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

MYMAIL, LTD.,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 2:16-cv-1474-JRG-RSP
v.	Ş	
	Ş	Jury Trial Demanded
DUCK DUCK GO, INC.,	Ş	-
	§	
Defendant.	§	

PLAINTIFF'S FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff MyMail, Ltd. files this First Amended Complaint against Duck Duck Go, Inc. and alleges as follows.

PARTIES

1. Plaintiff MyMail, Ltd. ("MyMail") is a Texas limited partnership with an office and place business at 5344 County Road 3901, Athens, TX 75752. MyMail was founded in 2003 as an intellectual property development and licensing company providing secure, Internetrelated services and efficient web page interaction to Internet service providers, mobile device manufacturers, network carriers, and Internet related toolbar developers. MyMail developed technology providing for the dynamic updating, changing, or modification of toolbar data from remote servers (the "MyMail Toolbar Technology"). Using the MyMail Toolbar Technology, toolbar providers can, for example, dynamically change elements, functions, and buttons on their toolbar(s) for specific, targeted users based on use and individual searches. MyMail has obtained patents covering the MyMail Toolbar Technology and has successfully licensed the patented technology to toolbar providers. 2. Upon information and belief, Defendant Duck Duck Go, Inc. ("DuckDuckGo") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 190 Country Lane, Phoenixville, Pennsylvania 19460. DuckDuckGo may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States of America, Title 35, United States Code. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. DuckDuckGo is engaged in the business of publishing and distributing a browser plug-in called the DuckDuckGo Toolbar that seamlessly integrates with browsers, such as Microsoft Internet Explorer, and appears in a user's browser to provide search, email, news, and other functions as a resource for content from any web page location (the "DuckDuckGo Toolbar"). The DuckDuckGo Toolbar docks itself to a device's browser when installed and sits atop the browser at all times. DuckDuckGo publishes, promotes, and distributes the DuckDuckGo Toolbar to users in the United States, including users within this District.

5. Upon information and belief, DuckDuckGo is subject to this Court's specific personal jurisdiction because DuckDuckGo does business in the State of Texas, and has committed acts of infringement in the State of Texas as alleged below. In particular, upon information and belief, DuckDuckGo is subject to the specific personal jurisdiction of this Court because MyMail's claims for patent infringement against DuckDuckGo arise from its acts of infringement in the State of Texas. These acts of infringement include providing the infringing DuckDuckGo Toolbar to users of the DuckDuckGo Toolbar in the State of Texas and causing

the browser on a user device to display the toolbar and perform the other functions of the asserted claims. Therefore, this Court has personal jurisdiction over DuckDuckGo under the Texas long-arm statute, TEX. CIV. PRAC. & REM. CODE §17.042.

6. Venue is proper in this District under 28 U.S.C. §§ 1391(c) and 1400(b). Upon information and belief, DuckDuckGo has engaged in acts of infringement in the State of Texas described here sufficient to subject it to personal jurisdiction in this District if the District were a separate State.

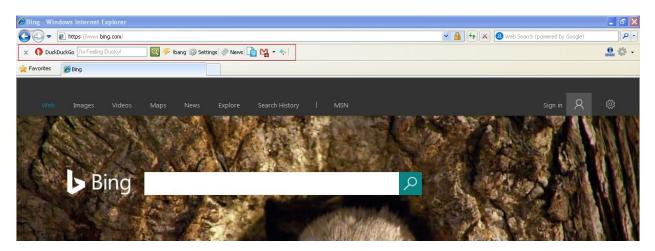
THE PATENTS-IN-SUIT

7. On April 28, 2015, the United States Patent and Trademark Office issued United States Patent No. 9,021,070 (the "070 Patent") entitled "Dynamically Modifying a Toolbar," a true copy of which is attached as Exhibit 1. The '070 Patent is a continuation of United States Patent No. 8,275,863, which was issued on September 25, 2012.

8. MyMail is the assignee of the '070 Patent, and has the exclusive right to sue for and recover all past, present and future damages for infringement of the '070 Patent.

