

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

EXPRESS MOBILE, INC.	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. _____
	)	
WEB.COM GROUP, INC.	)	<b>JURY TRIAL DEMANDED</b>
	)	
	)	
Defendant.	)	

**COMPLAINT**

Plaintiff Express Mobile, Inc. (“Express Mobile” or “Plaintiff”), by its attorneys, demands a trial by jury on all issues so triable and for its Complaint against Defendant Web.Com Group, Inc. (“Web.com” or “Defendant”) alleges the following:

**NATURE OF THE ACTION**

1. This action arises under 35 U.S.C. § 271 for Web.com’s infringement of Express Mobile’s United States Patent Nos. 6,546,397 (“the ’397 patent”), 7,594,168 (“the ’168 patent”), 9,063,755 (“the ’755 patent”), 9,471,287 (“the ’287 patent”), and 9,928,044 (“the ’044 patent”) (collectively the “Patents-In-Suit”).

**THE PARTIES**

2. Plaintiff Express Mobile, Inc. is an inventor-owned corporation organized under the laws of the State of Delaware with a place of business at 38 Washington Street, Novato, CA 94947.

3. Upon information and belief, Web.com is a corporation organized and existing under the laws of Delaware, with a registered agent at The Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801. Web.com has a place of business at 12808 Gran Parkway West, Jacksonville, FL 32258.

4. On October 11, 2018, Web.com was acquired by an affiliate of Siris Capital Group, LLC (“Siris”) for approximately \$2 billion. Siris is a private equity firm that makes investments in several areas, including in data, telecommunications, technology and technology-enabled business service companies in North America.

### **JURISDICTION AND VENUE**

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

6. On information and belief, jurisdiction and venue for this action are proper in the District of Delaware.

7. This Court has personal jurisdiction over Defendant because it has purposefully availed itself of the rights and benefits of the laws of this State and this Judicial District. On information and belief, Defendant is organized and existing under the laws of Delaware. This Court also has personal jurisdiction over Defendant because it has done and is doing substantial business in this Judicial District, both generally and, on information and belief, with respect to the allegations in this complaint, including Defendant’s one or more acts of infringement in this Judicial District.

8. Venue is proper in this Judicial District under 28 U.S.C. §§ 1391(b) and (c) and § 1400(b).

### **THE PATENTS-IN-SUIT**

9. Plaintiff is the lawful owner of all rights, title, and interest in United States Patent No. 6,546,397 entitled “Browser Based Web Site Generation Tool and Run Time Engine,” including the right to sue and to recover for infringement thereof. The ’397 patent was duly and

legally issued on April 8, 2003, naming Steven H. Rempell as the inventor. A true and correct copy of the '397 patent is attached as Exhibit A.

10. The inventions of the '397 patent solve technical problems related to website creation and generation. For example, the inventions enable the creation of websites through browser-based visual editing tools such as selectable settings panels which describe website elements, with one or more settings corresponding to commands. These features are exclusively implemented utilizing computer technology including a virtual machine.

11. The claims of the '397 patent do not merely recite the performance of some pre-Internet business practice on the Internet. Instead, the claims of the '397 patent recite inventive concepts that are rooted in computerized website creation technology, and overcome problems specifically arising in the realm of computerized website creation technologies.

12. The claims of the '397 patent recite inventions that are not merely the routine or conventional use of website creation systems and methods. Instead, the inventions teach a browser-based website creation system and method in which the user-selected settings representing website elements are stored in a database, and in which said stored information is retrieved to generate said website.

13. The technology claimed in the '397 patent does not preempt all ways of using website or web page authoring tools nor any other well-known prior art technology.

14. Accordingly, each claim of the '397 patent recites a combination of elements sufficient to ensure that the claim amounts to significantly more than a patent on an ineligible concept.

15. In Case No. 3:18-CV-04679-RS, a case filed in the Northern District of California, the defendant in that action, Code and Theory LLC. brought a Motion to Dismiss Plaintiff's

Complaint asserting that the '397 patent and U.S. Patent No. 7,594,168 (asserted in Count II below) are not subject matter eligible under 35 U.S.C. § 101 as a matter of law. (Case No. 3:18-CV-04679-RS Dkt.35). Subsequent briefing included Plaintiff Express Mobile, Inc.'s Opposition to Defendant Code and Theory LLC's Motion to Dismiss Plaintiff's Complaint (Case No. 3:18-CV-04679-RS Dkt.40), and Motion to Dismiss Plaintiff's Complaint [sic] (Case No. 3:18-CV-04679-RS Dkt.41). Each of those filings is incorporated by reference into this Complaint.

16. In C.A. 2:17-00128, a case filed in the Eastern District of Texas, the defendant in that action, KTree Computer Solutions, brought a Motion for Judgment on the Pleadings asserting that the '397 patent and U.S. Patent No. 7,594,168 (asserted in Count II below) were invalid as claiming abstract subject matter under 35 U.S.C. § 101. (C.A. 2:17-00128 Dkt. 9.) Subsequent briefing included Plaintiff's Response and related Declarations and Exhibits (C.A. 2:17-00128 Dkt. 17, 22-24), KTree's Reply (C.A. 2:17-00128 Dkt. 25), and Plaintiff's Sur-Reply and related Declarations and Exhibits (C.A. 2:17-00128 Dkt. 26-27). Each of those filings is incorporated by reference into this Complaint.

17. After a consideration of the respective pleadings, Magistrate Judge Payne recommended denial of KTree's motion, without prejudice, holding that "the claims appear to address a problem particular to the internet: dynamically generating websites and displaying web pages based on stored user-selected settings" and further stating "the asserted claims do not bear all of the hallmarks of claims that have been invalidated on the pleadings by other courts in the past. For example, the claims are not merely do-it-on-a-computer claims." (Dkt. 29, attached as Exhibit F.) No objection was filed to the Magistrate Judge's report and recommendation and the decision therefore became final.

18. In Case No. 3:18-CV-04688-RS, a case filed in the Northern District of California, the defendant in that action, Pantheon Systems, Inc., brought a Motion to Dismiss Counts I and II of Plaintiff's First Amended Complaint asserting that the '397 patent and U.S. Patent No. 7,594,168 (asserted in Count II below) were directed to the abstract idea of creating and displaying webpages based upon information from a user with no further inventive concept and purportedly ineligible for patenting under 35 U.S.C. § 101 ("§ 101"). (Case No. 3:18-CV-04688-RS Dkt.26). Subsequent briefing included Plaintiff's Answering Brief in Opposition of Defendant's Motion to Dismiss (Case No. 3:18-CV-04688-RS Dkt.32), and Reply in Support of Defendant's Motion to Dismiss Counts I and II of Plaintiff's First Amended Complaint (Case No. 3:18-CV-04688-RS Dkt.34). Each of those filings is incorporated by reference into this Complaint.

19. After a motion hearing and a consideration of the respective pleadings, Hon. Richard Seeborg denied both motions holding that "it simply cannot be said on the present record that the claims are drawn so broadly as to be divorced from the potentially patent-eligible purported technological improvements described in the specification," and further stating "The patents here are directed at a purportedly revolutionary technological solution to a technological problem—how to create webpages for the internet in a manner that permits "what you see is what you get" editing, and a number of other alleged improvements over the then-existing methodologies." (Case No. 3:18-CV-04679-RS Dkt.45; Case No. 3:18-CV-04688-RS Dkt.40; attached as Exhibit G).

20. Plaintiff is the lawful owner of all rights, title, and interest in United States Patent No. 7,594,168 entitled "Browser Based Web Site Generation Tool and Run Time Engine," including the right to sue and to recover for infringement thereof. The '168 patent was duly and legally issued on September 22, 2009, naming Steven H. Rempell as the inventor. A true and correct copy of the '168 patent is attached as Exhibit B.

21. The inventions of the '168 patent solve technical problems related to website creation and generation. For example, the inventions enable the creation of websites through browser-based build tools and a user interface. These features are exclusively implemented utilizing computer technology.

22. The claims of the '168 patent do not merely recite the performance of some pre-Internet business practice on the Internet. Instead, the claims of the '168 patent recite inventive concepts that are rooted in computerized website creation technology, and overcome problems specifically arising in the realm of computerized website creation technologies.

23. The claims of the '168 patent recite inventions that are not merely the routine or conventional use of website creation systems and methods. Instead, the inventions teach a browser-based website creation system including a server comprising a build engine configured to create and apply styles to, for example, a website with web pages comprised of objects.

24. The technology claimed in the '168 patent does not preempt all ways of using website or web page authoring tools nor any other well-known or prior art technology.

25. Accordingly, each claim of the '168 patent recites a combination of elements sufficient to ensure that the claim amounts to significantly more than a patent on an ineligible concept.

26. Plaintiff is the lawful owner of all rights, title, and interest in United States Patent No. 9,063,755 entitled "Systems and methods for presenting information on mobile devices," including the right to sue and to recover for infringement thereof. The '755 patent was duly and legally issued on June 23, 2015, naming Steven H. Rempell, David Chrobak and Ken Brown as the inventors. A true and correct copy of the '755 patent is attached as Exhibit C.

27. The inventions of the '755 patent solve technical problems related to a system for generating code to provide content on a display of a device. For example, the inventions of the '755 patent produce and deliver code in the form of players and applications to devices. The players and applications then display information received from a web service. These features are exclusively implemented utilizing computer technology.

28. The claims of the '755 patent do not merely recite the performance of some pre-Internet business practice on the Internet. Instead, the claims of the '755 patent recite inventive concepts that are rooted in the computerized generation of content on a display of a device, such as a mobile device, and overcome problems specifically arising in the realm of computerized content generation and display technologies.

29. The claims of the '755 patent recite inventions that are not merely the routine or conventional use of systems and methods for the computerized generation of content on a display of a device. Instead, the inventions feature systems for use with devices and methods of using the systems with authoring tools to produce Players specific to each device and Applications that are device independent.

30. The technology claimed in the '755 patent does not preempt all ways for the computerized generation of code for a display of a device nor any other well-known or prior art technology.

31. Accordingly, each claim of the '755 patent recites a combination of elements sufficient to ensure that the claim amounts to significantly more than a patent on an ineligible concept.

32. Plaintiff is the lawful owner of all rights, title, and interest in United States Patent No. 9,471,287 entitled "Systems and Methods for Integrating Widgets on Mobile Devices,"

including the right to sue and to recover for infringement thereof. The '287 patent was duly and legally issued on October 18, 2016, naming Steven H. Rempell, David Chrobak and Ken Brown as the inventors. A true and correct copy of the '287 patent is attached as Exhibit D.

33. The inventions of the '287 patent solve technical problems related to generating content on a display of a device, such as the display of a mobile device. For example, the inventions of the '287 patent define a User Interface (“UI”) object, either selected by a user or selected automatically, for display on the device. The inventions of the '287 patent also produce and deliver code in the form of players and applications to devices. The players and applications then display information received from a web service. These features are exclusively implemented utilizing computer technology.

34. The claims of the '287 patent do not merely recite the performance of some pre-Internet business practice on the Internet. Instead, the claims of the '287 patent recite inventive concepts that are rooted in the computerized generation of content on a display of a device, such as a mobile device, and overcome problems specifically arising in the realm of computerized display content generation technologies.

35. The claims of the '287 patent recite inventions that are not merely the routine or conventional use of systems and methods for the computerized generation of content on a display of a device. Instead, the inventions feature systems for use with devices and methods of using the systems with authoring tools to produce Players specific to each device and Applications that are device independent.

36. The technology claimed in the '287 patent does not preempt all ways for the computerized generation of content on a display of a device nor any other well-known or prior art technology.



37. Accordingly, each claim of the '287 patent recites a combination of elements sufficient to ensure that the claim amounts to significantly more than a patent on an ineligible concept.

38. Plaintiff is the lawful owner of all rights, title, and interest in United States Patent No. 9,928,044 entitled "Systems and Methods for Programming Mobile Devices," including the right to sue and to recover for infringement thereof. The '044 patent was duly and legally issued on March 27, 2018, naming Steven H. Rempell, David Chrobak and Ken Brown as the inventors. A true and correct copy of the '044 patent is attached as Exhibit E.

39. The inventions of the '044 patent solve technical problems related to generating and distributing programming to mobile devices over a network. For example, the inventions of the '044 patent define a User Interface ("UI") object, either selected by a user or selected automatically, for display on the device. The inventions of the '044 patent also produce and deliver code in the form of players and applications which include web page views. The players and applications then display information received from a web service. These features are exclusively implemented utilizing computer technology.

40. The claims of the '044 patent do not merely recite the performance of some pre-Internet business practice on the Internet. Instead, the claims of the '044 patent recite inventive concepts that are rooted in the computerized generation of content on a display of a device, such as a mobile device, and overcome problems specifically arising in the realm of computerized display content generation technologies.

41. The claims of the '044 patent recite inventions that are not merely the routine or conventional use of systems and methods for the computerized generation of content on a display of a device. Instead, the inventions feature systems for use with devices and methods of using the

systems with authoring tools to generate and distribute application and player code that generate displays on a device, such as a mobile device, utilizing information stored in databases and retrieved from web services.

42. The technology claimed in the '044 patent does not preempt all ways for the computerized generation and distribution of programming to a device nor any other well-known or prior art technology.

43. Accordingly, each claim of the '044 patent recites a combination of elements sufficient to ensure that the claim amounts to significantly more than a patent on an ineligible concept.

### **BACKGROUND**

44. On information and belief, Defendant is a provider of website building tools. On information and belief, Defendant manufactures, uses, sells, and/or offers for sale the Web.com Website Building platform, which, on information and belief, infringes each of the above-referenced patents.

