

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

CONSOLIDATED TRANSACTION
PROCESSING LLC,

Plaintiff,

v.

WAYFAIR LLC,

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Consolidated Transaction Processing LLC (“CTP” or “Plaintiff”), for its Complaint against Defendant Wayfair LLC, (“Wayfair” 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, Wayfair is a limited liability company organized and existing under the laws of the State of Delaware, with a place of business at 2000 Lakeside Parkway, Flower Mound, TX 75082, and can be served through its registered agent, Incorporating Services, Ltd., 3500 S. DuPont Highway, Dover, DE 19901. Upon information and belief, Wayfair sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services 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. § 1400(b). On information and belief, Defendant has a regular and established place of business in this judicial 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 Texas, pursuant to due process and/or the Texas Long Arm Statute, because Defendant has registered to do business in the State of Texas and has otherwise purposefully availed itself of the privileges of conducting business in the State of Texas, because Defendant regularly conducts and solicits business within the State of Texas, and because Plaintiff's causes of action arise directly from Defendant's business contacts and other activities in the State of Texas.

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

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

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

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

11. The claims of the '956 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 '956 patent recite one or more inventive concepts that are rooted in computerized sales and order fulfillment technology, and overcome problems specifically arising in the realm of computerized sales and order fulfillment technologies.

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

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

14. Accordingly, each claim of the '956 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 '956 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 1, 3, 4, 6, 7, 9, 11, 13, 16, 17, and 19 of the '956 patent by making, using, selling, importing and/or providing and causing to be used an internet-based electronic transaction system for facilitating the automated retail sale of products from distributors to customers via a web-site (the "'956 Accused Instrumentalities").

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

18. The '956 Accused Instrumentalities infringe claim 1 of the '956 patent through a combination of features which collectively practice each limitation of claim 1. (*See, e.g.*, <https://www.wayfair.com/about>; [**Page 4 of 39**](https://www.wayfair.com/Coffee-Makers-</p></div><div data-bbox=)

C419252.html?sku_boost_list=KEG1034;

https://partners.wayfair.com/v/login/index?going_to=%2Flanding.php;

https://www.wayfair.com/session/secure/account/account_welcome.php;

<http://d18rn0p25nwr6d.cloudfront.net/CIK-0001616707/2c21ed15-8cb7-4468-ad37->

<1e31d154a66d.pdf>; https://www.wayfair.com/customerservice/general_info.php#privacy;

Wayfair's Playbook: Achieving Hyper-Personalization; <https://www.wayfair.com/4.5-qt.-Round-Dutch-Oven-with-Gold-Knob-LS2501-2467SG-LEC4724.html>;

<http://www.forbes.com/sites/abrambrown/2014/04/16/how-wayfair-sells-nearly-1-billion-worth-of-sofas-patio-chairs-and-cat-playgrounds/#58757ffd35de>;

https://www.wayfair.com/customerservice/general_info.php#track;

http://www.savedallaswater.com/wp-content/uploads/gravity_forms/18/2012/11/Gmail%20-%20Thank%20you.%20Your%20Wayfair%20order%20confirmation%20%231373231062%20is%20enclosed.pdf.)

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

20. The '956 Accused Instrumentalities infringe claim 3 of the '956 patent through a combination of features which collectively practice each limitation of claim 3. (*See, e.g.,*

https://www.wayfair.com/session/secure/account/account_welcome.php.)

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

22. The '956 Accused Instrumentalities infringe claim 4 of the '956 patent through a combination of features which collectively practice each limitation of claim 4. (*See, e.g.*, https://www.wayfair.com/customerservice/general_info.php#privacy.)

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

24. The '956 Accused Instrumentalities infringe claim 6 of the '956 patent through a combination of features which collectively practice each limitation of claim 6. (*See, e.g.*, https://www.marketingsherpa.com/irce2015/video/john_s_kim_wayfair.)

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

26. The '956 Accused Instrumentalities infringe claim 7 of the '956 patent through a combination of features which collectively practice each limitation of claim 7 (*See, e.g.*, https://www.youtube.com/watch?v=hJ_gw0eHQQtQ&feature=youtu.be; <https://www.wayfair.com/careers#job=oYEp4fwP>.)

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

28. The '956 Accused Instrumentalities infringe claim 9 of the '956 patent through a combination of features which collectively practice each limitation of claim 9. (*See, e.g.*, https://partners.wayfair.com/v/login/index?going_to=%2Flanding.php.)

