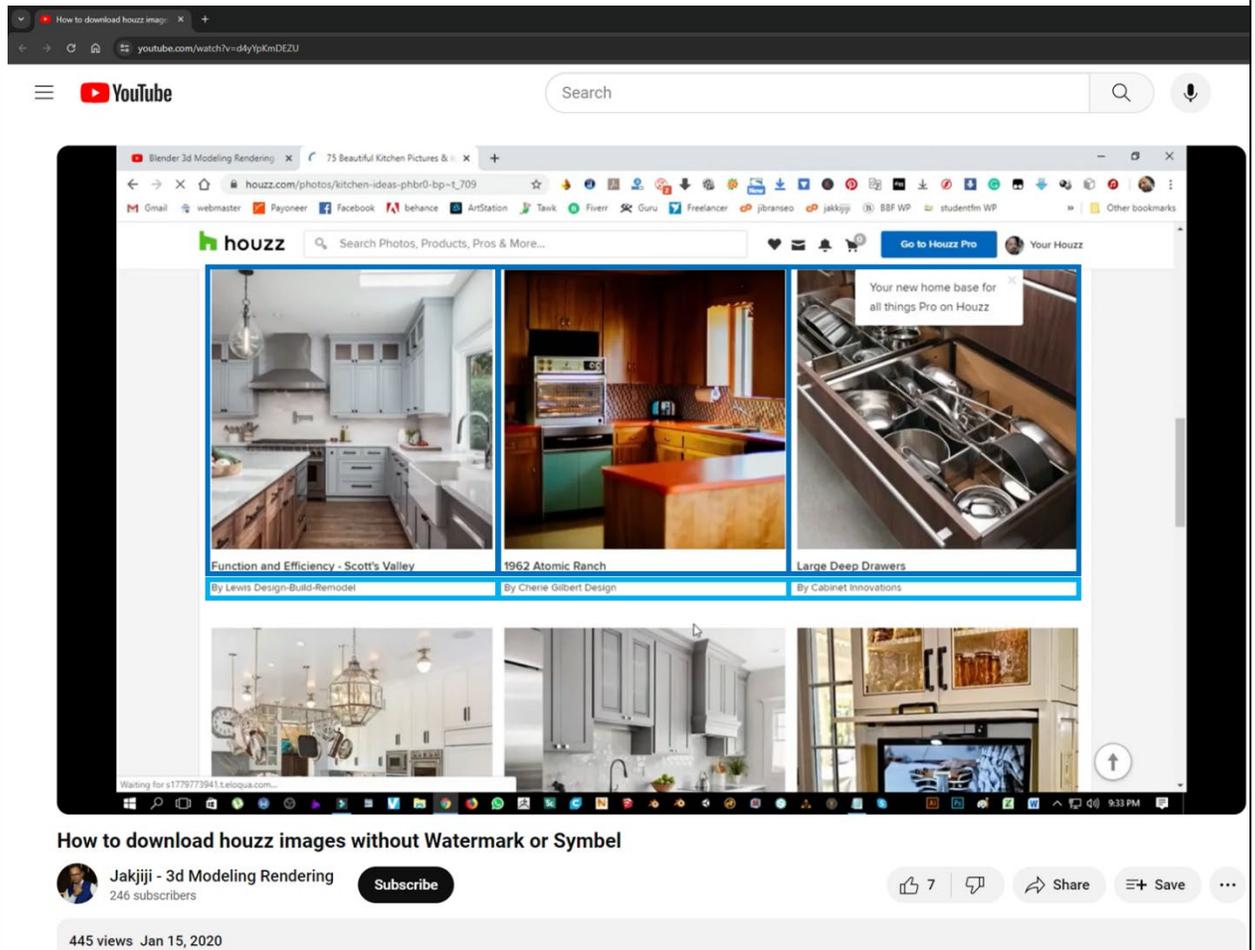
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(E.g., <https://www.youtube.com/watch?v=92kodKE93aI>).



