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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

VIRTUAL CREATIVE ARTISTS, LLC,

Plaintiff,

v.

LOWE’S HOME CENTERS, LLC,

Defendant.

Case No. 2:25-cv-141

COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

Plaintiff Virtual Creative Artists, LLC files this Original Complaint for Patent Infringement against Lowe’s Home Centers, LLC, and would respectfully show the Court as follows:

I. NATURE OF THE LAWSUIT

1. This is an action for patent infringement under the Patent Laws of the United States, Title 35 United States Code (“U.S.C.”) resulting from Lowe’s Home Centers, LLC infringing, in an illegal and unauthorized manner and without authorization and/or consent from Virtual Creative Artists, LLC, United States Patent No. 9,501,480 and 9,477,665 pursuant to 35 U.S.C. §271, and to recover damages, attorney’s fees, and costs.

II. THE PARTIES

2. Plaintiff Virtual Creative Artists, LLC. (“VCA” or “Plaintiff”) is a Delaware limited liability company, having business address at 338 Gracious Way, Henderson, NV 89011.

3. On information and belief, Defendant Lowe’s Home Centers, LLC (“Lowe’s” or “Defendant”) is a limited liability company organized and existing under the laws of North

1 Carolina with a place of business at 2700 Rainer Ave S, Seattle, WA 98144. Defendant has a
2 registered agent at Corporation Service Company, 300 Deschutes Way SW Ste 208 MC-CSC1,
3 Tumwater, WA, 98501.

4
5 **III. JURISDICTION AND VENUE**

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

9 5. On information and belief, Defendant is subject to this Court's specific and
10 general personal jurisdiction, pursuant to due process and the Washington Long-Arm Statute,
11 due at least to its business in this forum, including at least a portion of the infringements
12 alleged herein. Furthermore, Defendant is subject to this Court's specific and general personal
13 jurisdiction because Defendant is a Washington corporation.

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

3
4 7. Venue is proper in this district under 28 U.S.C. § 1400(b). On information and
5 belief, Defendant has many locations within the Western District of Washington including at
6 2700 Rainer Ave S, Seattle, WA 98144. On information and belief, from and within this
7 District Defendant has committed at least a portion of the infringements at issue in this case and
8 has a business location within this District.

9
10 8. For these reasons, personal jurisdiction exists and venue is proper in this Court
11 under 28 U.S.C. § 1400(b).

12 **IV. COUNT I**
(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 9,501,480)

13 9. Plaintiff incorporates the above paragraphs herein by reference.

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

19
20 11. VCA is the assignee of all right, title, and interest in the ‘480 Patent, including
21 all rights to enforce and prosecute actions for infringement and to collect damages for all
22 relevant times against infringers of the ‘480 Patent. Accordingly, VCA possesses the exclusive
23 right and standing to prosecute the present action for infringement of the ‘480 Patent by
24 Defendant.

25
26 12. The invention relates to the field of creating and distributing media content, in
27 particular, creating media content based upon submissions received on an electronic media
28

1 exchange. At the time of the original invention in 1998, there was an Internet-centric problem
2 that required a technical solution—how to develop a computer system that would allow remote
3 contributors of electronic content to share and collaborate their content to develop new media
4 content. The claimed invention, which predates modern crowdsourcing solutions, offers a
5 unique, unconventional, and specially configured combination of “subsystems” in which to
6 address the Internet-centric problem.
7

8 13. As set forth in the claims, the claimed invention has a collection of unconventional
9 and particularly configured subsystems, including:

- 10 • “an electronic media submissions server subsystem,”
- 11 • “an electronic multimedia creator server subsystem,”
- 12 • “an electronic release subsystem,”
- 13 • “an electronic voting subsystem,” and
- 14 • their corresponding specialized databases.

15 14. 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 claimed invention.
17 For example, claim 1 requires an “electronic media submissions database,” which is a
18 subsystem that receives media submissions from Internet users. This is not a generic database
19 but rather a scalable database that must be able to receive, store, and manage multiple petabytes
20 of multimedia data received from users all over the world. This is one of the many specialized
21 databased required in the claim. In fact, the specification discloses the use of a sophisticated
22 database management system known in the art at the time that was capable of handling data at
23 this level, Oracle7. This type of database management system cannot operate on a generic
24 computing system but rather requires specialized hardware and software.
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1 15. As another example, the claim requires a specifically configured “electronic
2 media submission server subsystem.” This subsystem is defined as specifically having:

- 3
- 4 • “one or more data processing apparatus,”
 - 5 • “an electronic media submission database stored on a non-transitory
6 medium,” and
 - 7 • “a submissions electronic interface.”

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

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

- 21
- 22 • “one or more data processing apparatus” and
 - 23 • “an electronic creator multimedia database stored on a non-transitory
24 medium.”

25 17. This subsystem is also specifically “configured [1] to select and [2] retrieve a
26 plurality of electronic media submissions from the electronic media submissions database using
27 an electronic content filter located on the electronic multimedia creator server.” The “filter”
28

1 also includes a very specific algorithm of “being based at least in part on at least one of the one
2 or more user attributes to develop multimedia content to be electronically available for viewing
3 on user devices.” Even more detail is provided by requiring “the identification of the submitter
4 [be] maintained with each selected and retrieved submission within the multimedia content.”
5 Here again, collectively, the level of detail included in this very particular and well-defined and
6 unconventional subsystem makes clear that the claims include substantially more than an
7 alleged abstract idea or merely performing an alleged abstract idea on a computer.
8

9 18. The claim also includes “an electronic release subsystem,” which is well defined
10 and not conventional or routine. The claim defines how this subsystem is “operatively coupled
11 to the electronic multimedia creator server subsystem.” The claim also defines the components
12 of this subsystem as having “one or more data processing apparatus” and being particularly
13 “configured to make the multimedia content electronically available for viewing on one of
14 more user devices.” These details, collectively, also make this very particular and well-defined
15 and unconventional subsystem substantially more than an abstract idea or performing an
16 abstract idea on a computer.
17

18 19. The claim also requires “an electronic voting subsystem,” which is well-defined,
19 specific, and unconventional. This claimed subsystem has “one or more data processing
20 apparatus” and is specifically “configured to enable a user to electronic vote for or
21 electronically rate an electronically available multimedia content or an electronic media
22 submission within a respective electronically available multimedia content.”
23

24 20. Claim 1 is a specific and discrete implementation. For example, the claim
25 requires an “electronic content filter” located at the server, remote from end users, and
26 customizable based on user attributes. As another example, the “electronic voting subsystem”
27 at the time of the invention was novel and inventive and added sufficient inventive
28

1 contributions to avoid a risk of preempting creating and distributing media content. It is
2 possible to create and distribute media content without ever having to include a “voting”
3 subsystem on what components should be included in such media content. The detailed
4 configuration “to enable a user to vote for or electronically rate an electronically available
5 multimedia content or an electronic media submission within a respective electronically
6 available multimedia content” has the level of particularity that avoids any risk of preemption.

8 21. Furthermore, the very particular and specifically configured “electronic media
9 creator subsystem” not only provides a detailed and unique physical structure and
10 interrelationship with other claimed components, but also includes a very specific configuration
11 that is not conventional or routine. The claims make clear the interrelationship of the
12 “electronic multimedia creator server subsystem” with respect to “the electronic media
13 submission server subsystem” which must be “operatively coupled” thereto. The claims also
14 provide detail on how the “electronic media creator subsystem” is “configured” “to select and
15 retrieve a plurality of electronic media submissions from the electronic media submission
16 database using an electronic filter.” They also provide detail on how the “electronic filter” is
17 “based at least in part on at least one of the one or more user attributes” and specifies that “the
18 identification of the submitter is maintained with each selected and retrieved submission within
19 the multimedia content.”
20

22 22. These arguments overcame a patent eligibility rejection under 35 U.S.C. §101 of
23 the claim at issue during the prosecution of the ‘480 patent.

24 23. **Direct Infringement.** Upon information and belief, Defendant has been directly
25 infringing claims 1, 4, and 22 of the ‘480 Patent in Washington, and elsewhere in the United
26

1 States, by employing a computer-based system using <https://www.lowes.com/> (“Accused
2 Instrumentality”) (e.g., <https://www.lowes.com/>).

3
4 24. Lowe’s uses a computer-based system for its Accused Instrumentality, to enable
5 users to comment on items for sale (hereinafter referred to as listings). The user comments
6 contain multimedia content in the form of image content and textual content. User comments
7 may include feedback on the listing or information about the listing. Lowe’s, during the
8 relevant time period, took advantage of multiple cloud server providers for Accused
9 Instrumentality, as discussed above, as well as scalability within its cloud server providers,
10 employing separate server subsystems for all its meaningfully different functions. Lowe’s uses,
11 and has used during the relevant time period, numerous different networks and providers for,
12 *inter alia*, content management systems, web servers, web hosting, data centers, proxy
13 certificates, SSL certificates, traffic analysis, advertising, and tagging, thereby using separate
14 server subsystems for all its meaningfully different functions, such as those indicated below.
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1 DEWALT 13-in W 15-Amp Benchtop Planer

2 lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489


3 DEWALT 13-in W 15-Amp Benchtop Planer

4 **Open the box before going home!**

5 ★☆☆☆☆ Would Not Recommend

6 Bought one planer. Worked like a charm on the first run, but the next time I went to use it the internal breaker kept tripping before I even had wood in it. Tore it apart looking for clogs, torn belts, etc. but nothing was off. Spent 2-3 hours with Dewalt trying to troubleshoot and ended up making a return to Lowe's. Got the exchange planer out of the box, and it's full of dust and wood chips from someone else. Thought perhaps not a big deal, so I tried running something through it. Found out th...

7 + Read More

8 

9 Was this Review Helpful? (20) (18) Report

10 **Response from DewaltProductExpert**

11 Hi

12 We appreciate your feedback. We would like to speak to you about the experience you had. Please contact support at WECARE@sbdinc.com


13 + Read More

14 **Would not recommend this model**

15 ★☆☆☆☆ Would Not Recommend

16 I've had a DeWalt model 734 for years. I thought it was time to step up and buy myself a birthday present. So I purchased DW735. I have to agree with the one and two star reviews. I was working with 10 x1/2 x 6 foot cherry. Wanted to take from 1/2 down to 3/8th's. After 2 passes at a 32nd of an inch sparks started to fly out a vent and the board stopped moving. Then motor started to smoke. Took it back to Lowe's and exchanged it for a new DW734. No hassle return. I would recommend the DW 734 in ...

17 + Read More


18 

19 Was this Review Helpful? (26) (15) Report

20 **Wow**

21 ★★★★★ Would Recommend

22 I had read the reviews previously about this planer and they were very favorable, I would say they were all correct. This works great and I was able to finish my projects easily. The finish with straight blades is perfect.

23 

(E.g., <https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489>).

The screenshot shows the W3Techs website interface. At the top, there's a navigation bar with links for Home, Technologies, Reports, API, Sites, Quality, Users, Blog, Forum, and FAC. Below this is a section for 'Featured products and services' with logos for Themeisle and DesignBombs. The main content area is titled 'Site Info - Lowes.com' and includes a search box for other sites. The page is divided into several sections, each with a title and a table of details:

- Website Background:**
 - Description on Homepage: Lowe's Home Improvement. Shop tools, appliances, building supplies, carpet, bathroom, lighting and more. Pros can take advantage of Pro offers, credit and business resources.
 - Popularity rank: Top 1k among all websites.
- Content Management Systems:**
 - Adobe Experience Manager: Adobe Experience Manager is a multi-channel content management system.
 - Drupal: Drupal is an open source content management system written in PHP, originally developed by Dries Buytaert.
- Server-side Programming Languages:**
 - Java: Java is a general-purpose language originally developed by Sun Microsystems.
 - PHP: PHP is a scripting language for creating websites.
- Client-side Programming Language:**
 - JavaScript: JavaScript is a lightweight, object-oriented, cross-platform scripting language, often used within web pages.
- JavaScript Libraries:**
 - jQuery 3.6.1: jQuery is a JavaScript library that simplifies HTML document traversing, event handling, animating and Ajax interaction. Originally developed by John Resig.
 - Bootstrap: Bootstrap is an open source HTML, CSS, and JavaScript framework.
 - Underscore: Underscore is a JavaScript library that provides functional programming support.
 - Handlebars 4.7.7: Handlebars is a JavaScript template engine largely compatible with Mustache.
- CSS Framework:**
 - Bootstrap: 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.
- Operating System:**
 - Unix: Unix is a range of operating systems originally developed at Bell Labs. This includes Unix and Unix-

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

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

1 database stored on a non-transitory medium in order to process and store received submissions
2 from a plurality of users (such as users), for example content pertaining to user comments
3 submitted by users pertaining to listings on Accused Instrumentality, as discussed and shown
4 for example in connection with the above discussion. The submissions are provided to Accused
5 Instrumentality via a submissions electronic interface, *e.g.*, a web-based content portal,
6 accessible for example by logging in and selecting options to upload such content or import
7 content, configured to receive such electronic media, from a plurality of submitters over a
8 public network (*e.g.*, the Internet) and stored, via an uploading process, in said electronic media
9 submissions database for use in distribution to other users of Accused Instrumentality..
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How to leave a review on Lowe's

youtube.com/watch?v=qZKzgcV6A0M

Search

Sign in

HOW TO WRITE A REVIEW ON LOWES AS A GUEST

RING IN THE NEW YEAR IN STYLE

LOWES Rancho Cucamonga Lowe's Open till 10PM

Shop Ideas Savings Services Order Status Lowe's Credit Cards Weekly Ad

Write a Review

AKDY Handmade 33-in x 22-in Stainless Steel Single Bowl Undermount Residential Kitchen Sink All-in-One Kit