ALLEGATIONS COMMON TO ALL CLAIMS

9. The DuckDuckGo Toolbar software causes the toolbar to be displayed on a user Internet device (*i.e.*, a device that can communicate with other devices via the Internet) that includes toolbar buttons. For example, the DuckDuckGo Toolbar displayed on a user's Internet device includes the "News," "twitter," "!bang," and "Gmail" buttons indicated in FIGURE 1.



10. The toolbar buttons on the DuckDuckGo Toolbar are defined by toolbar data stored in toolbar-defining databases. In particular, the toolbar buttons on the DuckDuckGo Toolbar are defined by toolbar data as indicated in FIGURE 2 below stored in the "C:\Documents and Settings\User\Local Settings" folder on the user Internet device:

FIGURE 2

🗀 Temporary Internet Files					l.
File Edit View Favorites Tools	Help				
🜀 Back 🔹 🕥 - 🏂 🔎	Search 🎼 Folders 🛄 -				
Address 🛅 C:\Documents and Settings	\User\Local Settings\Temporary Internet Files				~
Folder Tasks	getintouch-stretch	getseal?at=08sealid=28:dn=	getseal?host_name=www.bu	getTbProperties	
Share this folder	GidzNBz1A7GzAGh7vDpCEs2a	gi5xMIyvXr6gXWtPFxqu2mXT	Gjeos6KArcw0QSAiXM7Rrvoka	GkjRADDkLdXjwZMGQtSpgTSk	
Other Places	GI8JIFNYPc86c9gZ6inQMUbPq	glkOOCj7ZxsVzXXOZPmvTAvh	globe-black	events?aid=ZN/jn1WpGo10d6	
Shared Documents	gmail	gmail	gmail	gmail_32dp	
Details	gmail-1	gmail-10%2B	gmail-10%2B	gmail-2	
	gmail-3	gmail-4	gmail-no-hover	gmail-no-hover	

11. The toolbar buttons are also defined by toolbar data as indicated below in FIGURE 3 stored in the "C:\Program Files\My Toolbar" folder on the user Internet device:

FIGURE 3

and Folder Tasks	Ab-558P5.dl	ATEPToober-1.0.dl	ATEPToobar.1.0.Uninstal	ATBPToolbarSSB.1.0.dll 1.0.0.0
lake a new folder ublish this folder to the /eb				
share this folder	L			
er Places 🙁				
Program Files				
My Documents Shared Documents				
My Computer My Network Places				

12. The toolbar buttons are also defined by toolbar data as indicated below in FIGURE 4 stored in the Windows System Registry on the user Internet device:

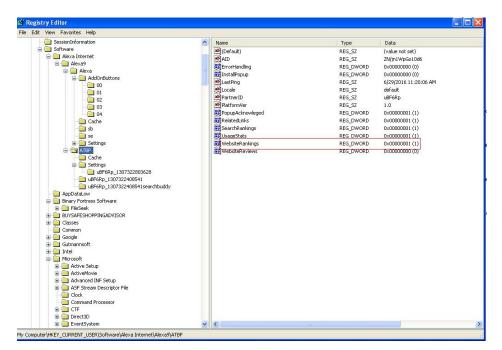


FIGURE 4

13. The "C:\Documents and Settings\User\Local Settings" and "C:\Program Files\My Toolbar" folders, and the Windows System Registry constitute toolbar defining databases of the user Internet device.

14. The toolbar data of the DuckDuckGo Toolbar comprises a plurality of toolbar button attributes associated with one or more toolbar buttons of the toolbar. For example, as shown below in FIGURE 5, the toolbar data in the "gmail.xml" file in the "C:\Documents and Settings\User\Local Settings" folder on the user Internet device includes a plurality of toolbar button attributes associated with the toolbar buttons of the toolbar:

FIGURE 5



15. At least one of the toolbar button attributes (for example, in the "config.xml" toolbar data) identifies a function to be performed by a specific toolbar button upon actuation of the toolbar button. For example, as shown in FIGURE 6 below, the "value" toolbar button attribute for each button in the toolbar includes a function to be performed when the button is actuated:



16. When the user clicks the "Gmail" button on the DuckDuckGo Toolbar, as shown below in FIGURES 7 and 8, a webpage associated with the button is displayed:

Bing - Windows Internet Explorer		×
🔆 🕞 💌 👔 https://www.bing.com/	💌 🔒 🤧 🗙 🔕 Web Search (powered by Google) 🖉	•
🗴 🌔 Dud Dud Koo 🕅 Feeling Ducky! 🔤 🗲 Ibang 🎲 Settings 🖉 News 🛅 🙀 • 👳	<u>e</u> ¢	•
Favorites @Bing		

FIGURE 7

FIGURE 8

		×
<u>Search</u> Images M	aps <u>Play</u> YouTube <u>News</u> Gmail <u>Drive</u> <u>More »</u>	
	bjctest02@gmail.com <u>Account</u> <u>Settings</u> <u>Help</u>	<u>Sign out</u>
	ected to the basic HTML version because this browser is not supported. To e upgrade to a <u>supported browser</u> .	use
M Gma	Search Mail Search the	e Web Crea
Compose Mail	Archive Report Spam Delete More Actions V Go	1 - 31
Inbox (2)	Refresh	of 31
Starred 🛠	bjc.test03 hello - test message	12:53 pm
<u>Sent Mail</u> Drafts	bjc.test03 test message - test message	12:49 pm

17. The DuckDuckGo Toolbar performs "A method for dynamically modifying a toolbar ..." For example, as shown below in FIGURE 9 the DuckDuckGo Toolbar communicates with server at IP Address 216.58.197.37, to modify the DuckDuckGo Toolbar by, for example, updating the Gmail "Notifications count" for a logged in user:

#	Determine	X-Clien	ClientBeginRequest	X-HostIP	X-ClientIP	Result	Protocol	Host 🔺	URL
36		1387	16:24:44.906	216.58.197.37	127.0.0.1	200	HTTPS	mail.google.com	/mail/feed/atom

18. The DuckDuckGo Toolbar further performs the step of "[i]nvoking, from the user Internet device without user intervention, communication of information associated with the one or more toolbar-defining databases to a server associated with a network address." For example, as shown below in FIGURE 10 a GET request sent from a user Internet device to a server associated with a network address such as, for example, the server associated with network address 216.58.197.37.

FIGURE 10

#	Determine	X-Clien	ClientBeginRequest	X-HostIP	X-ClientIP	Result	Protocol	Host 🔺	URL
36		1387	16:24:44.906	216.58.197.37	127.0.0.1	200	HTTPS	mail.google.com	/mail/feed/atom

19. The GET request contains information associated with the toolbar data stored in the one or more toolbar defining databases of the user Internet device such as, for example, user info (encoded) in the cookie data is stored in "USER@MAIL.GOOGLE[4].txt" file in "C:\Documents and Settings\User\Cookies" folder as shown below in FIGURES 11 and 12.

FIGURE 11

Headers TextView WebForms HexView Auth Cookies Raw JSON XML
Request Headers [Raw] [Header Definitions]
GET /mail/feed/atom HTTP/1.1
Client
Accept: */*
Accept-Encoding: gzip, deflate
Liser-Agent: Mozilla/4.0 (compatible; MSIE 8.0; Windows NT 5.1; Trident/4.0; Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1; SV1);NET CLR 2.0.50727; My Toolbar)
Cookies
APISID=A4HB618XIWQTPwFm/A360e1xzXFAQYTq8J
COMPASS
gmail=CiQACWuJV1EMrt55EjnzfqHVQQ32Osw706XeC_r8DeFNzIIzY84QxIHUuwUaUwAJa4lXfeKekAI-F4xM4_03AMQvGq6UyC9fA5WQFMd5G8vGv-MiqwJJa_JDd6v0Nfvza3MqfA3FnA2ekQ1zD6wiEvwEe7HYwEMm_K_bW12YBuvz
H5ID=ALm4NqU9FRGsu8Iiv
79=atdK4IPQQzpkG5LtxLF0UDb4DfuZeYRda0_vh7IH4nvkTRcG2qu744m8sTUK0r-nYu9wzeyfJClKokt9GWPKfojTlW8oACzWLdApDUqKbKraAKyFkyIEOVCV704a9f_PRLocCVyeH-NOKa35pWBitjnkzwx8xgl3DMmhT3wKatTng9FNmaLetfAQIC
OSID=dAMboel5RATuFDqjn3rbUDtc9KXnr2EP-QM8UXUEmLAPW2v3BtyrFhqf4yCzteuEs-bZag.
B 5
gmall=DOw7fTjkGXMtjKZkyED6AQ
SAPISID=zzevGYTwr_XABC2/AyuV-ht0BI0cDCWxe
SID=dAMboEyNH2uv4voE0zrltmor2Kjqy2r/Sobj_104F0_73W06k1Qgw3eW0HyG9wo2MD_4AEw.
SSID=An-7Ga3HJ9PmKkQGT
Transport
Connection: Keep-Alive
Host: mail.google.com