### **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,546,397**

45. Plaintiff incorporates by reference the allegations contained in paragraphs 1 to 44 above.

46. Defendant has manufactured, used, offered for sale, or sold web-based website building tools that infringe, either literally or under the doctrine of equivalents, one or more claims of the '397 patent in violation of 35 U.S.C. § 271(a). Defendant's infringement will continue unless enjoined by this Court.

47. On information and belief, Defendant has and continues to directly infringe at least claim 1 of the '397 patent by using a browser-based website and/or web page authoring tool (or

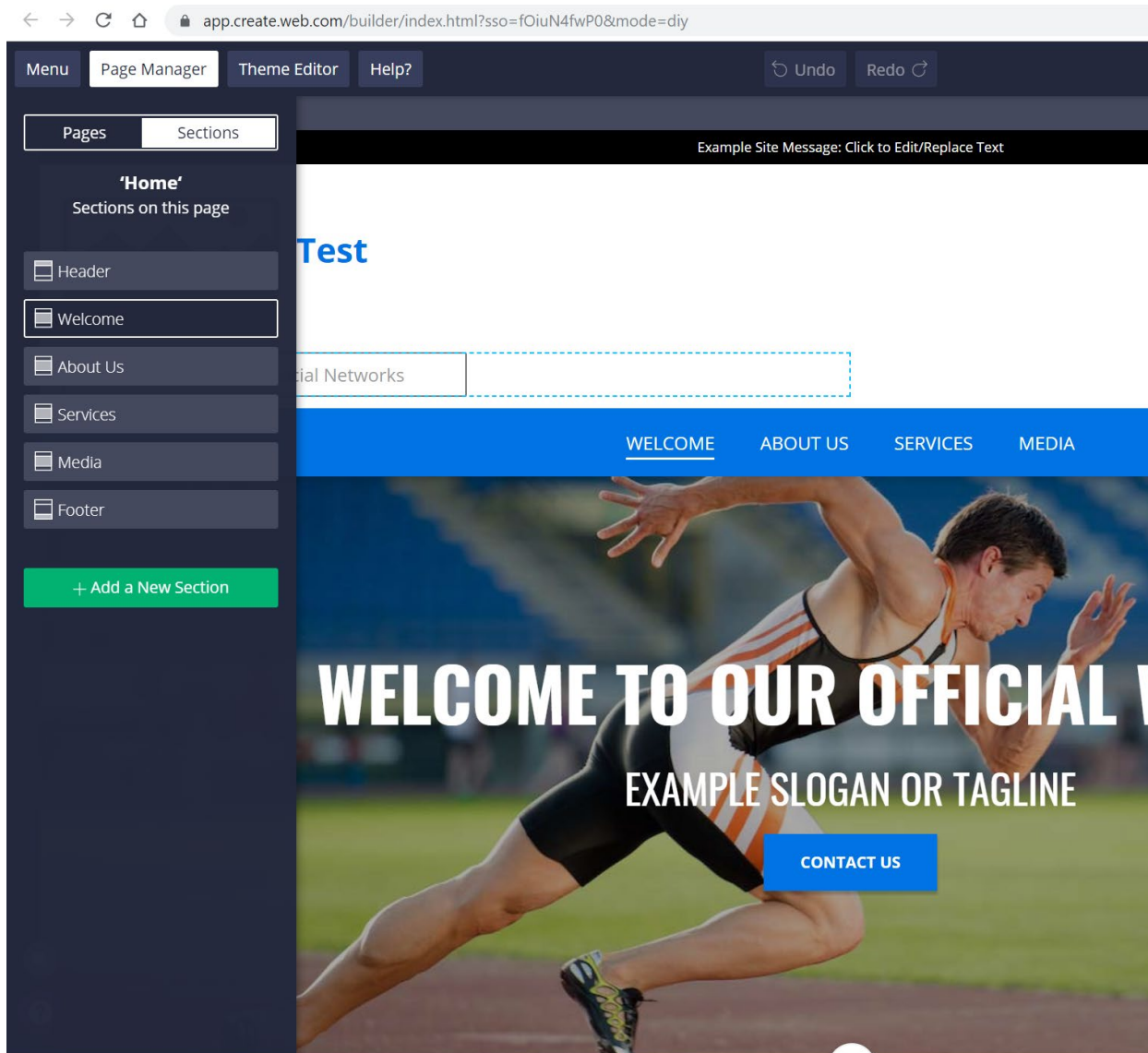
website builder) in which the user-selected settings representing website elements are stored in a database, and retrieval of said information to generate said website (the “Accused Instrumentalities”). The Accused Instrumentalities include but are not limited to Defendant’s website building tools.

48. On information and belief, Web.com is a for-profit organization. Web.com has revenues of approximately \$500 million U.S.D. per year. Moreover, Defendant, its employees and/or agents utilize the Accused Instrumentalities in the building of websites for Defendant’s customers, leading to direct or indirect revenues and profit. As one example of indirect profit, entities such as Defendant’s will frequently offer website building services at reduced pricing as an inducement to attract customers, who then purchase additional products or services. As one example, Web.com offers an introductory first month price of \$1.99 for its website builder with the purchase of a web domain and a subscription. On information and belief, without the availability of infringing tools such as the Accused Instrumentalities, Defendant would be at a disadvantage in the marketplace and would generate less revenue overall.

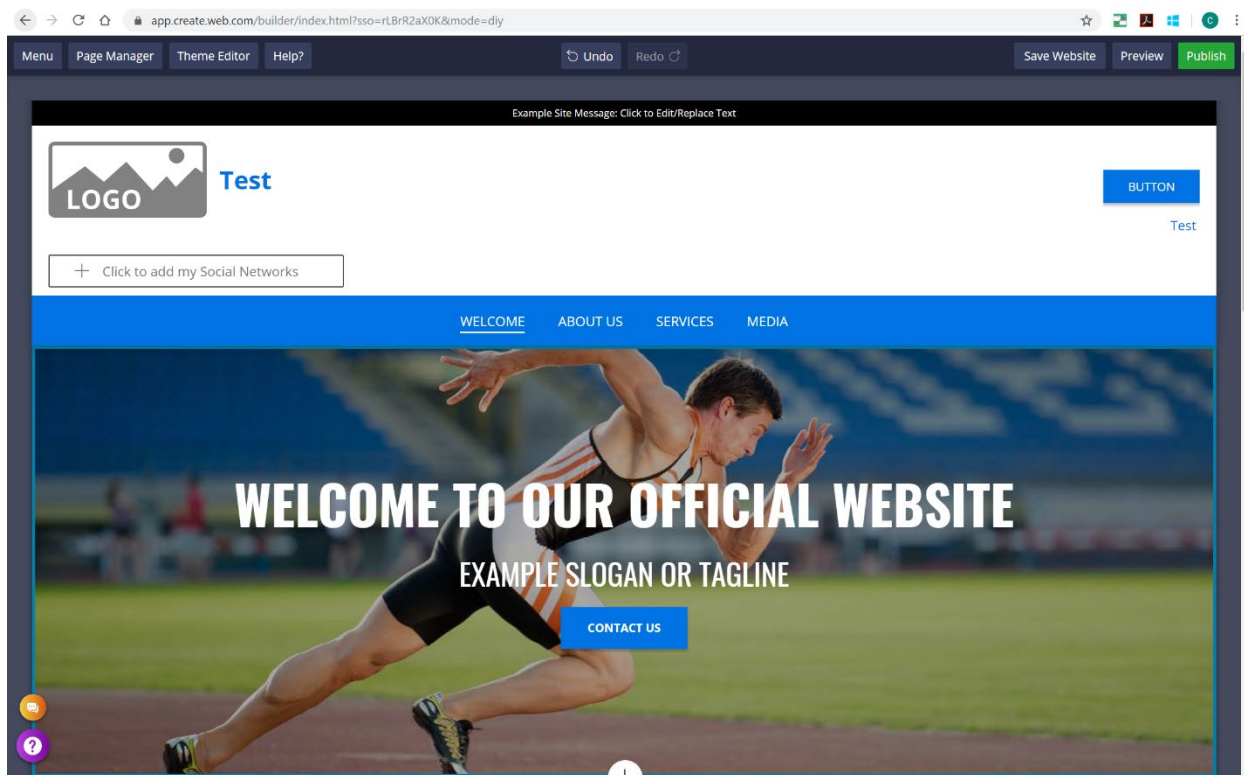
49. The Accused Instrumentalities infringe claim 1 of the ’397 patent through a combination of features which collectively practice each limitation of claim 1. By way of example, modern internet browsers such as Microsoft Internet Explorer, Mozilla’s Firefox, Apple Safari, Google Chrome, and Opera include virtual machines capable of generating a display.

50. The Accused Instrumentalities support the use of browsers including Google Chrome, Mozilla Firefox, Apple Safari, Microsoft Edge, Opera, Apple Safari for iOS and Google Chrome for Android. All of these browsers rely on browser engines comprising virtual machines to interpret and execute JavaScript and HTML to render web pages on a computer.

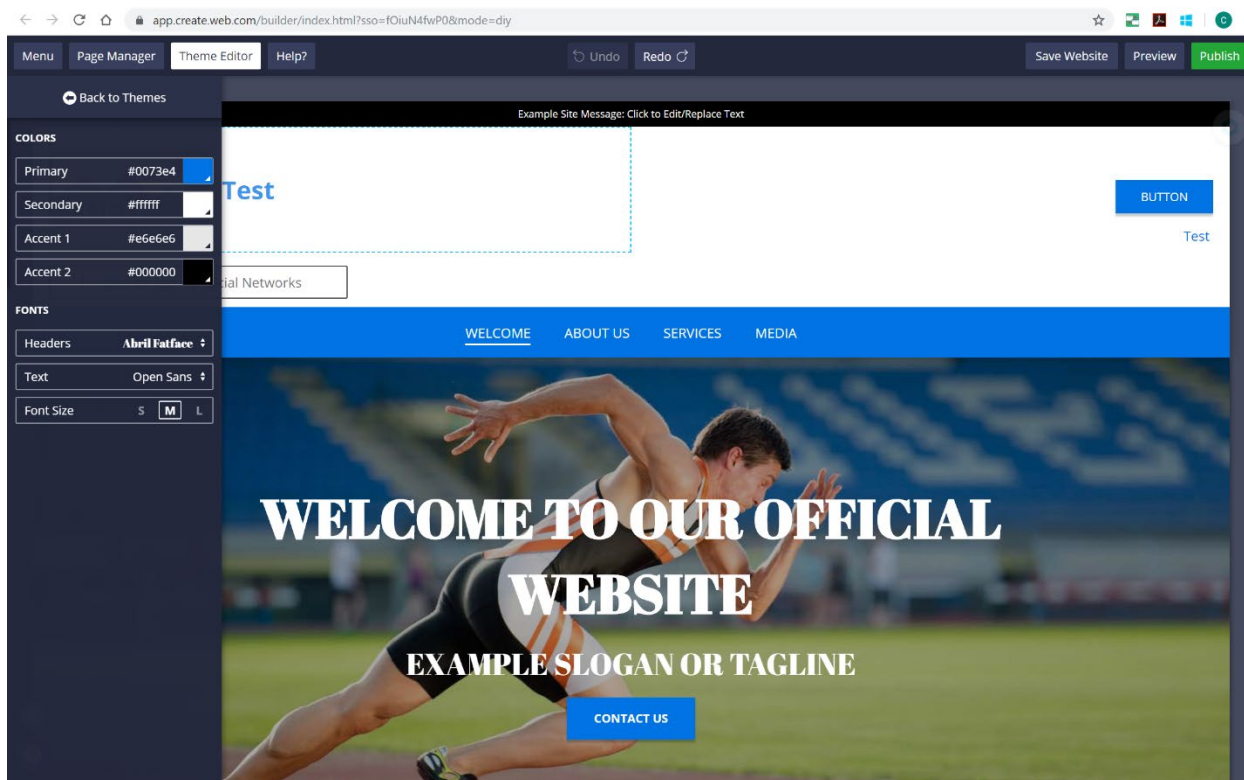
51. By way of further example, the Accused Instrumentalities enable users to produce websites through browsers on users' computers via interaction with an Internet server. For example, the Web.com website builder, shown below, presents through a browser on a computer a viewable menu having a user selectable panel of settings describing elements on a Website and the website builder is adapted to accept one or more selectable settings in the panels.



52. A display is generated in accordance with one or more user selected settings substantially contemporaneously with the selection thereof. A browser displayed the web.com site that is shown below, where the elements are added on the fly.



53. The display is generated, for example, using a visual editing tool through a browser. The Web.com website builder interface for selecting center alignment of an image can also be accessed, and then the user can select various options such as a font and paragraph styles. After the user selects options such as image/text alignment or font and paragraph styles through the Web.com Theme Editor, the display immediately updates to reflect the selected option. For example, when the font in the “Headers” field of the website shown above is changed from “Oswald” to “Abril Fatface,” the Header text on the website immediately changes.