Overall Rating * Select Rating

Would you recommend this product to a friend? YES NO

Review Title 50 characters left

Detailed Review Guidelines

Add a Photo or Video

ADD A PHOTO

up to 6 images, 5 MB max per image

Video Link

Paste a YouTube Link

Feedback

How to leave a review on Lowe's [product review]

akdy AKDY USA 2.35K subscribers

Subscribe

Like

Share

21,536 views Jan 9, 2020

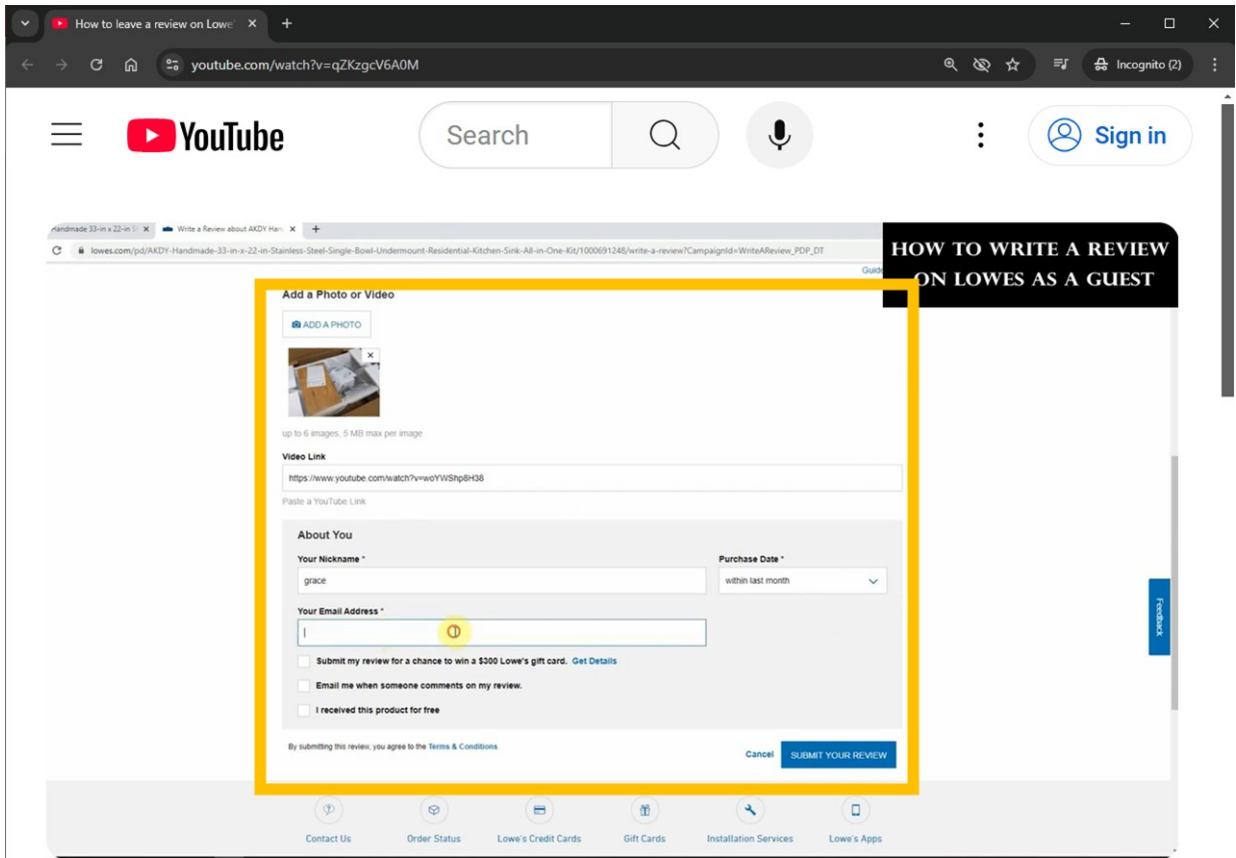
19 (E.g., <https://www.youtube.com/watch?v=qZKzgcV6A0M>).

The screenshot shows a YouTube video player with the title "How to leave a review on Lowe's [product review]". The video content is a screenshot of the Lowe's website's review form. The form is titled "HOW TO WRITE A REVIEW ON LOWES AS A GUEST" and includes the following fields:

- Review Title:** "Incredible purchase" (30 characters left)
- Detailed Review:** "easy to install fast shipping nice workstation design, good quality stainless steel" (Guideline)
- Add a Photo or Video:** Includes an "ADD A PHOTO" button and a thumbnail image of a kitchen sink. Text below reads "up to 6 images, 5 MB max per image".
- Video Link:** A text input field with the placeholder "Paste a YouTube Link".
- About You:** Includes fields for "Your Nickname", "Your Email Address", and a "Purchase Date" dropdown menu.
- Submit:** A checkbox for "Submit my review for a chance to win a \$300 Lowe's gift card. Get Details".

Below the video player, the video title "How to leave a review on Lowe's [product review]" is displayed, along with the channel name "akdy AKDY USA" (2.35K subscribers), a "Subscribe" button, and interaction buttons for "Like", "Dislike", "Share", and a menu icon. The video statistics show "21,536 views" and "Jan 9, 2020".

(E.g., <https://www.youtube.com/watch?v=qZKzgcV6A0M>).

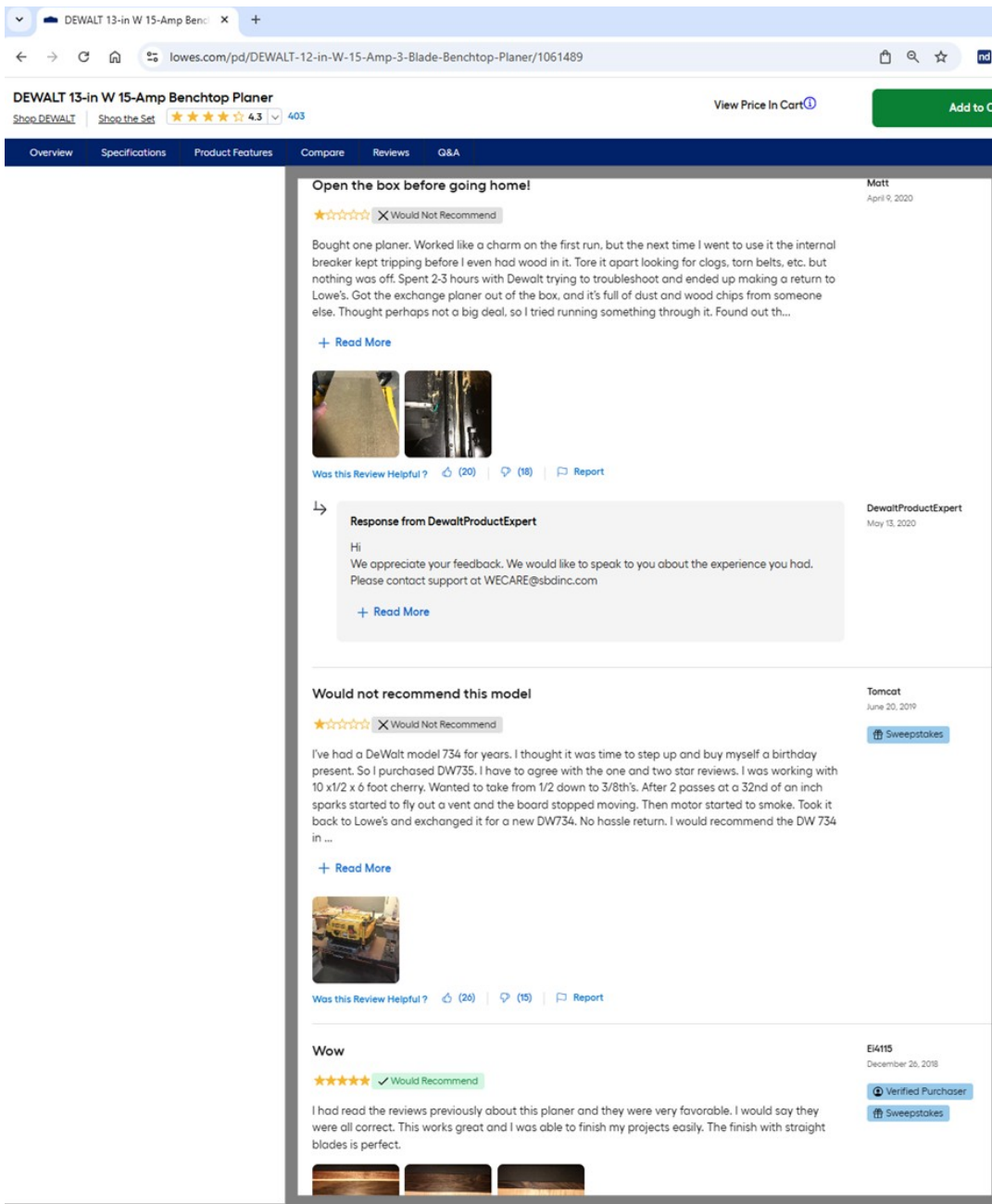


How to leave a review on Lowe's [product review]

akdy AKDY USA 2.35K subscribers **Subscribe** Like Share ...

21,536 views Jan 9, 2020

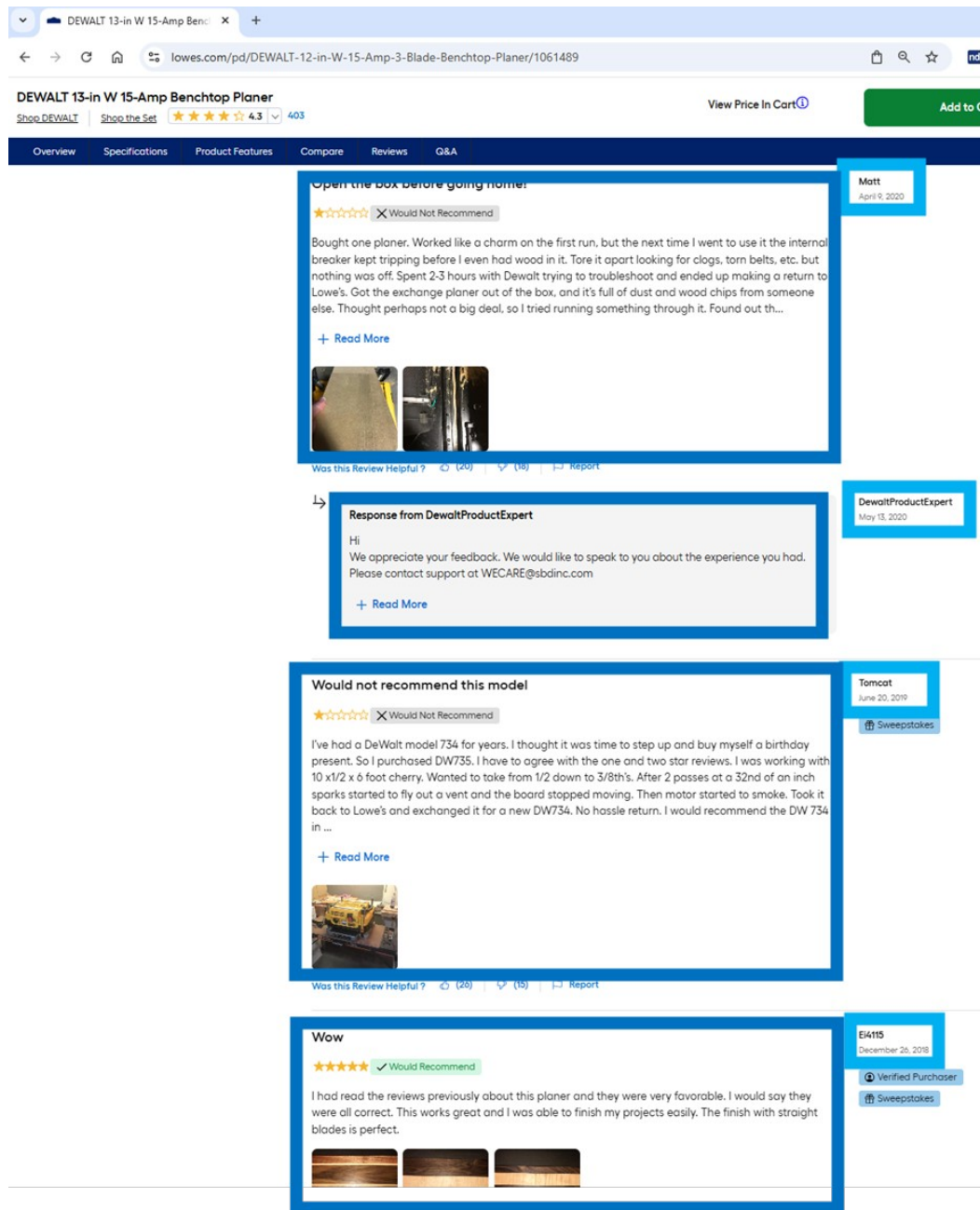
(E.g., <https://www.youtube.com/watch?v=qZKzgcV6A0M>).



