UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

MULTIPOP LLC, Plaintiff v. **GOOGLE LLC d/b/a YOUTUBE,** Defendant	**Case No. 6:20-cv-00147** **JURY TRIAL DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Multipop LLC ("Multipop" or "Plaintiff") files this Complaint for patent infringement against Defendant Google LLC d/b/a YouTube ("Google" or "Defendant"), and alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under 35 U.S.C. § 1 *et seq*.

PARTIES

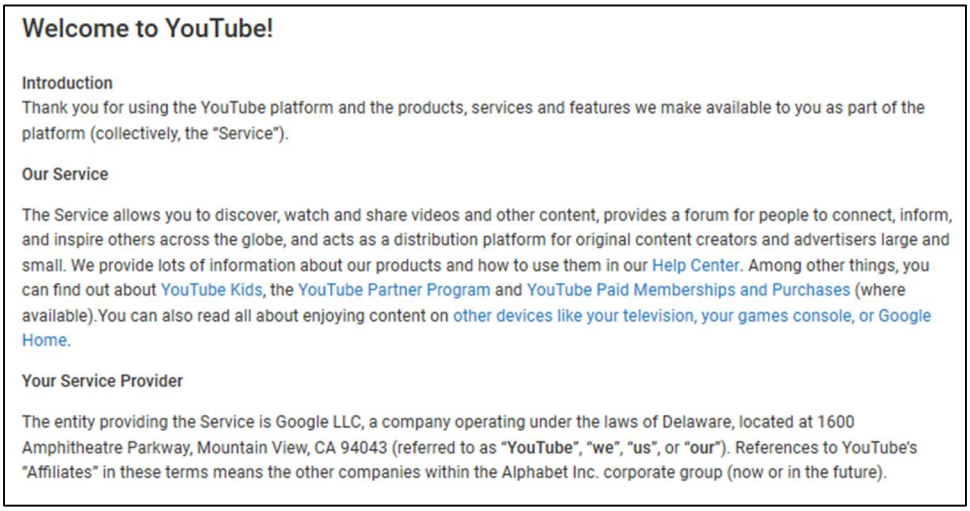
2. Multipop is a limited liability company organized and existing under the laws of the State of Illinois with its principal place of business at 179 Christopher Street, New York, NY 10004.

3. Google LLC ("Google") is a Delaware corporation with a physical address at 500 West 2nd Street, Austin, Texas 78701. Google may be served with process through its registered agent, the Corporation Service Company, at 211 East. 7th Street, Suite 620,

Austin, Texas 78701. Google is registered to do business in the State of Texas and has been since at least November 17, 2006.

4. YouTube, LLC ("YouTube") is wholly owned by Google and is a Delaware limited liability company with a physical address at 3600 Presidential Boulevard, Austin, Texas 78719. YouTube may be served with process through its registered agent, the Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808. YouTube actively transacts business in this District and within the state of Texas at least through a server located at 3600 Presidential Boulevard, Austin, Texas 78719.

5. Google is the entity that operates, controls, and provides the YouTube platform, products, and services.



Welcome to YouTube!

Introduction

Thank you for using the YouTube platform and the products, services and features we make available to you as part of the platform (collectively, the "Service").

Our Service

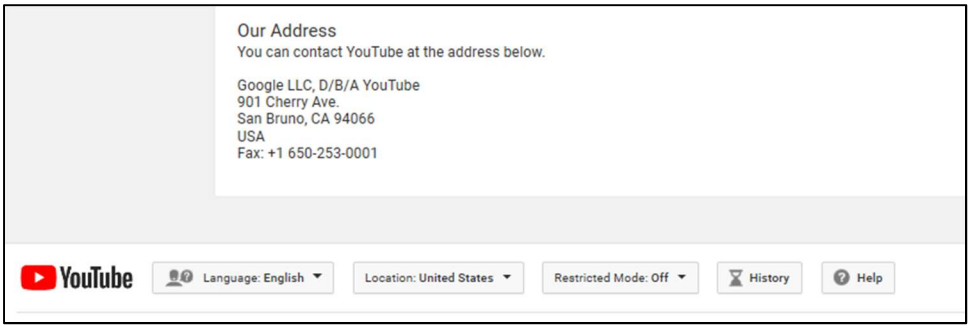
The Service allows you to discover, watch and share videos and other content, provides a forum for people to connect, inform, and inspire others across the globe, and acts as a distribution platform for original content creators and advertisers large and small. We provide lots of information about our products and how to use them in our Help Center. Among other things, you can find out about YouTube Kids, the YouTube Partner Program and YouTube Paid Memberships and Purchases (where available). You can also read all about enjoying content on other devices like your television, your games console, or Google Home.

Your Service Provider

The entity providing the Service is Google LLC, a company operating under the laws of Delaware, located at 1600 Amphitheatre Parkway, Mountain View, CA 94043 (referred to as "**YouTube**", "**we**", "**us**", or "**our**"). References to YouTube's "Affiliates" in these terms means the other companies within the Alphabet Inc. corporate group (now or in the future).

https://www.youtube.com/static?template=terms

6. Google, LLC does business as YouTube.



https://www.youtube.com/t/contact_us

JURISDICTION AND VENUE

7. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. Upon information and belief, Defendant is subject to personal jurisdiction of this Court based upon it having regularly conducted business, including the acts complained of herein, within the State of Texas and this judicial district and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this District.

9. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400 because Defendant has committed acts of infringement and have regular and established places of business in this judicial district.

COUNT I
(Infringement of U.S. Patent No. 9,998,518)

10. Multipop incorporates paragraphs 1 through 9 as though fully set forth herein.

11. Plaintiff is the owner, by assignment, of U.S. Patent No. 9,998,518 (the "'518 Patent"), entitled MEDIA PLATFORM FOR ADDING SYNCHRONIZED

CONTENT TO MEDIA WITH A DURATION, which issued on June 12, 2018. A copy of the '518 Patent is attached as Exhibit PX-518.

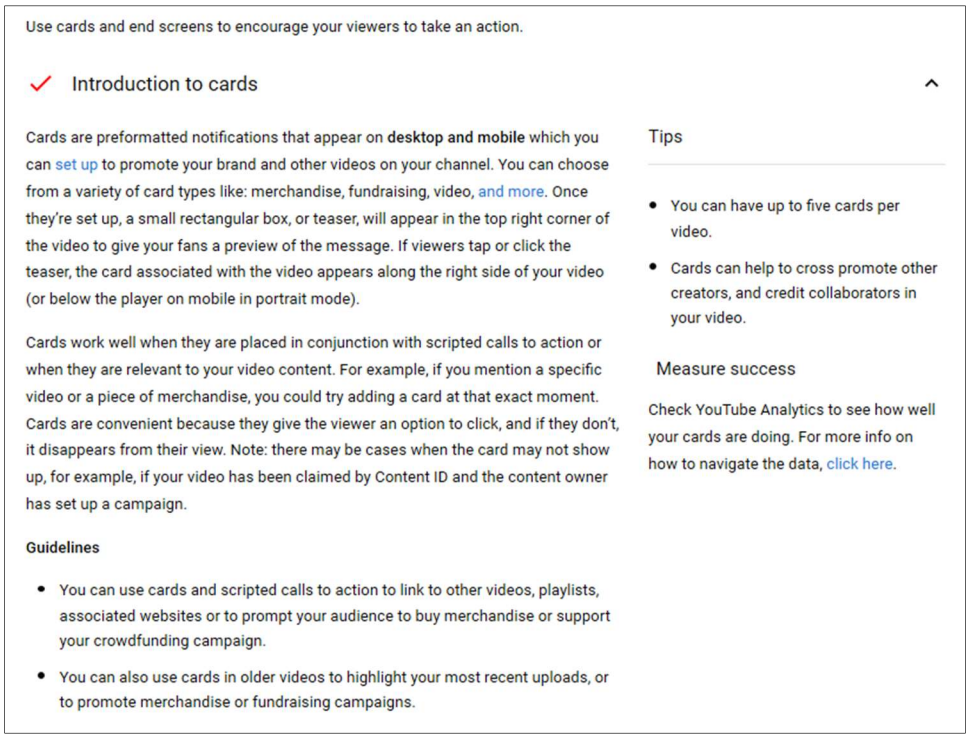
12. The '518 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. Defendant has had notice of the '518 Patent and allegations of infringement of the '518 Patent at least as early as February 25, 2019 via Defendant's licensing portal and by letter dated June 12, 2019.