📮 user@mail.google[4] - Notepad	- 8 2
File Edit Format View Help	
comPass0 gmail=cig4cMuJVIEMrtssEjnzfqHVQQ320sw706XeC_r8DeFNzII2Y84Q-qLTuwUaUwaJa4lXfeKekAI-F4xM4_03AMQvGq6UyC9fASWQFMd5G8vGv-MigWJ3_JDd6V0 mail.google.com/mail097280300861427203053016602409665280305281570#050gmail=AgwaAXiJ8fwKnGav\$FJVSQUmail.google.com/mail097280181810	Yfvza3MqfA3FnA2ekQ1zD6wiEvwEe7HYWEMm_K_bWI2YBuvzDC 3160D30528165D240966528D30528157D≪D

20. The "GET" request is sent from the user Internet device at IP address 127.0.0.1, without user intervention. For example, as shown below in FIGURE 13, the DuckDuckGo Toolbar automatically sends a GET request at approximately 5 minute intervals, without user intervention, to obtain an updated Gmail "Notifications count."

#	Determine X-Clien	ClientBeginRequest	X-HostIP	X-ClientIP	Result	Protocol	Host 🔺
* 49	1413	16:29:57.109	216.58.197.37	127.0.0.1	200	HTTPS	mail.google.com
🔹 63	1444	16:35:12.656	74.125.68.19	127.0.0.1	200	HTTPS	mail.google.com
🔹 205	1595	16:40:27.218	216.58.197.69	127.0.0.1	200	HTTPS	mail.google.com
* 216	1617	16:45:42.468	216.58.196.101	127.0.0.1	200	HTTPS	mail.google.com
🔹 221	1625	16:50:58.515	216.58.197.37	127.0.0.1	200	HTTPS	mail.google.com
* 226	1633	16:56:12.265	216.58.220.37	127.0.0.1	200	HTTPS	mail.google.com
🔹 231	1642	17:01:12.500	216.58.196.101	127.0.0.1	200	HTTPS	mail.google.com
* 236	1650	17:06:27.390	172.217.26.69	127.0.0.1	200	HTTPS	mail.google.com
🔹 241	1658	17:11:27.390	172.217.26.69	127.0.0.1	200	HTTPS	mail.google.com
35 10	1350	16:23:36.843	54.231.17.40	127.0.0.1	200	HTTPS	s3.amazonaws.com
12	1349	16:23:36.843	54.231.17.40	127.0.0.1	403	HTTPS	s3.amazonaws.com
€≥15	1360	16:23:37.484	54.231.17.40	127.0.0.1	200	HTTPS	s3.amazonaws.com
JS 16	1352	16:23:37.718	54.231.12.248	127.0.0.1	200	HTTPS	s3.amazonaws.com
21	1364	16:23:38.296	54.231.17.40	127.0.0.1	403	HTTPS	s3.amazonaws.com
28	1373	16:23:39.203	54.231.17.40	127.0.0.1	304	HTTPS	s3.amazonaws.com
30	1351	16:23:40.625	54.231.14.112	127.0.0.1	200	HTTPS	s3.amazonaws.com
1 31	1382	16:23:40.656	54.231.17.40	127.0.0.1	403	HTTPS	s3.amazonaws.com
@							

FIGURE 13

21. On information and belief, the DuckDuckGo toolbar performs the step "receiving, at the server, the information associated with the one or more toolbar-defining databases" because, as shown below in FIGURES 14 and 15, the server responds to the GET request by sending the user Internet device updated toolbar data, such as the Gmail "Notifications count" for a logged in user, in the form of one or more text/xml messages containing the updated toolbar data.