(E.g., <https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489>).

26. The electronic media submissions database of Accused Instrumentality used by Lowe’s 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

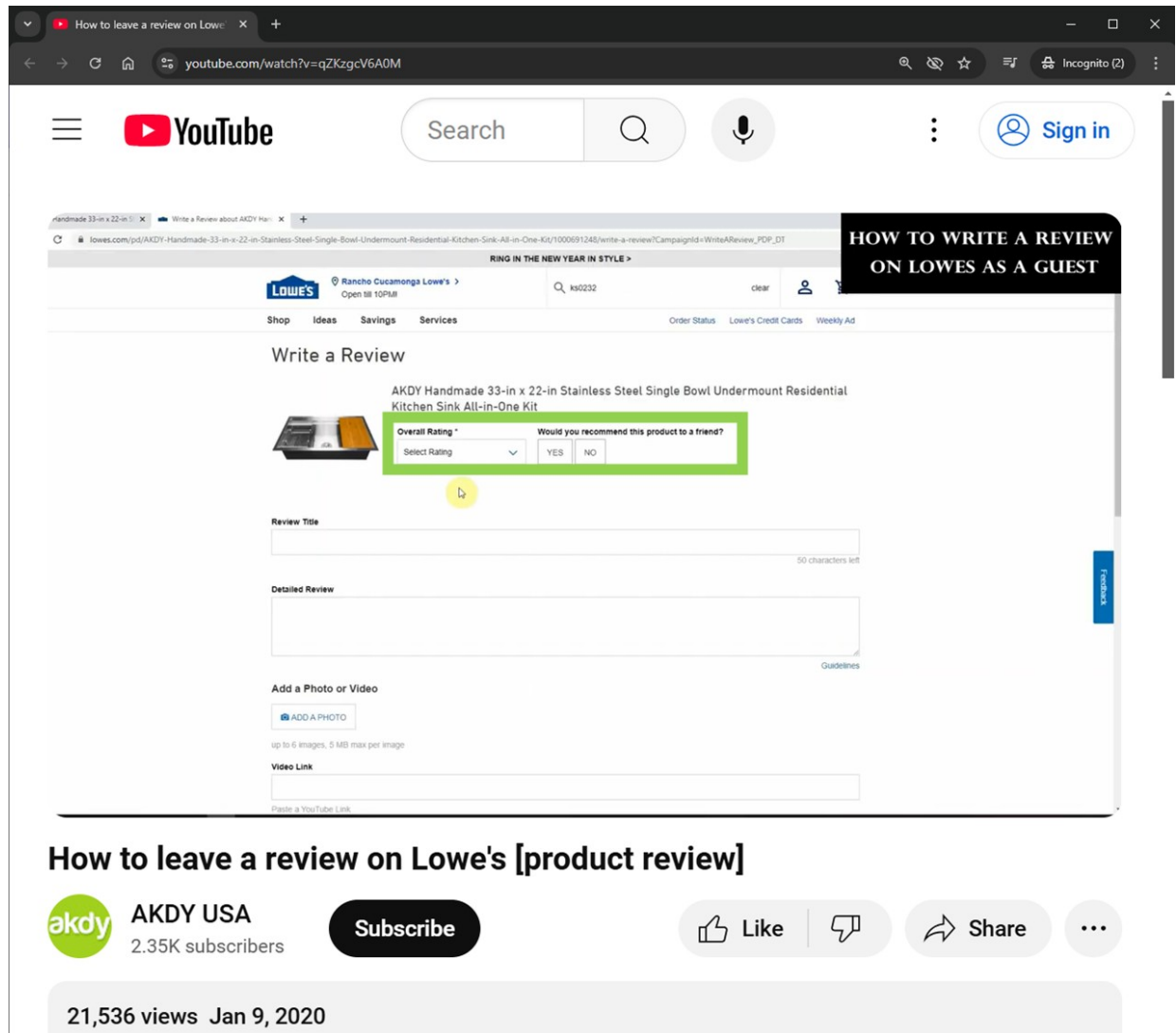
1 user (submitter) includes *e.g.*, a name. Data indicating content for each electronic media
 2 submission includes photo and/or textual content.



24 (E.g., [https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/](https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489)
 25 [1061489](https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489)).

26
 27 27. Individual users can create a profile and post user comments pertaining to
 28 listings on Accused Instrumentality, which are stored in a user database stored in memory. User

1 comments are available to other users through Accused Instrumentality, for example as
 2 discussed above. The user attributes of users who create a post listings include *e.g.*, the user’s
 3 rating of the listing and if the user would recommend the listing and the like, and the like as
 4 shown for example below.
 5



6 (E.g., <https://www.youtube.com/watch?v=qZKzgcV6A0M>).

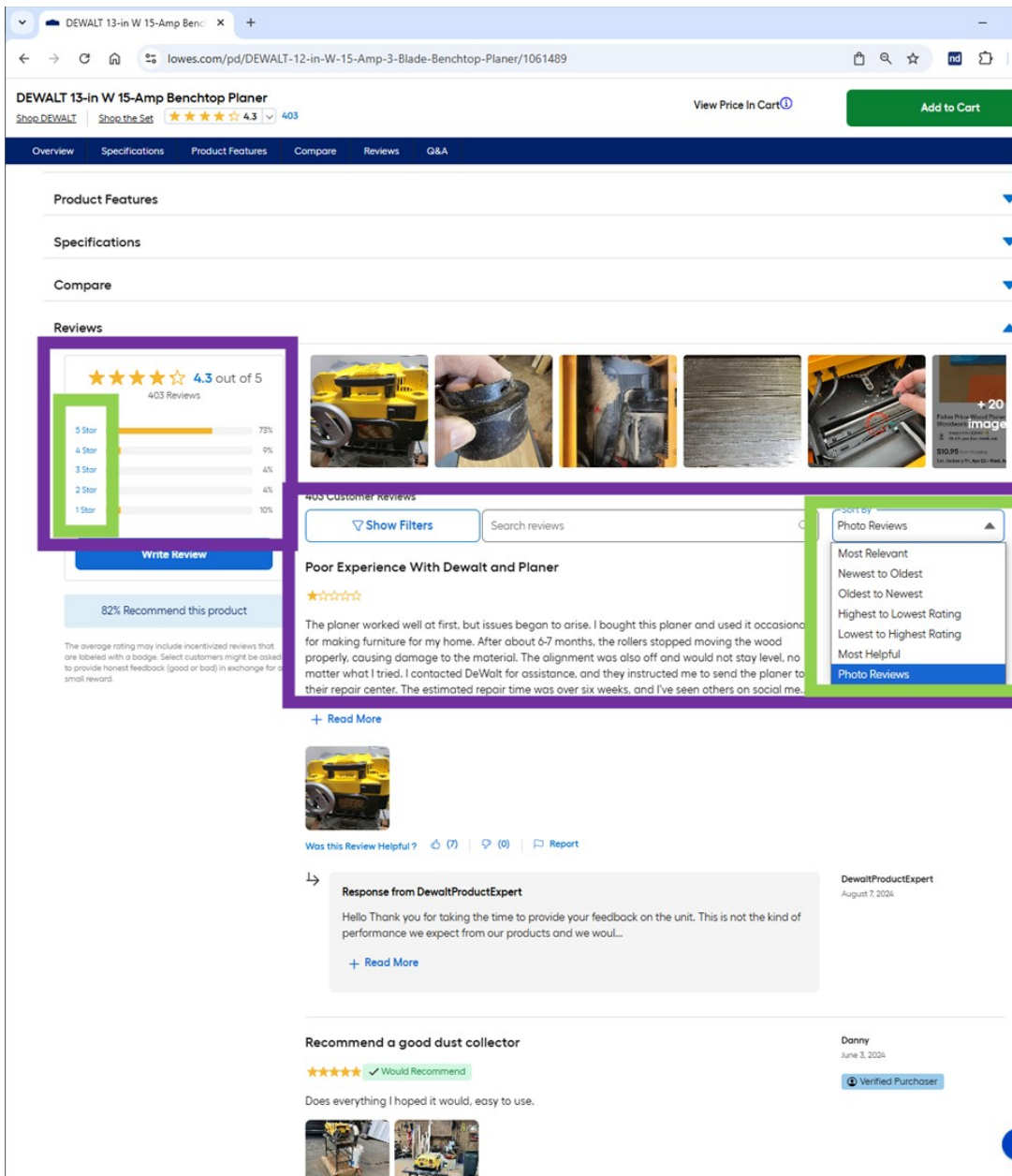
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1 electronic creator multimedia database stored on a non-transitory medium, configured to select
2 and retrieve a plurality of electronic media submissions (*e.g.*, user comments) from the
3 electronic media submissions database using an electronic content filter located on the
4 electronic multimedia creator server. For example with respect to user comments pertaining to
5 a listing, as can be seen below, such electronic content filter as is used by Lowe's is based at
6 least in part on at least one of the one or more user attributes, (*e.g.*, based on, *inter alia*, the
7 user's rating of the listing, if the user would recommend the listing, the date posted or the most
8 helpful listing and the like,) which in turn affect which electronic media submissions, *e.g.*, the
9 listing, appear to the user as shown and discussed for example below. Lowe's uses function-
10 specific subsystems, for example as discussed below.
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The screenshot displays the product page for a DeWalt 12-in-W-15-Amp-3-Blade-Benchtop-Planer. At the top, the product name and a 4.3 out of 5 star rating from 403 reviews are visible. A 'Write Review' button is highlighted with a green box. Below this, a bar chart shows the distribution of star ratings: 5 Star (73%), 4 Star (9%), 3 Star (4%), 2 Star (4%), and 1 Star (10%). A 'Write Review' button is also present. A customer review titled 'Poor Experience With Dewalt and Planer' is shown, along with a response from 'DewaltProductExpert'. The review text describes issues with the planer's rollers and alignment. A 'Photo Reviews' filter is also highlighted with a green box.

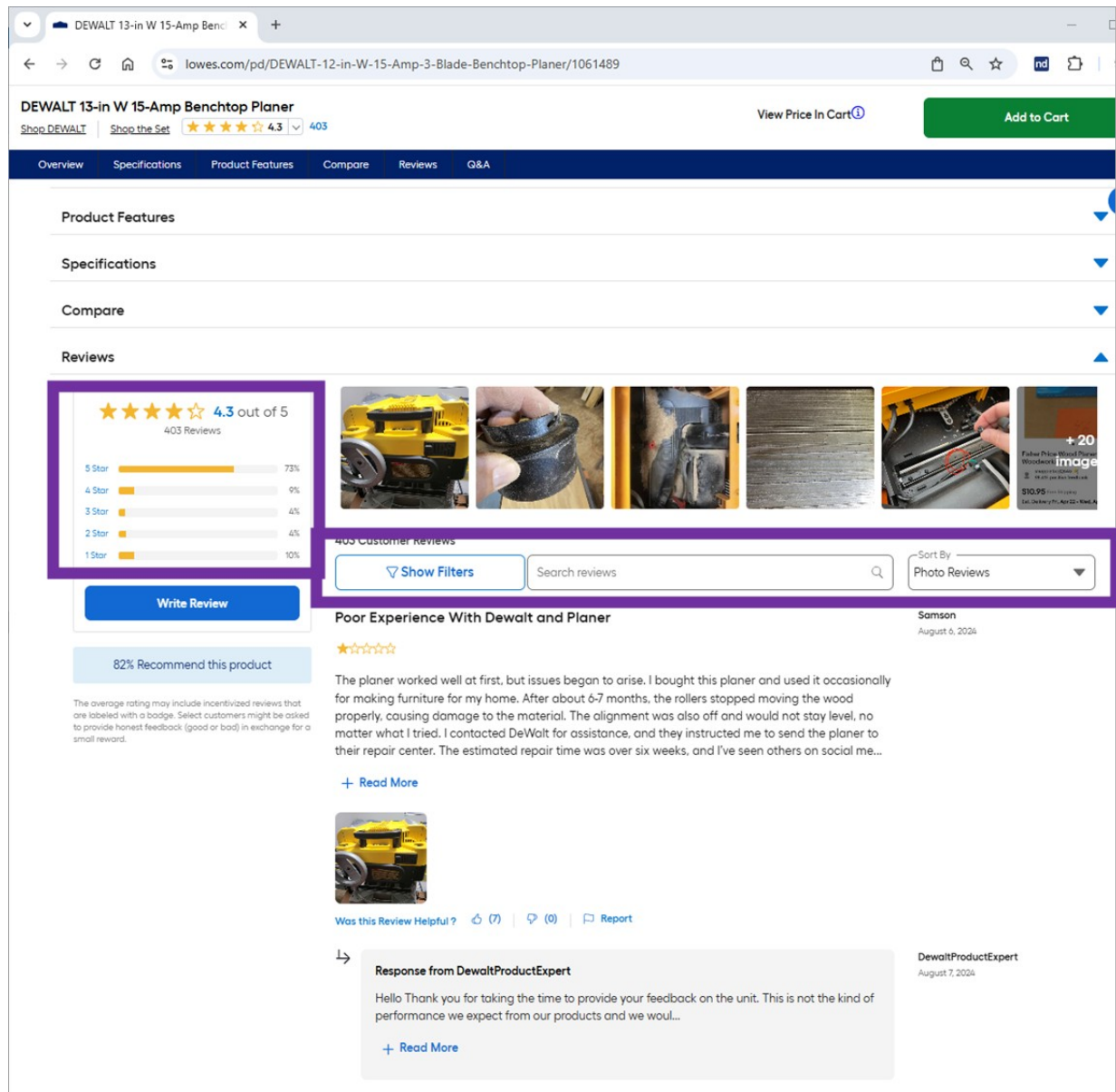
(E.g., <https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489>).



