IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

VIRTUAL CREATIVE ARTISTS, LLC, Plaintiff, v. **LINKEDIN CORPORATION,** Defendant.	C.A. No. 1:23-cv-03172 **JURY TRIAL DEMANDED** **PATENT CASE**

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Virtual Creative Artists, LLC files this Original Complaint for Patent Infringement against LinkedIn Corporation and would respectfully show the Court as follows:

I. THE PARTIES

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

2. On information and belief, Defendant LinkedIn Corporation ("LinkedIn" or "Defendant") is a corporation organized and existing under the laws of Delaware. Defendant has a place of business at 525 W Monroe St, Chicago, IL 60661. Defendant has a registered agent at Illinois Corporation Service Company, 801 Adlai Stevenson Drive, Springfield, IL 62703.

II. JURISDICTION AND VENUE

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

4. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction, pursuant to due process and the Illinois Long-Arm Statute, due at least to its

business in this forum, including at least a portion of the infringements alleged herein at 525 W Monroe St, Chicago, IL 60661.

5. Without limitation, on information and belief, within this state, Defendant has used the patented inventions thereby committing, and continuing to commit, acts of patent infringement alleged herein. In addition, on information and belief, Defendant has derived revenues from its infringing acts occurring within Illinois. Further, on information and belief, Defendant is subject to the Court's general jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and deriving substantial revenue from goods and services provided to persons or entities in Illinois. Further, on information and belief, Defendant is subject to the Court's personal jurisdiction at least due to its sale of products and/or services within Illinois. Defendant has committed such purposeful acts and/or transactions in Illinois such that it reasonably should know and expect that it could be haled into this Court as a consequence of such activity.

6. Venue is proper in this district under 28 U.S.C. § 1400(b). On information and belief, Defendant has businesses in this district at 525 W Monroe St, Chicago, IL 60661. On information and belief, from and within this District Defendant has committed at least a portion of the infringements at issue in this case.

7. For these reasons, personal jurisdiction exists and venue is proper in this District under 28 U.S.C. § 1400(b).

III. COUNT I
(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 9,501,480)

8. Plaintiff incorporates the above paragraphs herein by reference.

9. On November 22, 2016, United States Patent No. 9,501,480 ("the '480 Patent") was duly and legally issued by the United States Patent and Trademark Office. The '480 Patent is

titled "Revenue-Generating Electronic Multi-Media Exchange and Process of Operating Same." A true and correct copy of the '480 Patent is attached hereto as Exhibit A and incorporated herein by reference.

10. VCA is the assignee of all right, title, and interest in the '480 Patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the '480 Patent. Accordingly, VCA possesses the exclusive right and standing to prosecute the present action for infringement of the '480 Patent by Defendant.

11. The invention relates to the field of creating and distributing media content, in particular, creating media content based upon submissions received on an electronic media exchange. At the time of the original invention in 1998, there was an Internet-centric problem that required a technical solution—how to develop a computer system that would allow remote contributors of electronic content to share and collaborate their content to develop new media content. The claimed invention, which predates modern crowdsourcing solutions, offers a unique, unconventional, and specially configured combination of "subsystems" in which to address the Internet-centric problem.

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

- "an electronic media submissions server subsystem,"
- "an electronic multimedia creator server subsystem,"
- "an electronic release subsystem,"
- "an electronic voting subsystem," and
- their corresponding specialized databases.

13. 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 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 databased 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.

14. As another example, the claim requires a specifically configured "electronic media submission server subsystem." This subsystem is defined as specifically having:

- "one or more data processing apparatus,"
- "an electronic media submission database stored on a non-transitory medium," and
- "a submissions electronic interface."

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

15. Similarly, the claim also requires a separate specifically configured "an electronic multimedia creator server subsystem." The claim specifically defines how this second subsystem

interacts with other components including being "operatively coupled to the electronic media submissions server subsystem." The claim also specifically defines this subsystem as "having":

- "one or more data processing apparatus" and
- "an electronic creator multimedia database stored on a non-transitory medium."

16. This subsystem is also specifically "configured [1] to select and [2] retrieve a plurality of electronic media submissions from the electronic media submissions database using an electronic content filter located on the electronic multimedia creator server." 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 to develop multimedia content to be electronically available for viewing on user devices." Even more detail is provided by requiring "the identification of the submitter [be] maintained with each selected and retrieved submission within the multimedia content." Here again, collectively, the level of detail included in this very particular and well-defined and unconventional subsystem makes clear that the claims include substantially more than an alleged abstract idea or merely performing an alleged abstract idea on a computer.

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

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

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

20. Furthermore, the very particular and specifically configured "electronic media creator subsystem" not only provides a detailed and unique physical structure and interrelationship with other claimed components, but also includes a very specific configuration that is not conventional or routine. The claims make clear the interrelationship of the "electronic multimedia creator server subsystem" with respect to "the electronic media submission server subsystem" which must be "operatively coupled" thereto. The claims also provide detail on how the "electronic media creator subsystem" is "configured" "to select and retrieve a plurality of electronic media submissions from the electronic media submission database using an electronic

filter." They also provide detail on how the "electronic filter" is "based at least in part on at least one of the one or more user attributes" and specifies that "the identification of the submitter is maintained with each selected and retrieved submission within the multimedia content."

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

22. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing claim 1 of the '480 Patent in Illinois, and elsewhere in the United States, by employing a computer-based system using https://www.linkedin.com/ ("Accused Instrumentality") (*e.g.,* https://www.linkedin.com/). LinkedIn uses a computer-based system for its LinkedIn website and platform, for example to enable the provision of a personalized LinkedIn Feed that shows users multimedia content based, *inter alia*, on their followers and connections. (https://news.linkedin.com/2019/January/what-s-in-your-linkedin-feed--people-you-know--talking-about-thi#:~:text=To%20summarize%2C%20your%20LinkedIn%20feed,and%20hashtags%20that%20you%20follow). For example, LinkedIn Corporation has employed, in order to operate the Accused instrumentality, Open19 gear within LinkedIn Corporation-owned company data centers in or around 2016-2018. Open19 gear is made up of systems comprised of standard server chassis dimensions, cages for those servers to slide into, power and data cables, a power shelf, and a network switch. The LinkedIn server systems involve both core and edge data centers (https://www.datacenterknowledge.com/linkedin-acquired-microsoft/linkedin-says-its-open19-server-design-ready-prime-time).

What's in your LinkedIn Feed: People You Know, Talking About Things You Care About

Published on Jun 25, 2019

Pete Davies
Senior Director of Product Management

We have a saying at LinkedIn: "People You Know, Talking About Things You Care About." This is, simply, how we think about the LinkedIn Feed.

What goes into your LinkedIn Feed

Posts can appear in your feed because you're connected to, or follow, the person or page that posted it. Or because a connection liked, commented, or shared someone else's post. You may also see posts from groups you've joined, hashtags that you follow, and events you're attending. Again, all with the goal of showing you the content and conversations that you care about.

Posts generally have some text, and can also include a link or piece of media such as an article, video, image(s), or job post.

Every time you open your LinkedIn app, we check for recent posts by your connections; the people, pages, and hashtags you follow; and groups you've joined — all so you can keep up with the latest conversations in your communities.

(*E.g.*, https://news.linkedin.com/2019/January/what-s-in-your-linkedin-feed--people-you-know--talking-about-thi#:~:text=To%20summarize%2C%20your%20LinkedIn%20feed,and%20hashtags%20that%20you%20follow (published June 25, 2019) (retrieved May 12, 2023)).

COMPANIES > LINKEDIN (ACQUIRED BY MICROSOFT)

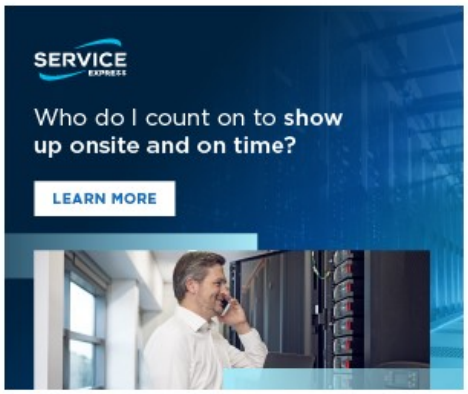
LinkedIn Says Its Open19 Server Design Is Ready for Prime Time

An Open19 brick server

Says will open-source hardware platform, including network switch, power shelf, and cabling system, in coming weeks and months.

Yevgeniy Sverdlik | Sep 27, 2018

Hardware designs LinkedIn created to lower costs and speed up its data center deployment are now ready for primetime, the social network said Thursday.



LinkedIn first revealed the initiative, called Open19, more than two years ago and this July said it was putting finishing touches on the first deployment. The deployment of Open19 gear inside the Microsoft-owned company's data centers is now in full swing, Yuval Bachar, a top LinkedIn data center engineer, wrote in a blog post.

Today, Open19 defines four standard server form factors (chassis dimensions), two "cages" for those servers to slide into, power and data cables, a power shelf, and a network switch.

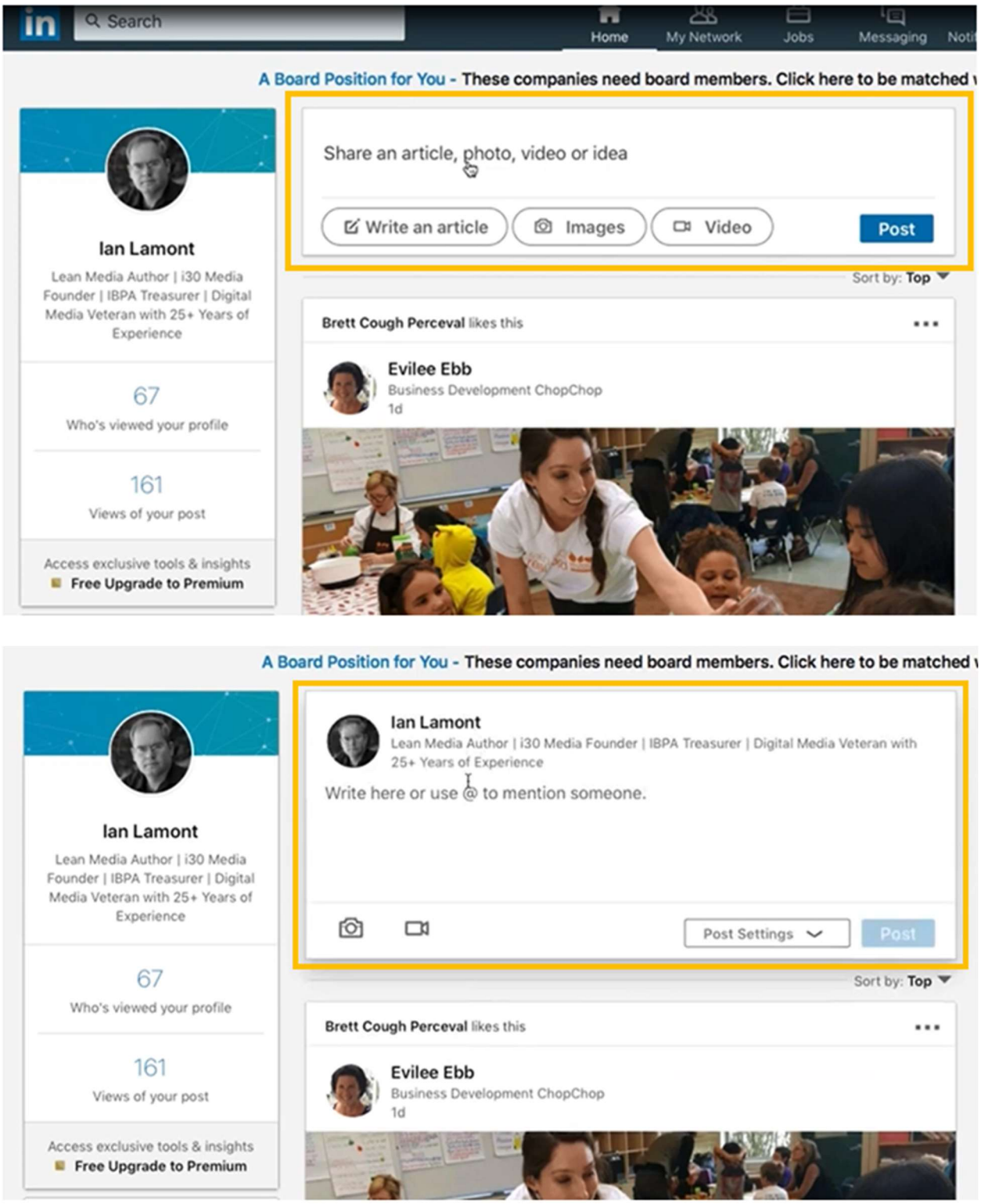
(*E.g.*, https://www.datacenterknowledge.com/linkedin-acquired-microsoft/linkedin-says-its-open19-server-design-ready-prime-time (published September 27, 2018) (retrieved May 12, 2023)).

The overall idea behind the design is to minimize the amount of work it takes to deploy servers in a data center. The cages go into standard 19-inch server racks; technicians can slide any of the four standard server "bricks" into the cages and quickly supply them with power and network links, using a single connector per server.

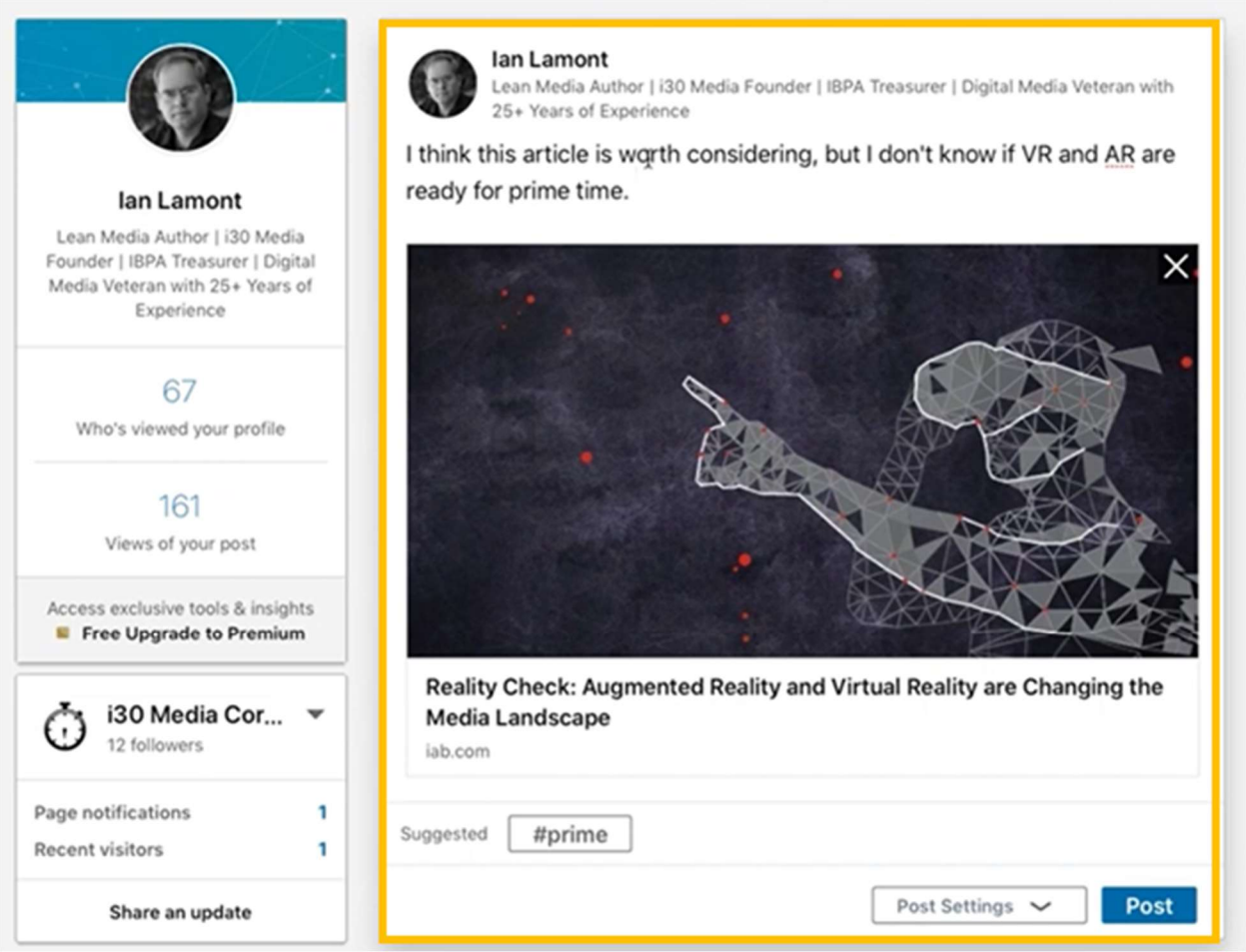
LinkedIn also wanted to standardize hardware deployment across both core and edge data centers. Edge locations, which in LinkedIn's case are probably in colocation data centers, don't have LinkedIn technicians onsite. The simple design means the company doesn't have to hire highly trained engineers every time it has to deploy new servers in a remote location.

(*E.g.*, https://www.datacenterknowledge.com/linkedin-acquired-microsoft/linkedin-says-its-open19-server-design-ready-prime-time (published September 27, 2018) (retrieved May 12, 2023)).

23. The Accused Instrumentality includes an electronic media submissions server subsystem, having one or more data processing apparatus and an electronic media submissions database in order to process and store received submissions from users, for example as discussed above in connection with the Accused Instrumentality's servers. These submissions, which include *e.g.,* text, images, videos, hyperlinks, "@" tags and hashtags in chosen formatting, to be provided to the LinkedIn platform via a submissions electronic interface configured to receive such electronic media submissions (*e.g.,* text, images, hyperlinks, and hashtags in a chosen formatting) from a plurality of submitters (*e.g.,* LinkedIn users with accompanying created accounts) over a public network (*e.g.*, the Internet) and stored in said electronic media submissions database for use in distribution to other users.



(*E.g.*, https://www.youtube.com/watch?v=okycRyOKflw (published September 8, 2018)).



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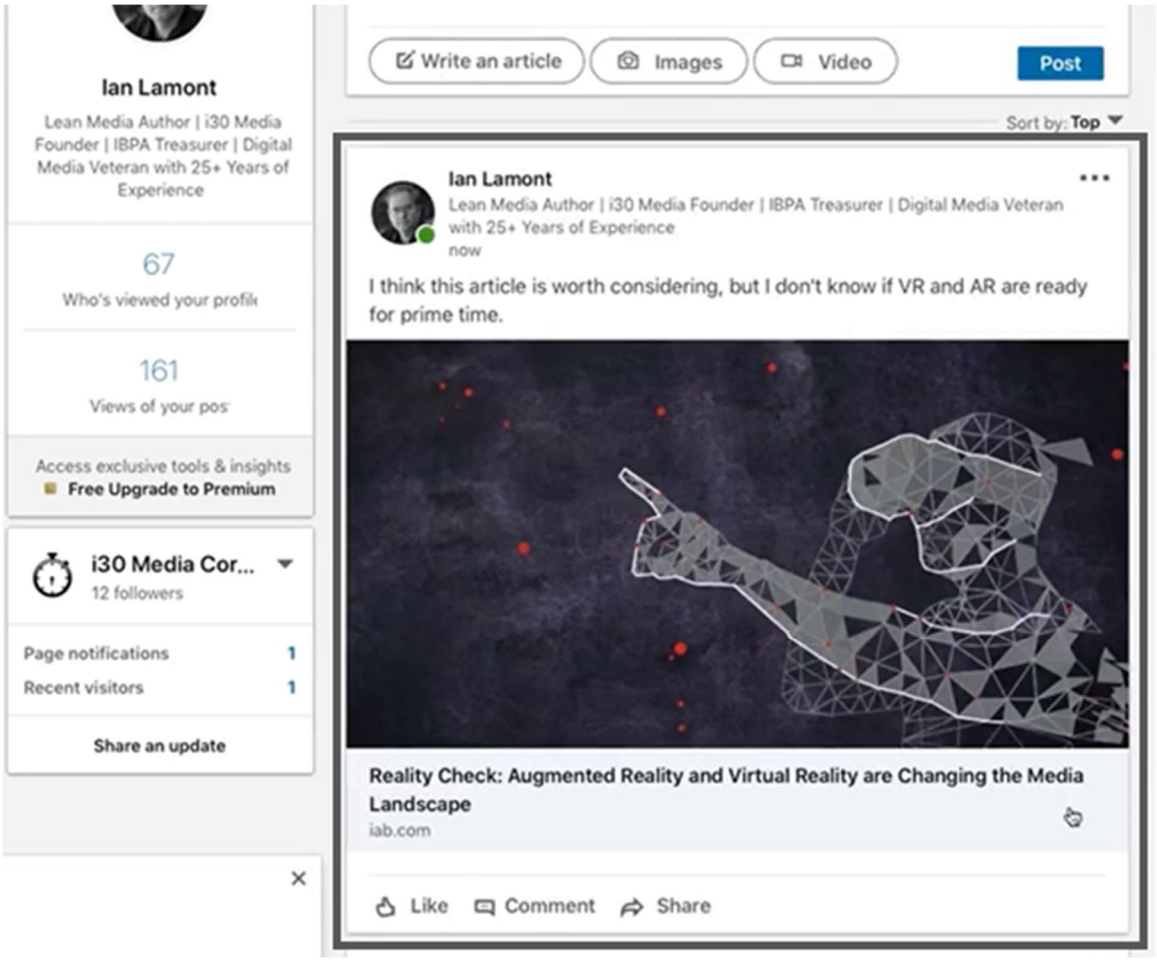

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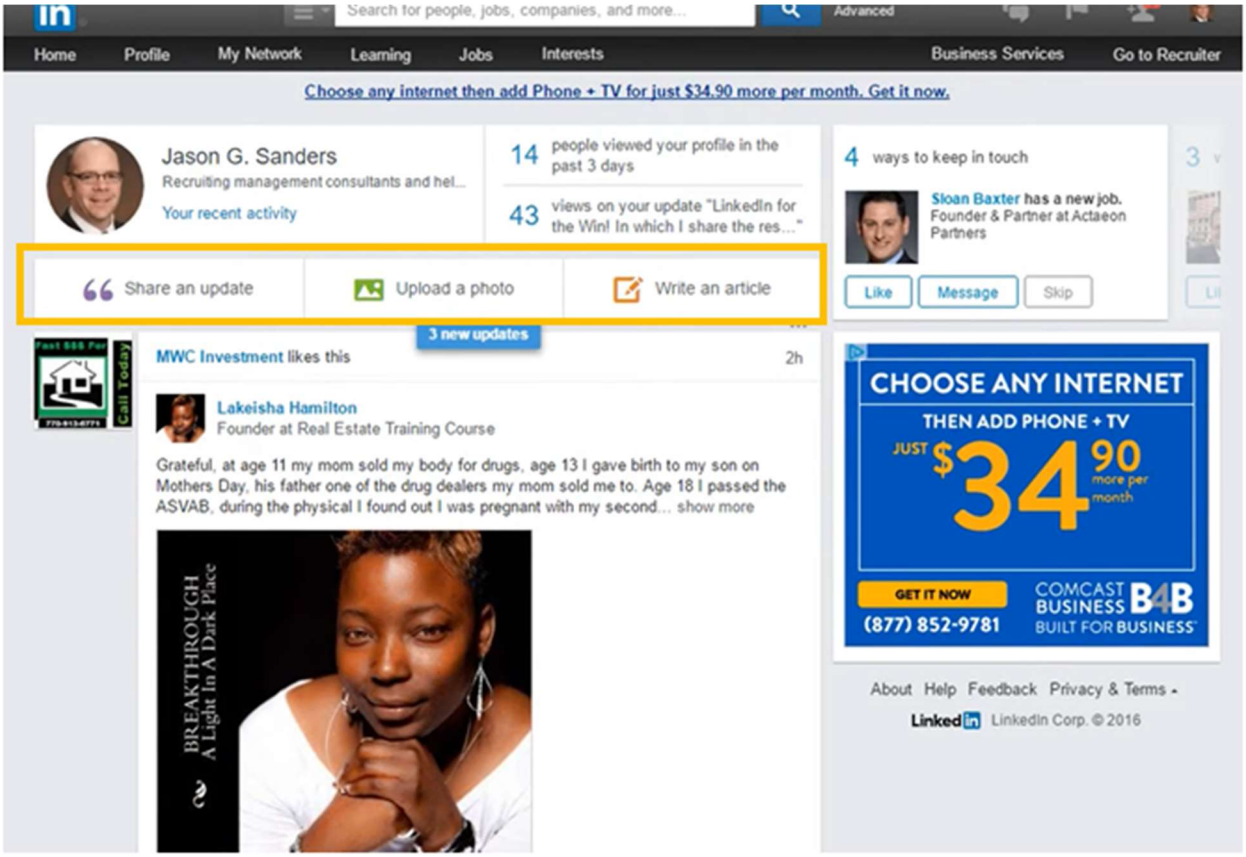
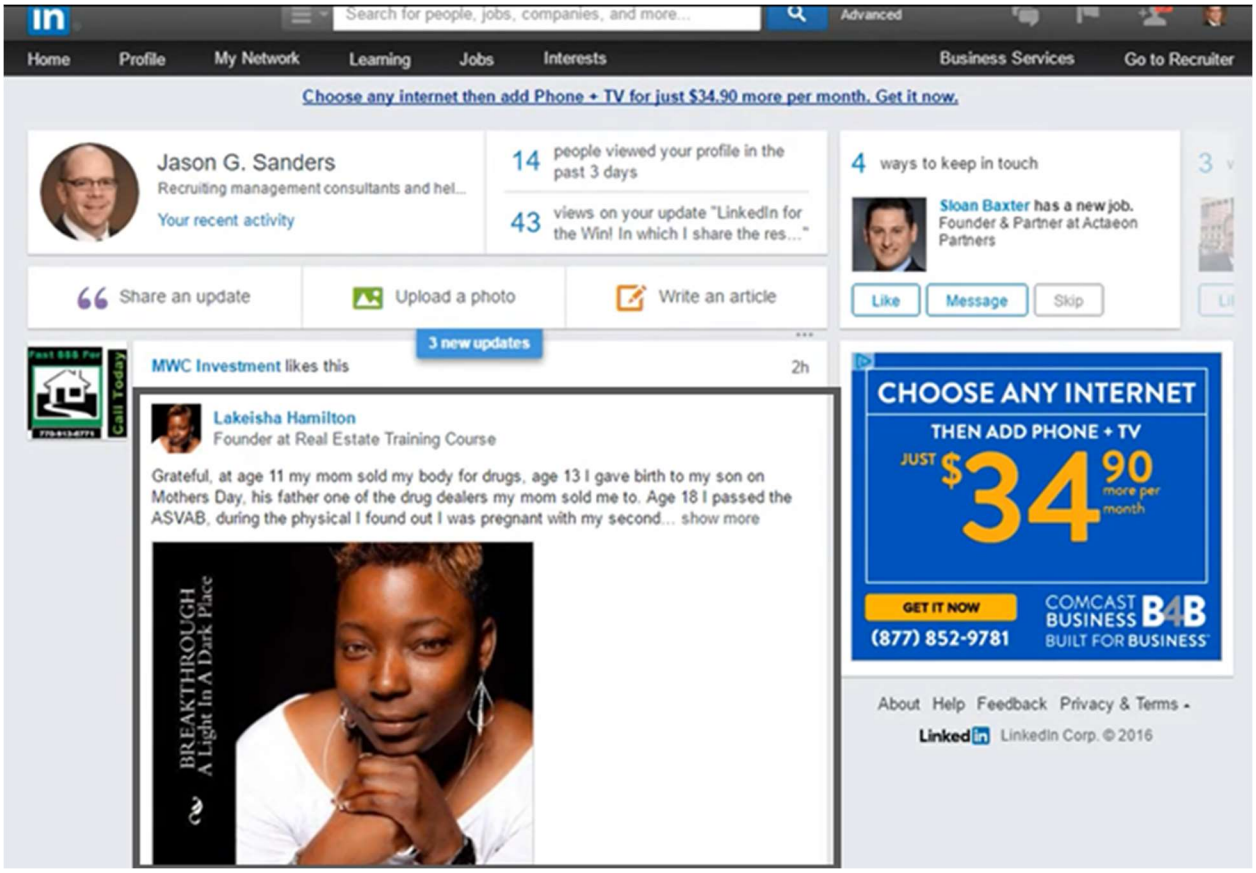


(*E.g.*, https://www.youtube.com/watch?v=biJW9nzW8uk (published Nov 9, 2016)).



