

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

2011 JUN 18 P 12:23

CLERK OF DISTRICT COURT
ALEXANDRIA, VIRGINIA

VS TECHNOLOGIES, LLC,

Plaintiff

vs.

TWITTER, INC.

Defendant.

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CIVIL ACTION NO. 2:11CV 43
HCM/FBS
JURY TRIAL DEMANDED

PLAINTIFF’S ORIGINAL COMPLAINT

Plaintiff VS TECHNOLOGIES, LLC (“VS Technologies” or “Plaintiff”) files this Original Complaint against Defendant TWITTER, INC. (“Twitter” or “Defendant”), alleging as follows:

I. THE PARTIES

1. Plaintiff is a limited liability company organized and existing under the laws of the Commonwealth of Virginia with its principal offices in Alexandria, VA.

2. Upon information and belief, TWITTER, INC. (“Twitter”) is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business in San Francisco, CA. Defendant TWITTER may be served with process through its registered agent, Evan Williams, 539 Bryant Street, #402, San Francisco, CA 94107.

II. JURISDICTION AND VENUE

3. This is an action for infringement of United States Patent No. 6,408,309 (“the ‘309 Patent”) under 35 U.S.C. § 271 and § 281. This Court has exclusive jurisdiction of such action under 28 U.S.C. § 1338(a).

4. Upon information and belief, Defendant is subject to personal jurisdiction by the Court. Defendant has committed acts of patent infringement alleged herein within the Alexandria

Division of the Eastern District of Virginia. Defendant has committed such purposeful acts and/or transactions in Virginia that it reasonably should know and expect that it could be hailed into a Virginia court as a consequence of such activity.

5. Additionally, upon information and belief, Defendant has sufficient minimum contacts with the Commonwealth of Virginia and the Alexandria Division of the Eastern District of Virginia such that this Court has personal jurisdiction over Defendant and this is a fair and reasonable venue for the litigation of this action. Upon information and belief, Defendant has transacted, and at the time of the filing of this Complaint is continuing to transact business, within the Alexandria Division of the Eastern District of Virginia. For these reasons, personal jurisdiction exists and venue is proper in this Court under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b).

III. THE PATENT-IN-SUIT

6. On June 18, 2002, the '309 Patent was duly and legally issued. The '309 is titled "Method and System for Creating an Interactive Virtual Community of Famous People." A true and correct copy of the '309 Patent is attached hereto as Exhibit "A" and incorporated herein by reference.

7. As it pertains to this lawsuit, very generally speaking, the '309 Patent discloses methods and systems for creating interactive, virtual communities of people in various fields of endeavor wherein each community member has an interactive, personal profile containing information about that member.

8. VS TECHNOLOGIES, LLC is the owner of all right, title and interest in and to the '309 Patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the '309 Patent. On September 30, 2010, VS Technologies acquired by written assignment all right, title, and interest in the '309 Patent from its

inventor, Dinesh Agarwal. Accordingly, Plaintiff possesses the exclusive right and standing to prosecute the present action for infringement of the '309 Patent by Defendant.

IV. PATENT INFRINGEMENT

9. Upon information and belief, Defendant has manufactured, made, marketed, sold, and/or used computer networks, systems, products and/or services comprising all of the elements and limitations of one or more of the claims of the '309 Patent, and therefore has infringed one or more claims of the '309 Patent; and/or have induced and/or contributed to the infringement of one or more of the claims of the '309 Patent by others.

10. More specifically, on information and belief, Defendant TWITTER, without authority, consent, right, or license, and in direct infringement of the '309 Patent, manufactures, has manufactured, makes, has made, uses, has used, sells, has sold, offers for sale, has offered for sale, distributes, and/or has distributed, systems, products, and/or services infringing one or more claims of the '309 Patent, including its website www.twitter.com which creates and makes publicly available, interactive, virtual communities and profiles of people in various fields of endeavor.

11. VS Technologies 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 VS Technologies for Defendant's infringement, which 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.

12. Upon information and belief, Defendant will continue its infringement of one or more claims of the '309 Patent unless enjoined by the Court. Defendant's infringing conduct thus causes Plaintiff irreparable harm and will continue to cause such harm without the issuance of an injunction.

V. JURY DEMAND

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

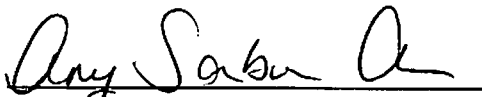
V. PRAYER FOR RELIEF

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. 6,408,309 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant and/or by others to whose infringement Defendant has contributed and/or by others whose infringement has been induced by Defendant;
- b. 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;
- c. 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;
- d. That the Court declare this an exceptional case and award Plaintiff its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285;
- e. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: January 18, 2011

Respectfully submitted,



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