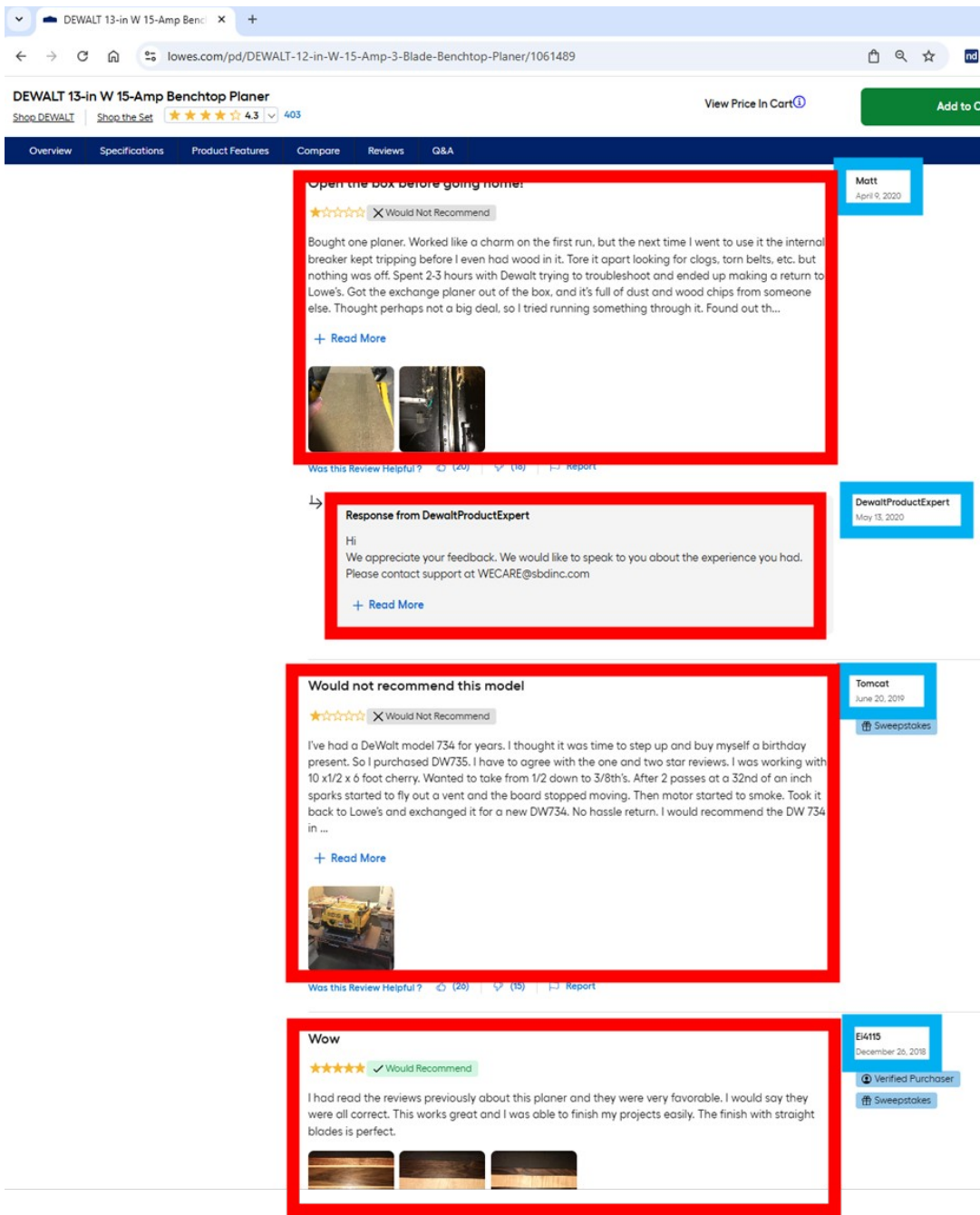
(E.g., <https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489>).

29. Such electronic content filter is used by Accused Instrumentality to develop multimedia content (e.g., the listing 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

1 of the submitter (e.g., a user's name) is maintained with each selected and retrieved submission
 2 within the multimedia content, for example as shown below.



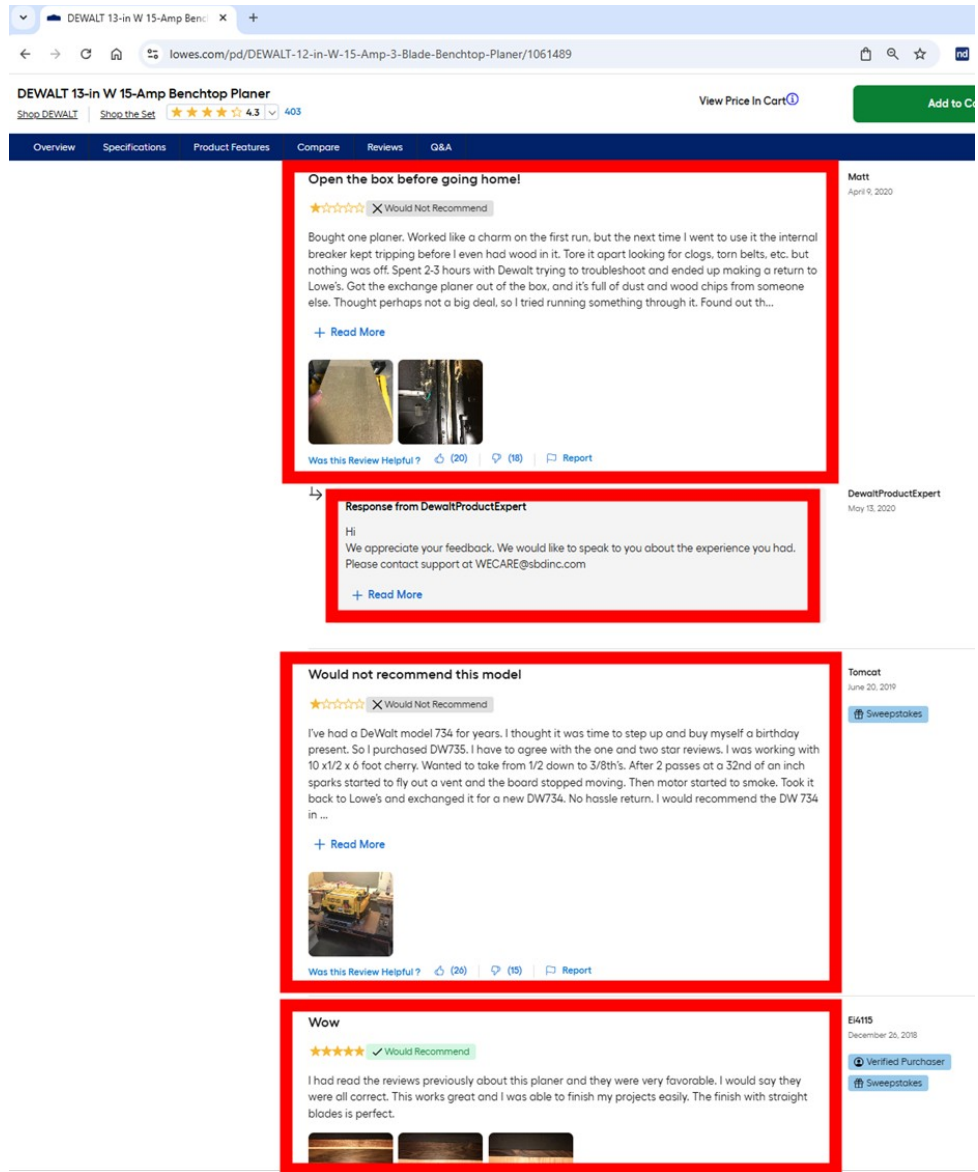
23 (E.g., [https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/](https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489)
 24 [1061489](https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489)).



(E.g., <https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489>).

30. The Accused Instrumentality employs an electronic release subsystem operatively coupled to the electronic multimedia creator server subsystem, necessarily having one or more data processing apparatus in order to serve listings with associated photo, and

1 textual content to users, configured to make the multimedia content electronically available for
 2 viewing on one or more user devices. For example, as shown below, multimedia content
 3 associated with a listing is provided on various user devices (e.g., a computer or other device
 4 with a web browser or app) in response to a user browsing user comments of a listing. Lowe's
 5 uses function-specific subsystems, for example as discussed below.



26 (E.g., [https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/](https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489)
 27 [1061489](https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489)).

1 31. The Accused Instrumentality employs an electronic voting subsystem,
 2 necessarily having one or more data processing apparatus in order to track voting or electronic
 3 rating of the user's comment, configured to enable a user to electronically vote for or rate (e.g.,
 4 by the user's choices with respect to a selection of a Thumbs Up or Thumbs Down indicating if
 5 a user's comment is helpful) an electronically available multimedia content of a user's
 6 comment (e.g., a user comment pertaining to a listing provided by the user-submitter). Lowe's
 7 uses function-specific subsystems, for example as discussed below.
 8

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10

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12 **Open the box before going home!**
 ★☆☆☆☆ Would Not Recommend
 Bought one planer. Worked like a charm on the first run, but the next time I went to use it the internal breaker kept tripping before I even had wood in it. Tore it apart looking for clogs, torn belts, etc. but nothing was off. Spent 2-3 hours with Dewalt trying to troubleshoot and ended up making a return to Lowe's. Got the exchange planer out of the box, and it's full of dust and wood chips from someone else. Thought perhaps not a big deal, so I tried running something through it. Found out th...
 + Read More

 Was this Review Helpful? (20) (18) Report

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17 **Response from DewaltProductExpert**
 Hi
 We appreciate your feedback. We would like to speak to you about the experience you had. Please contact support at WE CARE@sbainc.com
 + Read More

18

19

20 **Would not recommend this model**
 ★☆☆☆☆ Would Not Recommend
 I've had a DeWalt model 734 for years. I thought it was time to step up and buy myself a birthday present. So I purchased DW735. I have to agree with the one and two star reviews. I was working with 10 x 1/2 x 6 foot cherry. Wanted to take from 1/2 down to 3/8th's. After 2 passes at a 32nd of an inch sparks started to fly out a vent and the board stopped moving. Then motor started to smoke. Took it back to Lowe's and exchanged it for a new DW734. No hassle return. I would recommend the DW 734 in ...
 + Read More

 Was this Review Helpful? (26) (15) Report

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26 **Wow**
 ★★★★★ Would Recommend
 I had read the reviews previously about this planer and they were very favorable. I would say they were all correct. This works great and I was able to finish my projects easily. The finish with straight blades is perfect.

27

28

(E.g., <https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489>).

32. The Accused Instrumentality enables the electronic media submission to include text data associated with the submission.

The screenshot displays the product page for the DEWALT 12-in W 15-Amp Benchtop Planer. The page includes a navigation bar with tabs for Overview, Specifications, Product Features, Compare, Reviews, and Q&A. Below the navigation, there are three customer reviews highlighted with pink boxes:

- Review 1:** From user 'Matt' (April 9, 2020), 3 stars, 'Would Not Recommend'. The text reads: "Bought one planer. Worked like a charm on the first run, but the next time I went to use it the internal breaker kept tripping before I even had wood in it. Tore it apart looking for clogs, torn belts, etc. but nothing was off. Spent 2-3 hours with Dewalt trying to troubleshoot and ended up making a return to Lowe's. Got the exchange planer out of the box, and it's full of dust and wood chips from someone else. Thought perhaps not a big deal, so I tried running something through it. Found out th..."
- Review 2:** From user 'Tomcat' (June 20, 2019), 1 star, 'Would Not Recommend'. The text reads: "I've had a DeWalt model 734 for years. I thought it was time to step up and buy myself a birthday present. So I purchased DW735. I have to agree with the one and two star reviews. I was working with 10 x1/2 x 6 foot cherry. Wanted to take from 1/2 down to 3/8th's. After 2 passes at a 32nd of an inch sparks started to fly out a vent and the board stopped moving. Then motor started to smoke. Took it back to Lowe's and exchanged it for a new DW734. No hassle return. I would recommend the DW 734 in ..."
- Review 3:** From user 'E4115' (December 20, 2018), 5 stars, 'Would Recommend'. The text reads: "I had read the reviews previously about this planer and they were very favorable. I would say they were all correct. This works great and I was able to finish my projects easily. The finish with straight blades is perfect."

1 (E.g., [https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/](https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489)
 2 [1061489](https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489)).

