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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

CONSOLIDATED TRANSACTION  
PROCESSING LLC,

Plaintiff,

v.

JET.COM, INC.,

Defendant.

**CASE NO.:**

**COMPLAINT FOR PATENT  
INFRINGEMENT**

Plaintiff Consolidated Transaction Processing LLC (“CTP” or “Plaintiff”), for its Complaint against Defendant Jet.com, Inc., (“Jet.com” or “Defendant”) and “alleges the following:

**NATURE OF THE ACTION**

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

**THE PARTIES**

2. Plaintiff is a limited liability company organized under the laws of the State of Nevada with a place of business at 848 N. Rainbow Blvd., #4441, Las Vegas, NV 89107.

3. Upon information and belief, Jet.com is a corporation organized and existing under the laws of the State of Delaware, with a place of business at 221 River Street, 8th Floor, Hoboken, NJ 07030, and can be served through its registered agent, Corporation Service Company, 2711 Centerville Rd.,

1 Suite 400, Wilmington, Delaware 19808. Upon information and belief, Jet.com sells and offers to sell  
2 products and services throughout the United States, including in this judicial district, and introduces  
3 products and services into the stream of commerce and that incorporate infringing technology knowing  
4 that they would be sold in this judicial district and elsewhere in the United States.

5 **JURISDICTION AND VENUE**

6 4. This is an action for patent infringement arising under the Patent Laws of the United  
7 States, Title 35 of the United States Code.

8 5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

9 6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c), (d) and/or  
10 1400(b). On information and belief, Defendant conducts business in this District, the claims  
11 alleged in this Complaint arise in this District, and the acts of infringement have taken place and are  
12 continuing to take place in this District.

13 7. On information and belief, Defendant is subject to this Court's general and specific  
14 personal jurisdiction because Defendant has sufficient minimum contacts within the State of  
15 Nevada and this District, pursuant to due process and/or the Nevada Long Arm Statute because  
16 Defendant purposefully availed itself of the privileges of conducting business in the State of  
17 Nevada and in this District, because Defendant regularly conducts and solicits business within the  
18 State of Nevada and within this District including but not limited to the siting one of Jet.com's  
19 fulfillment centers at the Tahoe Reno Industrial Center in the State of Nevada and within this  
20 District, and because Plaintiff's causes of action arise directly from Defendant's business contacts  
21 and other activities in the State of Nevada and this District.

22 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,374,956**

23 8. The allegations set forth in the foregoing paragraphs 1 through 7 are incorporated  
24 into this First Claim for Relief.

25 9. On February 12, 2013, U.S. Patent No. 8,374,956 ("the '956 patent"), entitled  
26 "Internet Transactions Based on User-Specific Information," was duly and legally issued by the  
27 United States Patent and Trademark Office. A true and correct copy of the '956 patent is attached  
28 as Exhibit 1.

1           10.     The inventions of the '956 patent resolve technical problems related to computerized  
2 catalog and order fulfillment technology. For example, the inventions allow consumers to view a  
3 dynamic catalog of goods available to them from multiple retailers in a single, consistent, website  
4 interface facilitating the automated retail sale and delivery of products from multiple distributors  
5 which, on information and belief, are exclusively implemented utilizing computer technology.

6           11.     The claims of the '956 patent do not merely recite the performance of some business  
7 practice known from the pre-Internet world along with the requirement to perform it on the Internet.  
8 Instead, the claims of the '956 patent recite one or more inventive concepts that are rooted in  
9 computerized sales and order fulfillment technology, and overcome problems specifically arising in  
10 the realm of computerized sales and order fulfillment technologies.

11           12.     The claims of the '956 patent recite an invention that is not merely the routine or  
12 conventional use of internet-based commerce systems. Instead, the invention describes a  
13 distributed processing architecture for dynamic catalog-building, order processing and fulfillment  
14 from multiple, separate retailers. The '956 patent claims thus specify how information regarding  
15 product inventory from multiple, separate retailers is dynamically presented to retail consumers to  
16 facilitate sales and delivery of inventory from a plurality of distributors.

17           13.     The technology claimed in the '956 patent does not preempt all ways of using  
18 Internet-based retail sales and delivery channels nor preempt the use of all Internet-based retail  
19 sales and delivery channels nor preempt any other well-known or prior art technology.

20           14.     Accordingly, each claim of the '956 patent recites a combination of elements  
21 sufficient to ensure that the claim in practice amounts to significantly more than a patent on an  
22 ineligible concept.

23           15.     Plaintiff is the assignee and owner of the right, title and interest in and to the '956  
24 patent, including the right to assert all causes of action arising under said patents and the right to  
25 any remedies for infringement of them.

26           16.     Upon information and belief, Defendant has and continues to directly infringe at  
27 least claims 1, 3, 4, 6-9, 11, 13, 14, and 16-19 of the '956 patent by making, using, selling,  
28 importing and/or providing and causing to be used an internet-based electronic transaction system

1 for facilitating the automated retail sale of products from distributors to customers via a web-site  
2 (the “’956 Accused Instrumentalities”).

3 17. In particular, claim 1 of the ’956 patent recites an internet-centric electronic  
4 transaction system for facilitating the sale of products from distributors to customers through a  
5 website comprising: a database for storing product and customer data; a dynamic catalog builder for  
6 generating user-specific product offerings based in part on personal customer information; an  
7 interface for viewing and/or purchasing the user-specific product offerings; a payment authorization  
8 processor for determining, in part using information in the database, whether to accept a purchase  
9 order; a distribution authorization processor for authorizing the direct shipment of products from  
10 distributors for accepted purchase orders; and a system for sending automated messages to  
11 customers regarding accepted purchase orders.

12 18. The ’956 Accused Instrumentalities infringe claim 1 of the ’956 patent through a  
13 combination of features which collectively practice each limitation of claim 1. (*See, e.g.*,  
14 <http://www.jet.com>; <https://jet.com/how-jet-works>;  
15 [https://jetsupport.desk.com/customer/en/portal/articles/2312920-what-is-the-process-to-integrate-](https://jetsupport.desk.com/customer/en/portal/articles/2312920-what-is-the-process-to-integrate-with-the-jet-platform-)  
16 [with-the-jet-platform-;](http://developer.jet.com/docs/merchant-sku) <http://developer.jet.com/docs/merchant-sku>; <https://jet.com/privacy-policy>;  
17 <https://jetsupport.desk.com/customer/en/portal/articles/2312885-the-jet-rules-engine>;  
18 <https://jet.com/privacy-policy?nav=true>; :  
19 [https://jetsupport.desk.com/customer/en/portal/articles/2312896-how-is-a-retail-partner-selected-to-](https://jetsupport.desk.com/customer/en/portal/articles/2312896-how-is-a-retail-partner-selected-to-fulfill-an-order-or-part-of-an-order-)  
20 [fulfill-an-order-or-part-of-an-order-;](https://jet.com/purchase-terms) <https://jet.com/purchase-terms>;

21 19. Claim 3 of the ’956 patent recites the system of claim 1 wherein the customer data  
22 comprises customer name, billing address, email address and purchase patterns.

23 20. The ’956 Accused Instrumentalities infringe claim 3 of the ’956 patent through a  
24 combination of features which collectively practice each limitation of claim 3. (*See, e.g.*,  
25 [https://jet.com.](https://jet.com))

26 21. Claim 4 of the ’956 patent recites the system of claim 3, wherein the customer  
27 service sub-system generates personalized promotional offers based on at least in part data stored in  
28 customer database.

1           22.     The '956 Accused Instrumentalities infringe claim 4 of the '956 patent through a  
2 combination of features which collectively practice each limitation of claim 4. (*See, e.g.*,  
3 [http://www.fastcocrete.com/3051003/why-jetcom-made-50-personalized-ads-in-one-day-based-](http://www.fastcocrete.com/3051003/why-jetcom-made-50-personalized-ads-in-one-day-based-on-customer-orders)  
4 [on-customer-orders.](http://www.fastcocrete.com/3051003/why-jetcom-made-50-personalized-ads-in-one-day-based-on-customer-orders))

5           23.     Claim 6 of the '956 patent recites the system of claim 1, wherein the catalog builder  
6 dynamically adjusts pricing for the product offerings in the electronic catalogs based on at least in  
7 part information in database.