14. Defendant owns, controls, and provides the YouTube platform, channel, and service, which "allows [users] to discover, watch and share videos and other content, provides a forum for people to connect, inform, and inspire others across the globe, and acts as a distribution platform for original content creators and advertisers large and small." https://www.youtube.com/static?template=terms (the "Accused System.")

15. The YouTube service is accessible via the https://www.youtube.com/ website.

16. With the Accused System, a user can add "cards" to their video. The use of cards is described as follows:



Use cards and end screens to encourage your viewers to take an action.

✓ Introduction to cards

Cards are preformatted notifications that appear on **desktop and mobile** which you can set up to promote your brand and other videos on your channel. You can choose from a variety of card types like: merchandise, fundraising, video, and more. Once they're set up, a small rectangular box, or teaser, will appear in the top right corner of the video to give your fans a preview of the message. If viewers tap or click the teaser, the card associated with the video appears along the right side of your video (or below the player on mobile in portrait mode).

Cards work well when they are placed in conjunction with scripted calls to action or when they are relevant to your video content. For example, if you mention a specific video or a piece of merchandise, you could try adding a card at that exact moment. Cards are convenient because they give the viewer an option to click, and if they don't, it disappears from their view. Note: there may be cases when the card may not show up, for example, if your video has been claimed by Content ID and the content owner has set up a campaign.

Guidelines

- You can use cards and scripted calls to action to link to other videos, playlists, associated websites or to prompt your audience to buy merchandise or support your crowdfunding campaign.
- You can also use cards in older videos to highlight your most recent uploads, or to promote merchandise or fundraising campaigns.

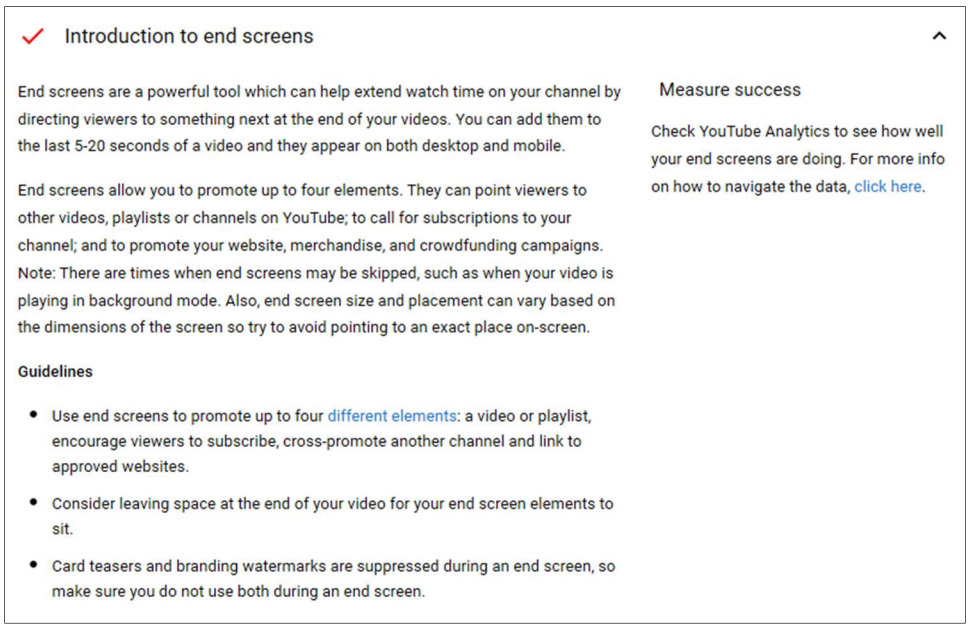
Tips

- You can have up to five cards per video.
- Cards can help to cross promote other creators, and credit collaborators in your video.

Measure success

Check YouTube Analytics to see how well your cards are doing. For more info on how to navigate the data, click here.

https://creatoracademy.youtube.com/page/lesson/cards#strategies-zippy-link-5



✓ Introduction to end screens

End screens are a powerful tool which can help extend watch time on your channel by directing viewers to something next at the end of your videos. You can add them to the last 5-20 seconds of a video and they appear on both desktop and mobile.

End screens allow you to promote up to four elements. They can point viewers to other videos, playlists or channels on YouTube; to call for subscriptions to your channel; and to promote your website, merchandise, and crowdfunding campaigns. Note: There are times when end screens may be skipped, such as when your video is playing in background mode. Also, end screen size and placement can vary based on the dimensions of the screen so try to avoid pointing to an exact place on-screen.

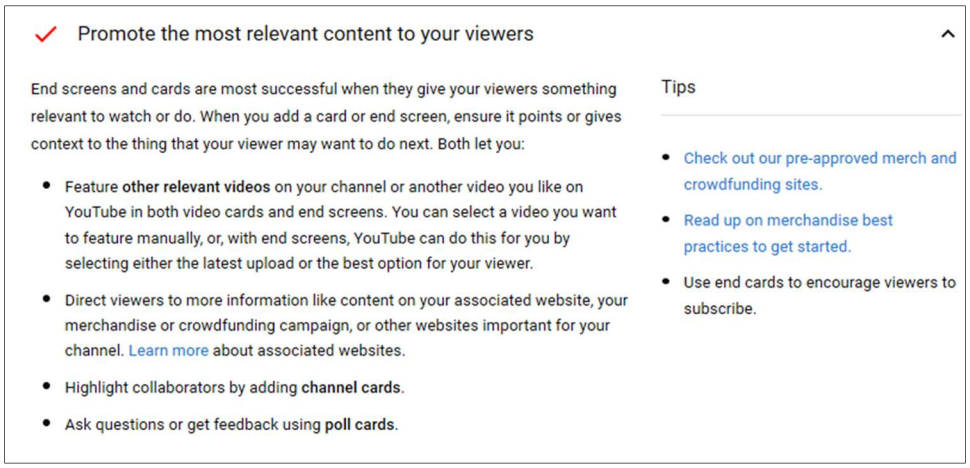
Guidelines

- Use end screens to promote up to four different elements: a video or playlist, encourage viewers to subscribe, cross-promote another channel and link to approved websites.
- Consider leaving space at the end of your video for your end screen elements to sit.
- Card teasers and branding watermarks are suppressed during an end screen, so make sure you do not use both during an end screen.