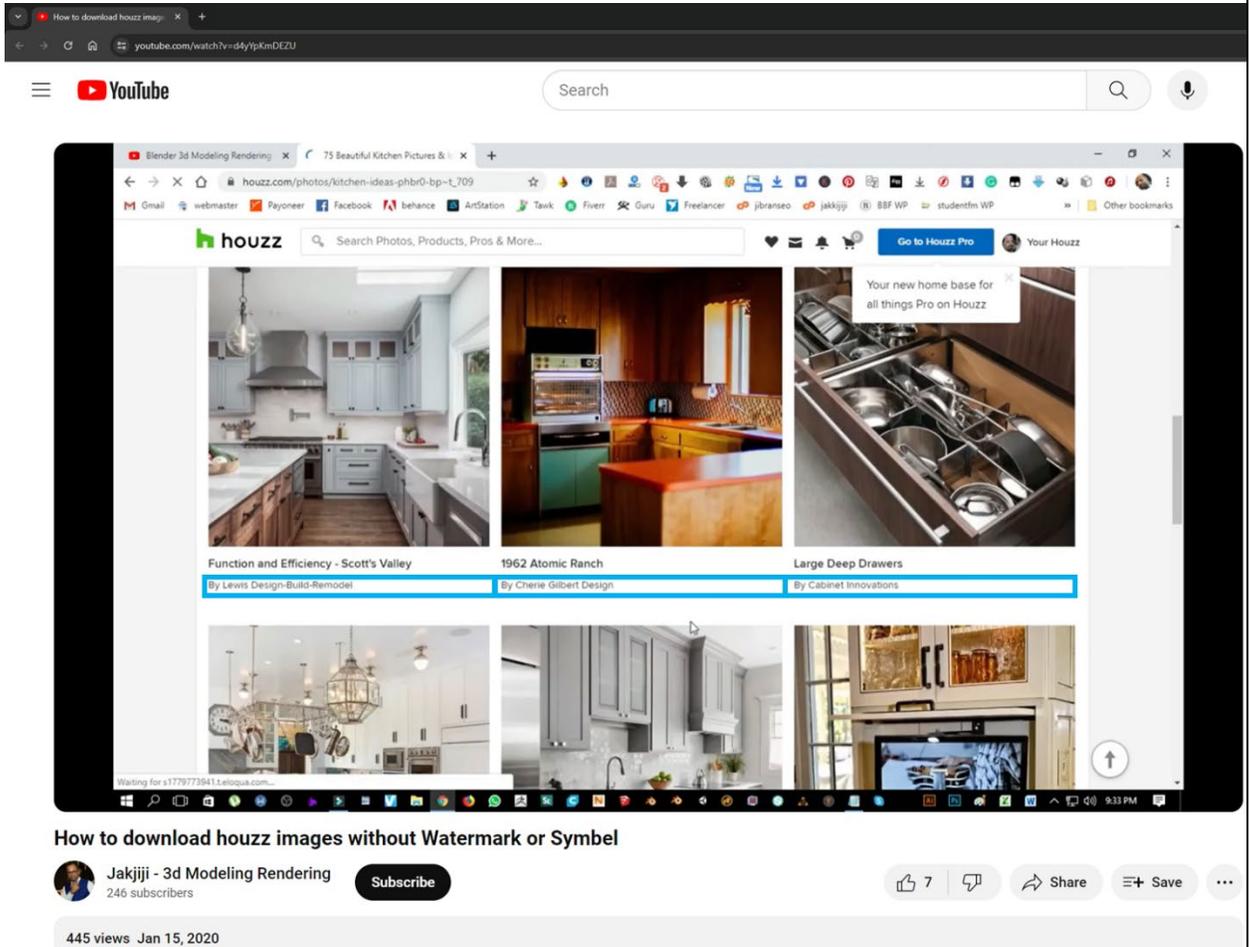
(E.g., <https://www.youtube.com/watch?v=d4yYpKmDEZU>).

50. 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 submission within the multimedia file. As shown below, data identifying the user-submitter includes, e.g., a name identifying the user.

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The screenshot shows a YouTube video player. The video title is "Houzz for Beginners - How-to Houzz". The video content displays the Houzz website interface. The video player includes a progress bar at 10:04 / 42:27, a channel name "HouzzAU" with 712 subscribers, and 17,701 views from Feb 28, 2018.

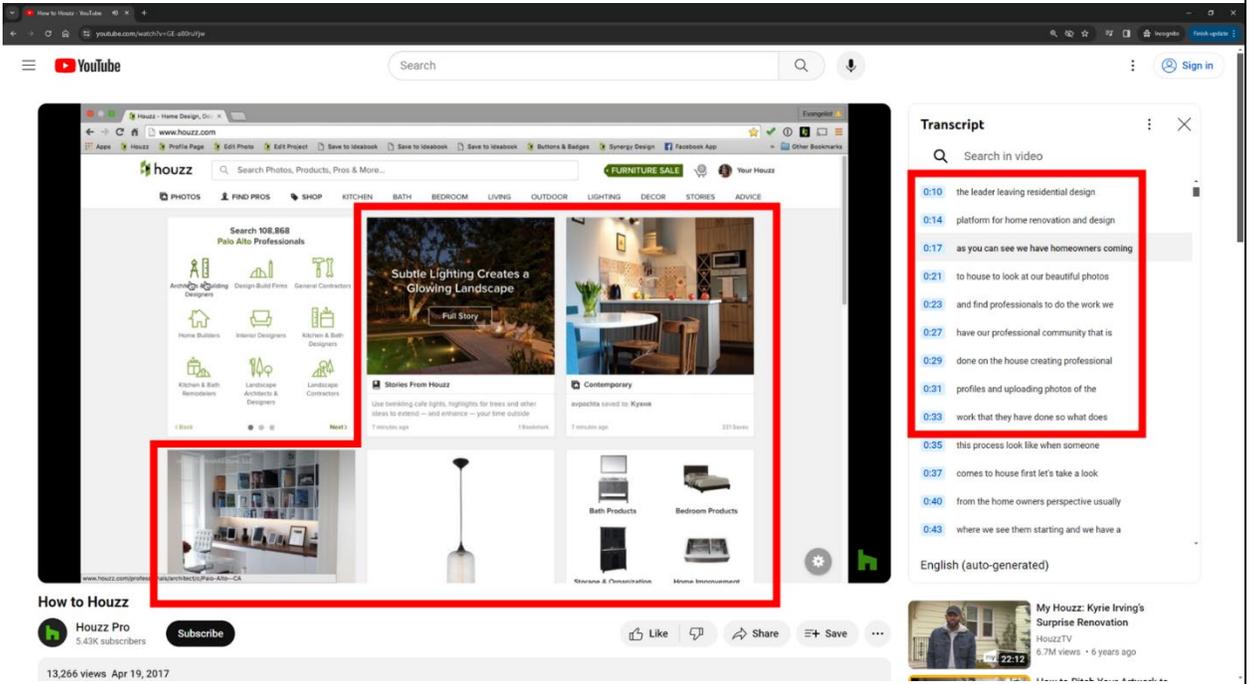
(E.g., <https://www.youtube.com/watch?v=92kodKE93aI>).



