

IN THE UNITED STATES DISTRICT COURT  
FOR DISTRICT OF DELAWARE

LEXOS MEDIA IP, LLC,	)
	)
Plaintiff,	)
	) Civil Action No. _____
v.	)
	) <b>JURY TRIAL DEMANDED</b>
WILLIAMS-SONOMA, INC.,	)
	)
Defendant.	)
_____	)

**COMPLAINT**

For its Complaint, Plaintiff Lexos Media IP, LLC ("Lexos Media"), by and through the undersigned counsel, alleges as follows:

**THE PARTIES**

1. Lexos Media is a Delaware limited liability company with a place of business located at 555 Republic Drive, 2nd Floor, Plano, Texas 75074.
2. Defendant Williams-Sonoma, Inc. is a Delaware company with, upon information and belief, a place of business located at 178 Christiana Mall, Newark, Delaware 19702.
3. On June 27, 2017, Lexos Media's licensing agent sent via priority mail a letter to Defendant's General Counsel informing Defendant of the patents-in-suit, and Defendant did not respond to Lexos Media's licensing agent.

**JURISDICTION AND VENUE**

4. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*
5. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.
6. Upon information and belief, Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements

alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in this district.

7. Venue is proper in this district pursuant to 28 U.S.C. § 1400(b).

**THE PATENTS-IN-SUIT**

8. On November 30, 1999, U.S. Patent No. 5,995,102 (the "'102 patent"), entitled "Server System and Method for Modifying a Cursor Image," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '102 patent is attached hereto as Exhibit A.

9. On September 12, 2000, U.S. Patent No. 6,118,449 (the "'449 patent"), entitled "Server System and Method for Modifying a Cursor Image," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '449 patent is attached hereto as Exhibit B.

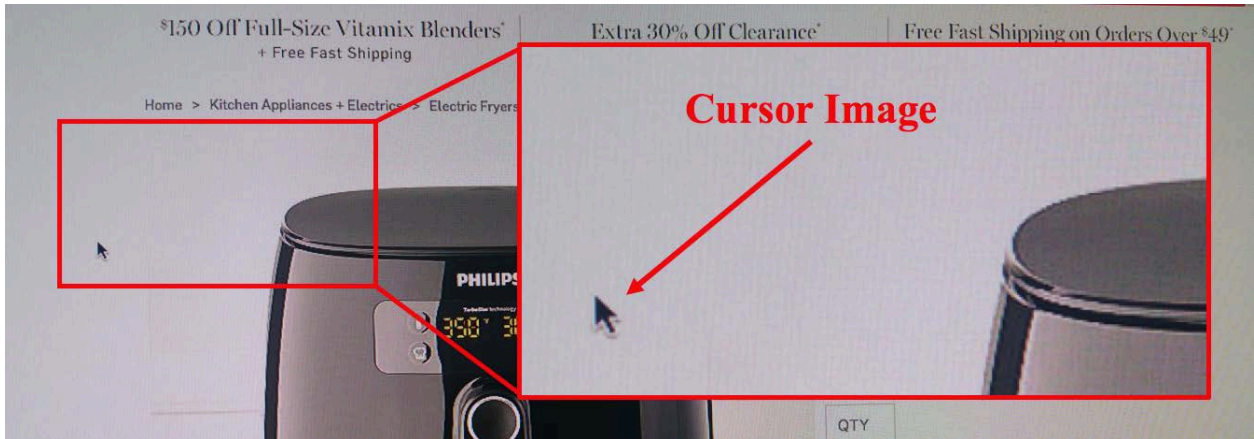
10. Lexos Media is the assignee and owner of the right, title and interest in and to the '102 and '449 patents, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

