

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

DISTEFANO PATENT TRUST III, LLC,

Plaintiff,

v.

FOURSQUARE LABS, INC.,

Defendants.

**Civil Action No.** \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff DiStefano Patent Trust III, LLC (“DiStefano” or “Plaintiff”), for its Complaint against Defendant Foursquare Labs, Inc. (“Foursquare” or “Defendant”), 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 Florida with a place of business at 2910 NW 26th Avenue, Boca Raton, Florida 33434.

3. Upon information and belief, Foursquare Labs, Inc. is a corporation organized and existing under the laws of Delaware, with a place of business at 568 Broadway, 10th Floor New York, New York 10012, and can be served through its registered agent, Business Filings Incorporated, 108 West 13th Street, Wilmington, Delaware 19801. Upon information and belief, Foursquare sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services that into the stream of commerce

and that incorporate infringing technology knowing that they would be sold in this judicial district and elsewhere in the United States.

**JURISDICTION AND VENUE**

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

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

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

7. On information and belief, Defendant is subject to this Court's general and specific personal jurisdiction because Defendant has sufficient minimum contacts within the State of Delaware and this District, pursuant to due process and/or the Del. Code. Ann. Tit. 3, § 3104 because Defendant purposefully availed itself of the privileges of conducting business in the State of Delaware and in this District, because Defendant regularly conducts and solicits business within the State of Delaware and within this District, and because Plaintiff's causes of action arise directly from each of Defendant's business contacts and other activities in the State of Delaware and this District. Further, this Court has personal jurisdiction over Defendant because it is incorporated in Delaware and has purposely availed itself of the privileges and benefits of the laws of the State of Delaware.

**COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,996,398**

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

9. On March 31, 2015, U.S. Patent No. 8,996,398 (“the ’398 patent”), entitled “Reciprocal Insertion of Links for Web Pages,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’398 patent is attached as Exhibit 1.

10. The inventions of the ’398 patent resolve technical problems related to a streamlined process for developing web pages and posting those web pages on the internet. For example, the inventions allow parties to establish reciprocal linking arrangements between multiple web pages using only a single web page implementation system, as opposed to prior art processes that required multiple systems to accomplish the same result.

11. The claims of the ’398 patent do not merely recite the performance of some business practice known from the pre-Internet world along with the requirement to perform it on the Internet. Instead, the claims of the ’398 patent recite one or more inventive concepts that are rooted in computerized web design technology, and overcome problems specifically arising in the realm of computerized web design.

12. The claims of the ’398 patent recite an invention that is not merely the routine or conventional use of computer hardware systems or graphical user interfaces. Instead, the invention applies a streamlined method of employing these tools to establish a reciprocal linking arrangement between web pages with a single web page implementation system. The ’398 patent claims thus specify how to employ such a method to efficiently achieve the desired reciprocal linking arrangement.

13. The technology claimed in the ’398 patent does not preempt all ways of using computer hardware systems or graphical user interfaces to establish reciprocal linking arrangements between web pages, nor does it preempt the use of all reciprocal linking

arrangements between web pages, nor does it preempt any other well-known or prior art technology.

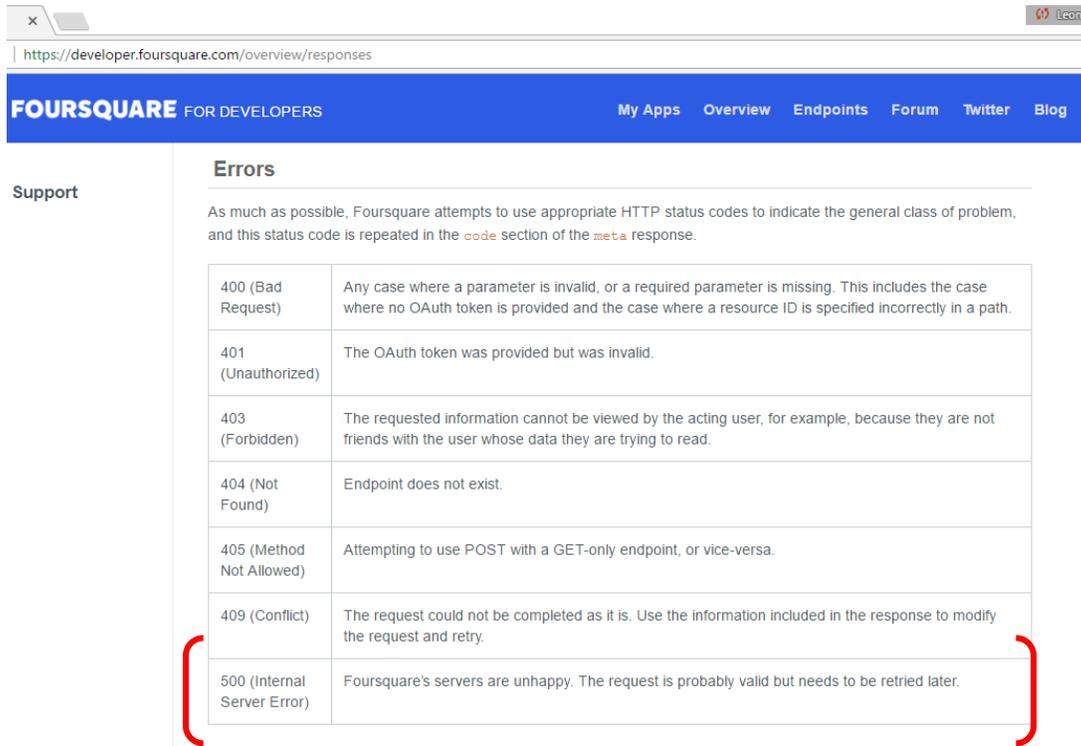
14. Accordingly, each claim of the '398 patent recites a combination of elements sufficient to ensure that the claim in practice amounts to significantly more than a patent on an ineligible concept.

15. Plaintiff is the assignee and owner of the right, title and interest in and to the '398 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

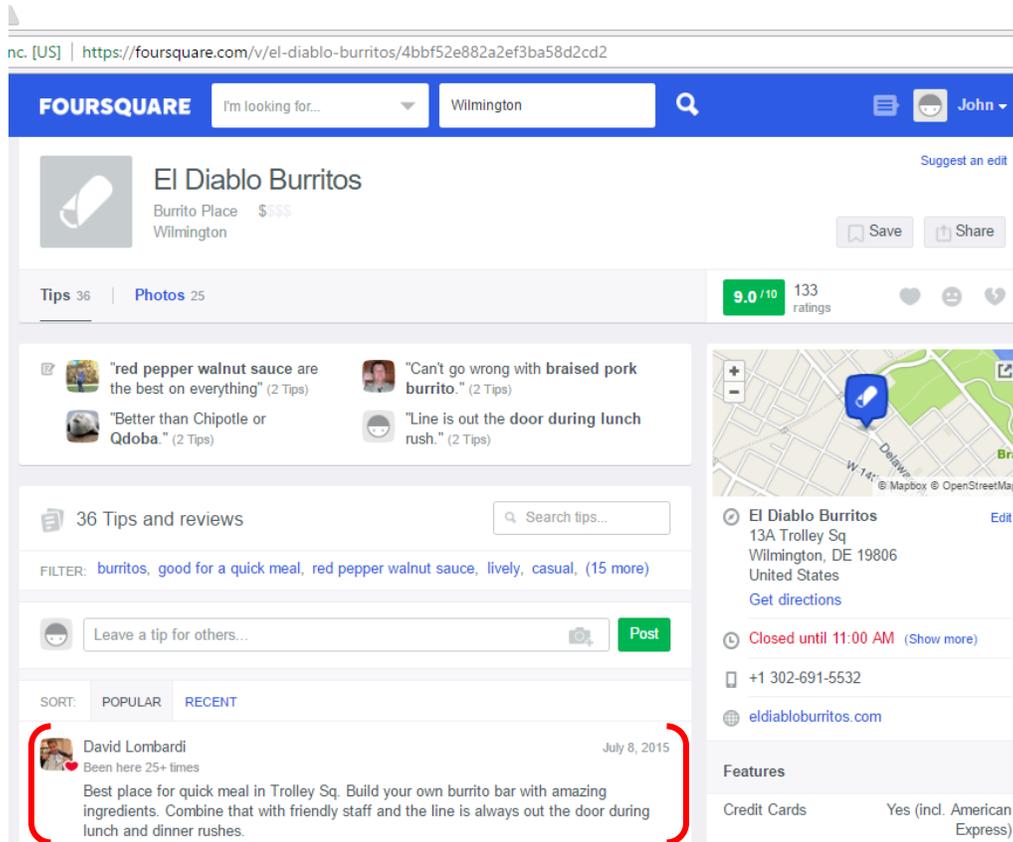
16. Upon information and belief, Defendant has and continues to directly infringe at least claims 9, 10, 11, 12, 16, 17, 18, 19, 20, 21, and 23 of the '398 patent by making, using, selling, importing and/or providing and causing to be used webpage implementation systems configured to establish reciprocal linking arrangements between web pages; such webpage implementation systems are within the scope of claims 9, 10, 11, 12, 16, 17, 18, 19, 20, 21, and 23 of the '398 patent (the "Infringing Instrumentalities").

17. Claim 9 of the '398 patent generally recites a webpage implementation server system, comprising: a computer hardware system configured to perform: inserting, within a first web page associated with a first entity, a first functional identification element associated with a second entity, and reciprocally inserting, within a second web page associated with the second entity, a second functional identification element associated with the first entity based upon the first functional identification element being inserted with the first web page, wherein the second functional identification element, with in the second web page, includes a link to the first web page, and the first functional identification element, within the first web page, includes a link to the second web page.

18. As demonstrated in the exemplary images below, and on information and belief, the Infringing Instrumentalities infringe claim 9 of the '398 patent because they include a webpage implementation server system, comprising: a computer hardware system configured to perform:



inserting, within a first web page associated with a first entity, a first functional identification element associated with a second entity,



and reciprocally inserting, within a second web page associated with the second entity, a second functional identification element associated with the first entity (shown in red brackets below; orange brackets indicate click-through items) based upon the first functional identification element being inserted within the first web page, wherein the second functional identification element, with in the second web page, includes a link to the first web page,

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- Philadelphia**: 15 Lists Created, 19 Tips
- Wilmington**: 1 List Created, 4 Tips (highlighted)
- Los Angeles**: 3 Tips
- Cleveland**: 3 Tips
- Bear**: 1 List Created, 1 Tip
- Baltimore**: 1 List Created, 1 Tip

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- David's Lists (2)**
- Lists David Created (1)**

**Wilmington**  
64 PLACES UPDATED MARCH 2, 2016  
64 places including DiMeo's Pizza, Washington Street Ale House, Stewart's Brewing Company, Argilla Brewing Company

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Foursquare Labs, Inc. [US] | <https://foursquare.com/user/34040747?all=lists&geoid=72057594042073317>

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David's Liked Places (2) Lists David Created (1)

**David's Tips**  
4 PLACES UPDATED JULY 8, 2015

4 places including Timothy's Riverfront Grill, El Diablo Burritos, Temptations New York Deli, Kelly's Logan House

El Diablo Burritos - 13A x David's Tips x

Foursquare Labs, Inc. [US] | <https://foursquare.com/user/34040747/list/tips?geoid=72057594042073317>

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**1. El Diablo Burritos** 9.0  
13A Trolley Sq, Wilmington, DE  
Burrito Place - 36 tips and reviews

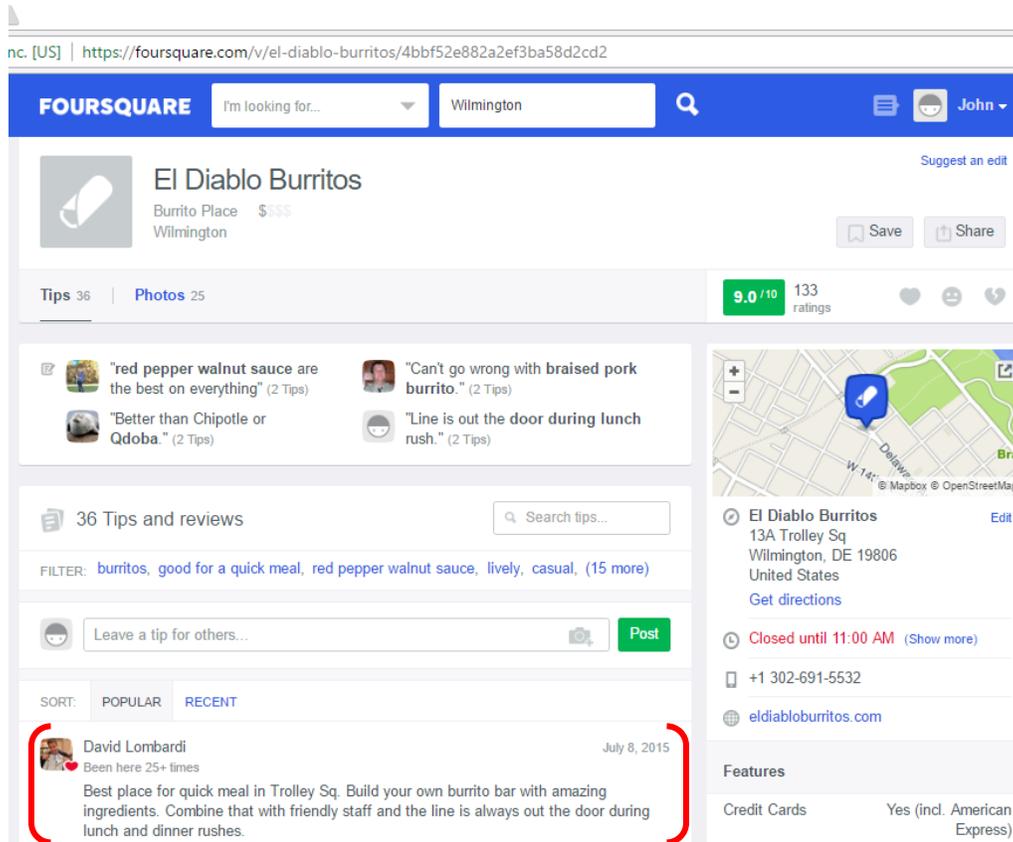
David Lombardi: Best place for quick meal in Trolley Sq. Build your own burrito bar with amazing ingredients. Combine that with friendly staff and the line is always out the door during lunch and dinner rushes.

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**2. Temptations New York Deli** 6.0  
11A Trolley Sq, Wilmington, DE  
Deli / Bodega - 15 tips and reviews

David Lombardi: Closed down

and the first functional identification element, within the first web page, includes a link to the second web page:



19. Claim 10 of the '398 patent generally recites the server system of claim 9, wherein the second functional identification element includes an image.