8           24.     The '956 Accused Instrumentalities infringe claim 6 of the '956 patent through a  
9 combination of features which collectively practice each limitation of claim 6. (*See, e.g.*,  
10 [http://tech.jet.com/blog/2015/08-17-realtime-pricing-realtime-advertising/index.html.](http://tech.jet.com/blog/2015/08-17-realtime-pricing-realtime-advertising/index.html))

11           25.     Claim 7 of the '956 patent recites the system of claim 1, wherein the catalog builder  
12 dynamically adjusts pricing of the product offerings based on a plurality of factors including at least  
13 one of: an amount of web-site traffic, sales for a particular category, and sales for a particular  
14 product.

15           26.     The '956 Accused Instrumentalities infringe claim 7 of the '956 patent through a  
16 combination of features which collectively practice each limitation of claim 7. (*See, e.g.*,  
17 [https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-with-](https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-with-transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqflv8q4qeot1)  
18 [transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqflv8q4qeot1.](https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-with-transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqflv8q4qeot1))

19           27.     Claim 8 of the '956 patent recites the system of claim 1, further comprising a  
20 distributor selection sub-system for selecting a particular one of the plurality of distributors for  
21 filling a particular one of the purchase orders.

22           28.     The '956 Accused Instrumentalities infringe claim 8 of the '956 patent through a  
23 combination of features which collectively practice each limitation of claim 8. (*See, e.g.*,  
24 [https://jetsupport.desk.com/customer/en/portal/articles/2312896-how-is-a-retail-partner-selected-to-](https://jetsupport.desk.com/customer/en/portal/articles/2312896-how-is-a-retail-partner-selected-to-fulfill-an-order-or-part-of-an-order-)  
25 [fulfill-an-order-or-part-of-an-order-.](https://jetsupport.desk.com/customer/en/portal/articles/2312896-how-is-a-retail-partner-selected-to-fulfill-an-order-or-part-of-an-order-))

26           29.     Claim 9 of the '956 patent recites the system of claim 1, further comprising a secure  
27 web-site coupled to the database, the secure web-site for enabling the plurality of distributors to  
28 access the database and to update the catalog-type product data.

1           30.     The '956 Accused Instrumentalities infringe claim 9 of the '956 patent through a  
2 combination of features which collectively practice each limitation of claim 9. (*See, e.g.*,  
3 [https://www.dropbox.com/s/d05m77uyscf0w2u/Jet\\_Integration\\_Overview.pdf?dl=0](https://www.dropbox.com/s/d05m77uyscf0w2u/Jet_Integration_Overview.pdf?dl=0).)

4           31.     Claim 11 of the '956 patent recites an internet-centric electronic transaction method  
5 executed by one or more computers for facilitating the sale of products from distributors to  
6 customers via a communications network comprising: receiving product and customer data; a  
7 generating electronic catalogs of user-specific product offerings based in part on personal customer  
8 information; permitting the customers to access to the electronic catalog to view and place purchase  
9 orders for one or more products via a communications network; determining whether to accept the  
10 purchase order based in part by information stored in the database; authorizing distributors to ship  
11 products for accepted purchase orders; and sending automated messages to customers regarding  
12 accepted purchase orders.

13           32.     The '956 Accused Instrumentalities infringe claim 11 of the '956 patent through a  
14 combination of features which collectively practice each limitation of claim 11. (*See, e.g.*,  
15 <http://tech.jet.com/blog/2015/08-17-realtime-pricing-realtime-advertising/index.html>;  
16 <https://jet.com/how-jet-works>; [https://jetsupport.desk.com/customer/en/portal/articles/2312920-](https://jetsupport.desk.com/customer/en/portal/articles/2312920-what-is-the-process-to-integrate-with-the-jet-platform-)  
17 <http://developer.jet.com/docs/merchant-sku>;  
18 <https://jet.com>; <https://jet.com/privacy-policy>;  
19 <https://jetsupport.desk.com/customer/en/portal/articles/2312885-the-jet-rules-engine>;  
20 <https://jet.com/privacy-policy?nav=true>;  
21 [https://jetsupport.desk.com/customer/en/portal/articles/2312896-how-is-a-retail-partner-selected-to-](https://jetsupport.desk.com/customer/en/portal/articles/2312896-how-is-a-retail-partner-selected-to-fulfill-an-order-or-part-of-an-order-)  
22 [fulfill-an-order-or-part-of-an-order-](https://jet.com/purchase-terms); <https://jet.com/purchase-terms>.)

23           33.     Claim 13 of the '956 patent recites the method of claim 11, wherein the customer  
24 data including customer name, billing address, email address and purchase patterns.

25           34.     The '956 Accused Instrumentalities infringe claim 13 of the '956 patent through a  
26 combination of features which collectively practice each limitation of claim 13. (*See, e.g.*,  
27 <https://jet.com/privacy-policy?nav=true>.)  
28

1           35.     Claim 14 of the '956 patent recites the method of claim 13, further comprising  
2 generating personalized promotional offers based on at least in part data stored in the customer  
3 database.

4           36.     The '956 Accused Instrumentalities infringe claim 14 of the '956 patent through a  
5 combination of features which collectively practice each limitation of claim 14. (*See, e.g.*,  
6 <http://thekrazycouponlady.com/2016/04/25/8-reasons-jet-com-just-became-our-new-fave.>)

7           37.     Claim 16 of the '956 patent recites the internet-centric electronic transaction method  
8 of claim 11, further comprising dynamically adjusting pricing of the product offerings in the  
9 electronic catalogs based on at least in part information stored in the database.

10          38.     The '956 Accused Instrumentalities infringe claim 16 of the '956 patent through a  
11 combination of features which collectively practice each limitation of claim 16. (*See, e.g.*,  
12 [https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-with-](https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-with-transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqf1v8q4qeot1.)  
13 [transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqf1v8q4qeot1.](https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-with-transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqf1v8q4qeot1.))

14          39.     Claim 17 of the '956 patent recites the method of claim 11, further comprising  
15 dynamically adjusting pricing of the product offerings in the electronic catalogs based on a plurality  
16 of factors including at least one of: an amount of web-site traffic, sales for a particular category, and  
17 sales for a particular product.

18          40.     The '956 Accused Instrumentalities infringe claim 17 of the '956 patent through a  
19 combination of features which collectively practice each limitation of claim 17. (*See, e.g.*,  
20 [https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-with-](https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-with-transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqf1v8q4qeot1.)  
21 [transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqf1v8q4qeot1.](https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-with-transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqf1v8q4qeot1.))

22          41.     Claim 18 of the '956 patent recites the method of claim 11, further comprising  
23 selecting a particular one of the plurality of distributors for filling a particular one of the purchase  
24 orders.

25          42.     The '956 Accused Instrumentalities infringe claim 18 of the '956 patent through a  
26 combination of features which collectively practice each limitation of claim 18. (*See, e.g.*,  
27 [https://jetsupport.desk.com/customer/en/portal/articles/2312896-how-is-a-retail-partner-selected-to-](https://jetsupport.desk.com/customer/en/portal/articles/2312896-how-is-a-retail-partner-selected-to-fulfill-an-order-or-part-of-an-order-.)  
28 [fulfill-an-order-or-part-of-an-order-.](https://jetsupport.desk.com/customer/en/portal/articles/2312896-how-is-a-retail-partner-selected-to-fulfill-an-order-or-part-of-an-order-.))

1           43.     Claim 19 of the '956 patent recites the method of claim 11, further comprising  
2 providing secure web access to the database to enable the plurality of distributors to access the  
3 database and to update the product data.

4           44.     The '956 Accused Instrumentalities infringe claim 19 of the '956 patent through a  
5 combination of features which collectively practice each limitation of claim 19. (*See, e.g.*,  
6 [https://www.dropbox.com/s/d05m77uyscf0w2u/Jet\\_Integration\\_Overview.pdf?dl=0](https://www.dropbox.com/s/d05m77uyscf0w2u/Jet_Integration_Overview.pdf?dl=0).)

7           45.     On information and belief, these '956 Accused Instrumentalities are used marketed,  
8 provided to, and/or used by or for Defendant's partners, clients, customers and end users across the  
9 country and in this District.

10          46.     Defendant was made aware of the '956 patent and its infringement thereof at least as  
11 early as the filing of this Complaint.

12          47.     Upon information and belief, since at least the time Defendant received notice,  
13 Defendant has induced and continues to induce others to infringe at least one claim of the '956  
14 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful  
15 blindness, actively aiding and abetting others to infringe, including but not limited to each of  
16 Defendant's partners, clients, customers, and end users, whose use of the '956 Accused  
17 Instrumentalities constitutes direct infringement of at least one claim of the '956 patent.