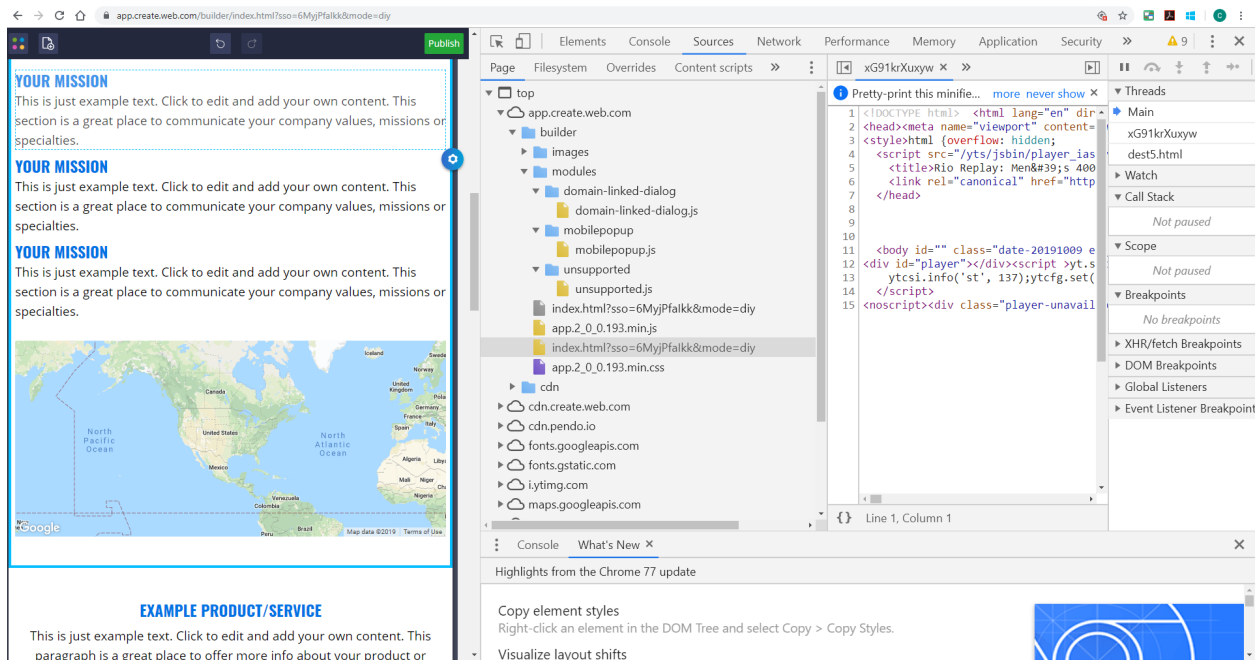


54. Data is stored including information corresponding to user selected settings such as, for example, the selections of text color. Other user selections are also stored in including, for example, the layout, image filenames, thumbnails, and paragraph margin settings for defining the alignment of an image location.

55. The Accused Instrumentalities build one or more web pages to generate a website from at least a portion of a database and at least one run time file, where at least one run time file utilizes information stored in said database to generate virtual machine commands for the display of at least a portion of said one or more web pages.

56. At run time, at least one run time file utilizes information stored in the database to generate the HTML, CSS, and JavaScript code for one or more displayed web pages. The HTML, CSS, JavaScript code represents virtual machine commands that are interpreted and executed by the applicable browser engine, which comprises an abstract machine that is not built in hardware

but is emulated in software, to render the web page display. In the exemplary screenshot below, at least one run time file in Web.com’s Website Builder generates HTML, CSS, and JavaScript code corresponding to the displayed web page shown above.



57. On information and belief, the Accused Instrumentalities further rely on the browser engine’s component JavaScript engine to either display a portion of the page directly, or generate HTML to be executed for display by the main layout engine.

58. The Accused Instrumentalities’ database is produced such that a web browser with access to a runtime engine is configured to generate the web-site from the objects and style data extracted from the provided database. The Accused Instrumentalities’ source code, such as the CSS, Java, JSON files, can be viewed in the file directory for the Accused Instrumentalities, and this directory includes various other run time files (including Javascript (\*.js) files, CSS (\*.css) files), and HTML files (\*.html)). It follows that a user will view the finalized website developed with said tools in a browser outside of the website authoring environment to verify the website conforms to the intended design.

59. The presence of the above referenced elements is demonstrated, by way of example, by reference to publicly available information. *See, e.g.*, <https://www.web.com/websites/make-your-own-website>;

<https://www.web.com/websites/make-your-own-website#Overview>;

<https://www.web.com/websites/make-your-own-website#Features>;

<https://www.web.com/websites/make-your-own-website#Showcase>;

<https://www.web.com/content/dam/webdotcom/target/video.png>.

60. On information and belief, 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.

61. On information and belief, Defendant was made aware of the '397 patent and its infringement thereof at least as early as February 28, 2013 and again on December 20, 2018 when Plaintiff provided notice of the '397 patent and Defendant's infringement of the '397 patent. Furthermore, Defendant has been aware of the '397 patent and its infringement thereof since at least the filing of the complaint.

62. 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 '397 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 '397 patent.

63. In particular, Defendant's actions that aid and abet others such as customers, clients, partners, developers, and end users to infringe include advertising and distributing the Accused



Instrumentalities and providing instruction materials, training, and services regarding the Accused Instrumentalities. Defendant actively encourages the adoption of the Accused Instrumentalities and provides support sites for the vast network of developers working with the Accused Instrumentalities, emphasizing the user-friendly nature of their website builder and explaining that “[o]ur website builder does the hard work for you. Once you get started you’ll be delighted at how fast you can create a website all by yourself. But don’t worry, we’ll be there every step of the way if you need it.” (See, e.g., <https://www.web.com/websites/make-your-own-website>.) 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 ’397 patent and knowledge that their acts were inducing infringement of the ’397 patent since at least the date Defendant received notice that such activities infringed the ’397 patent.

64. Upon information and belief, Defendant is liable as contributory infringers of the ’397 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States’ website or web page authoring tools to be especially made or adapted for use in an infringement of the ’397 patent. The Accused Instrumentalities are a material component for use in practicing the ’397 patent and are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

65. Upon information and belief, since the date of its receipt of notice, Defendant’s infringement of the ’397 patent has been willful.

66. Express Mobile has been harmed by Defendant’s infringing activities.

67. Defendant's infringement has damaged and continues to damage and injure Plaintiff. Plaintiff's injury is irreparable and will continue unless and until Defendant is enjoined by this Court from further infringement.

**COUNT II – INFRINGEMENT OF U.S. PATENT NO. 7,594,168**

68. Plaintiff incorporates by reference the allegations contained in paragraphs 1 to 67 above.

69. Defendant has manufactured, used, offered for sale, or sold products that infringe, either literally or under the doctrine of equivalents, one or more claims of the '168 patent in violation of 35 U.S.C. § 271(a). Defendant's infringement will continue unless enjoined by this Court.

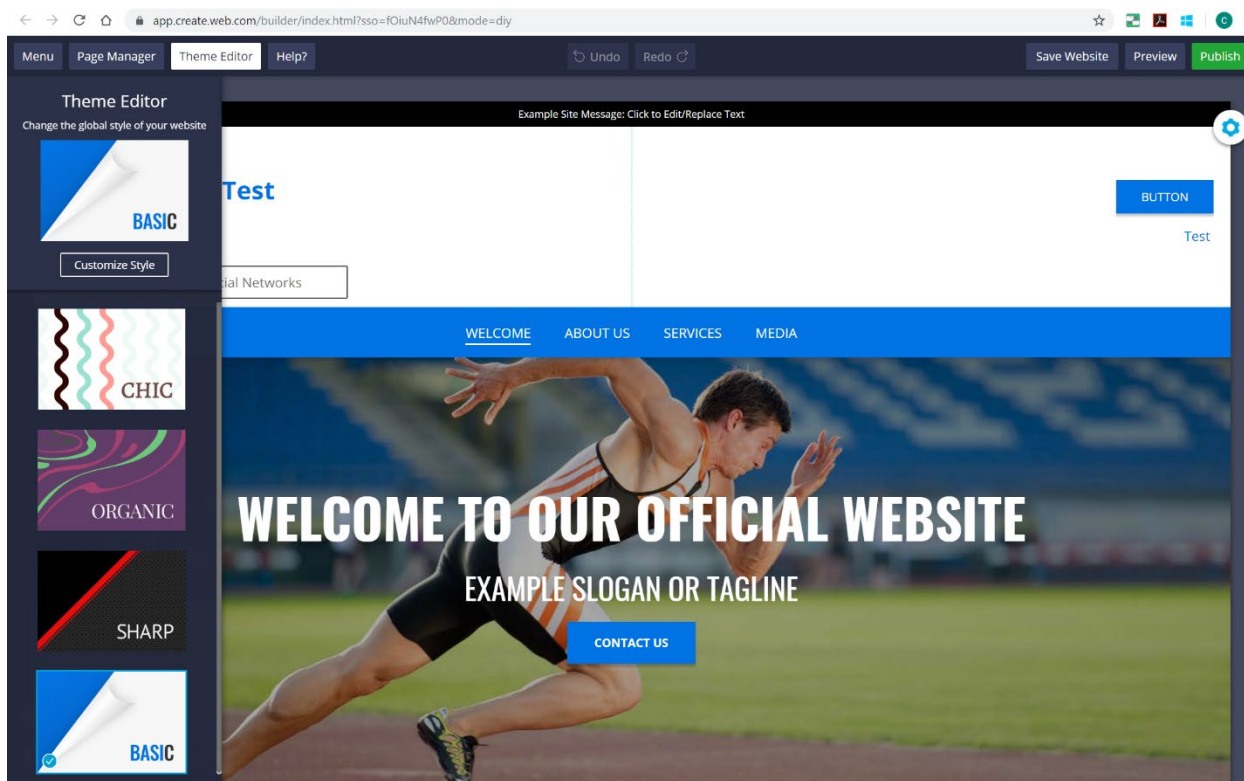
70. Upon information and belief, Defendant has and continues to directly infringe at least claim 1 of the '168 patent by using a browser-based website and/or web page authoring tool in which the user-selected settings representing website elements are stored in a database, and retrieval of said information to generate said website (the "Accused Instrumentalities"). The Accused Instrumentalities include but are not limited to Defendant's website building tools.

71. In particular, claim 1 of the '168 patent generally recites a system for assembling a website comprising a server with a build engine, the website comprising web pages with objects (one button or one image object), the server accepting user input to associate a style with objects, wherein a button or image object is associated with a style that includes values defining transformations and time lines; wherein each web page is defined entirely by the objects and the style associated with the object, produce a database with a multidimensional array comprising the objects that comprise the website including data defining the object style, number, and an indication of the web page that each object is part of, and provide the database to a server accessible

to web browser; wherein the database is produced such that a web browser with access to a run time engine file that is executed at run time that facilitates retrieval of information from the database and generates commands to display a web page or website is configured to generate the website from the objects and style data extracted from the provided database. *See, e.g., X Commerce, Inc. v Express Mobile, Inc.*, Case No 17-cv-02605-RS, NDCA, DKT 79-7.

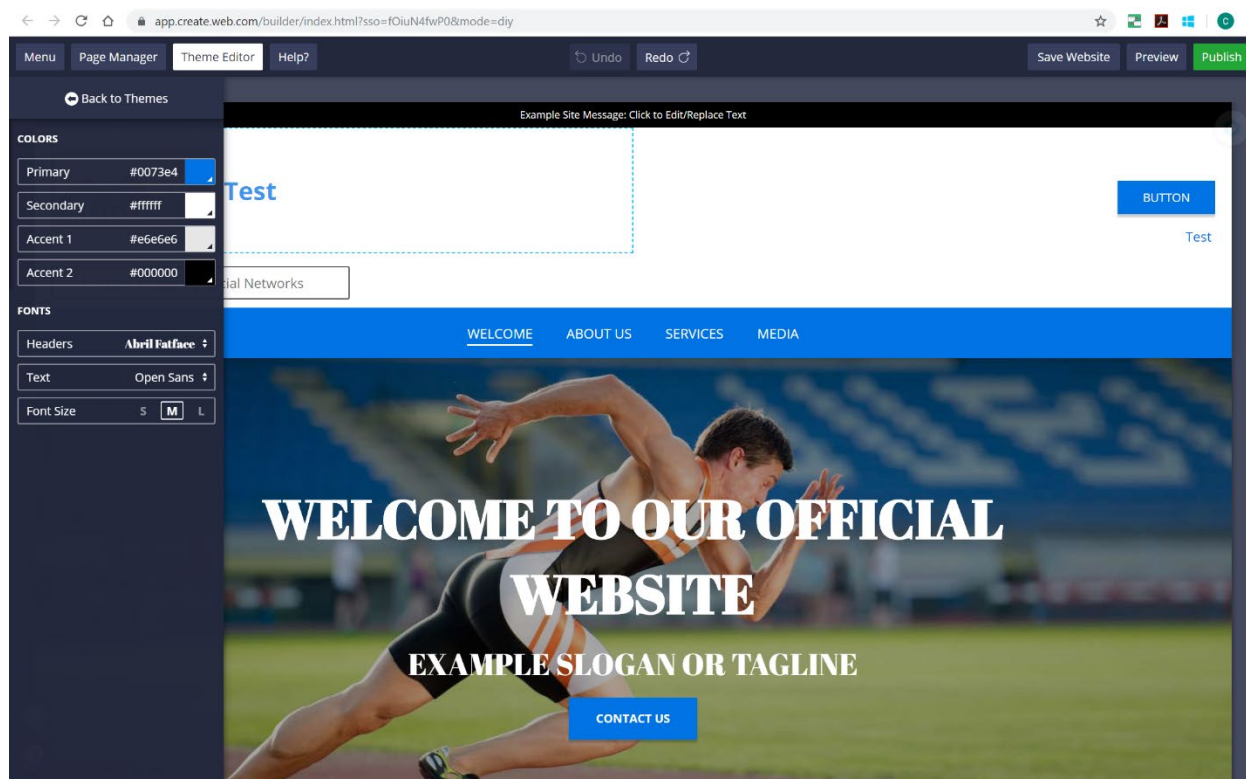
72. The Accused Instrumentalities infringe claim 1 of the '168 patent through a combination of features which collectively practice each limitation of claim 1.

73. By way of example, the Accused Instrumentalities comprise Defendant's website builder's Theme Editor, shown below, as part of a system for assembling a Web site.

