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8 Attorney for Plaintiff
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 AMAZON.COM INC., a Delaware
19 Corporation,

20 Defendant.

Civil Action No. 2:17-cv-5573

**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. Plaintiff resides in this district.
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10. To date, six different patents have issued from the patent application originally filed in November 1999. Those patents (collectively, the “EveryMD Patents”) are U.S. Patent Nos. 6,671,714 issued December 30, 2003 (“the ‘714 patent”), 7,644,122 issued January 5, 2010 (“the ‘122 patent), 8,499,047 issued July 30, 2013 (“the ‘047 patent”), 8,504,631 issued August 6, 2013 (“the ‘631 patent”), 9,137,192 issued September 15, 2015 (“the ‘192 patent”) and 9,584,461 issued February 28, 2017 (“the ‘461 patent”).

11. EveryMD is the assignee of record of the EveryMD Patents.

EVERYMD’S ENFORCEMENT OF THE EVERYMD PATENTS

12. EveryMD enforces its rights in the EveryMD Patents.

13. On May 18, 2015, EveryMD filed a complaint against Google Inc. in the U.S. District Court for the Central District of California as Civil Action No. 2:15-cv-03714 (“the Google Enforcement Action”) alleging infringement of the ‘631 patent.

14. The dispute between the parties has been resolved.

15. On October 13, 2015, the Google Enforcement Action was completed and dismissed.

16. On November 13, 2015, EveryMD filed a complaint against Twitter, Inc. in the U.S. District Court for the Central District of California as Civil Action No. 2:15-cv-08836 (“the Twitter Enforcement Action”) alleging infringement of the ‘631 and ‘192 patents.

17. The dispute between the parties has been resolved.

18. On March 2, 2016 the Twitter Enforcement Action was completed and dismissed.

19. On January 27, 2016, EveryMD filed a complaint against Ebay Inc. (“Ebay”) in the U.S. District Court for the Central District of California as Civil

1 Action No. 2:16-cv-00595 (“the Ebay Enforcement Action”) alleging infringement of
2 the ’047 patent.

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4 20. On April 22, 2016, Ebay and EveryMD filed an “Agreed Motion to
5 Extend Time to Respond to the Initial Complaint by Two Weeks” in the Ebay
6 Enforcement Action. In the motion, Ebay and EveryMD stated: “The extension is
7 necessary to permit the parties to finalize a settlement resolving all issues in this case.
8 The parties have agreed on general terms and are exchanging draft settlement
9 agreements.”

10 21. On May 19, 2016 the Ebay Enforcement Action was completed and
11 dismissed.

12 22. On March 1, 2016, EveryMD filed a complaint against LinkedIn
13 Corporation in the U.S. District Court for the Central District of California as Civil
14 Action No. 2:16-cv-01424 (“the LinkedIn Enforcement Action”) alleging
15 infringement of the ’192 patent.

16 23. The dispute between the parties has been resolved.

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18 24. On May 26, 2016 the LinkedIn Enforcement Action was completed and
19 dismissed.

20 25. On May 27, 2016, EveryMD filed a complaint against Airbnb, Inc.
21 (“Airbnb”) in the U.S. District Court for the Central District of California as Civil
22 Action No. 2:16-cv-03729 (“the Airbnb Enforcement Action”) alleging infringement
23 of the ’631 and ’047 patents.

24 26. On June 21, 2016 the EveryMD and Airbnb filed a stipulation in the
25 Airbnb Enforcement Action to extend Airbnb’s time to answer EveryMD’s complaint.
26 The stipulation stated: “Airbnb has requested and EveryMD has agreed to a twenty
27 day extension, as the parties have finalized a settlement agreement and expect to
28 dismiss this case pursuant to its terms.”

1 27. On July 5, 2016 the Airbnb Enforcement Action was completed and
2 dismissed.

3 28. On June 21, 2016, EveryMD filed a counterclaim against Craigslist, Inc.
4 (“Craigslist”) in the U.S. District Court for the Northern District of California in Civil
5 Action No. 3:16-cv-03421 (“the Craigslist Enforcement Action”) alleging
6 infringement of the ‘047 patent.
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8 29. On February 2, 2017, EveryMD and Craigslist filed a stipulation in the
9 Craigslist Enforcement Action to extend the time to file their joint claim construction
10 statement. The stipulation stated: “the Parties’ have executed a confidential settlement
11 agreement in which they agreed to dismiss the current action upon completion of
12 certain conditions precedent that are required to occur within 10 days of execution of
13 the agreement, and are awaiting completion of those conditions precedent before filing
14 the respective joint stipulation of dismissal.”

15 30. On February 10, 2017 the Craigslist Enforcement Action was completed
16 and dismissed.

17 31. On August 29, 2016, EveryMD filed a complaint against Facebook, Inc.
18 (“Facebook”) in the U.S. District Court for the Central District of California as Civil
19 Action No. 2:16-cv-06473 (“the Facebook Enforcement Action”) alleging
20 infringement of the ‘192 and ‘631 patents.
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22 32. On December 2, 2016, Facebook filed a motion for judgment on the
23 pleadings in the Facebook Enforcement Action alleging that the claims of the ‘192
24 and ‘631 patents did not claim patentable subject matter.

25 33. On May 10, 2017, the Court issued an order granting Facebook’s motion
26 for judgment on the pleadings.
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2 43. Amazon received actual notice of Plaintiff's patent rights in the '461
3 patent at least as early as March 13, 2017, but has continued to act in conscious and
4 willful disregard of those rights after receiving such actual notice.

5 **DEMAND FOR RELIEF**

6 **WHEREFORE**, Plaintiff asks this Court to:

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- 8 a. Enter judgment for Plaintiff against Defendant on each of the counts of
9 this Complaint;
- 10 b. Award compensatory damages to Plaintiff and to increase those damages
11 three times in accordance with 35 U.S.C. § 284;
- 12 c. Award Plaintiff reasonable attorneys' fees in accordance with 35 U.S.C.
13 § 285;
- 14 d. Award Plaintiff interest and costs; and
- 15 e. Award Plaintiff such other and further relief as is just and proper.

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17 **DEMAND FOR JURY TRIAL**

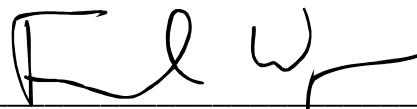
18 Plaintiff hereby demands a trial by jury of all issues so triable.

19

20 Respectfully submitted,
21 **TECHCOASTLAW®**

22 Dated: July 27, 2017

23 By:



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