Measure success

Check YouTube Analytics to see how well your end screens are doing. For more info on how to navigate the data, click here.

https://creatoracademy.youtube.com/page/lesson/cards#strategies-zippy-link-5



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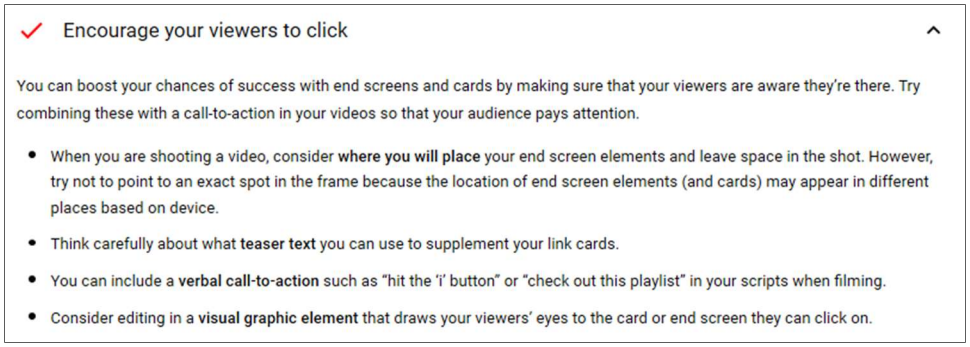

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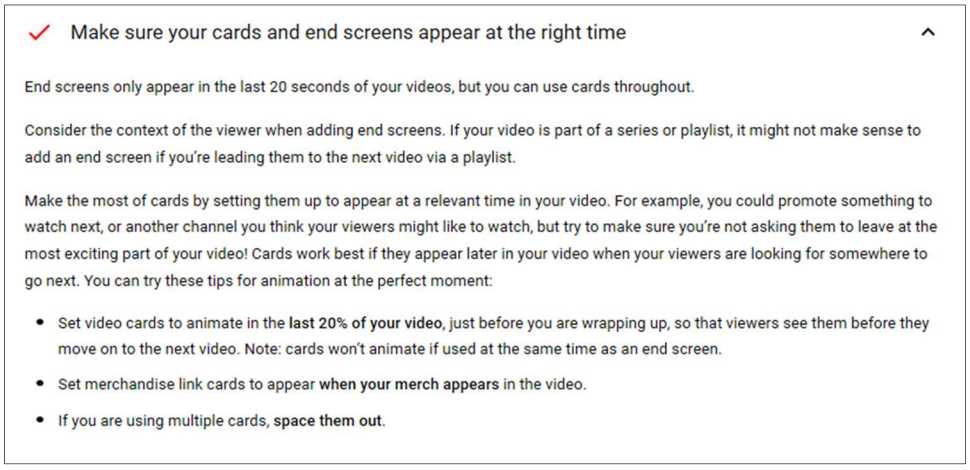

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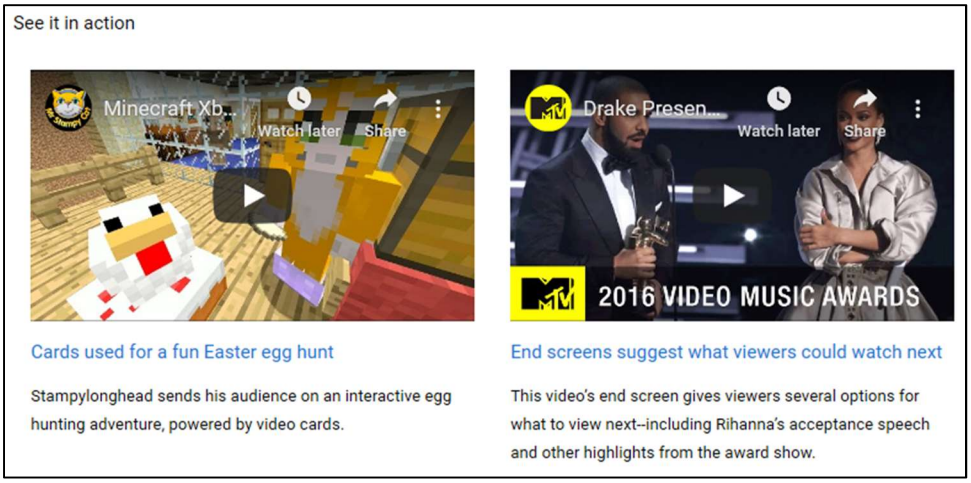

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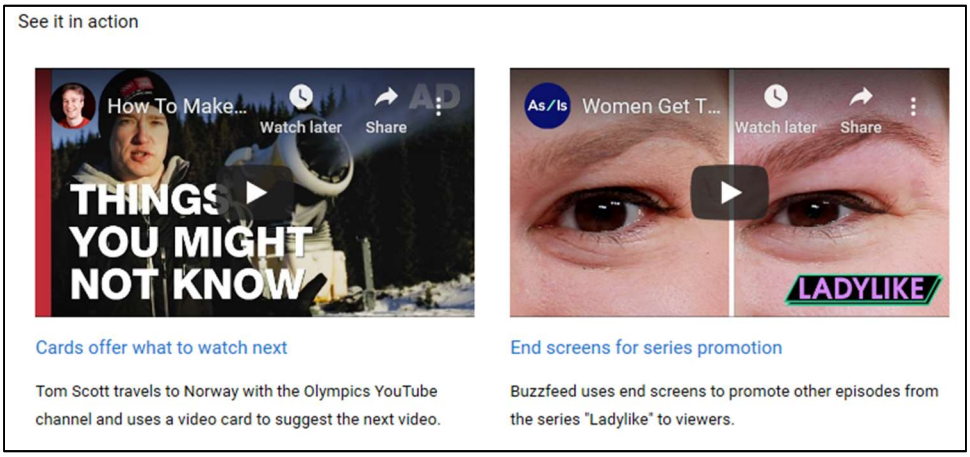
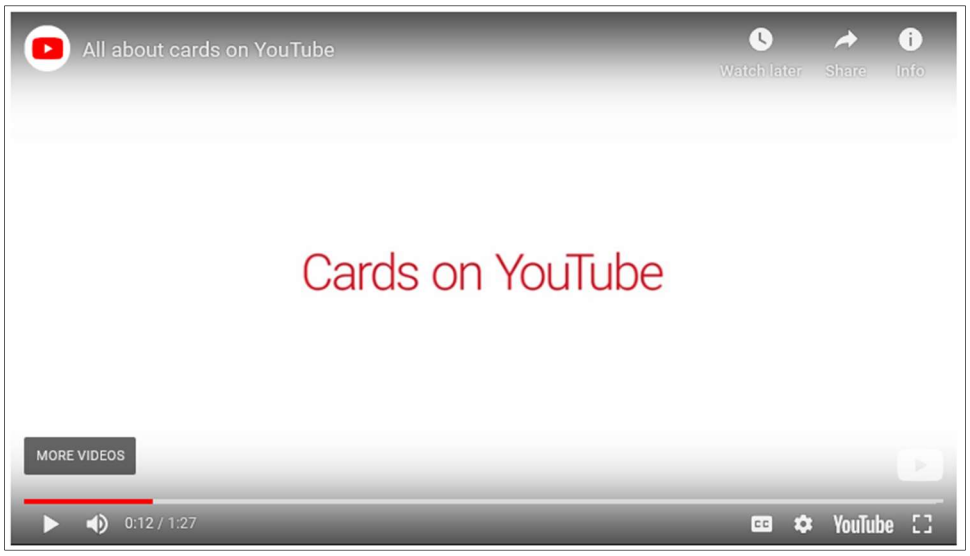


https://creatoracademy.youtube.com/page/lesson/cards#strategies-zippy-link-5

17. Defendant provides YouTube Studio, which allows users to add cards and end screen annotations to their videos. https://www.youtube.com/watch?v=-Sex3r_CNWU&feature=youtu.be