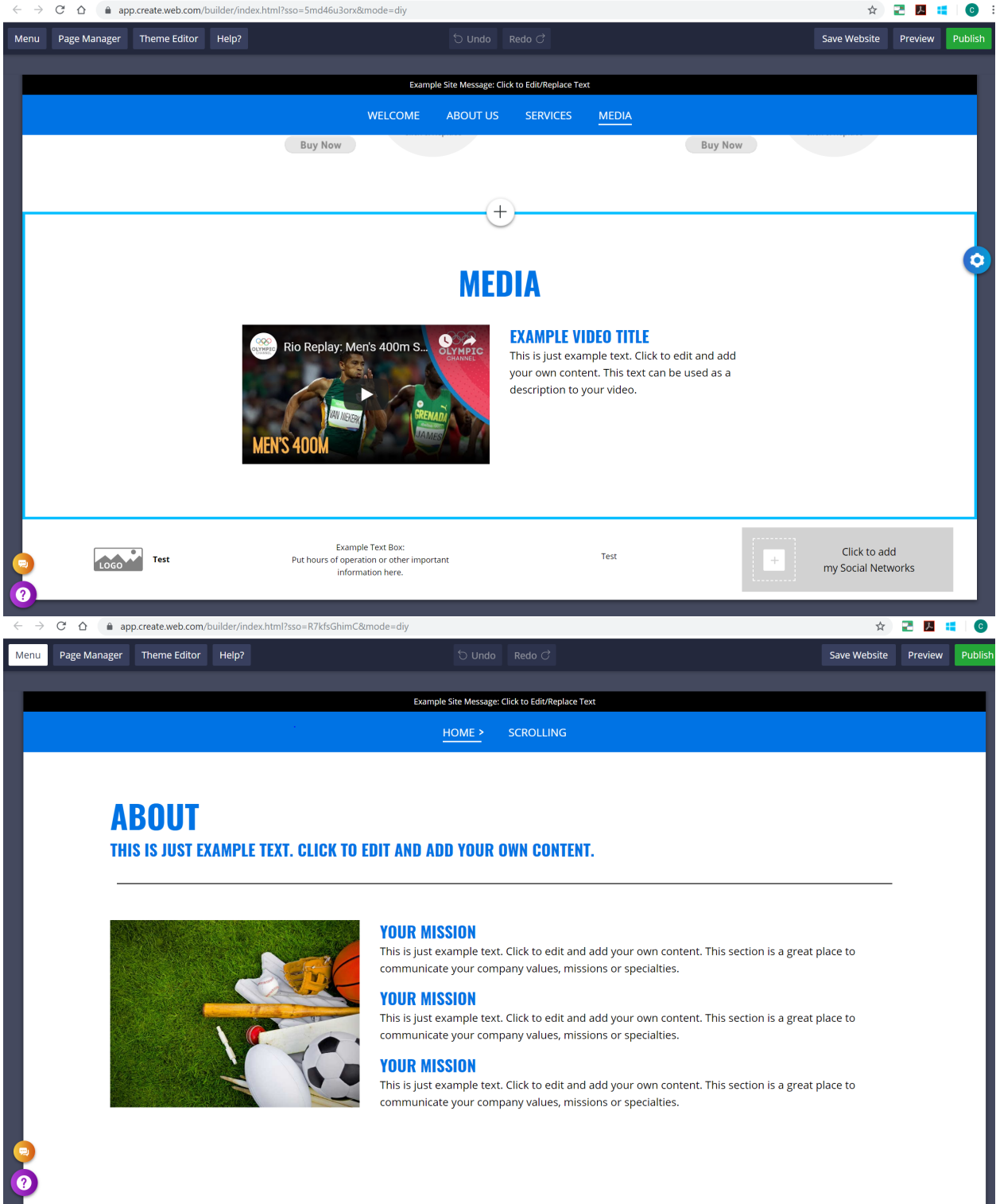


74. The Accused Instrumentalities' build engine is configured to accept user input to create a website comprising a plurality of web pages, where each web page comprising a plurality of objects. For example, as shown in the screen shot below, the web.com website builder, along with its Theme Editor, is configured to accept user input and create a website. One can select

themes and then customize those themes (fonts, colors, etc.), using the “Customize Style” option shown below.

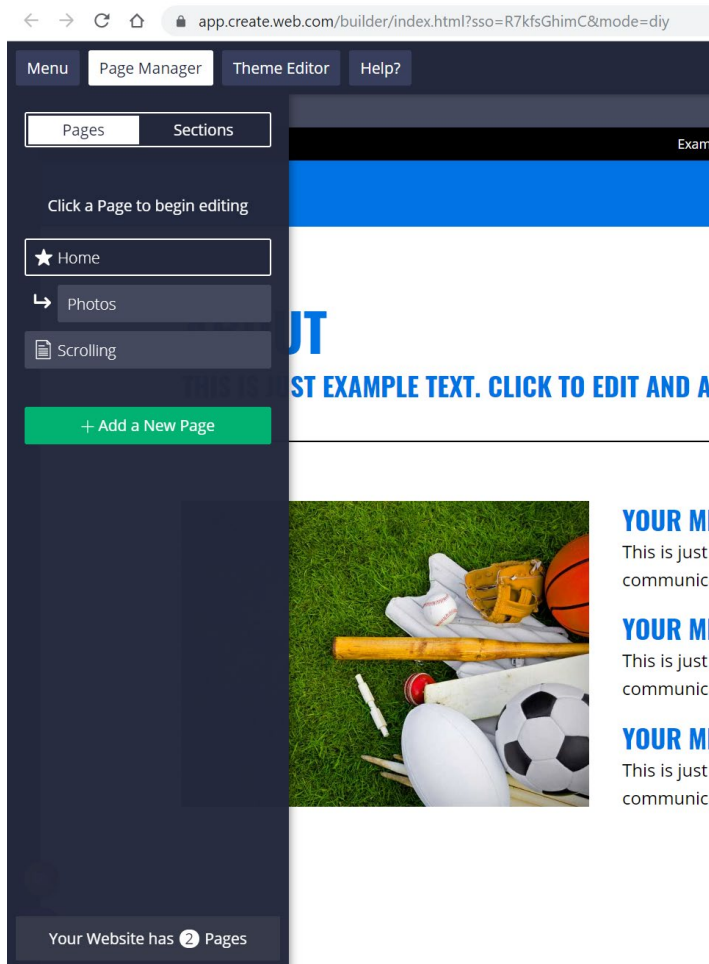


75. As shown in the screen shot below, the website is capable of comprising a plurality of web pages, each web page comprising a plurality of objects, including, but not limited to, multimedia objects, such as “images” or “videos.” The website screenshot below includes links to multiple sections of a web page, including a “Welcome” page, an “About Us” page, a “Services” page, and a “Media” page. In one screenshot below, the “Media” section is shown and comprises a plurality of objects, including an embedded video. In the “About Us” section shown below, the web page displays an image of sporting equipment.

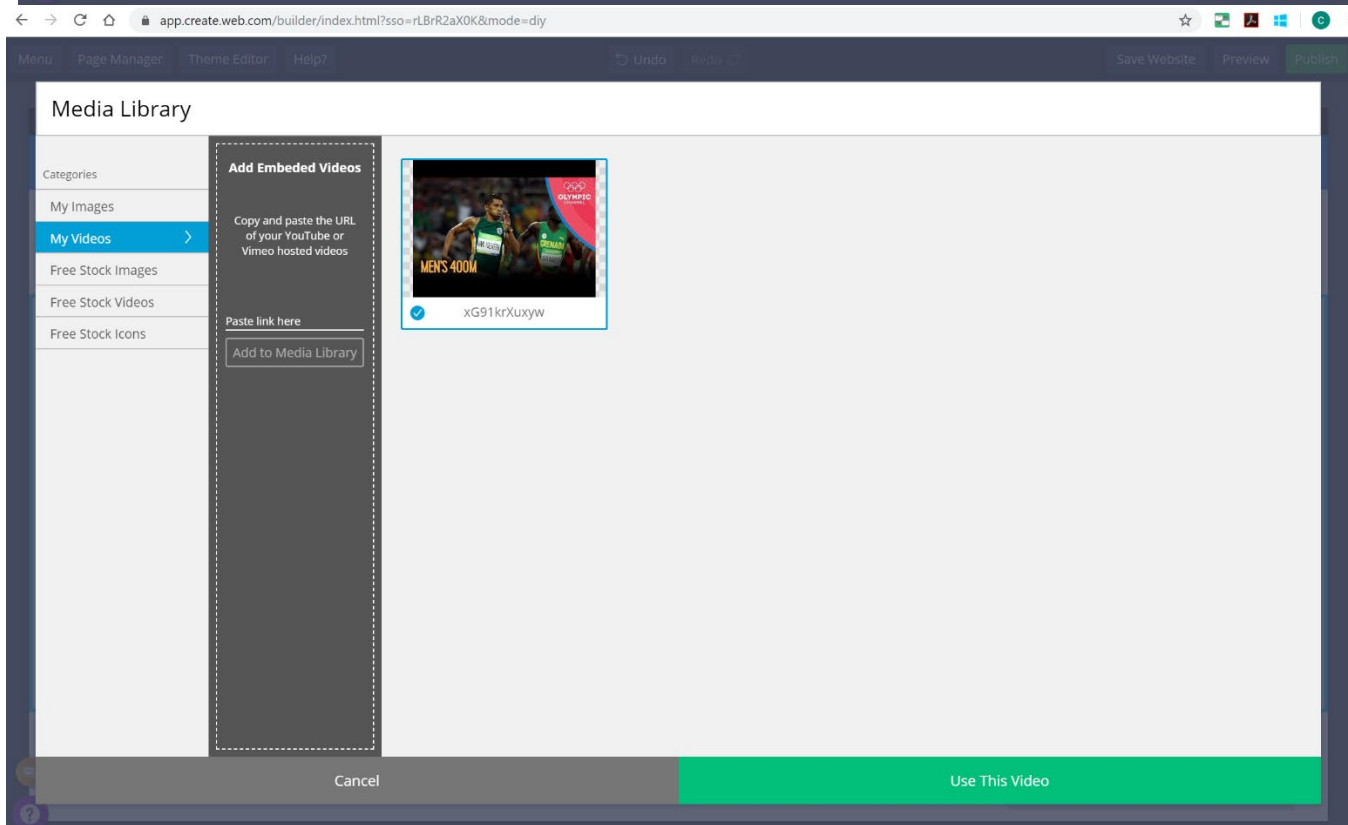
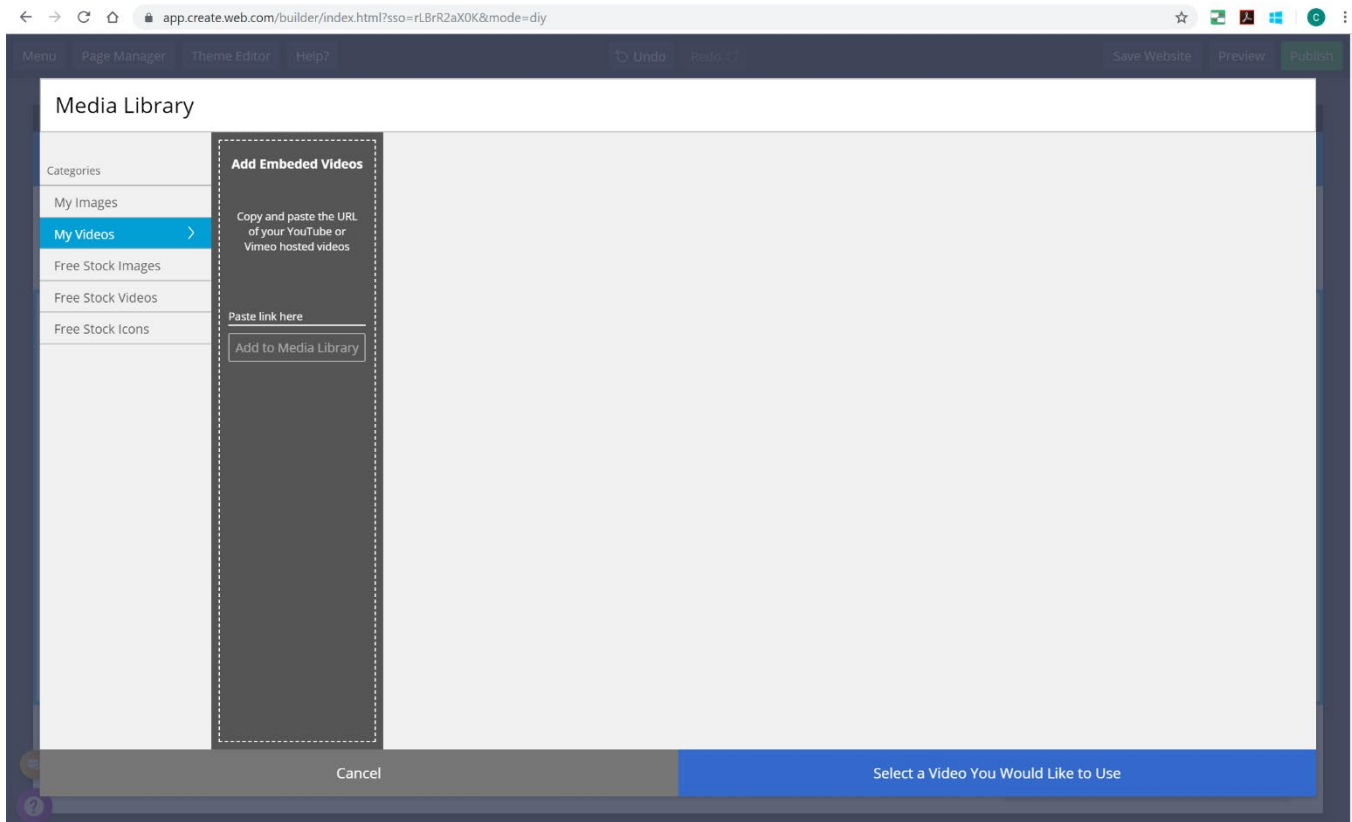