18          48.     In particular, Defendant's actions that aid and abet others such as its partners,  
19 customers, clients, and end users to infringe include advertising and distributing the '956 Accused  
20 Instrumentalities and providing instruction materials, training, and services regarding the '956  
21 Accused Instrumentalities. On information and belief, Defendant has engaged in such actions with  
22 specific intent to cause infringement or with willful blindness to the resulting infringement because  
23 Defendant has had actual knowledge of the '956 patent and knowledge that its acts were inducing  
24 infringement of the '956 patent since at least the date Jet.com received notice that such activities  
25 infringed the '956 patent.

26          49.     Upon information and belief, Defendant is liable as a contributory infringer of the  
27 '956 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United  
28 States computerized sales and order fulfillment platforms to be especially made or adapted for use



1 in an infringement of the '956 patent. The '956 Accused Instrumentalities are a material  
2 component for use in practicing the '956 patent and are specifically made and are not a staple article  
3 of commerce suitable for substantial non-infringing use.

4 50. Since Defendant received notice of this complaint, Defendant's continued  
5 infringement has been willful.

6 51. Plaintiff has been harmed by Defendants' infringing activities.

7 **COUNT II – INFRINGEMENT OF U.S. PATENT NO. 8,396,743**

8 52. The allegations set forth in the foregoing paragraphs 1 through 51 are incorporated  
9 into this Second Claim for Relief.

10 53. On March 12, 2013, U.S. Patent No. 8,396,743 ("the '743 patent"), entitled "Sending  
11 Targeted Product Offerings Based on Personal Information," was duly and legally issued by the  
12 United States Patent and Trademark Office. A true and correct copy of the '743 patent is attached  
13 as Exhibit 2.

14 54. The inventions of the '743 patent resolve technical problems related to computerized  
15 catalog and order fulfillment technology. For example, the inventions allow consumers to view  
16 targeted product offerings available to them from multiple retailers over a communications  
17 network, facilitating the automated retail sale and delivery of products from multiple distributors  
18 which, on information and belief, are exclusively implemented utilizing computer technology.

19 55. The claims of the '743 patent do not merely recite the performance of some business  
20 practice known from the pre-Internet world along with the requirement to perform it on the Internet.  
21 Instead, the claims of the '743 patent recite one or more inventive concepts that are rooted in  
22 computerized sales and order fulfillment technology, and overcome problems specifically arising in  
23 the realm of computerized sales and order fulfillment technologies.

24 56. The claims of the '743 patent recite an invention that is not merely the routine or  
25 conventional use of internet-based commerce systems. Instead, the invention describes a method  
26 and system for relaying targeted product offerings from multiple product retailers to customers, the  
27 targeted offerings based in part on an IP address associated with the customer. The '743 patent  
28 claims thus specify how information regarding product inventory from multiple, separate retailers is

1 dynamically presented to retail consumers to facilitate sales and delivery of inventory from a  
2 plurality of distributors.

3 57. The technology claimed in the '743 patent does not preempt all ways of using  
4 Internet-based retail sales and delivery channels nor preempt the use of all Internet-based retail  
5 sales and delivery channels nor preempt any other well-known or prior art technology.

6 58. Accordingly, each claim of the '743 patent recites a combination of elements  
7 sufficient to ensure that the claim in practice amounts to significantly more than a patent on an  
8 ineligible concept.

9 59. Plaintiff is the assignee and owner of the right, title and interest in and to the '743  
10 patent, including the right to assert all causes of action arising under said patents and the right to  
11 any remedies for infringement of them.

12 60. Upon information and belief, each Defendant has and continues to directly infringe  
13 at least claims 1, 2, 4-6, 15, 16, and 18 of the '743 patent by making, using, selling, importing  
14 and/or providing and causing to be used communications network-based electronic transaction  
15 system for facilitating the automated retail sale of products from distributors through targeted  
16 advertising to customers based in part on an IP address associated with the customer (the "'743  
17 Accused Instrumentalities").

18 61. In particular, claim 1 of the '743 patent recites a computer implemented method for  
19 the targeted advertising of products comprising, receiving product data from multiple distributors  
20 via a communications network; receiving customer data comprising location information derived  
21 from IP addresses associated with customers; generating a targeted product offering based at least  
22 in part from customer location information; and sending automated messages concerning the  
23 targeted product offering to customers.

24 62. On information and belief, the '743 Accused Instrumentalities infringe claim 1 of the  
25 '743 patent through a combination of features which collectively practice each limitation of claim 1.  
26 (*See, e.g.*, <http://www.jet.com>; <https://jetsupport.desk.com/customer/en/portal/articles/2312885-the-jet-rules-engine>;  
27 [https://jetsupport.desk.com/customer/en/portal/articles/2312920-what-is-the-  
28 process-to-integrate-with-the-jet-platform-](https://jetsupport.desk.com/customer/en/portal/articles/2312920-what-is-the-process-to-integrate-with-the-jet-platform-); <https://jet.com/privacy-policy?nav=true>.)

1           63.     Claim 2 of the '743 patent recites the method of claim 1, wherein the at least one  
2 user-specific product offering includes at least of: a coupon, an electronic coupon, a promotional  
3 offer, an exclusive sale, an incentive, a rebate, and competitive pricing.

4           64.     On information and belief, the '743 Accused Instrumentalities infringe claim 2 of the  
5 '743 patent through a combination of features which collectively practice each limitation of claim 2.  
6 (*See, e.g.*, [https://jet.com/how-jet-works/how-to-save.](https://jet.com/how-jet-works/how-to-save))

7           65.     Claim 4 of the '743 patent recites the method of claim 1, wherein the customer data  
8 comprises at least one of: IP (Internet Protocol) address, IP host name, customer name, billing  
9 address, email address and purchase patterns.

10          66.     On information and belief, the Accused Instrumentalities infringe claim 4 of the '743  
11 patent through a combination of features which collectively practice each limitation of claim 4.  
12 (*See, e.g.*, [https://jet.com/privacy-policy?nav=true.](https://jet.com/privacy-policy?nav=true))

13          67.     Claim 5 of the '743 patent recites the method of claim 1, further comprising:  
14 dynamically adjusting pricing of the product offerings based on at least in part information stored in  
15 the database.

16          68.     On information and belief, the '743 Accused Instrumentalities infringe claim 5 of the  
17 '743 patent through a combination of features which collectively practice each limitation of claim 5.  
18 (*See, e.g.*, [https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-  
19 with-transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqflv8q4qeot1.](https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-with-transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqflv8q4qeot1))

20          69.     Claim 6 of the '743 patent recites method of claim 1, further comprising dynamically  
21 adjusting pricing of the product offerings in the electronic catalogs based on a plurality of factors  
22 including at least one of: an amount of web-site traffic, sales for a particular category, and sales for  
23 a particular product.

24          70.     On information and belief, the '743 Accused Instrumentalities infringe claim 6 of the  
25 '743 patent through a combination of features which collectively practice each limitation of claim 6.  
26 (*See, e.g.*, [https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-  
27 with-transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqflv8q4qeot1.](https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-with-transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqflv8q4qeot1))

28

1           71. Claim 15 of the '743 patent recites a targeted advertising system comprising a  
2 database for receiving product data from multiple distributors over a communications networks as  
3 well as for receiving customer data comprised of location information derived from IP addresses  
4 associated with the customers; a communication interface to generate user-specific offerings for  
5 products based in part on location information; and a computer sub-system for sending to customers  
6 automated messages regarding the user-specific product offerings.

7           72. On information and belief, the '743 Accused Instrumentalities infringe claim 15 of  
8 the '743 patent through a combination of features which collectively practice each limitation of  
9 claim 15. (*See, e.g.*, <http://www.jet.com>;  
10 [https://jetsupport.desk.com/customer/en/portal/articles/2312920-what-is-the-process-to-integrate-](https://jetsupport.desk.com/customer/en/portal/articles/2312920-what-is-the-process-to-integrate-with-the-jet-platform-)  
11 [with-the-jet-platform-;](https://jet.com/privacy-policy?nav=true) <https://jet.com/privacy-policy?nav=true>;  
12 [https://jetsupport.desk.com/customer/en/portal/articles/2312885-the-jet-rules-engine.](https://jetsupport.desk.com/customer/en/portal/articles/2312885-the-jet-rules-engine))

13           73. Claim 16 of the '743 patent recites the system of claim 15, wherein the at least one  
14 user-specific product offering includes at least of: a coupon, an electronic coupon, a promotional  
15 offer, an exclusive sale, an incentive, a rebate, and competitive pricing.