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

30. The '956 Accused Instrumentalities infringe claim 11 of the '956 patent through a combination of features which collectively practice each limitation of claim 11. (*See, e.g.*, <http://www.seamicro.com/case-studies/wayfair>; <https://www.wayfair.com/about/>; https://partners.wayfair.com/v/login/index?going_to=%2Flanding.php; <http://d18rn0p25nwr6d.cloudfront.net/CIK-0001616707/2c21ed15-8cb7-4468-ad37-1e31d154a66d.pdf>; https://www.wayfair.com/session/secure/account/account_welcome.php; https://www.wayfair.com/customerservice/general_info.php#privacy; Wayfair's Playbook: Achieving Hyper-Personalization; <https://www.wayfair.com/4.5-qt.-Round-Dutch-Oven-with-Gold-Knob-LS2501-2467SG-LEC4724.html>; <http://www.forbes.com/sites/abrambrown/2014/04/16/how-wayfair-sells-nearly-1-billion-worth-of-sofas-patio-chairs-and-cat-playgrounds/#58757ffd35de>; https://www.wayfair.com/customerservice/general_info.php#track; [Page 7 of 39](http://www.savedallaswater.com/wp-content/uploads/gravity_forms/18/2012/11/Gmail%20-</p></div><div data-bbox=)

%20Thank%20you.%20Your%20Wayfair%20order%20confirmation%20%231373231062%20is%20enclosed.pdf.)

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

32. The '956 Accused Instrumentalities infringe claim 13 of the '956 patent through a combination of features which collectively practice each limitation of claim 13. (*See, e.g.*, https://www.wayfair.com/session/secure/account/account_welcome.php.)

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

34. The '956 Accused Instrumentalities infringe claim 16 of the '956 patent through a combination of features which collectively practice each limitation of claim 16. (*See, e.g.*, https://www.youtube.com/watch?v=hJ_gw0eHQtQ&feature=youtu.be.)

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

36. The '956 Accused Instrumentalities infringe claim 17 of the '956 patent through a combination of features which collectively practice each limitation of claim 17. (*See, e.g.*, https://www.youtube.com/watch?v=hJ_gw0eHQtQ&feature=youtu.be.)

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

38. The '956 Accused Instrumentalities infringe claim 19 of the '956 patent through a combination of features which collectively practice each limitation of claim 19. (*See, e.g.*, https://partners.wayfair.com/v/login/index?going_to=%2Flanding.php.)

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

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

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

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

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

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

45. Plaintiff has been harmed by Defendant's infringing activities.

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

46. The allegations set forth in the foregoing paragraphs 1 through 45 are incorporated into this Second Claim for Relief.

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

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

49. The claims of the '743 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 '743 patent recite one or more inventive concepts that are rooted in computerized sales and order fulfillment technology, and overcome problems specifically arising in the realm of computerized sales and order fulfillment technologies.

50. The claims of the '743 patent recite an invention that is not merely the routine or conventional use of internet-based commerce systems. Instead, the invention describes a method and system for relaying targeted product offerings from multiple product retailers to customers, the targeted offerings based in part on an IP address associated with the customer. The '743 patent claims thus specify how information regarding product inventory from multiple, separate retailers is dynamically presented to retail consumers to facilitate sales and delivery of inventory from a plurality of distributors.

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

52. Accordingly, each claim of the '743 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.

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

54. Upon information and belief, each Defendant has and continues to directly infringe at least claims 1, 2, 4-6, 15, 16, and 18 of the '743 patent by making, using, selling, importing and/or providing and causing to be used communications network-based electronic transaction system for facilitating the automated retail sale of products from distributors through

targeted advertising to customers based in part on an IP address associated with the customer (the “’743 Accused Instrumentalities”).

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

56. On information and belief, the ’743 Accused Instrumentalities infringe claim 1 of the ’743 patent through a combination of features which collectively practice each limitation of claim 1. (*See, e.g.*, https://www.wayfair.com/Coffee-Makers-C419252.html?sku_boost_list=KEG1034; Wayfair’s Playbook: Achieving Hyper-Personalization; <https://www.wayfair.com/about/>; https://partners.wayfair.com/v/login/index?going_to=%2Flanding.php; https://www.wayfair.com/session/secure/account/account_welcome.php; https://www.wayfair.com/customerservice/general_info.php; https://www.wayfair.com/customerservice/general_info.php#privacy.)