**COUNT I – INFRINGEMENT OF U.S. PATENT NO. 5,995,102**

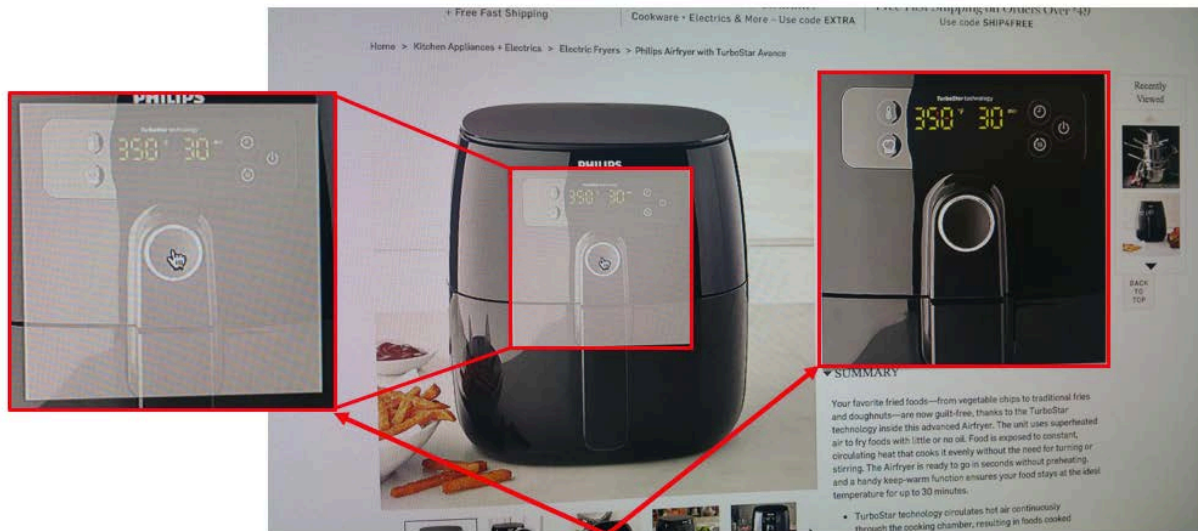
11. Lexos Media repeats and realleges the allegations of paragraphs 1 through 10 as if fully set forth herein.

12. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant is liable for infringement of the '102 patent through the making, using, importing, offering for sale, and/or selling a server system for modifying a cursor image to a specific image having a desired shape and appearance displayed on a display of a remote user's terminal.

13. More specifically and upon information and belief, Defendant's server system includes one or more web servers which are accessible via the Internet. See <https://www.williams-sonoma.com/products/philips-avance-airfryer/> ("Exemplary Page"). The "cursor image" is a user's cursor on the webpage.



Exemplary Page. The "specific image" is the image that the cursor turns into when certain conditions are met, and the cursor image data includes graphical data, such as JPEG, GIF, PNG, BMP, ICO, or CUR data, for example, associated with the specific image. An example of cursor image data is the JPEG data that makes up the modified cursor image.



**Specific Image / Modified Cursor Image**

Exemplary Page. The cursor image data includes data regarding the shape and appearance of the specific image. For example, the cursor image data may include the data within the "data-overlaydata" attribute. The parameters within the "data-overlaydata" attribute include cursor image data such as "url," "height," "width," "display," "top," "left," and "alt" for example.

```

<div class="image-container">
  <section class="hero-container mod" id="pipHeroContainer">
    <div class="hero-image toolbox-for-pip">
      <a href="#viewLargerHeroOverlay" id="pipHeroAnchor" class="overlayTrigger" aria-label="Open large product photo in an overlay window." data-destroyOnHide:true" data-overlaydata="{url": "https://www.williams-sonoma.com/wsimqs/rk/images/dp/wcm/201721/0012/img24o.jpg", "height": "710", "width": "710", "alt": "Philips Airfryer with TurboStar Avance"}" data-layer-event="{ item : 'LAUNCH OVERLAY', category : 'HERO'}">
        
      </a>
    </div>
  </div>

```

HTML of <https://www.williams-sonoma.com/products/philips-avance-airfryer/>. As shown below, the cursor image is modified to show a gray box and an exploded view of the content inside the gray box to the side, which is evidence of cursor display code modifying said cursor image.