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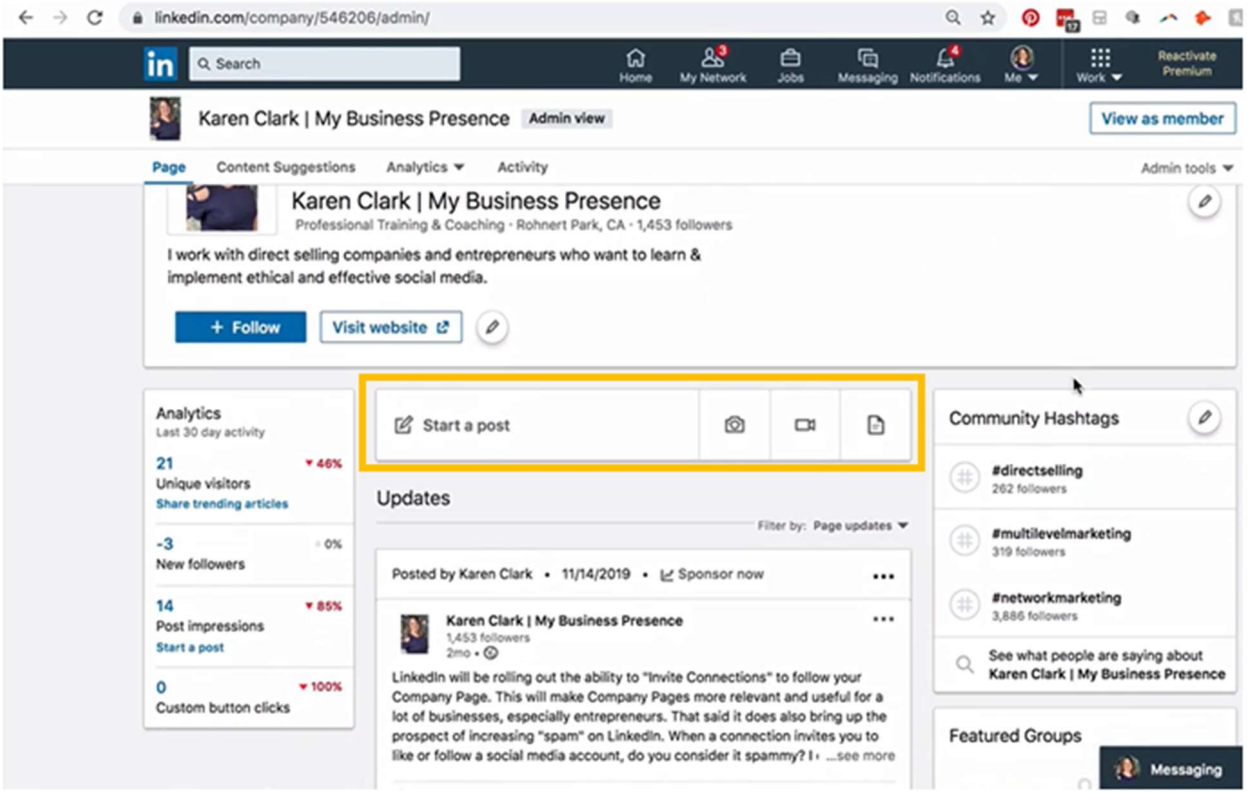
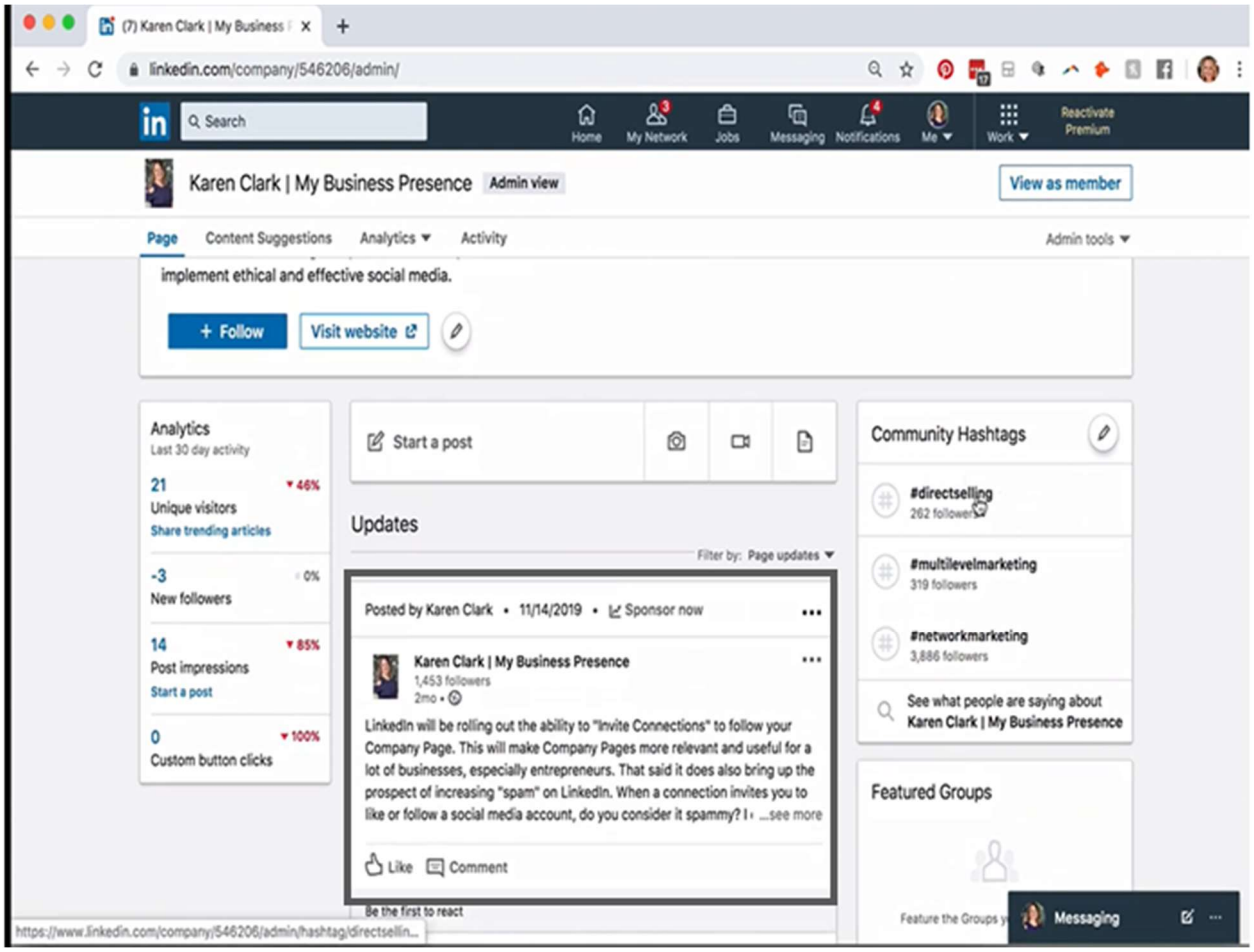
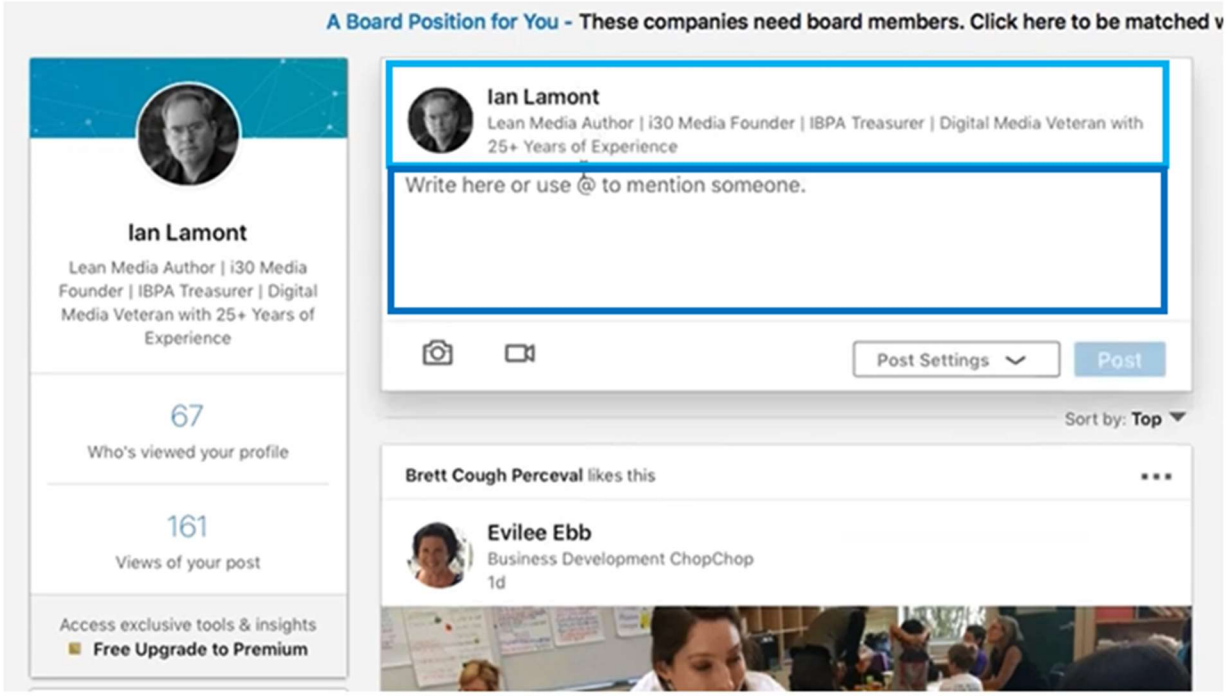


(*E.g.*, https://www.youtube.com/watch?v=vJHNa1fRdSs (published January 17, 2020)).



(*E.g.*, https://www.youtube.com/watch?v=vJHNa1fRdSs (published January 17, 2020)).

24. The electronic media submissions database of the Accused Instrumentality stores the submissions (*e.g.,* text, images, videos, hyperlinks, and hashtags in a chosen formatting, forming a multimedia post, submitted by LinkedIn users) further stores data identifying the submitter and data indicating content for each electronic media submission, *e.g.,* as shown below.



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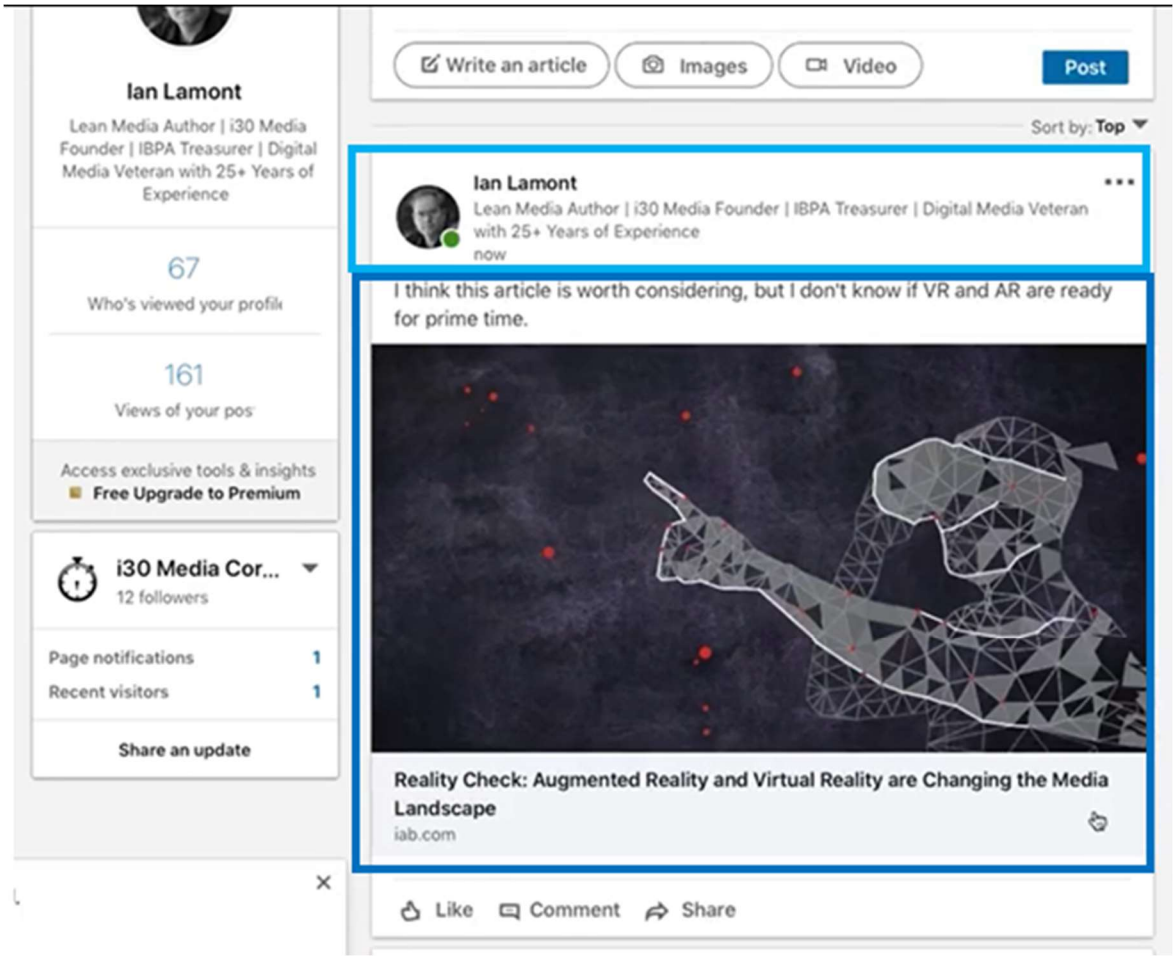

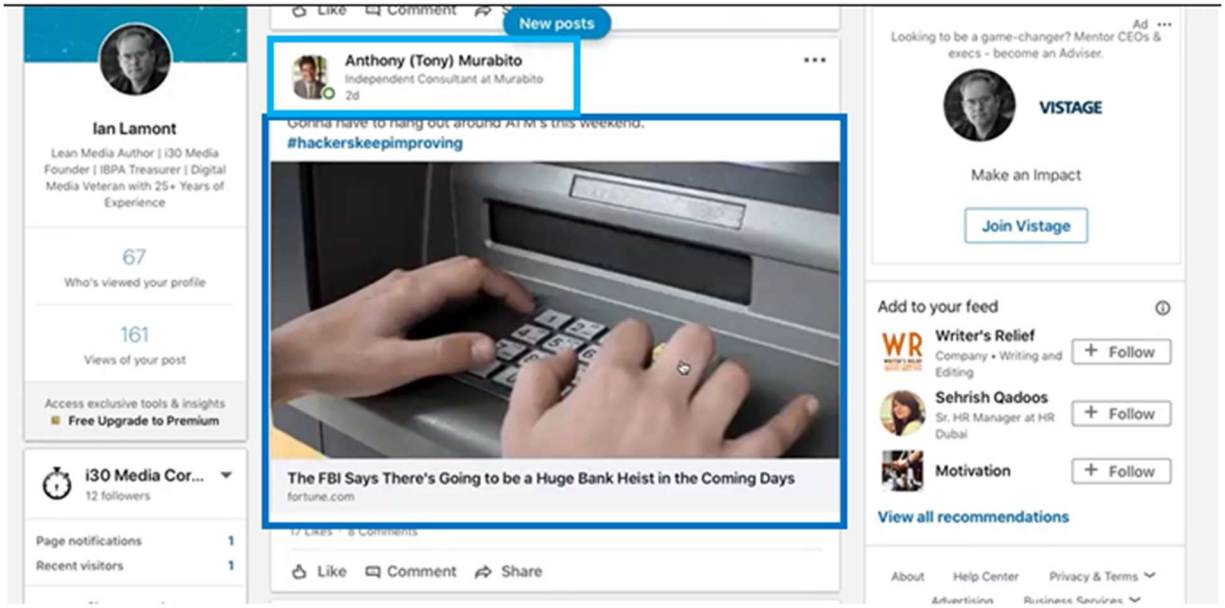

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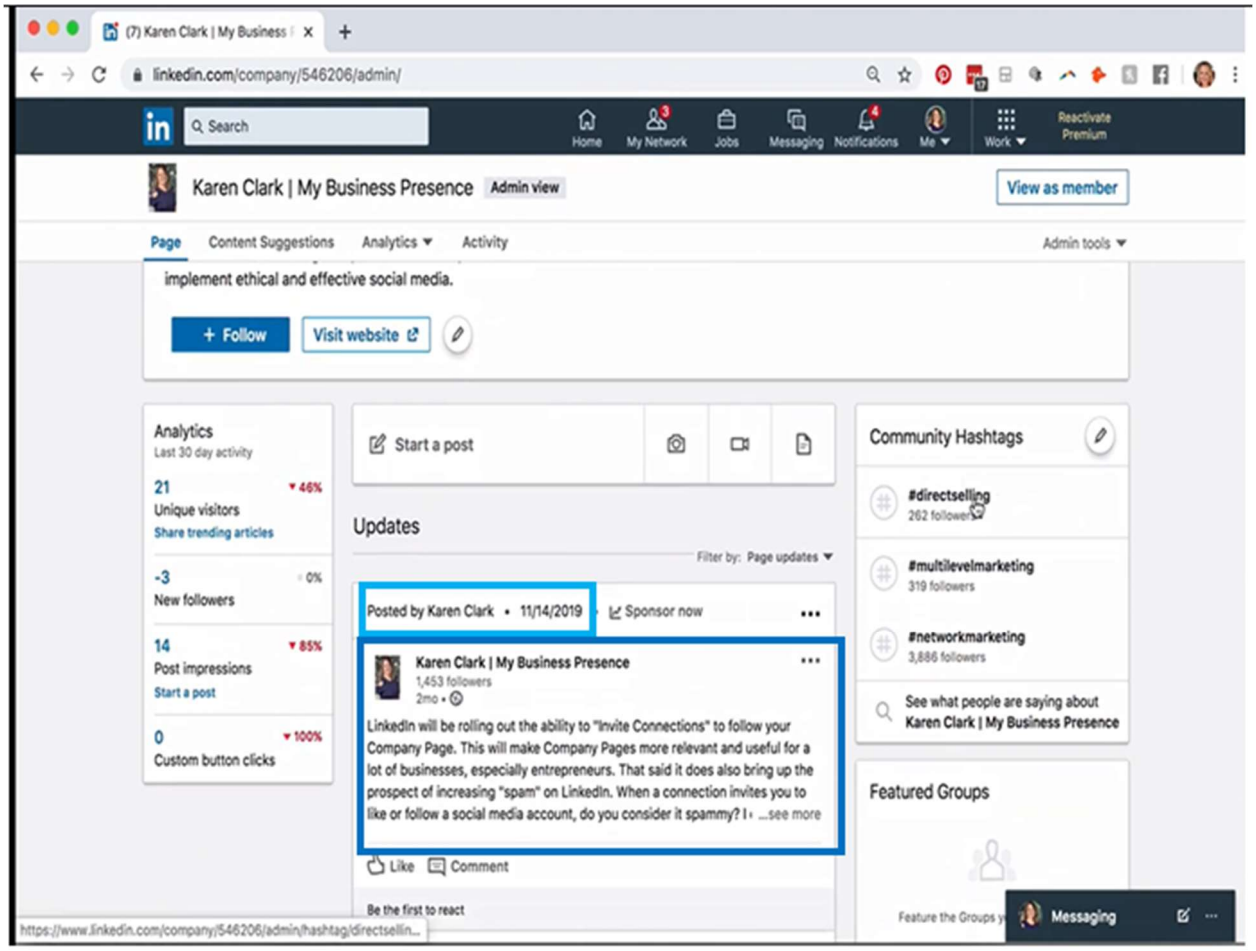

(*E.g.*, https://www.youtube.com/watch?v=vJHNa1fRdSs (published January 17, 2020)).

25. The Accused Instrumentality comprises a user database comprising one or more user attributes stored in such database. Such user database is stored in memory available through the Accused Instrumentality's servers, for example as discussed below. Some examples of such user attributes stored in such user database on the Accused Instrumentality are connections to other users, follows of other users, joined groups, followed hashtags, and events being attended, that may be indicated by a user stored within such user database. Further examples of such user attributes stored in such user database on the Accused Instrumentality are user profile pictures, a user name, a user description, profile views, post views, a corporate account name, and a number of followers, as shown for example below.

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Published on Jun 25, 2019

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Senior Director of Product Management

We have a saying at LinkedIn: "People You Know, Talking About Things You Care About." This is, simply, how we think about the LinkedIn Feed.

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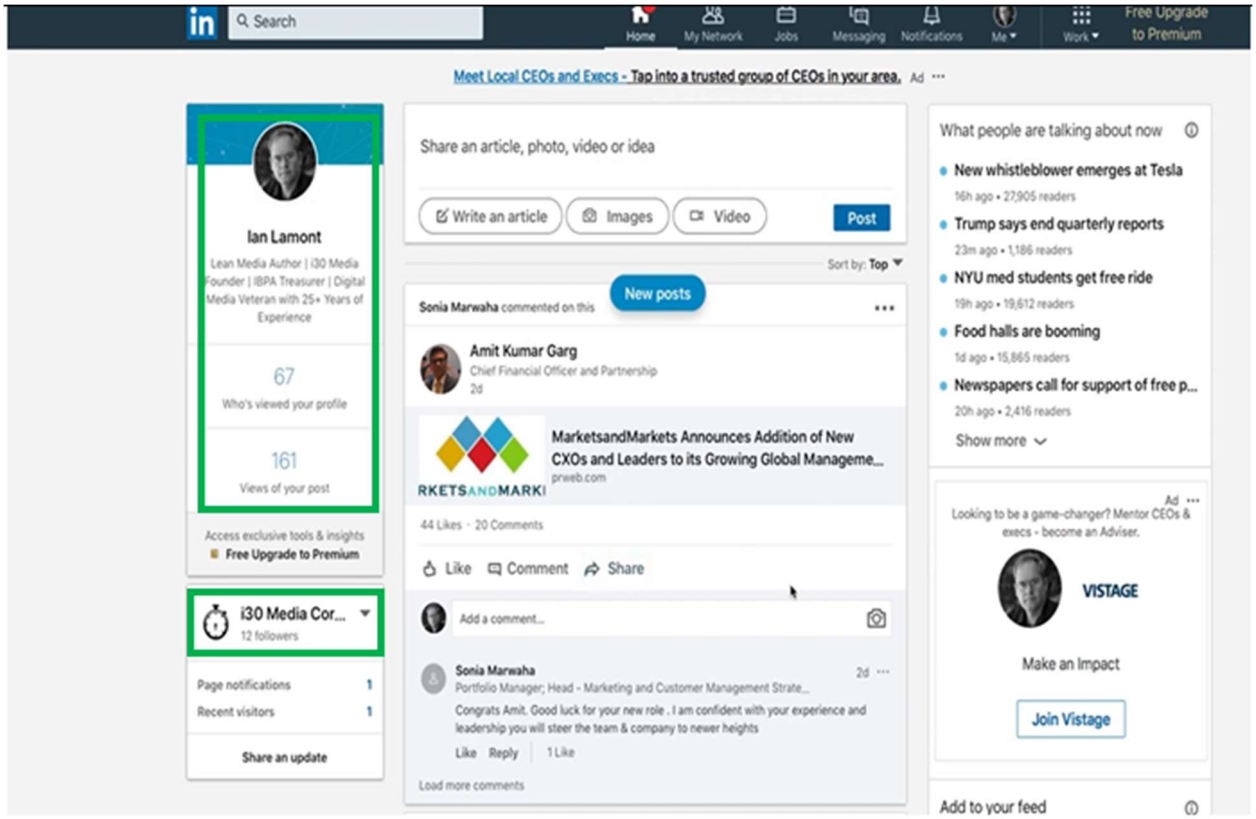
Posts generally have some text, and can also include a link or piece of media such as an article, video, image(s), or job post.

Every time you open your LinkedIn app, we check for recent posts by your connections; the people, pages, and hashtags you follow; and groups you've joined — all so you can keep up with the latest conversations in your communities.

(*E.g.*, https://news.linkedin.com/2019/January/what-s-in-your-linkedin-feed--people-you-know--talking-about-thi#:~:text=To%20summarize%2C%20your%20LinkedIn%20feed,and%20hashtags%20that%20you%20follow (published June 25, 2019) (retrieved May 12, 2023)).



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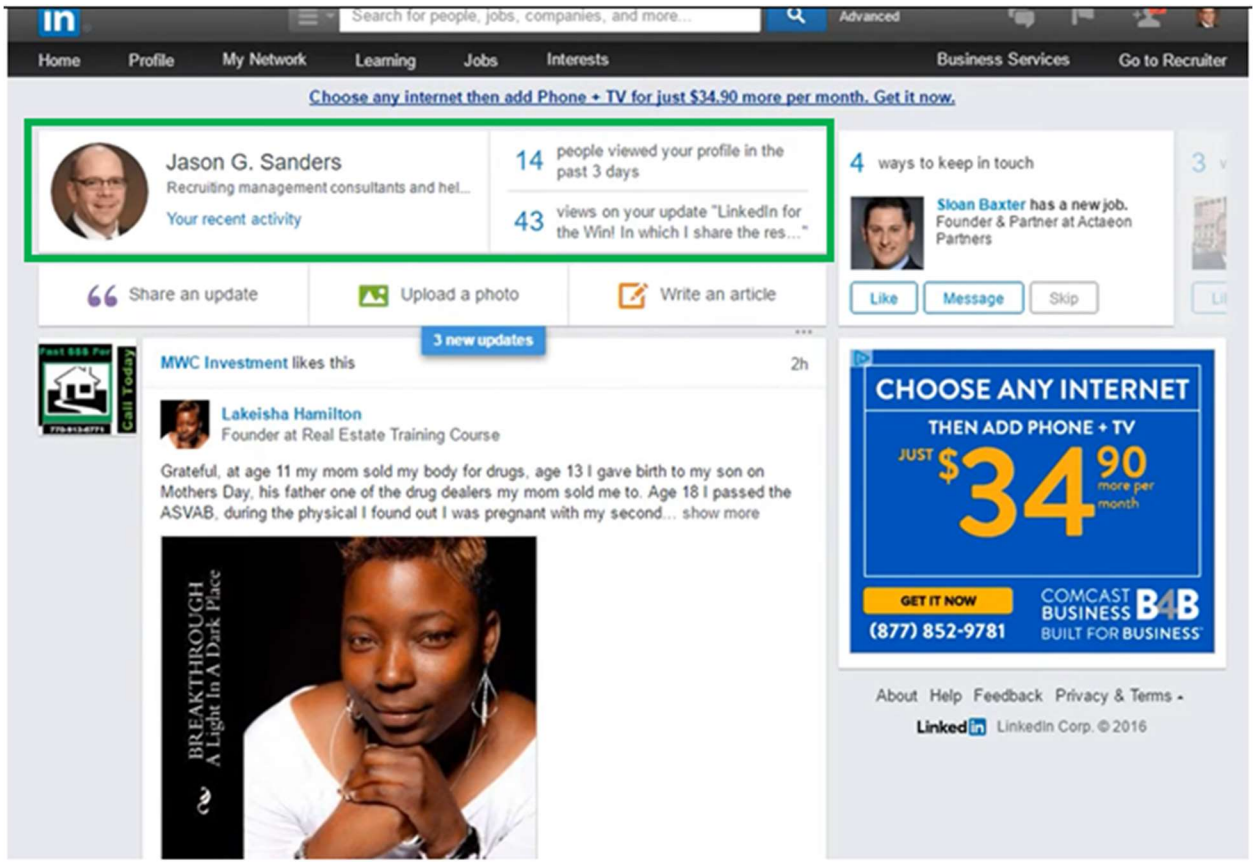