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

58. On information and belief, the ’743 Accused Instrumentalities infringe claim 2 of the ’743 patent through a combination of features which collectively practice each limitation of claim 2 including, for example, promotional messages regarding products identified by the ’743

Accused Instrumentalities as “Top Picks For You.” After signing up, users of Wayfair receive promotional offers via email and/or on the website

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

60. On information and belief, the Accused Instrumentalities infringe claim 4 of the '743 patent through a combination of features which collectively practice each limitation of claim 4. (*See, e.g.*, https://www.wayfair.com/customerservice/general_info.php#privacy; https://www.wayfair.com/session/secure/account/account_welcome.php.)

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

62. On information and belief, the '743 Accused Instrumentalities infringe claim 5 of the '743 patent through a combination of features which collectively practice each limitation of claim 5. (*See, e.g.*, https://www.marketingsherpa.com/irce2015/video/john_s_kim_wayfair.)

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

64. On information and belief, the '743 Accused Instrumentalities infringe claim 6 of the '743 patent through a combination of features which collectively practice each limitation of claim 6. (*See, e.g.*, https://www.youtube.com/watch?v=hJ_gw0eHQtQ&feature=youtu.be.)

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

66. On information and belief, the '743 Accused Instrumentalities infringe claim 15 of the '743 patent through a combination of features which collectively practice each limitation of claim 15. (*See, e.g.*, https://www.wayfair.com/Coffee-Makers-C419252.html?sku_boost_list=KEG1034;
https://partners.wayfair.com/v/login/index?going_to=%2Flanding.php;
https://www.wayfair.com/session/secure/account/account_welcome.php;
https://www.wayfair.com/customerservice/general_info.php#privacy; Wayfair's Playbook: Achieving Hyper-Personalization; https://www.wayfair.com/customerservice/general_info.php.)

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

68. On information and belief, the '743 Accused Instrumentalities infringe claim 16 of the '743 patent through a combination of features which collectively practice each limitation of claim 16 including, for example, promotional messages regarding products identified by the '743 Accused Instrumentalities as "Top Picks For You." After signing up, users of Wayfair receive promotional offers via email and/or on the website

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

70. On information and belief, the '743 Accused Instrumentalities infringe claim 18 of the '743 patent through a combination of features which collectively practice each limitation of claim 18. (*See, e.g.*, https://www.wayfair.com/customerservice/general_info.php; https://www.wayfair.com/session/secure/account/account_welcome.php.)

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

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

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

74. In particular, Defendant's actions that aid and abet others such as its partners, customers, clients, and end users to infringe include advertising and distributing the Accused Instrumentalities and providing instruction materials, training, and services regarding the Accused Instrumentalities. On information and belief, Defendant has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement

because each Defendant has had actual knowledge of the '743 patent and knowledge that its acts were inducing infringement of the '743 patent since at least the date Wayfair received notice that such activities infringed the '743 patent.

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

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

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

COUNT III – INFRINGEMENT OF U.S. PATENT NO. 8,533,047

78. The allegations set forth in the foregoing paragraphs 1 through 77 are incorporated into this Third Claim for Relief.

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

80. The inventions of the '047 patent resolve technical problems related to computerized catalog and order fulfillment technology. For example, the inventions allow consumers to view a catalog of goods targets specifically to them from multiple retailers in a single, consistent, website interface facilitating the automated retail sale and delivery of products

from multiple distributors which, on information and belief, are exclusively implemented utilizing computer technology.

81. The claims of the '047 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 '047 patent recite one or more inventive concepts that are rooted in computerized sales and order fulfillment technology, and overcome problems specifically arising in the realm of computerized sales and order fulfillment technologies.