Get SyntaxView	Transformer	Headers	TextView	ImageView	HexView	WebView	Auth	Caching	Cookies	Raw	JSON
XML											
Response Hea	aders								Raw] [Hi	eader Def	initions]
HTTP/1.1 200 OF	ĸ										
Date: Thu, 30	ol: private, max- 0 Jun 2016 10:54 , 30 Jun 2016 10	4:42 GMT									
Entity Content-Leng											
Miscellaneous Server: GSE											
Security Strict-Transpo X-Content-Ty X-Frame-Opti	ort-Security; ma: /pe-Options; nos ions; SAMEORIG tion; 1; mode=b	niff IN	400; includeS	ubdomains							
Transport Alternate-Pro	otocol: 443:quic =":443"; ma=25!		,33,32,31,30	,29,28,27,26,2	5"						

FIGURE 15



22. On information and belief, the DuckDuckGo Toolbar further performs the step of "determining, based on the information associated with the one or more toolbar defining databases, that the user Internet device should receive updated toolbar data." For example, as shown below in FIGURES 16 and 17, the user Internet device sends GET requests to a server at IP address 216.58.197.37 for updated toolbar data such as the Gmail "Notifications count" for a logged in user. The server responds to the GET request by sending the user Internet device

updated toolbar data in the form of one or more TEXT/XML messages containing the updated toolbar data:

# D	etermine	X-Clien	ClientBeginRequest	X-HostIP	X-ClientIP	Result	Protocol	ol Host 🔺 URL
* 36		1387	16:24:44.906	216.58.197.37	127.0.0.1	200	HTTPS	mail.google.com /mail/feed/atom
					FIG	URE	17	
Get SyntaxView	Transforme	r Headers	s TextView Imag	geView HexView	WebView	Auth	Caching	Cookies Raw JSON XML
🖃 feed [vers	on=0.3 xmlns=	http://purl.or	g/atom/ns#]					
🖃 title								
14	ail - Inbox for b	jctest02@gma	ail.com					
🚍 tagline								
	v messages in y	our Gmail Inb	ox					
🚍 fullcour	it							
4		e 10 a 11						
		ret="https://n	nail.google.com/mail" ty	pe="text/html" xmins	="http://purl.c	org/atom/n:	5#" (>	
🖃 modifie	a 6-06-30T10:54	407						
1	6-06-30110:54	:422						
entry								
The second se		ed about Toct	: Studio's release got ou	t too fact				
🖯 sur		iru about rest	. Stadio s release got ot	it too rast				
		na traubla ras	ading this email, read th	o oplino version. Dres	ware Hithara	We get co.		
							aga id—1550	59d5fc5bce2584&view=conv&extsrc=atom" type="text/html" xmlns="http
⊟ mo		e mer–meps	s.//mail.googie.com/ma	is account_id=bjccesci	ozwyman.com	samp,mess	aye_u—1005	зэдэгсэрсегзонаанр, мем-сониаанруехсэгс-асонг суре- сехонсниг хнигэ- нер
<u> </u>	2016-06-29T18	8-15-477						
⊟_issu		110.172						
	2016-06-29T18	8:15:477						
🖃 id	2000 00 2010							
	tag:gmail.goog	le.com,2004:	1538496027572446596					

FIGURE 16

23. The DuckDuckGo Toolbar further performs the step of "receiving, at the user Internet device, the updated toolbar data in response to determining that the user Internet device should receive the updated toolbar data." For example, as shown below in FIGURES 18-20, the user Internet device receives the updated toolbar data such as the Gmail "Notifications count" for a logged in user, in the form of TEXT/XML messages from the server at IP address 216.58.197.37. The server sends the updated toolbar data in response to determining that the user Internet device should receive updated toolbar data, based on, for example, data associated with toolbar-defining databases.