16           74. On information and belief, the '743 Accused Instrumentalities infringe claim 16 of  
17 the '743 patent through a combination of features which collectively practice each limitation of  
18 claim 16. (*See, e.g.*, [https://jet.com/how-jet-works/how-to-save.](https://jet.com/how-jet-works/how-to-save))

19           75. Claim 18 of the '743 patent recites the system of claim 15, wherein the customer  
20 data comprises at least one of: IP (Internet Protocol) address, IP host name, customer name, billing  
21 address, email address and purchase patterns.

22           76. On information and belief, the '743 Accused Instrumentalities infringe claim 18 of  
23 the '743 patent through a combination of features which collectively practice each limitation of  
24 claim 18. (*See, e.g.*, [https://jet.com/privacy-policy?nav=true.](https://jet.com/privacy-policy?nav=true))

25           77. On information and belief, these Accused Instrumentalities are marketed, provided  
26 to, and/or used by or for each of Defendant's partners, clients, customers and end users across the  
27 country and in this District.

28

1 78. Defendant was made aware of the '743 patent and its infringement thereof at least as  
2 early as the filing of this Complaint.

3 79. Upon information and belief, since at least the time Defendant received notice,  
4 Defendant has induced and continues to induce others to infringe at least one claim of the '743  
5 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful  
6 blindness, actively aiding and abetting others to infringe, including but not limited to Defendant's  
7 partners, clients, customers, and end users, whose use of the Accused Instrumentalities constitutes  
8 direct infringement of at least one claim of the '743 patent.

9 80. In particular, Defendant's actions that aid and abet others such as its partners,  
10 customers, clients, and end users to infringe include advertising and distributing the Accused  
11 Instrumentalities and providing instruction materials, training, and services regarding the Accused  
12 Instrumentalities. On information and belief, Defendant has engaged in such actions with specific  
13 intent to cause infringement or with willful blindness to the resulting infringement because each  
14 Defendant has had actual knowledge of the '743 patent and knowledge that its acts were inducing  
15 infringement of the '743 patent since at least the date Jet.com received notice that such activities  
16 infringed the '743 patent.

17 81. Upon information and belief, Defendant is liable as a contributory infringer of the  
18 '743 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United  
19 States computerized sales and order fulfillment platforms to be especially made or adapted for use  
20 in an infringement of the '743 patent. The Accused Instrumentalities are a material component for  
21 use in practicing the '743 patent and are specifically made and are not a staple article of commerce  
22 suitable for substantial non-infringing use.

23 82. Since Defendant received notice of this Complaint, Defendant's continued  
24 infringement has been willful.

25 83. Plaintiff has been harmed by Defendants' infringing activities.

26 **COUNT III – INFRINGEMENT OF U.S. Patent No. 8,533,047**

27 84. The allegations set forth in the foregoing paragraphs 1 through 83 are incorporated  
28 into this Third Claim for Relief.

1           85.     On September 10, 2013, U.S. Patent No. 8,533,047 (“the ’047 patent”), entitled  
2 “Internet Transactions Based on User-Specific Information,” was duly and legally issued by the  
3 United States Patent and Trademark Office. A true and correct copy of the ’047 patent is attached  
4 as Exhibit 3.

5           86.     The inventions of the ’047 patent resolve technical problems related to computerized  
6 catalog and order fulfillment technology. For example, the inventions allow consumers to view a  
7 catalog of goods targets specifically to them from multiple retailers in a single, consistent, website  
8 interface facilitating the automated retail sale and delivery of products from multiple distributors  
9 which, on information and belief, are exclusively implemented utilizing computer technology.

10           87.     The claims of the ’047 patent do not merely recite the performance of some business  
11 practice known from the pre-Internet world along with the requirement to perform it on the Internet.  
12 Instead, the claims of the ’047 patent recite one or more inventive concepts that are rooted in  
13 computerized sales and order fulfillment technology, and overcome problems specifically arising in  
14 the realm of computerized sales and order fulfillment technologies.

15           88.     The claims of the ’047 patent recite an invention that is not merely the routine or  
16 conventional use of internet-based commerce systems. Instead, the invention describes an internet-  
17 centric electronic transaction system enabling targeted product offerings, order processing and  
18 fulfillment from multiple, separate retailers. The ’047 patent claims thus specify how information  
19 regarding product inventory from multiple, separate retailers is dynamically presented to retail  
20 consumers to facilitate sales and delivery of inventory from a plurality of distributors.

21           89.     The technology claimed in the ’047 patent does not preempt all ways of using  
22 Internet-based retail sales and delivery channels nor preempt the use of all Internet-based retail  
23 sales and delivery channels nor preempt any other well-known or prior art technology.

24           90.     Accordingly, each claim of the ’047 patent recites a combination of elements  
25 sufficient to ensure that the claim in practice amounts to significantly more than a patent on an  
26 ineligible concept.  
27  
28

1           91. Plaintiff is the assignee and owner of the right, title and interest in and to the '047  
2 patent, including the right to assert all causes of action arising under said patents and the right to  
3 any remedies for infringement of them.

4           92. Upon information and belief, Defendant has and continues to directly infringe at  
5 least claims 1, 5-7, 9-11, and 13-16 of the '047 patent by making, using, selling, importing and/or  
6 providing and causing to be used an internet-based electronic transaction system for facilitating the  
7 automated retail sale of products from distributors to customers via a communication interface (the  
8 "'047 Accused Instrumentalities").

9           93. In particular, claim 1 of the '047 patent recites an internet-centric electronic  
10 transaction system for facilitating the sale of products from distributors to customers via a network  
11 comprising: a database for storing product and customer data; a dynamic catalog builder for  
12 generating user-specific product offerings based in part on personal customer information; a  
13 communication interface for viewing and/or purchasing the user-specific product offerings; a  
14 payment authorization processor for determining, in part using information in the database, whether  
15 to accept a purchase order; a distributor authorization processor for authorizing the delivery of  
16 products from distributors for accepted purchase orders; and a system for sending automated  
17 messages to customers regarding accepted purchase orders.

18           94. The '047 Accused Instrumentalities infringe claim 1 of the '047 patent through a  
19 combination of features which collectively practice each limitation of claim 1. (*See, e.g.*,  
20 <http://www.jet.com>; <https://jet.com/how-jet-works>;  
21 [https://jetsupport.desk.com/customer/en/portal/articles/2312920-what-is-the-process-to-integrate-](https://jetsupport.desk.com/customer/en/portal/articles/2312920-what-is-the-process-to-integrate-with-the-jet-platform-)  
22 [with-the-jet-platform-](http://developer.jet.com/docs/merchant-sku); <http://developer.jet.com/docs/merchant-sku>; <https://jet.com/privacy-policy>;  
23 <https://jetsupport.desk.com/customer/en/portal/articles/2312885-the-jet-rules-engine>;  
24 <https://jet.com/privacy-policy?nav=true>;  
25 [https://jetsupport.desk.com/customer/en/portal/articles/2312896-how-is-a-retail-partner-selected-to-](https://jetsupport.desk.com/customer/en/portal/articles/2312896-how-is-a-retail-partner-selected-to-fulfill-an-order-or-part-of-an-order-)  
26 [fulfill-an-order-or-part-of-an-order-](https://jet.com/purchase-terms); <https://jet.com/purchase-terms>.)  
27  
28

1           95.     Claim 5 of the '047 patent recites internet-centric electronic transaction system of  
2 claim 1, wherein the customer data comprises at least one of: IP (Internet Protocol) address, IP host  
3 name, customer name, billing address, email address and purchase patterns.

4           96.     The '047 Accused Instrumentalities infringe claim 5 of the '047 patent through a  
5 combination of features which collectively practice each limitation of claim 5. (*See, e.g.*,  
6 <https://jet.com/privacy-policy?nav=true>.)

7           97.     Claim 6 of the '047 patent recites the internet-centric electronic transaction system  
8 of claim 1, wherein the catalog builder: dynamically adjusts pricing of the product offerings based  
9 on at least in part information stored in the database.

10          98.     The '047 Accused Instrumentalities infringe claim 6 of the '047 patent through a  
11 combination of features which collectively practice each limitation of claim 6. (*See, e.g.*,  
12 <http://tech.jet.com/blog/2015/08-17-realtime-pricing-realtime-advertising/index.html>.)