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

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

84. Accordingly, each claim of the '047 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.

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

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

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

88. The '047 Accused Instrumentalities infringe claim 1 of the '047 patent through a combination of features which collectively practice each limitation of claim 1. (*See, e.g.*, https://www.wayfair.com/Coffee-Makers-C419252.html?sku_boost_list=KEG1034; <https://www.wayfair.com/about/>; https://partners.wayfair.com/v/login/index?going_to=%2Flanding.php; <http://d18rn0p25nwr6d.cloudfront.net/CIK-0001616707/2c21ed15-8cb7-4468-ad37-1e31d154a66d.pdf>; https://www.wayfair.com/session/secure/account/account_welcome.php; https://www.wayfair.com/customerservice/general_info.php#privacy; Wayfair's Playbook: Achieving Hyper-Personalization; <https://www.wayfair.com/4.5-qt.-Round-Dutch-Oven-with->

Gold-Knob-LS2501-2467SG-LEC4724.html;

<http://www.forbes.com/sites/abrambrown/2014/04/16/how-wayfair-sells-nearly-1-billion-worth-of-sofas-patio-chairs-and-cat-playgrounds/#58757ffd35de>;

https://www.wayfair.com/customerservice/general_info.php#track;

http://www.savedallaswater.com/wp-content/uploads/gravity_forms/18/2012/11/Gmail%20-%20Thank%20you.%20Your%20Wayfair%20order%20confirmation%20%231373231062%20is%20enclosed.pdf.)

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

90. The '047 Accused Instrumentalities infringe claim 5 of the '047 patent through a combination of features which collectively practice each limitation of claim 5. (*See, e.g.*, https://www.wayfair.com/customerservice/general_info.php#privacy.)

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

92. The '047 Accused Instrumentalities infringe claim 6 of the '047 patent through a combination of features which collectively practice each limitation of claim 6. (*See, e.g.*, https://www.marketingsherpa.com/irce2015/video/john_s_kim_wayfair; <https://www.wayfair.com/careers#job=oYEp4fwP>.)

93. Claim 7 of the '047 patent recites the internet-centric electronic transaction system of claim 1, wherein the catalog builder: dynamically adjusts pricing of the product

offerings in the electronic catalogs based on a plurality of factors including at least one of: an amount of web-site traffic, sales for a particular category, and sales for a particular product.

94. The '047 Accused Instrumentalities infringe claim 7 of the '047 patent through a combination of features which collectively practice each limitation of claim 7. (*See, e.g.*, https://www.youtube.com/watch?v=hJ_gw0eHQtQ&feature=youtu.be; <https://www.wayfair.com/careers#job=oYEp4fwP>.)

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

96. The '047 Accused Instrumentalities infringe claim 9 of the '047 patent through a combination of features which collectively practice each limitation of claim 9. (*See, e.g.*, https://www.youtube.com/watch?v=hJ_gw0eHQtQ&feature=youtu.be; <https://www.wayfair.com/careers#job=oYEp4fwP>.)

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

98. The '047 Accused Instrumentalities infringe claim 10 of the '047 patent through a combination of features which collectively practice each limitation of claim 10. (*See, e.g.*,

https://www.wayfair.com/Coffee-Makers-C419252.html?sku_boost_list=KEG1034;
<https://www.wayfair.com/about/>;
https://partners.wayfair.com/v/login/index?going_to=%2Flanding.php;
<http://d18rn0p25nwr6d.cloudfront.net/CIK-0001616707/2c21ed15-8cb7-4468-ad37-1e31d154a66d.pdf>; https://www.wayfair.com/session/secure/account/account_welcome.php;
https://www.wayfair.com/customerservice/general_info.php#privacy; Wayfair's Playbook: Achieving Hyper-Personalization; <https://www.wayfair.com/4.5-qt.-Round-Dutch-Oven-with-Gold-Knob-LS2501-2467SG-LEC4724.html>;
<http://www.forbes.com/sites/abrambrown/2014/04/16/how-wayfair-sells-nearly-1-billion-worth-of-sofas-patio-chairs-and-cat-playgrounds/#58757ffd35de>;
https://www.wayfair.com/customerservice/general_info.php#track;
http://www.savedallaswater.com/wp-content/uploads/gravity_forms/18/2012/11/Gmail%20-%20Thank%20you.%20Your%20Wayfair%20order%20confirmation%20%231373231062%20is%20enclosed.pdf.)

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

100. The '047 Accused Instrumentalities infringe claim 11 of the '047 patent through a combination of features which collectively practice each limitation of claim 11 including, for example, promotional messages regarding promotional offers from the '047 Accused Instrumentalities regarding a promotional offer. After signing up, users of Wayfair receive promotional offers via email and/or on the website

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

102. The '047 Accused Instrumentalities infringe claim 13 of the '047 patent through a combination of features which collectively practice each limitation of claim 13. (*See, e.g.*, https://www.wayfair.com/session/secure/account/account_welcome.php.)