76. Additionally, web.com Website Builder contains a “Page Manager.” The “Page Manager” includes an option to “Add a New Page,” which underscores that the web.com Website Builder is capable of creating websites that contain multiple web pages. The very bottom of the

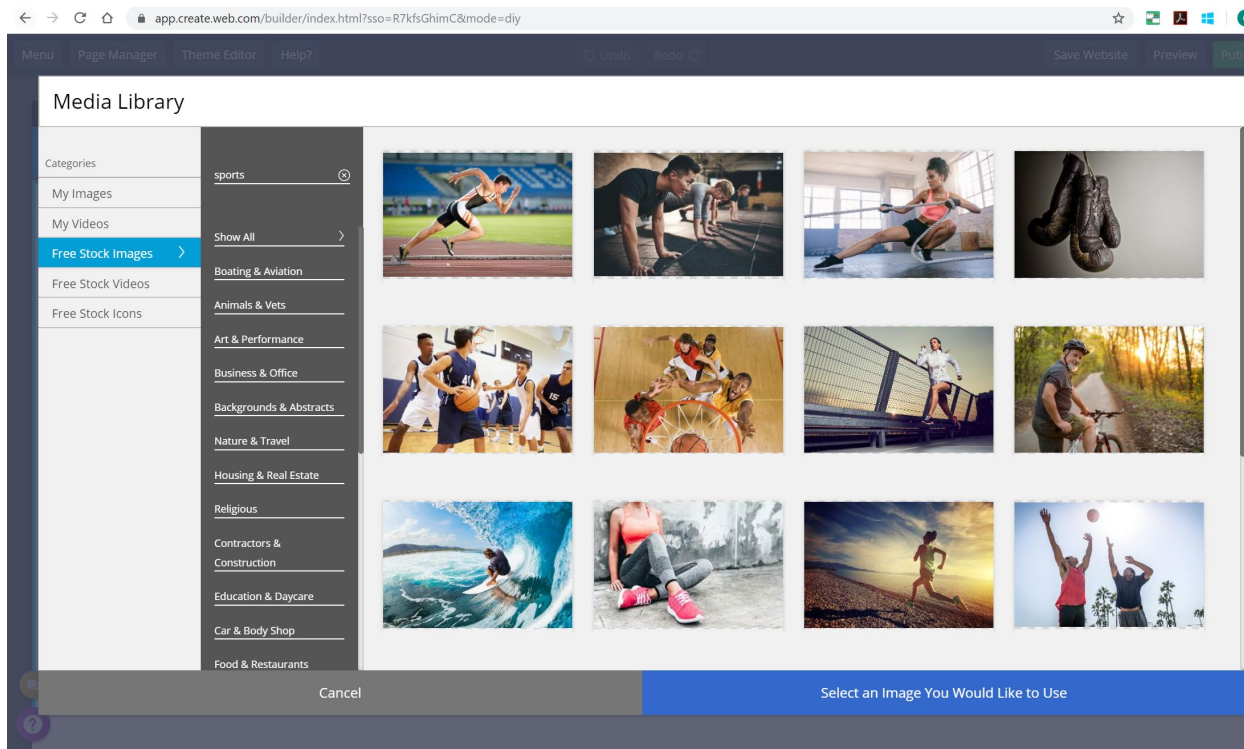
“Page Manager” indicates that the website has “2 pages,” and when users add additional web pages this indicator will show that there are 3 or more pages on the website, as reflected in the image below.



77. Both the embedded video and sporting goods images that are illustrated in the webpage above were integrated into the webpage using the web.com website builder. The screenshots below illustrate a “Media Library,” integrated in the web.com Website Builder, that allow the user to add and incorporate videos or images into the web site’s pages.

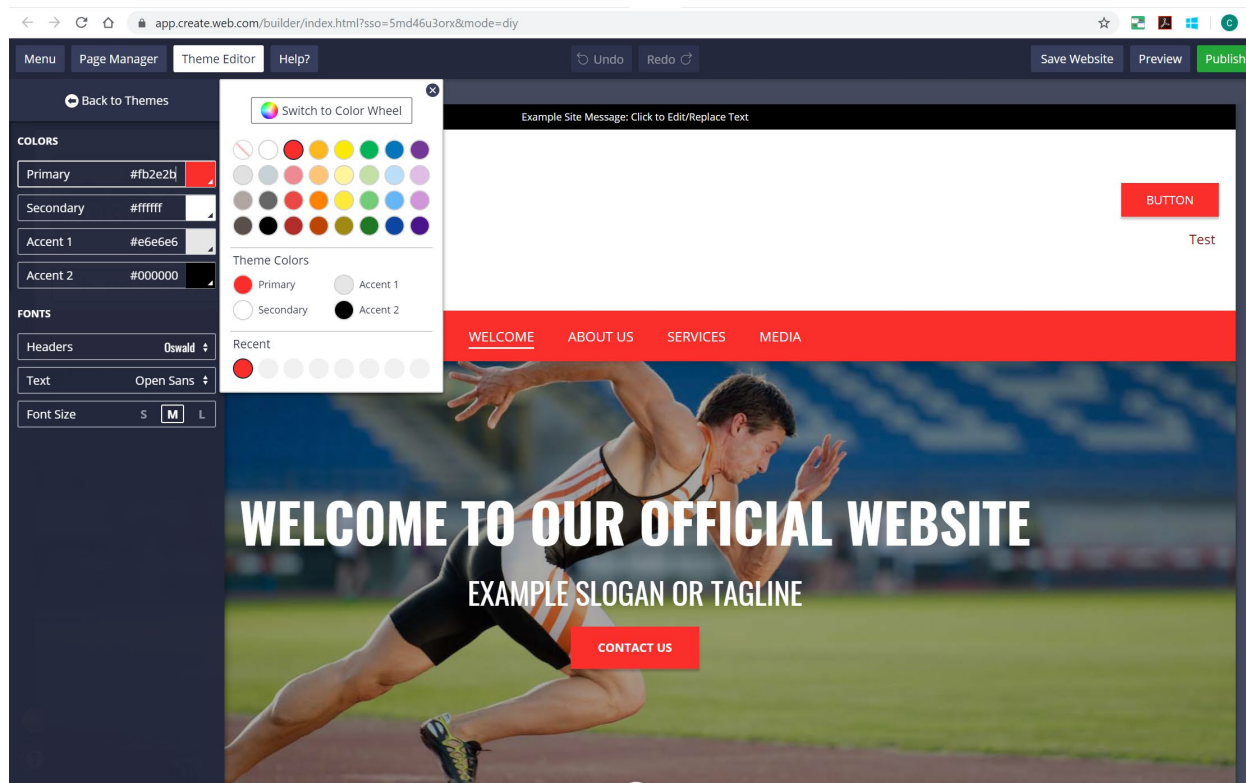
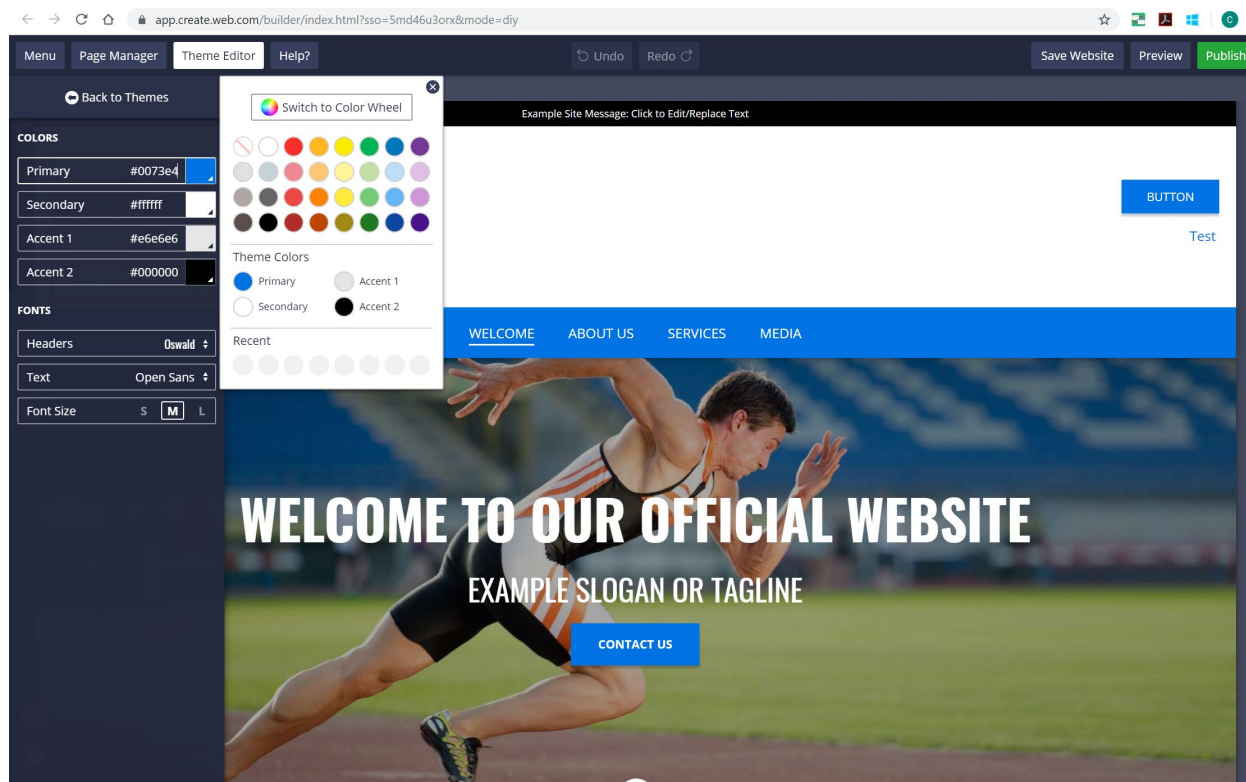




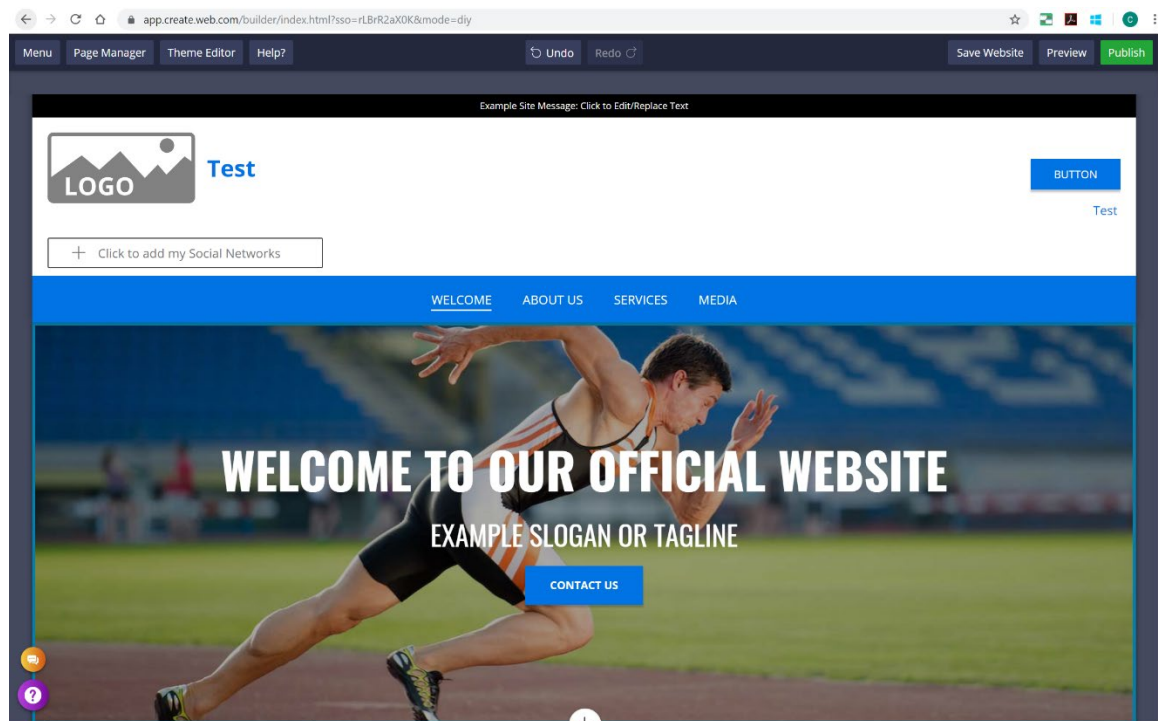


78. Additionally, the Accused Instrumentalities’ build engine is configured to accept user input to associate a style with objects of the plurality of web pages. As shown in the screen shots below, by using the web.com website builder’s Theme Editor, a user can input fields to associate a style, such as “color,” with an object. A new style can be created by selecting the various options below. The first screenshot below illustrates an option to switch the “Primary” color of the website. The selection of the color in the first screenshot is blue. However, the second screenshot shows that one can use the website builder’s Theme Editor to change the “Primary” color to red.