3 33. The Accused Instrumentality enables the electronic media submissions database
 4 to include the date and time of the submission.
 5

6

7 DEWALT 12-in W 15-Amp 3-Blade Benchtop Planer
 8 Overview Specifications Product Features Compare Reviews Q&A
 9 **Open the box before going home!** Matt
April 9, 2020
 10 ★☆☆☆☆ X Would Not Recommend
 11 Bought one planer. Worked like a charm on the first run, but the next time I went to use it the internal
 12 breaker kept tripping before I even had wood in it. Tore it apart looking for clogs, torn belts, etc. but
 13 nothing was off. Spent 2-3 hours with Dewalt trying to troubleshoot and ended up making a return to
 14 Lowe's. Got the exchange planer out of the box, and it's full of dust and wood chips from someone
 15 else. Thought perhaps not a big deal, so I tried running something through it. Found out th...
 16 [+ Read More](#)
 17
 18 Was this Review Helpful? (20) (16) Report
 19 **Response from DewaltProductExpert** DewaltProductExpert
May 13, 2020
 20 Hi
 21 We appreciate your feedback. We would like to speak to you about the experience you had.
 22 Please contact support at WECARE@sbdinc.com
 23 [+ Read More](#)
 24 **Would not recommend this model** Tomcat
June 20, 2019
 25 ★☆☆☆☆ X Would Not Recommend Sweepstakes
 26 I've had a DeWalt model 734 for years. I thought it was time to step up and buy myself a birthday
 27 present. So I purchased DW735. I have to agree with the one and two star reviews. I was working with
 28 10 x1/2 x 6 foot cherry. Wanted to take from 1/2 down to 3/8ths. After 2 passes at a 32nd of an inch
 sparks started to fly out a vent and the board stopped moving. Then motor started to smoke. Took it
 back to Lowe's and exchanged it for a new DW734. No hassle return. I would recommend the DW 734
 in ...
[+ Read More](#)

 Was this Review Helpful? (26) (15) Report
Wow Ei4115
December 20, 2018
 ★★★★★ ✓ Would Recommend Verified Purchaser Sweepstakes
 I had read the reviews previously about this planer and they were very favorable. I would say they
 were all correct. This works great and I was able to finish my projects easily. The finish with straight
 blades is perfect.

1 (E.g., [https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/](https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489)
2 [1061489](https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489)).

3 34. Plaintiff has been damaged as a result of Defendant's infringing conduct.
4 Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates
5 Plaintiff for such Defendant's infringement of the '480 Patent, *i.e.*, in an amount that by law
6 cannot be less than would constitute a reasonable royalty for the use of the patented technology,
7 together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

8
9 35. On information and belief, to the extent marking is required, VCA has complied
10 with all marking requirements.

11 **V. COUNT II**
12 **(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 9,477,665)**

13 36. Plaintiff incorporates the above paragraphs herein by reference.

14 37. On October 25, 2016, United States Patent No. 9,477,665 ("the '665 Patent")
15 was duly and legally issued by the United States Patent and Trademark Office. The '665 Patent
16 is titled "Revenue-Generating Electronic Multi-Media Exchange and Process of Operating
17 Same." A true and correct copy of the '665 Patent is attached hereto as Exhibit B and
18 incorporated herein by reference.

19 38. VCA is the assignee of all right, title, and interest in the '665 Patent, including
20 all rights to enforce and prosecute actions for infringement and to collect damages for all
21 relevant times against infringers of the '665 Patent. Accordingly, VCA possesses the exclusive
22 right and standing to prosecute the present action for infringement of the '665 Patent by
23 Defendant.

24 39. The application leading to the '665 patent was filed November 16, 2012, which
25 was a continuation of application no. 11/978,781, which issued as United States Patent No.
26
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1 8,340,994, which was a continuation of application no. 09/565,438 which issued as United
2 States Patent No. 7,308,413. (Ex. B at cover). The '665 patent was first assigned to Virtual
3 Creative Artists, LLC. (*Id.*)

4
5 40. The '665 Patent shares the identical specification as the '480 patent and
6 therefore VCA incorporates the background and discussion of the invention in Paragraphs 11-
7 18. Furthermore claim 1 involves a system for generating multimedia content. The claim
8 requires, among other things, electronically generating a multimedia file from the retrieved
9 electronic media Submissions in accordance with a selected digital format, wherein the
10 identification of the submitter is maintained with each retrieved submission within the
11 multimedia file. The claim requires electronically transmitting the multimedia file to a plurality
12 of publicly accessible webservers to be electronically available for viewing on one or more user
13 devices over a public network via a web-browser and. This allows electronically transmit data
14 indicating votes or rating of multimedia content in a much quicker and easier fashion based on
15 specific user criteria. There is nothing abstract about this very particular, unconventional, and
16 non-routine system for the generation of multimedia content as specifically claimed and there is
17 no risk of preempting creating and distribution contention generally, or even within the context
18 of the Internet.
19

20
21 41. The invention is a highly technical electronic process that cannot be achieved
22 with the human mind and is instead rooted in computer technology, including the steps of:

- 23
- 24 • “electronically retrieving a plurality of electronic media submissions,”
 - 25 • “electronically generating a multimedia file from the retrieved electronic
26 media submissions in accordance with a selected digital format,”
 - 27 • “electronically transmitting the multimedia file to a plurality of publicly
28 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.”

42. 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 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.

43. 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.”

44. 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

1 generic and was not routine or conventional at the time of the invention. Further, this step
2 requires that the “electronic media submissions database” “stores data identifying the
3 submitter” and the “the identification of the submitter is maintained with each retrieved
4 submission within the multimedia file.”
5

6 45. The claims also require “providing a web-based graphical user interface that
7 enables a user to electronically transmit data indicating a vote or rating for an electronically
8 available multimedia content or an electronic media Submission within a respective
9 electronically available multimedia content,” which is a well-defined, specific, and
10 unconventional feature. By including this additional voting/rating feature, the claims avoid any
11 risk of preempting the creation and distribution of content.
12

13 46. The invention also has inventive concepts. For example, the claim requires that
14 the filtering tool be at a specific location, remote from the end-users, with customizable filtering
15 features specific to each end user. The “electronic content filter” is located at the server,
16 remote from the end user, and customizable based on user attributes. The “electron voting”
17 step at the time of the invention was also novel, inventive, and added sufficient inventive
18 contributions to avoid a risk of preempting the creation and distribution of media content. It is
19 clearly possible to create and distribute media content without every having to include a
20 “voting” subsystem on what components should be included in such media content.
21

22 47. These arguments overcame a patent eligibility rejection under 35 U.S.C. §101 of
23 the claim at issue during the prosecution of the ‘665 patent.

24 48. **Direct Infringement.** Upon information and belief, Defendant has been directly
25 infringing claims 1, 14, and 16 of the ‘665 Patent in Washington, and elsewhere in the United
26 States, by employing a computer-based system using <https://www.lowes.com/> (“Accused
27 Instrumentality”) (*e.g.*, <https://www.lowes.com/>).
28

1 49. Lowe's uses a computer-based system for its Accused Instrumentality to enable
2 users to comment on items for sale (hereinafter referred to as listings). The user comments
3 contain multimedia content in the form of image content and textual content. User comments
4 may include feedback on the listing or information about the listing. This system makes use of
5 one or more data processing apparatus, and a computer readable medium coupled to the one or
6 more data processing apparatus having instructions stored thereon which, when executed by the
7 one or more data processing apparatus, cause the one or more data processing apparatus to
8 perform an electronic method comprising the functions as further discussed below. Lowe's,
9 during the relevant time period, took advantage of multiple cloud server providers for the
10 Accused Instrumentality, as discussed above, as well as scalability within its cloud server
11 providers, employing separate server subsystems for all its meaningfully different functions.
12 Lowe's uses, and has used during the relevant time period, numerous different networks and
13 providers for, *inter alia*, content management systems, web servers, web hosting, data centers,
14 proxy certificates, SSL certificates, traffic analysis, advertising, and tagging, thereby using
15 separate server subsystems for all its meaningfully different functions, such as those indicated
16 below.
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DEWALT 13-in W 15-Amp Benchtop Planer

View Price In Cart

Open the box before going home!

Would Not Recommend

Bought one planer. Worked like a charm on the first run, but the next time I went to use it the internal breaker kept tripping before I even had wood in it. Tore it apart looking for clogs, torn belts, etc. but nothing was off. Spent 2-3 hours with Dewalt trying to troubleshoot and ended up making a return to Lowe's. Got the exchange planer out of the box, and it's full of dust and wood chips from someone else. Thought perhaps not a big deal, so I tried running something through it. Found out th...

Read More

Was this Review Helpful? (20) (18) Report

Response from DewaltProductExpert

Hi
We appreciate your feedback. We would like to speak to you about the experience you had. Please contact support at WECARE@sbdinc.com

Read More

Would not recommend this model

Would Not Recommend

I've had a DeWalt model 734 for years. I thought it was time to step up and buy myself a birthday present. So I purchased DW735. I have to agree with the one and two star reviews. I was working with 10 x1/2 x 6 foot cherry. Wanted to take from 1/2 down to 3/8th's. After 2 passes at a 32nd of an inch sparks started to fly out a vent and the board stopped moving. Then motor started to smoke. Took it back to Lowe's and exchanged it for a new DW734. No hassle return. I would recommend the DW 734 in ...

Read More

Was this Review Helpful? (20) (15) Report

Wow

Would Recommend

I had read the reviews previously about this planer and they were very favorable. I would say they were all correct. This works great and I was able to finish my projects easily. The finish with straight blades is perfect.

Was this Review Helpful? (20) (15) Report

(E.g., <https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchttop-Planer/1061489>).

The screenshot shows a browser window with the URL w3techs.com/sites/info/Lowes.com. The page features the W3Techs logo and navigation menu (Home, Technologies, Reports, API, Sites, Quality, Users, Blog, Forum, FAC). Below the navigation is a section for 'Featured products and services' with links to 'WordPress Tutorials & Themes - Themeisle' and 'Web Design Tips, Tutorials, and Guides - DesignBombs'. The main content area is titled 'Site Info - Lowes.com' and provides an overview of web technologies used by Lowes.com. It is organized into several sections:

- Website Background:**
 - Description on Homepage: Lowe's Home Improvement. Shop tools, appliances, building supplies, carpet, bathroom, lighting and more. Pros can take advantage of Pro offers, credit and business resources.
 - Popularity rank: Top 1k among all websites
- Content Management Systems:**
 - Adobe Experience Manager: Adobe Experience Manager is a multi-channel content management system.
 - Drupal: Drupal is an open source content management system written in PHP, originally developed by Dries Buytaert.
- Server-side Programming Languages:**
 - Java: Java is a general-purpose language originally developed by Sun Microsystems.
 - PHP: PHP is a scripting language for creating websites.
- Client-side Programming Language:**
 - JavaScript: JavaScript is a lightweight, object-oriented, cross-platform scripting language, often used within web pages.
- JavaScript Libraries:**
 - jQuery 3.6.1: jQuery is a JavaScript library that simplifies HTML document traversing, event handling, animating and Ajax interaction. Originally developed by John Resig.
 - Bootstrap: Bootstrap is an open source HTML, CSS, and JavaScript framework.
 - Underscore: Underscore is a JavaScript library that provides functional programming support.
 - Handlebars 4.7.7: Handlebars is a JavaScript template engine largely compatible with Mustache.
- CSS Framework:**
 - Bootstrap: 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.
- Operating System:**
 - Unix: Unix is a range of operating systems originally developed at Bell Labs. This includes Unix and Unix-

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

1 50. The Accused Instrumentality electronically retrieves a plurality of electronic
2 media submissions from an electronic media submissions database on a non-transitory medium,
3 for example multimedia content pertaining to posting a comment pertaining to a listing on the
4 Accused Instrumentality, for example as discussed and shown above in connection with the
5 above discussion. Individual users can create a profile and post user comments pertaining to
6 listings on the Accused Instrumentality, which are stored in a user database stored in memory.
7 User comments are available to other users through the Accused Instrumentality, for example
8 as discussed above. The user attributes of users who create a post listings include, *e.g.*, the
9 user's rating of the listing and if the user would recommend the listing and the like, and the like
10 as shown for example below. The Accused Instrumentality employs an electronic multimedia
11 creator server subsystem operatively coupled to the electronic media submissions server
12 subsystem, necessarily having one or more data processing apparatus in order to manage
13 content, and an electronic creator multimedia database stored on a non-transitory medium,
14 configured to select and retrieve a plurality of electronic media submissions (*e.g.*, user
15 comments) from the electronic media submissions database using an electronic content filter
16 located on the electronic multimedia creator server. For example with respect to user comments
17 pertaining to a listing, as can be seen below, such electronic content filter as is used by Lowe's
18 is based at least in part on at least one of the one or more user attributes, (*e.g.*, based on, *inter*
19 *alia*, the user's rating of the listing, if the user would recommend the listing, the date posted or
20 the most helpful listing and the like,) which in turn affect which electronic media submissions,
21 *e.g.*, the listing, appear to the user as shown and discussed for example below. Lowe's uses
22 function-specific subsystems, for example as discussed below.
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The screenshot shows a YouTube video player with the following content:

- Video Title:** How to write a review on Lowe's as a guest
- Channel:** AKDY USA (2.35K subscribers)
- Views:** 21,536 views
- Date:** Jan 9, 2020
- Video Content:** A screenshot of the Lowe's website's 'Write a Review' page. The product is 'AKDY Handmade 33-in x 22-in Stainless Steel Single Bowl Undermount Residential Kitchen Sink All-in-One Kit'. A green box highlights the 'Overall Rating' dropdown menu and the 'Would you recommend this product to a friend?' section with 'YES' and 'NO' buttons.

(E.g., <https://www.youtube.com/watch?v=qZKzgcV6A0M>).

