

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

BROWSE3D LLC,

Plaintiff

v.

NORDSTROM, INC.,

Defendant

Case No. 6:19-cv-00188

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Browse3D LLC (“Browse3D” or “Plaintiff”) files this Complaint for patent infringement against Defendant Nordstrom, Inc. (“Nordstrom” or “Defendant”), and alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under 35 U.S.C. § 1 *et seq.*

PARTIES

2. Browse3D is a limited liability company organized and existing under the laws of the State of Texas with its principal place of business at 108 Wild Basin Rd S, Suite 250, Austin, Texas 78746.

3. Upon information and belief, Defendant, Nordstrom, is a corporation organized and existing under the laws of the State of Washington with a principal place of business in this judicial district at 2901 N Capital of Texas Hwy S, Austin, TX 78746.

JURISDICTION AND VENUE

4. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Upon information and belief, Defendant is subject to personal jurisdiction of this Court based upon it having regularly conducted business, including the acts complained of herein, within the State of Texas and this judicial district and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this District.

6. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400 because Defendants have committed acts of infringement and have regular and established places of business in this judicial district.

COUNT I
(Infringement of U.S. Patent No. 10,031,897)

7. Browse3D incorporates paragraphs 1 through 6 as though fully set forth herein.

8. Plaintiff is the owner, by assignment, of U.S. Patent No. 10,031,897 (the “’897 Patent”), entitled SYSTEM AND METHOD FOR WEB BROWSING, which issued on July 24, 2018. A copy of the ’897 Patent is attached as Exhibit A.

9. The ’897 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

10. Defendant hosts and provides an interactive website at <https://shop.nordstrom.com/> for advertising and promoting the sale of items to users of the website. In use, Defendant tracks user behavior when interacting with the website, including selection of individual hyperlinks. Defendant uses the user behavior information to customize the rendering of webpages to present information to the user. The Defendant’s system for hosting and operating the website is the Accused Instrumentality that infringes the ’897 Patent.

11. At least by hosting, promoting, and publishing the website, Defendant encourages its customers, potential customers, and users of the website to use the website and practice the claimed methods, which Defendant controls the use of and derives a direct benefit and profit from.

12. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including Claim 10, of the '897 Patent by making and using Defendant's interactive website in the United States without authority. Defendant has infringed and continues to infringe the '897 Patent either directly or through the acts of inducement in violation of 35 U.S.C. § 271. Defendant has been on notice of the '897 Patent at least as early as the date it received service of this complaint.

13. Claim 10 recites:

10. A method for web browsing comprising:

over a plurality of browsing sessions, monitoring browsing activity of a user

at a particular web page that comprises a plurality of hyperlinks for
hyperlinking from the particular web page;

determining a pattern of hyperlink usage of the user based on the monitored
browsing activity;

determining a prioritized list of hyperlinks based on the determined pattern
of hyperlink usage, wherein the prioritized list of hyperlinks
comprises a subset of said plurality of hyperlinks, and wherein each
hyperlink on the prioritized list links to a respective web page;

in an other browsing session, presenting a window that comprises a first
area and a second area;

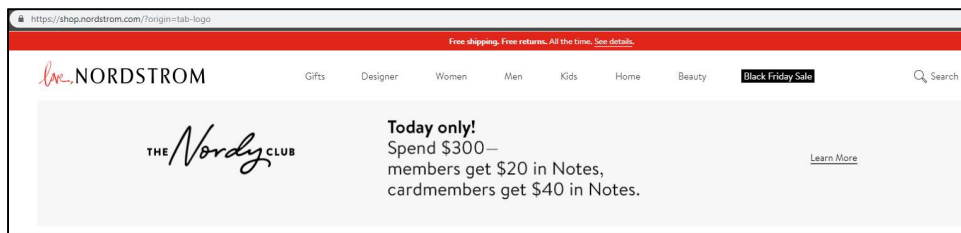
in the other browsing session, presenting the particular web page in the first

area of the window;

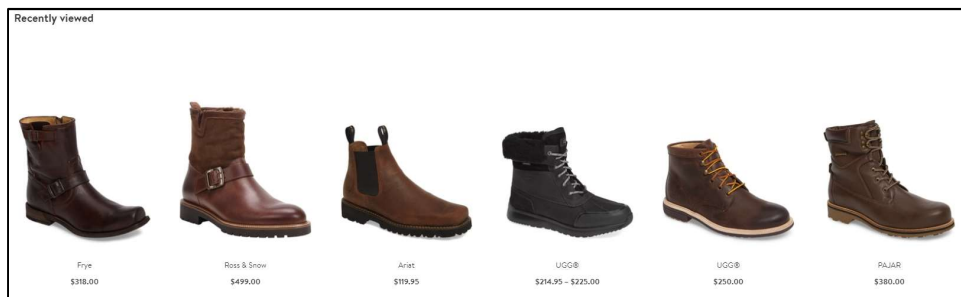
in the other browsing session, automatically requesting web page data for the respective web pages; and

in the other browsing session, presenting in the second area each hyperlink in the prioritized list of hyperlinks, wherein the presented hyperlinks are positioned according to prioritization of the prioritized list, and wherein the presented hyperlinks are presented as reduced size images rendered using said requested web page data.