20. As demonstrated in paragraph 18, the Infringing Instrumentalities infringe claim 10 of the '398 patent because they meet the limitations of claim 9 and because the second functional identification element within the Infringing Instrumentalities includes an image.

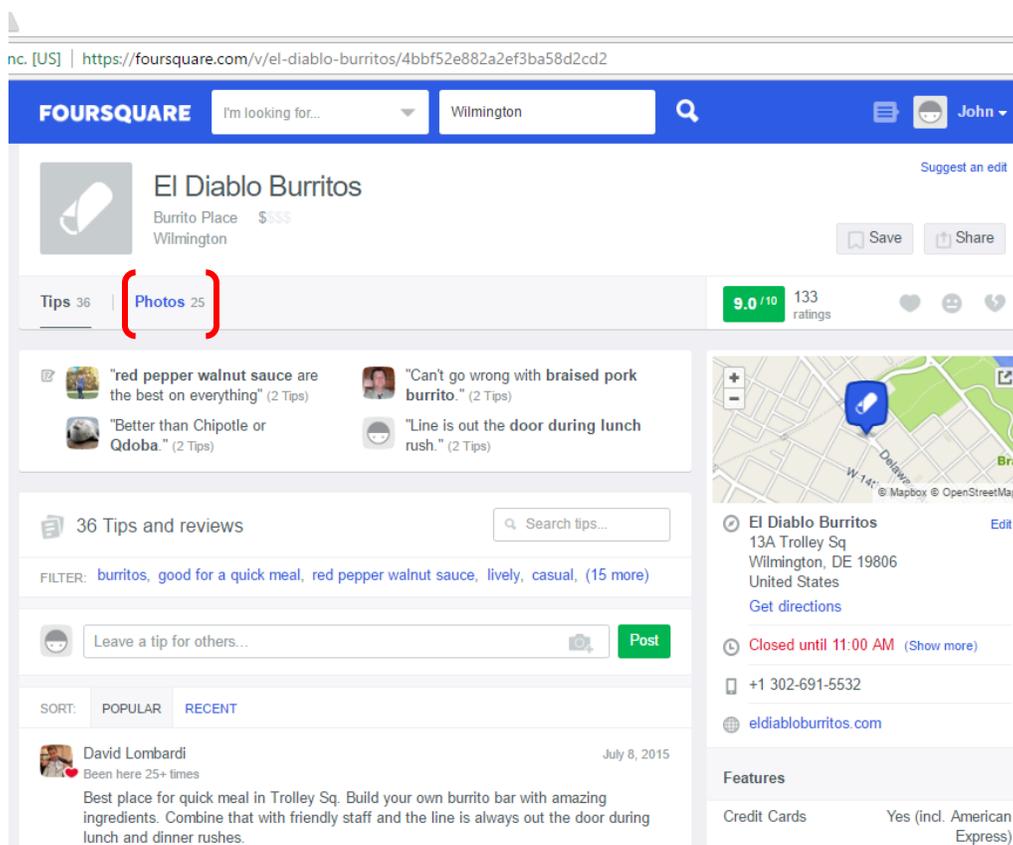
21. Claim 11 of the '398 patent generally recites the server system of claim 10, wherein the computer hardware system is further configured to perform receiving, from the first entity, the image.

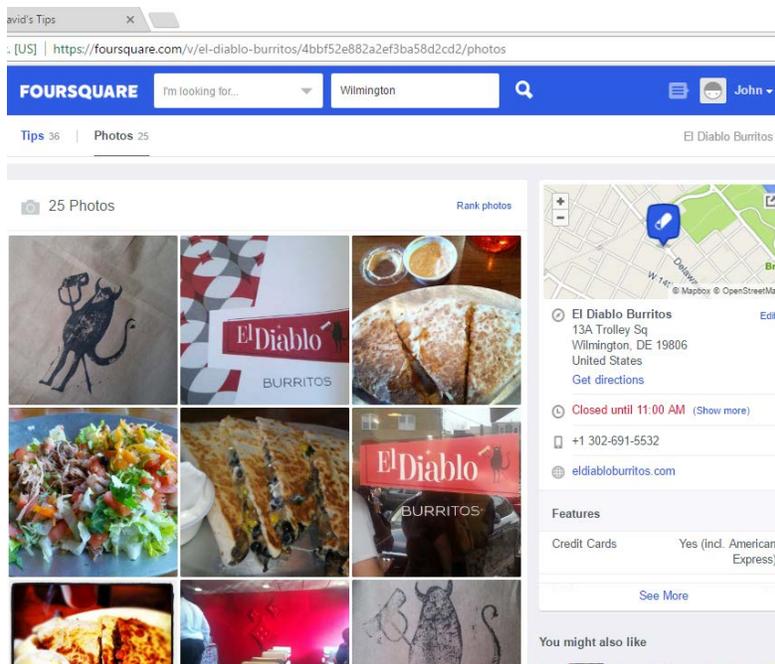
22. The Infringing Instrumentalities infringe claim 11 of the '398 patent because, as demonstrated in paragraph 20, they meet the limitations of claim 10, and because, as

demonstrated in paragraph 18, the Infringing Instrumentalities comprise a computer hardware system that is further configured to perform receiving, from the first entity, the image.

23. Claim 12 of the '398 patent generally recites the server system of claim 9, wherein the first web page includes one or more web pages.

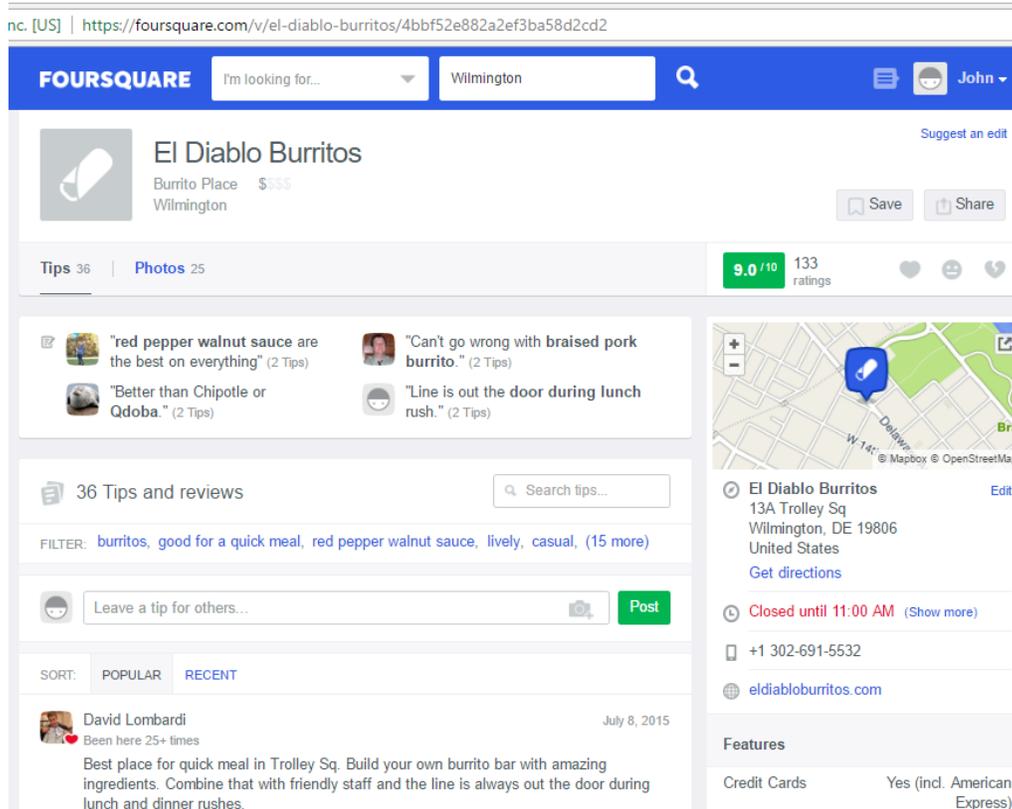
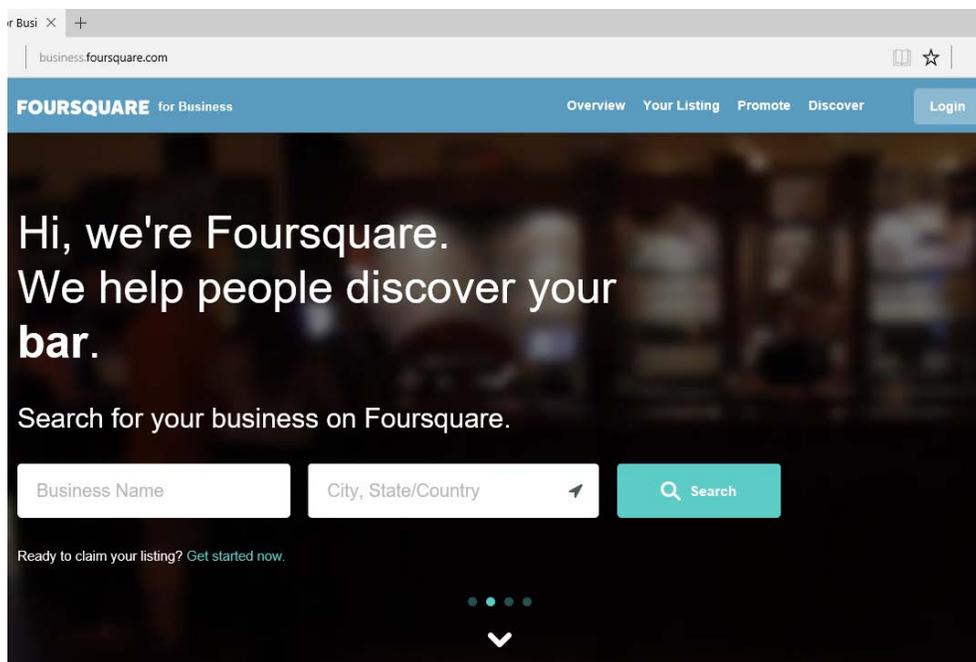
24. The Infringing Instrumentalities infringe claim 12 of the '398 patent because, as demonstrated in paragraph 18, the Infringing Instrumentalities meet the limitations of claim 9, and because, as demonstrated in the exemplary images below, the first web page includes one or more web pages:



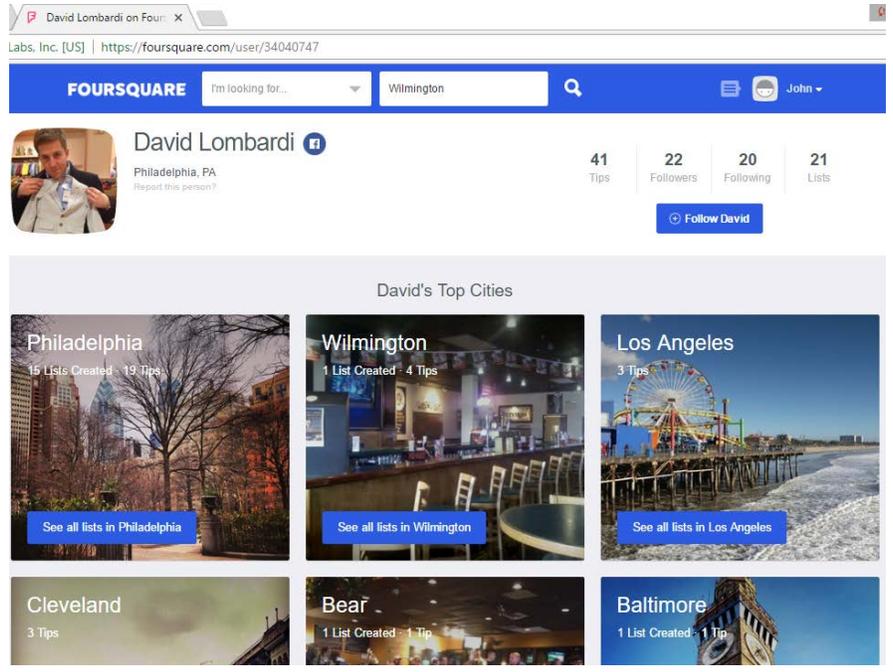
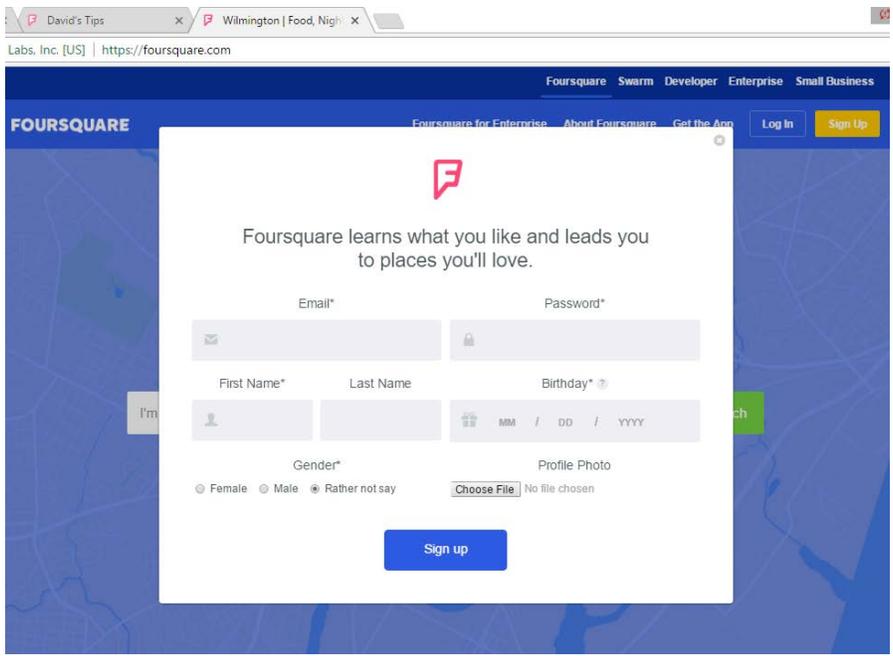


25. Claim 16 of the '398 patent generally recites the webpage implementation server system of claim 9, wherein the first entity is a first registered user of the webpage implementation server system, and the second is a second registered user of the webpage implementation server system.