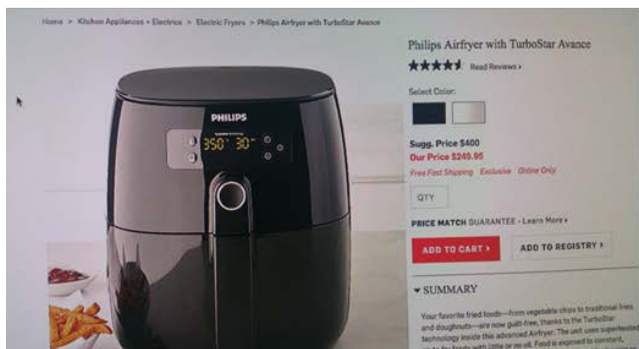
Exemplary Page. The web server hosting the Exemplary Page comprises "a first server computer." The "specified content information" includes the HTML, JavaScript, and other content associated with the Exemplary Page. Defendant's web server transmits the specified content information to an end user's computer (i.e., "remote user terminal").

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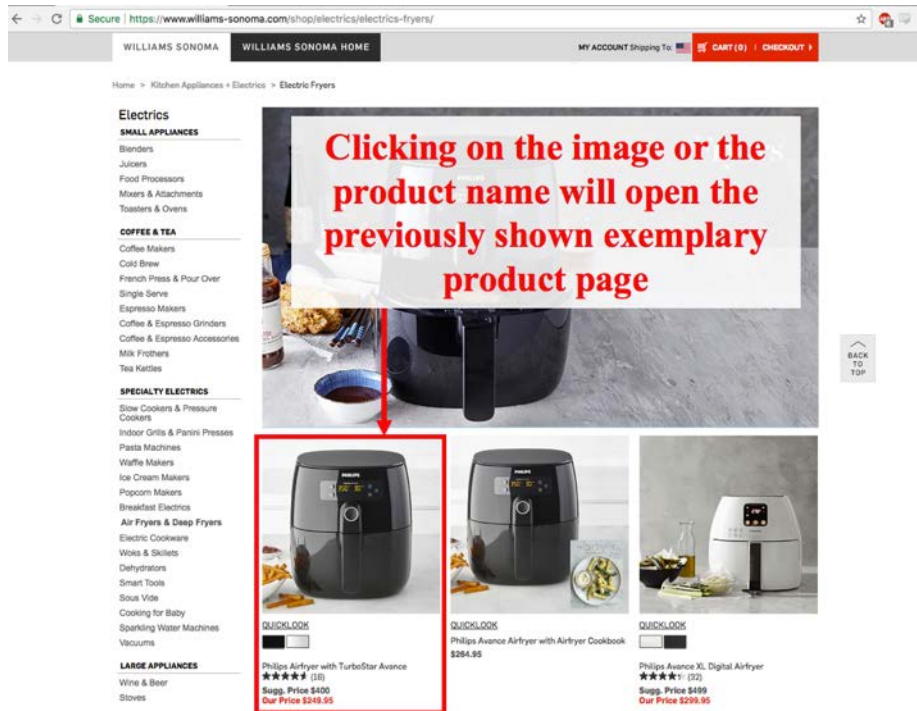
HTML of <https://www.williams-sonoma.com/products/philips-avance-airfryer/>. The "data-overlaydata" attribute of the HTML code indicates the location of cursor image data in the form of a URL (<https://www.williams-sonoma.com/wsimgs/rk/images/dp/wcm/201721/0012/img24o.jpg>). As shown below, a modified cursor image in the shape and appearance of the specific image is displayed, i.e., the cursor image is modified to show a gray box and an exploded view of the content inside the gray box to the side, which is evidence that the cursor display instruction and cursor display code are "operable to cause said user terminal to display" this modified cursor image, such as by specifying actions to be performed by the user's web browser.