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DEWALT 13-in W 15-Amp Benchtop Planer

4.3 out of 5 (403 Reviews)

5 Star: 73%
4 Star: 0%
3 Star: 4%
2 Star: 4%
1 Star: 10%

403 Customer Reviews

Show Filters Search reviews Sort By Photo Reviews

Write Review

82% Recommend this product

The average rating may include incentivized reviews that are labeled with a badge. Select customers might be asked to provide honest feedback (good or bad) in exchange for a small reward.

Poor Experience With Dewalt and Planer

Samson August 6, 2024

★★★★★

The planer worked well at first, but issues began to arise. I bought this planer and used it occasionally for making furniture for my home. After about 6-7 months, the rollers stopped moving the wood properly, causing damage to the material. The alignment was also off and would not stay level, no matter what I tried. I contacted DeWalt for assistance, and they instructed me to send the planer to their repair center. The estimated repair time was over six weeks, and I've seen others on social me...

+ Read More

Was this Review Helpful? (7) (0) Report

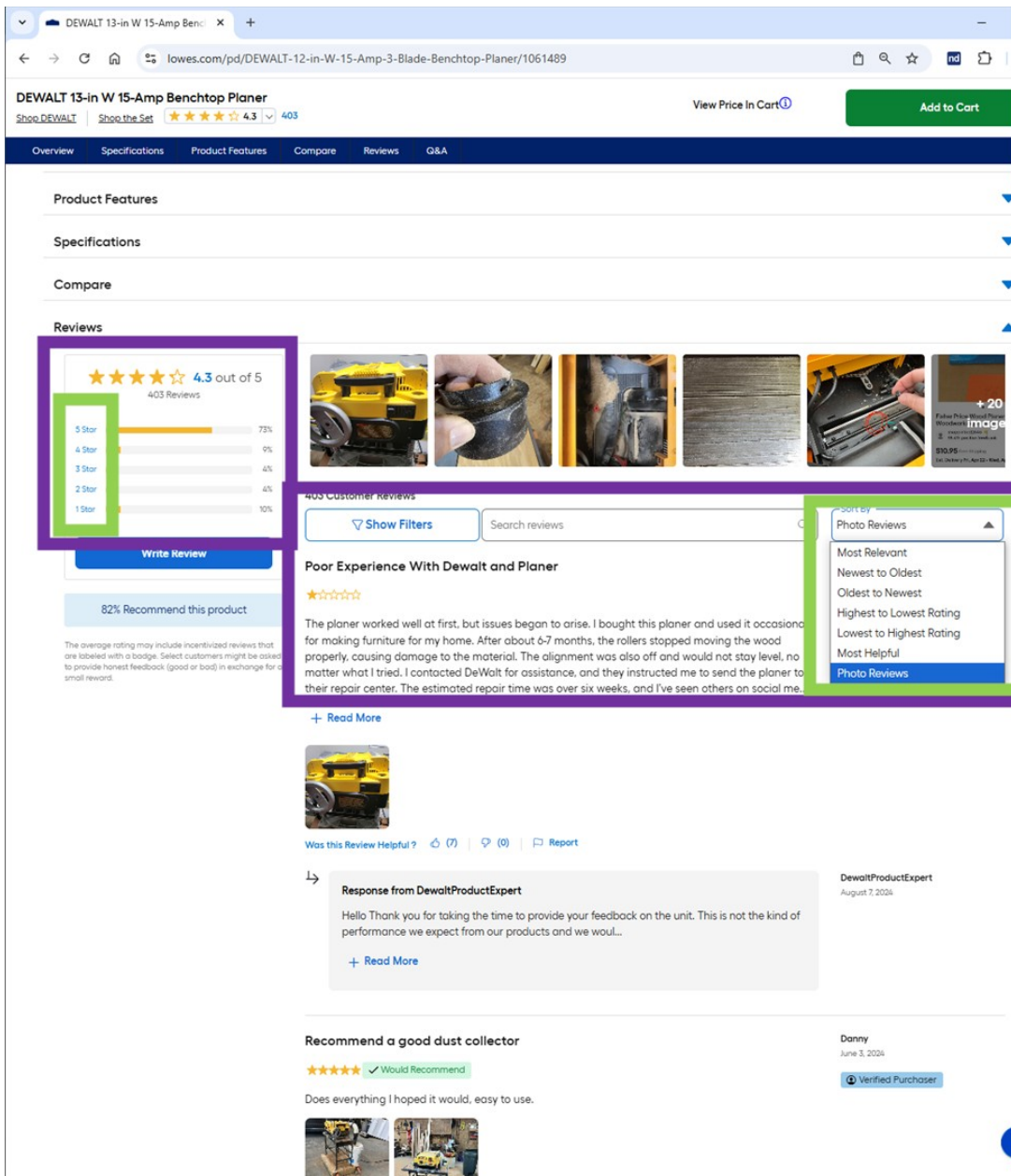
Response from DewaltProductExpert

DewaltProductExpert August 7, 2024

Hello Thank you for taking the time to provide your feedback on the unit. This is not the kind of performance we expect from our products and we woul...

+ Read More

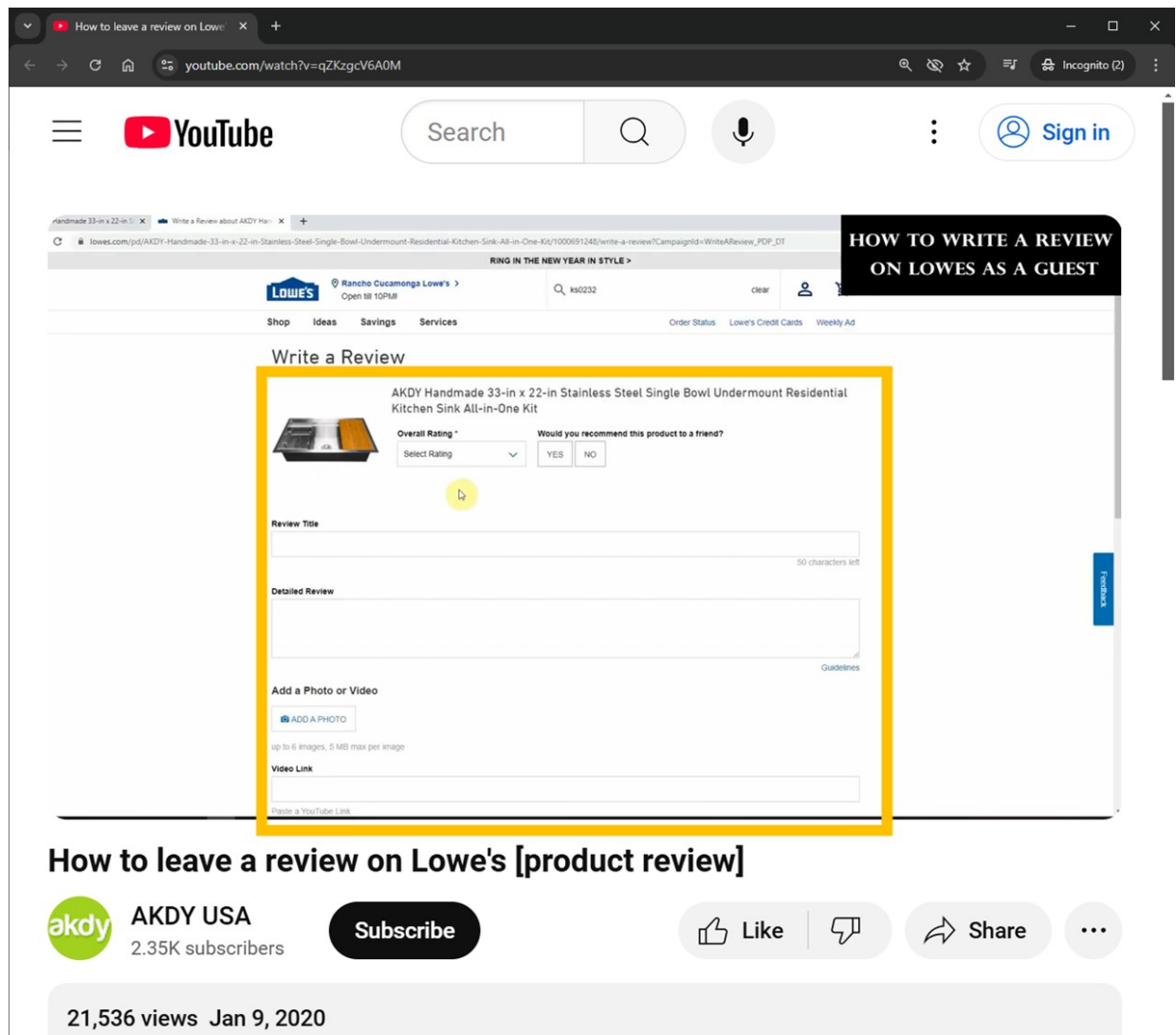
(E.g., <https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489>).



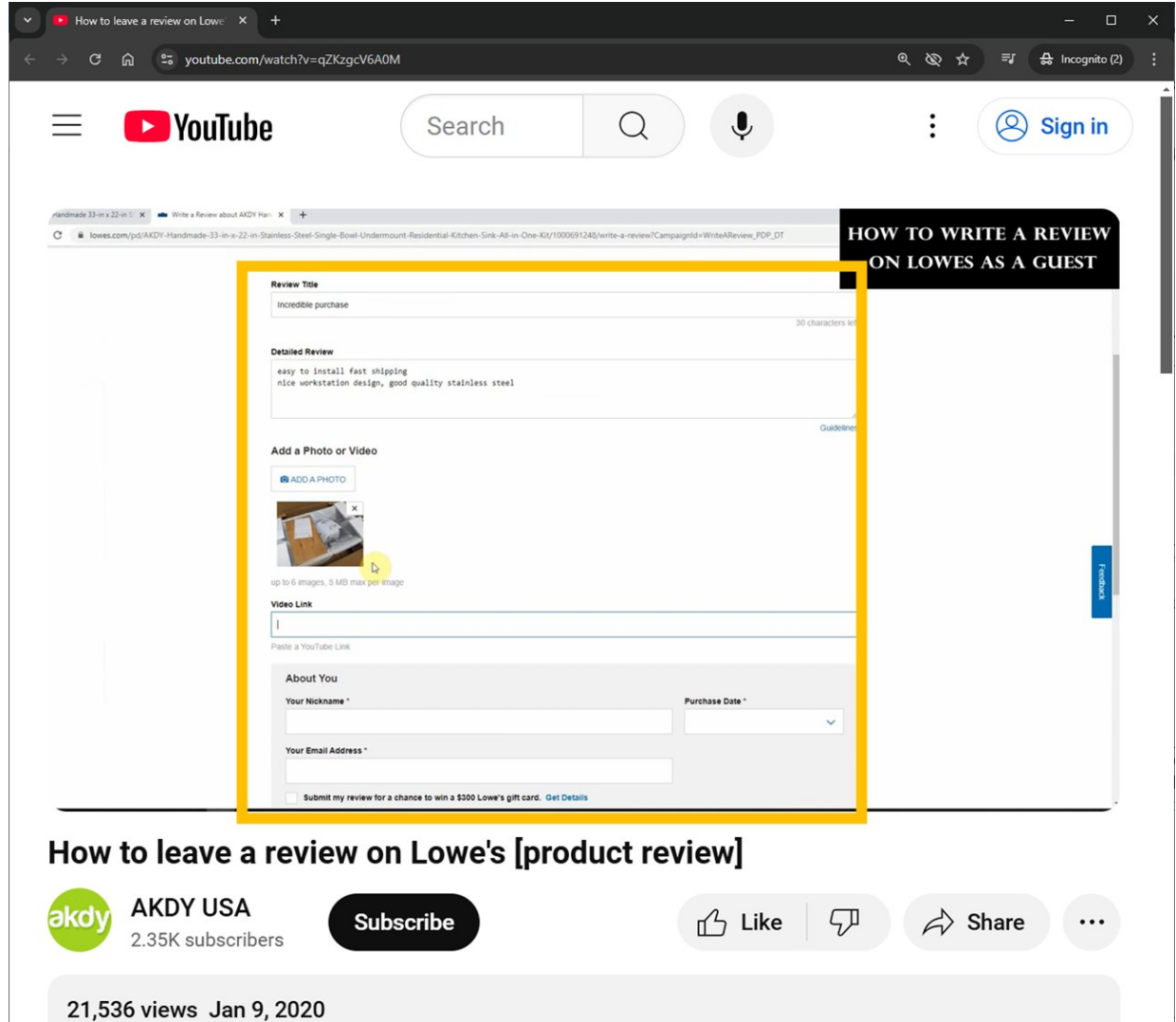
(E.g., <https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489>).