13. Defendant, with use of the Accused Instrumentality, practices the claimed method for web browsing by hosting and providing the <https://shop.nordstrom.com/> website:



14. Defendant, with use of the Accused Instrumentality, tracks a browsing pattern of a user based on entries received from the user at the computer over a plurality of browsing sessions.



15. Defendant, with use of the Accused Instrumentality, stores a history of hyperlinks selected by the user from a particular web page presented on the display device during visitations of the user to the particular web page during the plurality of browsing sessions.

```

▼ <div class data-element="in-view lazyload-media">
  ▼ <div data-element="placeholder" class=
    "placeholder_Zj2W57 fade-in_Q9ido loaded_ZJ1mSP"
    aspectratio="0.28" style="padding-bottom: 28%;">
    ::before
    ▼ <div data-element="nui-grid horizontal-responsive-
      layout-grid" class>

```

LazyLoad is a fast, lightweight and flexible script that speeds up your web application by loading images as they enter the viewport. It's written in plain "vanilla" JavaScript, uses IntersectionObserver, and supports responsive images. It's also SEO-friendly and it has some other notable features. <https://www.andreaverlicchi.eu/lazyload/>

<https://github.com/verlok/lazyload>

```

▼ <div data-element="placeholder" class="placeholder_Zj2W57 fade-in_Q9ido loaded_ZJ1mSP" aspectratio="0.28"
style="padding-bottom: 28%;">
  ::before
  ▼ <div data-element="nui-grid horizontal-responsive-layout-grid" class>
    ▼ <div class="row_Z2vyUxT">
      <div class="clear_19vkQr"></div>
      ▼ <div class="block_19rjgc" data-element="nui-block" style="left: 0%; width: 14.8936%;">
        ▶ <a href="/s/frye-smith-engineer-boot/3480955?origin=coordinating-3480955-2375500-...
tly_viewed_snowplow_mv&recs_source=recbot&recs_page_type=home&recs_seed=0" data-element="touch-
target">...</a>
      </div>
      ▼ <div class="block_19rjgc" data-element="nui-block" style="left: 2.1276%; width: 14.8936%;">
        ▶ <a href="/s/ross-snow-federico-waterproof-genuine-shearling-lined-moto-boot-men/5...
tly_viewed_snowplow_mv&recs_source=recbot&recs_page_type=home&recs_seed=0" data-element="touch-
target">...</a>
      </div>
      ▼ <div class="block_19rjgc" data-element="nui-block" style="left: 4.2553%; width: 14.8936%;">
        ▶ <a href="/s/ariat-spot-hog-chelsea-boot-men/5176073?origin=coordinating-5176073-2...
tly_viewed_snowplow_mv&recs_source=recbot&recs_page_type=home&recs_seed=0" data-element="touch-
target">...</a>
      </div>
      ▼ <div class="block_19rjgc" data-element="nui-block" style="left: 6.3829%; width: 14.8936%;">
        ▶ <a href="/s/ugg-eliasson-waterproof-snow-boot-men/4606317?origin=coordinating-460...
tly_viewed_snowplow_mv&recs_source=recbot&recs_page_type=home&recs_seed=0" data-element="touch-
target">...</a>
      </div>
      ▼ <div class="block_19rjgc" data-element="nui-block" style="left: 8.5106%; width: 14.8936%;">
        ▶ <a href="/s/ugg-vestmar-plain-toe-boot-men/4633589?origin=coordinating-4633589-23...
tly_viewed_snowplow_mv&recs_source=recbot&recs_page_type=home&recs_seed=0" data-element="touch-
target">...</a>
      </div>
      ▼ <div class="block_19rjgc" data-element="nui-block" style="left: 10.6382%; margin-right: -60px; width:
14.8936%;">
        ▶ <a href="/s/pajar-david-plain-toe-boot-men/4850655?origin=coordinating-4850655-23...
tly_viewed_snowplow_mv&recs_source=recbot&recs_page_type=home&recs_seed=0" data-element="touch-
target">...</a>