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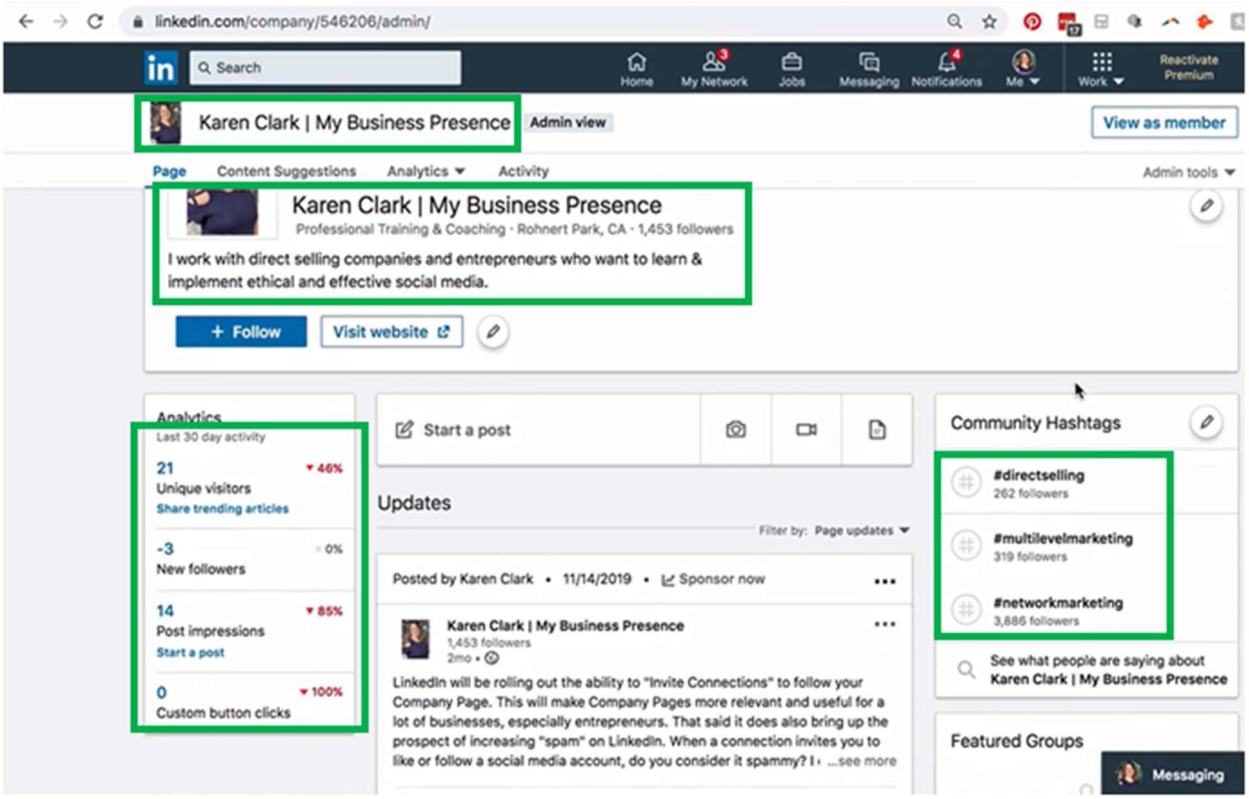

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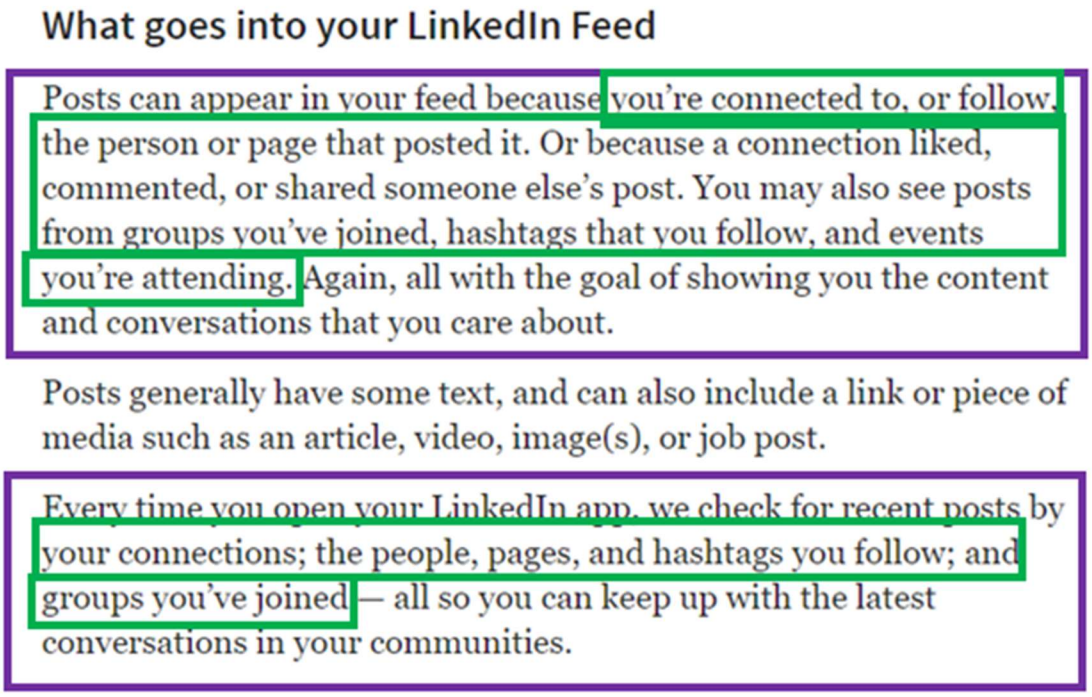
26. The Accused Instrumentality employs an electronic multimedia creator server subsystem operatively coupled to the electronic media submissions server subsystem, necessarily having one or more data processing apparatus in order to manage content, and an electronic creator multimedia database stored on a non-transitory medium, configured to select and retrieve a plurality of electronic media submissions from the electronic media submissions database using an electronic content filter located on the electronic multimedia creator server. As can be seen below, such electronic content filter as is used by LinkedIn is based at least in part on at least one of the one or more user attributes (*e.g.,* based on connections, groups joined, hashtags followed, events attending, and followed pages, which in turn affects which electronic media submissions appear on a given user's "LinkedIn Feed"). For example, a multimedia post may be shown based on an individual who a user is following commenting on that post, or based on a hashtag that the

user is following, or based on a hashtag that user is following. Such function-specific subsystems may be contained within the function-specific servers, from among communicatively connected LinkedIn servers of LinkedIn Corporation, for example as discussed below.



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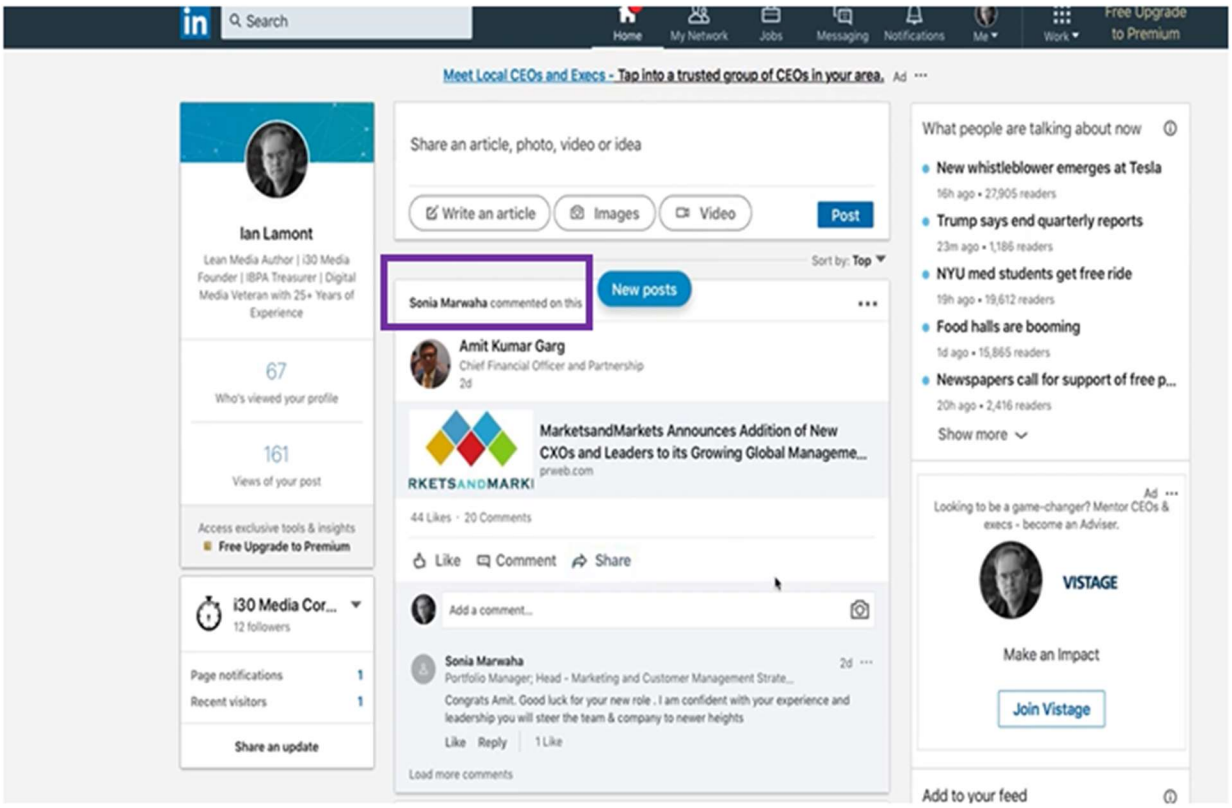

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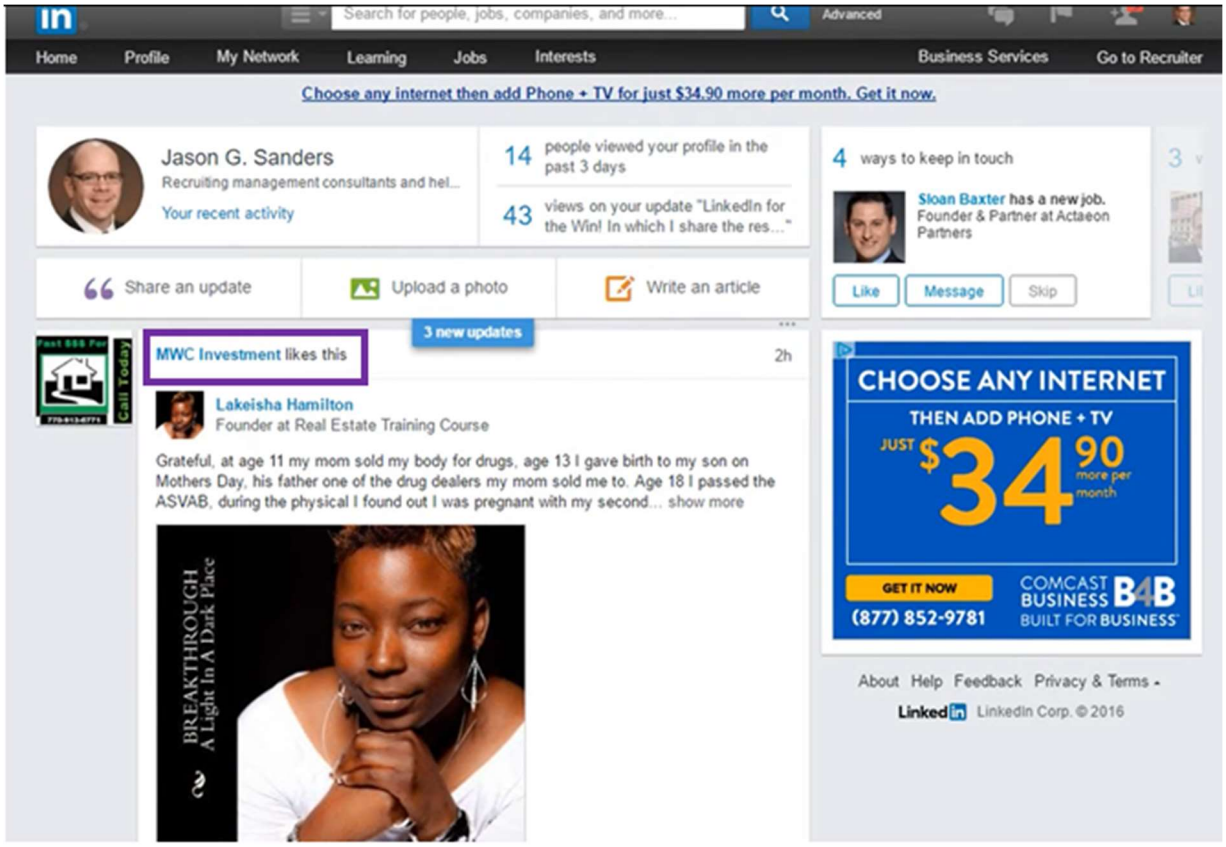

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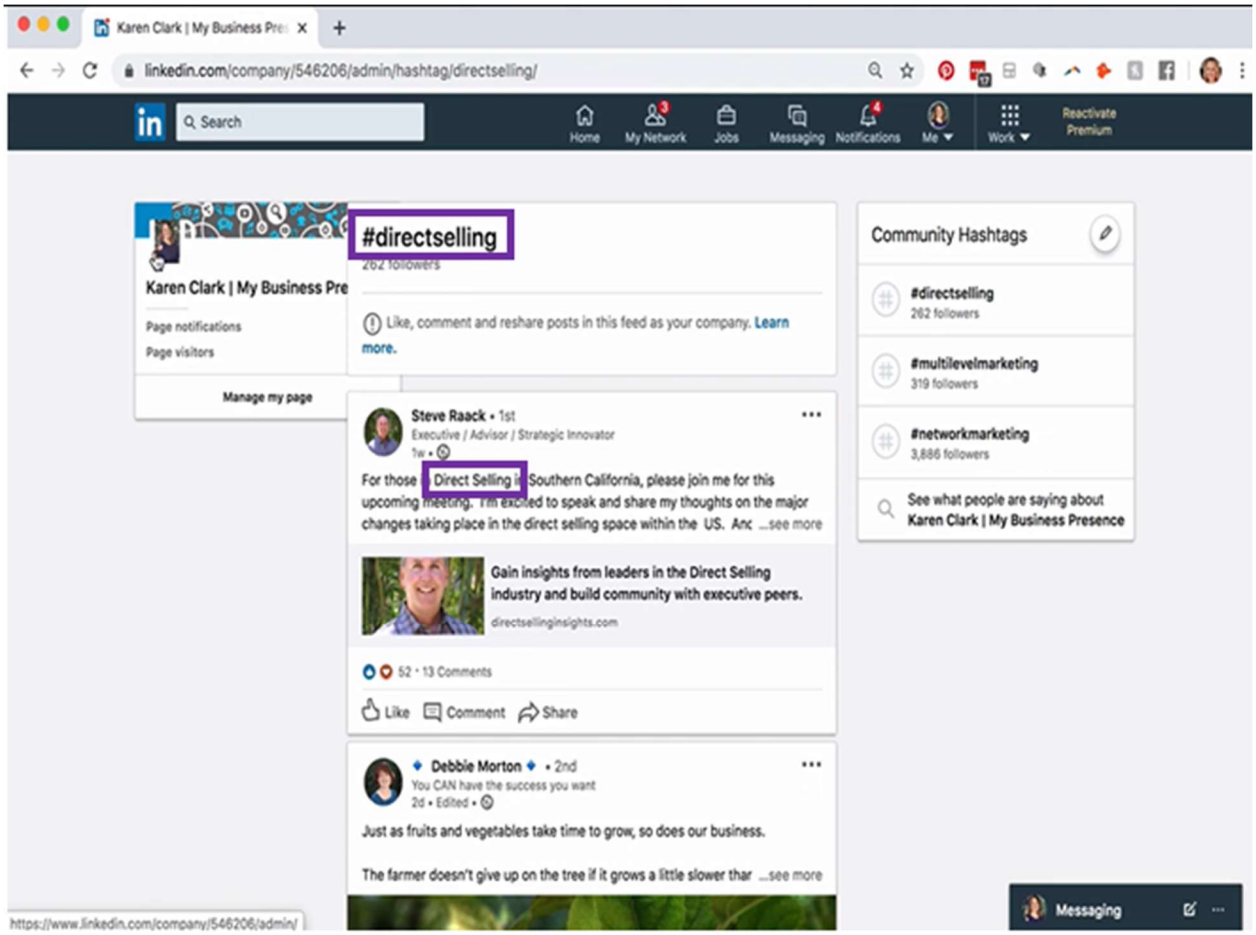
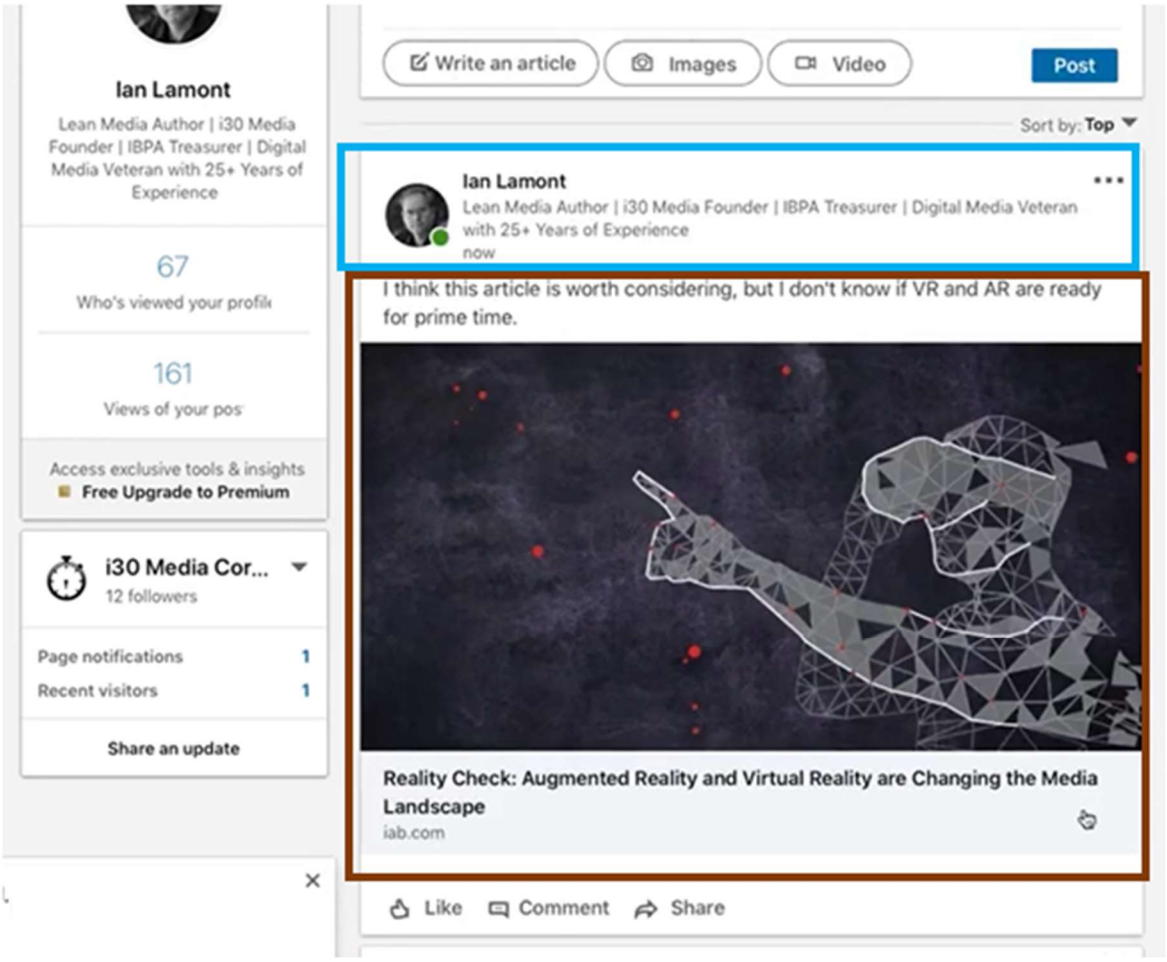
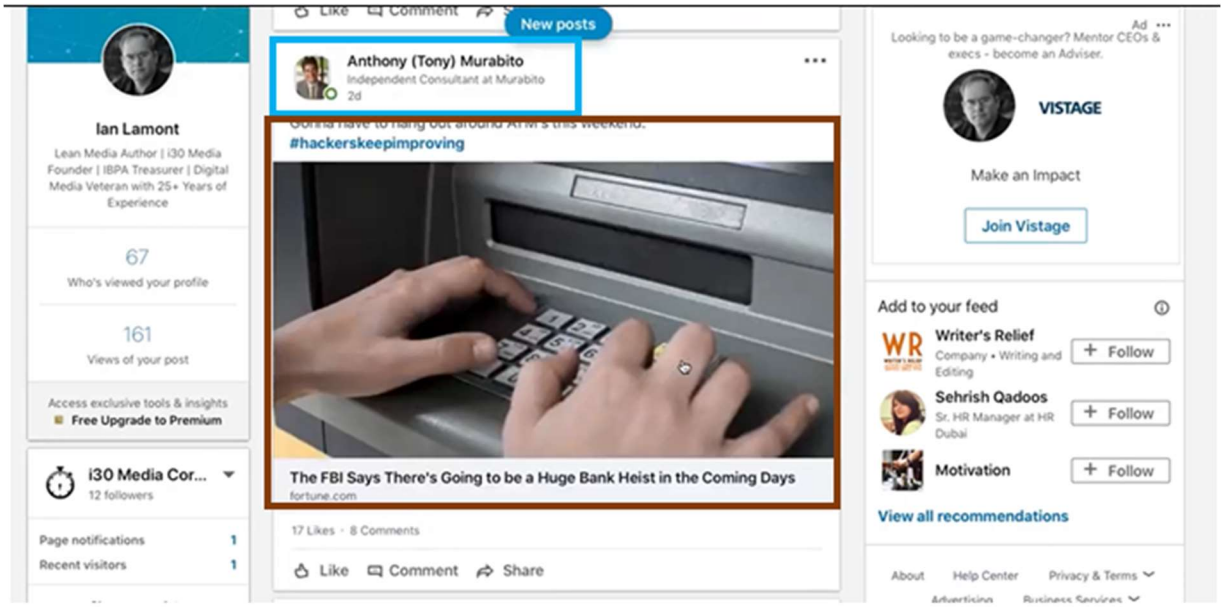


(*E.g.*, https://www.youtube.com/watch?v=vJHNa1fRdSs (published January 17, 2020)).

27. Such electronic content filter is used by the Accused Instrumentality to develop multimedia content (*e.g.,* associated with songs or other audio content) to be electronically available for viewing on user devices (*e.g.,* computers or mobile devices incorporating browsers or the LinkedIn application) wherein the identification of the submitter is maintained with each selected and retrieved submission within the multimedia content.





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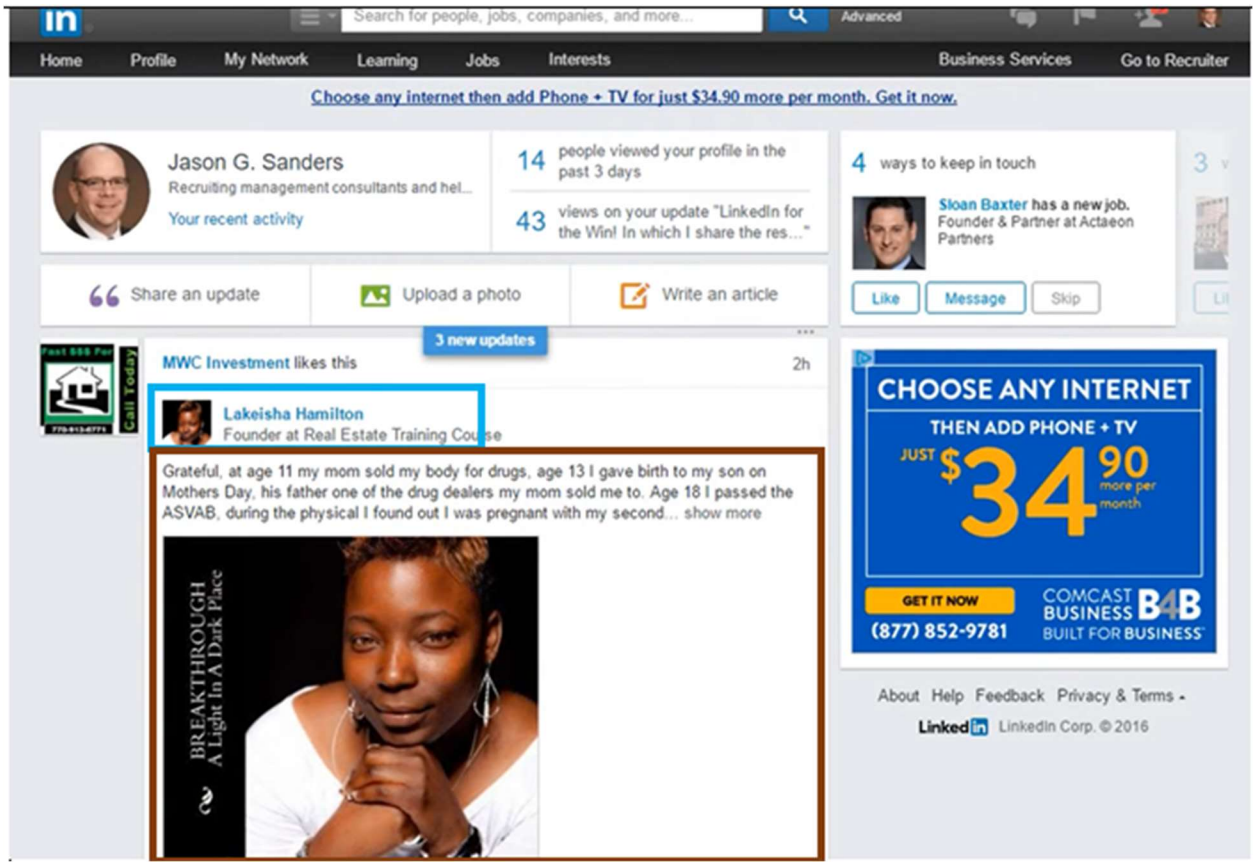
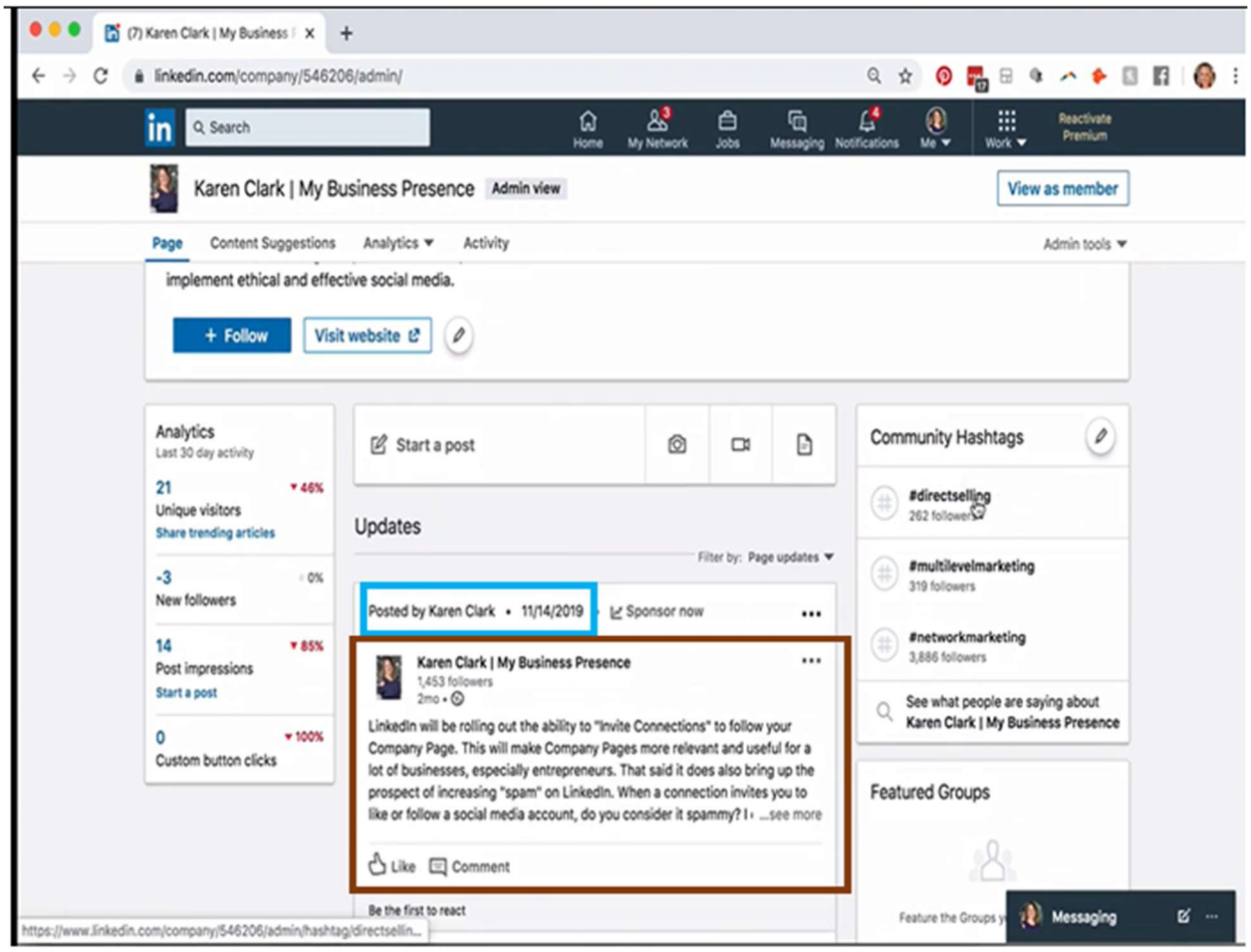
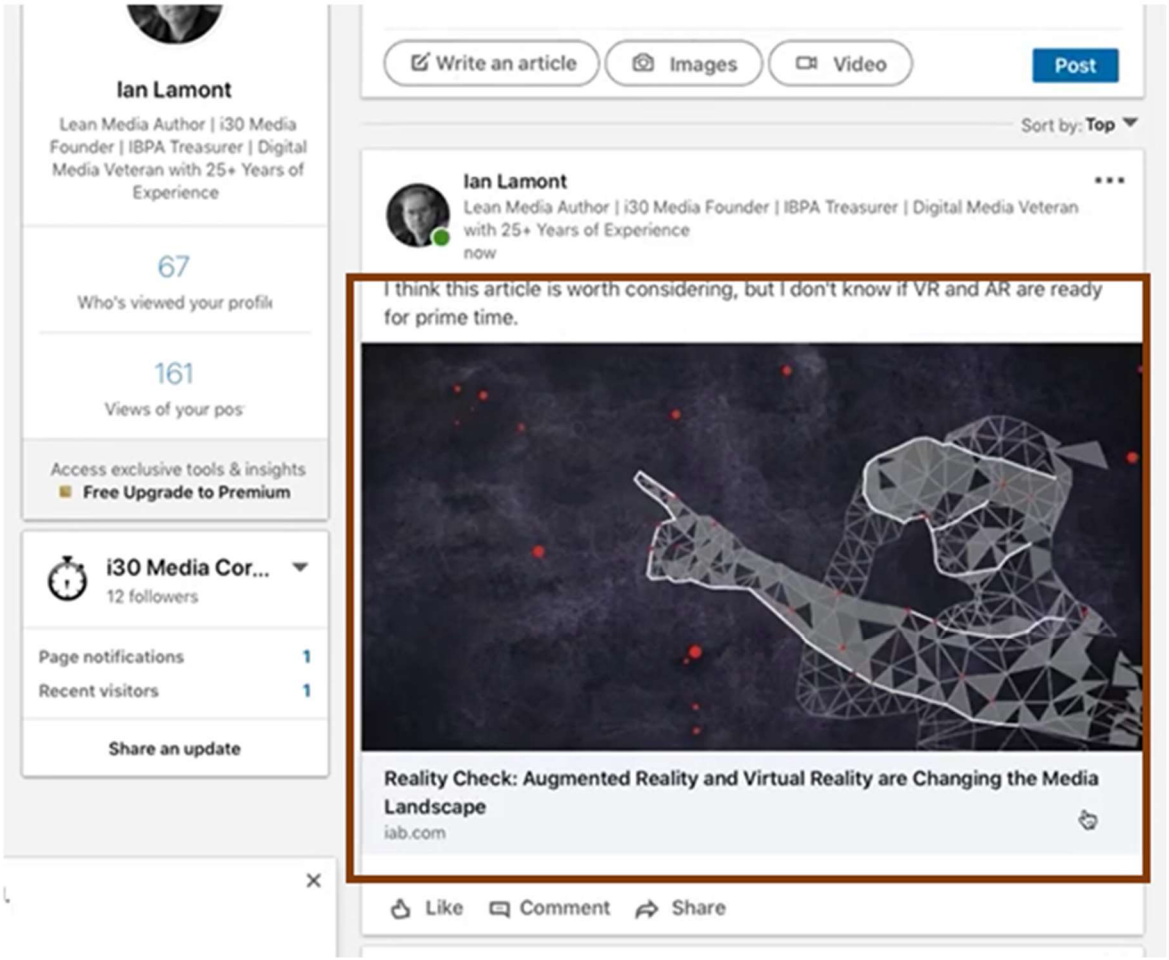


(*E.g.*, https://www.youtube.com/watch?v=biJW9nzW8uk (published Nov 9, 2016)).