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

104. The '047 Accused Instrumentalities infringe claim 14 of the '047 patent through a combination of features which collectively practice each limitation of claim 14. (*See, e.g.*, https://www.youtube.com/watch?v=hJ_gw0eHQtQ&feature=youtu.be.)

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

106. The '047 Accused Instrumentalities infringe claim 15 of the '047 patent through a combination of features which collectively practice each limitation of claim 15. (*See, e.g.*, https://www.youtube.com/watch?v=hJ_gw0eHQtQ&feature=youtu.be.)

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

108. The '047 Accused Instrumentalities infringe claim 16 of the '047 patent through a combination of features which collectively practice each limitation of claim 16. (*See, e.g.*, <https://www.wayfair.com/about/>.)

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

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

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

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

113. Upon information and belief, Defendant is liable as a contributory infringer of the '956 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States computerized sales and order fulfillment platforms to be especially made or adapted for use in an infringement of the '047 patent. The '047 Accused Instrumentalities are a material

component for use in practicing the '047 patent and are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

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

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

COUNT IV – INFRINGEMENT OF U.S. PATENT NO. 8,712,846

116. The allegations set forth in the foregoing paragraphs 1 through 115 are incorporated into this Fourth Claim for Relief.

117. On April 29, 2014, U.S. Patent No. 8,712,846 ("the '846 patent"), entitled "Sending Targeted Product Offerings Based on Personal Information," was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '846 patent is attached as Exhibit 4.

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

119. The claims of the '846 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 '846 patent recite one or more inventive concepts that are rooted in computerized sales and order fulfillment technology, and overcome problems specifically arising in the realm of computerized sales and order fulfillment technologies.

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

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

122. Accordingly, each claim of the '846 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.

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

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

125. In particular, claim 1 of the '846 patent generally recites a computer-implemented method for targeted product offering comprising: receiving product and customer data including

customer location data derived from an IP addresses associated with one or more customers; generating user-specific product offerings based in part on personal customer data; and sending automated messages to customers regarding the user-specific product offerings.

126. On information and belief, the '846 Accused Instrumentalities infringe claim 1 of the '846 patent through a combination of features which collectively practice each limitation of claim 1. (*See, e.g.*, https://www.wayfair.com/Coffee-Makers-C419252.html?sku_boost_list=KEG1034; Wayfair's Playbook: Achieving Hyper-Personalization; https://partners.wayfair.com/v/login/index?going_to=%2Flanding.php; https://www.wayfair.com/session/secure/account/account_welcome.php; https://www.wayfair.com/customerservice/general_info.php; https://www.wayfair.com/customerservice/general_info.php#privacy.)

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

128. On information and belief, the '846 Accused Instrumentalities infringe claim 2 of the '846 patent through a combination of features which collectively practice each limitation of claim 2. After signing up, users of Wayfair receive promotional offers via email and/or on the website.

129. Claim 4 of the '846 patent generally recites the method of claim 1, wherein the customer data comprises at least one of: IP (Internet Protocol) address, IP host name, customer name, billing address, email address, and purchase patterns. (*See, e.g.*, https://www.wayfair.com/customerservice/general_info.php#privacy.)

130. On information and belief, the '846 Accused Instrumentalities infringe claim 4 of the '846 patent through a combination of features which collectively practice each limitation of claim 4. (*See, e.g.*, https://www.wayfair.com/customerservice/general_info.php; https://www.wayfair.com/session/secure/account/account_welcome.php; https://www.wayfair.com/customerservice/general_info.php#privacy.)

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

132. On information and belief, the '846 Accused Instrumentalities infringe claim 5 of the '846 patent through a combination of features which collectively practice each limitation of claim 5. (*See, e.g.*, https://www.marketingsherpa.com/irce2015/video/john_s_kim_wayfair.)

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

134. On information and belief, the '846 Accused Instrumentalities infringe claim 6 of the '846 patent through a combination of features which collectively practice each limitation of claim 6. (*See, e.g.*, https://www.youtube.com/watch?v=hJ_gw0eHQtQ&feature=youtu.be.)

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

136. On information and belief, the '846 Accused Instrumentalities infringe claim 16 of the '846 patent through a combination of features which collectively practice each limitation of claim 16. (*See, e.g.*, https://www.wayfair.com/Coffee-Makers-C419252.html?sku_boost_list=KEG1034;
https://partners.wayfair.com/v/login/index?going_to=%2Flanding.php;
https://www.wayfair.com/session/secure/account/account_welcome.php;
https://www.wayfair.com/customerservice/general_info.php;
https://www.wayfair.com/customerservice/general_info.php#privacy; Wayfair's Playbook: Achieving Hyper-Personalization.)