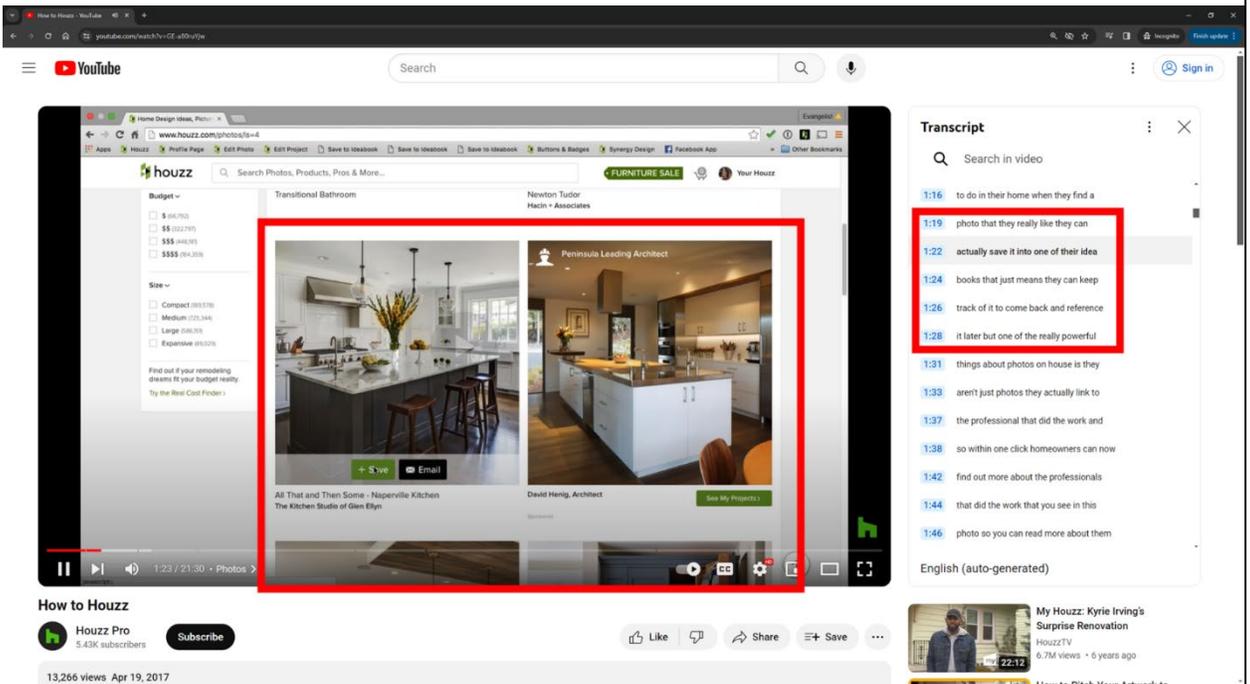
(E.g., <https://www.youtube.com/watch?v=d4yYpKmDEZU>).

51. 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 Design 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). Houzz uses function-specific subsystems, for example as discussed below.

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(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).

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The screenshot shows a YouTube player displaying a video of a Houzz profile for 'The Kitchen Studio of Glen Ellyn'. The profile page is highlighted with a red rectangular box. The transcript on the right side of the video is also visible, with several lines highlighted in red to match the video content.

Transcript:

- 1:37 the professional that did the work and
- 1:38 so within one click homeowners can now
- 1:42 find out more about the professionals
- 1:44 that did the work that you see in this
- 1:46 photo so you can read more about them
- 1:49 the business that they are the services
- 1:51 they provide and where they're willing
- 1:53 to travel any awards that they've won
- 1:56 can also see photos of past projects
- 1:59 other work that they've done
- 2:00 professionally and then right up at the
- 2:04 top is all the contact information about
- 2:06 this professional so as a homeowner if I

(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).