26. The Infringing Instrumentalities infringe claim 16 of the '398 patent because, as demonstrated in paragraph 18, they meet the limitations of claim 9, and because, as demonstrated in the exemplary images below, and on information and belief, the first entity of the Infringing Instrumentalities is a first registered user of the webpage implementation server system,



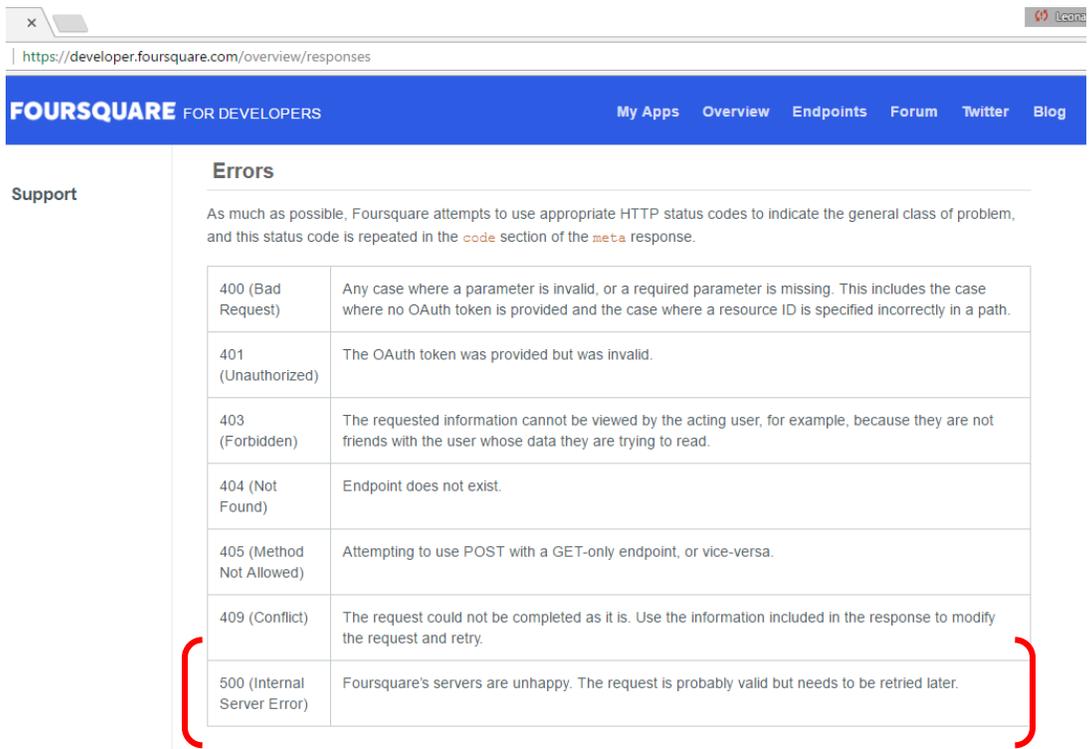
and the second is a second registered user of the webpage implementation server system:

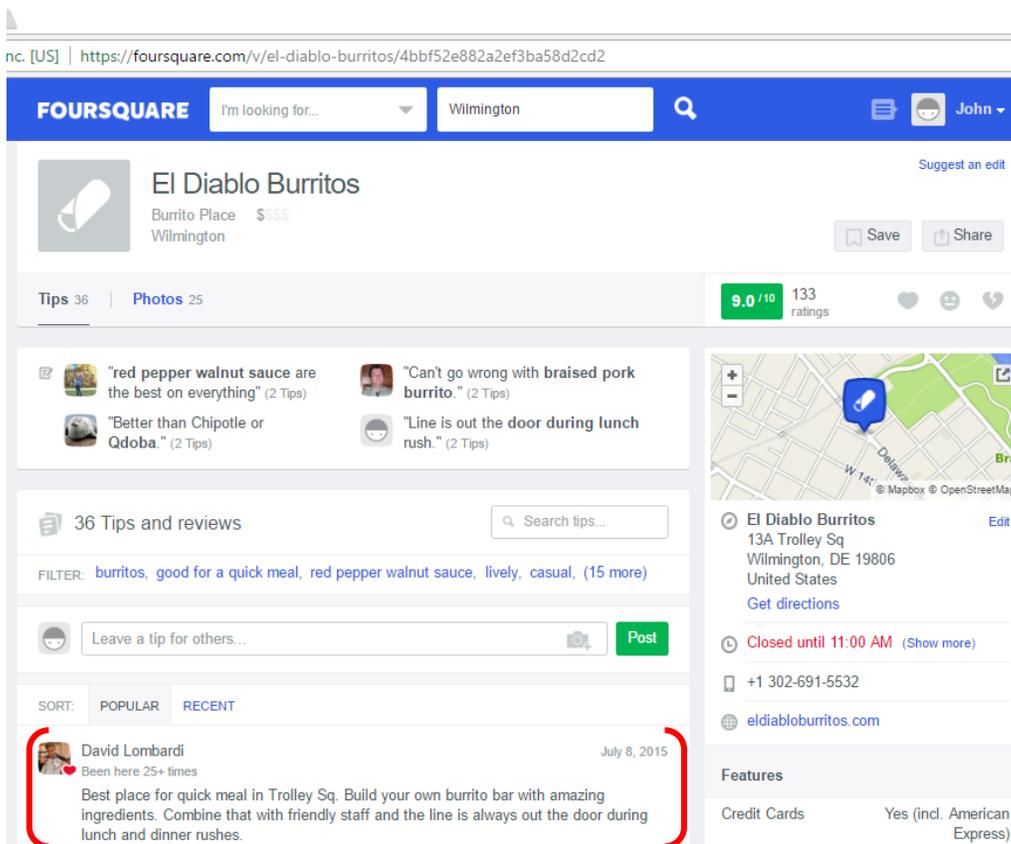


27. Claim 17 of the '398 patent generally recites a webpage implementation system, comprising: a client computer associated with a first entity; and a server system configured to perform: inserting, within a first web page associated with the first entity, a first functional identification element associated with a second entity, and reciprocally inserting, within a second web page associated with the second entity, a second functional identification element associated

with the first entity based upon the first functional identification element being inserted within the first web page, wherein the second functional identification element, within the second web page, includes a link to the first web page, and the first functional identification element, within the first web page, includes a link to the second web page.

28. As demonstrated in the exemplary images below, and on information and belief, the Infringing Instrumentalities infringe claim 17 of the '398 patent because they include a webpage implementation system, comprising: a client computer associated with a first entity; and a server system configured to perform: inserting, within a first web page associated with the first entity, a first functional identification element associated with a second entity,





and reciprocally inserting, within a second web page associated with the second entity, a second functional identification element associated with the first entity (shown in red brackets below; orange brackets indicate click-through items) based upon the first functional identification element being inserted within the first web page, wherein the second functional identification element, within the second web page, includes a link to the first web page,

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<b>Cleveland</b> 3 Tips	<b>Bear</b> 1 List Created · 1 Tip	<b>Baltimore</b> 1 List Created · 1 Tip

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David's Lists (2) Lists David Created (1)

**David's Liked Places**  
36 PLACES UPDATED FEBRUARY 17, 2017

36 places including Trolley Square Oyster House, Brandywine Creek Disc Golf Course, White Clay Creek Country Club, The Westin Wilmington

**David's Tips**  
4 PLACES UPDATED JULY 8, 2015

4 places including Timothy's Riverfront Grill, El Diablo Burritos, Temptations New York Deli, Kelly's Logan House

El Diablo Burritos - 13A x David's Tips x

Foursquare Labs, Inc. [US] | <https://foursquare.com/user/34040747/list/tips?geoid=72057594042073317>

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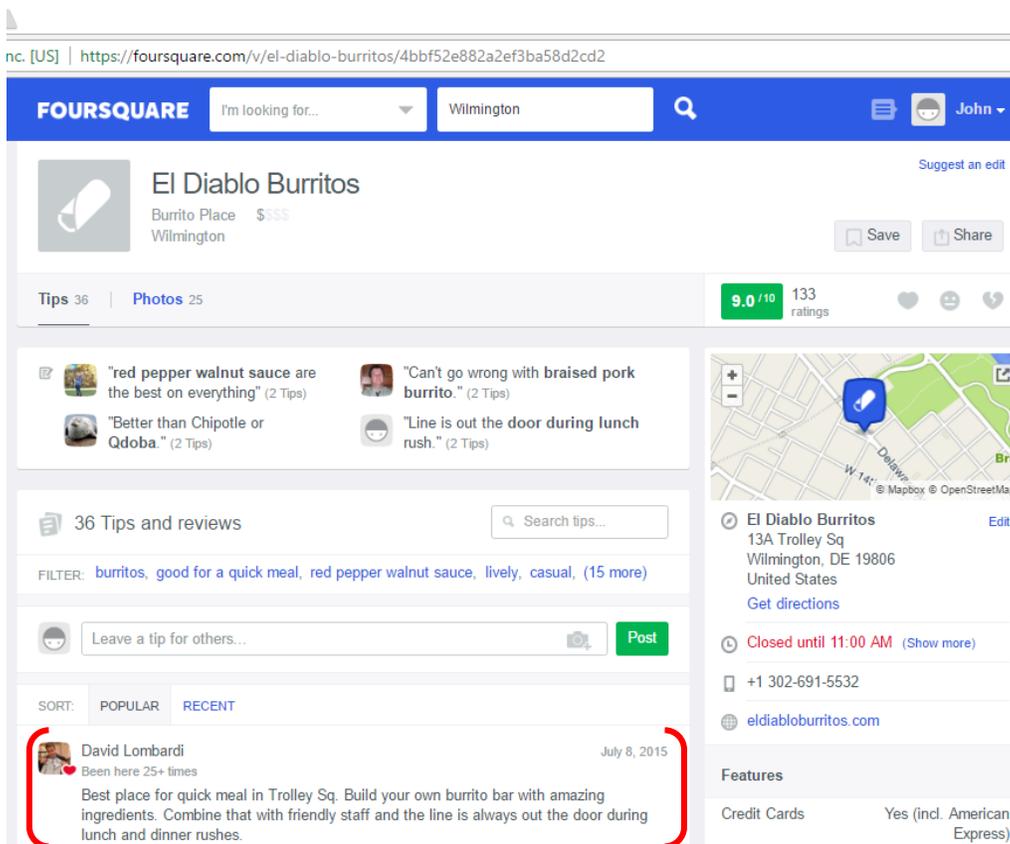
David Lombardi: Best place for quick meal in Trolley Sq. Build your own burrito bar with amazing ingredients. Combine that with friendly staff and the line is always out the door during lunch and dinner rushes.

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**2. Temptations New York Deli** 6.0  
11A Trolley Sq, Wilmington, DE  
Deli / Bodega - 15 tips and reviews

David Lombardi: Closed down

and the first functional identification element, within the first web page, includes a link to the second web page:



29. Claim 18 of the '398 patent generally recites the webpage implementation system of claim 17, wherein the second functional identification element includes an image.

30. As demonstrated in paragraph 28, the Infringing Instrumentalities infringe claim 18 of the '398 patent because they meet the limitations of claim 17 and the second functional identification element within the Infringing Instrumentalities includes an image.

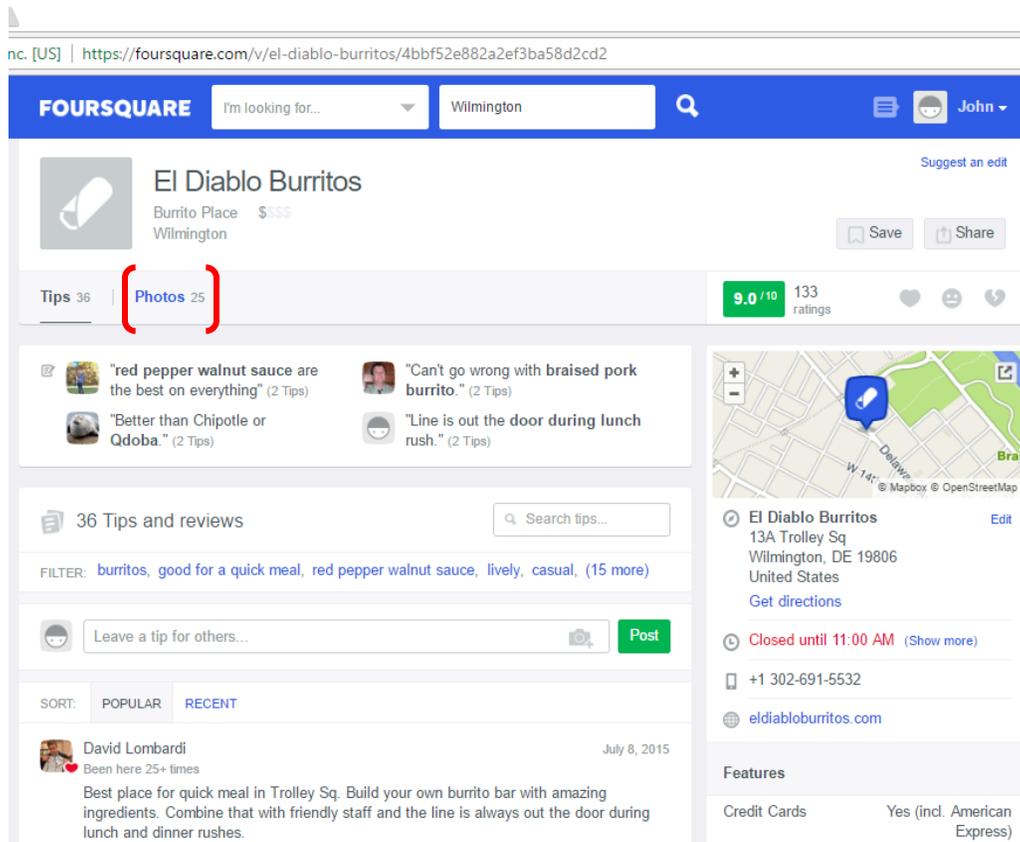
31. Claim 19 of the '398 patent generally recites the webpage implementation system of claim 18, wherein the server system is further configured to perform receiving, from the first entity via the client computer, the image.