All about cards on YouTube
Watch later
Share
Info
Cards on YouTube
MORE VIDEOS
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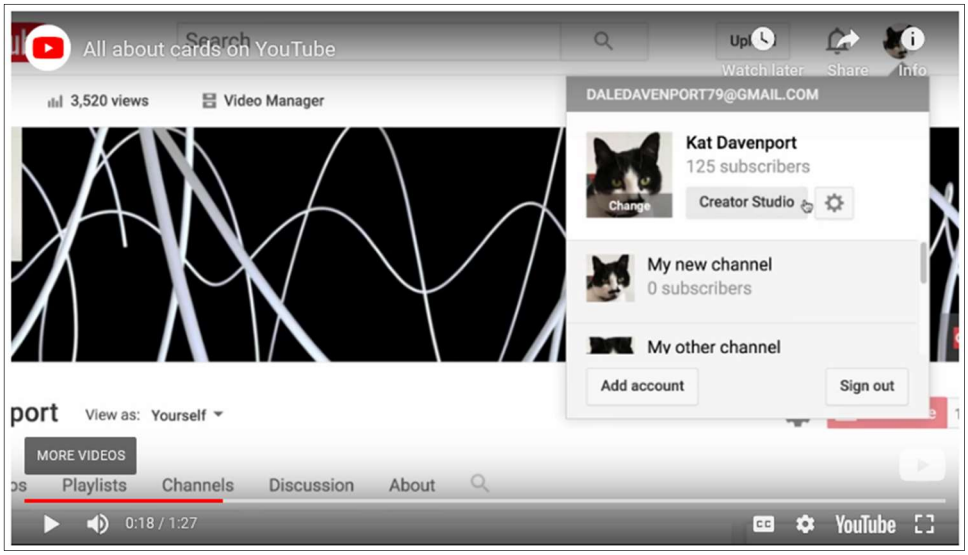
All about cards on YouTube
Watch later
Share
Info
3,520 views
Video Manager
DALEDAVENPORT79@GMAIL.COM
Kat Davenport
125 subscribers
Change
Creator Studio
My new channel
0 subscribers
My other channel
Add account
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View as: Yourself
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Playlists
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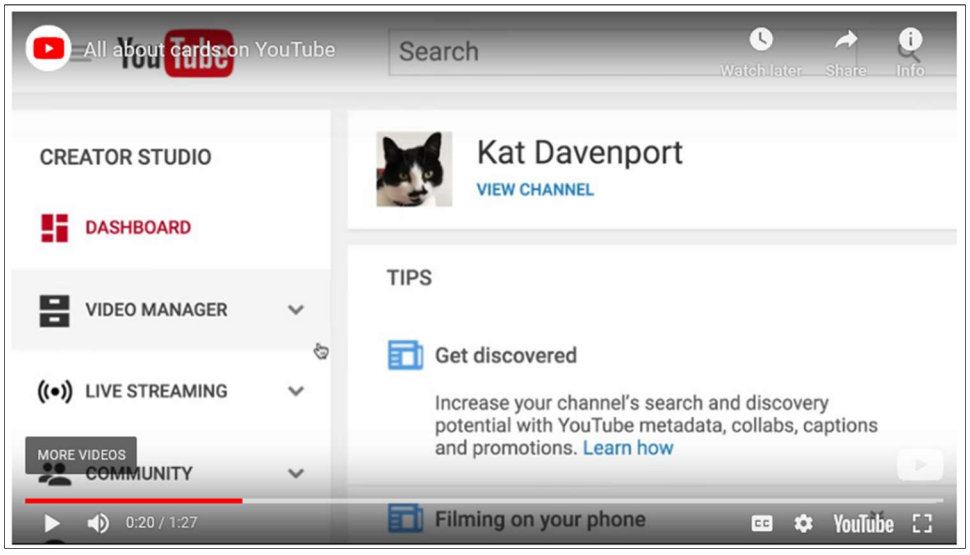
All about cards on YouTube
Search
Watch later
Share
Info
CREATOR STUDIO
DASHBOARD
VIDEO MANAGER
LIVE STREAMING
COMMUNITY
Kat Davenport
VIEW CHANNEL
TIPS
Get discovered
Increase your channel's search and discovery potential with YouTube metadata, collabs, captions and promotions. Learn how
MORE VIDEOS
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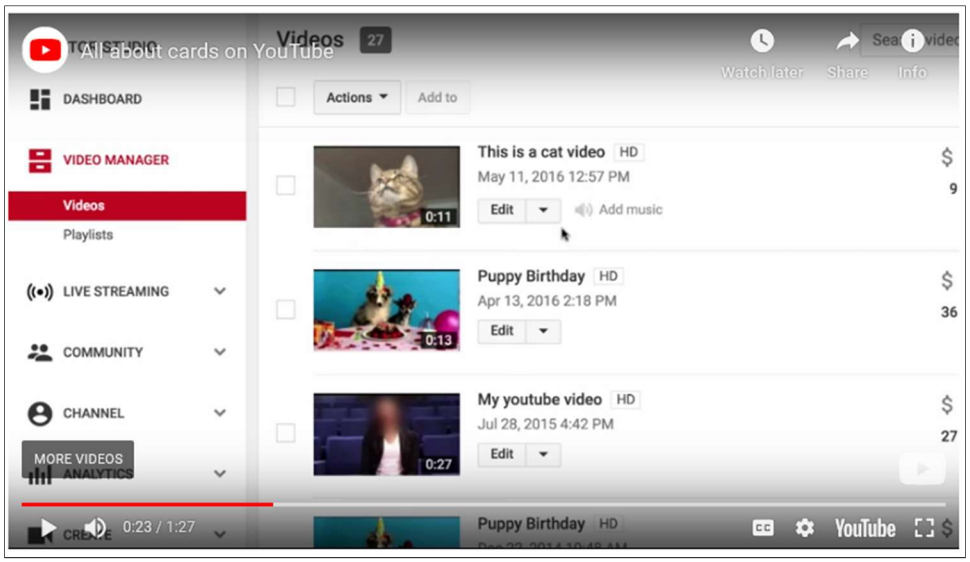
Filming on your phone
YouTube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Videos 27
Watch later
Share
Info
DASHBOARD
VIDEO MANAGER
Videos
Playlists
LIVE STREAMING
COMMUNITY
CHANNEL
MORE VIDEOS
ANALYTICS
Actions
Add to
This is a cat video HD
May 11, 2016 12:57 PM
Edit
Add music
Puppy Birthday HD
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My youtube video HD
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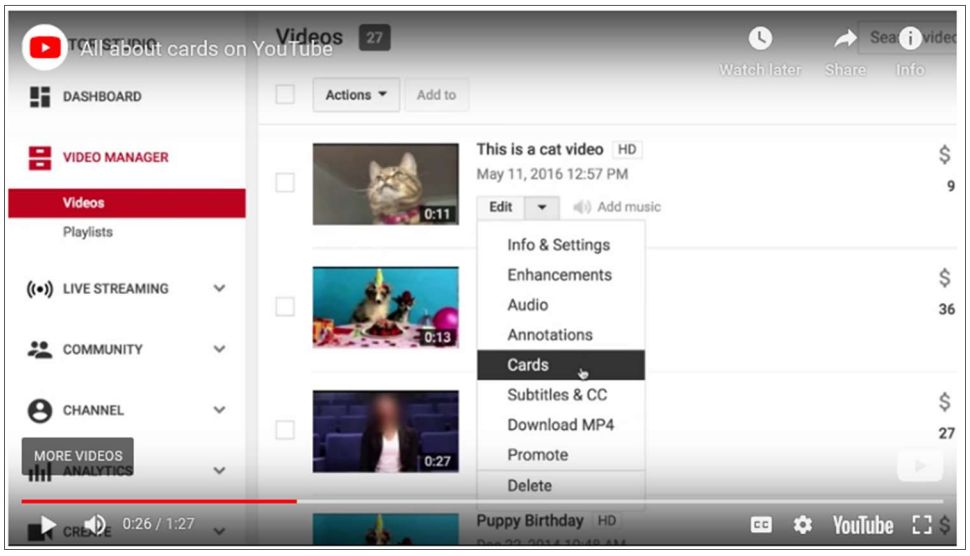
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ANALYTICS
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Add to
This is a cat video HD
May 11, 2016 12:57 PM
Edit
Add music
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Cards
