

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MASSACHUSETTS**

VIDEOSHARE, LLC., a Delaware limited liability company ,

Plaintiff,

v.

BRIGHTCOVE INC., a Delaware corporation.

Defendant.

Civil Action No: 12-11213-MLW

**DEMAND FOR JURY TRIAL**

**AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

**INTRODUCTION**

1. This is an action arising under the patent laws of the United States, Title 35 of the United States Code, to remedy patent infringement. Plaintiff VideoShare, LLC. (“VideoShare”), owns the inventions described and claimed in United States Patent No. 7,987,492 entitled “Sharing A Streaming Video” (the “ ‘492 patent,” a copy of which is attached hereto as Exhibit A). Defendant Brightcove Inc. (“Brightcove”) has used and continues to use VideoShare’s patented technology in products and services that it makes, uses, imports, sells, and offers to sell. VideoShare seeks damages for patent infringement and an injunction preventing Brightcove from making, using, selling, or offering to sell, and from contributing to and inducing others to make, use, sell, or offer to sell, the technology claimed by the ‘492 patent without VideoShare’s permission.

**PARTIES**

2. Plaintiff VideoShare is a Delaware limited liability company with a principal place of business in Chestnut Hill, Newton, Middlesex County, Massachusetts.

3. Defendant Brightcove is a Delaware corporation with a principal place of business in Boston, Suffolk County, Massachusetts.

**JURISDICTION AND VENUE**

4. This Court has subject matter jurisdiction over VideoShare's claims pursuant to 28 U.S.C. § 1331 and § 1338(a).

5. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and § 1400. Brightcove has committed and continues to commit acts of infringement nationwide, including within this district.

**CLAIM FOR PATENT INFRINGEMENT**

6. The United States Patent and Trademark Office issued the '492 patent on July 26, 2011 for an invention in sharing streaming videos. Through assignment, VideoShare is the owner of all right, title and interest in the '492 patent, including the right to pursue recovery of royalties and all past and future damages for infringement of said patent. The '492 patent is valid and enforceable.

7. Without a license or permission from VideoShare, Brightcove has infringed and is continuing to infringe one or more claims of the '492 patent and, unless enjoined, will continue to do so, by making, using, providing, selling, offering for sale, or importing products and services that embody the patented invention. Brightcove's infringing products and services include, without limitation, its products and services for sharing streaming videos, including those marketed as Brightcove Video Cloud Express I, II, and III; Brightcove Video Cloud

Professional; and Brightcove Video Cloud Enterprise (collectively, “Brightcove’s infringing products and services”).

8. Brightcove has actively, knowingly, and intentionally induced, and continues to actively, knowingly and intentionally induce, users of Brightcove’s infringing products and services to infringe the ‘492 patent by offering these products and services for sale and instructing users to operate them in an infringing manner using at least advertisements, product documentation, and customer support. As a result of Brightcove’s actions, users of Brightcove’s infringing products and services were induced to infringe and continue to be induced to infringe the ‘492 patent. Brightcove has had actual knowledge of the ‘492 patent at least since July 19, 2012, when the complaint in this action was filed.

10. Brightcove has actively and knowingly contributed to, and continues to actively and knowingly contribute to, direct infringement by users of Brightcove’s infringing products and services by selling or supplying, in the United States, the products and services to the users with knowledge that the products and services were and continue to be especially made or adapted for use in a manner that infringes the ‘492 patent. Brightcove’s infringing products and services—which receive a video file, convert it into streaming format, store the resulting streaming video file, create an identification tag for it, and transmit it on the Internet—perform a material part of the sharing a streaming video invention embodied in the ‘492 Patent, are not a staple of commerce, and do not have any non-infringing uses. Users of Brightcove’s infringing products and services have infringed and continue to infringe the ‘492 patent using Brightcove’s infringing products.

**CLAIM FOR RELIEF**

11. As a result of Brightcove's infringement of the '492 patent, VideoShare has been damaged by and will continue to suffer additional, irreparable damage, in an amount not yet determined, and will suffer an impairment of the value of its patent rights unless Brightcove is enjoined from continuing to infringe the '492 patent.

12. Pursuant to 35 U.S.C. § 281, VideoShare is entitled to recover damages from Brightcove to compensate it for Brightcove's infringement of the '492 patent.

WHEREFORE, Plaintiff prays that this Court:

- A. Enter a judgment that Brightcove has infringed the '492 patent;
- B. After hearing, preliminarily and permanently enjoin Brightcove, its officers, directors, employees, agents, and all persons in active concert with them, from infringing, and contributing to or inducing others to infringe the '492 patent;
- C. After hearing, enter a judgment awarding VideoShare compensatory damages, costs, expenses, and pre- and post-judgment interest for Brightcove's infringement of the '492 patent, as provided under 35 U.S.C. § 284 ; and
- D. Grant VideoShare such other and further relief as this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

VideoShare claims a trial by jury on all issues so triable.

Dated: January 21, 2013

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