13          99.     Claim 7 of the '047 patent recites the internet-centric electronic transaction system  
14 of claim 1, wherein the catalog builder: dynamically adjusts pricing of the product offerings in the  
15 electronic catalogs based on a plurality of factors including at least one of: an amount of web-site  
16 traffic, sales for a particular category, and sales for a particular product.

17          100.    The '047 Accused Instrumentalities infringe claim 7 of the '047 patent through a  
18 combination of features which collectively practice each limitation of claim 7. (*See, e.g.*,  
19 [https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-with-](https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-with-transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqflv8q4qeot1)  
20 [transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqflv8q4qeot1](https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-with-transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqflv8q4qeot1).)

21          101.    Claim 9 of the '047 patent recites the internet-centric electronic transaction system  
22 of claim 1, wherein the catalog builder: dynamically adjusting pricing of the user-specific product  
23 offerings.

24          102.    The '047 Accused Instrumentalities infringe claim 9 of the '047 patent through a  
25 combination of features which collectively practice each limitation of claim 9. (*See, e.g.*,  
26 [https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-with-](https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-with-transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqflv8q4qeot1)  
27 [transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqflv8q4qeot1](https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-with-transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqflv8q4qeot1).)  
28



1           103. Claim 10 of the '047 patent recites a method in an internet-centric electronic  
2 transaction system for facilitating the sale of products from vendors to customers via a network  
3 comprising: receiving product and customer data; generating electronic catalogs of user-specific  
4 product offerings based in part on personal information; permitting the customers to access to the  
5 electronic catalog to view and place purchase orders for one or more products via the  
6 communications network; determining whether to accept the purchase order based in part by  
7 information stored in the database; authorizing the delivery of products for accepted purchase  
8 orders; and sending automated messages to customers regarding accepted purchase orders.

9           104. The '047 Accused Instrumentalities infringe claim 10 of the '047 patent through a  
10 combination of features which collectively practice each limitation of claim 10. (*See, e.g.*,  
11 <http://www.jet.com>; <https://jet.com/how-jet-works>;  
12 [https://jetsupport.desk.com/customer/en/portal/articles/2312920-what-is-the-process-to-integrate-](https://jetsupport.desk.com/customer/en/portal/articles/2312920-what-is-the-process-to-integrate-with-the-jet-platform-)  
13 <http://developer.jet.com/docs/merchant-sku>; <https://jet.com/privacy-policy>;  
14 <https://jetsupport.desk.com/customer/en/portal/articles/2312885-the-jet-rules-engine>;  
15 <https://jet.com/privacy-policy?nav=true>;  
16 [https://jetsupport.desk.com/customer/en/portal/articles/2312896-how-is-a-retail-partner-selected-to-](https://jetsupport.desk.com/customer/en/portal/articles/2312896-how-is-a-retail-partner-selected-to-fulfill-an-order-or-part-of-an-order-)  
17 [fulfill-an-order-or-part-of-an-order-](https://jet.com/purchase-terms); <https://jet.com/purchase-terms>.)

18           105. Claim 11 of the '047 patent recites the method of claim 10, wherein the at least one  
19 user-specific product offering includes at least of: a coupon, an electronic coupon, a promotional  
20 offer, an exclusive sale, an incentive, a rebate, and competitive pricing.

21           106. The '047 Accused Instrumentalities infringe claim 11 of the '047 patent through a  
22 combination of features which collectively practice each limitation of claim 11. (*See, e.g.*,  
23 <https://jet.com/how-jet-works/how-to-save>; [http://www.techinsider.io/how-to-save-money-on-jet-](http://www.techinsider.io/how-to-save-money-on-jet-com-2016-2)  
24 [com-2016-2](http://www.techinsider.io/how-to-save-money-on-jet-com-2016-2).)

25           107. Claim 13 of the '047 patent recites the method of claim 10, wherein the customer  
26 data including customer name, billing address, email address and purchase patterns.  
27  
28

1           108. The '047 Accused Instrumentalities infringe claim 13 of the '047 patent through a  
2 combination of features which collectively practice each limitation of claim 13. (*See, e.g.*,  
3 <https://jet.com/privacy-policy?nav=true>.)

4           109. Claim 14 of the '047 patent recites the method of claim 14, wherein the customer  
5 data including customer name, billing address, email address and purchase patterns.

6           110. The '047 Accused Instrumentalities infringe claim 14 of the '047 patent through a  
7 combination of features which collectively practice each limitation of claim 14. (*See, e.g.*,  
8 <https://jet.com/privacy-policy?nav=true>; [http://tech.jet.com/blog/2015/08-17-realtime-pricing-  
9 realtime-advertising/index.html](http://tech.jet.com/blog/2015/08-17-realtime-pricing-realtime-advertising/index.html); *see also* Order History under Account Tab at <https://jet.com>.)

10           111. Claim 15 of the '047 patent recites the method of claim 10, further comprising  
11 dynamically adjusting pricing of the product offerings in the electronic catalogs based on a plurality  
12 of factors including at least one of: an amount of web-site traffic, sales for a particular category, and  
13 sales for a particular product.

14           112. The '047 Accused Instrumentalities infringe claim 15 of the '047 patent through a  
15 combination of features which collectively practice each limitation of claim 15. (*See, e.g.*,  
16 [https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-with-  
17 transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqflv8q4qeot1](https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-with-transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqflv8q4qeot1).)

18           113. Claim 16 of the '047 patent recites the method of claim 10, wherein the plurality of  
19 distributors comprise a plurality of individual vendors.

20           114. The '047 Accused Instrumentalities infringe claim 16 of the '047 patent through a  
21 combination of features which collectively practice each limitation of claim 16. (*See, e.g.*,  
22 <https://jet.com/how-jet-works>.)

23           115. On information and belief, these '047 Accused Instrumentalities are used marketed,  
24 provided to, and/or used by or for Defendant's partners, clients, customers and end users across the  
25 country and in this District.

26           116. Defendant was made aware of the '047 patent and its infringement thereof at least as  
27 early as the filing of this Complaint.

28

1           117. Upon information and belief, since at least the time Defendant received notice,  
2 Defendant has induced and continues to induce others to infringe at least one claim of the '047  
3 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful  
4 blindness, actively aiding and abetting others to infringe, including but not limited to each of  
5 Defendant's partners, clients, customers, and end users, whose use of the '047 Accused  
6 Instrumentalities constitutes direct infringement of at least one claim of the '047 patent.

7           118. In particular, Defendant's actions that aid and abet others such as its partners,  
8 customers, clients, and end users to infringe include advertising and distributing the '047 Accused  
9 Instrumentalities and providing instruction materials, training, and services regarding the '047  
10 Accused Instrumentalities. On information and belief, Defendant has engaged in such actions with  
11 specific intent to cause infringement or with willful blindness to the resulting infringement because  
12 Defendant has had actual knowledge of the '047 patent and knowledge that its acts were inducing  
13 infringement of the '047 patent since at least the date Jet.com received notice that such activities  
14 infringed the '047 patent.

15           119. Upon information and belief, Defendant is liable as a contributory infringer of the  
16 '956 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United  
17 States computerized sales and order fulfillment platforms to be especially made or adapted for use  
18 in an infringement of the '956 patent. The '047 Accused Instrumentalities are a material  
19 component for use in practicing the '047 patent and are specifically made and are not a staple article  
20 of commerce suitable for substantial non-infringing use.

21           120. Since Defendant received notice of this Complaint, Defendant's continued  
22 infringement has been willful.

23           121. Plaintiff has been harmed by Defendants' infringing activities.

24                           **COUNT IV – INFRINGEMENT OF U.S. Patent No. 8,712,846**

25           122. The allegations set forth in the foregoing paragraphs 1 through 121 are incorporated  
26 into this Fourth Claim for Relief.

27           123. On April 29, 2014, U.S. Patent No. 8,712,846 ("the '846 patent"), entitled "Sending  
28 Targeted Product Offerings Based on Personal Information," was duly and legally issued by the

1 United States Patent and Trademark Office. A true and correct copy of the '846 patent is attached  
2 as Exhibit 4.

3 124. The inventions of the '846 patent resolve technical problems related to computerized  
4 catalog and order fulfillment technology. For example, the inventions allow consumers to view a  
5 catalog of goods targets specifically to them from multiple retailers in a single, consistent, interface  
6 facilitating the automated retail sale and delivery of products from multiple distributors which, on  
7 information and belief, are exclusively implemented utilizing computer technology.