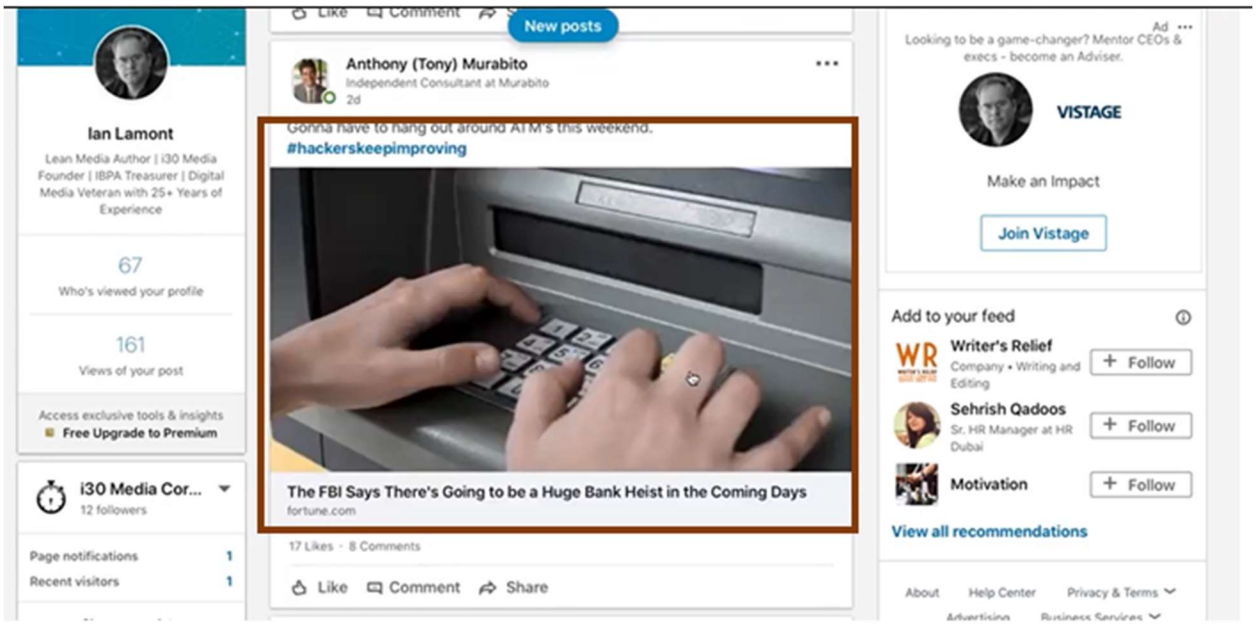


(*E.g.*, https://www.youtube.com/watch?v=vJHNa1fRdSs (published January 17, 2020)).

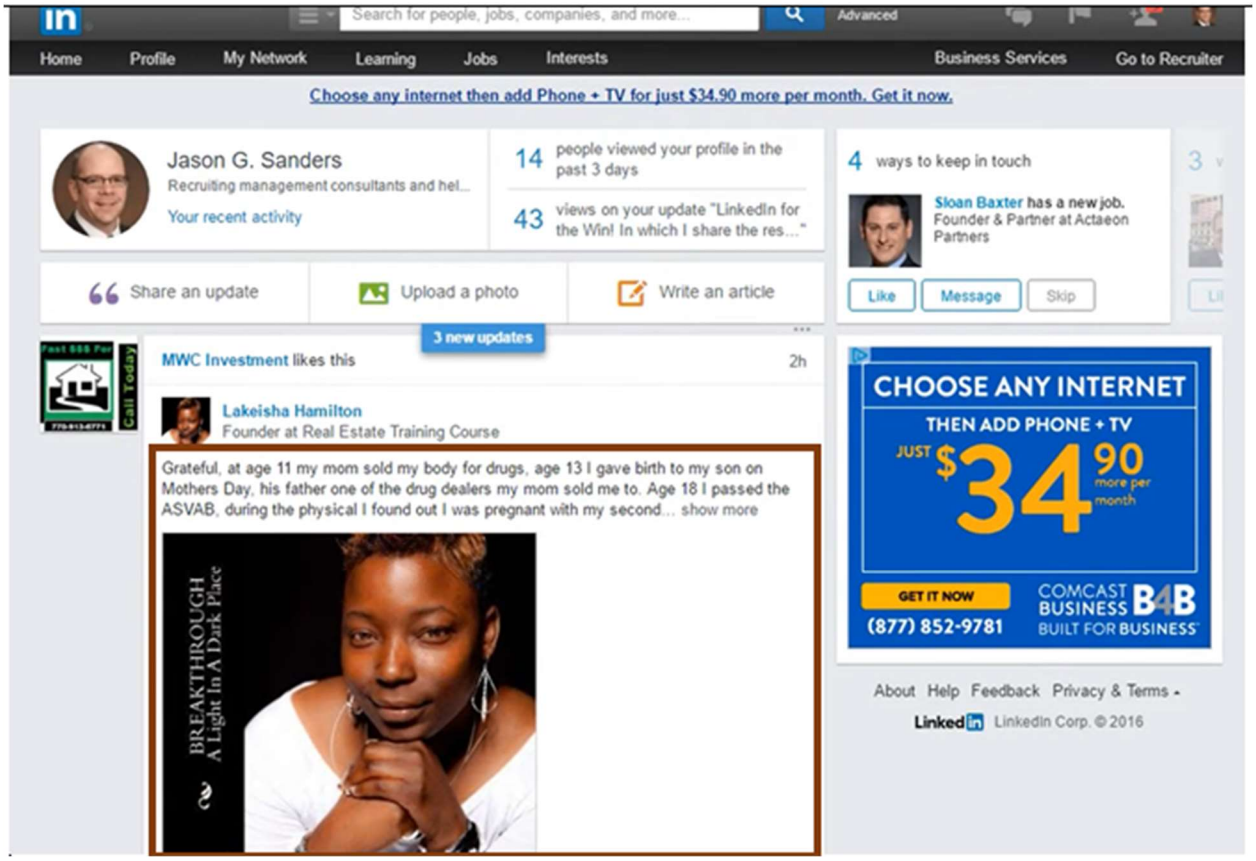
28. The Accused Instrumentality employs an electronic release subsystem operatively coupled to the electronic multimedia creator server subsystem, necessarily having one or more data processing apparatus in order to serve content to LinkedIn users, configured to make the multimedia content electronically available for viewing on one or more user devices. For example, as shown below, multimedia content is provided on a user's device in response to a user logging in to LinkedIn and viewing their LinkedIn Feed. Such function-specific subsystems may be contained within the function-specific servers, from among communicatively connected LinkedIn servers, a plurality of which are publicly accessible and used to host content to the public, for example as discussed below.



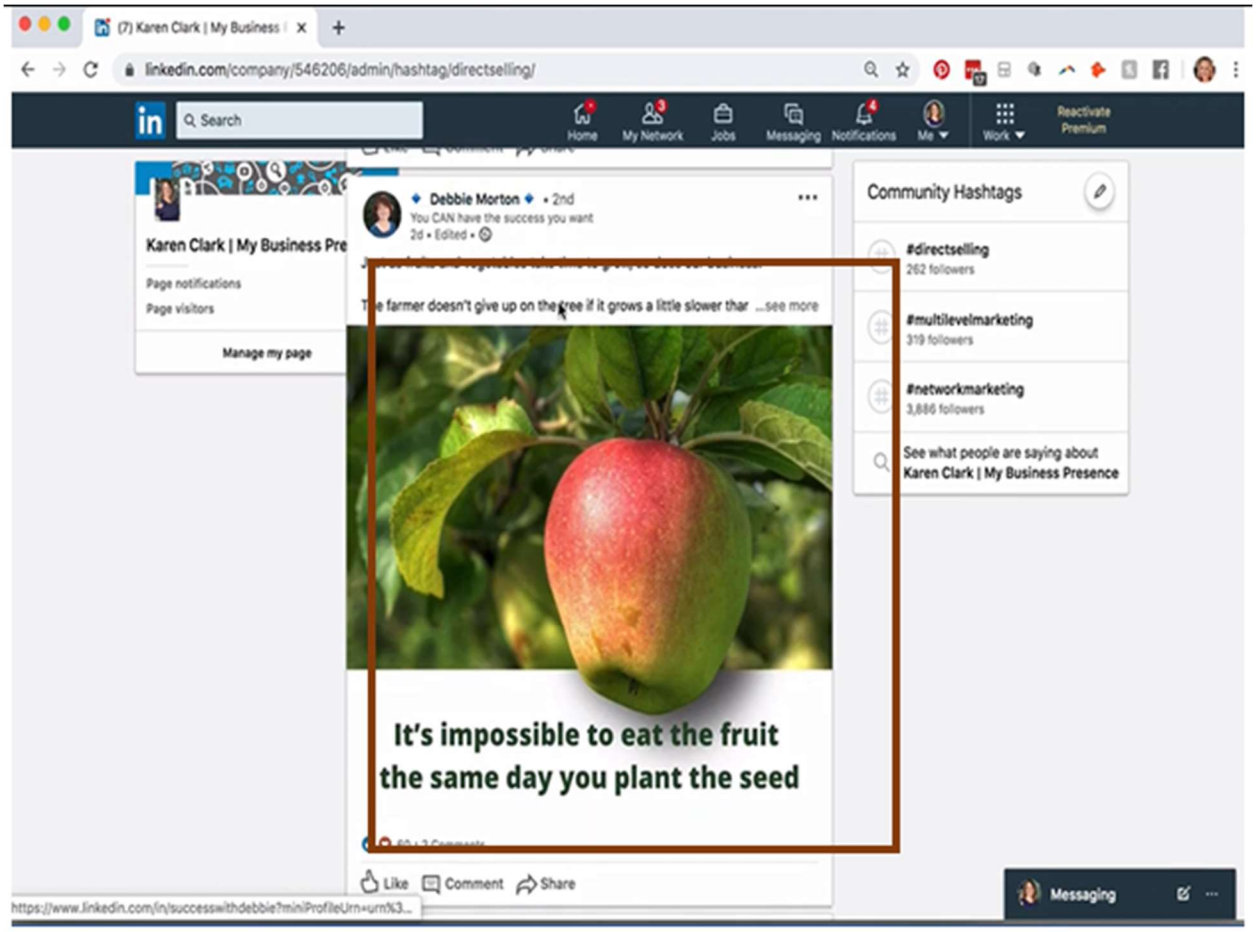
(*E.g.*, https://www.youtube.com/watch?v=okycRyOKflw (published September 8, 2018)).



(*E.g.*, https://www.youtube.com/watch?v=okycRyOKflw (published September 8, 2018)).



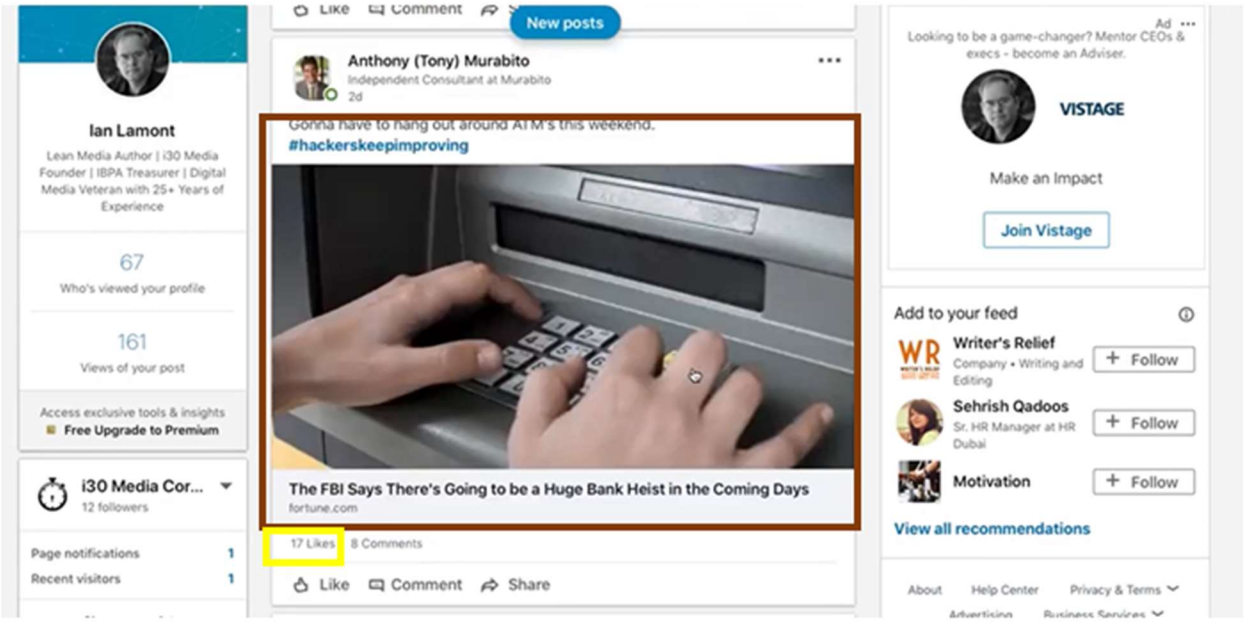
(*E.g.*, https://www.youtube.com/watch?v=biJW9nzW8uk (published Nov 9, 2016)).



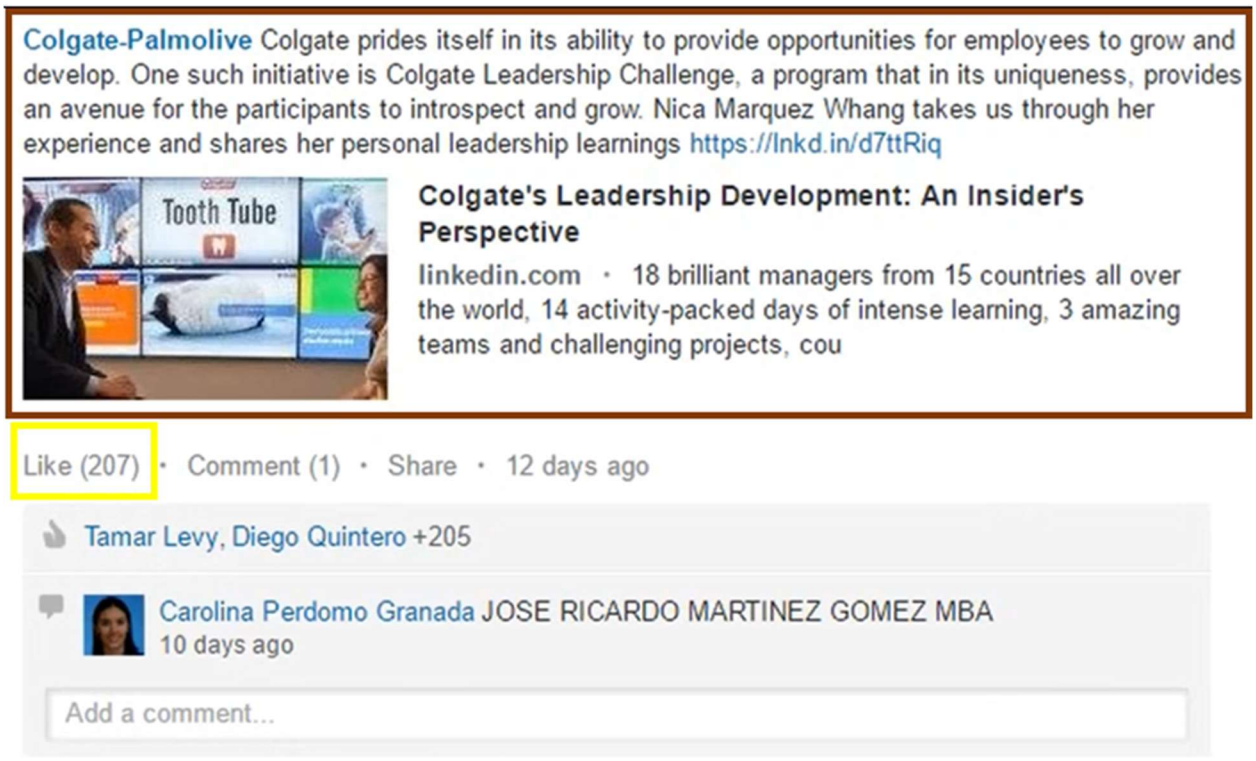
(*E.g.*, https://www.youtube.com/watch?v=vJHNa1fRdSs (published January 17, 2020)).

29. The Accused Instrumentality employs an electronic voting subsystem, necessarily having one or more data processing apparatus in order to track a number of votes, configured to enable a user to electronically vote for or electronically rate (*e.g.,* by selecting a "thumbs up" or "like" or "heart" icon) an electronically available multimedia content or an electronic media submission (*e.g.*, a user post) within a respective electronically available multimedia content. As can be seen below, the option to vote for electronically available multimedia content or an electronic media submission (*e.g.,* a post) within a respective electronically available multimedia content is made available to users via selecting a "like" or 'thumbs up" or "heart" icon, and a total number of such selections is tracked and associated with the multimedia content and/or

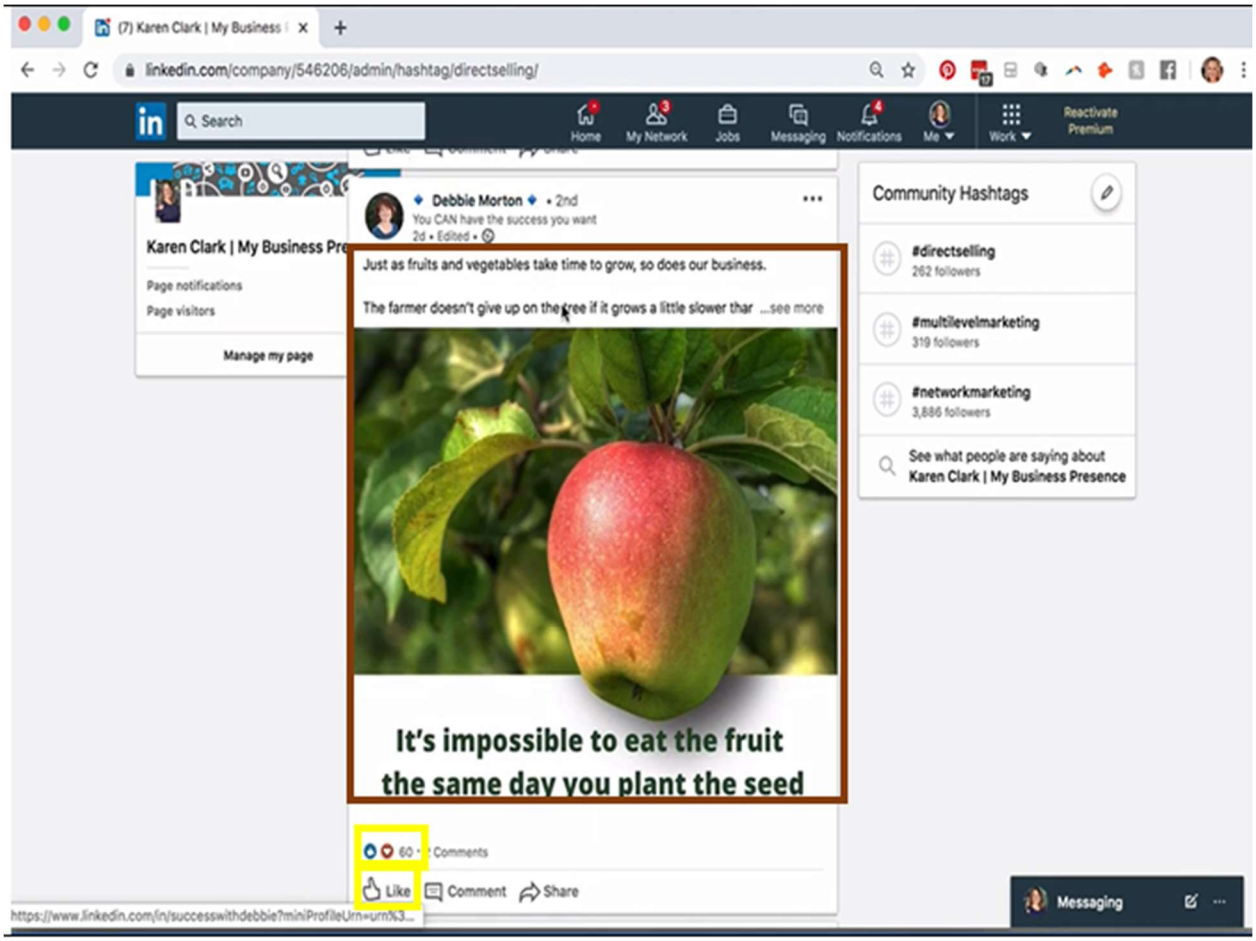
submission. Such function-specific subsystems may be contained within the function-specific servers, from among the communicatively connected LinkedIn servers, for example as discussed below.



(*E.g.*, https://www.youtube.com/watch?v=okycRyOKflw (published September 8, 2018)).



(*E.g.*, https://www.youtube.com/watch?v=biJW9nzW8uk (published Nov 9, 2016)).



(*E.g.*, https://www.youtube.com/watch?v=vJHNa1fRdSs (published January 17, 2020)).

30. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates

Plaintiff for such Defendant's infringement of the '480 Patent, *i.e.*, in an amount that by law cannot be less than would constitute a reasonable royalty for the use of the patented technology, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

31. To the extent marking is required, VCA has complied with all marking requirements.

IV. COUNT II
(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 9,477,665)

32. Plaintiff incorporates the above paragraphs herein by reference.

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

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

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

36. The '665 Patent shares the identical specification as the '480 patent and therefore VCA incorporates the background and discussion of the invention in Paragraphs 11-18.

Furthermore claim 1 involves a system for generating multimedia content. The claim requires, among other things, electronically generating a multimedia file from the retrieved electronic media Submissions in accordance with a selected digital format, wherein the identification of the submitter is maintained with each retrieved submission within the multimedia file. The claim requires electronically transmitting the multimedia file to a plurality of publicly accessible webservers to be electronically available for viewing on one or more user devices over a public network via a web-browser and. This allows electronically transmit data indicating votes or rating of multimedia content in a much quicker and easier fashion based on specific user criteria. There is nothing abstract about this very particular, unconventional, and non-routine system for the generation of multimedia content as specifically claimed and there is no risk of preempting creating and distribution contention generally, or even within the context of the Internet.

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

- "electronically retrieving a plurality of electronic media submissions,"
- "electronically generating a multimedia file from the retrieved electronic media submissions in accordance with a selected digital format,"
- "electronically transmitting the multimedia file to a plurality of publicly 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."

38. Each of these subsystems are configured in a very specific (and not generi0, 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 databased 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.

39. 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."

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

41. The claims also require "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," which is a well-defined, specific, and unconventional feature. By including this additional voting/rating feature, the claims avoid any risk of preempting the creation and distribution of content.

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

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

44. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing claim 1 of the '665 Patent in Illinois, and elsewhere in the United States, by employing a computer-based system using https://www.linkedin.com/ ("Accused Instrumentality") (*e.g.,* https://www.linkedin.com/).

45. LinkedIn Corporation uses a computer-based system of the Accused Instrumentality, for example to enable the provision of a personalized LinkedIn Feed that shows users multimedia content based, *inter alia*, on their followers and connections. Upon information and belief, this system makes use of one or more data processing apparatus, and a computer readable medium coupled to the one or more data processing apparatus having instructions stored

thereon which, when executed by the one or more data processing apparatus, cause the one or more data processing apparatus to perform an electronic method comprising the functions as further discussed below. For example, LinkedIn Corporation has employed, in order to operate its Linked platform and LinkedIn feed, Open19 gear within LinkedIn Corporation-owned company data centers in or around 2016-2018. Such Open19 gear is made up of systems comprised standard server chassis dimensions, cages for those servers to slide into, power and data cables, a power shelf, and a network switch. The LinkedIn server systems involve both core and edge data centers. (https://news.linkedin.com/2019/January/what-s-in-your-linkedin-feed--people-you-know--talking-about-thi#:~:text=To%20summarize%2C%20your%20LinkedIn%20feed,and%20hashtags%20that%20you%20follow (published June 25, 2019) (retrieved May 12, 2023) and https://www.datacenterknowledge.com/linkedin-acquired-microsoft/linkedin-says-its-open19-server-design-ready-prime-time (published September 27, 2018) (retrieved May 12, 2023)).

What's in your LinkedIn Feed: People You Know, Talking About Things You Care About

Published on Jun 25, 2019

Pete Davies
Senior Director of Product Management

We have a saying at LinkedIn: "People You Know, Talking About Things You Care About." This is, simply, how we think about the LinkedIn Feed.

What goes into your LinkedIn Feed

Posts can appear in your feed because you're connected to, or follow, the person or page that posted it. Or because a connection liked, commented, or shared someone else's post. You may also see posts from groups you've joined, hashtags that you follow, and events you're attending. Again, all with the goal of showing you the content and conversations that you care about.