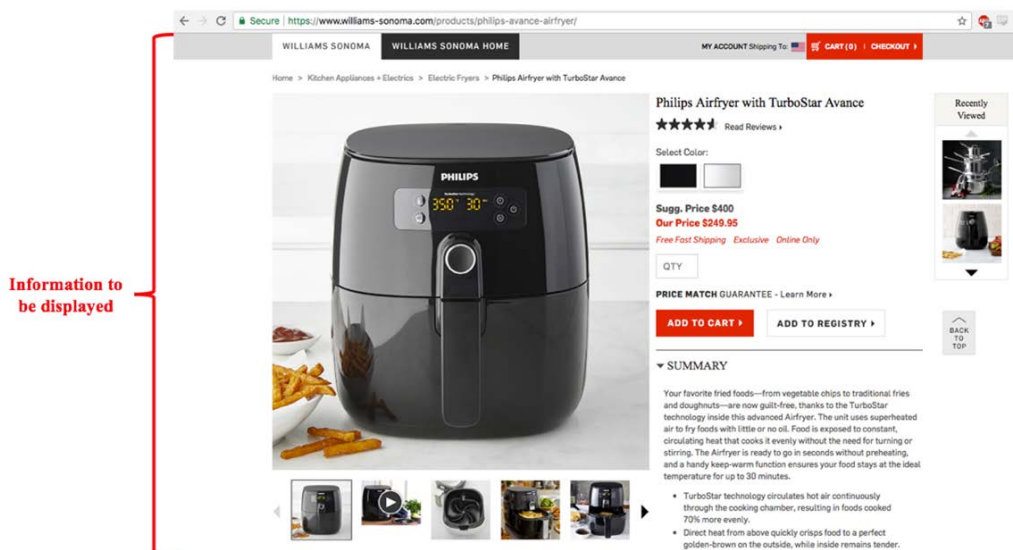
Exemplary Page. A Defendant web server transmits the HTML, JavaScript, and other content associated within the Exemplary Page to a user's computer in response to the user accessing the URL associated with the Exemplary Page. The user may access the Exemplary Page directly



(e.g., by entering the URL into his or her web browser) or as a result of clicking links on other pages of the Defendant's website, as shown below.



https://www.williams-sonoma.com/shop/electrics/electrics-fryers/. The HTML, JavaScript, and other content associated with the Exemplary Page, includes information to be displayed on a user's computer, such as the information shown below:



Exemplary Page. The specific image includes content corresponding to the product displayed on the Exemplary Page. For example, the specific image corresponds to the product image, the alternate thumbnail images for display, and the textual description of the product shown.



Exemplary Page. When the original mouse cursor is not visible in the screenshots, even though it was present, a red "x" has been overlaid on the screenshots to indicate where the original mouse cursor was positioned when the screenshots were taken. As shown below, the cursor image is modified to show an exploded view of the product in response to moving the cursor image over various locations of the zoom-able image on the Exemplary Page.



Exemplary Page.

14. Lexos Media is entitled to recover from Defendant the damages sustained by Lexos Media as a result of Defendant's infringement of the '102 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