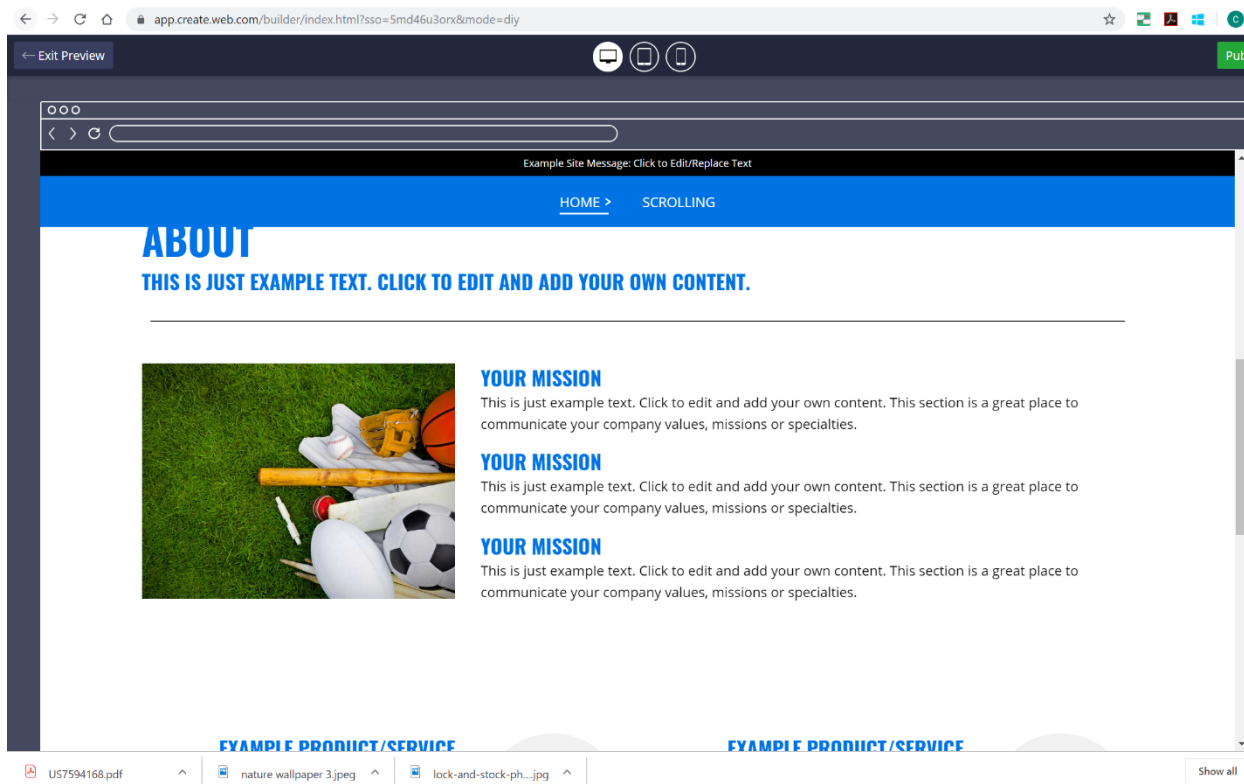




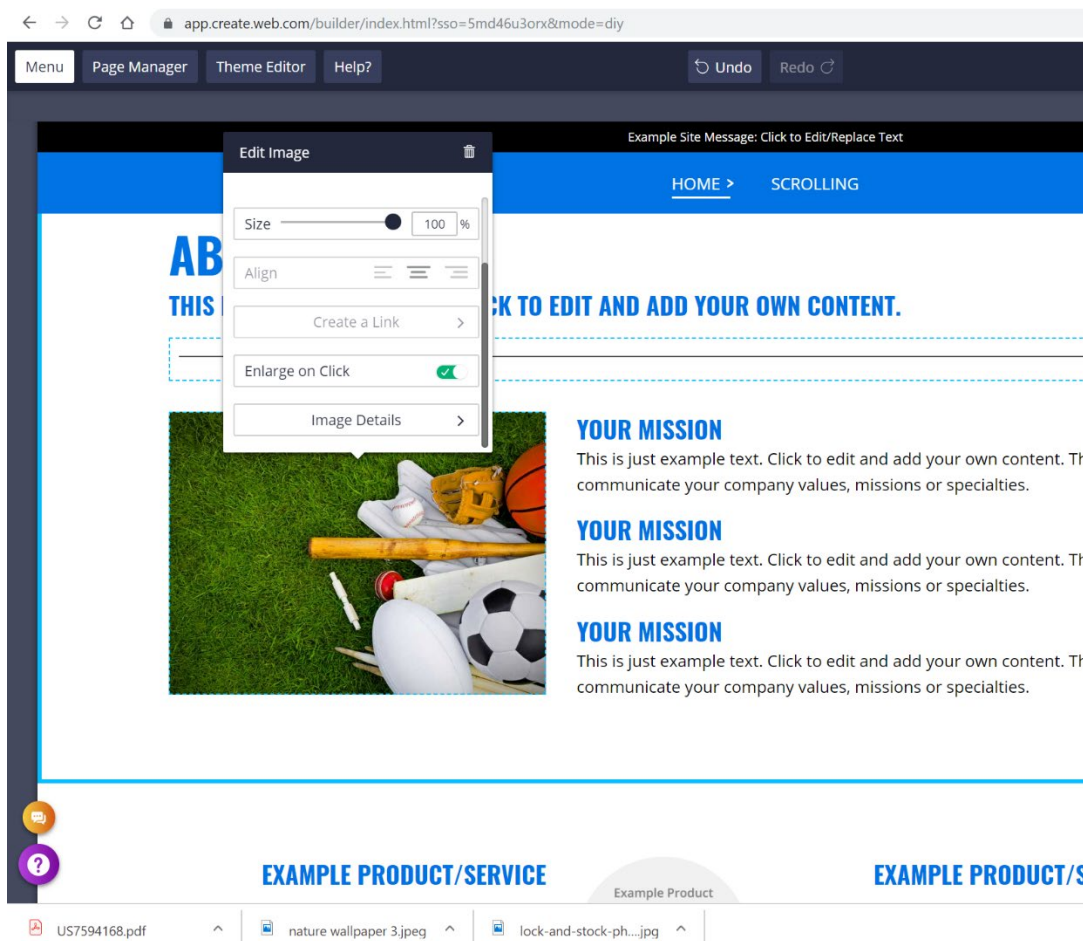
79. Each web page can comprise at least one button object or at least one image object, as shown in the screen shots below. These screenshots illustrate both a “Button” object (top right corner) and an image object at the center of the screen.



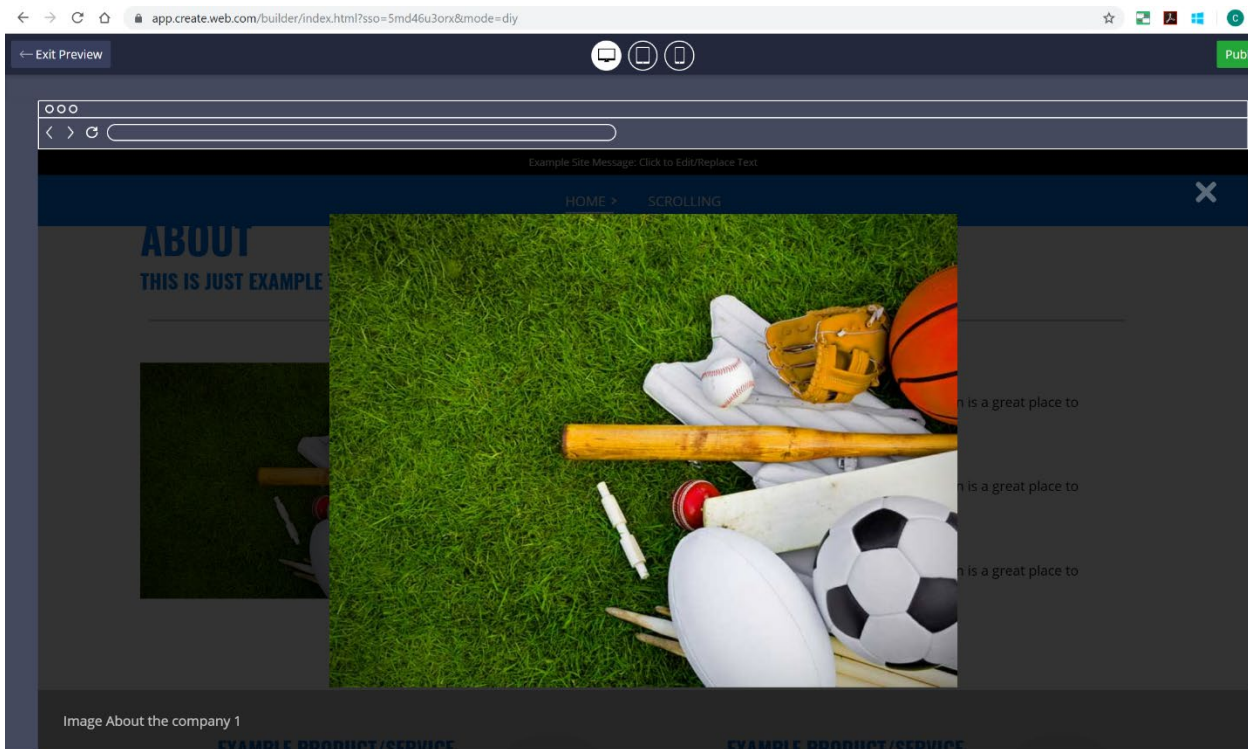
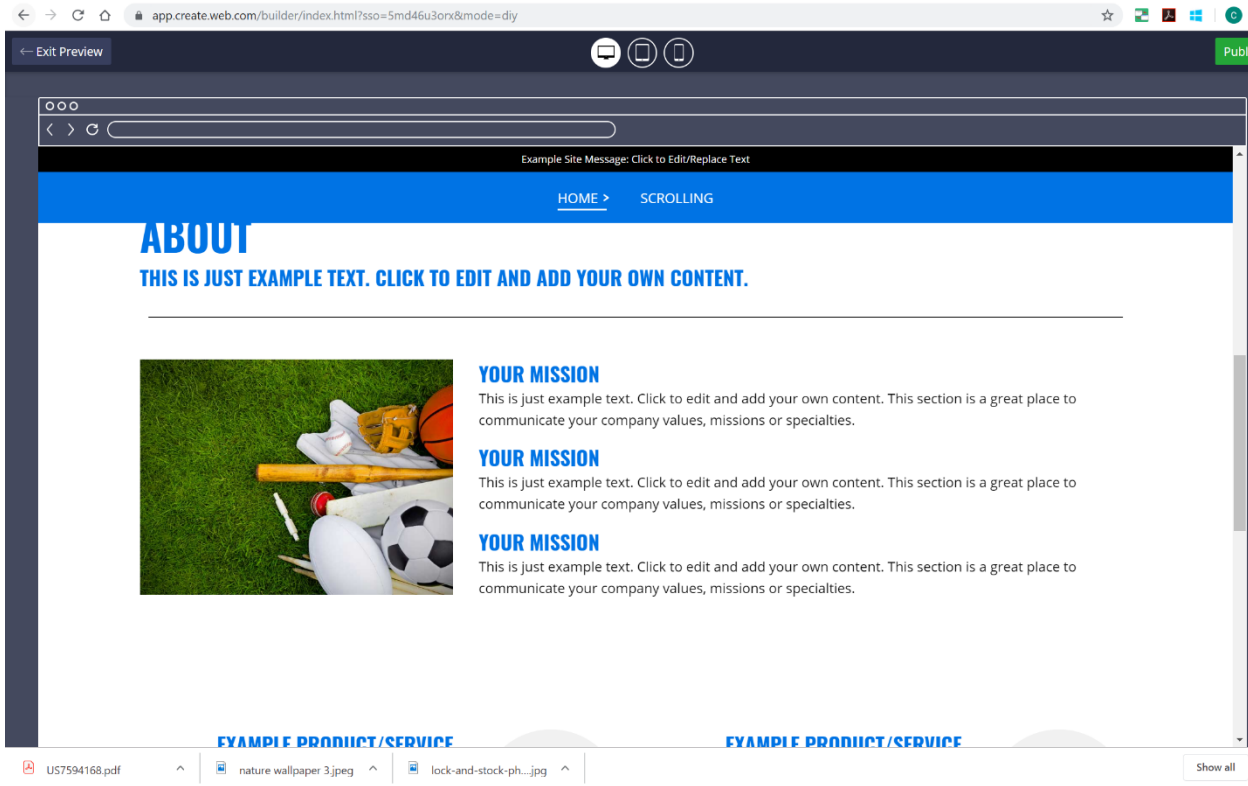
80. An image object is also shown in the screenshot below, which illustrates the website builder in a preview mode. In this mode, an image of sporting goods equipment appears in the web browser.



81. In this example, at least one image object is associated with a style that includes values defining transformations and time lines for the at least one button or at least one image object. In the web.com Website Builder, for example, one can select the image object shown above and select a checkbox that triggers a setting called “Enlarge on Click.”



82. In the exemplary screenshots of the previewed website below, images associated with the “Enlarge on Click” animation style are shown. The first screenshot shows the image in an unenlarged form, while the second screenshot shows the transformed image that results after a user clicks on the image. The animations conveyed in the screenshots reflect transformations and time lines associated with the enlargement of the image.