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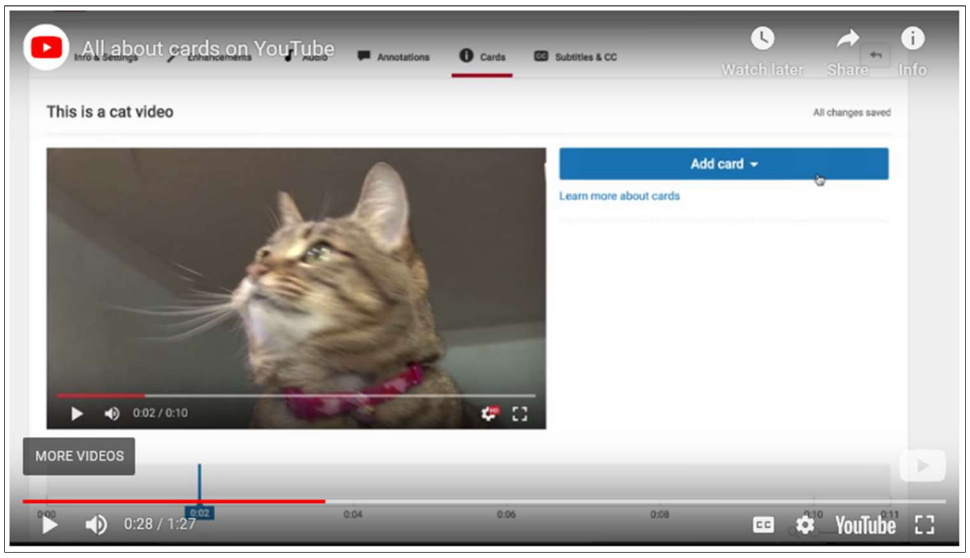
All about cards on YouTube
Annotations
Cards
Subtitles & CC
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This is a cat video
All changes saved
Add card
Learn more about cards
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MORE VIDEOS
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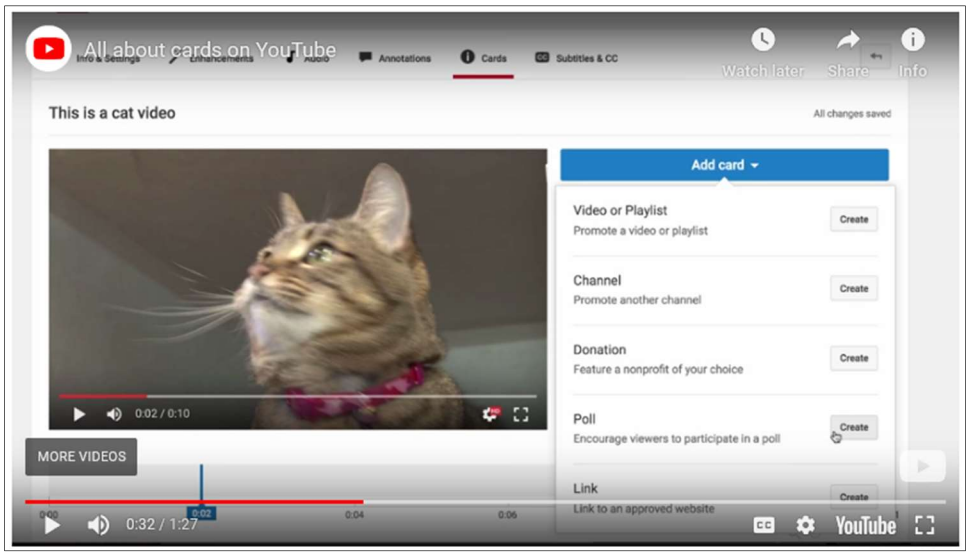
YouTube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Cards
Subtitles & CC
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This is a cat video
All changes saved
Add card
Video or Playlist
Promote a video or playlist
Create
Channel
Promote another channel
Create
Donation
Feature a nonprofit of your choice
Create
Poll
Encourage viewers to participate in a poll
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Link
Link to an approved website
Create
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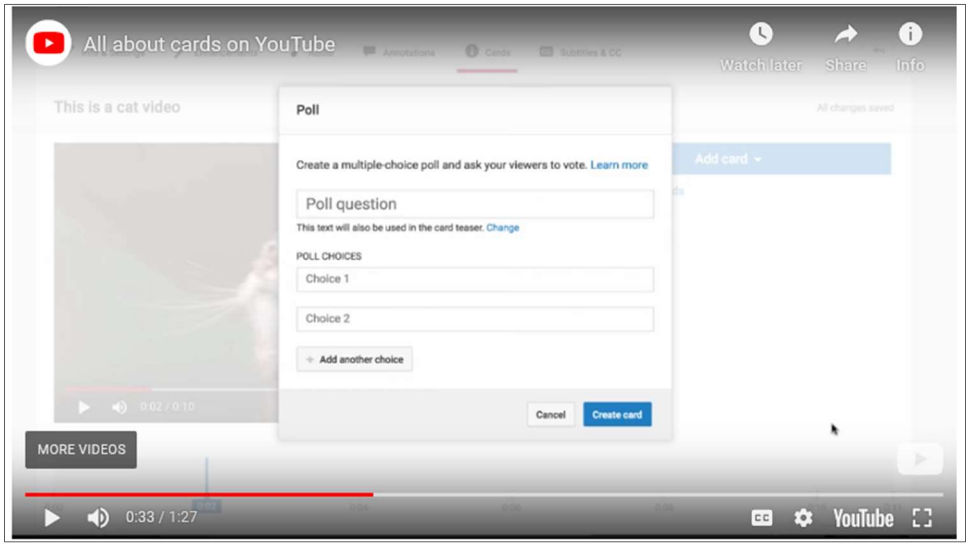
All about cards on YouTube
Watch later
Share
Info
This is a cat video
Poll
Create a multiple-choice poll and ask your viewers to vote. Learn more
Poll question
This text will also be used in the card teaser. Change
POLL CHOICES
Choice 1
Choice 2
Add another choice
Cancel
Create card
Add card
MORE VIDEOS
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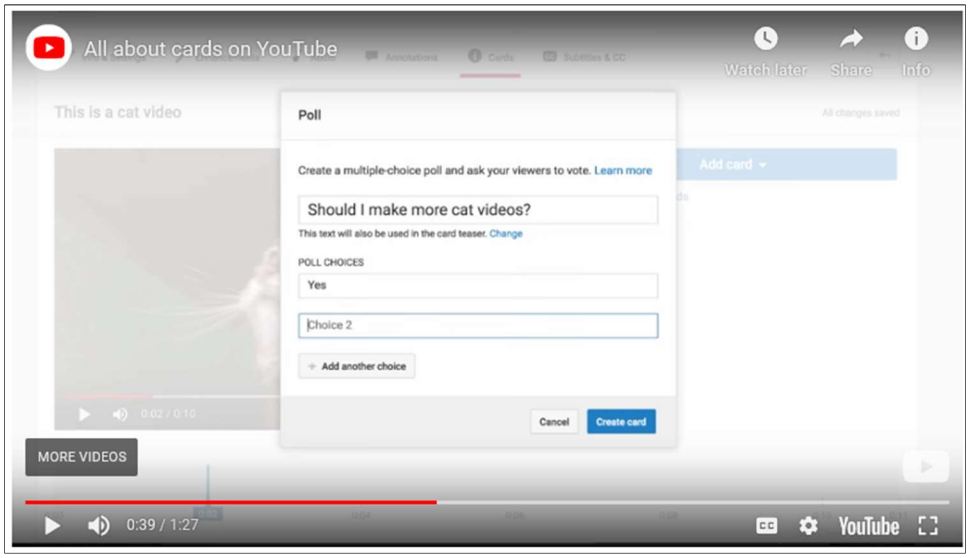
All about cards on YouTube
Watch later
Share
Info
This is a cat video
Poll
Create a multiple-choice poll and ask your viewers to vote. Learn more
Should I make more cat videos?
This text will also be used in the card teaser. Change
POLL CHOICES
Yes
Choice 2
Add another choice
Cancel
Create card
Add card
MORE VIDEOS
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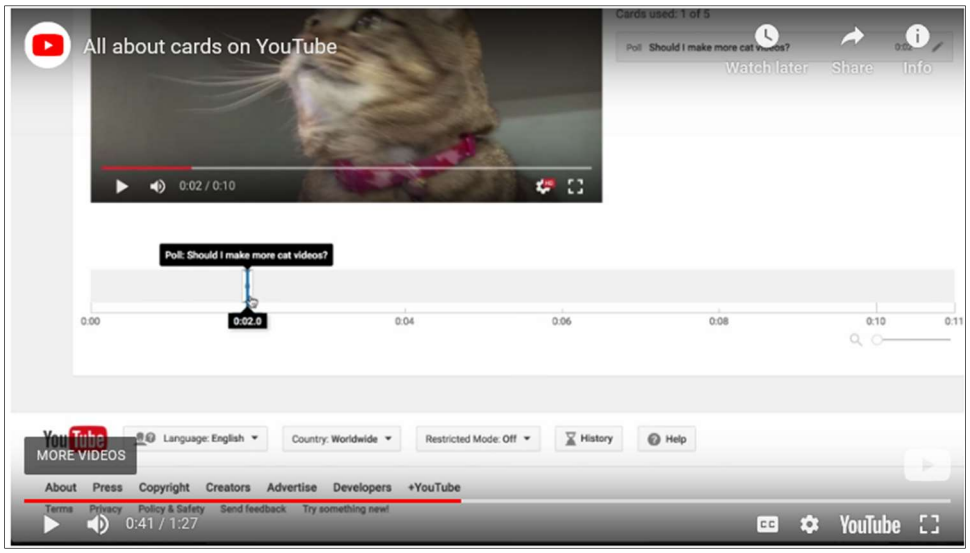
YouTube