Determine... X-Clien... ClientBeginRequest X-HostIP X-ClientIP Result Protocol Host 🔺 URL 36 HTTPS 1387 16:24:44.906 216.58.197.37 127.0.0.1 200 mail.google.com /mail/feed/atom

Get SyntaxView Transforme XML	r Headers		ImageView	1		-			
Response Headers							[Raw] [H	eader Det	limitions]
HTTP/1.1 200 OK									
Cache Cache-Control: private, ma Date: Thu, 30 Jun 2016 10. Expires: Thu, 30 Jun 2016	:54:42 GMT								
Entity Content-Length: 2404 Content-Type: text/xml; ch									
Miscellaneous		-							
Server: GSE									
Security									
Strict-Transport-Security: n X-Content-Type-Options: n X-Frame-Options: SAMEOR	osniff	00; includeSi	ubdomains						
X-XSS-Protection: 1; mode=	=block								
Transport Alternate-Protocol: 443:qui Alt-Svc: quic=":443"; ma=2		33,32,31,30,	29,28,27,26,2	:5"					

FIGURE 20

Get SyntaxView	Transformer	Headers	TextView	ImageView	HexView	WebView	Auth	Caching	Cookies	Raw	JSON	XML		
🖃 feed [versio	n=0.3 xmlns=ht	tp://purl.org/	atom/ns#]											
🚊 title														
Gmai	- Inbox for bjct	est02@gmail.	com											
🚍 tagline														
New	messages in you	ur Gmail Inbox												
😑 fullcount														
4				_										
link rel=	"alternate" href	="https://mai	il.google.com/	mail" <mark>t</mark> ype="te>	t/html" xmln:	="http://purl	.org/atom	/ns#" />						
🚊 modified														
2016	-06-30T10:54:4	2Z												
🖃 entry														
🖃 title														
I(ops The word	about Test S	tudio's release	got out too fa	st									
🖃 sumr	hary													
I	f you are having	trouble readi	ing this email,	read the online	version. Pro	gress Hi there	, We got s	ю						
- <link< td=""><td>rel="alternate"</td><td>href="https:/</td><td>/mail.google.c</td><td>om/mail?accour</td><td>nt_id=bjctest</td><td>02@gmail.cor</td><td>n&me</td><td>ssage_id=155</td><td>59d5fc5bce2</td><td>2584&</td><td>;view=con</td><td>v&ext</td><td>src=atom" type="text/html" xmlns</td><td>="http://pu</td></link<>	rel="alternate"	href="https:/	/mail.google.c	om/mail?accour	nt_id=bjctest	02@gmail.cor	n&me	ssage_id=155	59d5fc5bce2	2584&	;view=con	v&ext	src=atom" type="text/html" xmlns	="http://pu
😑 modi	fied													
2	016-06-29T18:1	15:47Z												
😑 issue	d													
L2	016-06-29T18:1	15:47Z												
😑 id														
t	ag:gmail.google.	.com,2004:15	38496027572	446596										

24. The DuckDuckGo Toolbar further performs the step of "initiating, at the user Internet device and without user interaction, an operation to update the toolbar data in accordance with the received updated toolbar data." For example, as shown below in FIGURES 21-23, the DuckDuckGo Toolbar receives the updated toolbar data such as, for example, the latest Gmail "Notifications count" for a user, in the form of TEXT/XML messages from the server at IP address 216.58.197.37. The user Internet device initiates an operation to update the toolbar data by displaying the latest "Notifications count" on the "Gmail" button in accordance

to the received updated toolbar data without any user interaction.