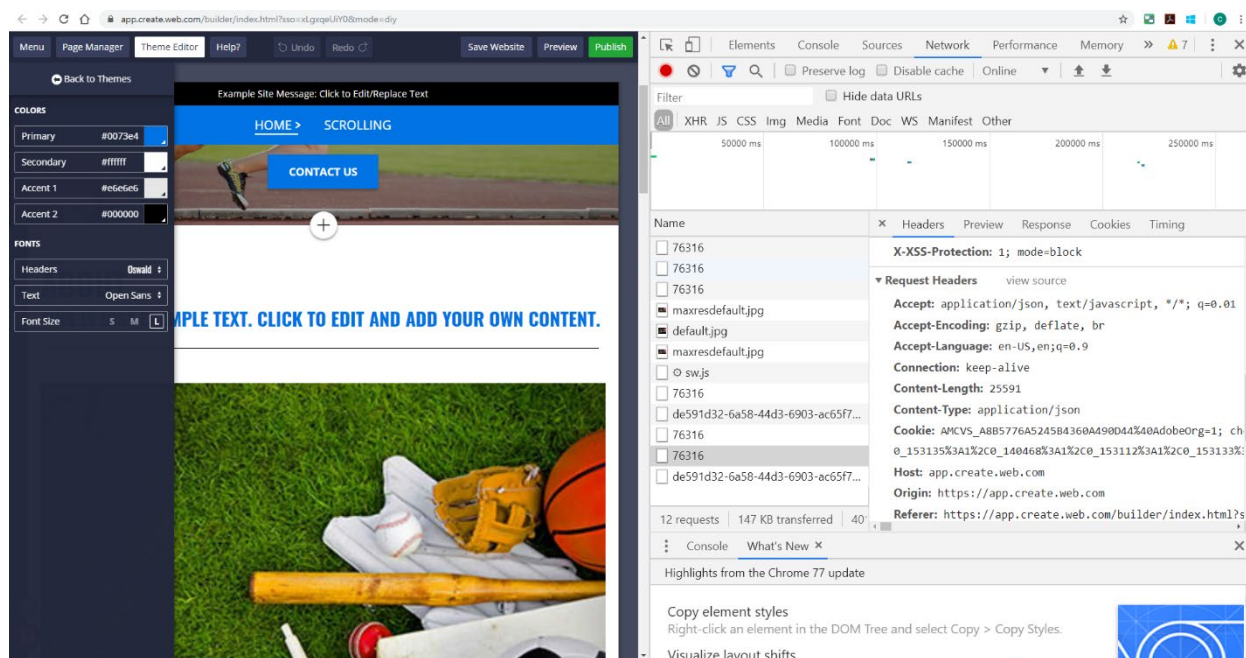


83. Each Accused Instrumentalities' web page is defined entirely by each of the plurality of objects comprising that web page and the style associated with the object.



84. The Accused Instrumentalities are configured to produce a database with a multidimensional array comprising the objects that comprise the web site. For example, Web.com website builder stores objects that comprise a website into a database with a multi-dimensional array. The screenshots above show that the database is hosted on a server at the URL `app.create.web.com`. Moreover, the Accused Instrumentalities include data defining, for each object, the object number, an object number, and an indication of the web page that each object is part. For example, the presence of a database (or databases) in Web.com's website builder is evidenced by, among other things, the saving of the user selectable settings formatted in JavaScript Object Notation (JSON) to the backend server. As seen below, shortly after a user selects a new text size for the Oswald font (the "L" font size), Web.com's website builder processes and saves the settings formatted in JSON ("application/json" is the request header). JSON is a data format frequently used to store and query databases. *See, e.g.,* <https://www.infoworld.com/article/3222851/what-is-json-javascript-object-notation-explained.html>. Other user selected settings stored include theme, cover image, accent,

alignment, font, logo, among others.



85. The Accused Instrumentalities are configured to provide the database to a server accessible to a web browser. For example, Web.com's website builder provides the database for its users' websites to a server accessible over the Internet by web browsers. Web.com's servers host websites for its users over the Internet that include the web pages created using Accused Instrumentalities. These websites are accessible to website visitors through a web browser.

86. The Accused Instrumentalities' database is produced such that a web browser with access to a runtime engine is configured to generate the web-site from the objects and style data extracted from the provided database. Web.com's servers use the database of object and style data to send files to website visitors that allow the visitor's web browser to generate the website from the data in the database. The visitor's web browser has access to runtime engine files that facilitate retrieval of the objects and style data from Web.com's databases.

87. On information and belief, 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.

88. On information and belief, Defendant was made aware of the '168 patent and its infringement thereof at least as early February 28, 2013 when Plaintiff provided notice of the '168 patent and Defendant's infringement of the '168 patent. Furthermore, Defendant has been aware of the '168 patent and its infringement thereof since at least the filing of the complaint.

89. 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 '168 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 '168 patent.

90. In particular, Defendant's actions that aid and abet others such as customers, clients, partners, developers, and end users to infringe include advertising and distributing the Accused Instrumentalities and providing instruction materials, training, and services regarding the Accused Instrumentalities. Defendant actively encourages the adoption of the Accused Instrumentalities and provides support sites for the vast network of developers working with the Accused Instrumentalities, emphasizing the user-friendly nature of their website builder and explaining that "[o]ur website builder does the hard work for you. Once you get started you'll be delighted at how fast you can create a website all by yourself. But don't worry, we'll be there every step of the way if you need it." (*See, e.g.*, <https://www.web.com/websites/make-your-own-website>). 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 '168 patent and knowledge that their acts were inducing infringement of the '168 patent since at least the date Defendant received notice that such activities infringed the '168 patent.

91. Upon information and belief, Defendant is liable as contributory infringer of the '168 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States website or web page authoring tools to be especially made or adapted for use in an infringement of the '168 patent. The Accused Instrumentalities are a material component for use in practicing the '168 patent and are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

92. Upon information and belief, since the date of its receipt of notice, Defendant's infringement of the '168 patent has been willful.

93. Express Mobile has been harmed by Defendant's infringing activities.

94. Defendant's infringement has damaged and continues to damage and injure Plaintiff. Plaintiff's injury is irreparable and will continue unless and until Defendant is enjoined by this Court from further infringement.

### **COUNT III – INFRINGEMENT OF U.S. PATENT NO. 9,063,755**

95. Plaintiff incorporates by reference the allegations contained in paragraphs 1 to 94 above.

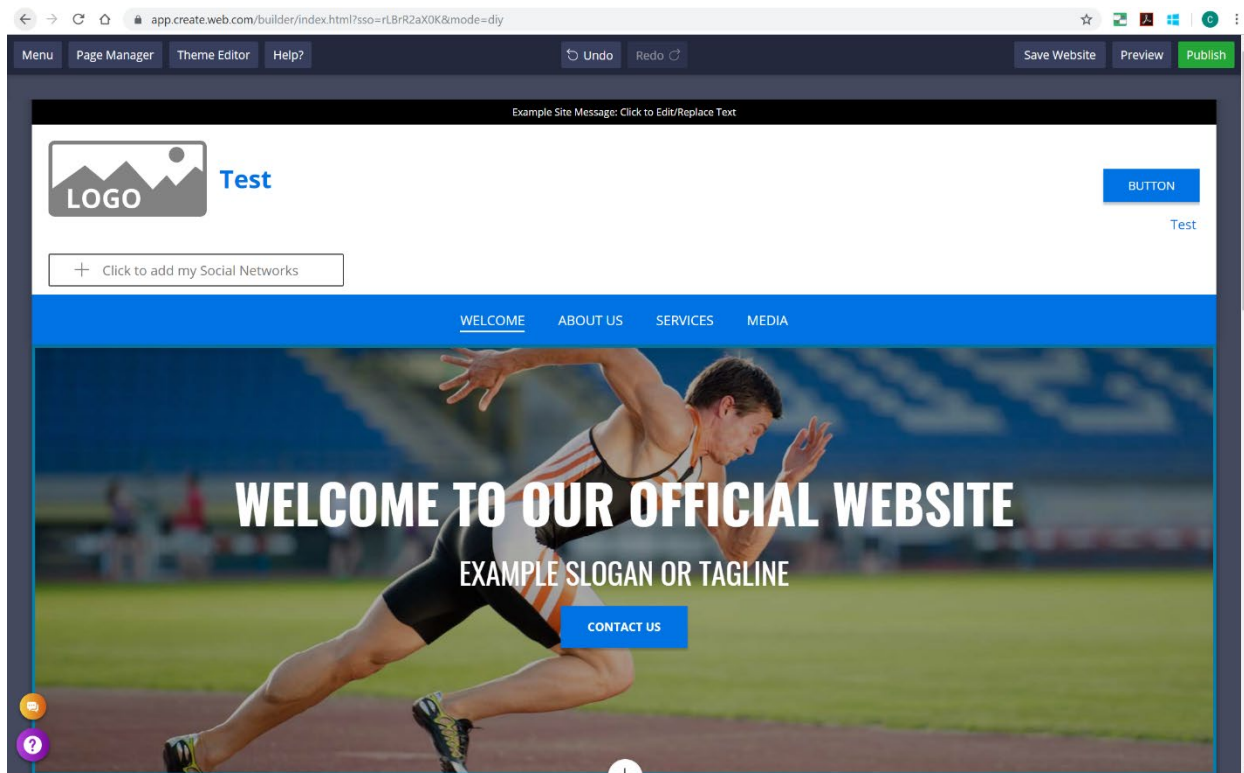
96. Defendant has manufactured, used, offered for sale, or sold products that infringe, either literally or under the doctrine of equivalents, one or more claims of the '755 patent in violation of 35 U.S.C. § 271(a). Defendant's infringement will continue unless enjoined by this Court.

97. Upon information and belief, Defendant has and continues to directly infringe at least claim 12 of the '755 patent by a system for generating code to provide content on a display of a device. The system includes a computer memory and an authoring tool. The computer memory stores a registry of: a) symbolic names required for evoking one or more web components each related to a set of inputs and outputs of a web service obtainable over a network, where the symbolic names are character strings that do not contain either a persistent address or pointer to an output value accessible to the web service, where each symbolic name has an associated data format class type corresponding to a subclass of User Interface (UI) objects that support the data format type of the symbolic name, and has a preferred UI object, and b) an address of the web service. The authoring tool is configured to: define a (UI) object for presentation on the display, where the defined UI object corresponds to a web component included in the registry selected from a group consisting of an input of the web service and an output of the web service; access the computer memory to select the symbolic name corresponding to the web component of the defined UI object, associate the selected symbolic name with the defined UI object; produce an Application including the selected symbolic name of the defined UI object, where the Application is a device-independent code; and produce a Player, where the Player is a device-dependent code, such that when the Application and Player are provided to the device and executed on the device, and when the user of the device provides one or more input values associated with an input symbolic name to an input of the defined UI object, 1) the device provides the user provided one or more input values and corresponding input symbolic name to the web service, 2) the web service utilizes the input symbolic name and the user provided one or more input values for generating one or more output values having an associated output symbolic name, 3) the Player receives the output symbolic name and corresponding one or more output values and provides instructions. (The

“Accused Instrumentalities”). The Accused Instrumentalities include the Web.com Theme Editor that enables the functionality described above.

98. In particular, claim 12 of the '755 patent recites a system for generating code to provide content on a display of a device, said system comprising: computer memory storing a registry of: a) symbolic names required for evoking one or more web components each related to a set of inputs and outputs of a web service obtainable over a network, where the symbolic names are character strings that do not contain either a persistent address or pointer to an output value accessible to the web service, and b) the address of the web service; an authoring tool configured to: define a user interface (UI) object for presentation on the display, where said UI object corresponds to the web component included in said registry selected from the group consisting of an input of the web service and an output of the web service, access said computer memory to select the symbolic name corresponding to the web component of the defined UI object, associate the selected symbolic name with the defined UI object, produce an Application including the selected symbolic name of the defined UI object, where said Application is a device-independent code, and produce a Player, where said Player is a device-dependent code; such that, when the Application and Player are provided to the device and executed on the device, and when a user of the device provides one or more input values associated with an input symbolic name to an input of defined UI object, 1) the device provides the user provided one or more input values and corresponding input symbolic name to the web service, 2) the web service utilizes the input symbolic name and the user provided one or more input values for generating one or more output values having an associated output symbolic name, 3) said Player receives the output symbolic name and corresponding one or more output values and provides instructions for a display of the device to present an output value in the defined UI object.

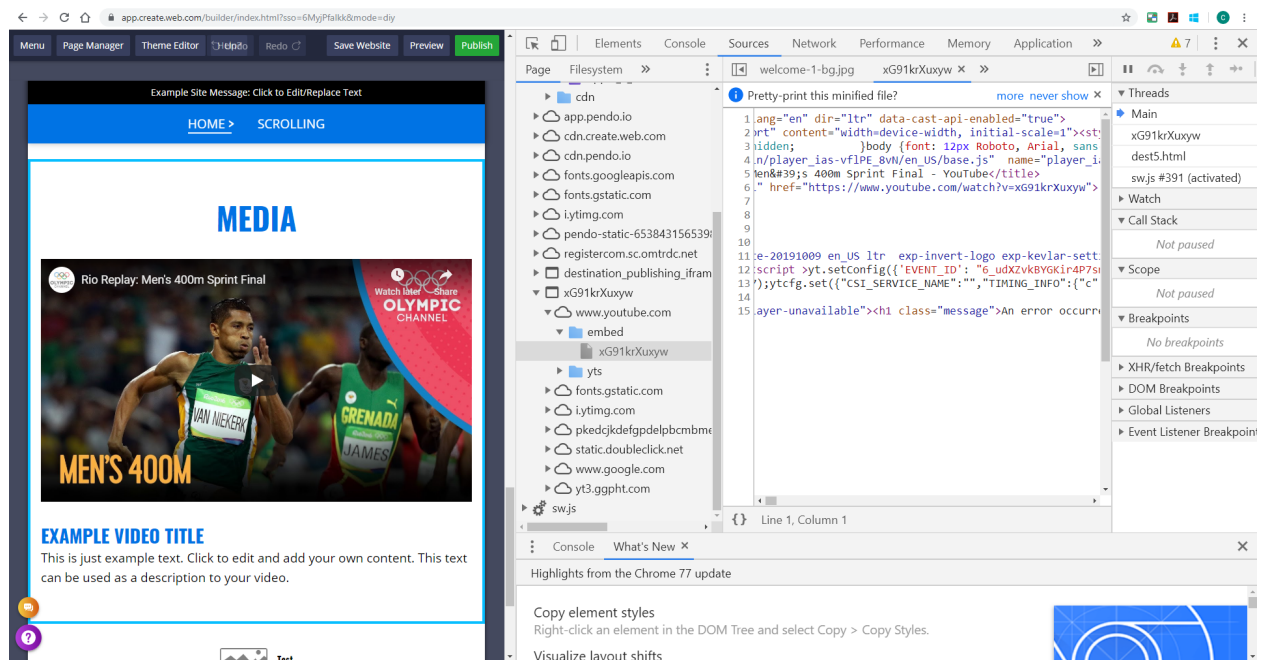
99. The Accused Instrumentalities infringe claim 12 of the '755 patent through a combination of features which collectively practice each limitation for displaying content on a display of a device utilizing a registry of one or more web components related to inputs and outputs of a web service. By way of example, the method is for displaying content on a display of a device as shown in the screen shot below.