8 125. The claims of the '846 patent do not merely recite the performance of some business  
9 practice known from the pre-Internet world along with the requirement to perform it on the Internet.  
10 Instead, the claims of the '846 patent recite one or more inventive concepts that are rooted in  
11 computerized sales and order fulfillment technology, and overcome problems specifically arising in  
12 the realm of computerized sales and order fulfillment technologies.

13 126. The claims of the '846 patent recite an invention that is not merely the routine or  
14 conventional use of internet-based commerce systems. Instead, the invention describes computer  
15 implemented targeted advertising system enabling targeted product offerings and order processing  
16 and fulfillment from multiple, separate retailers. The '846 patent claims thus specify how  
17 information regarding product inventory from multiple, separate retailers is dynamically presented  
18 to retail consumers to facilitate sales and delivery of inventory from a plurality of distributors.

19 127. The technology claimed in the '846 patent does not preempt all ways of using  
20 Internet-based retail sales and delivery channels nor preempt the use of all Internet-based retail  
21 sales and delivery channels nor preempt any other well-known or prior art technology.

22 128. Accordingly, each claim of the '846 patent recites a combination of elements  
23 sufficient to ensure that the claim in practice amounts to significantly more than a patent on an  
24 ineligible concept.

25 129. Plaintiff is the assignee and owner of the right, title and interest in and to the '846  
26 patent, including the right to assert all causes of action arising under said patents and the right to  
27 any remedies for infringement of them.  
28

1           130. Upon information and belief, Defendant has and continues to directly infringe at  
2 least claims 1, 2, 4-6, 16, 17, and 19 of the '846 patent by making, using, selling, importing and/or  
3 providing and causing to be used a targeted advertising system for facilitating the automated retail  
4 sale of products from distributors to customers via a communications network (the "'846 Accused  
5 Instrumentalities").

6           131. In particular, claim 1 of the '846 patent generally recites a computer-implemented  
7 method for targeted product offering comprising: receiving product and customer data including  
8 customer location data derived from an IP addresses associated with one or more customers;  
9 generating user-specific product offerings based in part on personal customer data; and sending  
10 automated messages to customers regarding the user-specific product offerings.

11           132. On information and belief, the '846 Accused Instrumentalities infringe claim 1 of the  
12 '846 patent through a combination of features which collectively practice each limitation of claim 1.  
13 (*See, e.g.*, <http://www.jet.com>; [https://jetsupport.desk.com/customer/en/portal/articles/2312885-the-](https://jetsupport.desk.com/customer/en/portal/articles/2312885-the-jet-rules-engine)  
14 [jet-rules-engine](https://jetsupport.desk.com/customer/en/portal/articles/2312920-what-is-the-process-to-integrate-with-the-jet-platform-); [https://jetsupport.desk.com/customer/en/portal/articles/2312920-what-is-the-](https://jetsupport.desk.com/customer/en/portal/articles/2312920-what-is-the-process-to-integrate-with-the-jet-platform-)  
15 [process-to-integrate-with-the-jet-platform-;](https://jet.com/privacy-policy?nav=true) [https://jet.com/privacy-policy?nav=true.](https://jet.com/privacy-policy?nav=true))

16           133. Claim 2 of the '846 patent generally recites the method of claim 1, wherein the user-  
17 specific product offerings include at least one of: a coupon, an electronic coupon, a promotional  
18 offer, an exclusive sale, an incentive, a rebate, and competitive pricing.

19           134. On information and belief, the '846 Accused Instrumentalities infringe claim 2 of the  
20 '846 patent through a combination of features which collectively practice each limitation of claim 2.  
21 After signing up, users of Jet.com receive promotional offers via email.

22           135. Claim 4 of the '846 patent generally recites the method of claim 1, wherein the  
23 customer data comprises at least one of: IP (Internet Protocol) address, IP host name, customer  
24 name, billing address, email address, and purchase patterns.

25           136. On information and belief, the '846 Accused Instrumentalities infringe claim 4 of the  
26 '846 patent through a combination of features which collectively practice each limitation of claim 4.  
27 (*See, e.g.*, [https://jet.com/privacy-policy?nav=true.](https://jet.com/privacy-policy?nav=true))  
28

1           137. Claim 5 of the '846 patent generally recites the method of claim 1, further  
2 comprising dynamically adjusting pricing of the user-specific product offerings based on at least in  
3 part information stored in the database.

4           138. On information and belief, the '846 Accused Instrumentalities infringe claim 5 of the  
5 '846 patent through a combination of features which collectively practice each limitation of claim 5.  
6 (*See, e.g.*, [https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-](https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-with-transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqflv8q4qeot1)  
7 [with-transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqflv8q4qeot1](https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-with-transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqflv8q4qeot1).)

8           139. Claim 6 of the '846 patent generally recites the method of claim 1, further  
9 comprising dynamically adjusting pricing of the user-specific product offerings based on a plurality  
10 of factors including at least one of: an amount of web-site traffic, sales for a particular category, and  
11 sales for a particular product.

12           140. On information and belief, the '846 Accused Instrumentalities infringe claim 6 of the  
13 '846 patent through a combination of features which collectively practice each limitation of claim 6.  
14 (*See, e.g.*, [https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-](https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-with-transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqflv8q4qeot1)  
15 [with-transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqflv8q4qeot1](https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-with-transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqflv8q4qeot1).)

16           141. Claim 16 of the '846 patent generally recites a targeted advertising system  
17 comprising: a database of product and customer data; the customer data comprising customer  
18 location data derived from an IP address associated with one or more customers; a communication  
19 interface to generate user-specific product offerings from customer data; and a computer subsystem  
20 to send automated message comprising the user-specific product offerings.

21           142. On information and belief, the '846 Accused Instrumentalities infringe claim 16 of  
22 the '846 patent through a combination of features which collectively practice each limitation of  
23 claim 16. (*See, e.g.*, <https://jet.com>; <https://jet.com/privacy-policy?nav=true>;  
24 <https://jetsupport.desk.com/customer/en/portal/articles/2312885-the-jet-rules-engine>.)

25           143. Claim 17 of the '846 patent generally recites the system of claim 16, wherein the  
26 user-specific product offerings include at least one of: a coupon, an electronic coupon, a  
27 promotional offer, an exclusive sale, an incentive, a rebate, and competitive pricing.  
28

1           144. On information and belief, the '846 Accused Instrumentalities infringe claim 17 of  
2 the '846 patent through a combination of features which collectively practice each limitation of  
3 claim 17. After signing up, users of Jet.com receive promotional offers via email.

4           145. Claim 19 of the '846 patent generally recites the system of claim 16, wherein the  
5 customer data comprises at least one of: IP (Internet Protocol) address, IP host name, customer  
6 name, billing address, email address, and purchase patterns.

7           146. On information and belief, the '846 Accused Instrumentalities infringe claim 19 of  
8 the '846 patent through a combination of features which collectively practice each limitation of  
9 claim 19. (*See, e.g.*, <https://jet.com/privacy-policy?nav=true>.)

10           147. On information and belief, these Accused Instrumentalities are used marketed,  
11 provided to, and/or used by or for each of Defendant's partners, clients, customers and end users  
12 across the country and in this District.

13           148. Defendant was made aware of the '846 patent and its infringement thereof at least as  
14 early as the filing of this Complaint.

15           149. Upon information and belief, since at least the time Defendant received notice,  
16 Defendant has induced and continues to induce others to infringe at least one claim of the '846  
17 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful  
18 blindness, actively aiding and abetting others to infringe, including but not limited to Defendant's  
19 partners, clients, customers, and end users, whose use of the Accused Instrumentalities constitutes  
20 direct infringement of at least one claim of the '846 patent.

21           150. In particular, Defendant's actions that aid and abet others such as its partners,  
22 customers, clients, and end users to infringe include advertising and distributing the Accused  
23 Instrumentalities and providing instruction materials, training, and services regarding the Accused  
24 Instrumentalities. On information and belief, Defendant has engaged in such actions with specific  
25 intent to cause infringement or with willful blindness to the resulting infringement because  
26 Defendant has had actual knowledge of the '846 patent and knowledge that its acts were inducing  
27 infringement of the '846 patent since at least the date Jet.com received notice that such activities  
28 infringed the '846 patent.

1           151. Upon information and belief, Defendant is liable as a contributory infringer of the  
2 '846 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United  
3 States computerized trading platforms to be especially made or adapted for use in an infringement  
4 of the '846 patent. The Accused Instrumentalities are a material component for use in practicing  
5 the '846 patent and are specifically made and are not a staple article of commerce suitable for  
6 substantial non-infringing use.