#	Determine	X-Clien	ClientBeginRequest	X-HostIP	X-ClientIP	Result Pro	otocol	Host 🔺	URL
36		1387	16:24:44.906	216.58.197.37	127.0.0.1	200 HT1	TPS mail	l.google.com	/mail/feed/atom
					FICI				
					FIGU	JRE 22	i i i i i i i i i i i i i i i i i i i		
Get Synta	xView Transform	mer Heade	ers TextView Ima	jeView HexView	WebView	Auth Cach	ing Cookies	Raw JSC	N XML
🖃 feed	[version=0.3 xmln	s=http://purl.	org/atom/ns#]	20					11-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1
i t	itle		0						
	Gmail - Inbox for	bjctest02@gr	mail.com						
	agline								
	New messages in	n your Gmail In	npox						
⊡ f	ullcount								
	4								
	<link <="" rel="alternate" td=""/> <td>href="https:/</td> <td>/mail.google.com/mail" ty</td> <td>pe="text/html" xml</td> <td>ns="http://purl.or</td> <td>rg/atom/ns#" /></td> <td></td> <td></td> <td></td>	href="https:/	/mail.google.com/mail" ty	pe="text/html" xml	ns="http://purl.or	rg/atom/ns#" />			
	nodified								
	2016-06-30T10:	54:42Z							
e	entry								
T a	🚊 title								
	Oops The v	word about Te	st Studio's release got ou	it too fast					
	summary								
		avina trouble r	eading this email, read th	e online version. Pr	oaress Hithere. \	Ve aot so			
	1						=1559d5fc5bce258	4%amp:view=r	:onv&extsrc=atom" type="text/html" xmlns="http://pu
	modified		portfindingeograficantina		store ginaliteonio	amp)message_ia	100700.000000000	ioumpjiioii i	arradinpjoxore doin type taxtreni xilino reprijpa
	2016-06-291	18:15:477							
	issued	101101172							
	2016-06-291	18-15-477							
	⊟-id								
		oale.com.2004	4:1538496027572446596						

FIGURE 21

FIGURE 23

🔗 kasjbdaksj - Google Search - Windows Internet Explorer
🚱 🕤 🗣 🜀 https://www.google.co.in/search?hl=en-IN8source=hp8biw=8bih=8q=kasjbdaksj8gbv=28oq=kasjbdaksj8gs_l=heirloom-hp.3199140.199453.0.199671.1 💌 🔒 🐓 🗙
🗙 🚯 DuckDuckGo 🛙 m Feeling Ducky! 🔍 🌮 Ibang 🎲 Settings 🔗 News 🛅 🎇 - 🖘
🚖 Favorites G kasjbdaksj - Google Search

25. The DuckDuckGo Toolbar further performs the step of "updating the toolbar data at the user Internet device based on the operation and in accordance with the updated toolbar data, thereby updating the toolbar data, the updating comprising at least... updating the toolbar data to modify an attribute of at least one of the one or more toolbar buttons of the toolbar." For example, as shown below in FIGURES 24-25, the DuckDuckGo Toolbar performs an operation to update the toolbar data to modify an attribute of at least one of at least one of the one or more toolbar performs an operation to update the toolbar data to modify an attribute of at least one of the one or more toolbar buttons on the toolbar such as, for example, by updating the Gmail "Notifications count" for a logged in

user, and modifying an attribute of at least one of the one or more toolbar buttons of the toolbar such as, for example, by displaying the latest "Notifications count" on the "Gmail" button.

FIGURE 24

Get SyntaxView	Transformer	Headers	TextView	ImageView	HexView	WebView	Auth	Caching	Cookies	Raw	JSON	XML	
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🚊 title													
Gmail	- Inbox for bjete	est02@gmail.	com										
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	016-06-29T18:1	5.477											
⊟ issued		or n E											
	016-06-29T18:1!	5:47Z											
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FIGURE 25

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🗙 🚺 DuckD	DuckGo [1'm Feeling Ducky! 💫 👰 🥩 Ibang 🎲 Settings 🔗 News 👔 🞇 🗸 🐟
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26. The DuckDuckGo Toolbar further performs the step of "displaying at the user Internet device the toolbar as defined by the updated toolbar data, wherein the information associated with the toolbar data includes at least... [an] IP address..." For example, as shown below in FIGURE 26, the DuckDuckGo Toolbar displays the toolbar as defined by the updated toolbar data, such as displaying the updated "Notifications count" on the "Gmail" button. As shown in FIGURE 27, for example, the information associated with the toolbar data includes an IP address such as, for example, the IP address 127.0.0.1.

