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CLERK OF DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

BY: \_\_\_\_\_

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9 EVERYMD

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

12 EVERYMD, a partnership,

13 Plaintiff,

14 v.

15 RICK SANTORUM, MITT  
16 ROMNEY, NEWT GINGRICH,  
17 GOLDMAN, SACHS, & CO.,  
18 JPMORGAN CHASE BANK,  
19 N.A., YAHOO, INC., AOL, INC.,  
20 MICROSOFT, INC. and  
21 GOOGLE, INC.

22 Defendants.

Civil Action No.  
CV12-01623 DDP (JEMx)

**FIRST AMENDED COMPLAINT FOR  
PATENT INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

23 COMES NOW, Plaintiff EVERYMD and on information and belief alleges as  
24 follows:

25 **JURISDICTION AND VENUE**

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



1           8. Defendant JPMORGAN CHASE BANK, N.A. (“JP MORGAN”) is an  
2 underwriter for Facebook, Inc.’s upcoming IPO and a Facebook business account  
3 holder whose Facebook page has a URL of  
4 <https://www.facebook.com/jpmorgancommunity>. JP MORGAN has a place of  
5 business at 560 Mission St., San Francisco, CA 94105.  
6

7           9. Defendant YAHOO, INC. (“YAHOO”) is a Facebook business account  
8 holder whose Facebook page has a URL of <https://www.facebook.com/yahoo>.  
9 YAHOO has a place of business at 701 First Avenue, Sunnyvale, CA 94089.

10          10. Defendant AOL, INC. (“AOL”) is a Facebook business account holder  
11 whose Facebook page has a URL of <https://www.facebook.com/aol>. AOL has a place  
12 of business at 22000 AOL Way, Dulles, VA 20166.

13          11. Defendant MICROSOFT, INC. (“MICROSOFT”) is a Facebook business  
14 account holder whose Facebook page has a URL of  
15 <https://www.facebook.com/microsoft>. MICROSOFT has a place of business at One  
16 Microsoft Way, Redmond, WA 98052.

17          12. Defendant GOOGLE, INC. (“GOOGLE”) is a Facebook business  
18 account holder whose Facebook page has a URL of  
19 <https://www.facebook.com/google>. GOOGLE has a place of business at 1600  
20 Amphitheatre Parkway, Mountain View, CA 94043.  
21

22                                   **FIRST CAUSE OF ACTION**  
23                                   **PATENT INFRINGEMENT PURSUANT TO 35 U.S.C. 271(g)**

24          13. EVERYMD incorporates by reference paragraphs 1 – 12 as though fully  
25 set forth herein.

26          14. EVERYMD has operated the website [www.everymd.com](http://www.everymd.com) since 2001.

27          15. EVERYMD’s website at [www.everymd.com](http://www.everymd.com) provides home pages for  
28 over 300,000 member doctors and allows patients to obtain information about, send

1 messages to, and submit comments about those doctors via the doctors' individual  
2 home pages.

3  
4 16. Prior to November 1999, EVERYMD invented numerous novel  
5 technologies during development of its website.

6 17. EVERYMD filed U.S. Patent Application Serial No. 09/447,755 entitled  
7 "Method Apparatus and Business System for Online Communications with Online  
8 and Offline Recipients" on November 23, 1999.

9 18. EVERYMD is the owner of U.S. Patent No. 6,671,714 entitled "Method,  
10 Apparatus and Business System for Online Communications with Online and Offline  
11 Recipients" ("the '714 patent").

12 19. The '714 patent is based on the '755 application and issued on December  
13 30, 2003.

14 20. EVERYMD is the owner of U.S. Patent No. 7,644,122 entitled "Method,  
15 Apparatus and Business System for Online Communications with Online and Offline  
16 Recipients" ("the '122 patent").

17 21. The '122 patent is based on the '755 application and issued on December  
18 January 5, 2010.

19 22. EVERYMD owns additional pending patent applications that are based  
20 on the '755 application.

21 23. The '122 patent is valid and in full force and effect.

22 24. EVERYMD has given notice of its patent rights by marking its website at  
23 www.everymd.com with the '122 patent number.

24 25. The '122 patent is directed to a novel method for creating individual  
25 home pages for members of a group of members that contain controls for sending  
26 messages to and for submitting comments about the members.  
27  
28

1  
2 26. Third party Facebook, Inc. ("FACEBOOK") utilizes the method of the  
3 '122 patent to create individual home pages ("FACEBOOK PAGES") for its  
4 individual members.

5 27. In 2011, EVERYMD offered to sell the '122 patent to FACEBOOK.

6 28. FACEBOOK rejected EVERYMD's offer, and EVERYMD's offer has  
7 expired.

8 29. Defendants each use FACEBOOK PAGES produced by FACEBOOK  
9 using the method of the '122 patent for commercial purposes by placing  
10 advertisements and proportional messages on one or more of such FACEBOOK  
11 PAGES.

12 30. FACEBOOK's use of the method of the '122 patent to produce  
13 FACEBOOK PAGES is unauthorized.

14 31. FACEBOOK's failure to purchase the '122 patent or otherwise obtain  
15 rights under the '122 patent leaves holders of FACEBOOK business accounts liable  
16 for infringement of the '122 patent for unauthorized commercial use of FACEBOOK  
17 PAGES produced by FACEBOOK using the method of the '122 patent.

18 32. On January 23, 2011, EVERYMD announced a limited time reduced-  
19 price patent licensing program under which holders of FACEBOOK business  
20 accounts could avoid liability for infringement of the '122 patent by voluntarily  
21 purchasing licenses to the '122 patent for a reduced price of \$500 per FACEBOOK  
22 business account. EVERYMD's reduced price voluntary licensing program has  
23 ended.  
24

25 33. None of defendants have taken advantage of EVERYMD's voluntary  
26 licensing program, which is now no longer available to them.

27 34. Defendants each have actual notice of EVERYMD's patent rights but  
28 Defendants continue to act in conscious and willful disregard of those rights.

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35. Defendants' infringements of EVERYMD's patent rights have irreparably damaged EVERYMD and will continue to cause irreparable harm unless enjoined by the Court.

**DEMAND FOR RELIEF**

**WHEREFORE**, Plaintiffs ask this Court to:

- a. Enter judgment for EVERYMD against each Defendant on this Complaint;
- b. Enter a preliminary and permanent injunction to enjoin each Defendant, and all those in privity with each such Defendant, from further infringement of the '122 patent during the remaining term of the patent;
- c. Award compensatory damages to EVERYMD and to increase those damages three times in accordance with 35 U.S.C. § 284;
- d. Award EVERYMD reasonable attorneys' fees in accordance with 35 U.S.C. § 285;
- e. Award EVERYMD interest and costs; and
- f. Award EVERYMD such other and further relief as is just and proper.

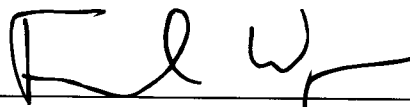
**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a trial by jury of all issues so triable.

Respectfully submitted,  
**TECHCOASTLAW®**

Dated: April 25, 2012

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