7           152. Since Defendant received notice of this Complaint, Defendant's continued  
8 infringement has been willful.

9           153. Plaintiff has been harmed by Defendants' infringing activities.

10                           **Corpo V – INFRINGEMENT OF U.S. Patent No. 8,775,255**

11           154. The allegations set forth in the foregoing paragraphs 1 through 153 are incorporated  
12 into this Fifth Claim for Relief.

13           155. On July 8, 2014, U.S. Patent No. 8,775,255 ("the '255 patent"), entitled "Internet  
14 Business Transaction Processor," was duly and legally issued by the United States Patent and  
15 Trademark Office. A true and correct copy of the '255 patent is attached as Exhibit 5.

16           156. The inventions of the '255 patent resolve technical problems related to computerized  
17 catalog and order fulfillment technology. For example, the inventions allow consumers to view a  
18 dynamic catalog of goods available to them from multiple vendors in a single, consistent,  
19 communication interface facilitating the automated retail sale and delivery of products from  
20 multiple vendors which, on information and belief, are exclusively implemented utilizing computer  
21 technology.

22           157. The claims of the '255 patent do not merely recite the performance of some business  
23 practice known from the pre-Internet world along with the requirement to perform it on the Internet.  
24 Instead, the claims of the '255 patent recite one or more inventive concepts that are rooted in  
25 computerized sales and order fulfillment technology, and overcome problems specifically arising in  
26 the realm of computerized sales and order fulfillment technologies.

27           158. The claims of the '255 patent recite an invention that is not merely the routine or  
28 conventional use of internet-based commerce systems. Instead, the invention describes an internet-



1 centric system and method for facilitating the automated retail sale of products from vendors to  
2 customers via a network. The '255 patent claims thus specify how information regarding product  
3 inventory from multiple, separate retailers is dynamically presented to retail consumers to facilitate  
4 sales and delivery of inventory from a plurality of vendors.

5 159. The technology claimed in the '255 patent does not preempt all ways of using  
6 Internet-based retail sales and delivery channels nor preempt the use of all Internet-based retail  
7 sales and delivery channels nor preempt any other well-known or prior art technology.

8 160. Accordingly, each claim of the '255 patent recites a combination of elements  
9 sufficient to ensure that the claim in practice amounts to significantly more than a patent on an  
10 ineligible concept.

11 161. Plaintiff is the assignee and owner of the right, title and interest in and to the '255  
12 patent, including the right to assert all causes of action arising under said patents and the right to  
13 any remedies for infringement of them.

14 162. Upon information and belief, each Defendant has and continues to directly infringe  
15 at least claims 1, 5-8, 15-17, 20, 23-25, 35, and 37 of the '255 patent by making, using, selling,  
16 importing and/or providing and causing to be used an internet-centric system and method for  
17 facilitating the automated retail sale of products from vendors to customers via a network (the '255  
18 "Accused Instrumentalities").

19 163. In particular, claim 1 of the '255 patent generally recites an internet-centric  
20 electronic transaction system for facilitating the sale of products from vendors to customers via a  
21 network comprising: a database for storing product and customer data; a dynamic catalog builder  
22 for generating user-specific product offerings based in part on personal customer information; a  
23 communication interface for purchasing the user-specific product offerings; a payment  
24 authorization processor for determining, in part using information in the database, whether to accept  
25 a purchase order; a distributor authorization processor for authorizing the delivery of products from  
26 distributors for accepted purchase orders; and a system for sending automated messages to  
27 customers regarding accepted purchase orders.

1           164. The '255 Accused Instrumentalities infringe claim 1 of the '255 patent through a  
2 combination of features which collectively practice each limitation of claim 1. (*See, e.g.*,  
3 <https://jet.com/how-jet-works>; <http://www.jet.com>;  
4 [https://jetsupport.desk.com/customer/en/portal/articles/2312920-what-is-the-process-to-integrate-](https://jetsupport.desk.com/customer/en/portal/articles/2312920-what-is-the-process-to-integrate-with-the-jet-platform-)  
5 [with-the-jet-platform-](http://developer.jet.com/docs/merchant-sku); <http://developer.jet.com/docs/merchant-sku>; :  
6 [https://jetsupport.desk.com/customer/en/portal/articles/2312952-what-customer-data-will-jet-share-](https://jetsupport.desk.com/customer/en/portal/articles/2312952-what-customer-data-will-jet-share-with-retail-partners-)  
7 [with-retail-partners-](https://jet.com/privacy-policy); <https://jet.com/privacy-policy>;  
8 <https://jetsupport.desk.com/customer/en/portal/articles/2312885-the-jet-rules-engine>;  
9 <https://jet.com/privacy-policy?nav=true>;  
10 [https://jetsupport.desk.com/customer/en/portal/articles/2312896-how-is-a-retail-partner-selected-to-](https://jetsupport.desk.com/customer/en/portal/articles/2312896-how-is-a-retail-partner-selected-to-fulfill-an-order-or-part-of-an-order-)  
11 [fulfill-an-order-or-part-of-an-order-](https://jet.com/purchase-terms); <https://jet.com/purchase-terms>.)

12           165. In particular, claim 5 of the '255 patent generally recites the internet-centric  
13 electronic transaction system of claim 1, wherein the customer data comprises purchase patterns.

14           166. The '255 Accused Instrumentalities infringe claim 5 of the '255 patent through a  
15 combination of features which collectively practice each limitation of claim 5. (*See, e.g.*, the order  
16 history under the account tab at <https://jet.com>.)

17           167. In particular, claim 6 of the '255 patent generally recites the internet-centric  
18 electronic transaction system of claim 1, wherein the catalog builder: dynamically adjusts pricing  
19 of the product offerings.

20           168. The '255 Accused Instrumentalities infringe claim 6 of the '255 patent through a  
21 combination of features which collectively practice each limitation of claim 6. (*See, e.g.*,  
22 <http://tech.jet.com/blog/2015/08-17-realtime-pricing-realtime-advertising/index.html>.)

23           169. In particular, claim 7 of the '255 patent generally recites the internet-centric  
24 electronic transaction system of claim 1, wherein the catalog builder: dynamically adjusts pricing  
25 of the product offerings based at least in part on information stored in the database

26           170. The '255 Accused Instrumentalities infringe claim 7 of the '255 patent through a  
27 combination of features which collectively practice each limitation of claim 7. (*See, e.g.*,  
28 <http://tech.jet.com/blog/2015/08-17-realtime-pricing-realtime-advertising/index.html>.)

1           171. In particular, claim 8 of the '255 patent generally recites the internet-centric  
2 electronic transaction system of claim 1, wherein the catalog builder: dynamically adjusts pricing  
3 of the product offerings in the electronic catalogs based on a plurality of factors including an  
4 amount of web-site traffic

5           172. The '255 Accused Instrumentalities infringe claim 8 of the '255 patent through a  
6 combination of features which collectively practice each limitation of claim 8. (*See, e.g.,*  
7 <http://www.adweek.com/news/technology/online-store-viewing-ads-could-lead-discounts-166039>.)

8           173. In particular, claim 15 of the '255 patent generally recites the internet-centric  
9 electronic transaction system of claim 1, wherein the at least one user-specific product offering  
10 includes competitive pricing.

11           174. The '255 Accused Instrumentalities infringe claim 15 of the '255 patent through a  
12 combination of features which collectively practice each limitation of claim 15. (*See, e.g.,*  
13 [https://jetsupport.desk.com/customer/en/portal/articles/2312896-how-is-a-retail-partner-selected-to-](https://jetsupport.desk.com/customer/en/portal/articles/2312896-how-is-a-retail-partner-selected-to-fulfill-an-order-or-part-of-an-order-)  
14 [fulfill-an-order-or-part-of-an-order-](https://jetsupport.desk.com/customer/en/portal/articles/2312896-how-is-a-retail-partner-selected-to-fulfill-an-order-or-part-of-an-order-).)

15           175. In particular, claim 16 of the '255 patent generally recites the internet-centric  
16 electronic transaction system of claim 1, wherein the customer data further comprises IP (Internet  
17 Protocol) address.

18           176. The '255 Accused Instrumentalities infringe claim 16 of the '255 patent through a  
19 combination of features which collectively practice each limitation of claim 16. (*See, e.g.,*  
20 <https://jet.com/privacy-policy?nav=true>.)

