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9 EveryMD.com LLC

10
11 **IN THE UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 EVERYMD.COM LLC, a
14 California Limited Liability
15 Company,

16 Plaintiff,

17 v.

18 LINKEDIN CORPORATION, a
19 Delaware Corporation,

20 Defendant.

Civil Action No. 2:16-cv-01424

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

21 COMES NOW, Plaintiff EVERYMD.COM LLC (“Plaintiff” or “EveryMD”),
22 and on information and belief alleges as follows:

23 **JURISDICTION AND VENUE**

24 1. This is an action for patent infringement under 35 U.S.C. §§ 271 et. seq.
25 and 28 U.S.C. §§ 1331 and 1338(a).

26 2. The acts of patent infringement alleged herein occurred within this
27 judicial district, Plaintiff resides in this district, and Defendant LINKEDIN
28 CORPORATION (“Defendant” or “LinkedIn”) is subject to personal jurisdiction in

1 this district. Therefore, venue is proper pursuant to 28 U.S.C. §§ 1391(b), (c), and
2 1400(b).

3
4 **PARTIES**

5 3. Plaintiff is a California Limited Liability Company with a place of
6 business at 2032 Whitley Ave., Los Angeles, CA 90068.

7 4. Defendant is a Delaware Corporation with a place of business at 2029
8 Stierlin Court, Mountain View, CA 94043.

9
10 **THE EVERYMD PATENTS**

11 5. Plaintiff owns the website www.everymd.com.

12 6. Plaintiff's website at www.everymd.com has since 2001 provided
13 individual home pages for over 300,000 doctors and electronic messaging services
14 allowing patients to communicate with those 300,000 doctors.

15 7. Plaintiff's principals Frank Weyer and Troy Javaher (collectively, "the
16 EveryMD inventors") invented numerous novel technologies and inventions during
17 development of the www.everymd.com website.

18 8. On November 23, 1999, the EveryMD inventors filed U.S. Patent
19 Application Serial No. 09/447,755 entitled "Method Apparatus and Business System
20 for Online Communications with Online and Offline Recipients" disclosing the
21 inventions made by the EveryMD inventors while developing the www.everymd.com
22 website.

23 9. To date, five separate patents covering four separate inventions have
24 issued from the patent application originally filed in November 1999. Those patents
25 (collectively, the "EveryMD Patents") are U.S. Patent Nos. 6,671,714 (issued
26 December 30, 2003), 7,644,122 (issued January 5, 2010), 8,499,047 (issued July 30,
27 2013), 8,504,631 (issued August 6, 2013) and 9,137,192 (issued September 15, 2015).
28

1 10. Plaintiff is the assignee of record of the EveryMD patents.
2

3 11. Plaintiff has provided constructive notice of the EveryMD patents by
4 marking the patent numbers of the EveryMD patents on Plaintiff’s website at
5 www.everymd.com.

6 **FIRST CAUSE OF ACTION**
7 **INFRINGEMENT OF U.S. PATENT NO. 9,137,192**

8 12. Plaintiff incorporates by reference paragraphs 1–11 as though fully set
9 forth herein.

10 13. Plaintiff is the assignee of record of U.S. Patent No. 9,137,192 entitled
11 “Method and Apparatus for Generating Web Pages for Members” (“the ‘192 patent”).
12 A copy of the ‘192 patent is attached as Exhibit 1.

13 14. The ‘192 patent is valid and in full force and effect.

14 15. The claims of the ‘192 patent expressly include the limitations that
15 distinguish over the prior art that the Federal Circuit held were missing from the
16 claims of U.S. Patent No. 7,644,122 (“the ‘122 patent”) under the “broadest
17 reasonable interpretation” standard applicable during Patent Office reexamination of
18 the ‘122 patent.

19 16. November 13, 2015, EveryMD filed a complaint against Twitter, Inc. in
20 the U.S. District Court for the Central District of California as Civil Action No. 2:15-
21 cv-08836 (“the Twitter Action”) alleging, *inter alia*, infringement of the ‘192 patent.
22

23 17. On February 17, 2016, Twitter and EveryMD filed a “Joint Stipulation to
24 Stay Case Pending Settlement” in the Twitter Action. In the joint stipulation, Twitter
25 and EveryMD stipulated that the Twitter Action “be stayed for 14 days to allow the
26 parties to amicably resolve” the Twitter Action.

27 18. “The dispute between the parties has been resolved.”
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1
2 19. Defendant LinkedIn directly infringes the ‘192 patent by practicing the
3 claimed invention of the ‘192 patent without authorization of Plaintiff. A claim chart
4 showing an example of how LinkedIn directly infringes claims 1-3, 5-6, 8-9, 12 and
5 15 of the ‘192 patent is attached as Exhibit 2.

6 20. The ‘192 patent issued on September 15, 2015.

7 21. On September 29, 2015, Plaintiff sent LinkedIn a letter giving LinkedIn
8 actual notice of LinkedIn’s infringement of the ‘192 patent. According to the records
9 of the U.S. Postal Service, the letter was delivered to LinkedIn on October 1, 2015.

10 22. Plaintiff’s notice letter to LinkedIn included a copy of the ‘192 patent and
11 a claim chart showing an example of how LinkedIn infringes claim 1 of the ‘192
12 patent.

13 23. LinkedIn received actual notice of Plaintiff’s patent rights in the ‘192
14 patent at least as early as October 1, 2015, but has continued to act in conscious and
15 willful disregard of those rights after receiving such actual notice.
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DEMAND FOR RELIEF

WHEREFORE, Plaintiff asks this Court to:

- a. Enter judgment for Plaintiff against Defendant on each of the counts of this Complaint;
- b. Award compensatory damages to Plaintiff and to increase those damages three times in accordance with 35 U.S.C. § 284;
- c. Award Plaintiff reasonable attorneys' fees in accordance with 35 U.S.C. § 285;
- d. Award Plaintiff interest and costs; and
- e. Award Plaintiff such other and further relief as is just and proper.

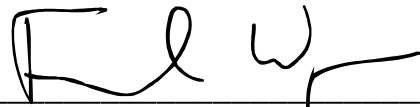
DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all issues so triable.

Respectfully submitted,
TECHCOASTLAW®

Dated: March 1, 2016

By: _____



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