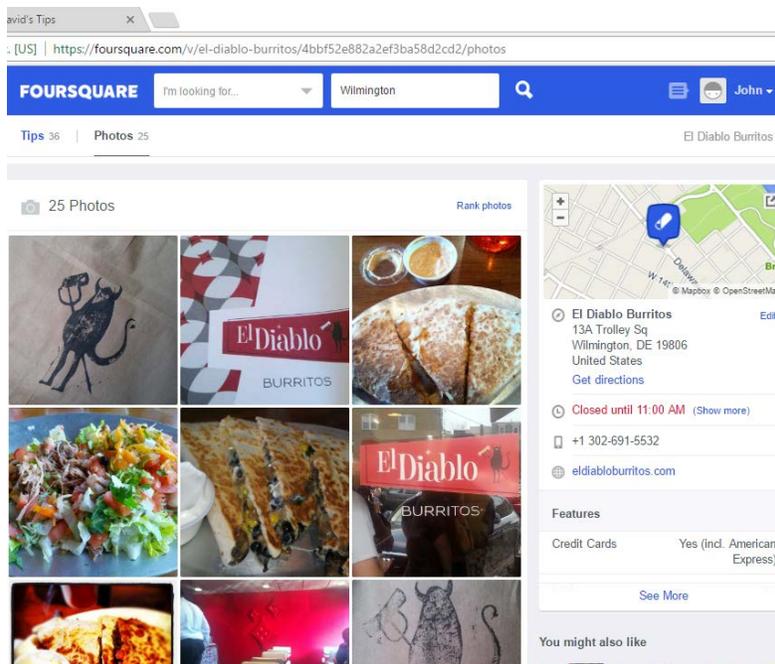
32. The Infringing Instrumentalities infringe claim 19 of the '398 patent because, as demonstrated in paragraph 30, they meet the limitations of claim 18, and because, as

demonstrated in paragraph 28, the Infringing Instrumentalities comprise a server system that is further configured to perform receiving, from the first entity via the client computer, the image.

33. Claim 20 of the '398 patent generally recites the webpage implementation system of claim 17, wherein the first web page includes one or more web pages.

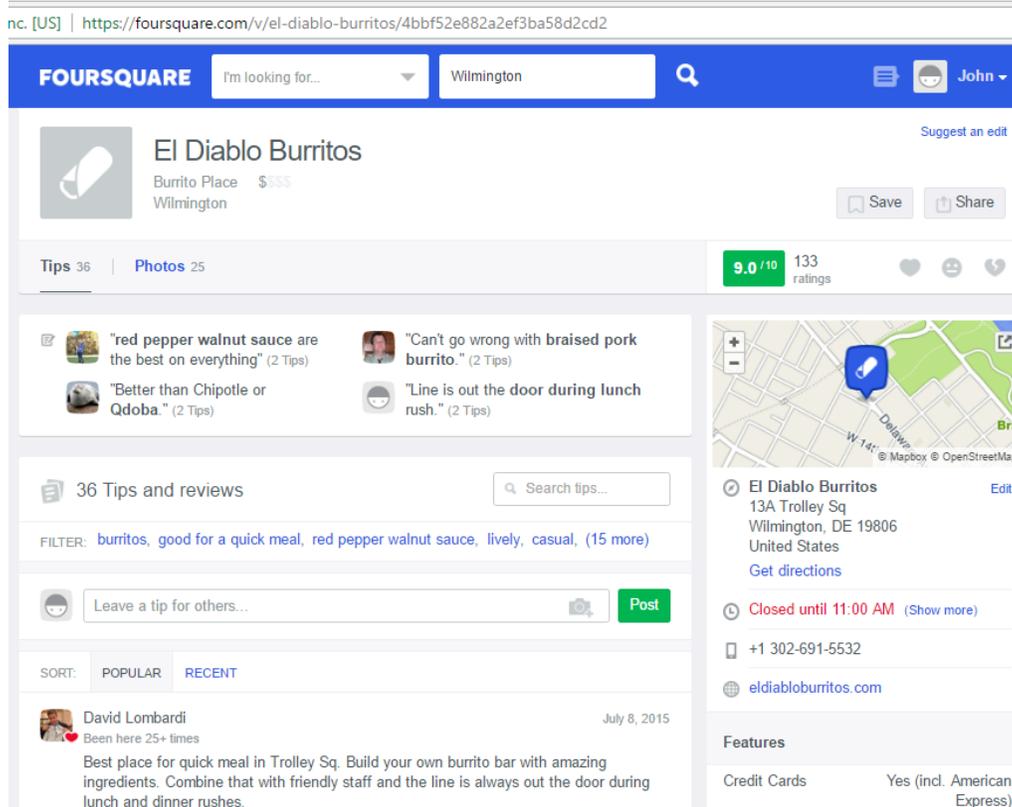
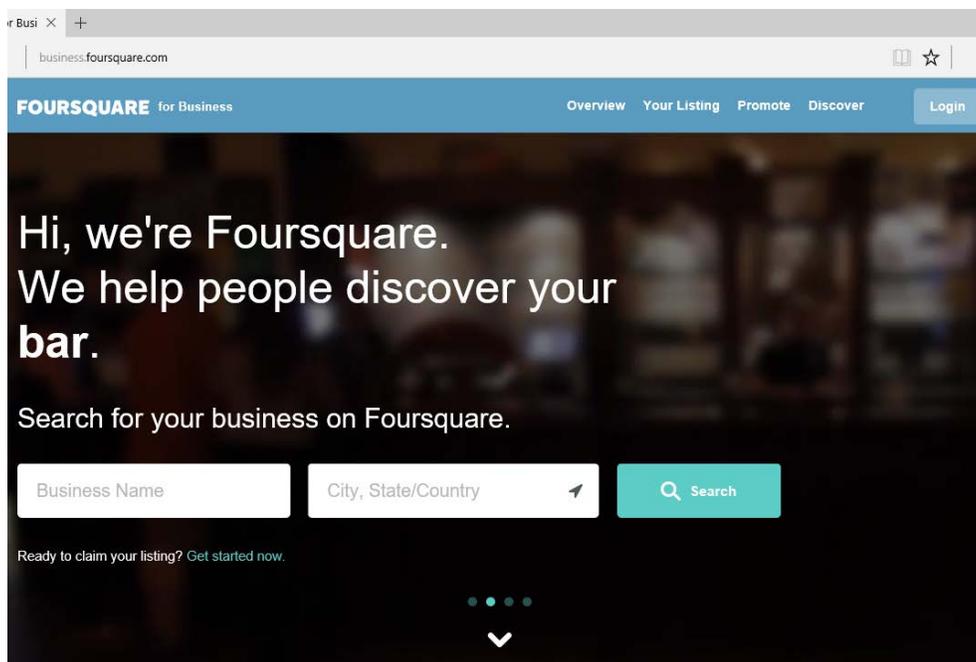
34. The Infringing Instrumentalities infringe claim 20 of the '398 patent because, as demonstrated in paragraph 28, they meet the limitations of claim 17, and because, as demonstrated in the exemplary images below, the first web page of the Infringing Instrumentalities includes one or more web pages:



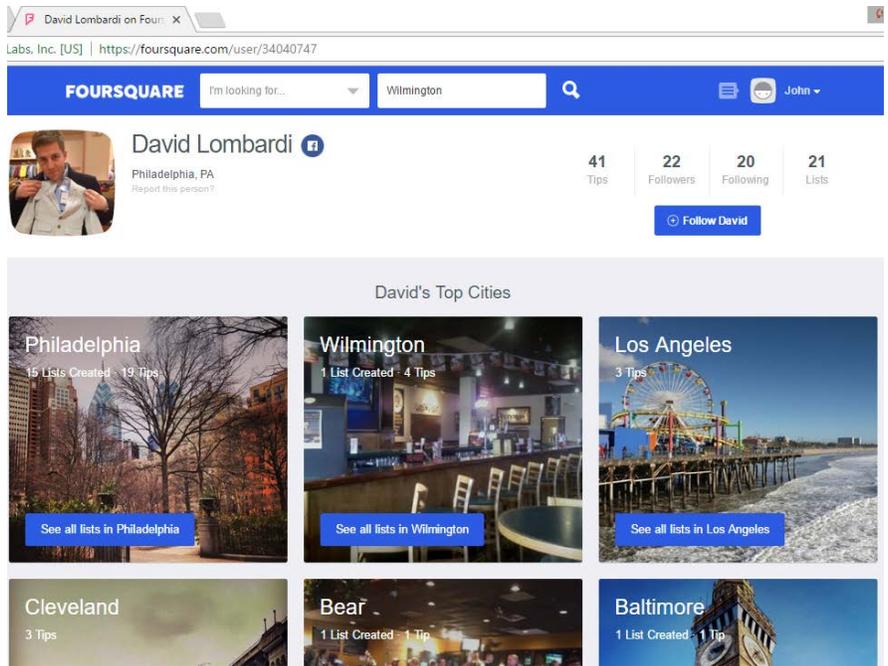
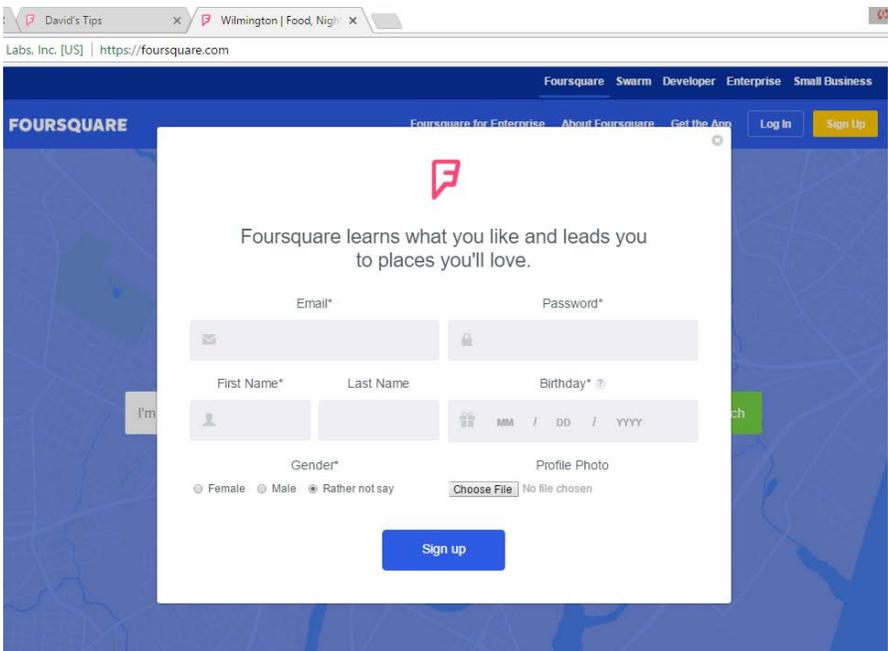


35. Claim 21 of the '398 patent generally recites the webpage implementation system of claim 17, wherein the server system is further configured to perform generating, based upon input provided by the first entity, the first web page; and generating, based upon input provided by the second entity, the second web page.

36. The Infringing Instrumentalities infringe claim 21 of the '398 patent because, as demonstrated in paragraph 28, they meet the limitations of claim 17, and because, as demonstrated in the exemplary images below, and on information and belief, the server system of the Infringing Instrumentalities is further configured to perform generating, based upon input provided by the first entity, the first web page;



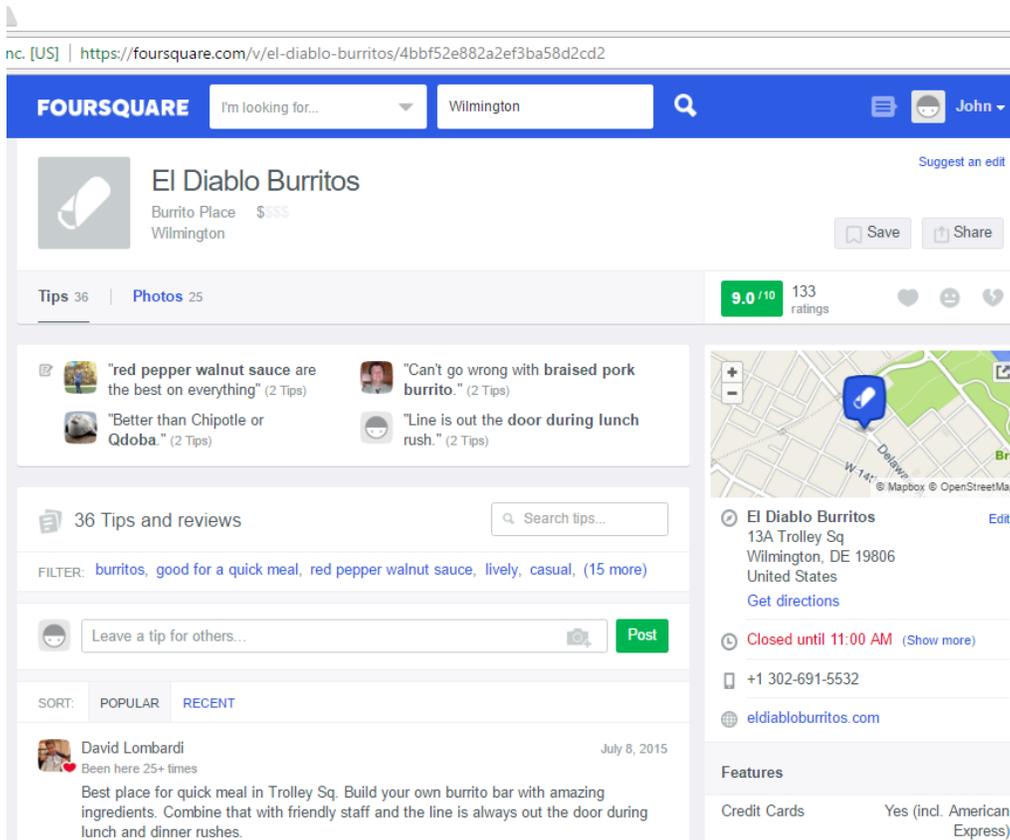
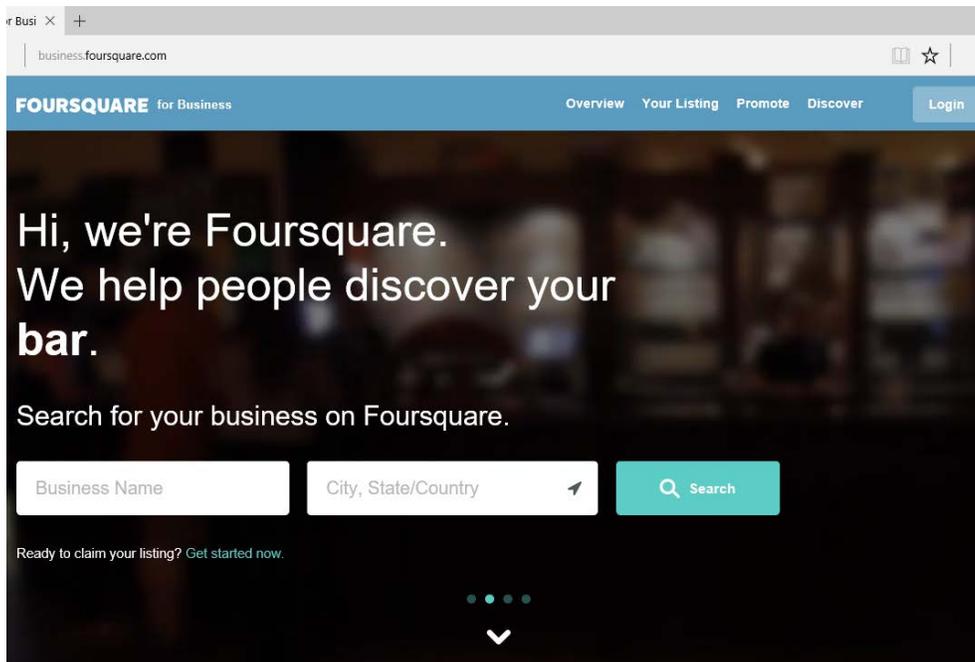
and generating, based upon input provided by the second entity, the second web page:



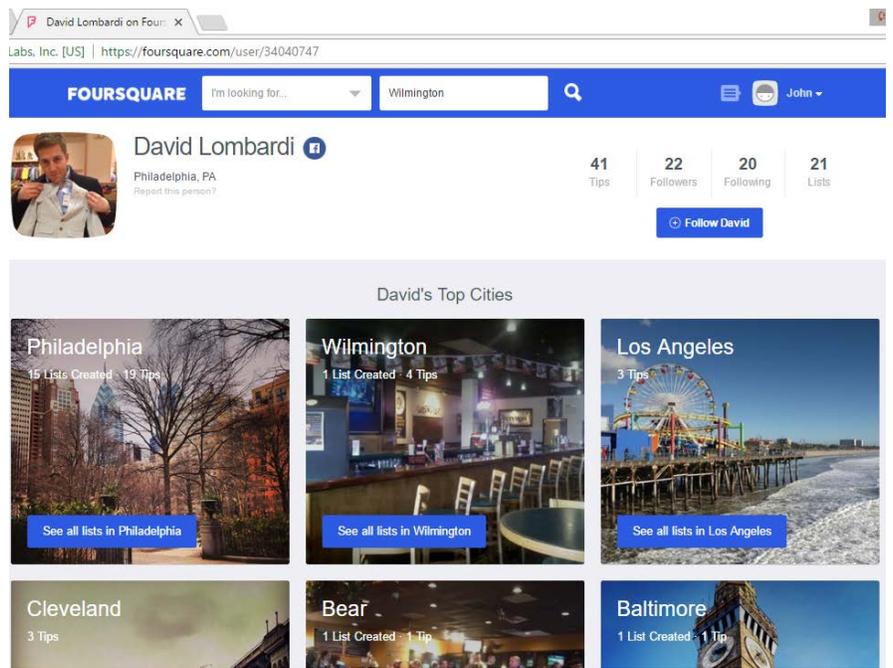
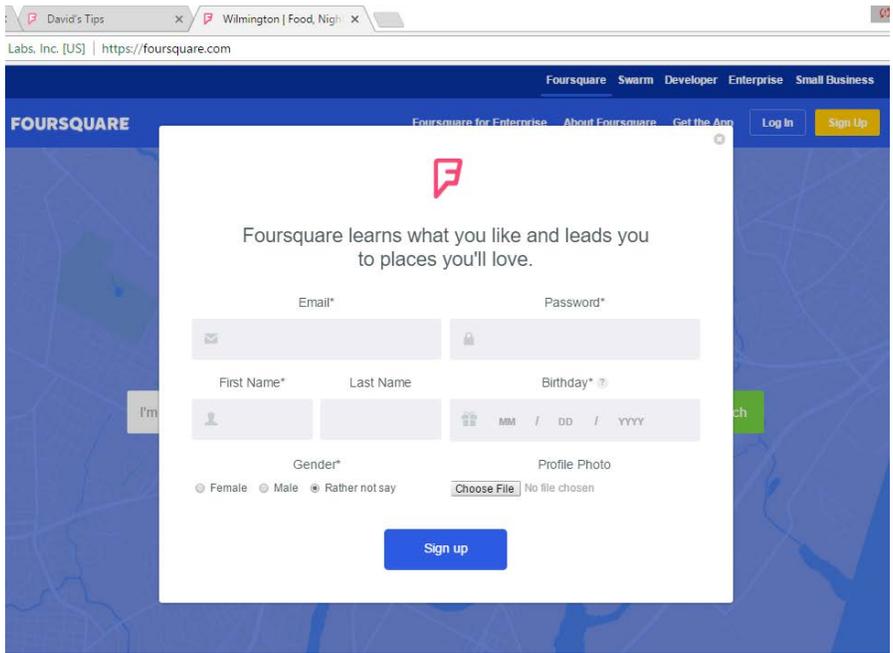
37. Claim 23 of the '398 patent generally recites the webpage implementation system of claim 17, wherein the first entity is a first registered user of the webpage implementation system, and the second entity is a second registered user of the webpage implementation system.

38. The Infringing Instrumentalities infringe claim 23 of the '398 patent because, as demonstrated in paragraph 28, they meet the limitations of claim 17, and because, as

demonstrated in the exemplary images below, and on information and belief, the first entity of the Infringing Instrumentalities is a first registered user of the webpage implementation system,



and the second entity is a second registered user of the webpage implementation system:



39. Plaintiff has been harmed by Defendants' infringing activities.

**COUNT II – INFRINGEMENT OF U.S. PATENT NO. 8,335,713**

40. The allegations set forth in the foregoing paragraphs 1 through 39 are incorporated into this Second Claim for Relief.

41. On December 18, 2012, U.S. Patent No. 8,335,713 (“the ’713 patent”), entitled “Providing Reciprocal Links in Webpage Development System,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’713 patent is attached as Exhibit 2.

42. The inventions of the ’713 patent resolve technical problems related to a streamlined process for developing web pages and posting those web pages on the internet. For example, the inventions allow parties to establish reciprocal linking arrangements between multiple web pages using only a single web page implementation system, as opposed to prior art processes that required multiple systems to accomplish the same result.

43. The claims of the ’713 patent do not merely recite the performance of some business practice known from the pre-Internet world along with the requirement to perform it on the Internet. Instead, the claims of the ’713 patent recite one or more inventive concepts that are rooted in computerized web design technology, and overcome problems specifically arising in the realm of computerized web design.

44. The claims of the ’713 patent recite an invention that is not merely the routine or conventional use of computer hardware systems or graphical user interfaces. Instead, the invention applies a streamlined method of employing these tools to establish a reciprocal linking arrangement between web pages with a single web page implementation system. The ’713 patent claims thus specify how to employ such a method to efficiently achieve the desired reciprocal linking arrangement.

45. The technology claimed in the ’713 patent does not preempt all ways of using computer hardware systems or graphical user interfaces to establish reciprocal linking arrangements between web pages, nor does it preempt the use of all reciprocal linking

arrangements between web pages, nor does it preempt any other well-known or prior art technology.

46. Accordingly, each claim of the '713 patent recites a combination of elements sufficient to ensure that the claim in practice amounts to significantly more than a patent on an ineligible concept.

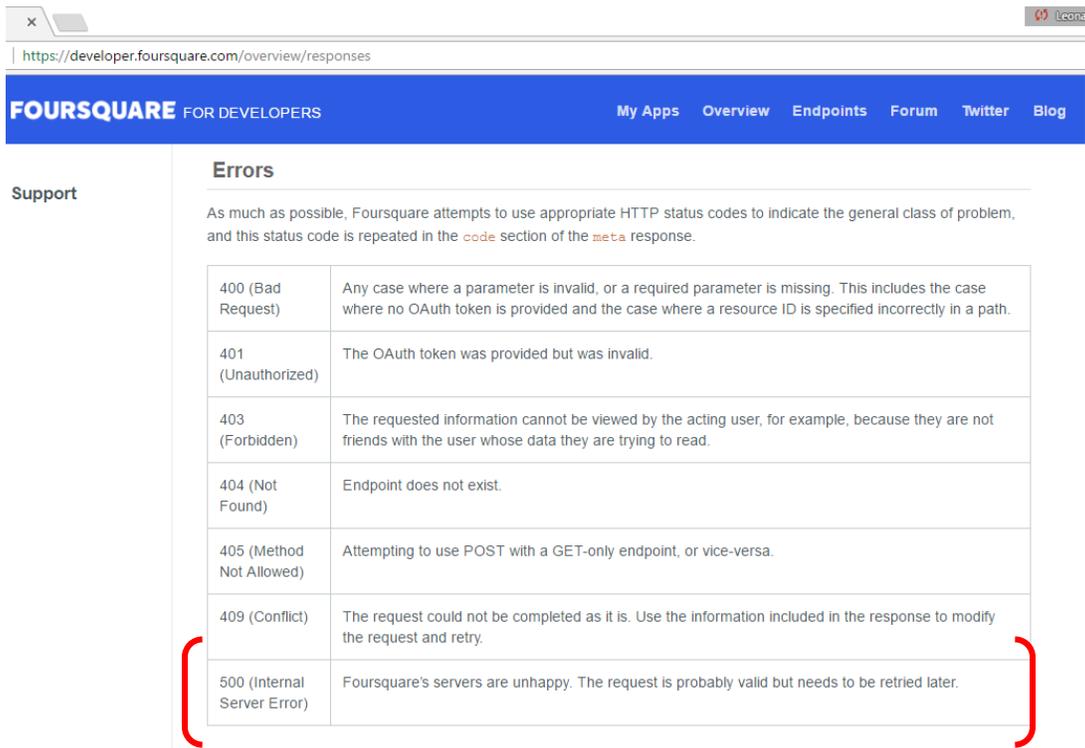
47. Plaintiff is the assignee and owner of the right, title and interest in and to the '713 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

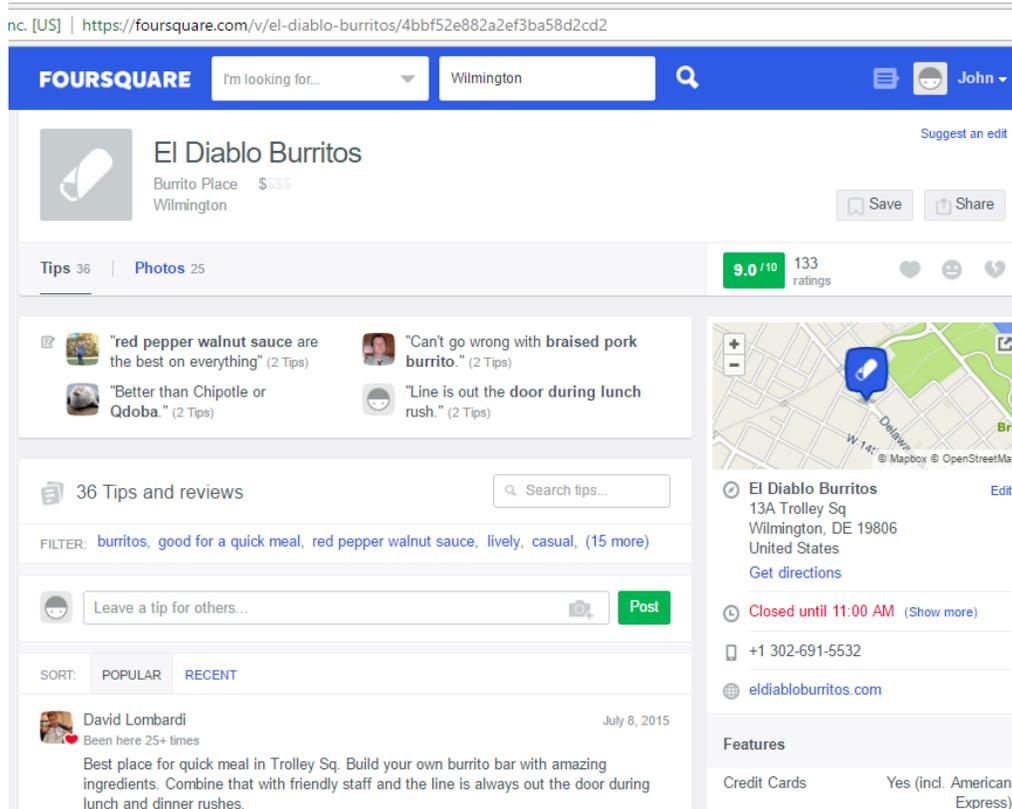
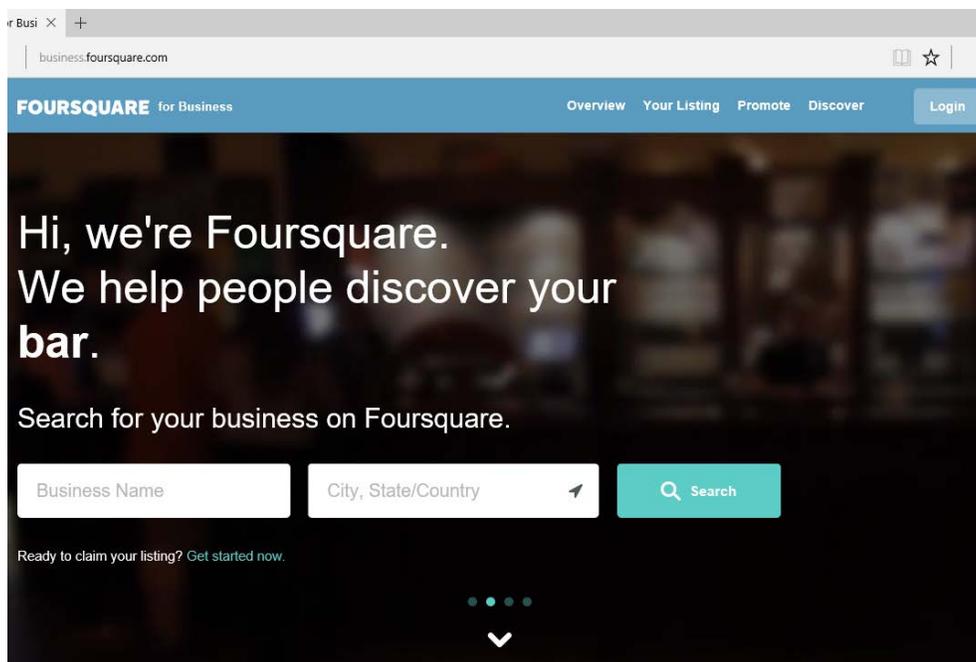
48. Upon information and belief, Defendant has and continues to directly infringe at least claims 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11 of the '713 patent by making, using, selling, importing and/or providing and causing to be used webpage implementation systems configured to establish reciprocal linking arrangements between web pages; such webpage implementation systems are within the scope of claims 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11 of the '713 patent (the "Infringing Instrumentalities").