Posts generally have some text, and can also include a link or piece of media such as an article, video, image(s), or job post.

Every time you open your LinkedIn app, we check for recent posts by your connections; the people, pages, and hashtags you follow; and groups you've joined — all so you can keep up with the latest conversations in your communities.

(*E.g.*, https://news.linkedin.com/2019/January/what-s-in-your-linkedin-feed--people-you-know--talking-about-thi#:~:text=To%20summarize%2C%20your%20LinkedIn%20feed,and%20hashtags%20that%20you%20follow (published June 25, 2019) (retrieved May 12, 2023)).

COMPANIES > LINKEDIN (ACQUIRED BY MICROSOFT)

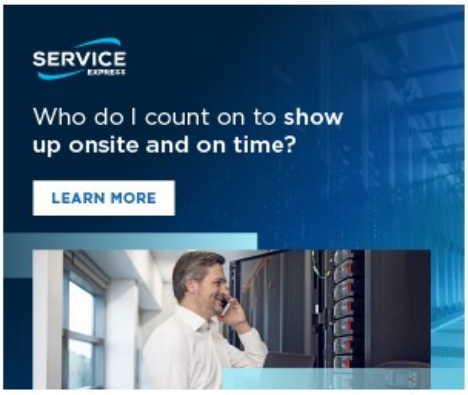
LinkedIn Says Its Open19 Server Design Is Ready for Prime Time

An Open19 brick server

Says will open-source hardware platform, including network switch, power shelf, and cabling system, in coming weeks and months.

Yevgeniy Sverdlik | Sep 27, 2018

Hardware designs LinkedIn created to lower costs and speed up its data center deployment are now ready for primetime, the social network said Thursday.



LinkedIn first revealed the initiative, called Open19, more than two years ago and this July said it was putting finishing touches on the first deployment. The deployment of Open19 gear inside the Microsoft-owned company's data centers is now in full swing, Yuval Bachar, a top LinkedIn data center engineer, wrote in a blog post.

(*E.g.*, https://www.datacenterknowledge.com/linkedin-acquired-microsoft/linkedin-says-its-open19-server-design-ready-prime-time (published September 27, 2018) (retrieved May 12, 2023)).

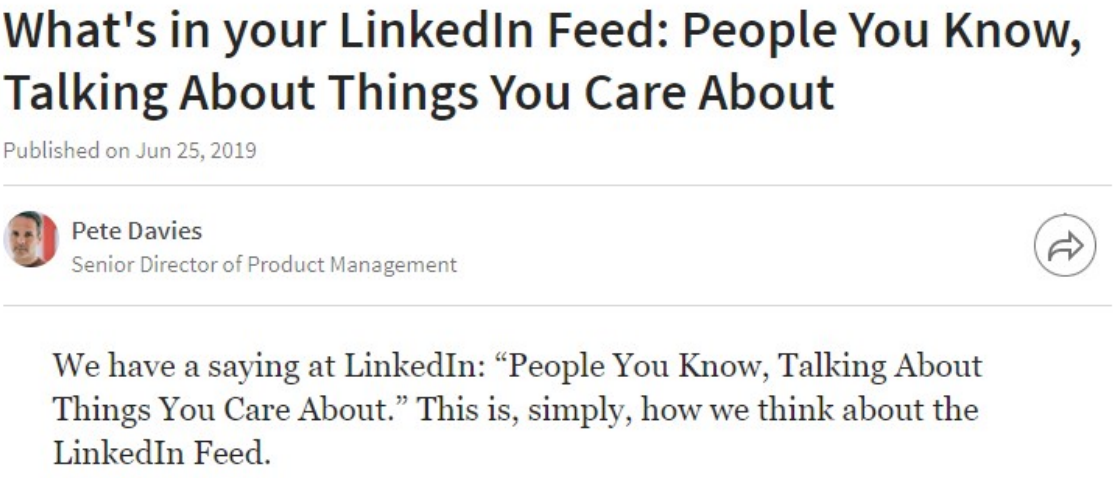
The overall idea behind the design is to minimize the amount of work it takes to deploy servers in a data center. The cages go into standard 19-inch server racks; technicians can slide any of the four standard server "bricks" into the cages and quickly supply them with power and network links, using a single connector per server.

LinkedIn also wanted to standardize hardware deployment across both core and edge data centers. Edge locations, which in LinkedIn's case are probably in colocation data centers, don't have LinkedIn technicians onsite. The simple design means the company doesn't have to hire highly trained engineers every time it has to deploy new servers in a remote location.

(*E.g.*, https://www.datacenterknowledge.com/linkedin-acquired-microsoft/linkedin-says-its-open19-server-design-ready-prime-time (published September 27, 2018) (retrieved May 12, 2023)).

The Accused Instrumentality comprises a user database comprising one or more user attributes stored in such database. Such user database is stored in memory available through the LinkedIn platform's servers, for example as discussed below. Some examples of such user attributes stored in such user database on the Accused Instrumentality are connections to other users, follows of other users, joined groups, followed hashtags, and events being attended, that may be indicated by a user stored within such user database. Further examples of such user attributes stored in such user database on the Accused Instrumentality are user profile pictures, a user name, a user description, profile views, post views, a corporate account name, and a number of followers, as shown for example below. LinkedIn Corporation's Accused Instrumentality electronically retrieves a plurality of electronic media submissions from an electronic media submissions database stored in a non-transitory medium (*e.g.,* memory), using an electronic content filter

necessarily located on and associated with one or more data processing apparatus in order to manage content. As can be seen below, such electronic content filter as is used by the LinkedIn Feed is based at least in part on at least one of the one or more user attributes (*e.g.,* based on connections, groups joined, hashtags followed, events attending, and followed pages, which in turn affects which electronic media submissions appear on a given user's "LinkedIn Feed"). For example, a multimedia post may be shown based on an individual who a user is following commenting on that post. The Accused Instrumentality electronically retrieves, from storage in an electronic media submissions database on a non-transitory medium, a plurality of electronic media submissions from an electronic media submissions database using this electronic content filter located on the one or more data processing apparatus, with examples of such retrieved electronic media submissions, forming multimedia content. Such function-specific subsystems may be contained within the function-specific servers and associated non-transitory memory, from among communicatively connected LinkedIn servers, for example as discussed below.



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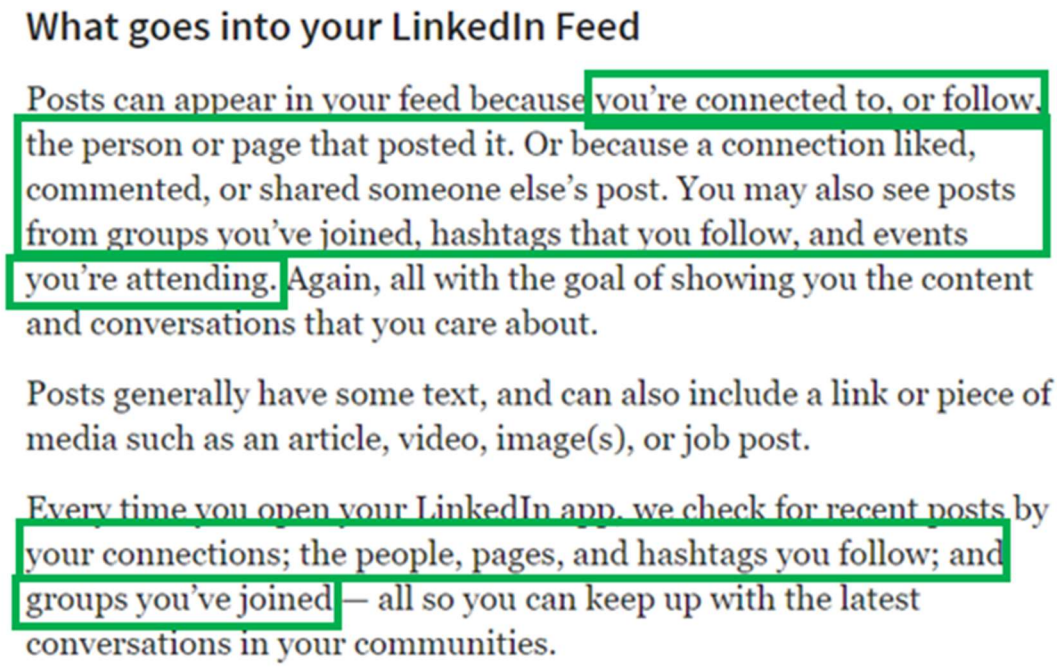

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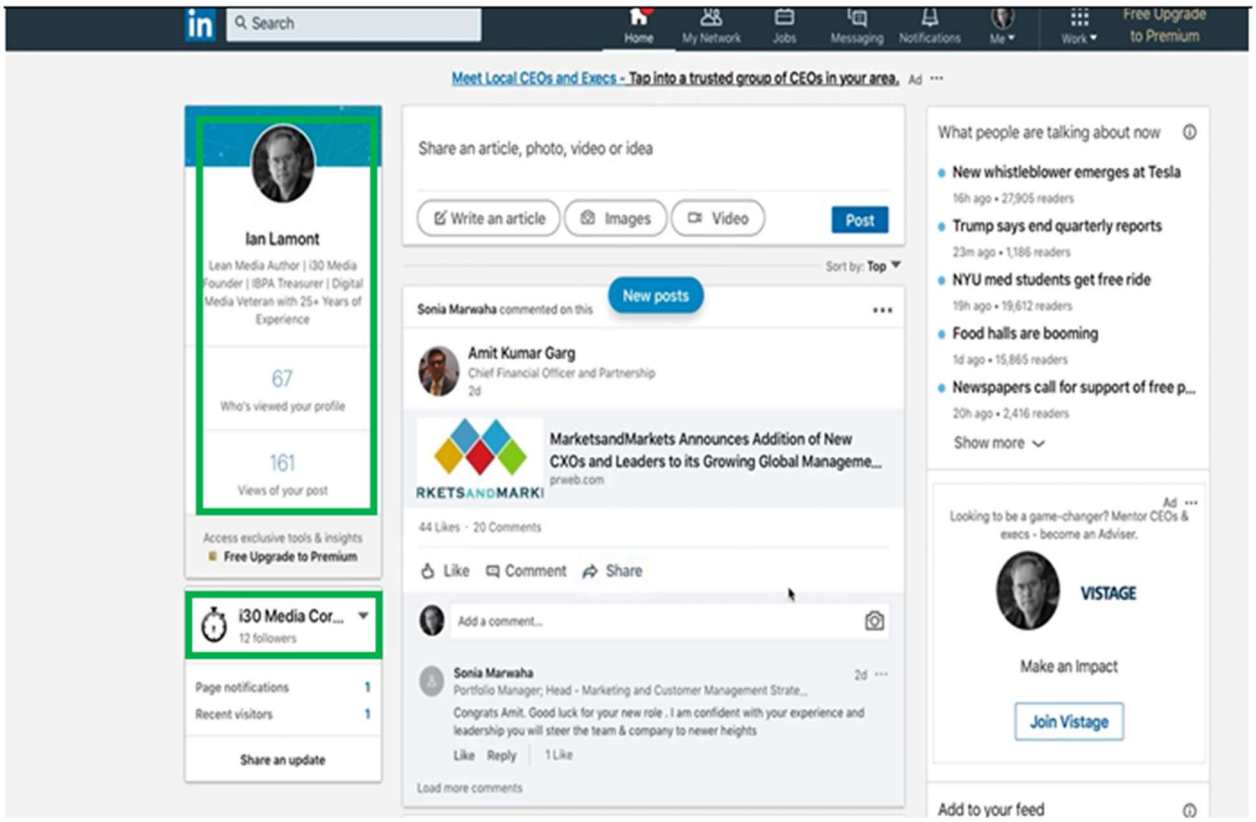
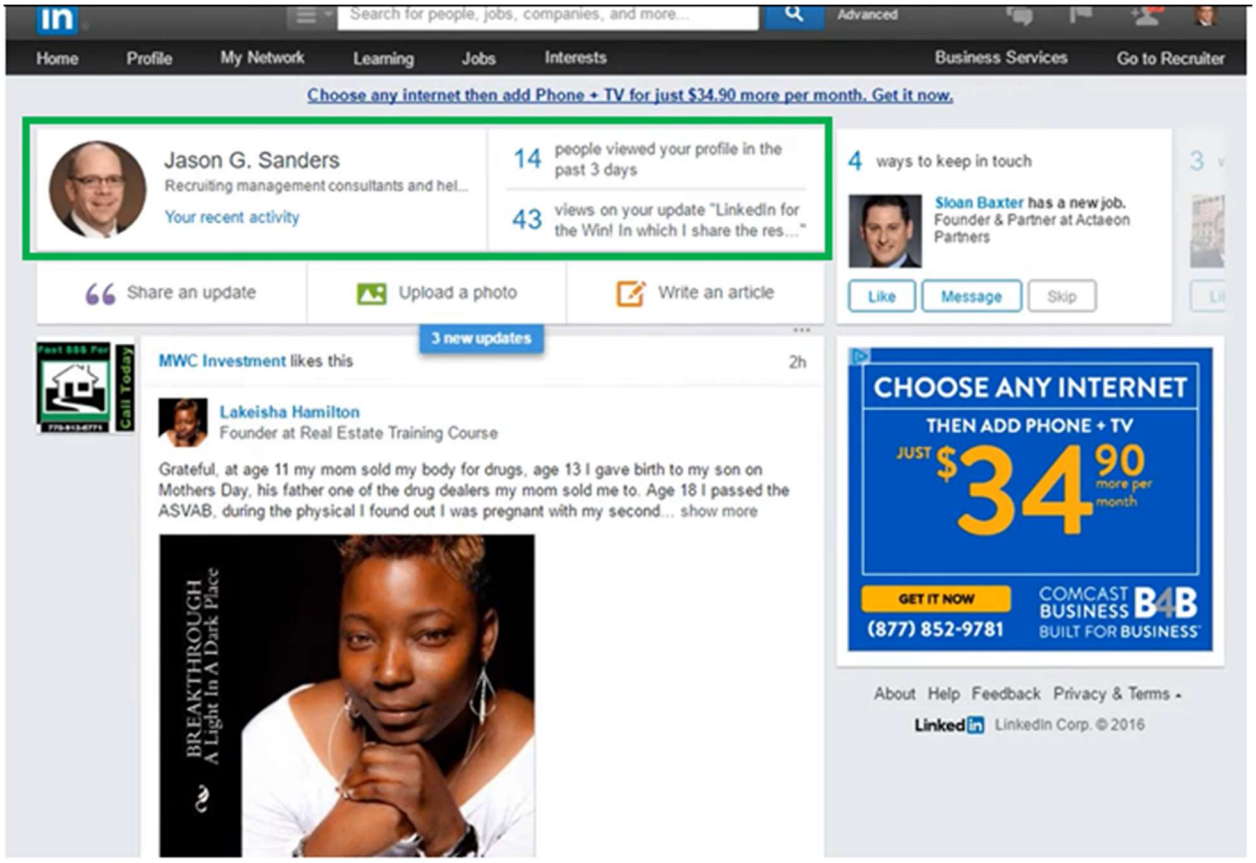
Posts generally have some text, and can also include a link or piece of media such as an article, video, image(s), or job post.

Every time you open your LinkedIn app, we check for recent posts by your connections; the people, pages, and hashtags you follow; and groups you've joined — all so you can keep up with the latest conversations in your communities.

(*E.g.*, https://news.linkedin.com/2019/January/what-s-in-your-linkedin-feed--people-you-know--talking-about-thi#:~:text=To%20summarize%2C%20your%20LinkedIn%20feed,and%20hashtags%20that%20you%20follow (published June 25, 2019) (retrieved May 12, 2023)).



(*E.g.*, https://www.youtube.com/watch?v=okycRyOKflw (published September 8, 2018)).



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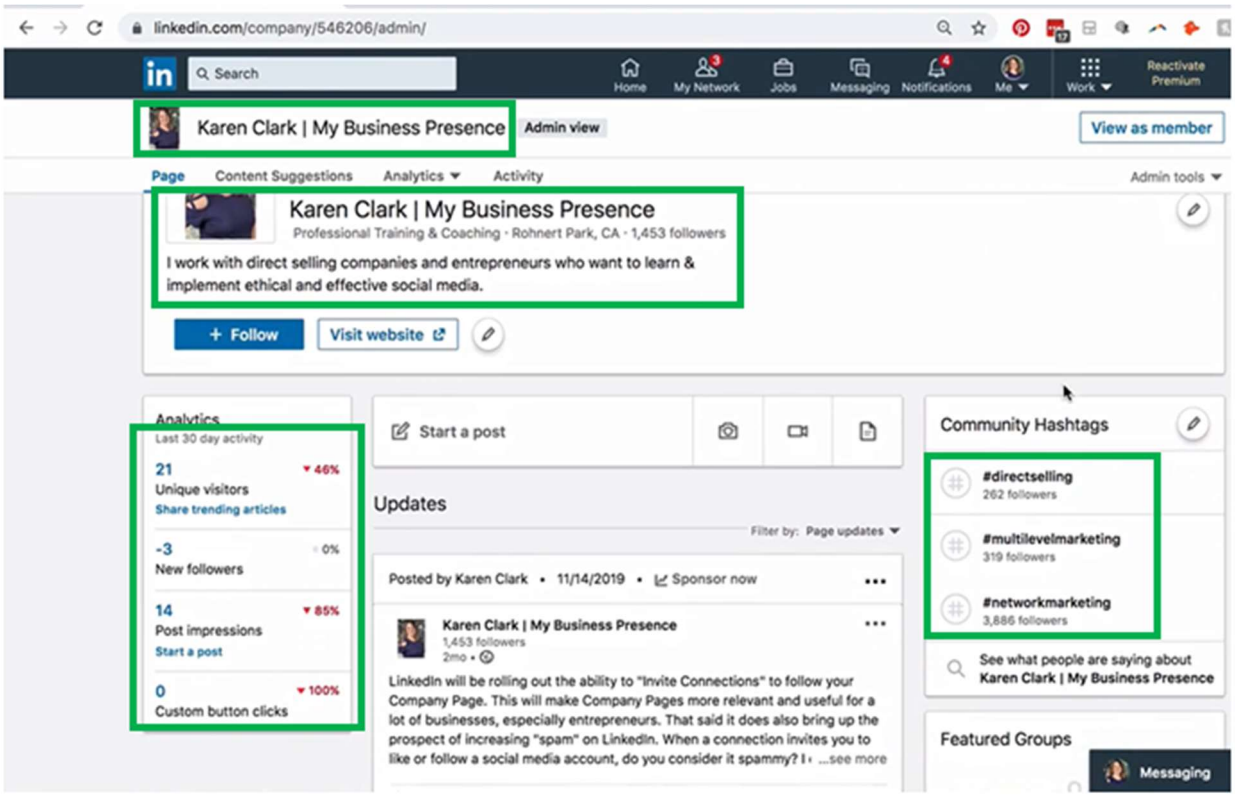

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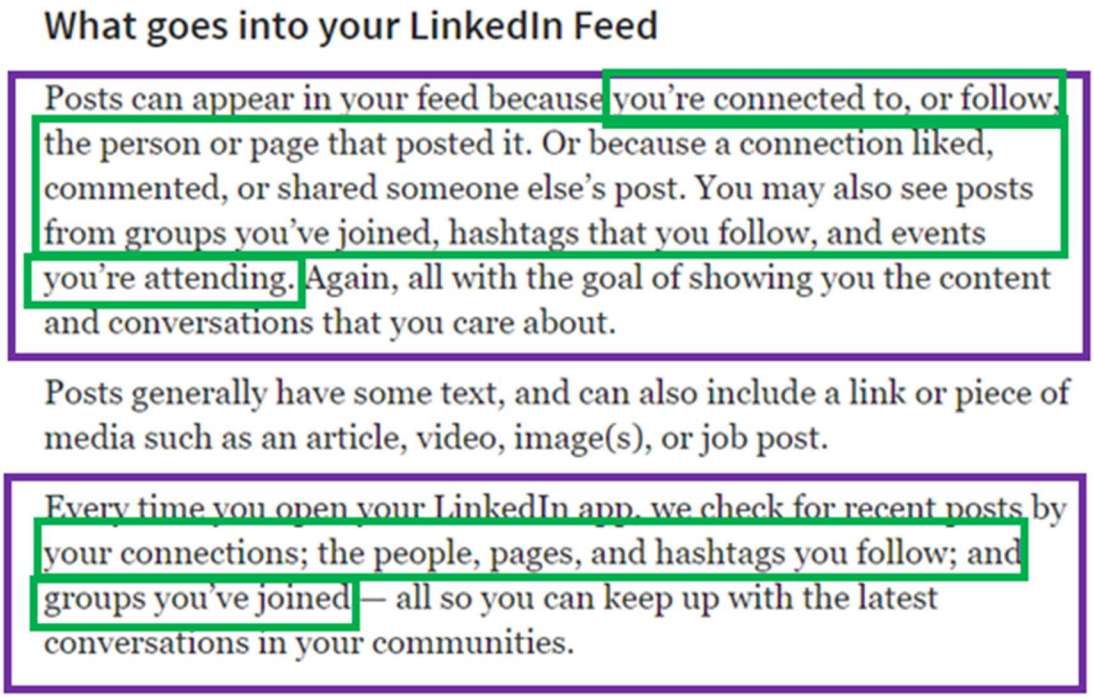

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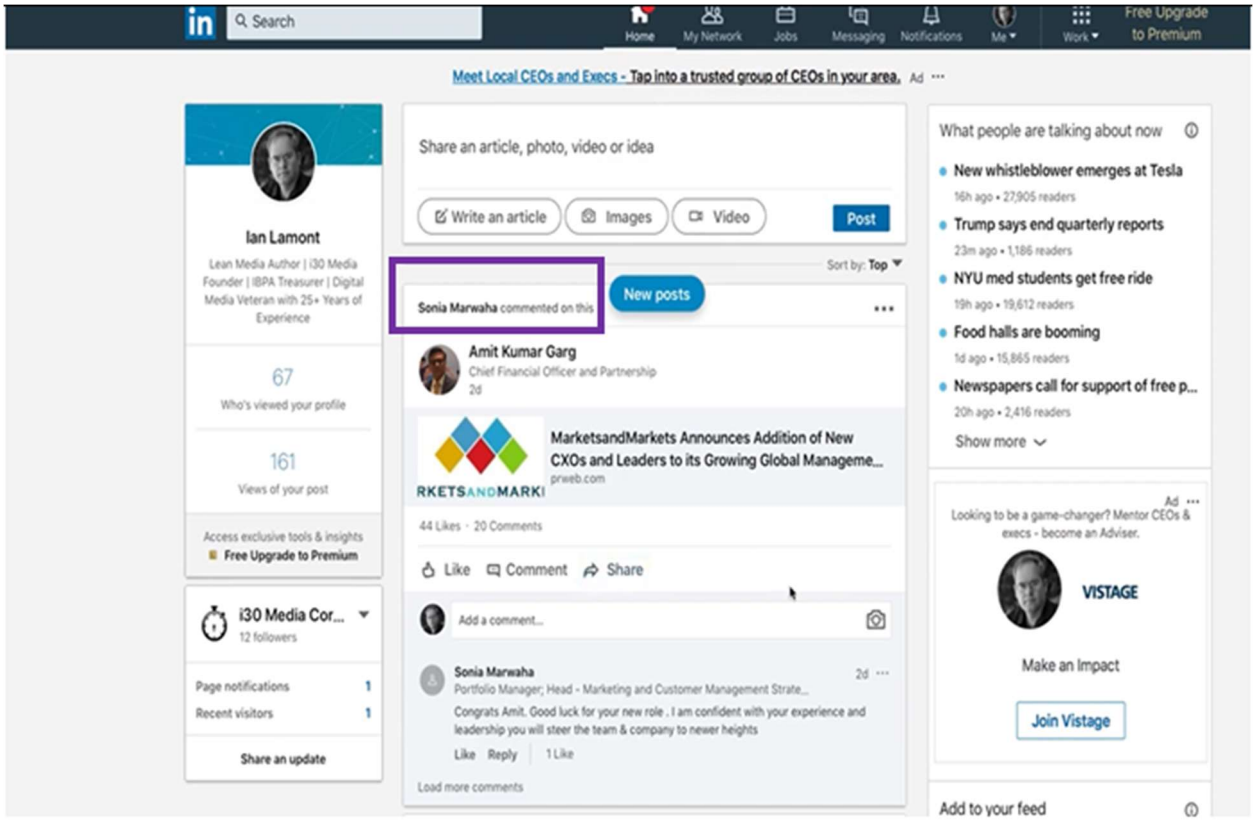