All about cards on YouTube
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Share
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0:02 / 0:10
Poll: Should I make more cat videos?
0:02.0
MORE VIDEOS
Language: English
Country: Worldwide
Restricted Mode: Off
History
Help
About
Press
Copyright
Creators
Advertise
Developers
+YouTube
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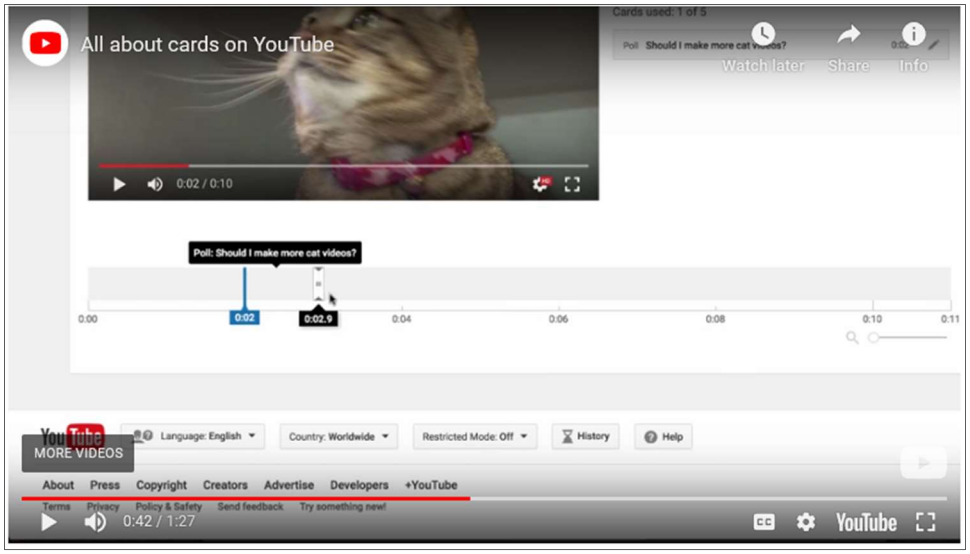
All about cards on YouTube
Watch later
Share
Info
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Poll: Should I make more cat videos?
0:02
0:02.9
MORE VIDEOS
Language: English
Country: Worldwide
Restricted Mode: Off
History
Help
About
Press
Copyright
Creators
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All about cards on YouTube
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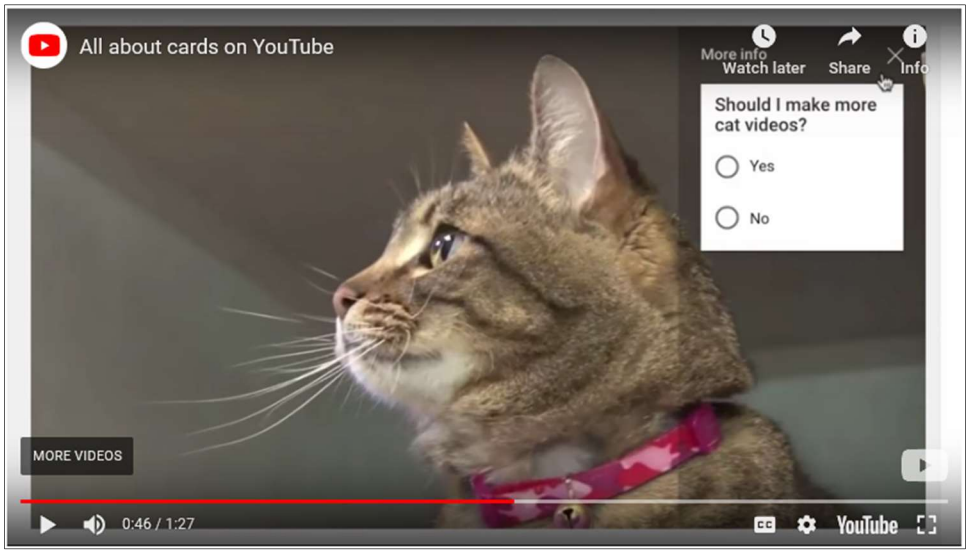
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More info
Watch later
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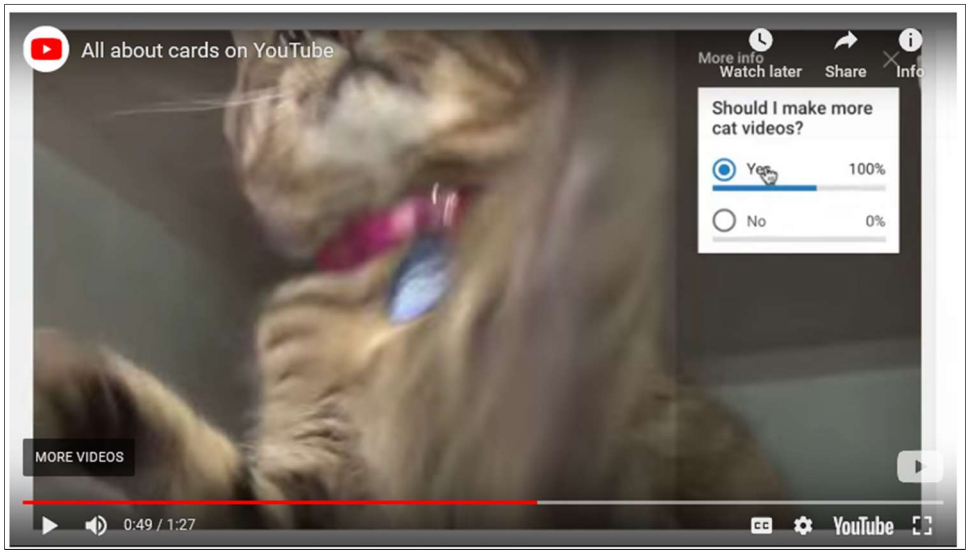