21           177. In particular, claim 17 of the '255 patent generally recites the internet-centric  
22 electronic transaction system of claim 1, wherein the customer data further comprises at least one  
23 of: IP host name, customer name, billing address, and email address.

24           178. The '255 Accused Instrumentalities infringe claim 17 of the '255 patent through a  
25 combination of features which collectively practice each limitation of claim 17. (*See, e.g.,*  
26 <https://jet.com/privacy-policy?nav=true>.)

27           179. In particular, claim 20 of the '255 patent generally recites a method in an internet-  
28 centric electronic transaction system for facilitating the sale of products from vendors to customers

1 via a network comprising: a database for storing product and customer data; a dynamic catalog  
2 builder for generating user-specific product offerings based in part on personal customer  
3 information; a communication interface for purchasing the user-specific product offerings; a  
4 payment authorization processor for determining, in part using information in the database, whether  
5 to accept a purchase order; a distributor authorization processor for authorizing the delivery of  
6 products from distributors for accepted purchase orders; and a system for sending automated  
7 messages to customers regarding accepted purchase orders.

8 180. The '255 Accused Instrumentalities infringe claim 20 of the '255 patent through a  
9 combination of features which collectively practice each limitation of claim 20. (*See, e.g.*,  
10 <http://tech.jet.com/blog/2015/08-17-realtime-pricing-realtime-advertising/index.html>;  
11 <https://jet.com/how-jet-works>; [https://jetsupport.desk.com/customer/en/portal/articles/2312920-  
12 what-is-the-process-to-integrate-with-the-jet-platform-](https://jetsupport.desk.com/customer/en/portal/articles/2312920-what-is-the-process-to-integrate-with-the-jet-platform-); <http://developer.jet.com/docs/merchant-sku>;  
13 <https://jet.com>; <https://jet.com/privacy-policy?nav=true>;  
14 [https://jetsupport.desk.com/customer/en/portal/articles/2312952-what-customer-data-will-jet-share-  
15 with-retail-partners-](https://jetsupport.desk.com/customer/en/portal/articles/2312952-what-customer-data-will-jet-share-with-retail-partners-); [https://jetsupport.desk.com/customer/en/portal/articles/2312885-the-jet-rules-  
16 engine](https://jetsupport.desk.com/customer/en/portal/articles/2312885-the-jet-rules-engine); [https://jetsupport.desk.com/customer/en/portal/articles/2312896-how-is-a-retail-partner-  
17 selected-to-fulfill-an-order-or-part-of-an-order-](https://jetsupport.desk.com/customer/en/portal/articles/2312896-how-is-a-retail-partner-selected-to-fulfill-an-order-or-part-of-an-order-); <https://jet.com/purchase-terms>.)

18 181. In particular, claim 23 of the '255 patent generally recites the method of claim 20,  
19 wherein the customer data includes purchase patterns.

20 182. The '255 Accused Instrumentalities infringe claim 23 of the '255 patent through a  
21 combination of features which collectively practice each limitation of claim 23. (*See, e.g.*, the  
22 Order History under the Account tab at <https://jet.com>.)

23 183. In particular, claim 24 of the '255 patent generally recites the method of claim 20,  
24 further comprising dynamically adjusting pricing of the product offerings based on at least in part  
25 information stored in the database.

26 184. The '255 Accused Instrumentalities infringe claim 24 of the '255 patent through a  
27 combination of features which collectively practice each limitation of claim 24. (*See, e.g.*,  
28 <http://tech.jet.com/blog/2015/08-17-realtime-pricing-realtime-advertising/index.html>.)

1           185. In particular, claim 25 of the '255 patent generally recites the method of claim 20,  
2 further comprising dynamically adjusting pricing of the product offerings in the electronic catalogs  
3 based on a plurality of factors including an amount of web-site traffic.

4           186. The '255 Accused Instrumentalities infringe claim 25 of the '255 patent through a  
5 combination of features which collectively practice each limitation of claim 25. (*See, e.g.*,  
6 <http://www.adweek.com/news/technology/online-store-viewing-ads-could-lead-discounts-166039>.)

7           187. In particular, claim 35 of the '255 patent generally recites the method of claim 20,  
8 wherein the at least one user-specific product offering includes competitive pricing.

9           188. The '255 Accused Instrumentalities infringe claim 35 of the '255 patent through a  
10 combination of features which collectively practice each limitation of claim 35. (*See, e.g.*,  
11 <https://blogs.microsoft.com/transform/2015/08/03/jet-com-redefines-online-shopping-with-transparent-dynamic-pricing/#sm.0000baomk3d7gdn6tqf1v8q4qeot1>;  
12 <https://jetsupport.desk.com/customer/en/portal/articles/2312896-how-is-a-retail-partner-selected-to-fulfill-an-order-or-part-of-an-order->)

13           189. In particular, claim 37 of the '255 patent generally recites the method of claim 20,  
14 wherein the customer data include customer name, billing address, email address.

15           190. The '255 Accused Instrumentalities infringe claim 37 of the '255 patent through a  
16 combination of features which collectively practice each limitation of claim 37. (*See, e.g.*,  
17 <https://jet.com/privacy-policy?nav=true>.)

18           191. On information and belief, these '255 Accused Instrumentalities are used marketed,  
19 provided to, and/or used by or for each of Defendant's partners, clients, customers and end users  
20 across the country and in this District.

21           192. Defendant was made aware of the '255 patent and its infringement thereof at least as  
22 early as the filing of this Complaint.

23           193. Upon information and belief, since at least the time Defendant received notice,  
24 Defendant has induced and continues to induce others to infringe at least one claim of the '255  
25 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful  
26 blindness, actively aiding and abetting others to infringe, including but not limited to each of  
27  
28

1 Defendant's partners, clients, customers, and end users, whose use of the '255 Accused  
2 Instrumentalities constitutes direct infringement of at least one claim of the '255 patent.

3 194. In particular, Defendant's actions that aid and abet others such as its partners,  
4 customers, clients, and end users to infringe include advertising and distributing the '255 Accused  
5 Instrumentalities and providing instruction materials, training, and services regarding the '255  
6 Accused Instrumentalities. On information and belief, Defendant has engaged in such actions with  
7 specific intent to cause infringement or with willful blindness to the resulting infringement because  
8 Defendant has had actual knowledge of the '255 patent and knowledge that its acts were inducing  
9 infringement of the '255 patent since at least the date Jet.com received notice that such activities  
10 infringed the '255 patent.

11 Upon information and belief, Defendant is liable as a contributory infringer of the '255 patent under 35 U.S.C. § 271(c) by offering  
12 to sell, selling and importing into the United States computerized trading platforms to be especially made or adapted for use in an  
13 infringement of the '255 patent. The '255 Accused Instrumentalities are a material component for use in practicing the '255 patent  
14 and are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

15 195. Since Defendant received notice of this Complaint, Defendant's continued  
16 infringement has been willful.

17 196. Plaintiff has been harmed by Defendant's infringing activities.

18 **JURY DEMAND**

19 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by  
20 jury on all issues triable as such.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiff demands judgment for itself and against Defendants as follows:

23 A. An adjudication that Defendant has infringed the '956, '743, '047, '846, and '255  
24 patents;

25 B. An award of damages to be paid by Defendant adequate to compensate Plaintiff for  
26 Defendant's past infringement of the '956, '743, '047, '846, and '255 patents, and any continuing  
27 or future infringement through the date such judgment is entered, including interest, costs, expenses  
28

1 and an accounting of all infringing acts including, but not limited to, those acts not presented at  
2 trial;

3 C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of  
4 Plaintiff's reasonable attorneys' fees; and

5 D. An award to Plaintiff of such further relief at law or in equity as the Court deems just  
6 and proper.

7 DATED: July 25, 2016

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**INDEX OF EXHIBITS**

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- EXHIBIT 1** A true and correct copy of U.S. Patent No. 8,374,956, entitled “Internet Transactions Based on User-Specific Information”
- EXHIBIT 2** A true and correct copy of U.S. Patent No. 8,396,743, entitled “Sending Targeted Product Offerings Based on Personal Information”
- EXHIBIT 3** A true and correct copy of U.S. Patent No. 8,533,047, entitled “Internet Transactions Based on User-Specific Information”
- EXHIBIT 4** A true and correct copy of U.S. Patent No. 8,712,846, entitled “Sending Targeted Product Offerings Based on Personal Information”
- EXHIBIT 5** A true and correct copy of U.S. Patent No. U.S. Patent No. 8,775,255, entitled “Internet Business Transaction Processor”