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FIGURE 27

#	Determine	X-Clien	ClientBeginRequest	X-HostIP	X-ClientIP	Result	Protocol	Host 🔺	URL
36		1387	16:24:44.906	216.58.197.37	127.0.0.1	200	HTTPS	mail.google.com	/mail/feed/atom

27. The DuckDuckGo Toolbar integrates with a browser, such as Internet Explorer, on a device capable of communicating with other devices over a network such as a user Internet device.

28. The DuckDuckGo Toolbar performs each of the functions described in one or more claims of the '070 Patent, including the functions described above. In particular, the DuckDuckGo Toolbar software embedded in the browser of the user Internet device and remotely located, such as on a server remote from the user Internet device, instructs these devices to perform these functions. The DuckDuckGo Toolbar, therefore, directs and controls the functions of the user Internet device and the remote device(s) that perform the functions described above.

29. To the extent any third party performs any of the functions described above, the performance of such functions is attributable to the DuckDuckGo Toolbar because it directs and controls the performance of those functions.

CLAIM 1 -- INFRINGEMENT OF U.S. PATENT NO. 9,021,070

30. Plaintiff incorporates paragraphs 1 through 30 as though fully set forth herein.

31. Upon information and belief, DuckDuckGo has been and is now directly infringing one or more claims of the '070 Patent by using (including for testing purposes) the

DuckDuckGo Toolbar in violation of 35 U.S.C. § 271(a). The DuckDuckGo Toolbar performs the method for dynamically modifying a toolbar described and claimed in the '070 Patent.

32. In addition, or in the alternative, DuckDuckGo has been and is now indirectly infringing one or more claims of the '070 Patent by inducing customers to use the DuckDuckGo Toolbar to directly infringe one or more claims of the '070 Patent in violation of 35 U.S.C. § 271(b). The DuckDuckGo Toolbar performs the methods of modifying a toolbar described and claimed in the '070 Patent, and DuckDuckGo has engaged in indirect infringement by its conduct of providing its customers with the infringing DuckDuckGo Toolbar in order to enable those customers to use the DuckDuckGo Toolbar to directly infringe the '070 Patent. On information and belief, DuckDuckGo has intended, and continues to intend, to induce patent infringement by its customers, and has had knowledge that its inducing acts would cause infringement.

33. On information and belief, DuckDuckGo's customers download the accused DuckDuckGo Toolbar and, when the customers use the DuckDuckGo Toolbar, a method of modifying a toolbar is performed as described and claimed in the '070 Patent. Thus, DuckDuckGo's customers directly infringe the claimed methods of the '070 Patent by using the DuckDuckGo Toolbar. On information and belief, DuckDuckGo is or should be aware that the DuckDuckGo Toolbar performs the claimed methods of modifying a toolbar and, therefore, that DuckDuckGo's customers will infringe the '070 Patent by using the DuckDuckGo Toolbar.

34. Plaintiff has been damaged by DuckDuckGo's infringing activities.

DEMAND FOR JURY TRIAL

35. Plaintiff, pursuant to Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests the following relief:

1. A judgment in favor of Plaintiff that DuckDuckGo has directly infringed one or more claims of the '070 Patent;

2. A judgment and order requiring DuckDuckGo to pay Plaintiff damages adequate to compensate for infringement under 35 U.S.C. § 284, which damages in no event shall be less than a reasonable royalty for the use made of the inventions of the '070 Patent, including pre-and post-judgment interest and costs, including expenses and disbursements; and

3. Any and all such further necessary relief as the Court may deem just and proper under the circumstances.

Dated: December 30, 2016

Respectfully submitted,

BUETHER JOE & CARPENTER, LLC

By: <u>/s/ Eric W. Buether</u>

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