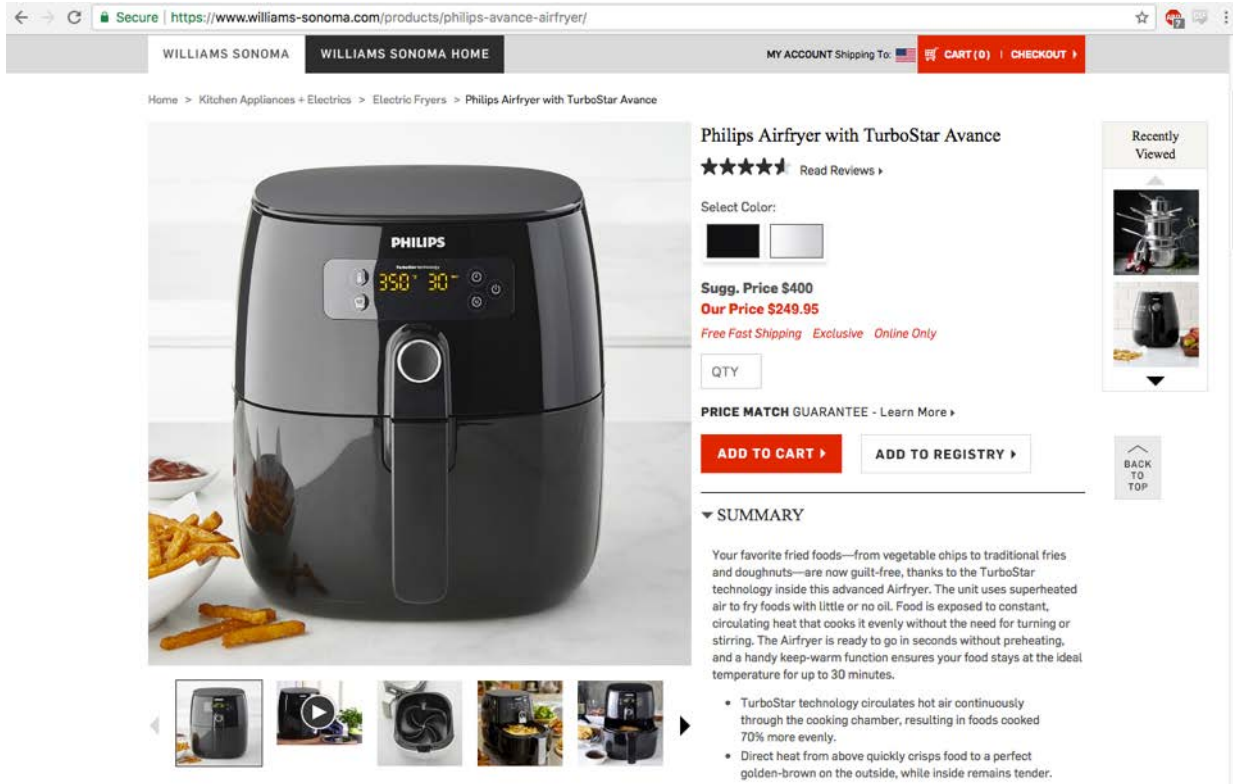
**COUNT II – INFRINGEMENT OF U.S. PATENT NO. 6,118,449**

15. Lexos Media repeats and realleges the allegations of paragraphs 1 through 13 as if fully set forth herein.

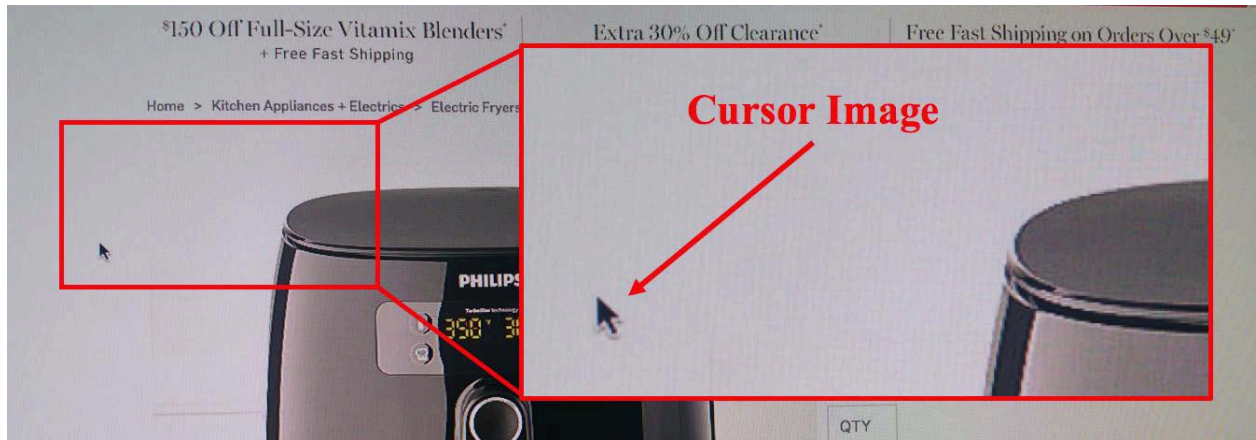
16. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant is liable for infringement of the '449 patent through the making, using, importing, offering for sale, and/or selling a server system for modifying a cursor image to a specific image having a desired shape and appearance displayed on a display of a remote user's terminal.

