

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

TREVOR BLUMENAU, LLC	§	
	§	
Plaintiff,	§	
	§	CIVIL ACTION NO. _____
vs.	§	
	§	<b>JURY TRIAL DEMANDED</b>
GOOGLE, INC., a Delaware corporation; and	§	
YOUTUBE, LLC, a Delaware limited liability	§	
company,	§	
	§	
Defendant		

**PLAINTIFF’S ORIGINAL COMPLAINT**

Plaintiff Trevor Blumenau LLC (“Plaintiff” or “Blumenau”) files this Original Complaint against Defendant Google, Inc. (“Google”) and YouTube, LLC (“YouTube”) (together, “Defendants”), and on information belief alleges the following:

**I.**

**INTRODUCTION**

1. Trevor Blumenau is the inventor of Patent No. 6,505,240 (the ‘240 Patent”), titled “Ameliorating Bandwidth Requirements for the Simultaneous Provision of Multiple Sets of Content Over a Network.” In general, the ‘240 Patent discloses novel and improved methods and systems for transmitting content over a network. YouTube is a wholly-owned subsidiary of Google. Google and YouTube provide a video-sharing website to the public that allows users to upload, view, and share video content. The website also distributes and presents video advertisement content. Google and YouTube have (and continue) to infringe the claims of the ‘240 Patent by developing, offering, operating, using, and putting into service the YouTube video sharing website and related services. Plaintiff seeks damages for patent infringement.

## **II.**

### **JURISDICTION AND VENUE**

2. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271 and 281, et seq. This Court has original jurisdiction over this patent infringement action under 28 U.S.C. § 1338(a).

3. Venue is proper in this Court under 28 U.S.C. §§ 1391(b) and (c) and 1400(b). Google and YouTube are responsible for acts of infringement occurring in the Eastern District of Texas (Marshall Division), as alleged in this Complaint, and have delivered or caused to be delivered infringing services and software in the Eastern District of Texas (Marshall Division).

## **III.**

### **THE PARTIES**

4. Plaintiff Trevor Blumenau, LLC is a limited liability company organized under the laws of the State of Texas, and is the owner all of rights, titles, and interest in and to the '240 Patent.

5. Defendant Google is a corporation organized and existing under the laws of the State of Delaware. Google has a principal place of business in Mountain View, California, and is doing business throughout the United States, including in this judicial district and elsewhere. Google may be served with process through its registered agent The Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware 19801.

6. Defendant YouTube is a wholly owned subsidiary of Google. YouTube is a Delaware limited liability company with a principal place of business in San Bruno, California, among other offices and facilities, and is doing business throughout the United States, including in this judicial district and elsewhere. YouTube may be served with process through its

registered agent Corporation Service Company, 2711 Centerville Road, Ste. 400, Wilmington, Delaware 19808.

**IV.**

**CLAIM FOR PATENT INFRINGEMENT**

7. On January 7, 2003, the ‘240 Patent was duly and legally issued to Trevor Blumenau, as the inventor. The ‘240 Patent is titled “Ameliorating Bandwidth Requirements for the Simultaneous Provision of Multiple Sets of Content Over a Network.” A copy of the ‘240 Patent is attached as Exhibit “A.”

8. Plaintiff is the owner of all rights, title, and interests in the ‘240 Patent, including all rights to pursue and collect past and future royalties and damages for infringement of the patented claims. The ‘240 Patent provides novel and improved methods and systems for the transmission of content over a network, including the Internet, in a manner that ameliorates bandwidth limitations.

9. Each claim of the ‘240 Patent is valid and enforceable.

10. Google has and continues to directly infringe the claims of the ‘240 Patent by making, using, selling, and offering for sale infringing products and services, including the YouTube video-sharing website and its related products and services, without a license or permission from Plaintiff.

11. YouTube also has and continues to directly infringe the claims of the ‘240 Patent by making, using, selling, and offering for sale infringing products and services, including the YouTube video-sharing website and its related products and services, without a license or permission from Plaintiff.

12. Plaintiff has been damaged by Google and YouTube’s infringement of the ‘240 Patent.

13. Plaintiff reserves the right to amend this Complaint to assert a claim for willful infringement if information obtained during the course of this lawsuit supports such an assertion.

**V.**

**JURY DEMAND**

14. Plaintiff demands a trial by jury on all issues relating to his claims.

**VI.**

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that the Court find in its favor and against Defendants, and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of United States Patent No. 6,505,240 have been infringed, either literally and/or under the doctrine of equivalents, by Defendants;
- b. Judgment that Defendants account for and pay to Plaintiff all damages and costs incurred by Plaintiff as a result of their acts of infringement and other conduct complained of herein;
- c. That Plaintiff be granted pre- and post-judgment interest calculated on monetary amounts awarded;
- d. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: February 16, 2016

Respectfully submitted,

/s/ Adam Sanderson

Stephen F. Malouf (lead attorney)  
Texas State Bar No. 12888100

MALOUF & NOCKELS  
3811 Turtle Creek Blvd., Ste 800  
Dallas, Texas 75219  
(214) 969.737 (telephone)  
(214) 969-6748 (facsimile)  
[maloufs@smalouf.com](mailto:maloufs@smalouf.com)

Adam Sanderson  
Texas State Bar No. 24056264

REESE GORDON MARKETOS LLP  
750 N. St. Paul, St. Ste. 610  
Dallas, Texas 75201  
(214) 382-9810 (telephone)  
(214) 501-0731 (facsimile)  
[adam.sanderson@rgmfirm.com](mailto:adam.sanderson@rgmfirm.com)

**ATTORNEYS FOR PLAINTIFF**