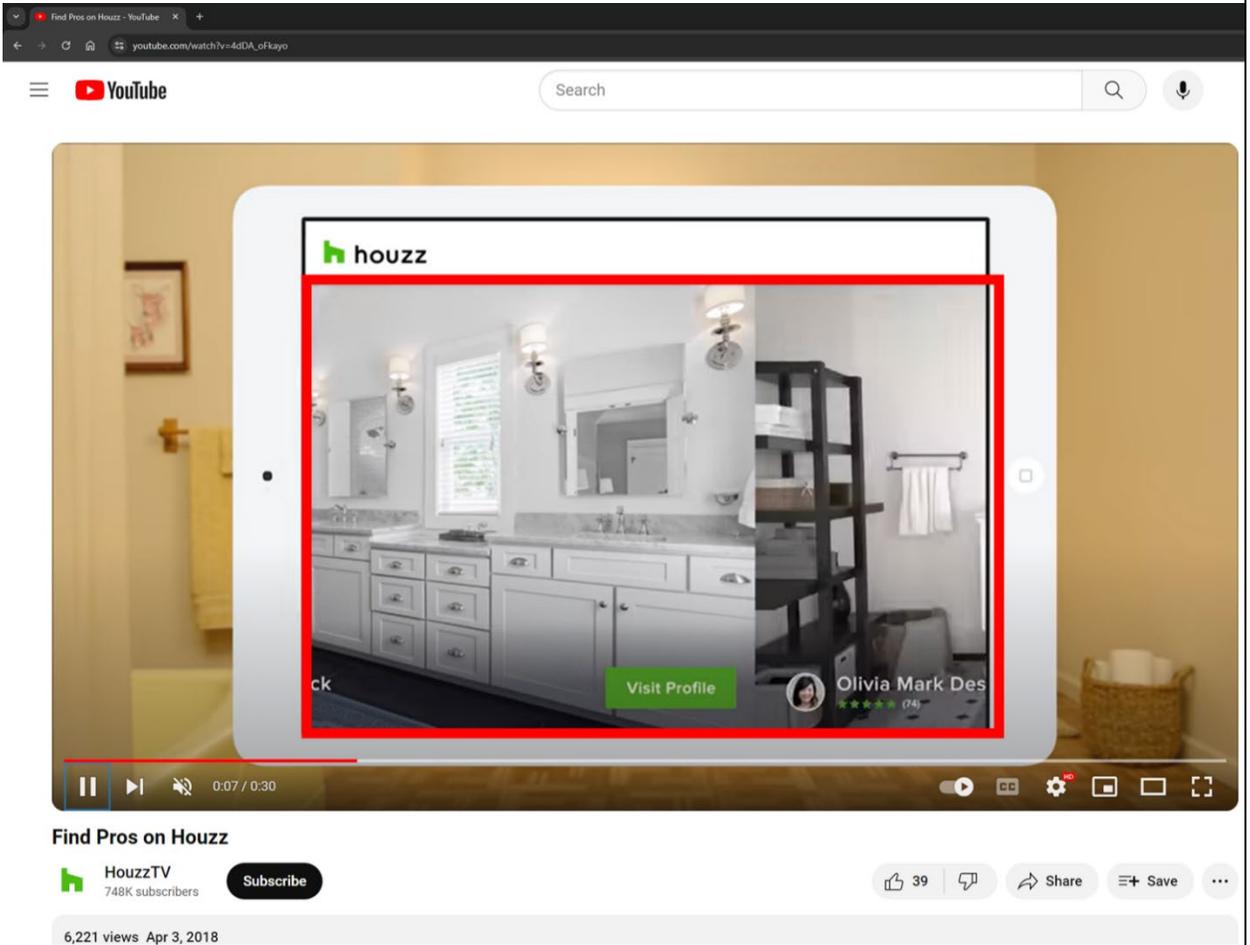
The screenshot shows a YouTube player displaying a video of a Houzz profile for 'Houzz Sample Profile'. The profile page is highlighted with a red rectangular box. The transcript on the right side of the video is also visible, with several lines highlighted in red to match the video content.