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

138. On information and belief, the '846 Accused Instrumentalities infringe claim 17 of the '846 patent through a combination of features which collectively practice each limitation of claim 17. After signing up, users of Wayfair receive promotional offers via email. (*See, e.g.*, https://www.wayfair.com/customerservice/general_info.php#privacy.)

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

140. On information and belief, the '846 Accused Instrumentalities infringe claim 19 of the '846 patent through a combination of features which collectively practice each limitation of claim 19. (*See, e.g.*, https://www.wayfair.com/customerservice/general_info.php;

https://www.wayfair.com/customerservice/general_info.php#privacy;

https://www.wayfair.com/session/secure/account/account_welcome.php.)

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

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

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

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

145. Upon information and belief, Defendant is liable as a contributory infringer of the '939 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United

States computerized trading platforms to be especially made or adapted for use in an infringement of the '846 patent. The Accused Instrumentalities are a material component for use in practicing the '846 patent and are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

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

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

COUNT V – INFRINGEMENT OF U.S. PATENT NO. 8,775,255

148. The allegations set forth in the foregoing paragraphs 1 through 147 are incorporated into this Fifth Claim for Relief.

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

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

151. The claims of the '255 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 '255 patent recite one or more inventive concepts that are

rooted in computerized sales and order fulfillment technology, and overcome problems specifically arising in the realm of computerized sales and order fulfillment technologies.

152. The claims of the '255 patent recite an invention that is not merely the routine or conventional use of internet-based commerce systems. Instead, the invention describes an internet-centric system and method for facilitating the automated retail sale of products from vendors to customers via a network. The '255 patent claims thus specify how information regarding product inventory from multiple, separate retailers is dynamically presented to retail consumers to facilitate sales and delivery of inventory from a plurality of vendors.

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

154. Accordingly, each claim of the '255 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.

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

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

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

158. The '255 Accused Instrumentalities infringe claim 1 of the '255 patent through a combination of features which collectively practice each limitation of claim 1. (*See, e.g.*, <https://www.wayfair.com/about/>;
https://partners.wayfair.com/v/login/index?going_to=%2Flanding.php;
https://www.wayfair.com/session/secure/account/account_welcome.php;
<http://d18rn0p25nwr6d.cloudfront.net/CIK-0001616707/2c21ed15-8cb7-4468-ad37-1e31d154a66d.pdf>; https://www.wayfair.com/customerservice/general_info.php#privacy;
Wayfair's Playbook: Achieving Hyper-Personalization; <https://www.wayfair.com/4.5-qt.-Round-Dutch-Oven-with-Gold-Knob-LS2501-2467SG-LEC4724.html>;
<http://www.forbes.com/sites/abrambrown/2014/04/16/how-wayfair-sells-nearly-1-billion-worth-of-sofas-patio-chairs-and-cat-playgrounds/#58757ffd35de>;
https://www.wayfair.com/customerservice/general_info.php#track;
[Page 32 of 39](http://www.savedallaswater.com/wp-content/uploads/gravity_forms/18/2012/11/Gmail%20-</p></div><div data-bbox=)

%20Thank%20you.%20Your%20Wayfair%20order%20confirmation%20%231373231062%20i
s%20enclosed.pdf.)

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

160. The '255 Accused Instrumentalities infringe claim 5 of the '255 patent through a combination of features which collectively practice each limitation of claim 5. (*See, e.g.*, https://www.wayfair.com/session/secure/account/account_welcome.php.)

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

162. The '255 Accused Instrumentalities infringe claim 6 of the '255 patent through a combination of features which collectively practice each limitation of claim 6. (*See, e.g.*, https://www.youtube.com/watch?v=hJ_gw0eHQtQ&feature=youtu.be.)

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

164. The '255 Accused Instrumentalities infringe claim 7 of the '255 patent through a combination of features which collectively practice each limitation of claim 7. (*See, e.g.*, https://www.marketingsherpa.com/irce2015/video/john_s_kim_wayfair.)

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

166. The '255 Accused Instrumentalities infringe claim 8 of the '255 patent through a combination of features which collectively practice each limitation of claim 8. (*See, e.g.*, https://www.youtube.com/watch?v=hJ_gw0eHQtQ&feature=youtu.be.)