51. 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 users), for example content pertaining to user comments

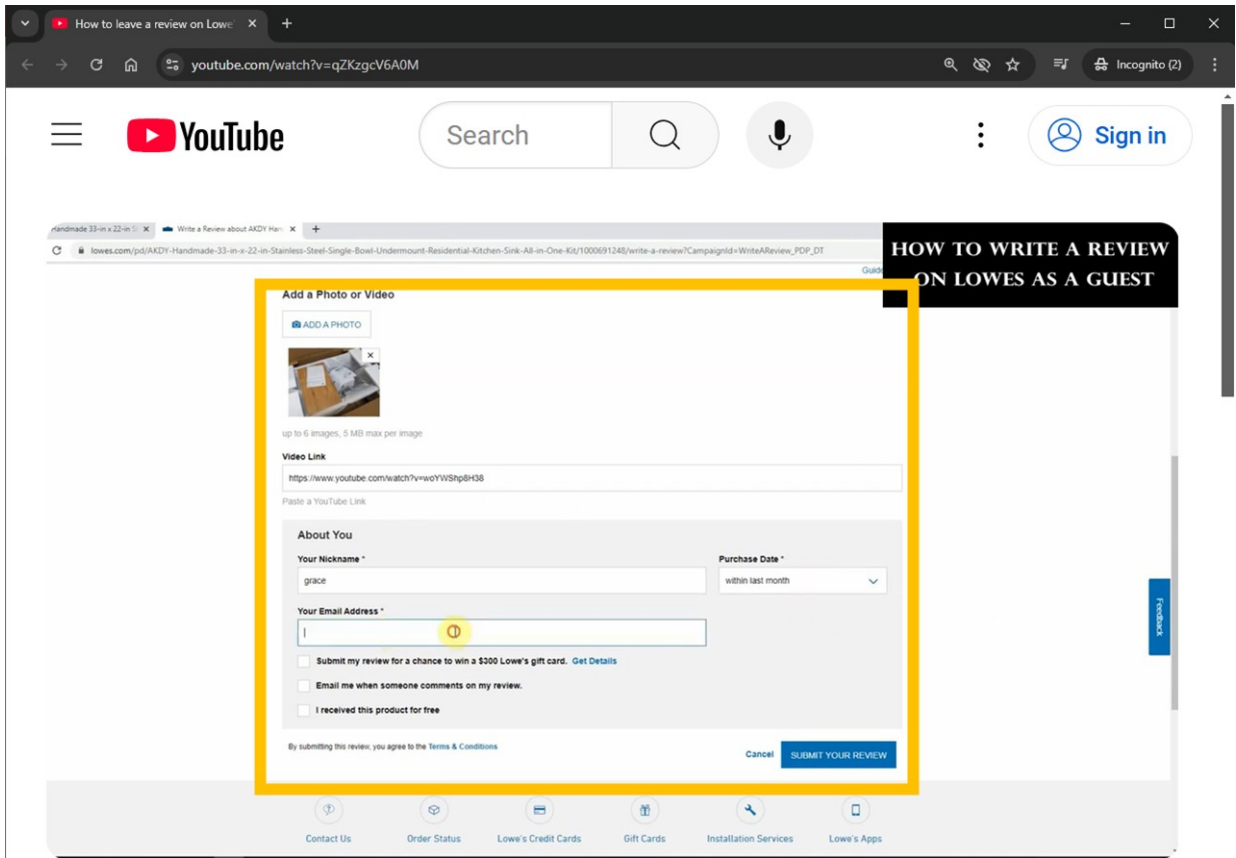
1 submitted by users pertaining to listings on the Accused Instrumentality, as discussed and
2 shown for example in connection with the above discussion. The submissions are provided to
3 the Accused Instrumentality via a submissions electronic interface, *e.g.*, a web-based content
4 portal, accessible for example by logging in and selecting options to upload such content or
5 import content, configured to receive such electronic media, from a plurality of submitters over
6 a public network (*e.g.*, the Internet) and stored, via an uploading process, in said electronic
7 media submissions database for use in distribution to other users of the Accused
8 Instrumentality.
9



1 (E.g., <https://www.youtube.com/watch?v=qZKzgcV6A0M>).



20 (E.g., <https://www.youtube.com/watch?v=qZKzgcV6A0M>).



How to leave a review on Lowe's [product review]

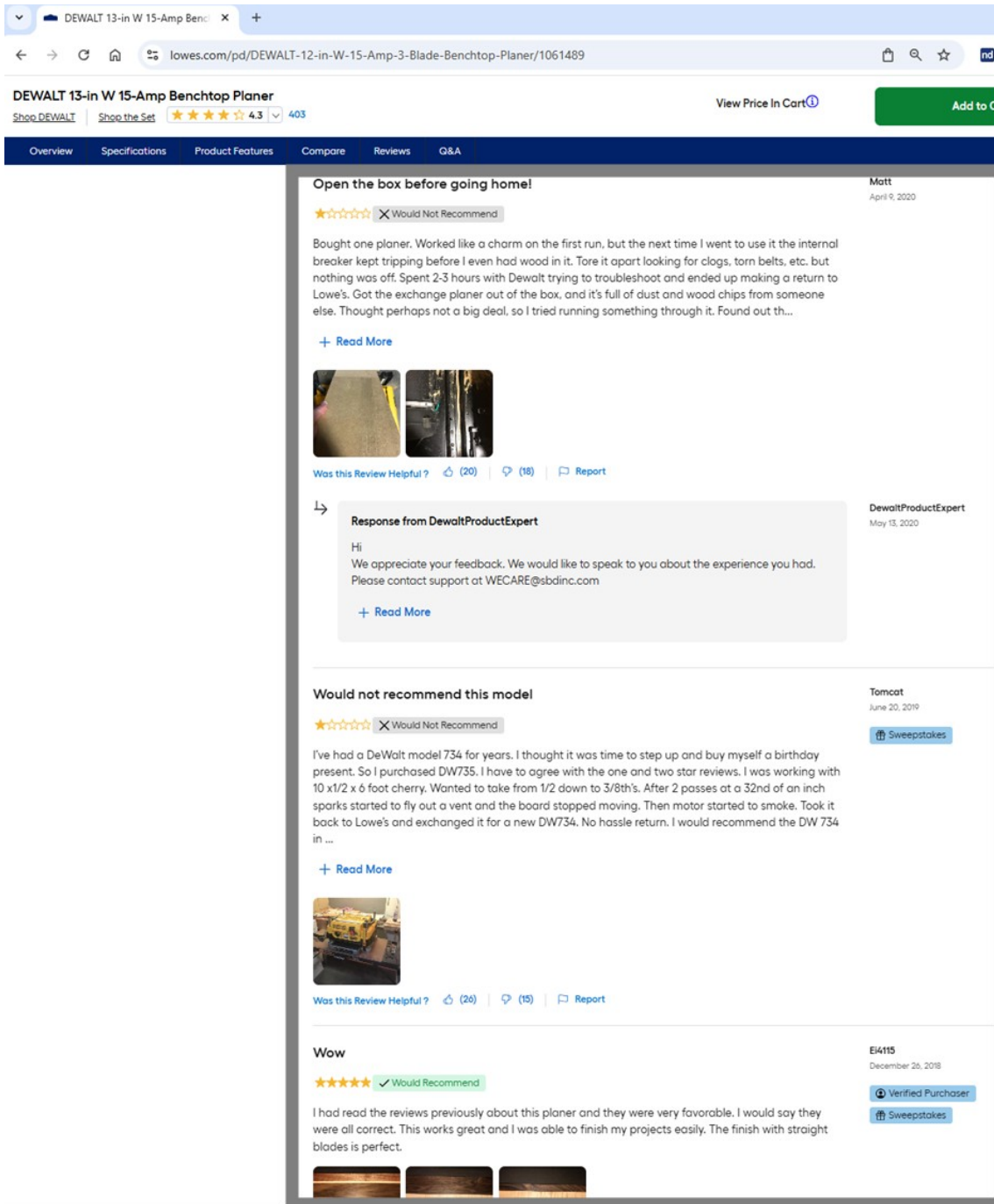
akdy AKDY USA
2.35K subscribers

Subscribe

Like | Share

21,536 views Jan 9, 2020

(E.g., <https://www.youtube.com/watch?v=qZKzgcV6A0M>).



(E.g., <https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489>).

52. The electronic media submissions database of the Accused Instrumentality used by Lowe’s which stores the submissions further stores data identifying the submitter and data

1 indicating content for each electronic media submission. As shown below, data identifying the
 2 user (submitter) includes *e.g.*, a name. Data indicating content for each electronic media
 3 submission includes photo and/or textual content.
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 8 DEWALT 13-in W 15-Amp Benchtop Planer
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1 (E.g., [https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/](https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489)
2 [1061489](https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489)).

3
4 53. The Accused Instrumentality electronically generates multimedia files from the
5 retrieved electronic media submissions, in accordance with a selected digital format (e.g., a
6 digital format compatible with a selected digital format compatible with the particular device
7 such as a computers or smart phone incorporating one or more browsers or apps), and the
8 identification of the submitter is maintained with each retrieved submission within the
9 multimedia file. As shown below, data identifying the user includes e.g., a name identifying the
10 user. For example, below are examples of such multimedia files being displayed within a user's
11 browser or app, on a user device, where the identification of the submitter (e.g., the name of the
12 user who posted the comment) is maintained with each retrieved submission within the
13 multimedia file having associated multimedia content, for example as shown below.
14

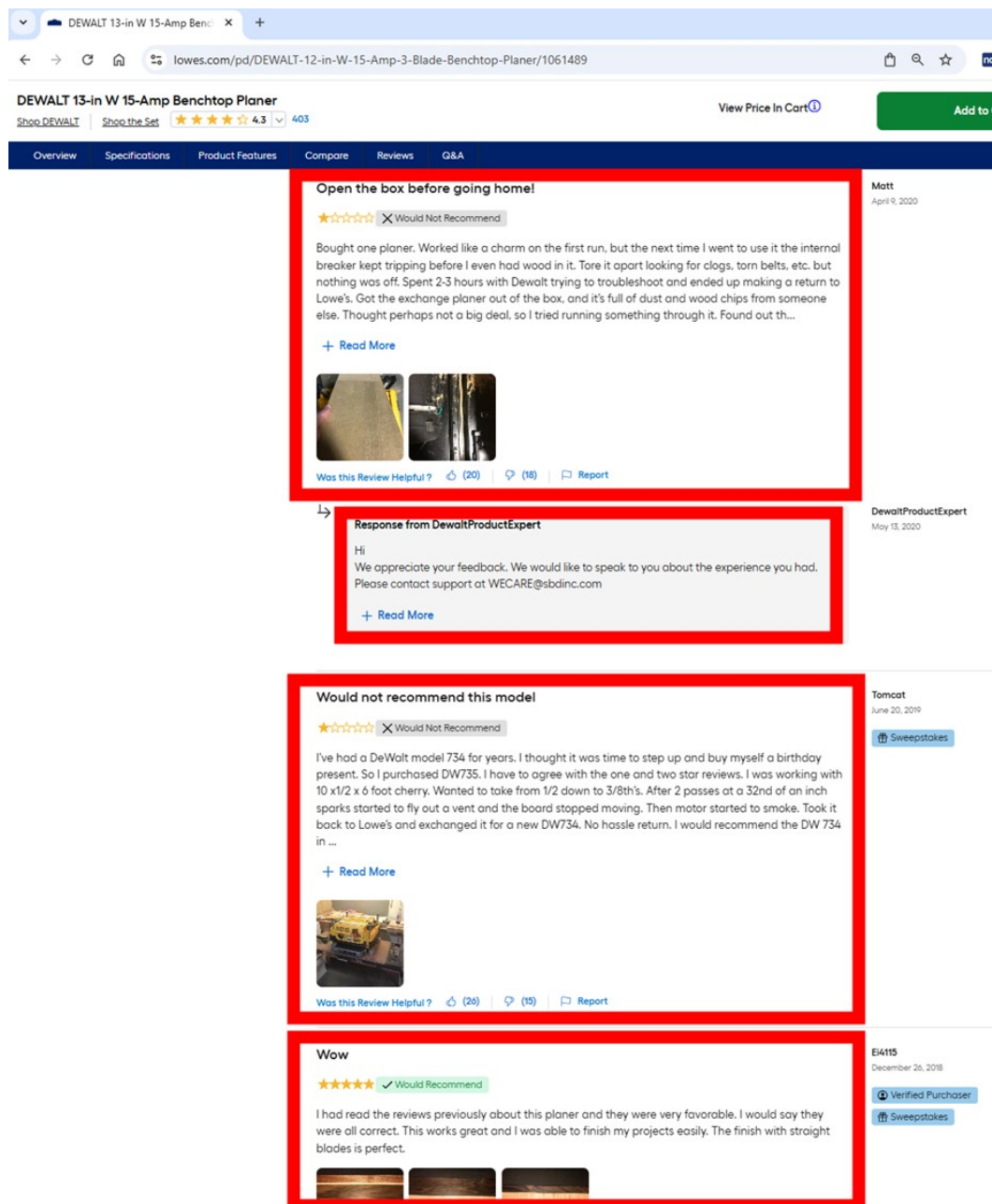
The screenshot shows a product page for a DeWalt 12-in-W-15-Amp-3-Blade-Benchtop-Planer. Three reviews are highlighted with red boxes:

- Review 1 (Matt, April 9, 2020):** Titled "Open the box before going home:", it is a 2-star review with the text "Would Not Recommend". The reviewer states they bought the planer, it worked well initially, but the internal breaker kept tripping. After 2-3 hours of troubleshooting, they returned it to Lowe's, and the replacement unit was full of dust and wood chips.
- Review 2 (DewaltProductExpert, May 13, 2020):** A response from the manufacturer stating they appreciate the feedback and would like to speak to the reviewer about the experience. They provide contact information for support at WE CARE@sbdlinc.com.
- Review 3 (Tomcat, June 20, 2019):** Titled "Would not recommend this model", it is a 2-star review with the text "Would Not Recommend". The reviewer has owned a DeWalt model 734 for years and purchased a newer model (DW735) for their birthday. They report issues with sparks and smoke during use, leading to a return and exchange for a new model.
- Review 4 (E14115, December 26, 2018):** A 5-star review with the text "Would Recommend". The reviewer states they had read previous reviews and found them favorable. They were able to finish their projects easily and praise the finish with straight blades.

