

**UNITED STATES DISTRICT COURT**

**DISTRICT OF MASSACHUSETTS**

VIDEOSHARE, LLC., a Delaware limited liability company,

Plaintiff,

vs.

YOUTUBE, LLC, a Delaware limited liability company,

Defendant.

Civil Action No:

**DEMAND FOR JURY TRIAL**

**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 YouTube, LLC (“YouTube”) 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 YouTube 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 YouTube is a Delaware corporation with a principal place of business in San Bruno, San Mateo County, California.

## **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. YouTube has committed acts and continues to commit acts within this judicial district giving rise to this action.

## **CLAIM FOR PATENT INFRINGEMENT**

6. The United States Patent and Trademark Office issued the '492 patent on July 26, 2011. Through assignment, VideoShare is the owner of all right, title, and interest in the '492 patent, including all rights 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, YouTube 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 infringing products and services. YouTube's infringing products and services include, without limitation, its products and services for sharing streaming video, including those marketed as YouTube. Upon information and belief, YouTube, which has knowledge of the '492 patent, has also actively and

knowingly contributed to and induced, and continues to actively and knowingly contribute to and induce, infringement by users of YouTube's products and services.

**CLAIM FOR RELIEF**

8. As a result of YouTube'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 YouTube is enjoined from continuing to infringe the '492 patent.

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

WHEREFORE, Plaintiff prays for judgment as follows:

- A. Enter judgment that YouTube has infringed the '492 patent;
- B. After hearing, preliminarily and permanently enjoin YouTube, 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 YouTube'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: October 26, 2012

FABIANO LAW FIRM, LLP

/s/ John G. Fabiano

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