49. Claim 1 of the '713 patent generally recites a method, within a computer hardware system, comprising: receiving, from a first user, a registration for a first website; receiving, from a second user, a registration for a second website; associating a second functional marketing element with the first user; associating a first functional marketing element with the second user; inserting, within the first website, the first functional marketing element; and reciprocally inserting, within the second website, the second functional marketing element based upon the first functional marketing element being inserted within the first website, wherein the second functional marketing element, within the second website, includes a link to the first

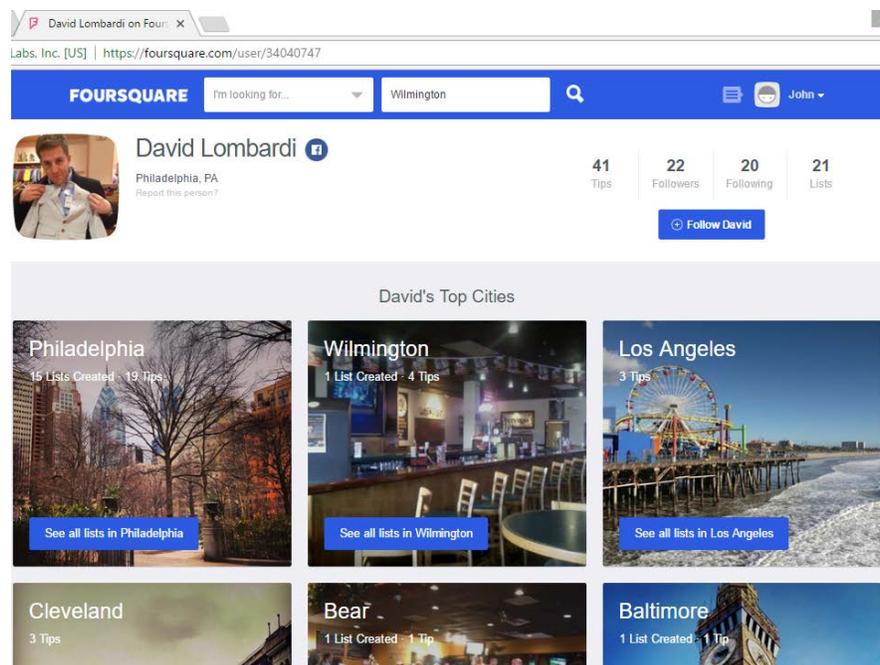
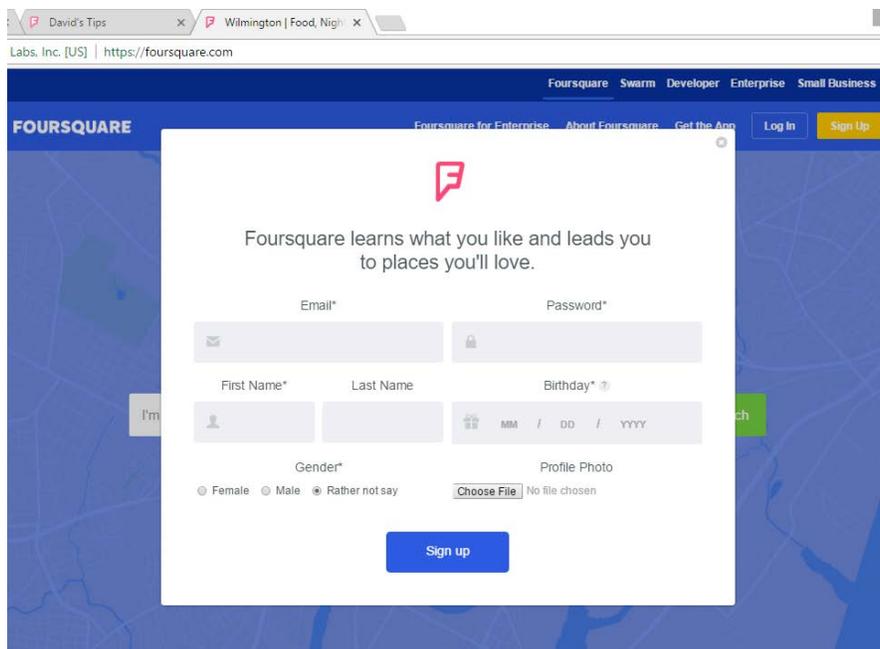
website, and the first functional marketing element, within the first website, includes a link to the second website.

50. As demonstrated in the exemplary images below, and on information and belief, the Infringing Instrumentalities infringe claim 1 of the '713 patent because they comprise a method, within a computer hardware system, comprising: receiving, from a first user, a registration for a first website;

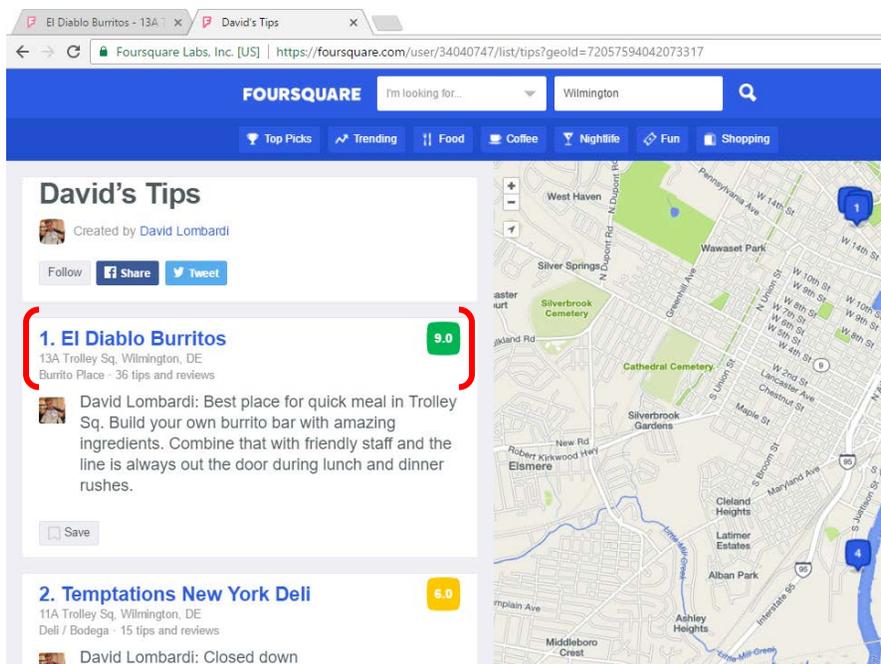




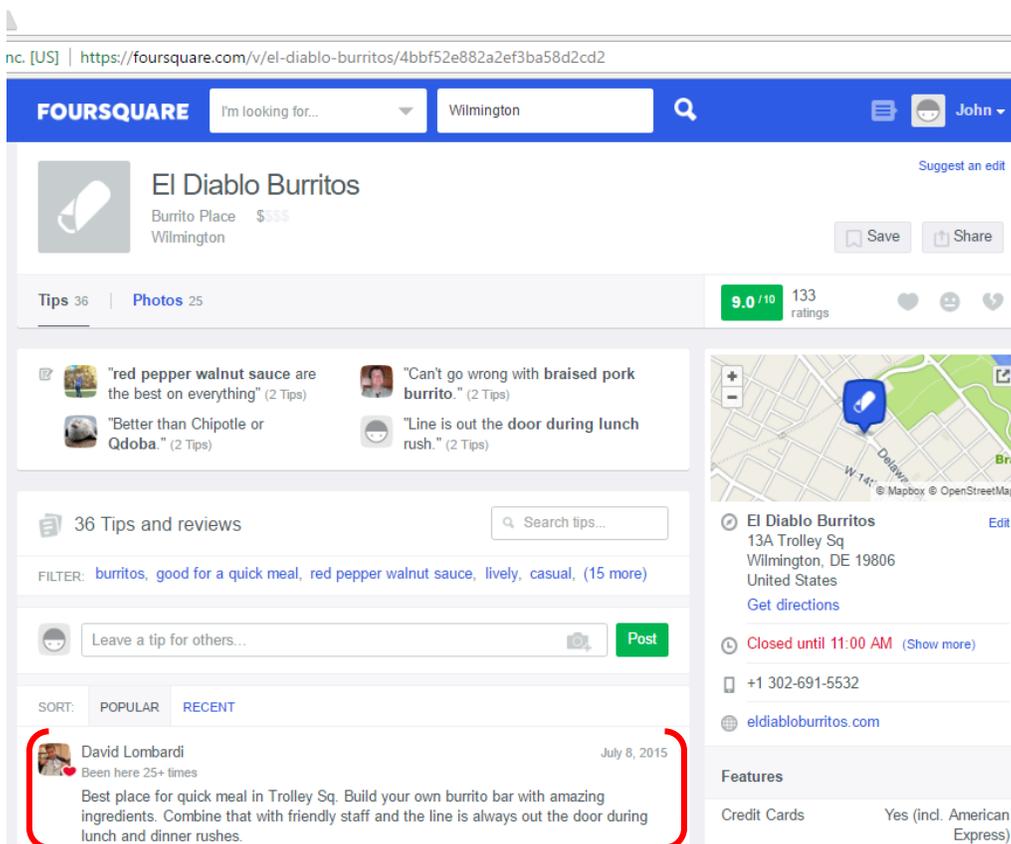
receiving, from a second user, a registration for a second website;



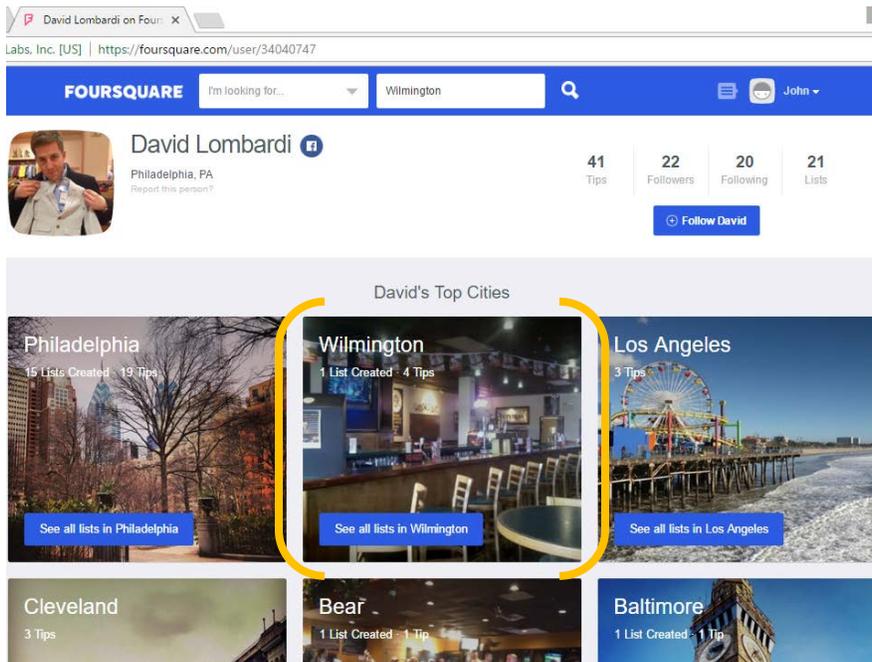
associating a second functional marketing element with the first user;



associating a first functional marketing element with the second user; inserting, within the first website, the first functional marketing element; and



reciprocally inserting, within the second website, the second functional marketing element (shown in red brackets below; orange brackets indicate click-through items) based upon the first functional marketing element being inserted within the first website, wherein the second functional marketing element, within the second website, includes a link to the first website, and the first functional marketing element, within the first website, includes a link to the second website:



David Lombardi on Four: X

e Labs, Inc. [US] | <https://foursquare.com/user/34040747?all=lists&geoid=72057594042073317>

**FOURSQUARE** I'm looking for... Wilmington

Discover what's nearby, search for what you're craving, and get deals and tips along the way.

 **David Lombardi**   
Philadelphia, PA  
[Report this person?](#)

41 Tips | 22 Followers | 20 Following | 21 Lists

[Follow David](#)

David's Lists in Wilmington

**David's Lists (2)** Lists David Created (1)

 Follow

**Wilmington**  
64 PLACES UPDATED MARCH 2, 2016

64 places including DiMeo's Pizza, Washington Street Ale House, Stewart's Brewing Company, Argilla Brewing Company

David Lombardi on Four: X

e Labs, Inc. [US] | <https://foursquare.com/user/34040747?all=lists&geoid=72057594042073317>

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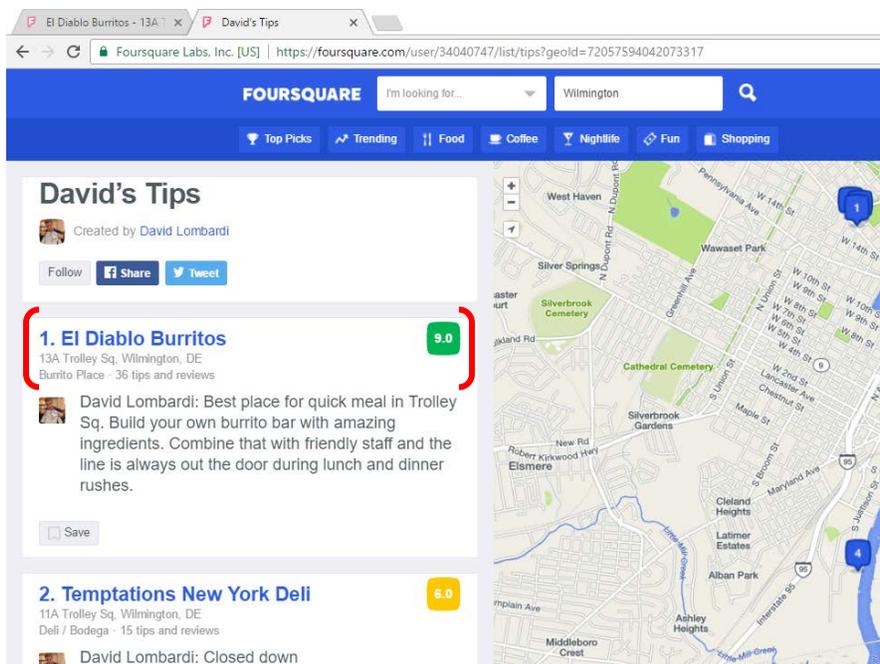
**David's Liked Places**  
36 PLACES UPDATED FEBRUARY 17, 2017

36 places including Trolley Square Oyster House, Brandywine Creek Disc Golf Course, White Clay Creek Country Club, The Westin Wilmington

 Follow

**David's Tips**  
4 PLACES UPDATED JULY 8, 2015

4 places including Timothy's Riverfront Grill, El Diablo Burritos, Temptations New York Deli, Kelly's Logan House



51. Claim 2 of the '713 patent generally recites the method of claim 1, wherein the second functional marketing element includes an image.