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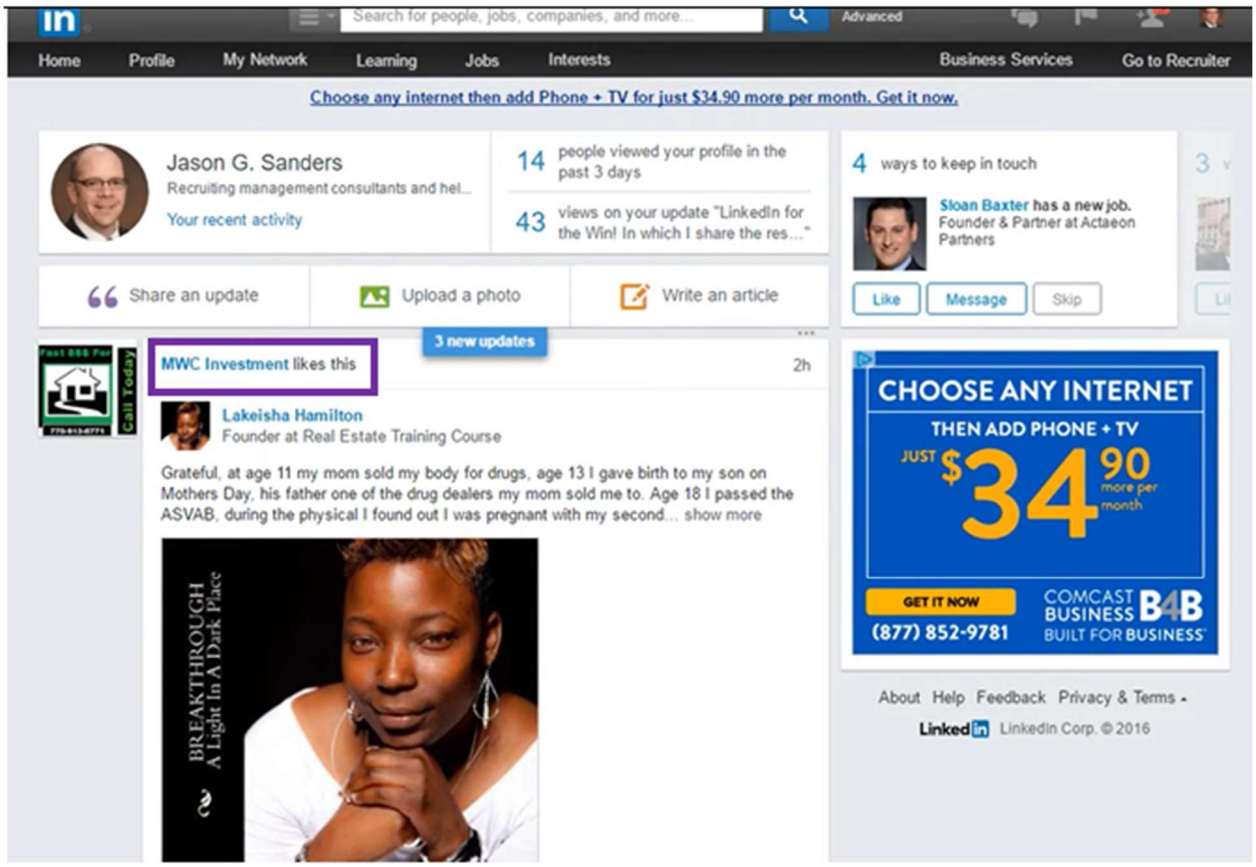
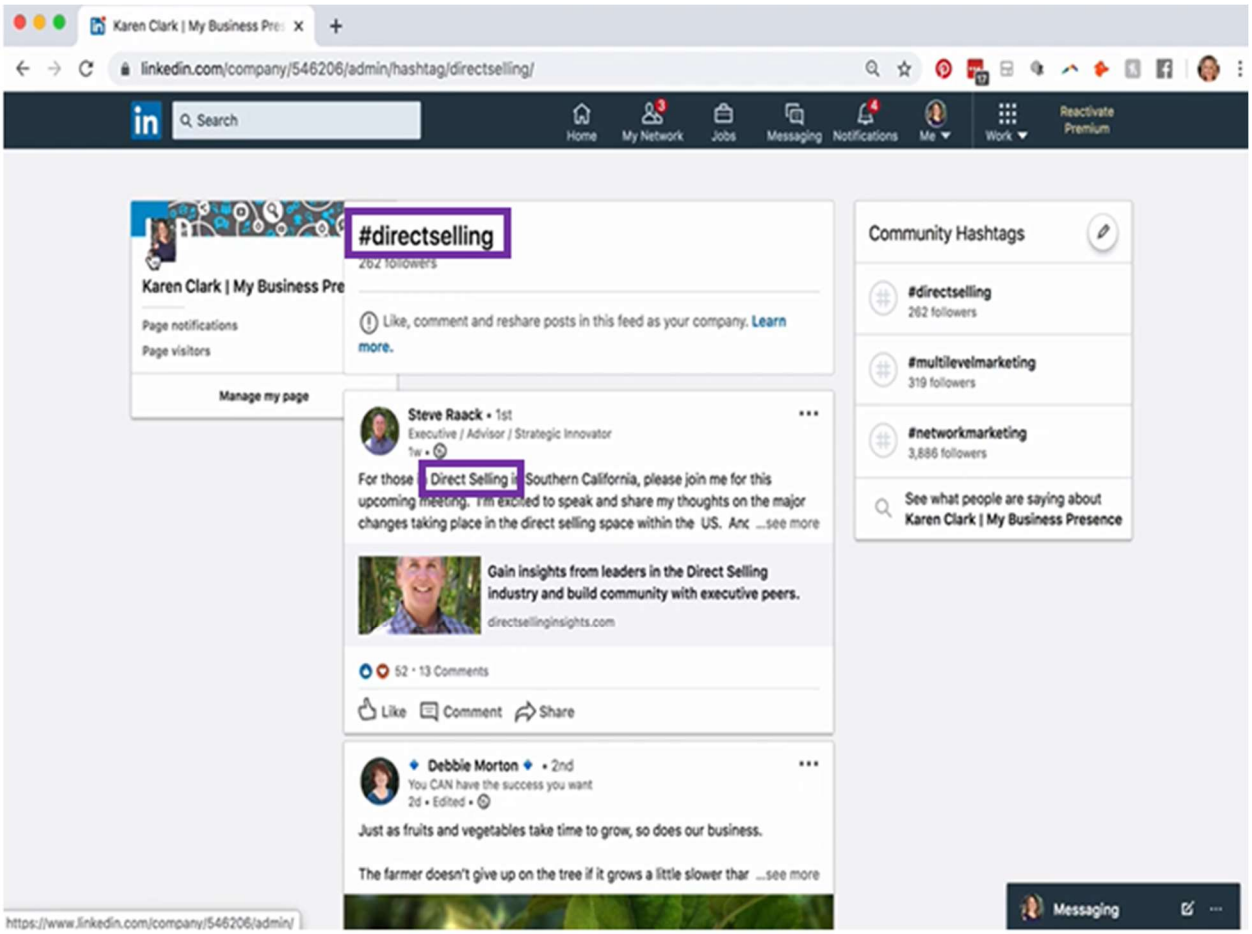
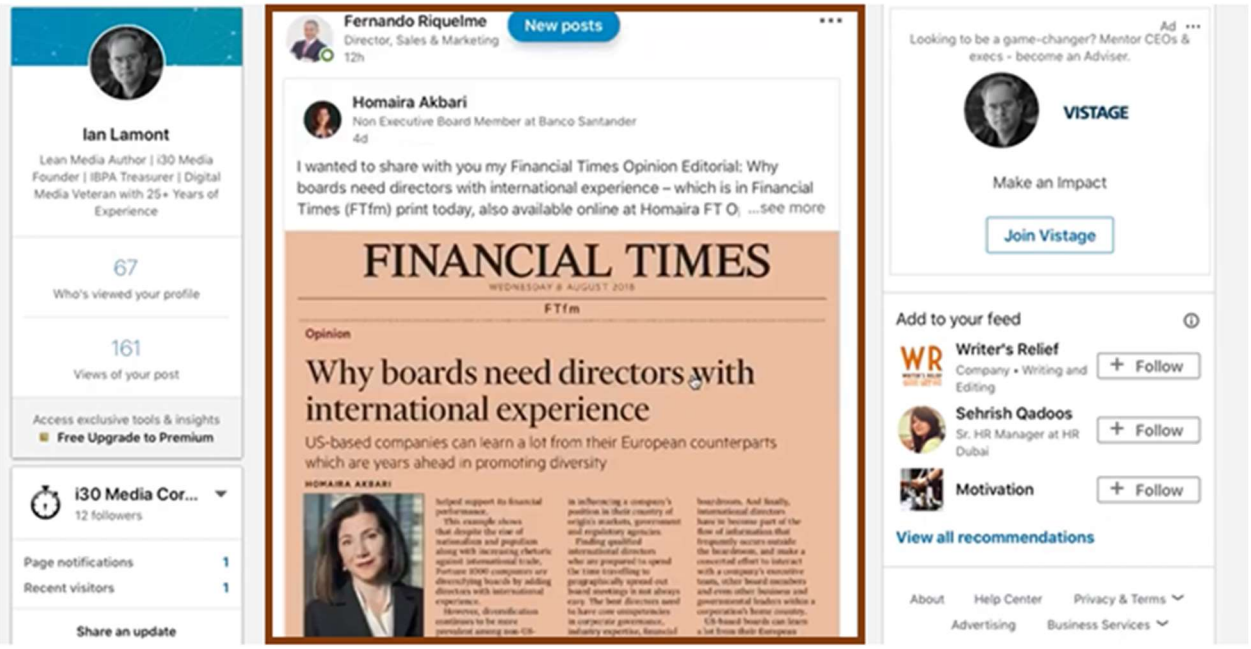
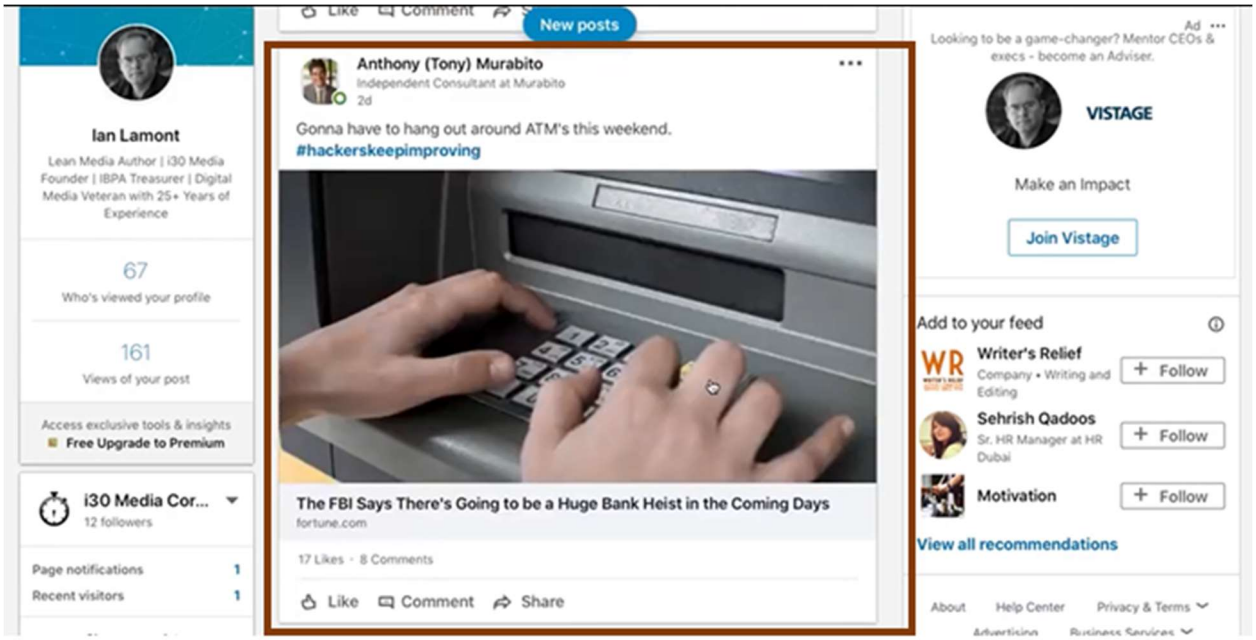


(*E.g.* , https://www.youtube.com/watch?v=biJW9nzW8uk (published Nov 9, 2016)).



(*E.g.*, https://www.youtube.com/watch?v=vJHNa1fRdSs (published January 17, 2020)).





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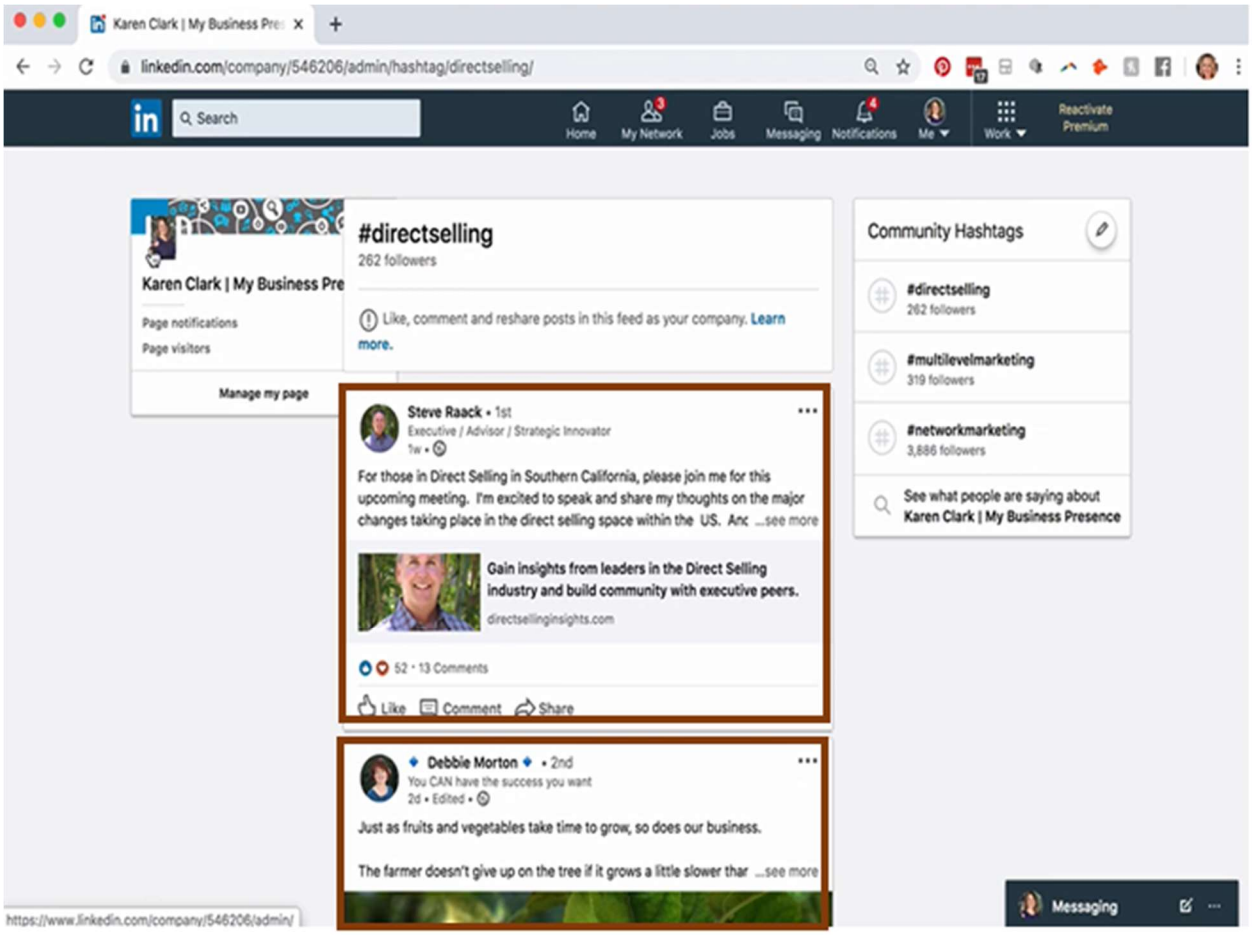
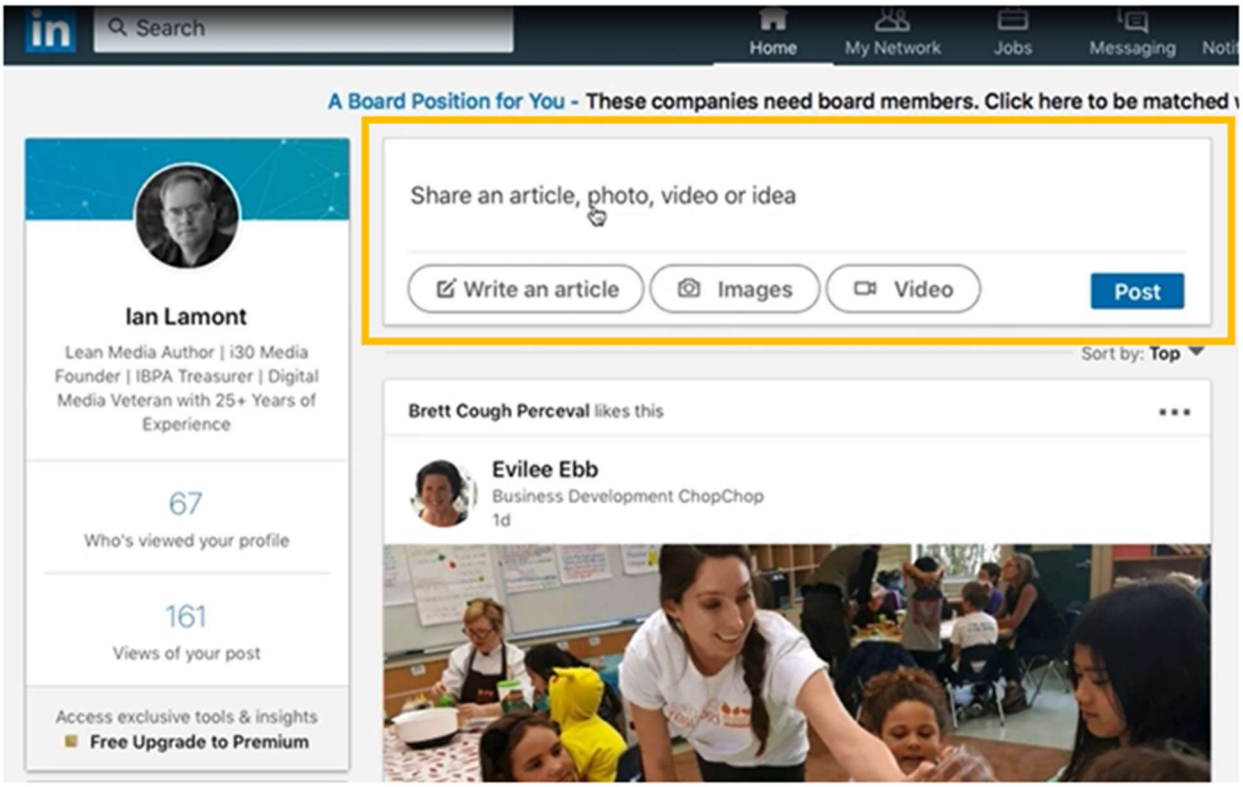
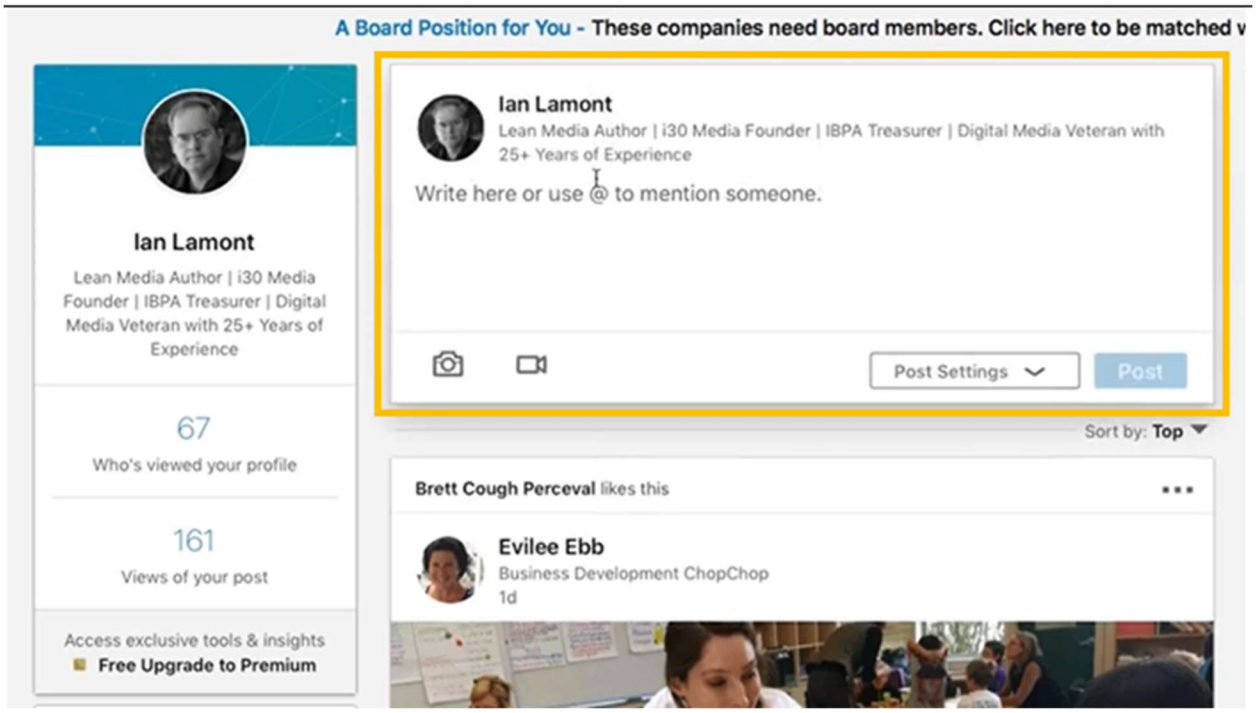


(*E.g.*, https://www.youtube.com/watch?v=vJHNa1fRdSs (published January 17, 2020)).

46. The Accused Instrumentality's servers enable electronic media submissions, which include *e.g.,* text, images, videos, hyperlinks, "@" tags and hashtags in chosen formatting, to be provided to the LinkedIn platform via a submissions electronic interface configured to receive such electronic media submissions (*e.g.,* text, images, hyperlinks, and hashtags in a chosen formatting) from a plurality of submitters (*e.g.,* LinkedIn users with accompanying created accounts) over a public network (*e.g.*, the Internet), and for such electronic media submissions to be stored in said electronic media submissions database (*e.g.*, upon the user hitting "post" upon which it becomes stored in such database for use in distribution to other users).





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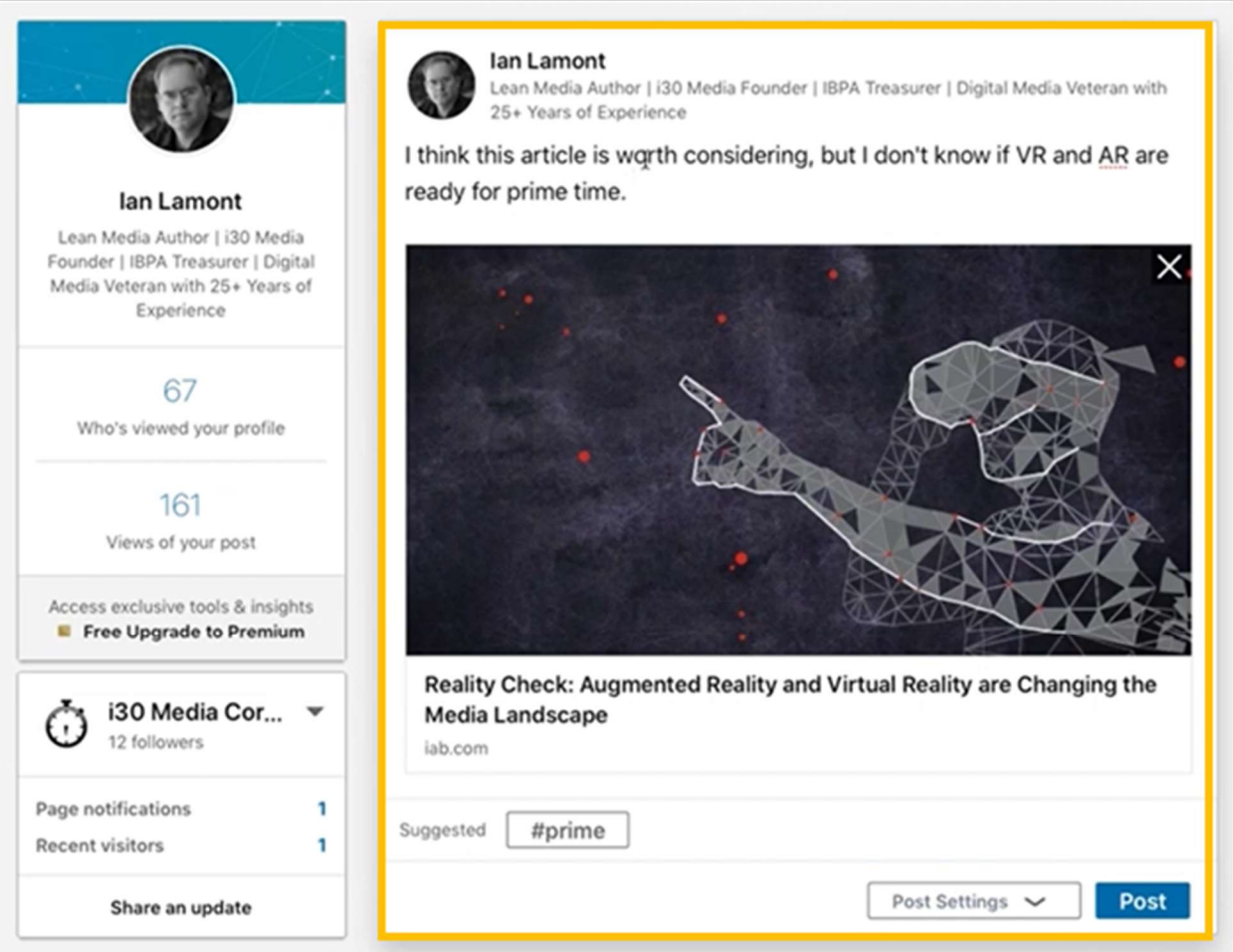

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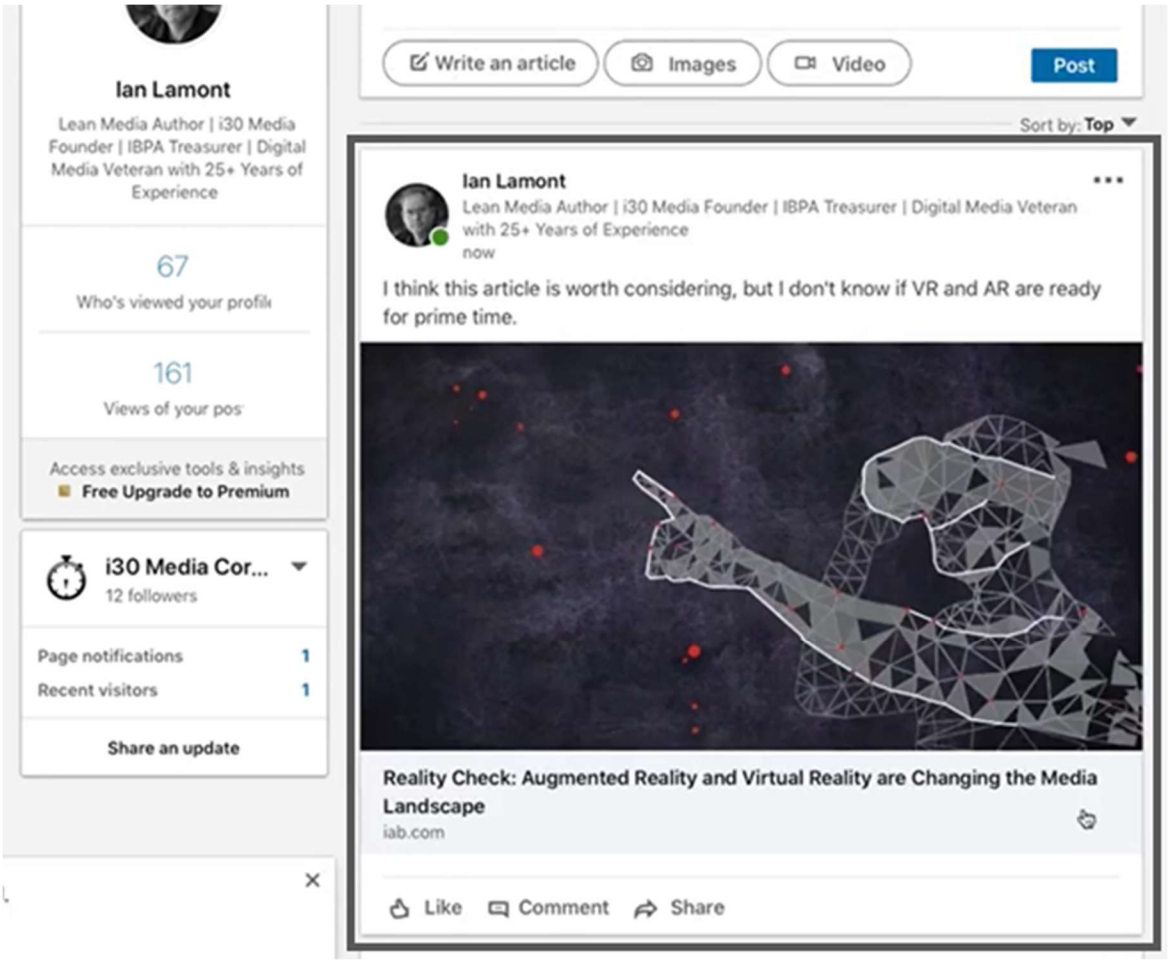
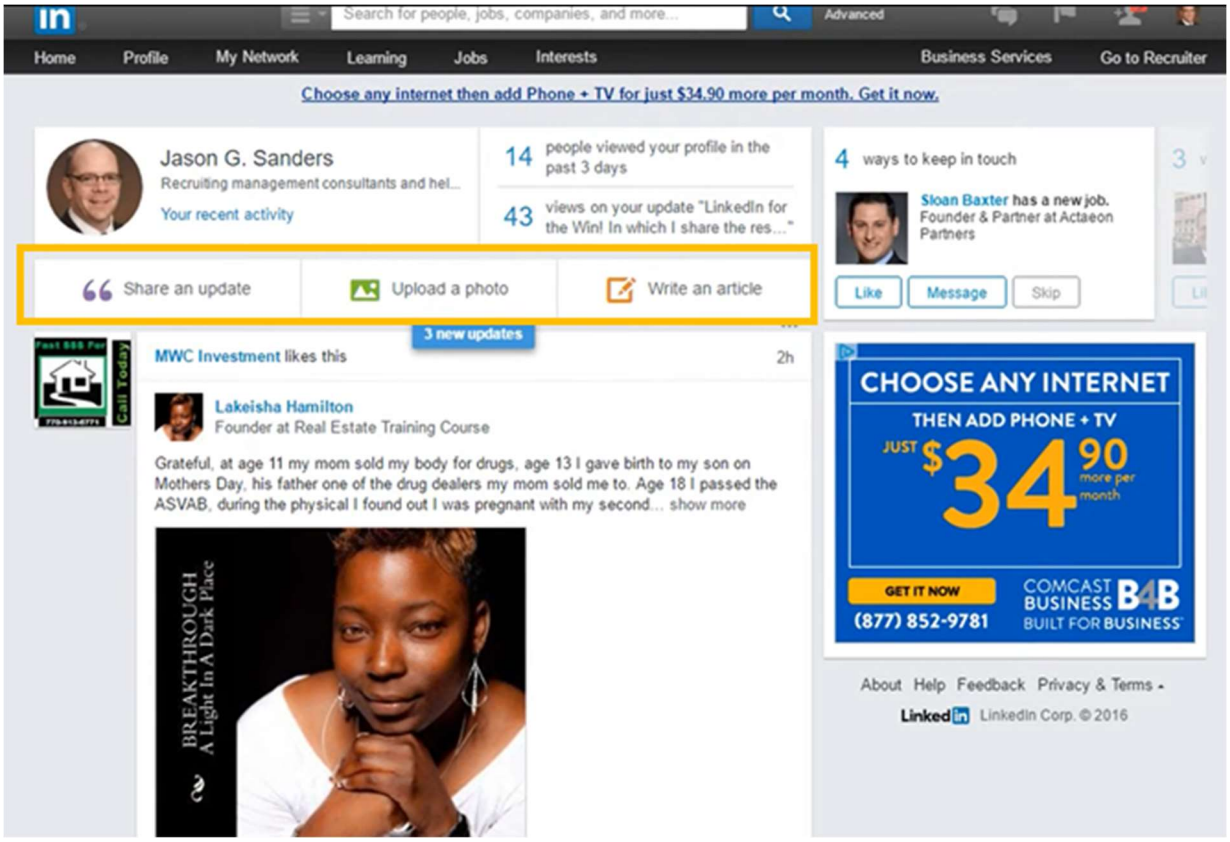


(*E.g.*, https://www.youtube.com/watch?v=okycRyOKflw (published September 8, 2018)).