17. More specifically and upon information and belief, Defendant's server system includes one or more web servers which are accessible via the Internet.





Exemplary Page. The "cursor image" is a user's cursor on the webpage.



Exemplary Page. The "specific image" is the image that the cursor turns into when certain conditions are met.



**Specific Image / Modified Cursor Image**

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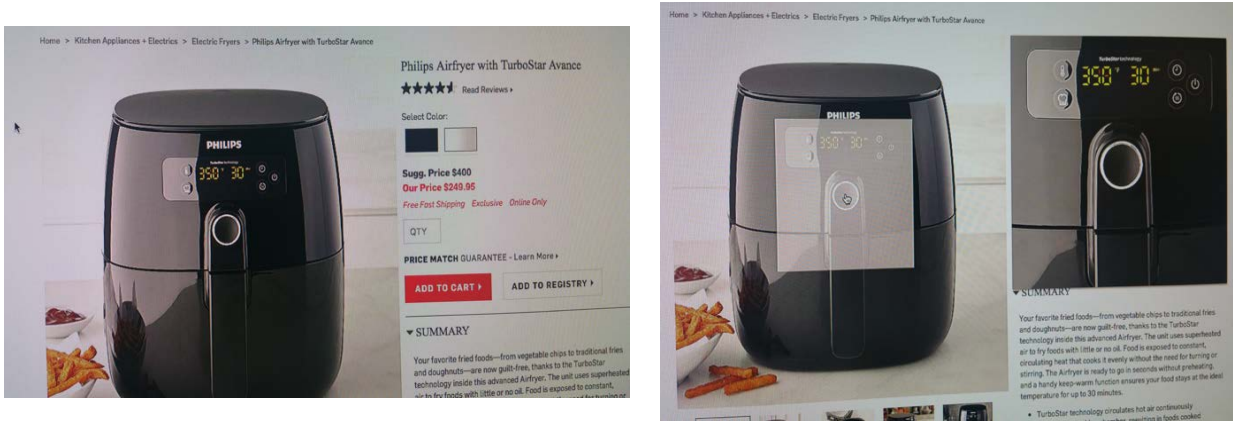
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HTML of <https://www.williams-sonoma.com/products/philips-avance-airfryer/>. As shown below, the cursor image is modified to show a gray box around the new cursor and an exploded view of the content inside the gray box to the side, which is evidence of cursor display code modifying said cursor image.