Transcript:

- 2:28 example here for you of what a
- 2:30 professional profile looks like and it
- 2:32 was what we were just looking at this
- 2:35 a professional profile so the company
- 2:38 name reviews and again all the
- 2:41 information about your business and
- 2:42 projects that you've done you will also
- 2:45 then get reviews from past clients and
- 2:48 colleagues so after you as a
- 2:52 professional have created a professional
- 2:53 profile you're going to start filling it
- 2:56 out uploading photos of the work that
- 2:57 you've done all of really bragging about

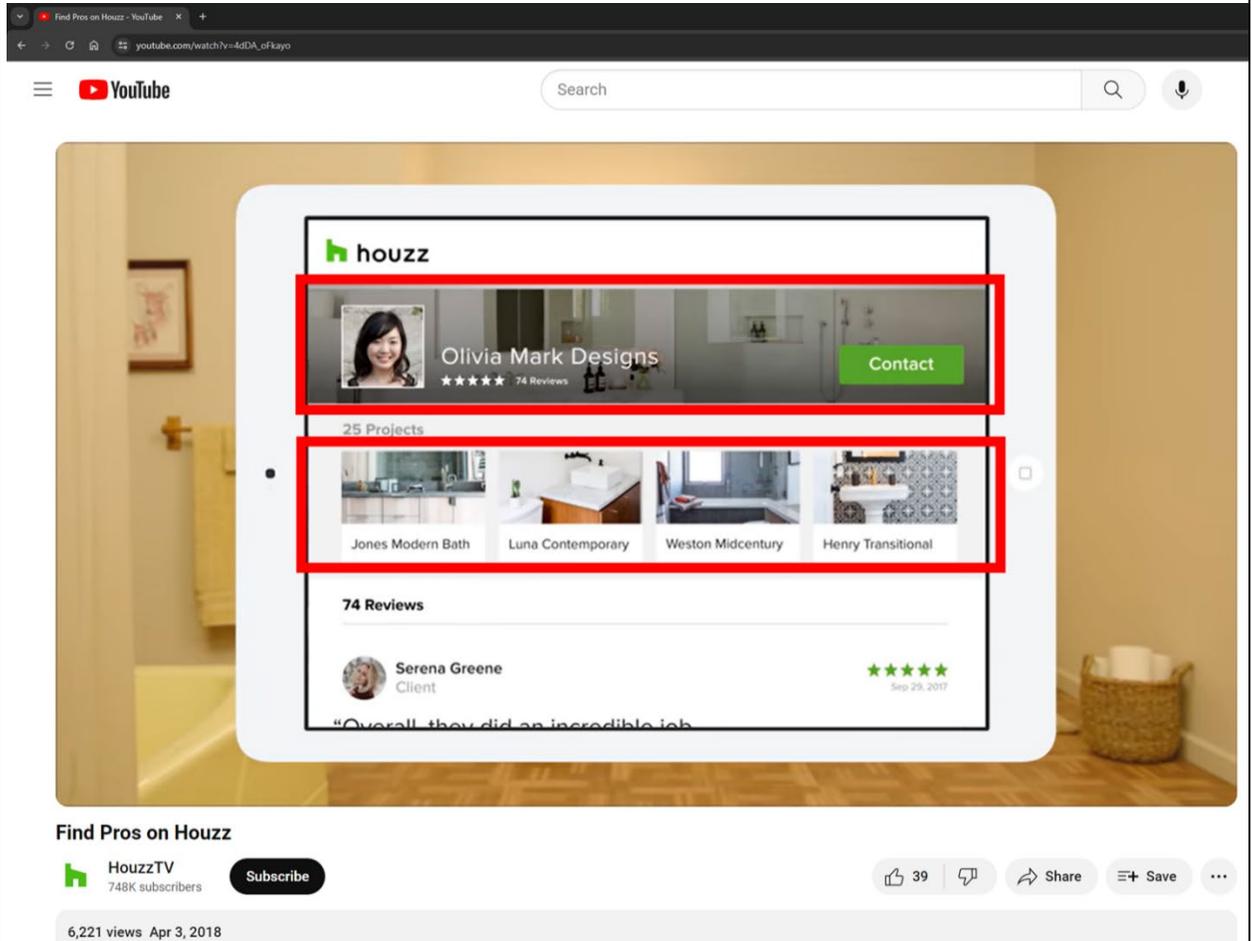
(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).

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(E.g., https://www.youtube.com/watch?v=4dDA_oFkayo).

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(E.g., https://www.youtube.com/watch?v=4dDA_oFkayo).

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Creating a Robust Profile

ANNA CARIN Design
 338 Followers 4 Following
 6 Reviews | Review me ?
 (02) 8055 3099 Website

ANNA CARIN design is a full-figed interior design practice with a broad client list covering many fields including private homes and apartments, residential developments, retail, corporate and hospitality projects in both Scandinavia and Australia. Swedish born Principal Designer Anna Carin McManus with a Master of Arts degree from the Royal College of Art in London has worked as in-house designer for prominent interior house Svensk Term in Stockholm and as Senior Designer with Rupert Gardner Design, also in Stockholm. Based in Sydney's Paddington the multi-disciplinary studio is shared with Architects and Graphic Designers providing clients with extensive service and expertise. Our aim is - through passionate involvement - to find stylish and functional solutions where each challenge is seen as an opportunity for innovation and the end result brings people together and spaces that last.