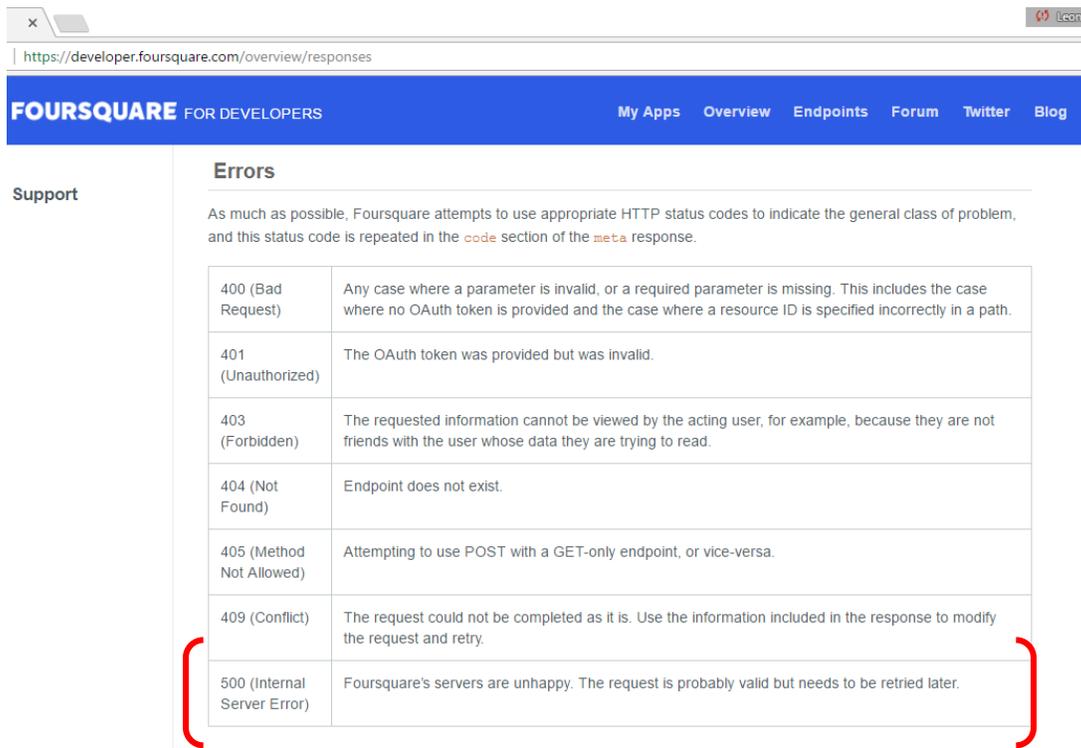
52. As demonstrated in paragraph 50, the Infringing Instrumentalities infringe claim 2 of the '713 patent because they meet the limitations of claim 1 and because the second functional marketing element of the Infringing Instrumentalities includes an image.

53. Claim 3 of the '713 patent generally recites the method of claim 2, further comprising receiving, from the first user, the image.

54. The Infringing Instrumentalities infringe claim 3 of the '713 patent because, as demonstrated in paragraph 52, they meet the limitations of claim 2, and because, as demonstrated in paragraph 50, the method of the Infringing Instrumentalities further comprises receiving, from the first user, the image.

55. Claim 4 of the '713 patent generally recites method of claim 1, wherein the computer hardware system is a server system.

56. The Infringing Instrumentalities infringe claim 4 of the '713 patent because, as demonstrated in paragraph 50, the Infringing Instrumentalities meet the limitations of claim 1, and because, as demonstrated in the exemplary images below and on information and belief, the computer hardware system is a server system:



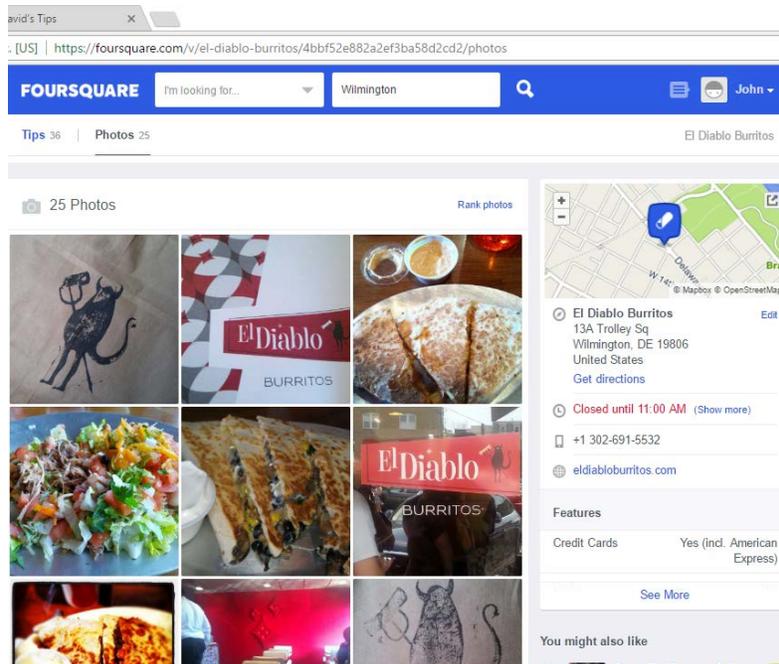
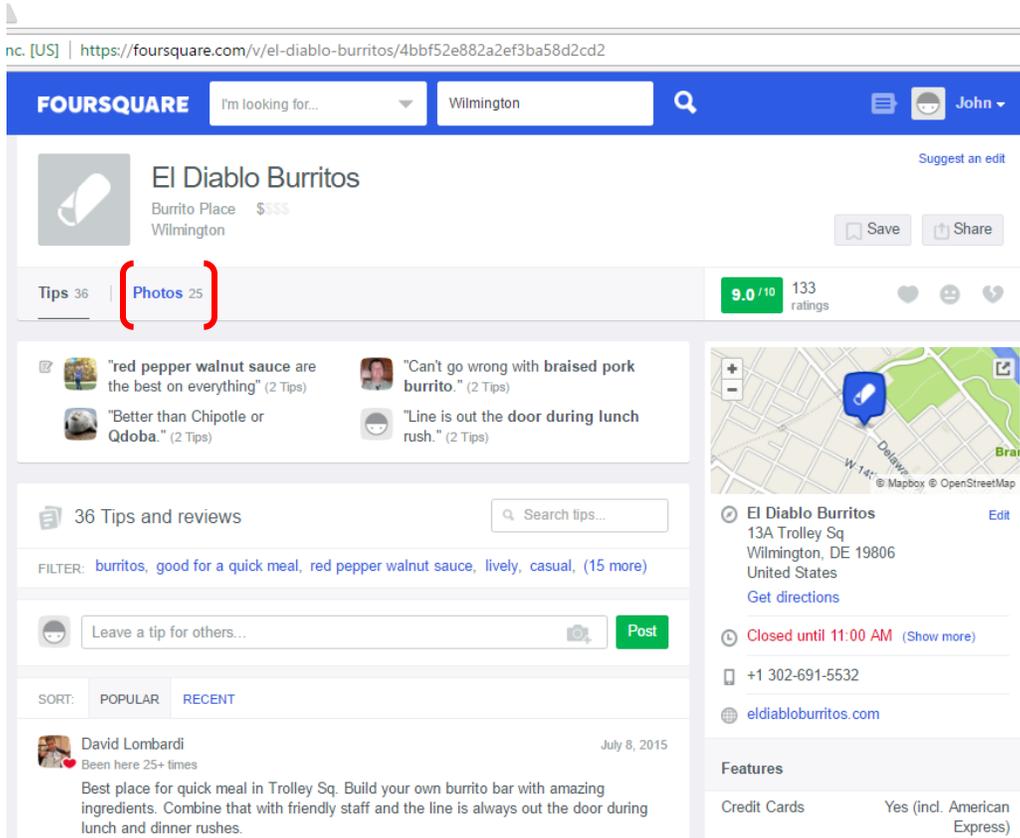
57. Claim 5 of the '713 patent generally recites the method of claim 4, wherein the server system is a webpage implementation server system.

58. The Infringing Instrumentalities infringe claim 5 of the '713 patent because, as demonstrated in paragraph 56, they meet the limitations of claim 4 and the server system is a webpage implementation server system.

59. Claim 6 of the '713 patent generally recites method of claim 1, wherein the first website includes one or more web pages.

60. The Infringing Instrumentalities infringe claim 6 of the '713 patent because, as demonstrated in paragraph 50, they meet the limitations of claim 1, and as demonstrated in the

exemplary images below, the first website of the Infringing Instrumentalities includes one or more web pages:



61. Claim 8 of the '713 patent generally recites a webpage implementation server system, comprising: a computer hardware system configured to perform: receiving, from a first user, a registration for a first website; receiving, from a second user, a registration for a second website; associating a second functional marketing element with the first user; associating a first functional marketing element with the second user; inserting, within the first website, the first functional marketing element; and reciprocally inserting, within the second website, the second functional marketing element based upon the first functional marketing element being inserted within the first website, wherein the second functional marketing element, within the second website, includes a link to the first website, and the first functional marketing element, within the first website, includes a link to the second website.

62. As demonstrated in the exemplary images below, and on information and belief, the Infringing Instrumentalities infringe claim 8 of the '713 patent because they include a webpage implementation server system, comprising: a computer hardware system configured to perform: receiving, from a first user, a registration for a first website;

**Support**

### Errors

As much as possible, Foursquare attempts to use appropriate HTTP status codes to indicate the general class of problem, and this status code is repeated in the `code` section of the `meta` response.

400 (Bad Request)	Any case where a parameter is invalid, or a required parameter is missing. This includes the case where no OAuth token is provided and the case where a resource ID is specified incorrectly in a path.
401 (Unauthorized)	The OAuth token was provided but was invalid.
403 (Forbidden)	The requested information cannot be viewed by the acting user, for example, because they are not friends with the user whose data they are trying to read.
404 (Not Found)	Endpoint does not exist.
405 (Method Not Allowed)	Attempting to use POST with a GET-only endpoint, or vice-versa.
409 (Conflict)	The request could not be completed as it is. Use the information included in the response to modify the request and retry.
500 (Internal Server Error)	Foursquare's servers are unhappy. The request is probably valid but needs to be retried later.

**FOURSQUARE** for Business

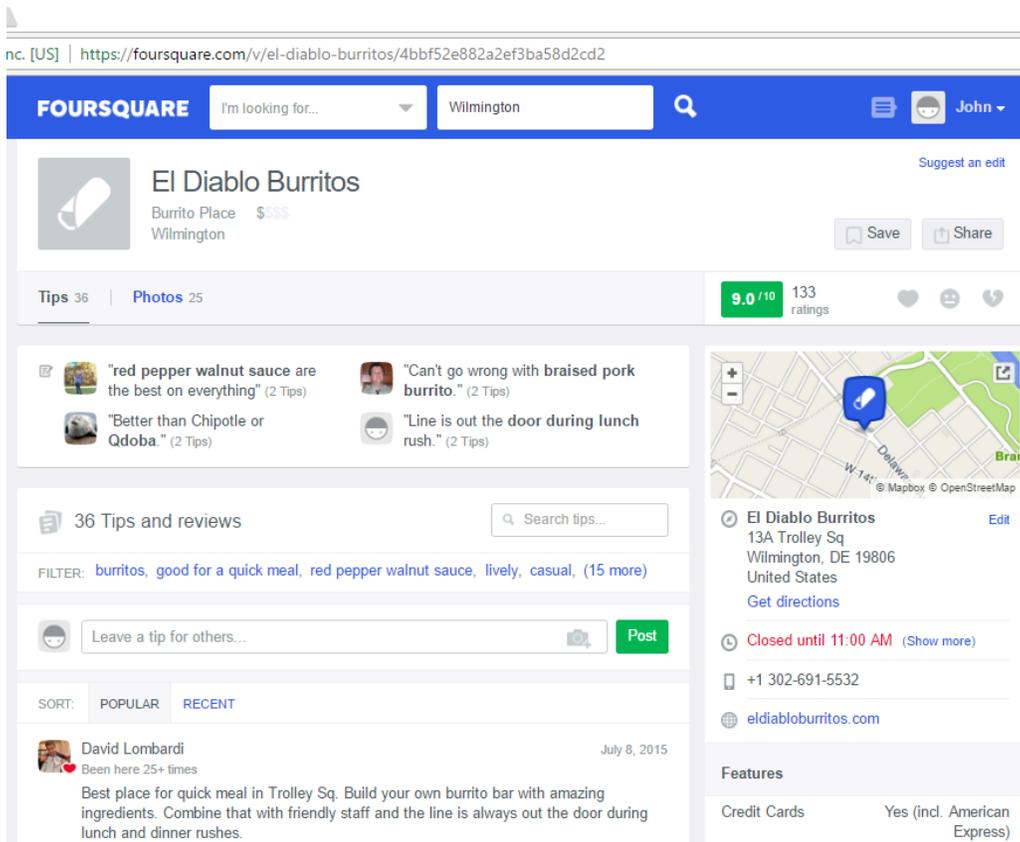
Overview Your Listing Promote Discover Login

# Hi, we're Foursquare. We help people discover your bar.

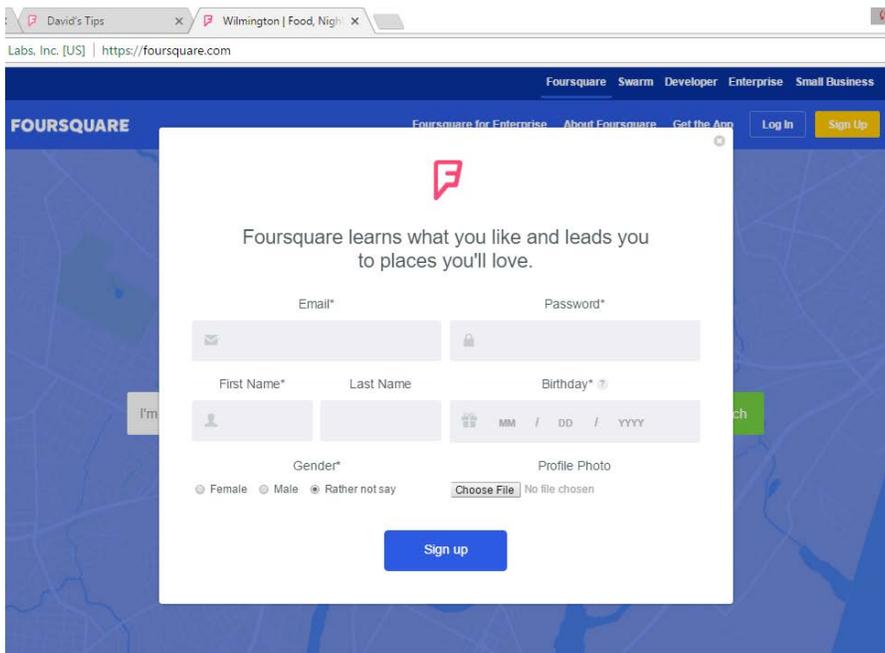
Search for your business on Foursquare.