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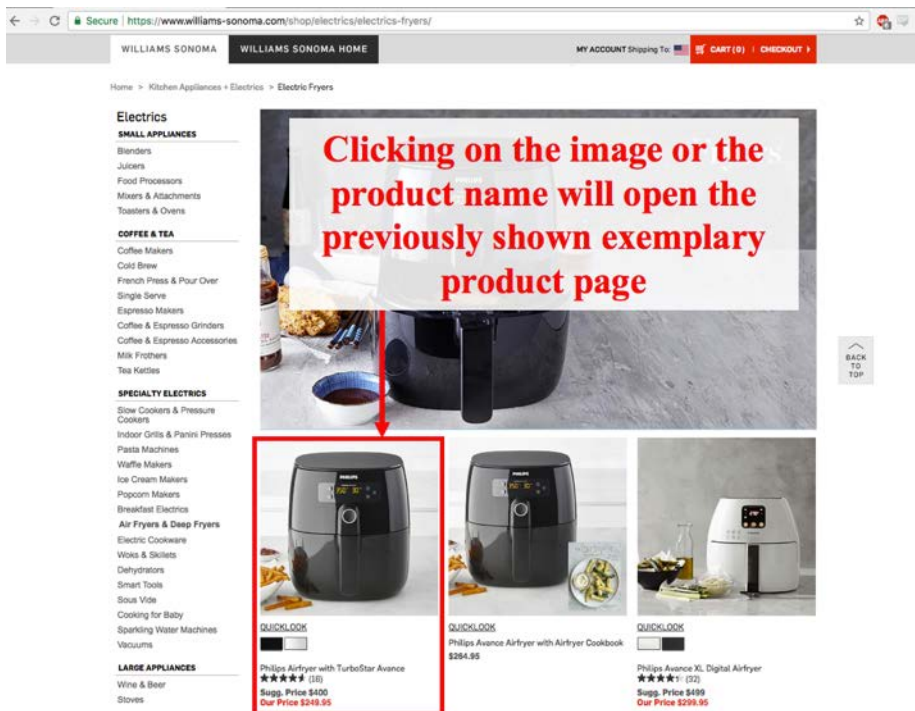
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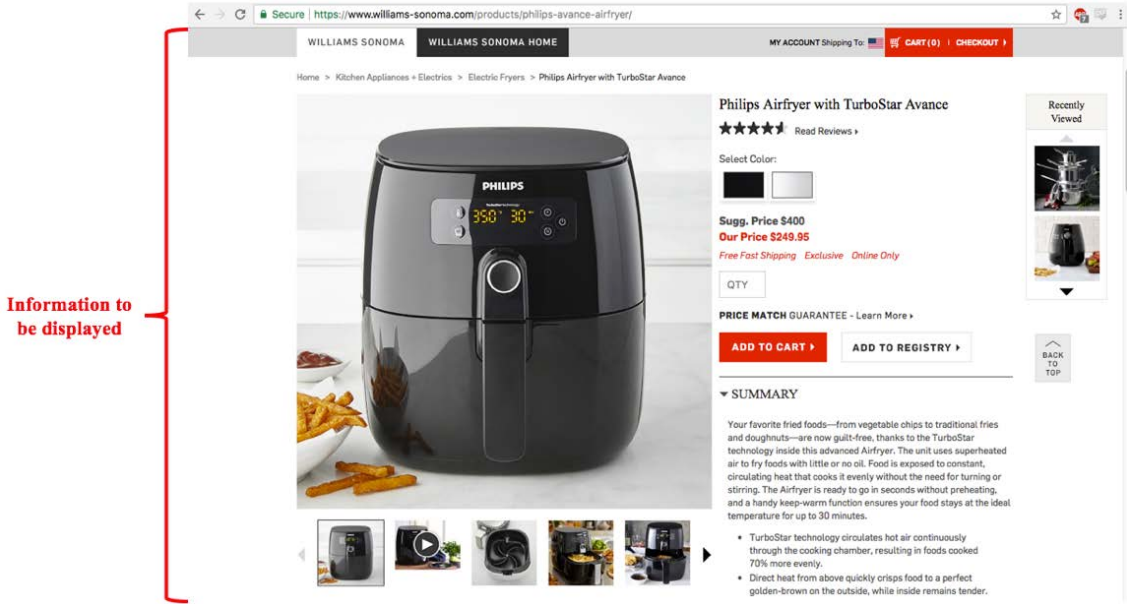
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(e.g., by entering the URL into his or her web browser) or as a result of clicking links on other pages of the Williams Sonoma's website, as shown below.



https://www.williams-sonoma.com/shop/electrics/electrics-fryers/. The HTML, JavaScript, and other content associated with the Exemplary Page, includes information to be displayed on a user's computer, such as the information shown below:





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Exemplary Page.

18. Lexos Media is entitled to recover from Defendant the damages sustained by Lexos Media as a result of Defendant's infringement of the '449 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

**JURY DEMAND**

Lexos Media hereby demands a trial by jury on all issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, Lexos Media requests that this Court enter judgment against Defendant as follows:

- A. An adjudication that Defendant has infringed the '102 and '449 patents;

B. An award of damages to be paid by Defendant adequate to Lexos Media for Defendant's past infringement of the '102 and '449 patents, 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 Lexos Media's reasonable attorneys' fees;

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

Dated: September 15, 2017

STAMOULIS & WEINBLATT LLC

/s/ Richard C. Weinblatt

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Lexos Media IP, LLC*