Services Provided
 Residential, Commercial, Retail and Hospitality Design

Areas Served
 Sydney Australia
 Melbourne Australia
 Scandinavia

Certifications and Awards
 Member Design Institute Australia (DIA)
 Less >

3 Houzz Badges >
 5 Projects >
 6 Reviews >

1 Affiliation >

Woolahra Cottage
 12 photos

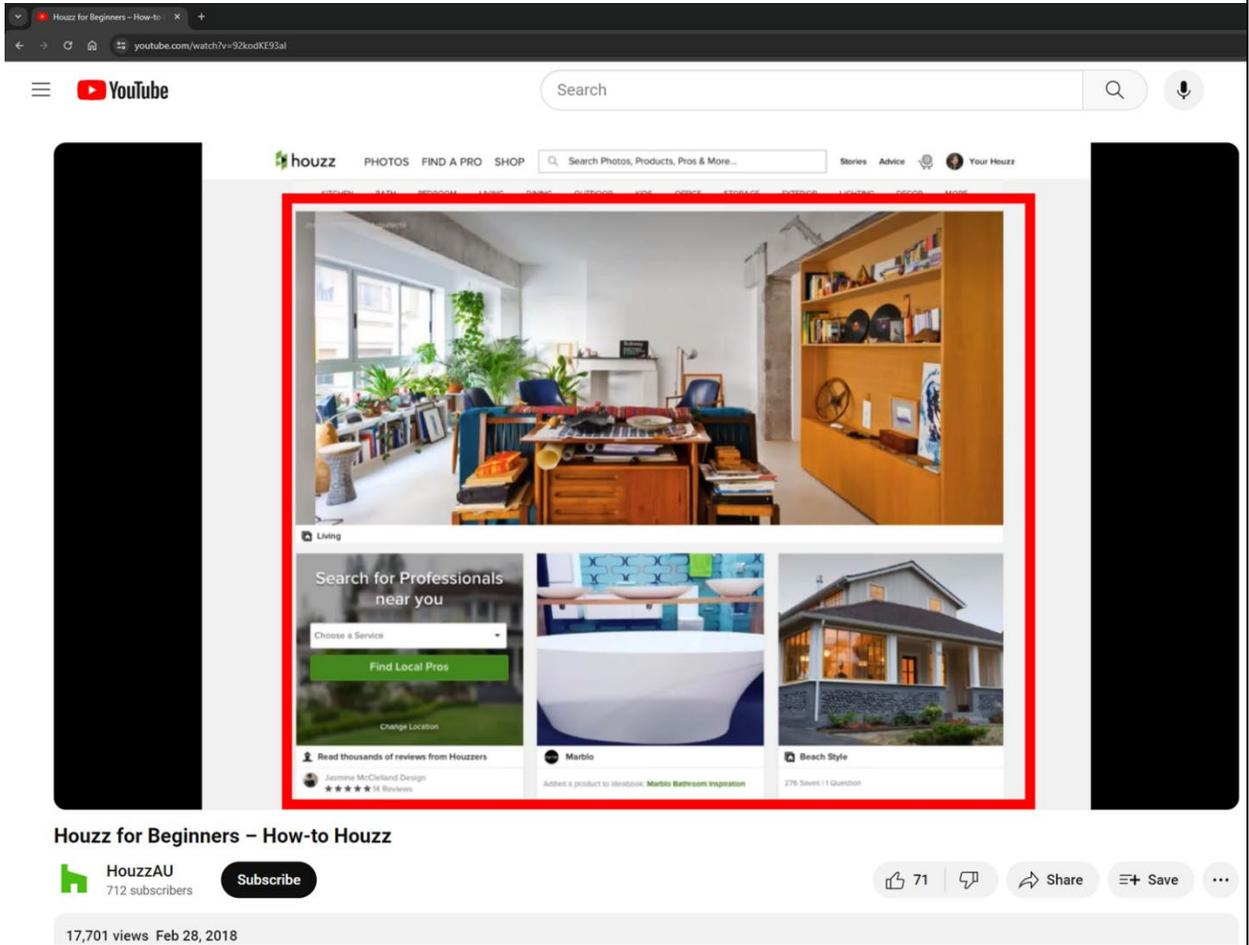
the FORSA Rug collection by ANNA CARIN L.
 6 photos

Review by lindaL_:
 Anna-Carin came highly recommended to me by a friend in the Design Industry. I engaged Anna-Carin's services during the renovating of our 5 bedroom term in Bronte. I was extremely happy with the sta...
 More >

Review by winter1913:
 Highly recommend Anna-Carin designs efficient quality and out standing taste and delivers on tim e genuine design and a specific Scandinavian fair

Houzz for Beginners - How-to Houzz
 HouzzAU 712 subscribers **Subscribe**
 17,701 views Feb 28, 2018