(E.g., <https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489>).

54. The Accused Instrumentality employs an electronic release subsystem operatively coupled to the electronic multimedia creator server subsystem, necessarily having

1 one or more data processing apparatus in order to serve multimedia listings with associated
 2 photo, and textual content to users, configured to make the multimedia content electronically
 3 available for viewing on one or more user devices. For example, as shown below, multimedia
 4 content associated with a listing is provided on various user devices (e.g., a computer or other
 5 device with a web browser or app) in response to a user logging in to the Accused
 6 Instrumentality. Lowe's uses function-specific subsystems, for example as discussed below.



1 (E.g., [https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/](https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489)
2 [1061489](https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489)).

3 55. The Accused Instrumentality employs an electronic voting subsystem,
4 necessarily having one or more data processing apparatus in order to track voting or electronic
5 rating of the user's comment, configured to enable a user to electronically vote for or rate (e.g.,
6 by the user's choices with respect to a selection of a Thumbs Up or Thumbs Down indicating if
7 a user's comment is helpful) an electronically available multimedia content of a user's
8 comment (e.g., a user comment pertaining to a listing provided by the user-submitter). Lowe's
9 uses function-specific subsystems, for example as discussed below.
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DEWALT 13-in W 15-Amp Benchtop Planer View Price In Cart Add to Cart

Shop DEWALT | Shop the Set ★★★★☆ 4.3 403

Overview Specifications Product Features Compare Reviews Q&A

Open the box before going home!
★★★★☆ Would Not Recommend
 Bought one planer. Worked like a charm on the first run, but the next time I went to use it the internal breaker kept tripping before I even had wood in it. Tore it apart looking for clogs, torn belts, etc. but nothing was off. Spent 2-3 hours with Dewalt trying to troubleshoot and ended up making a return to Lowe's. Got the exchange planer out of the box, and it's full of dust and wood chips from someone else. Thought perhaps not a big deal, so I tried running something through it. Found out th...
[+ Read More](#)

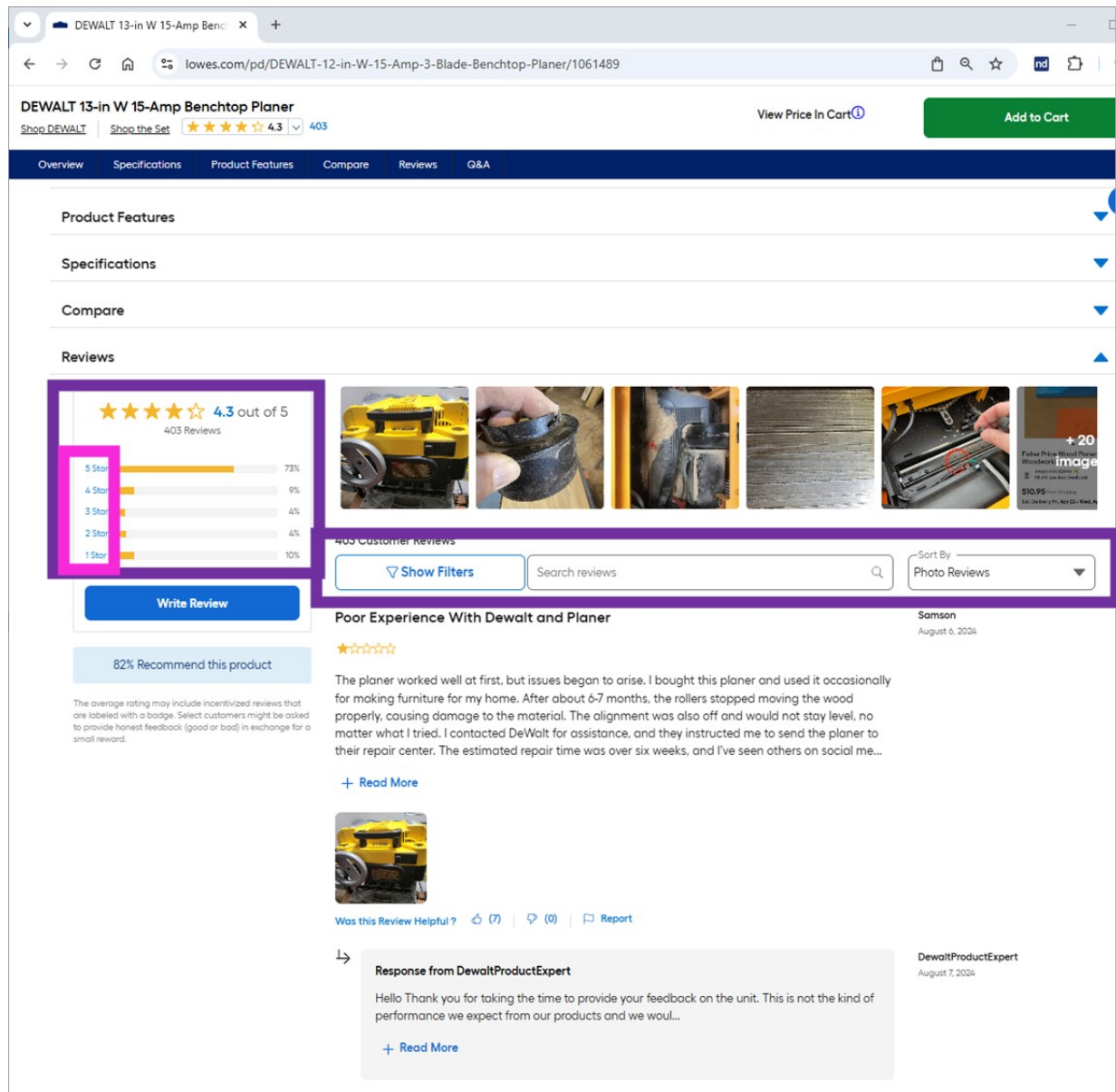
Response from DewaltProductExpert
 Hi
 We appreciate your feedback. We would like to speak to you about the experience you had. Please contact support at WECARE@sbdinc.com
[+ Read More](#)

Would not recommend this model
★★★★☆ Would Not Recommend
 I've had a DeWalt model 734 for years. I thought it was time to step up and buy myself a birthday present. So I purchased DW735. I have to agree with the one and two star reviews. I was working with 10 x1/2 x 6 foot cherry. Wanted to take from 1/2 down to 3/8th's. After 2 passes at a 32nd of an inch sparks started to fly out a vent and the board stopped moving. Then motor started to smoke. Took it back to Lowe's and exchanged it for a new DW734. No hassle return. I would recommend the DW 734 in ...
[+ Read More](#)

Wow
★★★★★ Would Recommend
 I had read the reviews previously about this planer and they were very favorable. I would say they were all correct. This works great and I was able to finish my projects easily. The finish with straight blades is perfect.

(E.g. <https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489>).

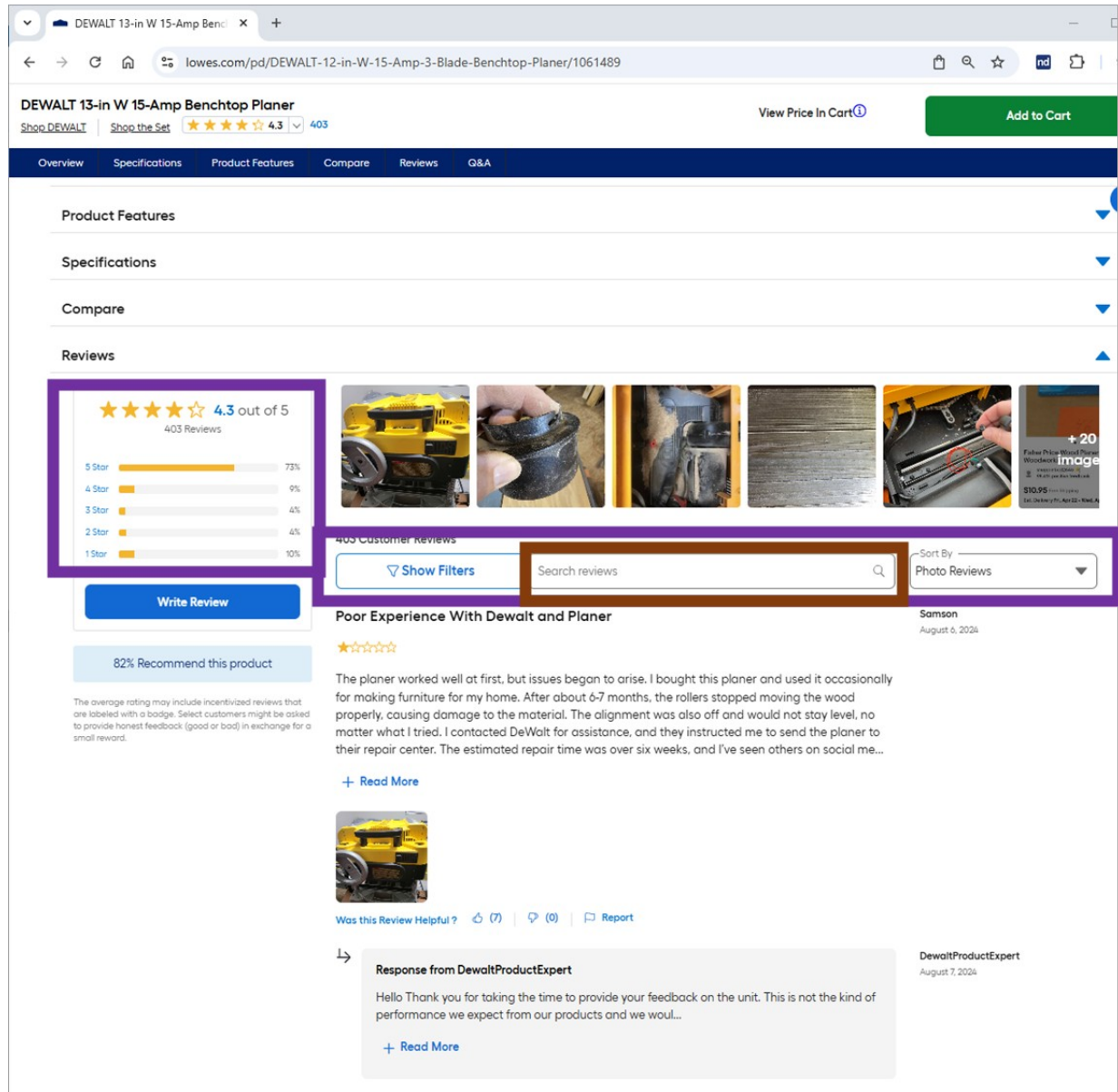
56. The Accused Instrumentality enables the electronic filter to include criteria identifying a media submission's end user rating of the listing. For example, as shown below, a user may filter content by the user's ratings one to five stars.



(E.g. <https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489>).

57. The Accused Instrumentality enables the electronic content filter to include criteria defined by keywords. As can be shown below, the user is able to conduct a text search

1 outside of predetermined criteria. The text search represents user-inputted keywords which
 2 necessarily narrows the search to media submissions' text.



23 (E.g. [https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/](https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489)
 24 [1061489](https://www.lowes.com/pd/DEWALT-12-in-W-15-Amp-3-Blade-Benchtop-Planer/1061489)).

25 58. Plaintiff has been damaged as a result of Defendant's infringing conduct.
 26 Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates
 27 Plaintiff for such Defendant's infringement of the '665 Patent, *i.e.*, in an amount that by law
 28

1 cannot be less than would constitute a reasonable royalty for the use of the patented technology,
2 together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

3 59. On information and belief, to the extent marking is required, VCA has complied
4 with all marking requirements.
5

6 **VI. JURY DEMAND**

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

9 **VII. PRAYER FOR RELIEF**

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

- 12
- 13 a. Judgment that one or more claims of United States Patent No. 9,501,480 have
14 been infringed, either literally and/or under the doctrine of equivalents, by
15 Defendant;
 - 16 b. Judgment that one or more claims of United States Patent No. 9,477,665 have
17 been infringed, either literally and/or under the doctrine of equivalents, by
18 Defendant;
 - 19 c. Judgment that Defendant account for and pay to Plaintiff all damages to and
20 costs incurred by Plaintiff because of Defendant's infringing activities and other
21 conduct complained of herein, and an accounting of all infringements and
22 damages not presented at trial;
 - 23 d. That Plaintiff be granted pre-judgment and post-judgment interest on the
24 damages caused by Defendant's infringing activities and other conduct
25 complained of herein; and
 - 26 e. That Plaintiff be granted such other and further relief as the Court may deem just
27 and proper under the circumstances.
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January 22, 2025

Respectfully Submitted,

By /s/Philip P. Mann
Philip P. Mann, WSBA No: 28860

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Virtual Creative Artists, LLC***

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CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served on January 22, 2025, with a copy of this document via the Court’s CM/ECF system pursuant to Local Rule LCR 5(b).

/s/Philip P. Mann
Philip P. Mann