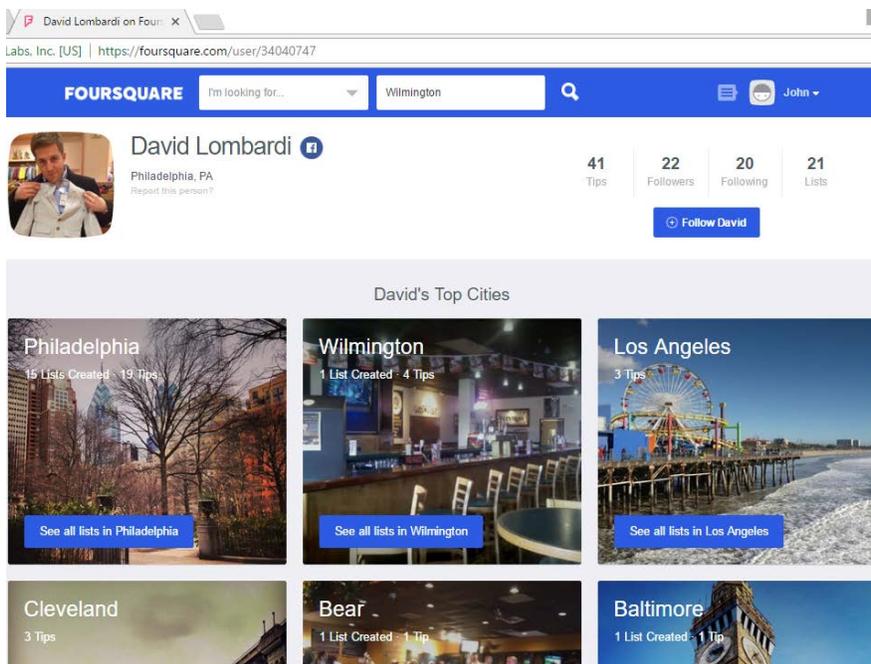
Business Name  City, State/Country

Ready to claim your listing? [Get started now.](#)

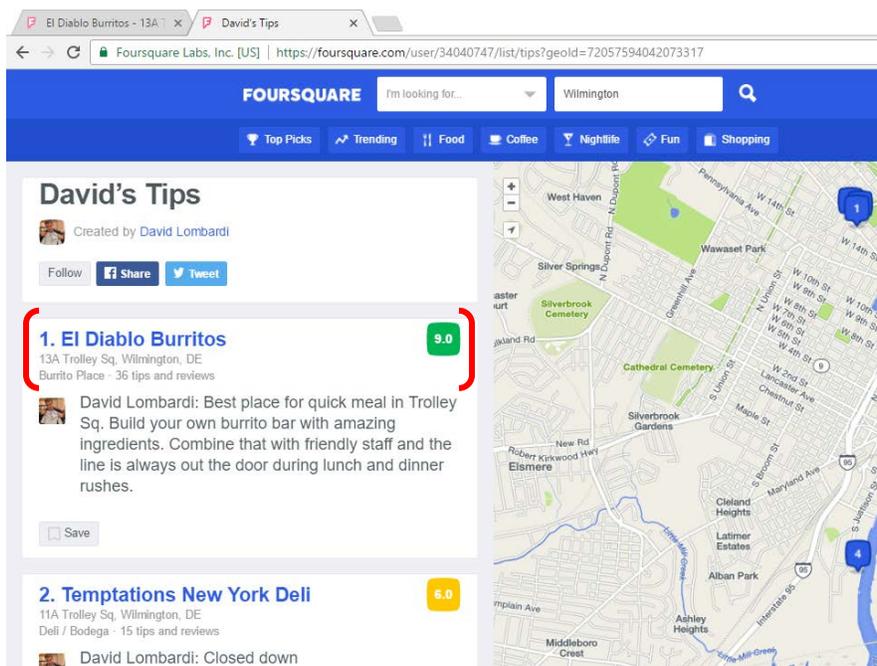


receiving, from a second user, a registration for a second website;

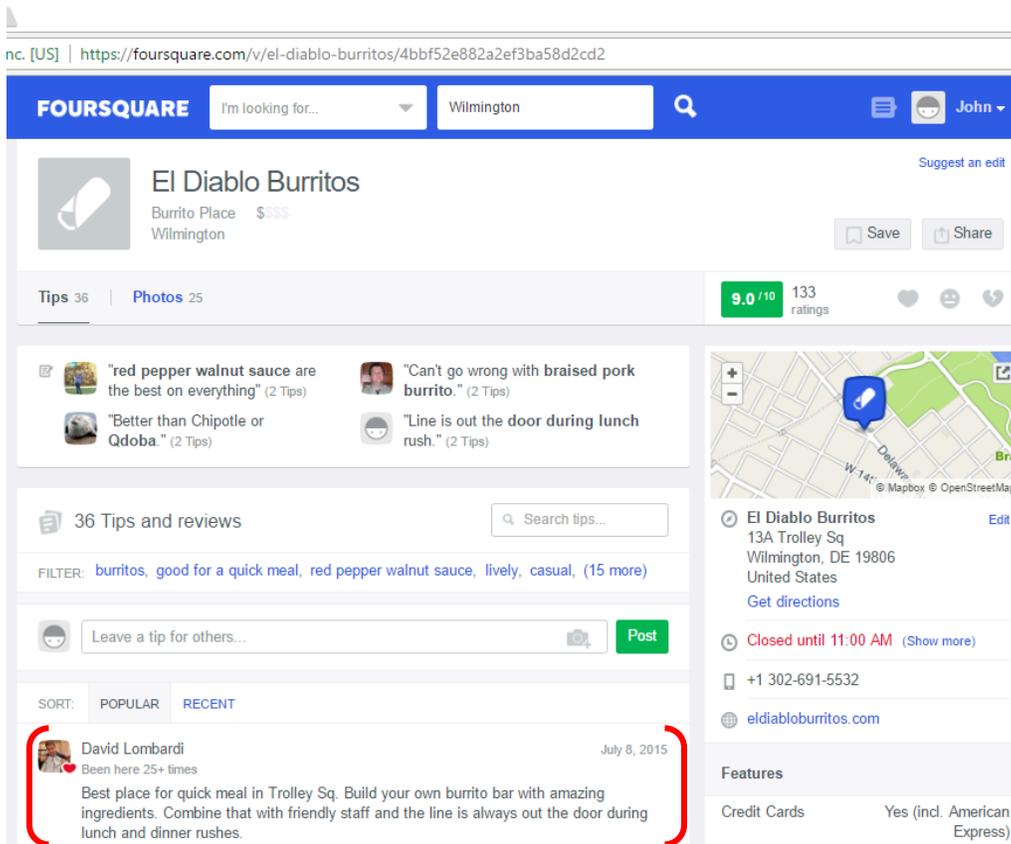




associating a second functional marketing element with the first user;



associating a first functional marketing element with the second user; inserting, within the first website, the first functional marketing element; and



reciprocally inserting, within the second website, the second functional marketing element (shown in red brackets below; orange brackets indicate click-through items) based upon the first functional marketing element being inserted within the first website, wherein the second functional marketing element, within the second website, includes a link to the first website, and the first functional marketing element, within the first website, includes a link to the second website:

David Lombardi on Four: X  
Labs, Inc. [US] | https://foursquare.com/user/34040747

**FOURSQUARE** I'm looking for... Wilmington

**David Lombardi** Philadelphia, PA  
41 Tips, 22 Followers, 20 Following, 21 Lists  
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David's Top Cities

- Philadelphia: 15 Lists Created, 19 Tips
- Wilmington: 1 List Created, 4 Tips
- Los Angeles: 3 Tips
- Cleveland: 3 Tips
- Bear: 1 List Created, 1 Tip
- Baltimore: 1 List Created, 1 Tip

David Lombardi on Four: X  
Labs, Inc. [US] | https://foursquare.com/user/34040747?all=lists&geoid=72057594042073317

**FOURSQUARE** I'm looking for... Wilmington

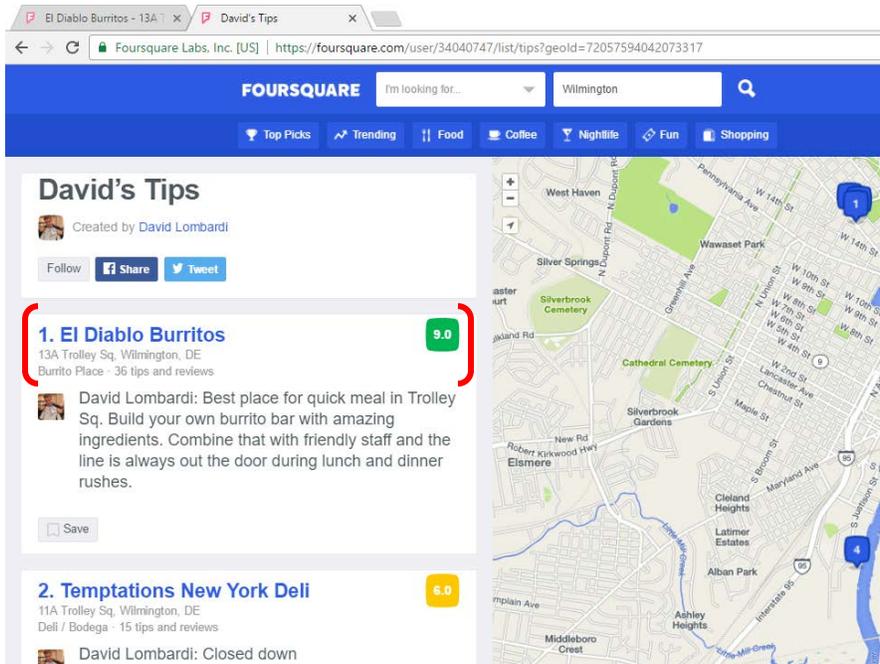
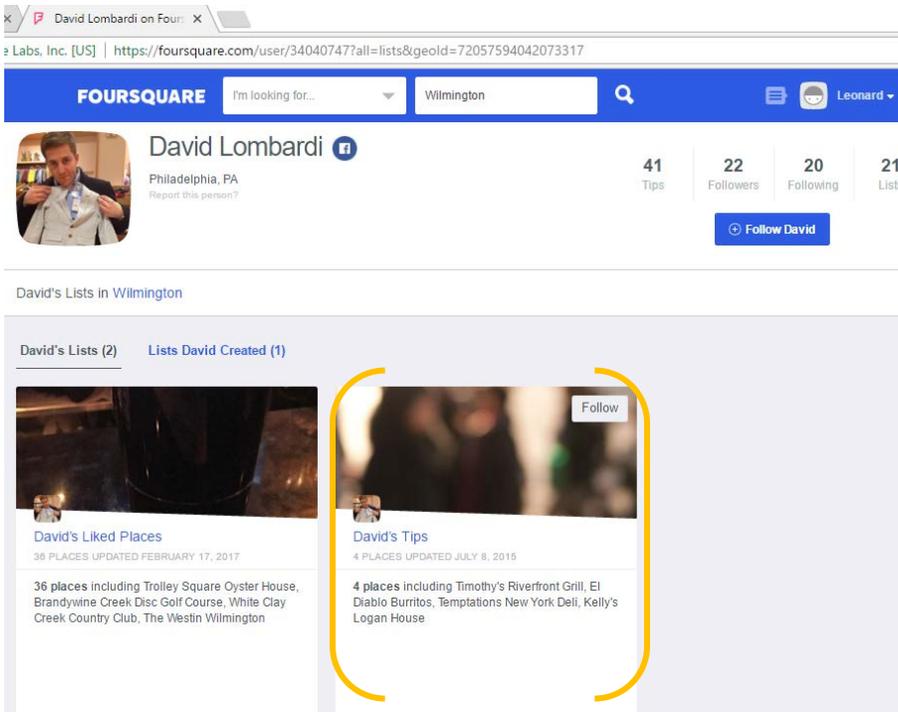
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David's Lists (2) Lists David Created (1)

Wilmington  
64 PLACES UPDATED MARCH 2, 2016  
64 places including DiMeo's Pizza, Washington Street Ale House, Stewart's Brewing Company, Argilla Brewing Company



63. Claim 9 of the '713 patent generally recites the server system of claim 8, wherein the second functional marketing element includes an image.

64. As demonstrated in paragraph 62, the Infringing Instrumentalities infringe claim 9 of the '713 patent because they meet the limitations of claim 8 and the second functional marketing element within the Infringing Instrumentalities includes an image.

65. Claim 10 of the '713 patent generally recites the server system of claim 9, wherein the computer hardware system is further configured to perform receiving, from the first user, the image.

66. The Infringing Instrumentalities infringe claim 10 of the '713 patent because, as demonstrated in paragraph 64, they meet the limitations of claim 9, and because, as demonstrated in paragraph 62, the Infringing Instrumentalities comprise a computer hardware system that is further configured to perform receiving, from the first user, the image.

67. Claim 11 of the '713 patent generally recites the server system of claim 8, wherein the first website includes one or more web pages.

68. The Infringing Instrumentalities infringe claim 11 of the '713 patent because, as demonstrated in paragraph 62, they meet the limitations of claim 8, and because, as demonstrated in the exemplary images below, the first web page of the Infringing Instrumentalities includes one or more web pages:



**JURY DEMAND**

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

**PRAAYER FOR RELIEF**

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

- A. An adjudication that Defendant has infringed the '398 patent and the '713 patent;
- B. An award of damages to be paid by Defendant adequate to compensate Plaintiff for Defendants' past infringement of the '398 patent and the '713 patent, and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiff's reasonable attorneys' fees; and
- D. An award to Plaintiff of such further relief at law or in equity as the Court deems just and proper.

Dated: March 10, 2017

DEVLIN LAW FIRM LLC

*/s/ Timothy Devlin*

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Wilmington, Delaware 19806

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Facsimile: (302) 353-4251

*Attorneys for Plaintiff*

*DISTEFANO PATENT TRUST III, LLC*