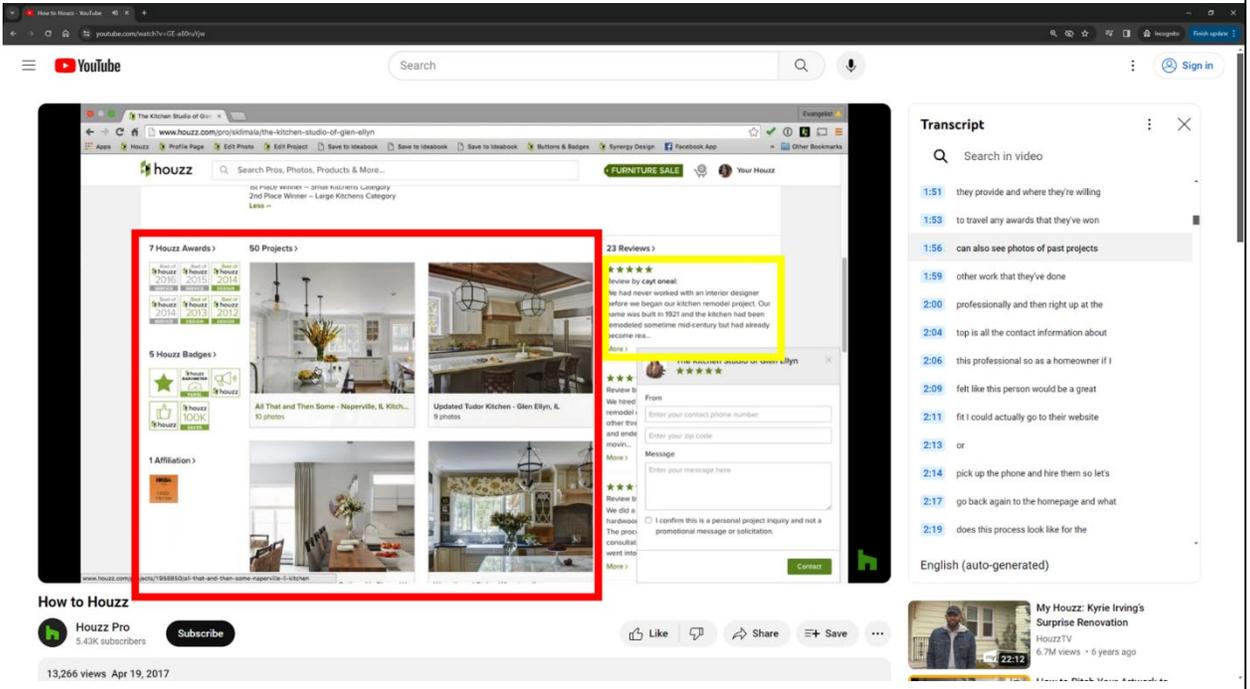
16 (E.g., <https://www.youtube.com/watch?v=92kodKE93aI>).



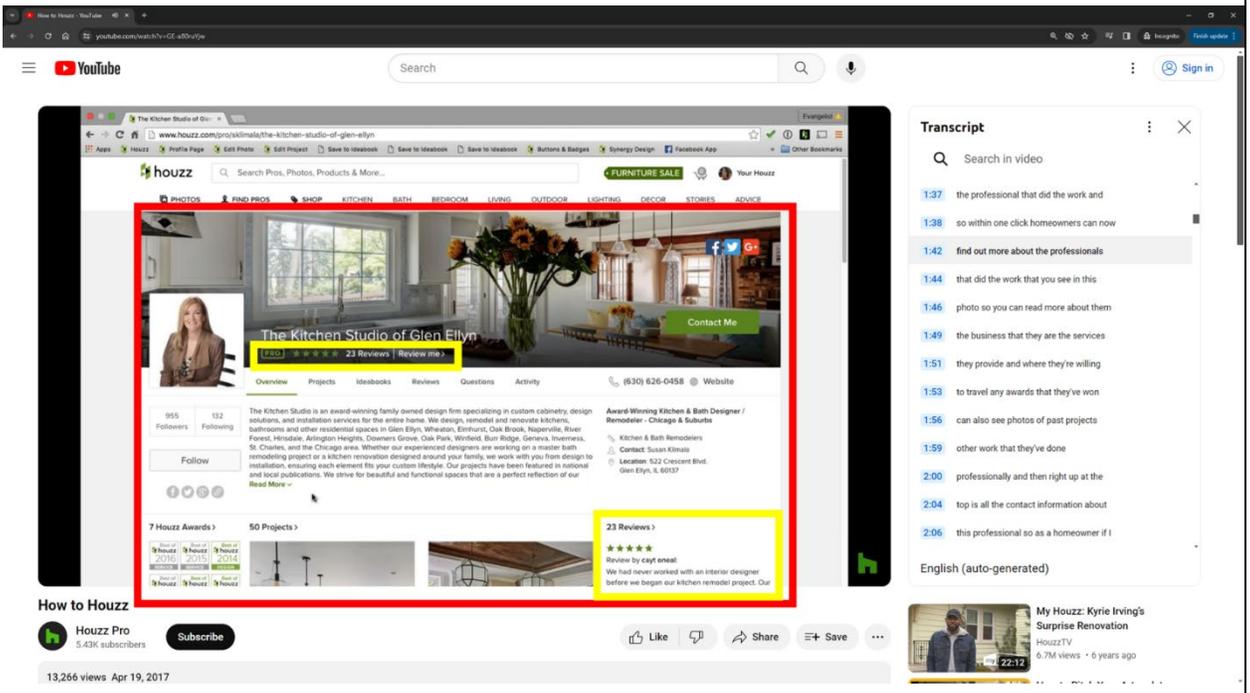
(E.g., <https://www.youtube.com/watch?v=92kodKE93aI>).

