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1 2 3 4 5 6 7	2032 Whitey Ave. Los Angeles CA 90068 Telephone: (310) 494-6616 Examining: (310) 404 9089
8	IN THE UNITED STATES DISTRICT COURT
9	CENTRAL DISTRICT OF CALIFORNIA
10	
11) Civil Action No
12	EVERYMD, a partnership, $\begin{cases} Civil Action No. \\ CV12-01623 DDP(GHLx) \end{cases}$
13	Plaintiff,) COMPLAINT FOR PATENT
14	v.) INFRINGEMENT
15 16) DEMAND FOR JURY TRIAL
17	RICK SANTORUM, MITT
18	and DOES 1 - 10
19	Defendants.
20	}
21	
22	COMES NOW, Plaintiff EVERYMD and on information and belief alleges as
23	follows:
24	JURISDICTION AND VENUE
25	1. This is an action for patent infringement under 35 U.S.C. §§ 271 et. seq.
26	and 28 U.S.C. §§ 1331 and 1338(a).
27	and 20 0.5.0. yy 1551 and 1550(a).
28	

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2. The acts of patent infringement alleged herein occurred within this judicial district, Plaintiff resides in this district, and Defendants are subject to personal jurisdiction in this district. Therefore, venue is proper pursuant to 28 U.S.C. §§ 1391(b), (c), and 1400(b).

PARTIES

3. Plaintiff EVERYMD ("EVERYMD") is a partnership of Frank Weyer ("Weyer") and Troy Javaher ("Javaher"). EVERYMD has a place of business at 2032 Whitley Ave., Los Angeles, CA 90068.

4. Defendant RICK SANTORUM ("SANTORUM") is a Facebook business account holder whose Facebook page has a URL of https://www.facebook.com/RickSantorum. SANTORUM has a place of business at Post Office Box 37, Verona, PA 15147.

 Defendant MITT ROMNEY ("ROMNEY") is a Facebook business account holder whose Facebook page has a URL of https://www.facebook.com/mittromney. ROMNEY has a place of business at 585 Commercial St., Boston, MA 02109.

6. Defendant NEWT GINGRICH ("GINGRICH") is a Facebook business account holder whose Facebook page has a URL of https://www.facebook.com/newtgingrich. GINGRICH has a place of business at 3110 Maple Drive, Suite 400, Atlanta GA 30305.

7. Defendants Does 1 - 1000 are each a presently unidentified one of an estimated 4,000,000 additional Facebook business account holders that are subject to the jurisdiction of this court.

Complaint

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

8. EVERYMD incorporates by reference paragraphs 1 - 7 as though fully set forth herein.

9. EVERYMD has operated the website www.everymd.com since 2001.

10. EVERYMD's website at www.everymd.com provides home pages for over 300,000 member doctors and allows patients to obtain information about, send messages to, and submit comments about those doctors via the doctors' individual home pages.

11. Prior to November 1999, EVERYMD invented numerous novel technologies during development of its website.

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

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

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

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

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

17. EVERYMD owns additional pending patent applications that are based on the '755 application.

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

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

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

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

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

23. FACEBOOK rejected EVERYMD's offer, and EVERYMD's offer has expired.

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

25. FACEBOOK's use of the method of the '122 patent to produce FACEBOOK PAGES is unauthorized.

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

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

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

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

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

1	DEMAND FOR RELIEF
2	WHEREFORE, Plaintiffs ask this Court to:
3	
4	a. Enter judgment for EVERYMD against each Defendant on this
5	Complaint;
6	b. Enter a preliminary and permanent injunction to enjoin each Defendant,
7	and all those in privity with each such Defendant, from further infringement of the
8	'122 patent during the remaining term of the patent;
9	c. Award compensatory damages to EVERYMD and to increase those
10	damages three times in accordance with 35 U.S.C. § 284;
11 12	d. Award EVERYMD reasonable attorneys' fees in accordance with 35
12	U.S.C. § 285;
14	e. Award EVERYMD interest and costs; and
15	
16	J I I
17	DEMAND FOR JURY TRIAL
18	Plaintiffs hereby demand a trial by jury of all issues so triable.
19	
20	Respectfully submitted,
21	TECHCOASTLAW®
22	
23	Dated: February 27, 2012 By: Frank M. Weyer (State Bar No. 127011)
24	2032 Whitley Ave.
25	Los Angeles, CA 90068 (310) 494-6616
26	Fax (310) 494-9089
27	fweyer@techcoastlaw.com Attorney for Plaintiff
28	EVERYMD