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Watch later
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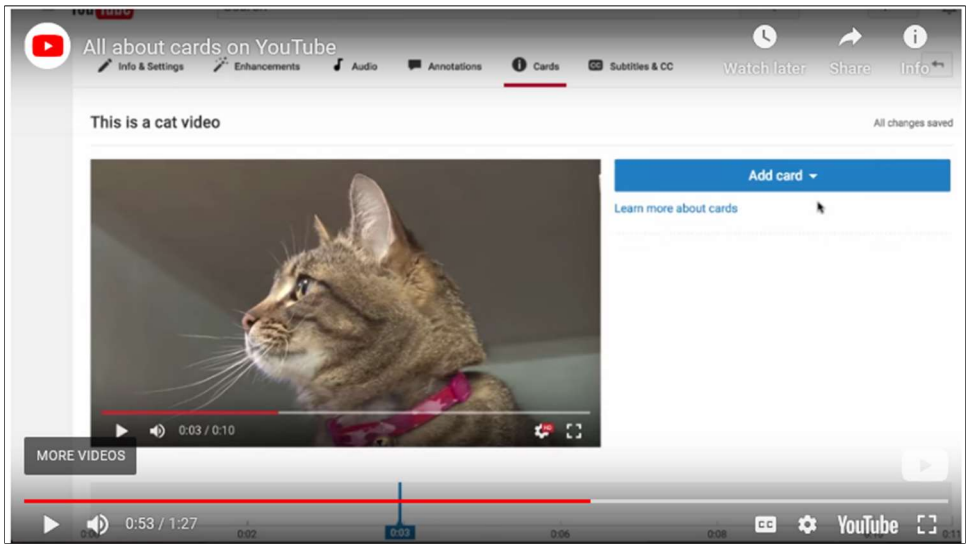
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Info & Settings
Enhancements
Audio
Annotations
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Subtitles & CC
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Share
This is a cat video
All changes saved
Add card
Learn more about cards
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MORE VIDEOS
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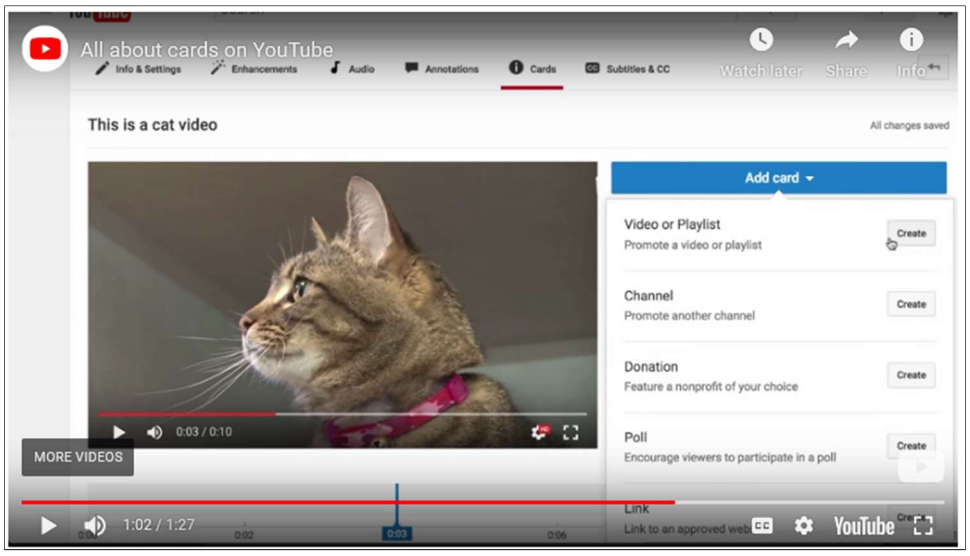
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Create
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Promote another channel
Create
Donation
Feature a nonprofit of your choice
Create
Poll
Encourage viewers to participate in a poll
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Link
Link to an approved web
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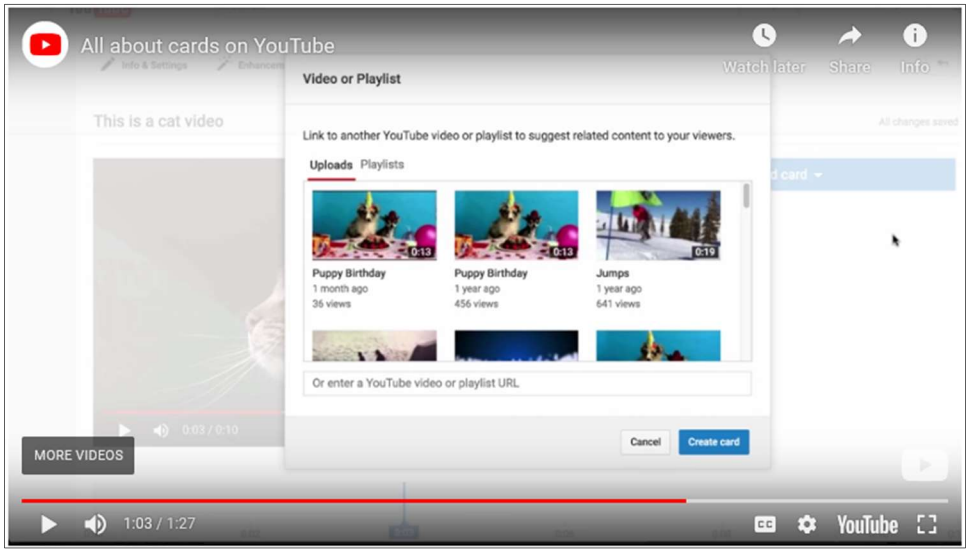
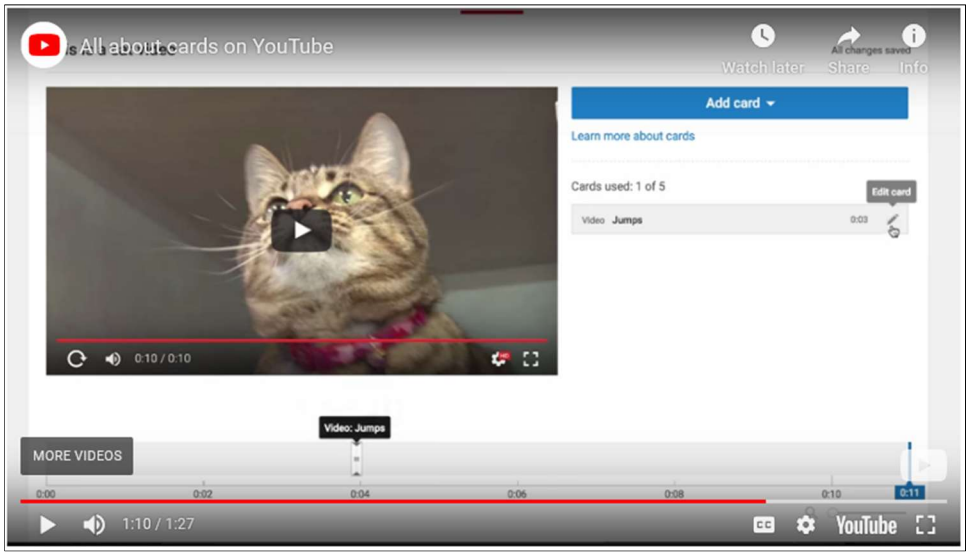