52. 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 listing provided by a submitter, with accompanying photo and/or textual content). Houzz uses function-specific subsystems, for example as discussed below.

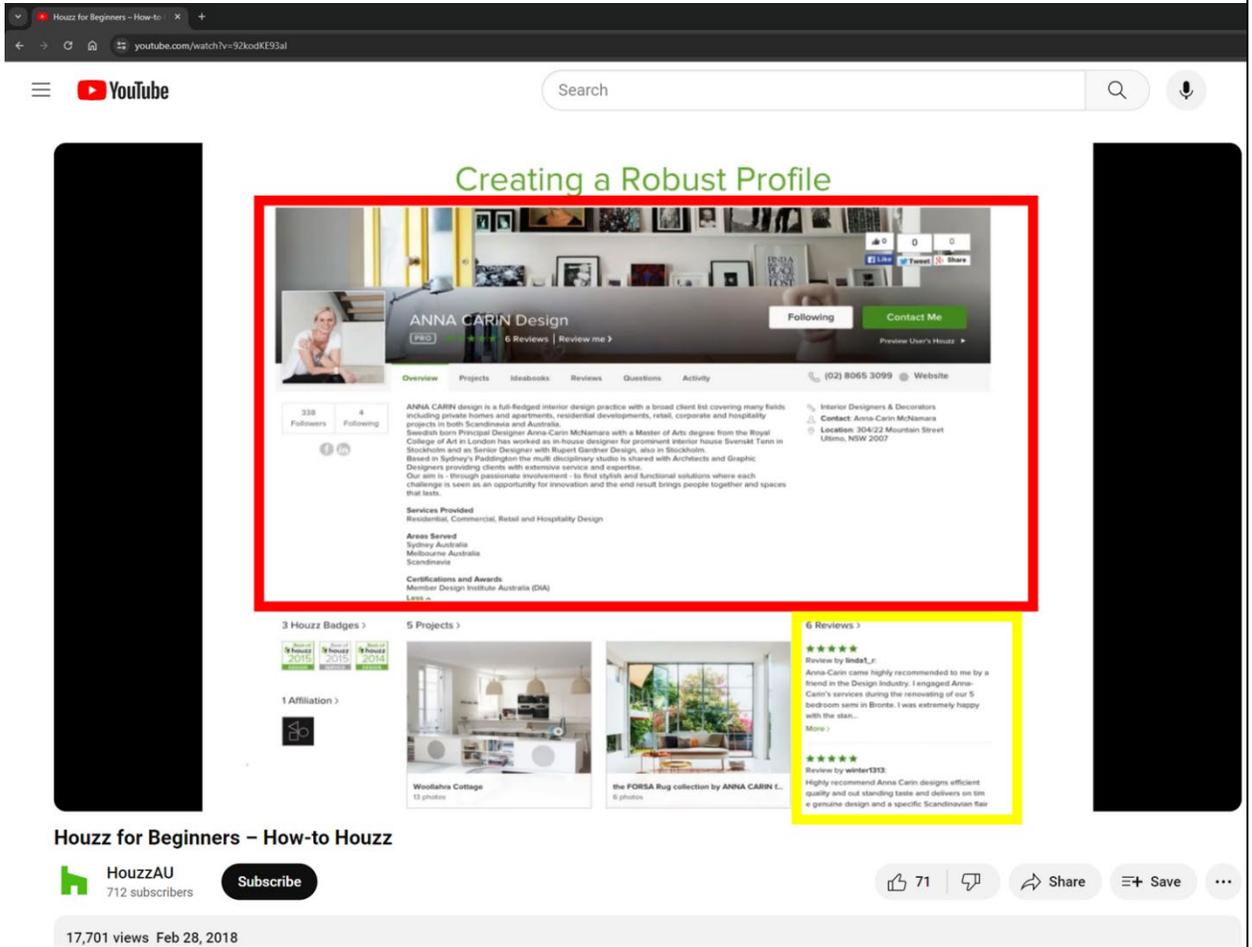
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(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).



(E.g., <https://www.youtube.com/watch?v=GE-a80ruYjw>).



(E.g., <https://www.youtube.com/watch?v=92kodKE93aI>).

53. 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.

54. 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 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

MESSNER REEVES LLP

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(*pro hac vice* forthcoming)
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dbennett@directionip.com

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Virtual Creative Artists LLC