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

168. The '255 Accused Instrumentalities infringe claim 16 of the '255 patent through a combination of features which collectively practice each limitation of claim 16. (*See, e.g.*, https://www.wayfair.com/customerservice/general_info.php#privacy.)

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

170. The '255 Accused Instrumentalities infringe claim 17 of the '255 patent through a combination of features which collectively practice each limitation of claim 17. (*See, e.g.*, https://www.wayfair.com/customerservice/general_info.php#privacy.)

171. In particular, claim 20 of the '255 patent generally recites a method in an internet-centric electronic transaction system for facilitating the sale of products from vendors to customers via a network comprising: a database for storing product and customer data; a dynamic catalog builder for generating user-specific product offerings based in part on personal customer information; a communication interface for purchasing the user-specific product offerings; a payment authorization processor for determining, in part using information in the database, whether to accept a purchase order; a distributor authorization processor for

authorizing the delivery of products from distributors for accepted purchase orders; and a system for sending automated messages to customers regarding accepted purchase orders.

172. The '255 Accused Instrumentalities infringe claim 20 of the '255 patent through a combination of features which collectively practice each limitation of claim 20. (*See, e.g.*, <https://www.wayfair.com/about/>; https://partners.wayfair.com/v/login/index?going_to=%2Flanding.php; <http://d18rn0p25nwr6d.cloudfront.net/CIK-0001616707/2c21ed15-8cb7-4468-ad37-1e31d154a66d.pdf>; https://www.wayfair.com/session/secure/account/account_welcome.php; https://www.wayfair.com/customerservice/general_info.php#privacy; Wayfair's Playbook: Achieving Hyper-Personalization; <https://www.wayfair.com/4.5-qt.-Round-Dutch-Oven-with-Gold-Knob-LS2501-2467SG-LEC4724.html>; <http://www.forbes.com/sites/abrambrown/2014/04/16/how-wayfair-sells-nearly-1-billion-worth-of-sofas-patio-chairs-and-cat-playgrounds/#58757ffd35de>; https://www.wayfair.com/customerservice/general_info.php#track; http://www.savedallaswater.com/wp-content/uploads/gravity_forms/18/2012/11/Gmail%20-%20Thank%20you.%20Your%20Wayfair%20order%20confirmation%20%231373231062%20is%20enclosed.pdf.)

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

174. The '255 Accused Instrumentalities infringe claim 23 of the '255 patent through a combination of features which collectively practice each limitation of claim 23. (*See, e.g.*, https://www.wayfair.com/session/secure/account/account_welcome.php.)

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

176. The '255 Accused Instrumentalities infringe claim 24 of the '255 patent through a combination of features which collectively practice each limitation of claim 24. (*See, e.g.*, [https://www.youtube.com/watch?v=hJ_gw0eHQtQ&feature=youtu.be.](https://www.youtube.com/watch?v=hJ_gw0eHQtQ&feature=youtu.be))

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

178. The '255 Accused Instrumentalities infringe claim 25 of the '255 patent through a combination of features which collectively practice each limitation of claim 25. (*See, e.g.*, [https://www.youtube.com/watch?v=hJ_gw0eHQtQ&feature=youtu.be.](https://www.youtube.com/watch?v=hJ_gw0eHQtQ&feature=youtu.be))

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

180. The '255 Accused Instrumentalities infringe claim 37 of the '255 patent through a combination of features which collectively practice each limitation of claim 37. (*See, e.g.*, [https://www.wayfair.com/session/secure/account/account_welcome.php.](https://www.wayfair.com/session/secure/account/account_welcome.php))

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

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

183. Upon information and belief, since at least the time Defendant received notice, Defendant has induced and continues to induce others to infringe at least one claim of the '255 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to each of Defendant's partners, clients, customers, and end users, whose use of the '255 Accused Instrumentalities constitutes direct infringement of at least one claim of the '255 patent.

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

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

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

187. Plaintiff has been harmed by Defendant's infringing activities.

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.

PRAYER FOR RELIEF

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

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

B. An award of damages to be paid by Defendant adequate to compensate Plaintiff for Defendant's past infringement of the '956, '743, '047, '846, and '255 patents, 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: May 8, 2018

DEVLIN LAW FIRM LLC

/s/ Timothy Devlin

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