```

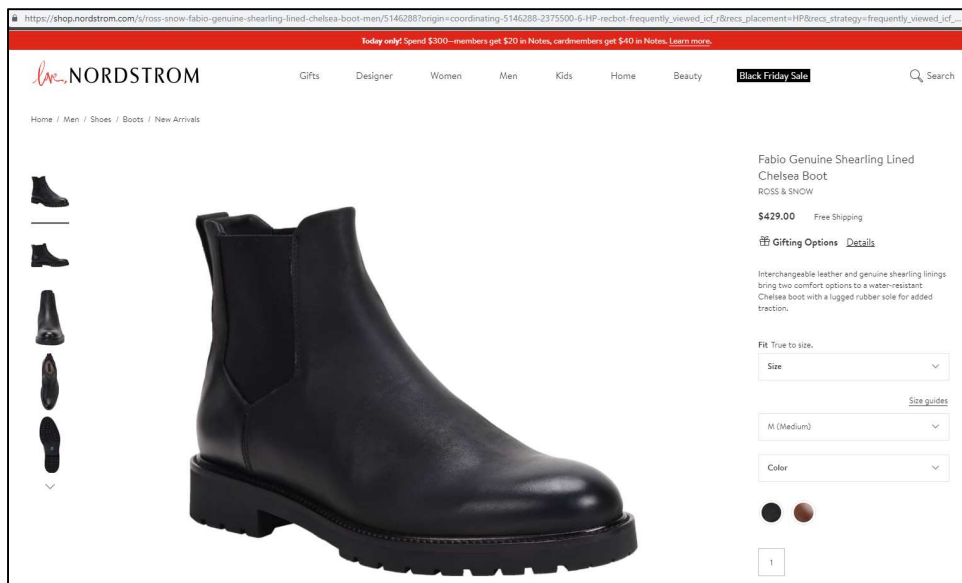
16. Defendant, with use of the Accused Instrumentality, determines a plurality of hyperlinks from the stored history of hyperlinks.



17. Each hyperlink in the plurality of hyperlinks corresponds to a respective web page.

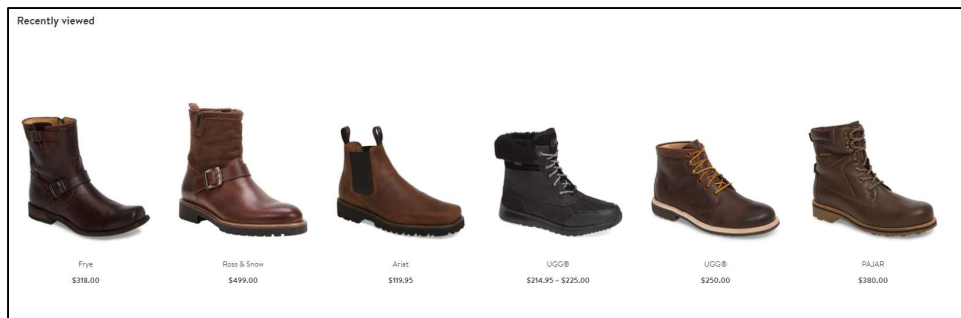


18. When a user closes the first browsing session and the web page is revisited by the user in an other browsing session, Defendant, with use of the Accused Instrumentality, presents a window the comprises a first and a second area.





19. Defendant, with use of the Accused Instrumentality, presents the hyperlinks in the second area of the window.



20. Each presented hyperlink is presented as a reduced size image associated with the corresponding web page.



21. The reduced size images are presented in an arrangement that reflects prioritization of the corresponding respective web pages (e.g. the reduced sized image corresponding to the link to the most recently viewed page is displayed first [leftmost] and the reduced sized image corresponding to the link to the earliest viewed web page is displayed last [rightmost])

22. Browse3D has been damaged by Defendant’s infringing activities.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court enter judgment against

Defendant:

1. declaring that the Defendant has infringed the '897 Patent;
2. awarding Plaintiff its damages suffered as a result of Defendant's infringement of the '897 Patent;
3. awarding Plaintiff its costs, attorneys' fees, expenses, and interest; and
4. granting Plaintiff such further relief as the Court finds appropriate.

JURY DEMAND

Plaintiff demands trial by jury, Under Fed. R. Civ. P. 38.

Dated: March 5, 2019

Respectfully submitted,

/s/ Raymond W. Mort, III

Raymond W. Mort, III
Texas State Bar No. 00791308
raymort@austinlaw.com

THE MORT LAW FIRM, PLLC
106 E. Sixth Street, Suite 900
Austin, Texas 78701
Tel/Fax: (512) 865-7950

**ATTORNEYS FOR PLAINTIFF
BROWSE3D LLC**