(*E.g.*, https://www.youtube.com/watch?v=biJW9nzW8uk (published Nov 9, 2016)).

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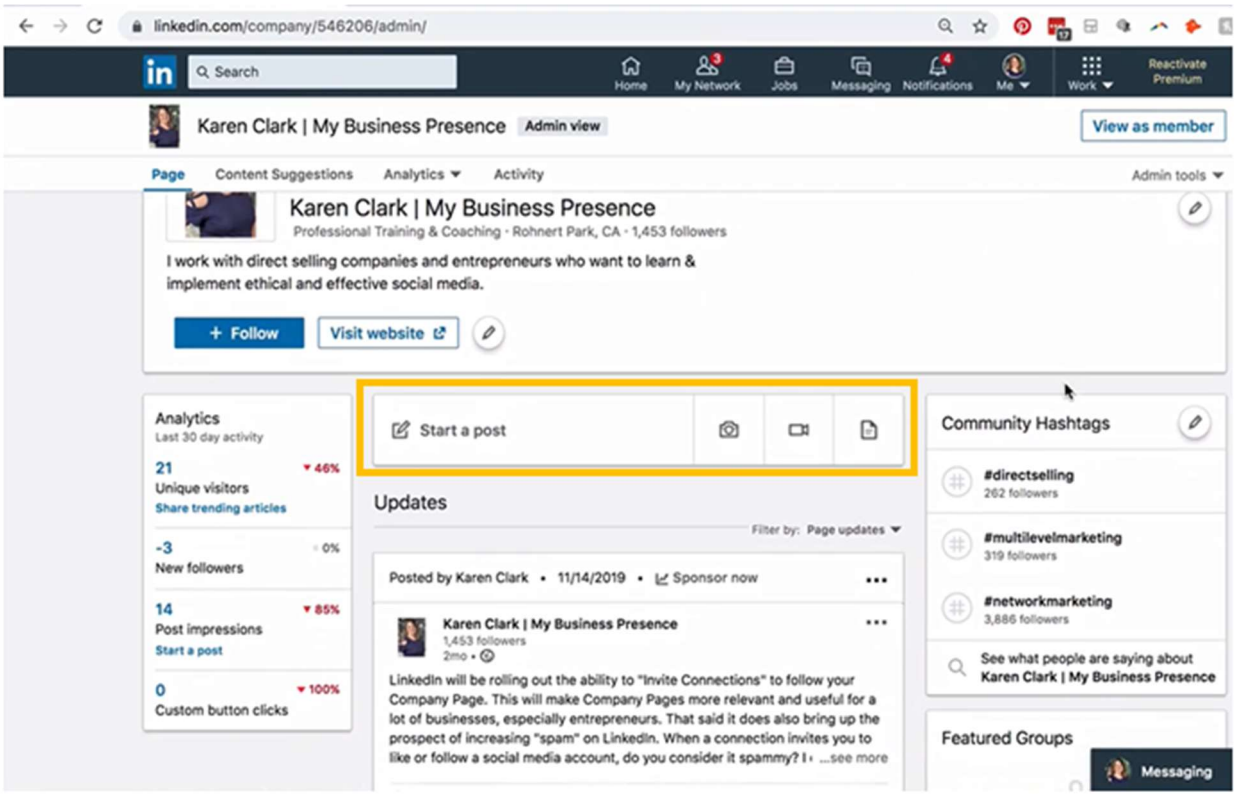
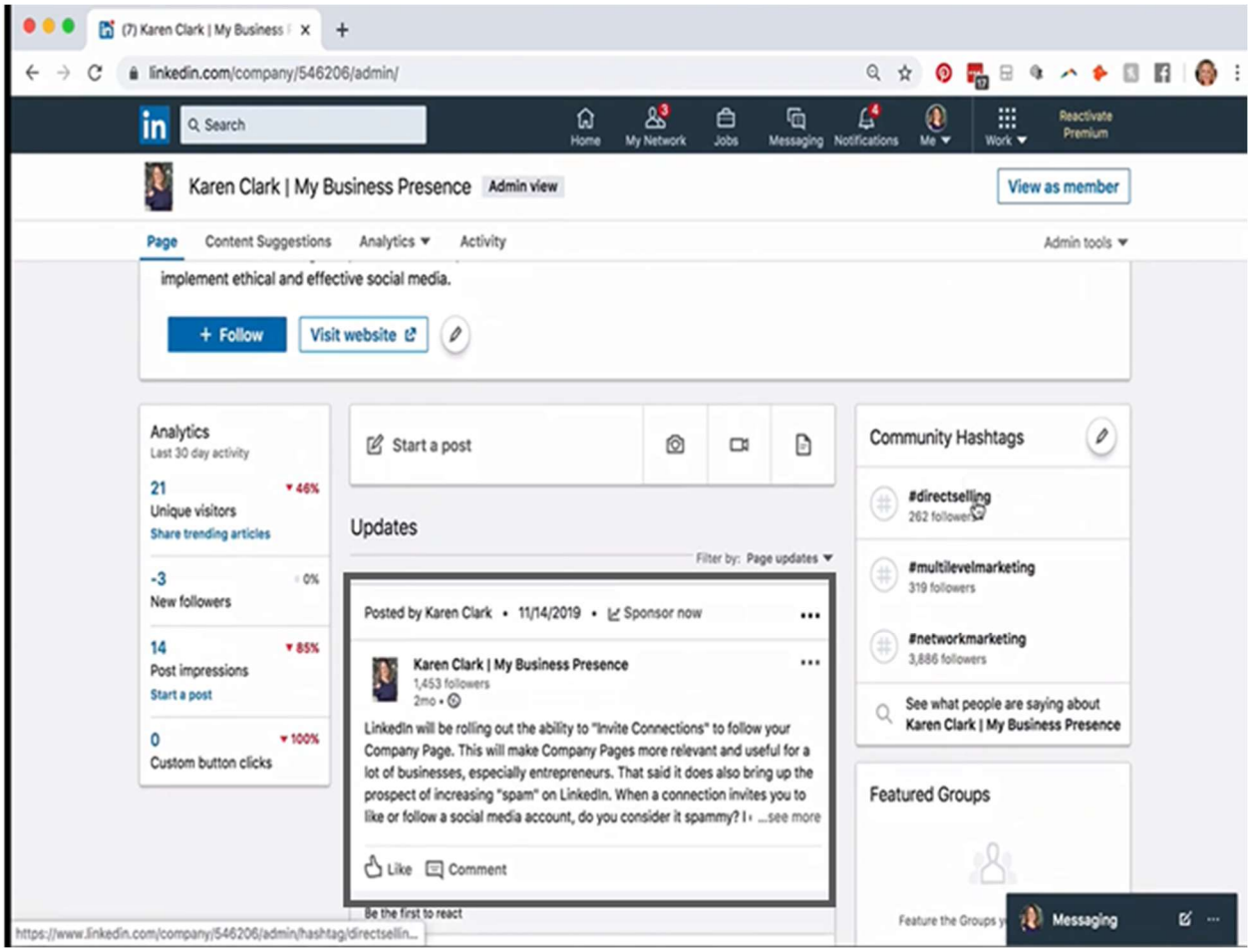
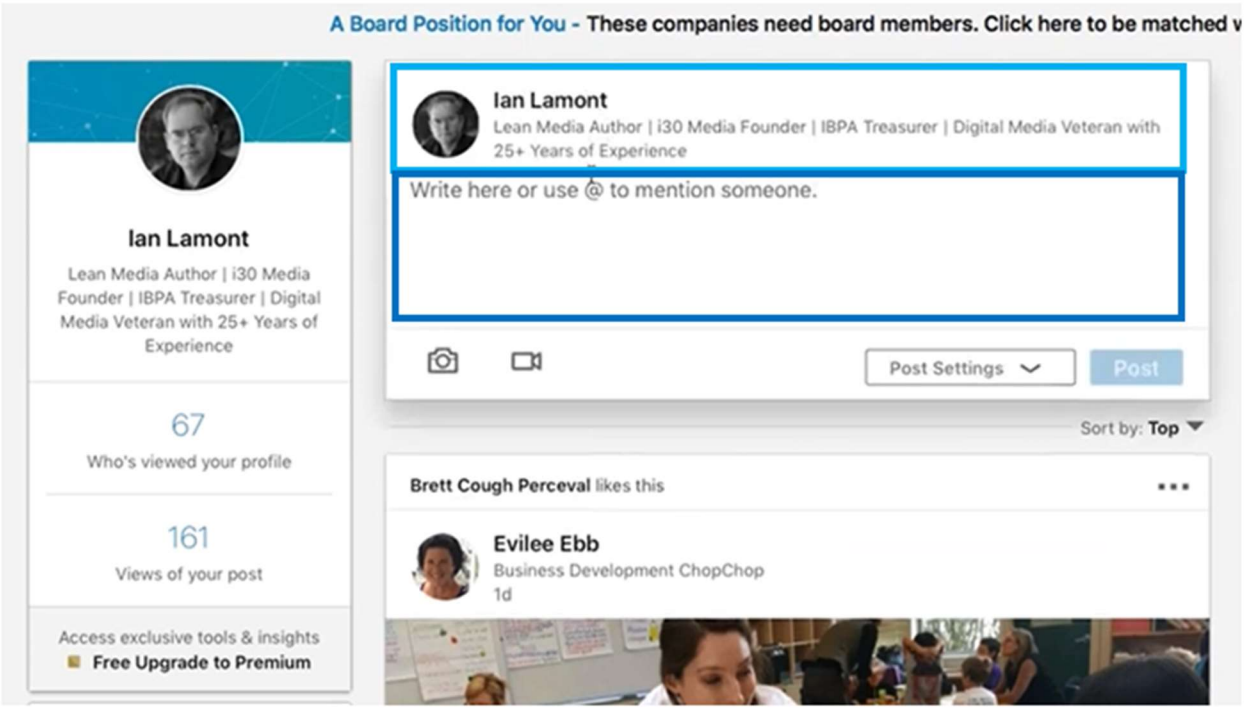


(*E.g.*, https://www.youtube.com/watch?v=vJHNa1fRdSs (published January 17, 2020)).

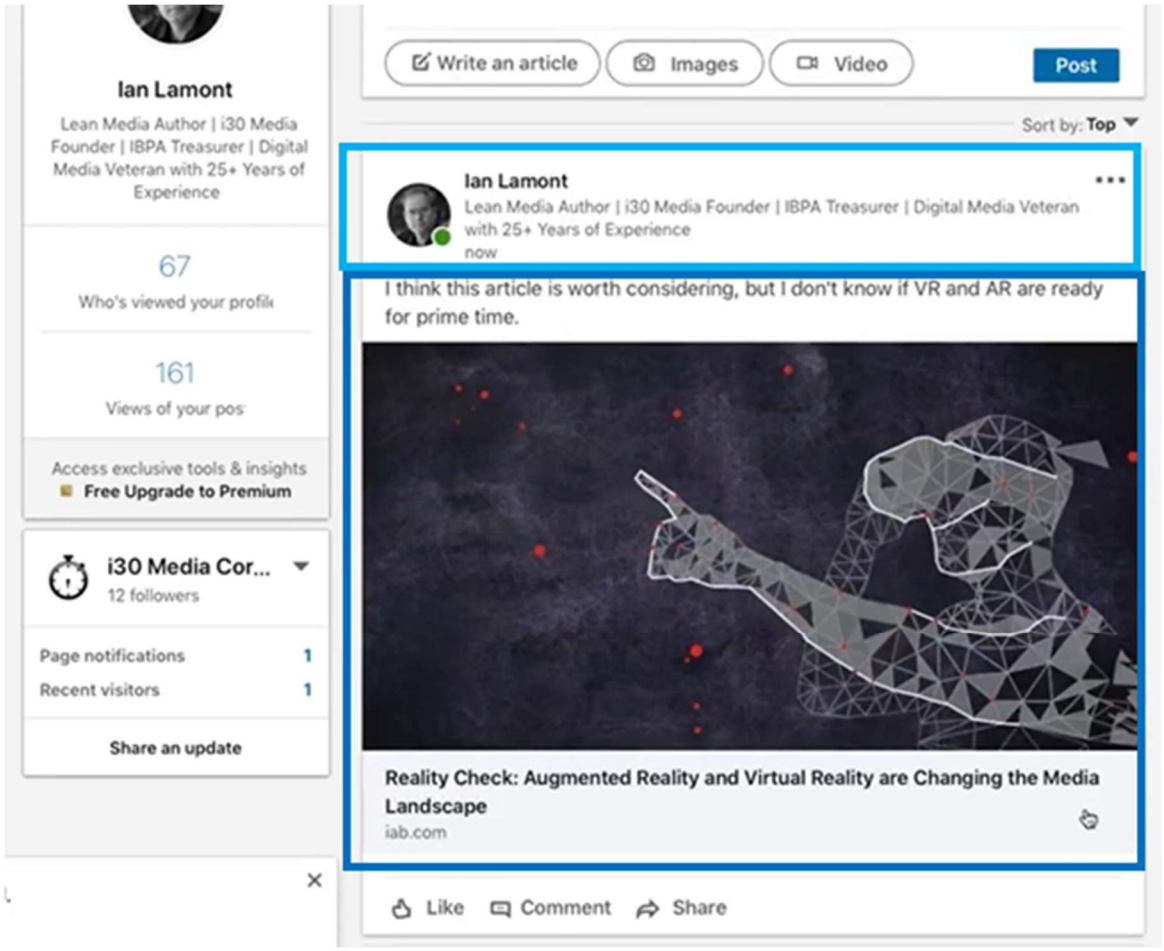


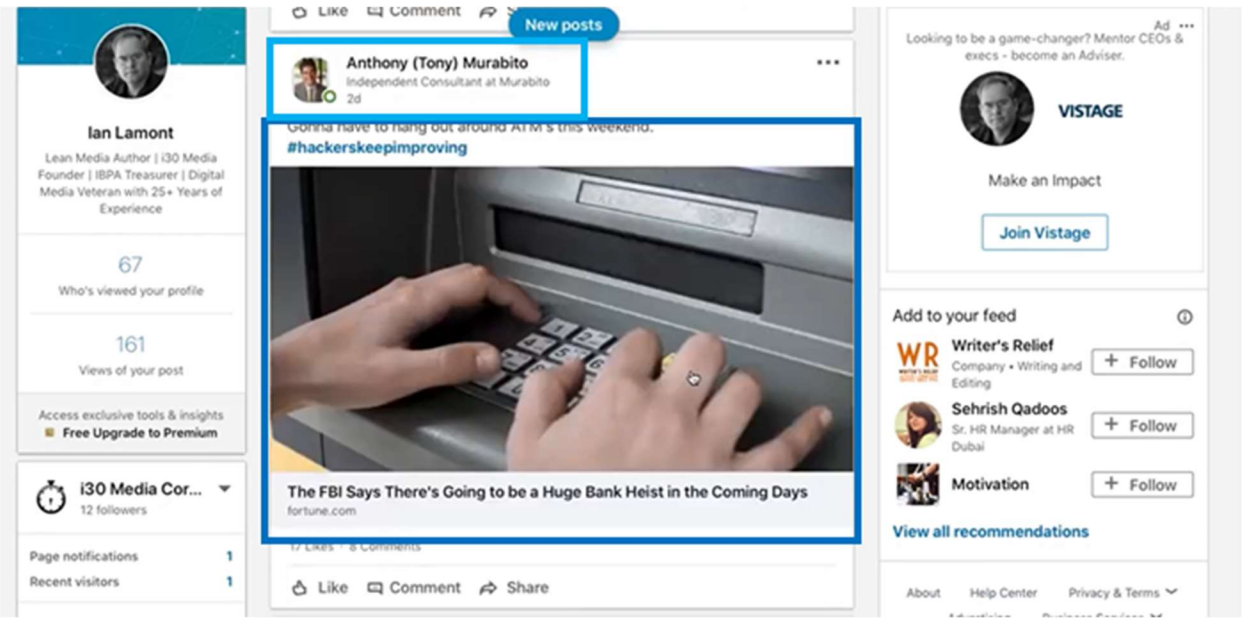
(*E.g.*, https://www.youtube.com/watch?v=vJHNa1fRdSs (published January 17, 2020)).

47. The electronic media submissions database of the Accused Instrumentality used by LinkedIn Corporation which stores the submissions (*e.g.,* multimedia posts submitted by various LinkedIn users) further stores data identifying the submitter and data indicating content for each electronic media submission, *e.g.,* as shown below.



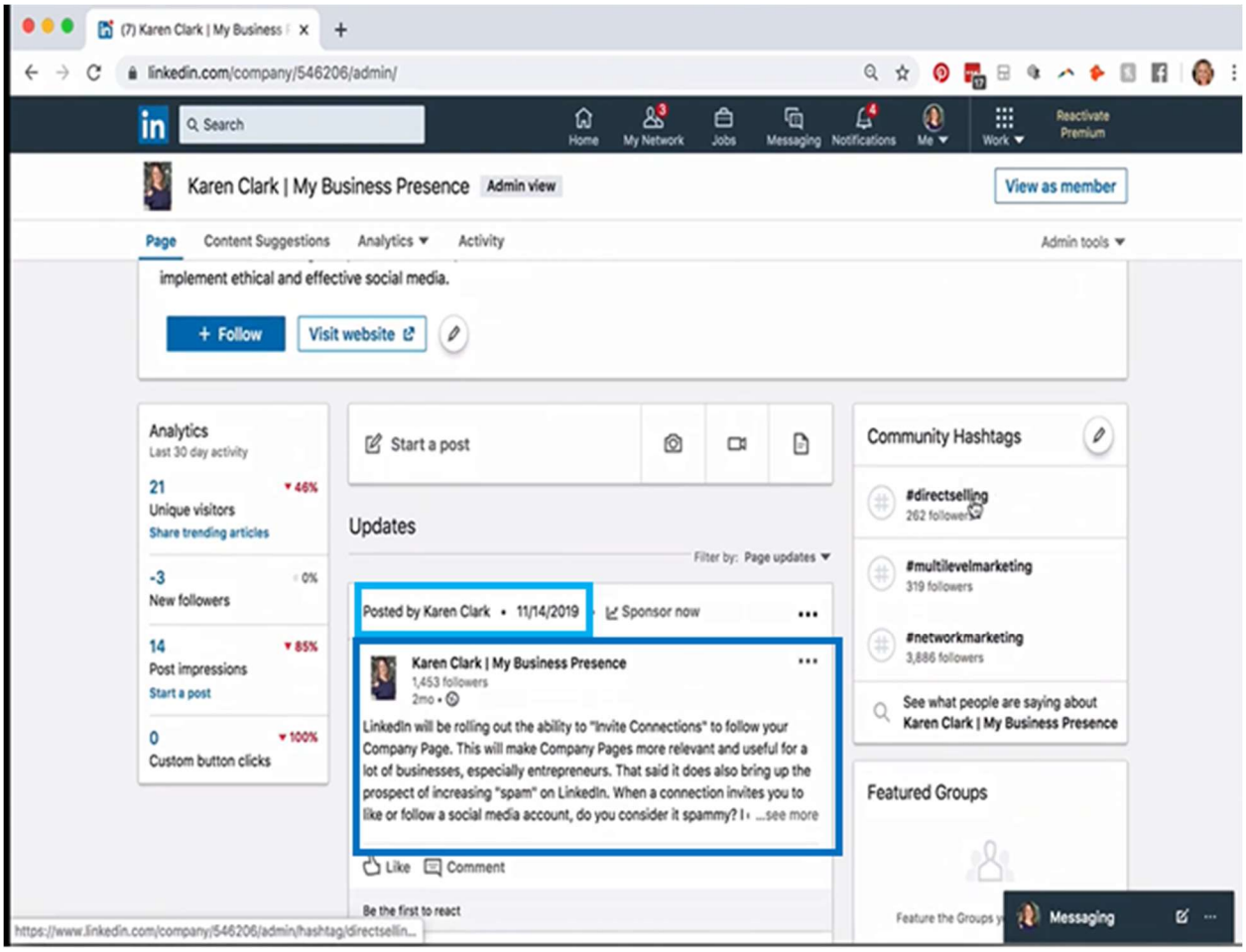
(*E.g.*, https://www.youtube.com/watch?v=okycRyOKflw (published September 8, 2018)).





(*E.g.*, https://www.youtube.com/watch?v=okycRyOKflw (published September 8, 2018)).

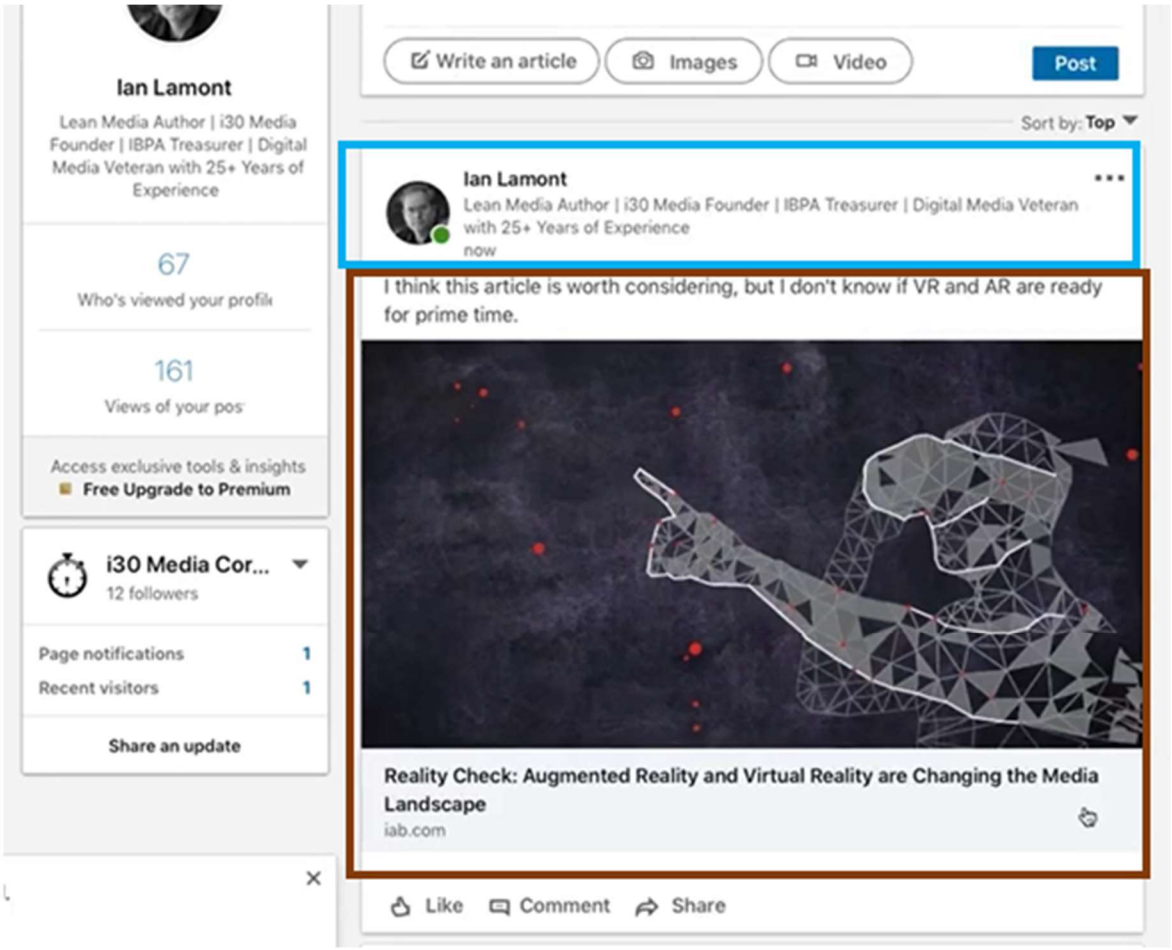
(*E.g.*, https://www.youtube.com/watch?v=biJW9nzW8uk (published Nov 9, 2016)).



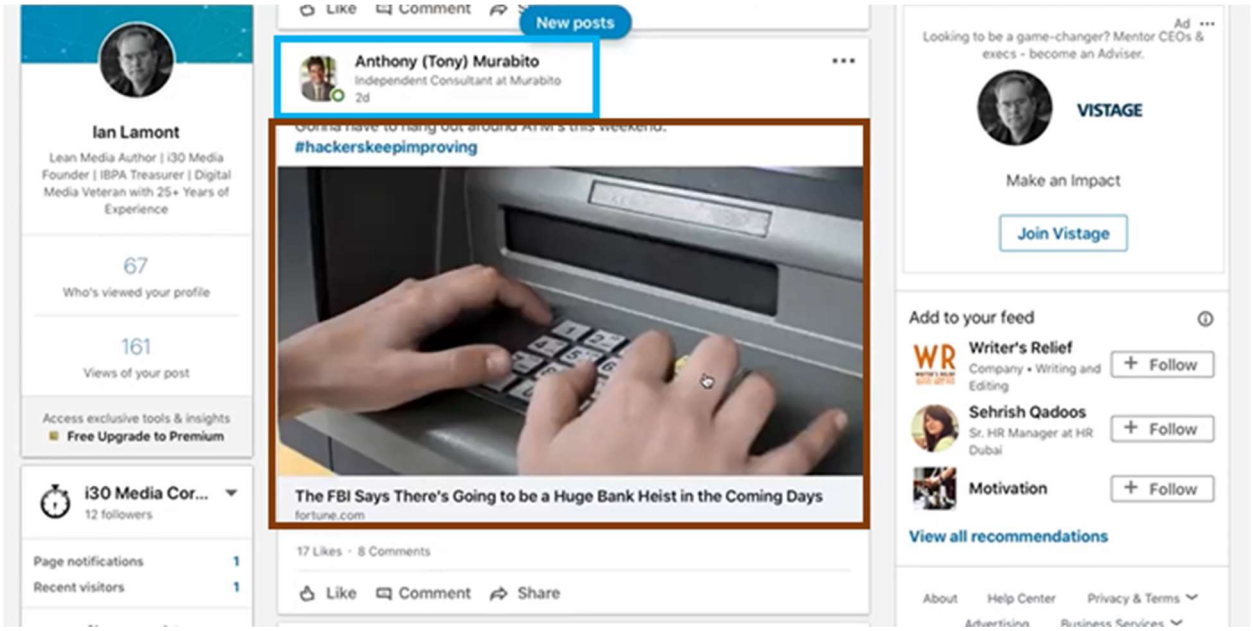
(*E.g.*, https://www.youtube.com/watch?v=vJHNa1fRdSs (published January 17, 2020)).

48. The Accused Instrumentality electronically generates multimedia files from the retrieved electronic media submissions in accordance with a selected digital format (*e.g.,* a digital format compatible with a selected digital format compatible with the particular computer, browser, or application of a particular user), wherein the identification of the submitter is maintained with each retrieved submission within the multimedia file. For example, below are examples of such multimedia files being displayed within a user's browser, on user devices (*e.g.*, computers incorporating browsers), in association with the identification of the submitter for each retrieved submission within the multimedia file and its associated multimedia content (*e.g.,* content

associated with text, images, videos, hashtags, hyperlinks, and "@" tags), for example as shown below.