All about cards on YouTube
Watch later
Share
Info
Video or Playlist
This is a cat video
Link to another YouTube video or playlist to suggest related content to your viewers.
Uploads
Playlists
Puppy Birthday
1 month ago
36 views
Puppy Birthday
1 year ago
456 views
Jumps
1 year ago
641 views
Or enter a YouTube video or playlist URL
Cancel
Create card
MORE VIDEOS
1:03 / 1:27
YouTube


All about cards on YouTube
Watch later
Share
Info
Add card
Learn more about cards
Cards used: 1 of 5
Edit card
Video
Jumps
0:03
0:10 / 0:10
Video: Jumps
MORE VIDEOS
0:00
0:02
0:04
0:06
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YouTube

18. At least by establishing, hosting, promoting, and using the Accused System, Defendant encourages users to use the Accused System to add cards to their videos and thereby use the claimed invention, which Defendant controls the use of and derives a direct benefit and profit from.

19. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including Claim 1, of the '518 Patent by making and using the Accused System in the United States without authority. Defendant has infringed and continues to infringe the '518 Patent either directly or through the acts of inducement in violation of 35 U.S.C. § 271.

20. Claim 1 of the '518 Patent recite:

> A system for adding content to video with a time duration, comprising:
>
> a content server that receives, from an author computing device, a layout for media with a time duration and media without a time duration, the content server assigning a layout identifier to the layout:
>
> a content database, in operable communication with the content server, that stores the layout according to the layout identifier and that stores content synchronization data received, from the author computing device, for the layout, the content synchronization data having a location of the media with the time duration, a set of content, a content start time, and a content end time, the content start time being a time in the media with the time duration at which play of the content is to start, the content end time being a time in

the media with the time duration at which the play of the content is to end;

a processor, in operable communication with the content server, that receives a request for the layout according to the layout identifier from a media player, retrieves the content synchronization data associated with the layout identifier, automatically generates a manifest comprising JAVASCRIPT Object Notation code according to the content synchronization data for the layout, and sends the manifest to a media player that automatically generates HyperText Markup Language code such that a computing device implements the HyperText Markup Language code to render the layout on a display device in operable communication with the computing device and perform a synchronized playback based upon the manifest.

21. The Accused System is a system for adding content (cards and end screen annotations) to (user) video with a time duration.

22. The Accused System includes a content server that receives (the accused system), from an author computing device (a user's computer), a layout for media with a time duration and media without a time duration (user video with cards or end screen annotations), the content server assigning a layout identifier to the layout (a unique identifier to identify the video with the cards or end screen annotation).

23. The Accused System includes a content database (the storage of user video), in operable communication with the content server, that stores the layout according to the layout identifier and that stores content synchronization data received, from the

author computing device, for the layout, the content synchronization data (data indicating the timing of the cards and end screen annotations) having a location of the media with the time duration, a set of content, a content start time, and a content end time, the content start time being a time in the media with the time duration at which play of the content is to start, the content end time being a time in the media with the time duration at which the play of the content is to end.

24. The Accused System include a processor, in operable communication with the content server, that receives a request for the layout (a request to play the user's annotated video) according to the layout identifier from a media player, retrieves the content synchronization data associated with the layout identifier, automatically generates a manifest comprising JAVASCRIPT Object Notation code according to the content synchronization data for the layout, and sends the manifest to a media player that automatically generates HyperText Markup Language code such that a computing device implements the HyperText Markup Language code to render the layout on a display device in operable communication with the computing device and perform a synchronized playback based upon the manifest.

25. Multipop has been damaged by Defendant's infringing activities.

WILLFUL INFRINGEMENT

26. Defendant has continued making, using, selling, and/or offering for sale the Accused System including products and/or services for receiving, converting, and sharing streaming video, including those distributed through YouTube, despite an objectively high likelihood that their actions infringe at least one claim of the '518 Patent, thus making Defendant liable for willful infringement damages pursuant to 35 U.S.C. § 284.

27. Defendant's direct, indirect, and willful infringement of the '518 Patent has caused, and will continue to cause, substantial damage to Plaintiff. Therefore, Plaintiff is entitled to an award of damages adequate to compensate for Defendant's infringement, but not less than reasonable royalty, together with pre-and post-judgment interest, attorneys' fees, and costs as fixed by the Court under 35 U.S.C. §§ 284 and 285.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court enter judgment against Defendant:

1. declaring that the Defendant has infringed the '518 Patent;
2. awarding Plaintiff its damages suffered as a result of Defendant's infringement of the '518 Patent;
3. awarding Plaintiff willful infringement damages;
4. awarding Plaintiff its costs, attorneys' fees, expenses, and interest; and
5. granting Plaintiff such further relief as the Court finds appropriate.

JURY DEMAND

Plaintiff demands trial by jury, Under Fed. R. Civ. P. 38.

Dated: February 25, 2020

Respectfully submitted,

/s/ Raymond W. Mort, III

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