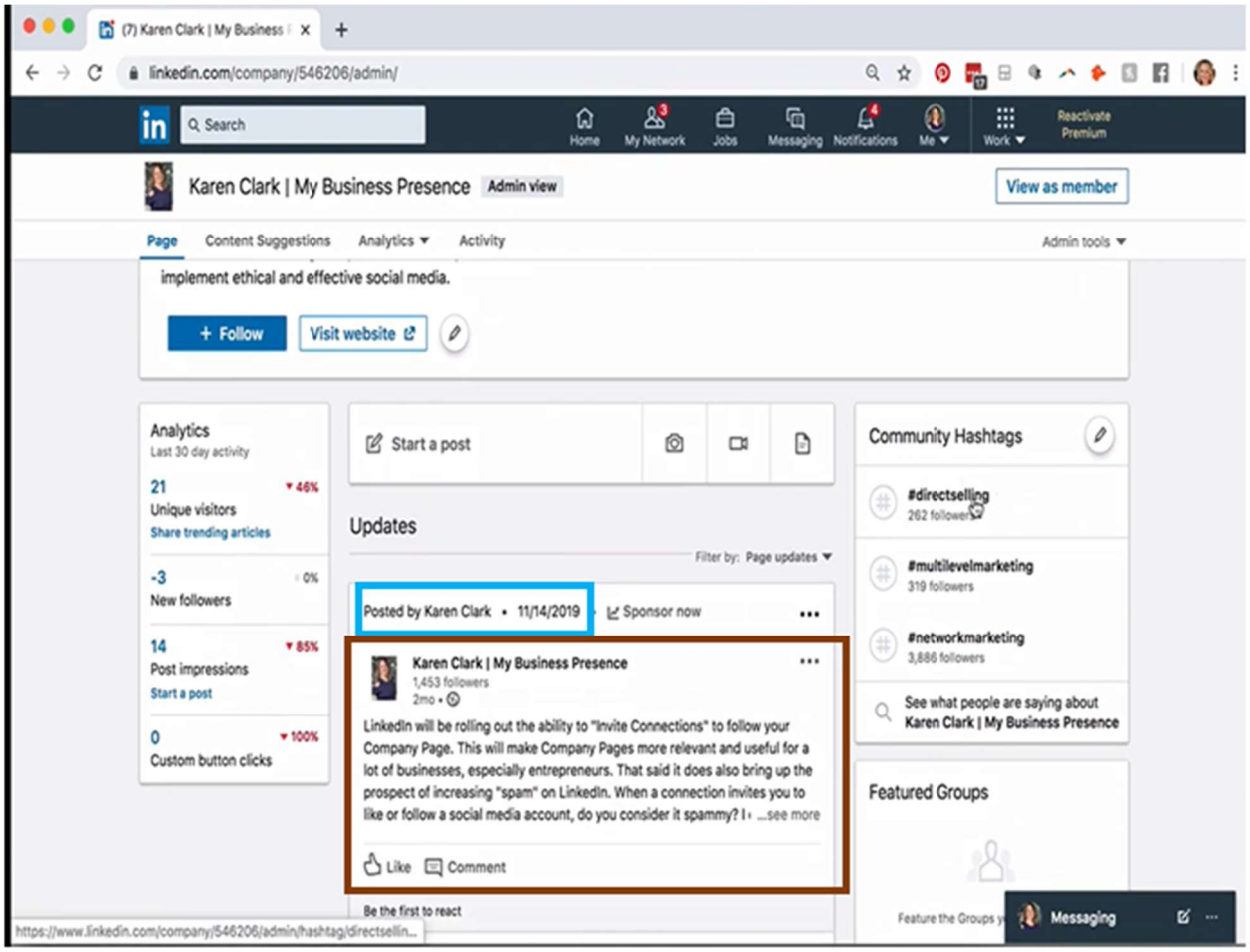


(*E.g.*, https://www.youtube.com/watch?v=okycRyOKflw (published September 8, 2018)).



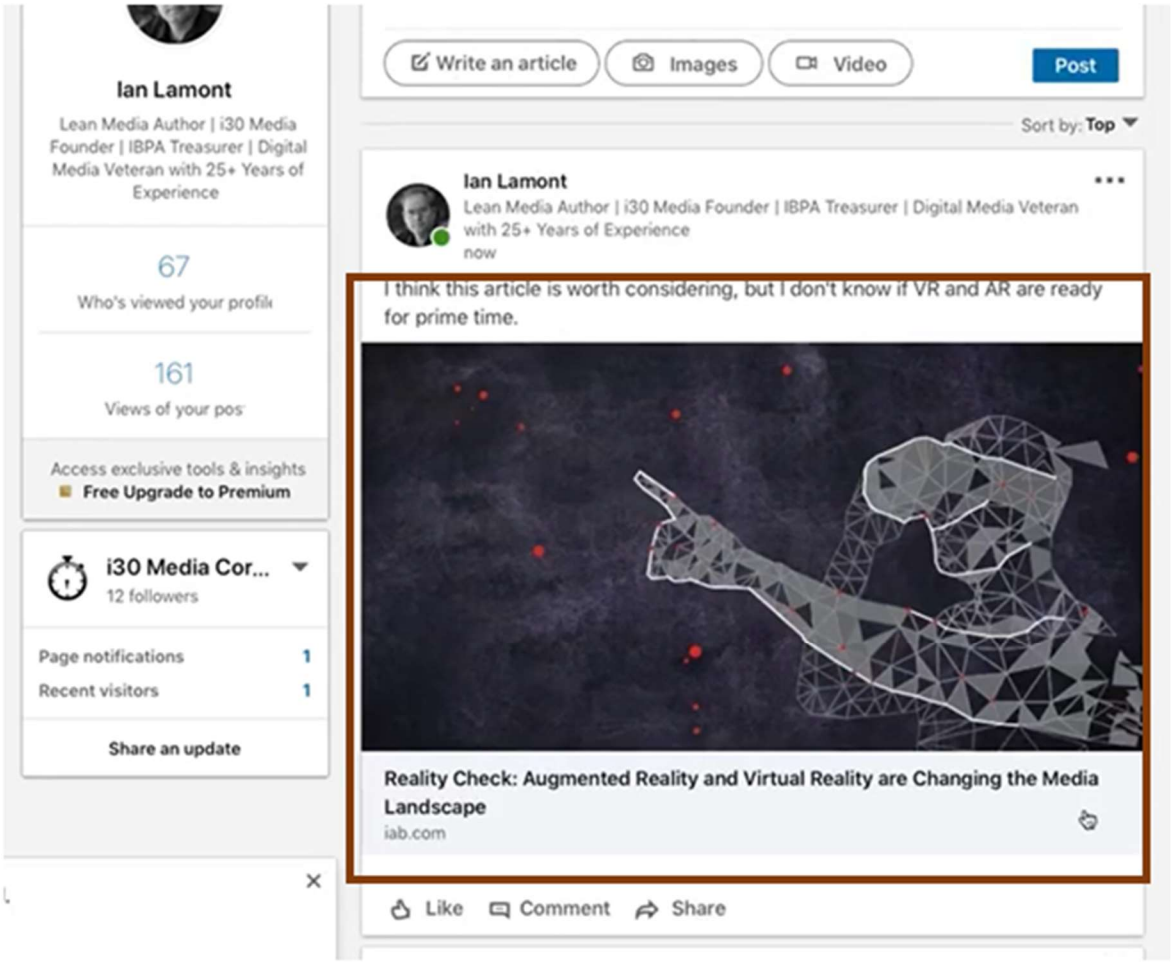
(*E.g.*, https://www.youtube.com/watch?v=okycRyOKflw (published September 8, 2018)).

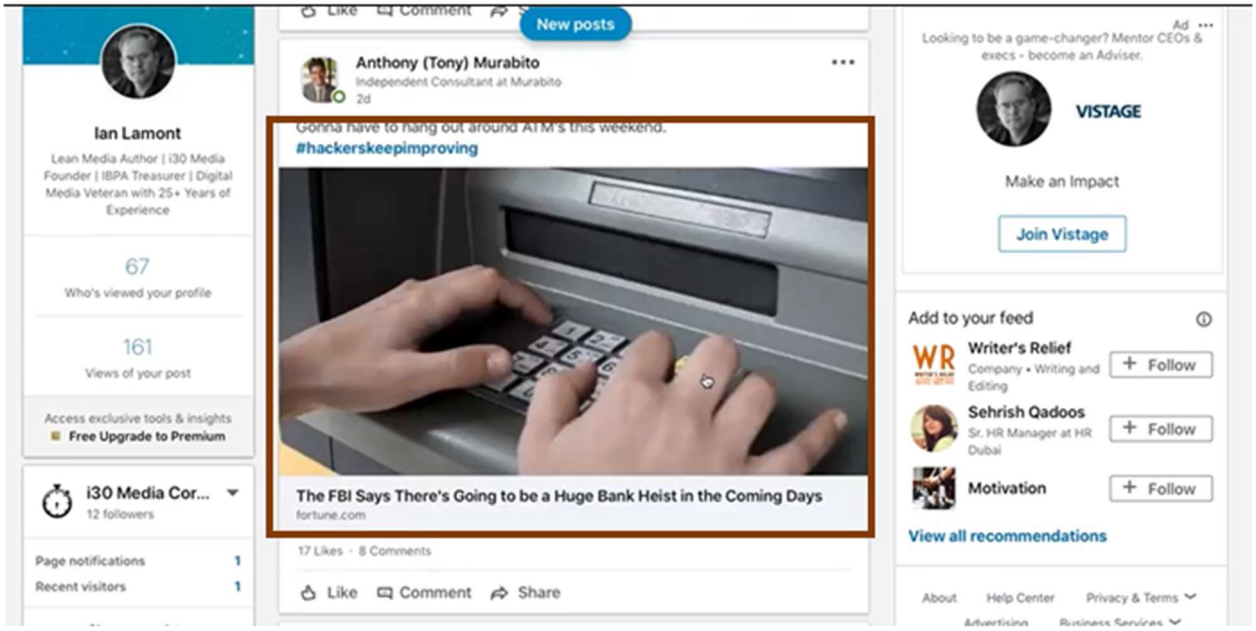
(*E.g.*, https://www.youtube.com/watch?v=biJW9nzW8uk (published Nov 9, 2016)).



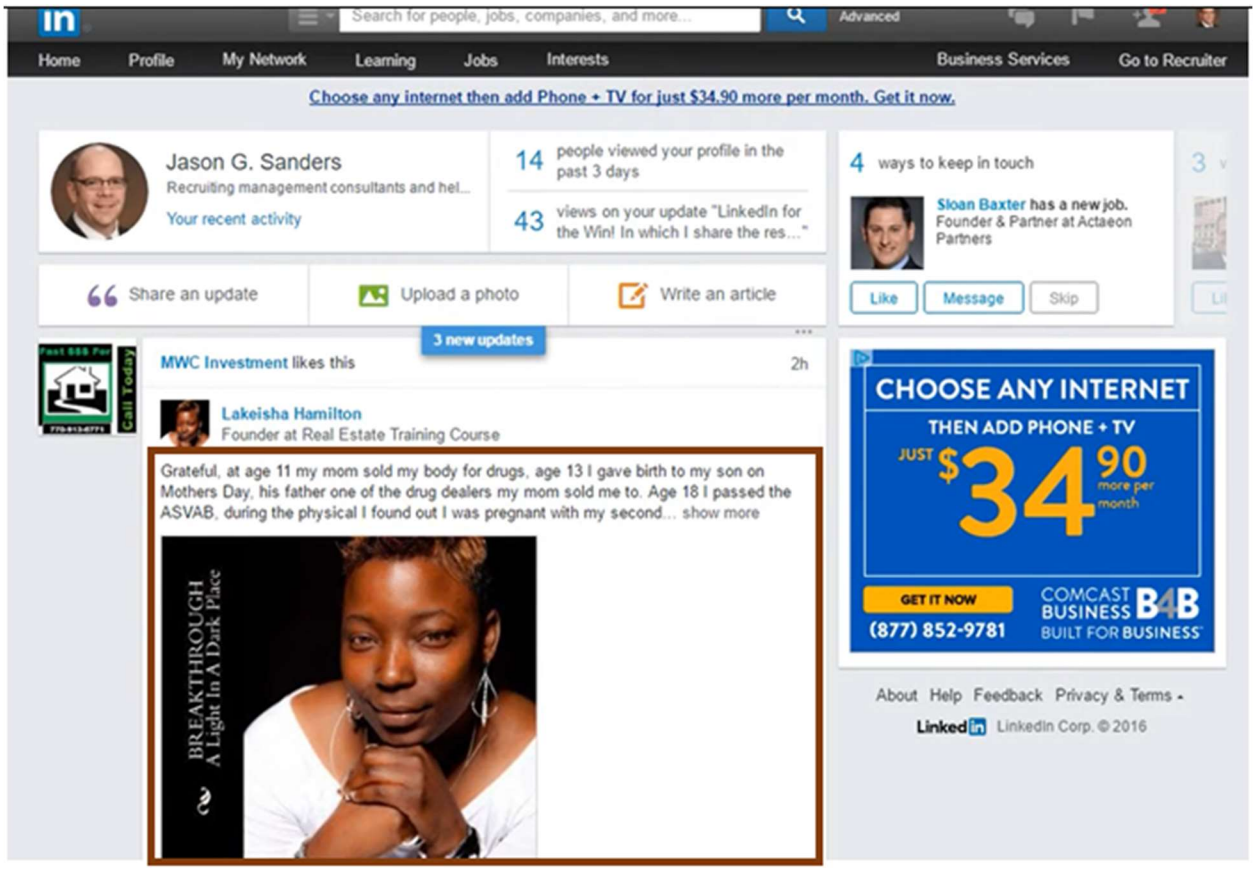
(*E.g.*, https://www.youtube.com/watch?v=vJHNa1fRdSs (published January 17, 2020)).

49. The Accused Instrumentality electronically transmits the multimedia file to a plurality of publicly available webservers, in order to ensure rapid delivery to any of various users from among a geographically-distributed userbase, to be electronically available for viewing on one or more user devices of such userbase over a public network (*e.g.*, the Internet) via a web-browser. Examples of viewing of such multimedia files and their associated multimedia content on user devices via a public network via a web-browser is shown below. Such function-specific subsystems may be contained within the function-specific servers, from among communicatively connected LinkedIn servers, a plurality of which are publicly accessible and used to host content to the public, for example as discussed below.

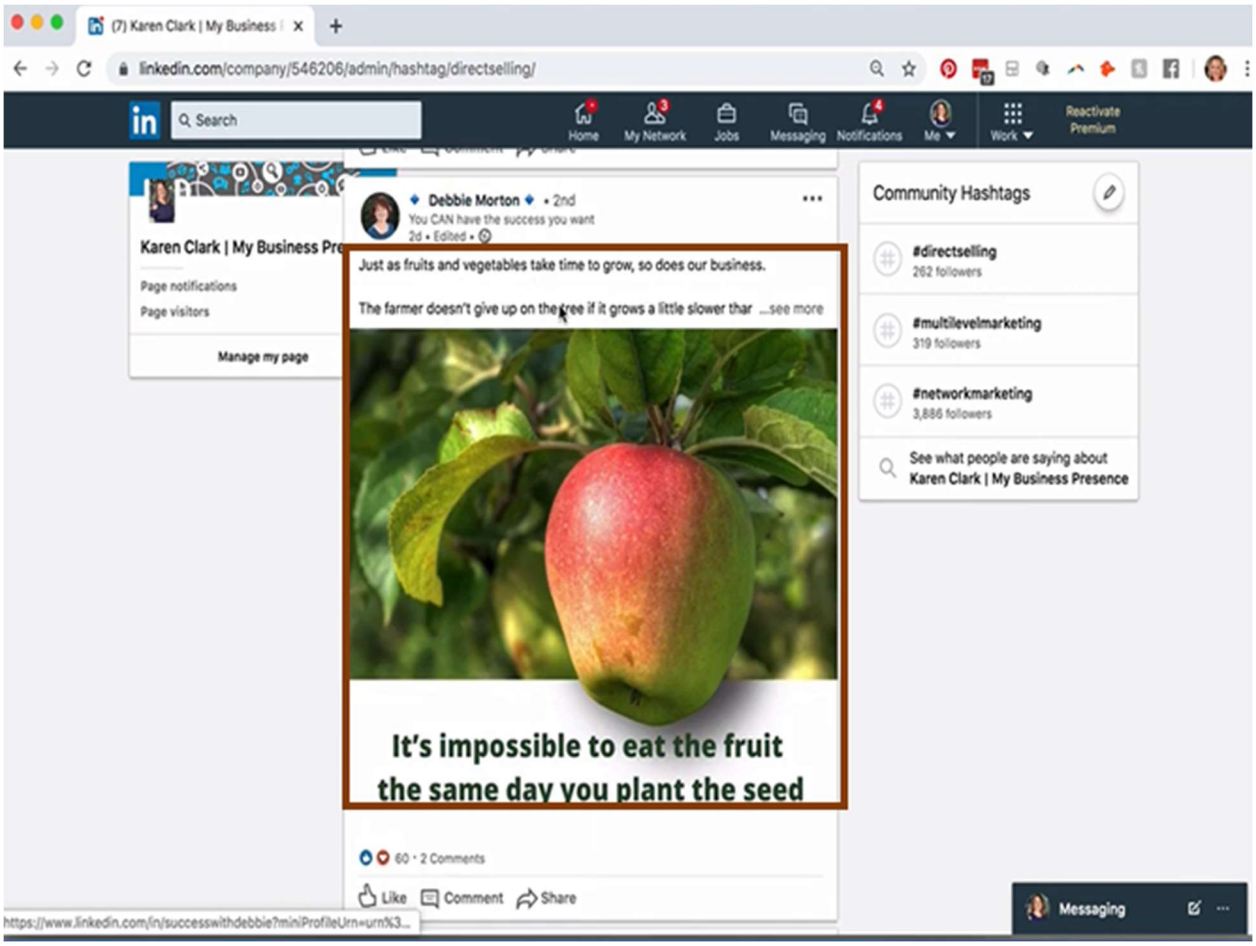




(*E.g*, https://www.youtube.com/watch?v=okycRyOKflw (published September 8, 2018)).



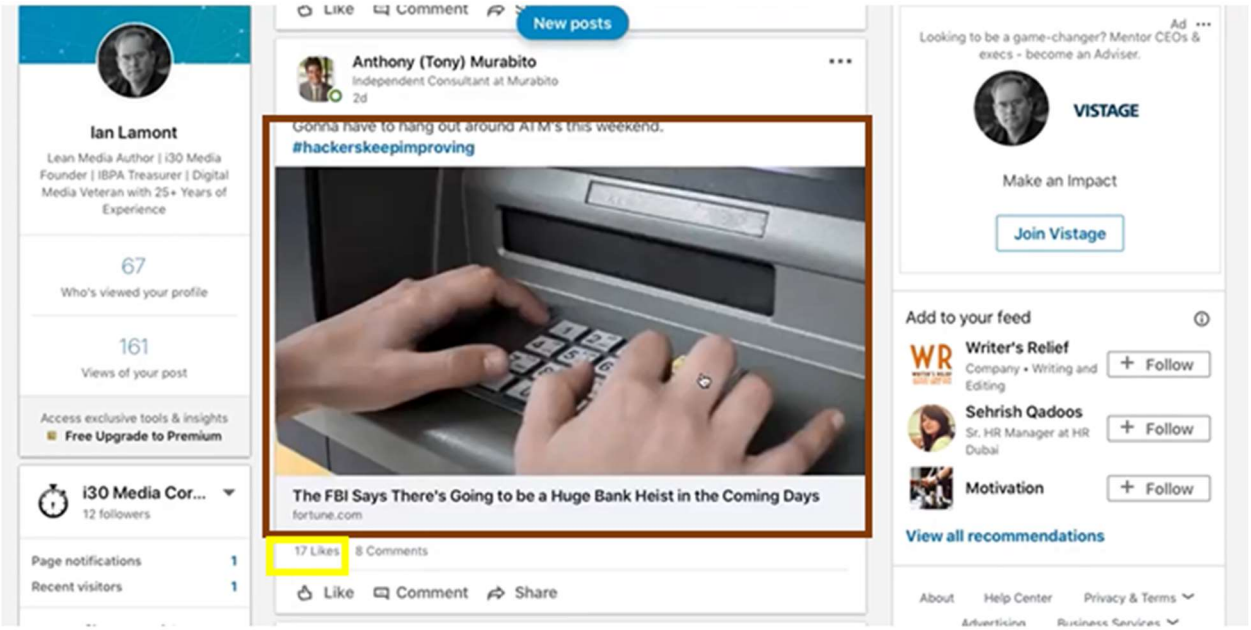
(*E.g*, https://www.youtube.com/watch?v=biJW9nzW8uk (published Nov 9, 2016)).



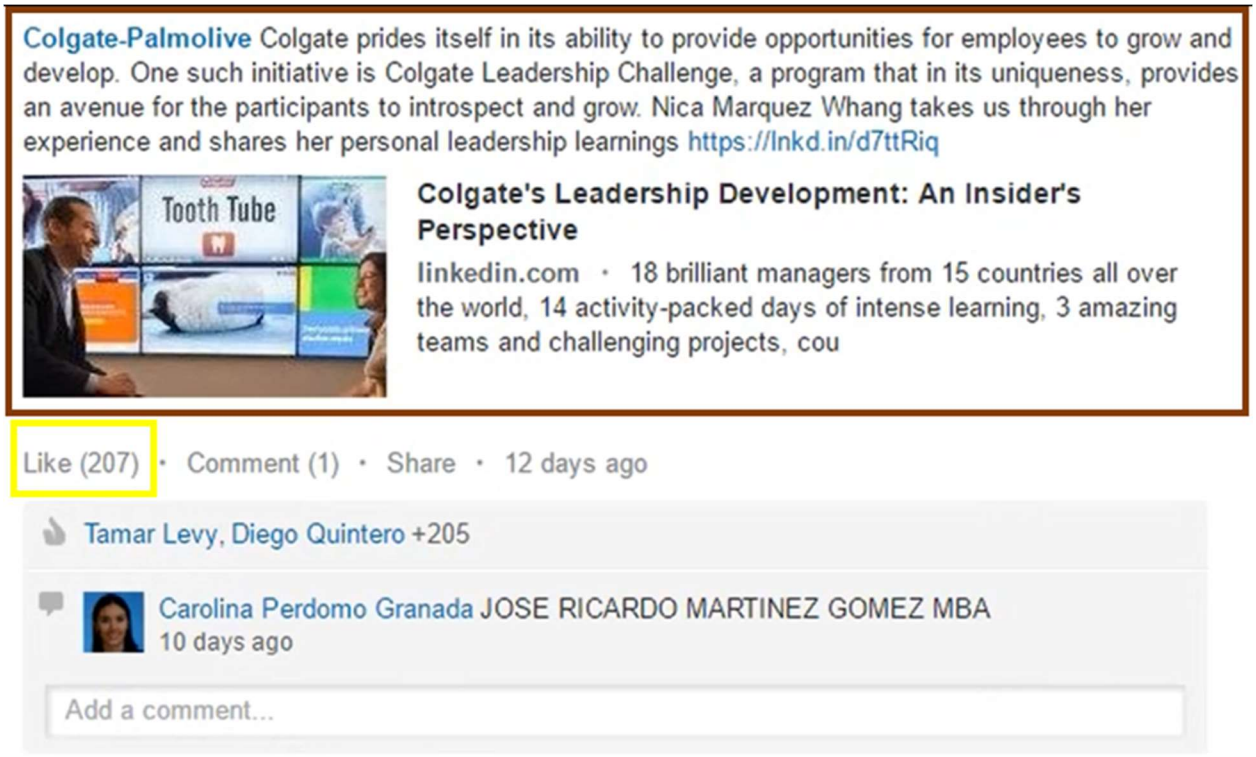
(*E.g.*, https://www.youtube.com/watch?v=vJHNa1fRdSs (published January 17, 2020)).

50. The Accused Instrumentality provides (*e.g.*, via its website's user interface) a web-based graphical user interface that enables a user to electronically transmit data (*e.g.,* data indicative of the selection of a "thumbs up" or "like" or "heart" icon) indicating a vote or rating for an electronically available multimedia content or an electronic submission (*e.g.,* an image or video) within a respective electronically available multimedia content. As can be seen below, the Accused Instrumentality's web-based graphical user interface enables selection of such a "thumbs up" or "like" or "heart" icon to indicate a vote or rating for electronically available multimedia content or an electronic media submission within a respective electronically available multimedia content, and this data is transmitted to the Accused Instrumentality such that a total number of

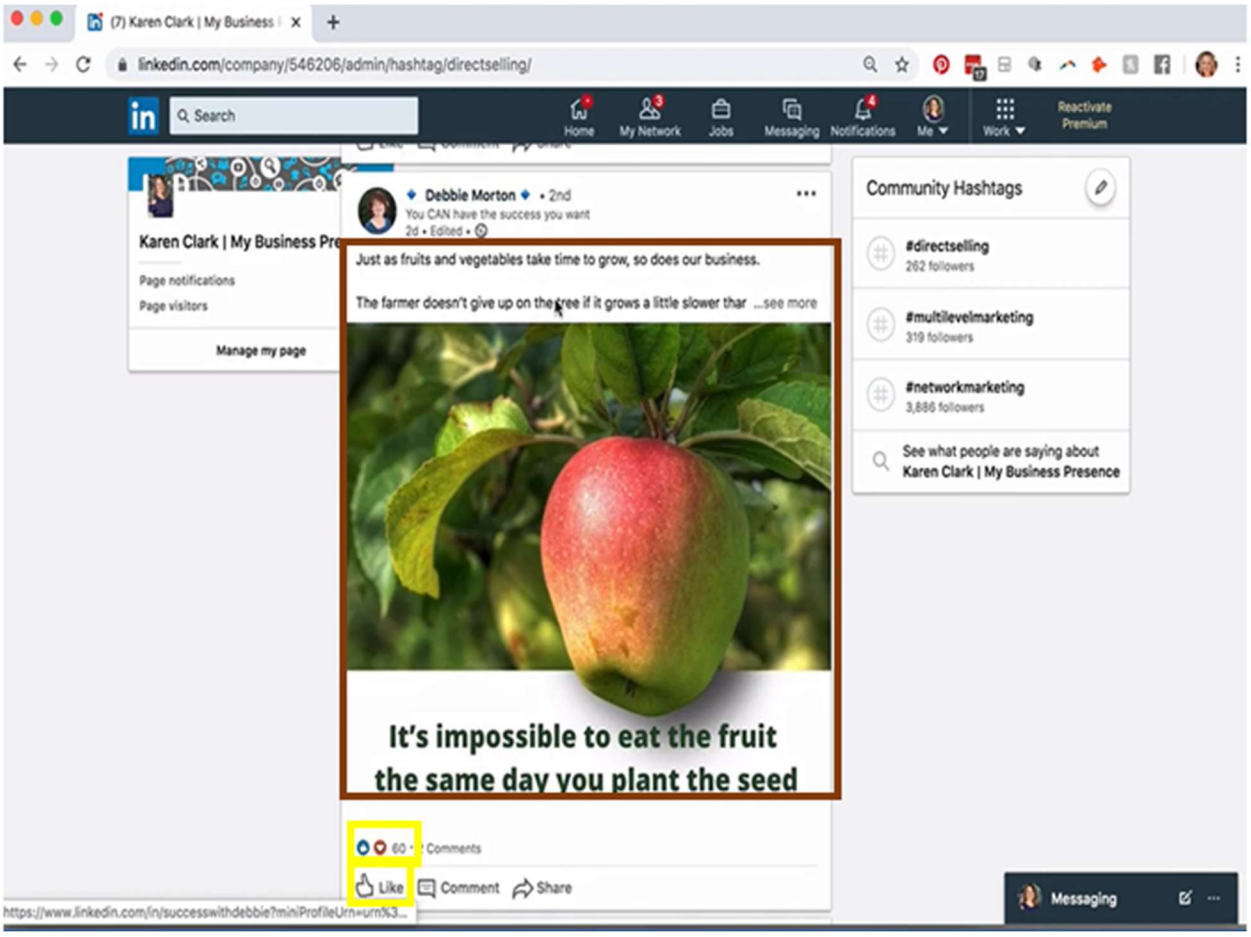
such selections is tracked and associated with the multimedia content and/or submission. Such function-specific subsystems may be contained within the function-specific servers, from among the communicatively connected LinkedIn servers, for example as discussed below.



(*E.g.*, https://www.youtube.com/watch?v=okycRyOKflw (published September 8, 2018)).



(*E.g.*, https://www.youtube.com/watch?v=biJW9nzW8uk (published Nov 9, 2016)).



(*E.g.*, https://www.youtube.com/watch?v=vJHNa1fRdSs (published January 17, 2020)).

51. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates

Plaintiff for such Defendant's infringement of the '665 Patent, *i.e.*, in an amount that by law cannot be less than would constitute a reasonable royalty for the use of the patented technology, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

52. To the extent marking is required, VCA has complied with all marking requirements.

V. JURY DEMAND

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

VI. PRAYER FOR RELIEF

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

a. Judgment that one or more claims of United States Patent No. 9,501,480 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;

b. Judgment that one or more claims of United States Patent No. 9,477,665 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;

c. Judgment that Defendant account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of Defendant's infringing activities and other conduct complained of herein, and an accounting of all infringements and damages not presented at trial;

d. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein; and

e. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

May 19, 2023

Respectfully Submitted,

/s/Steven G. Kalberg
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