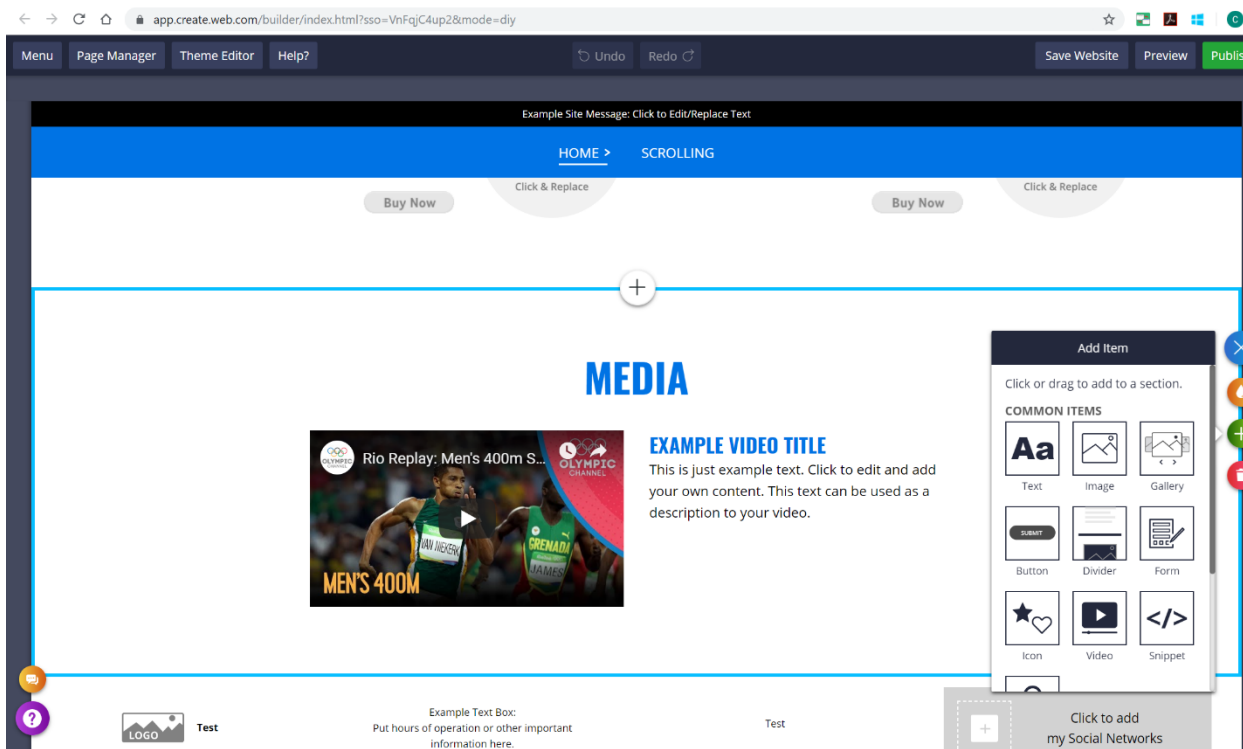
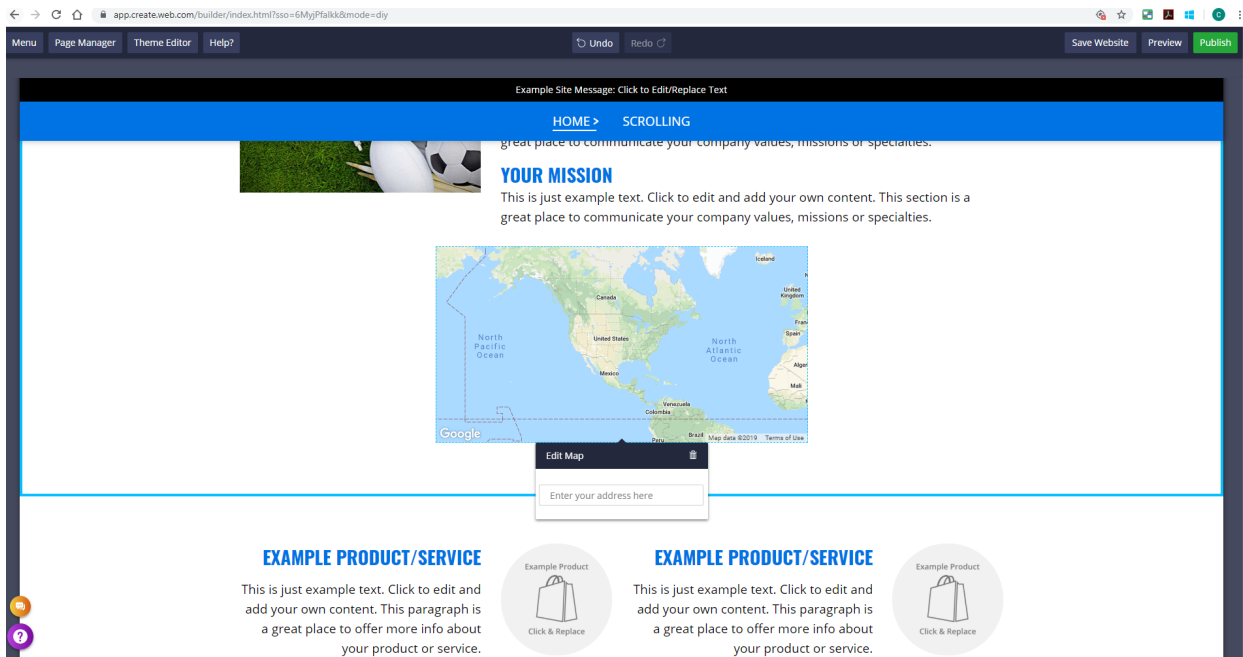
100. The Accused Instrumentalities store a registry of symbolic names required to evoke a web component (e.g., map, video, etc.) and address of a web service (e.g., YouTube video).

101. The Accused Instrumentalities include the ability to select web components for display on a web page. Users can add content to their website accessible by symbolic names. This content includes web components that relate to inputs and outputs of web services over the Internet. For example, Web.com's Website Builder integrates with third-party web services such as YouTube, Vimeo, Facebook, Instagram, among others. For example, a user can add a video section with videos provided from the YouTube web service.

102. Web.com’s Website Builder also stores an address of the web service. For example, the exemplary screenshot below shows that Web.com stores the web address of the YouTube web service for retrieving video content (as discussed in more detail below).

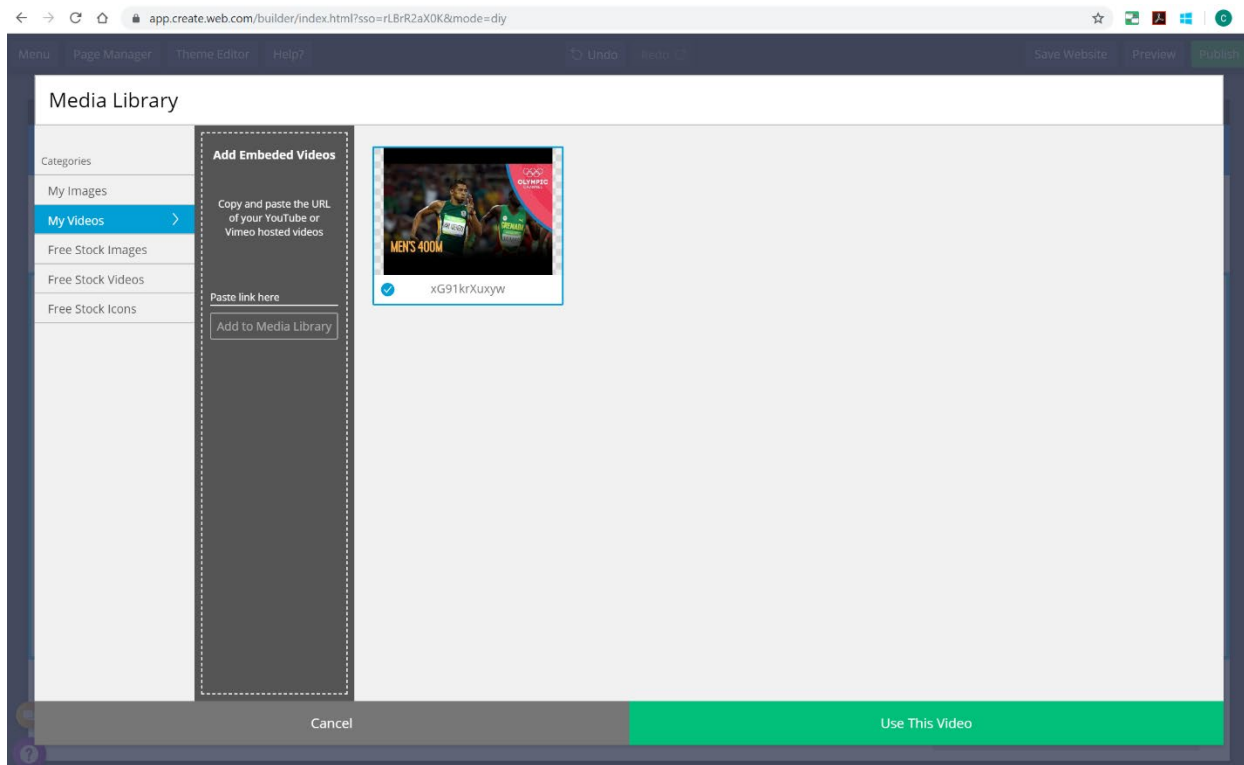


103. Accused Instrumentalities define a user interface (UI) object for presentation on the display, where said UI object corresponds to a web component included in said registry selected from the group consisting of an input of the web service and an output of the web service. For example, Web.com Website Builder, shown in the screenshots below, allows users to define UI objects on their website for maps and videos. These UI objects correspond to map and video web components. These web components include both inputs from and outputs to corresponding web services.



104. The Accused Instrumentalities allow Web.com users to define UI objects on their website. For example, the Web.com Website Builder’s “Add Item” function defines UI objects (e.g., text, input fields, buttons, images, and divs) for presentation on a display, where the

defined UI objects correspond to a web components included in the registry selected from a group consisting of an input of the web service and an output of the web service. The screenshots below show that the Web.com Website Builder allows a user to insert a video web component to the website. The video web component includes both inputs from and outputs to corresponding a web service (e.g., YouTube).



105. The Accused Instrumentalities select the symbolic name from the web component (i.e., Theme Editor, Widget, or Plug-in) corresponding to the defined UI object. For example, Web.com's Website Builder is configured to generate a section of type video that includes an embedded video when a user selects to add "My Videos" to their website. The selected symbolic name for the video web component is associated with the UI object.

106. The Accused Instrumentalities include producing an Application including the selected symbolic name of the defined UI object, where the Application is a device-independent code. For example, the "My Videos" section with a video is built from at least a portion of the

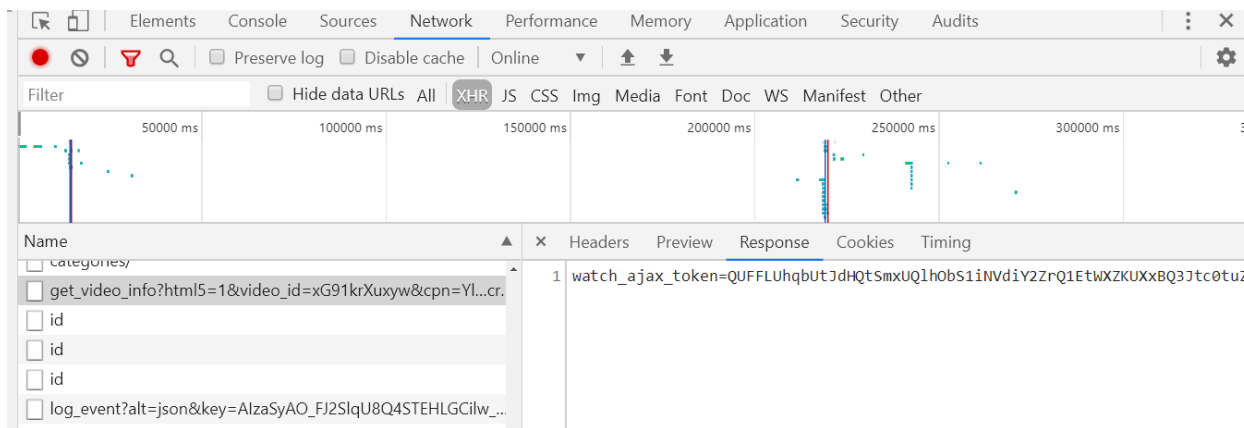
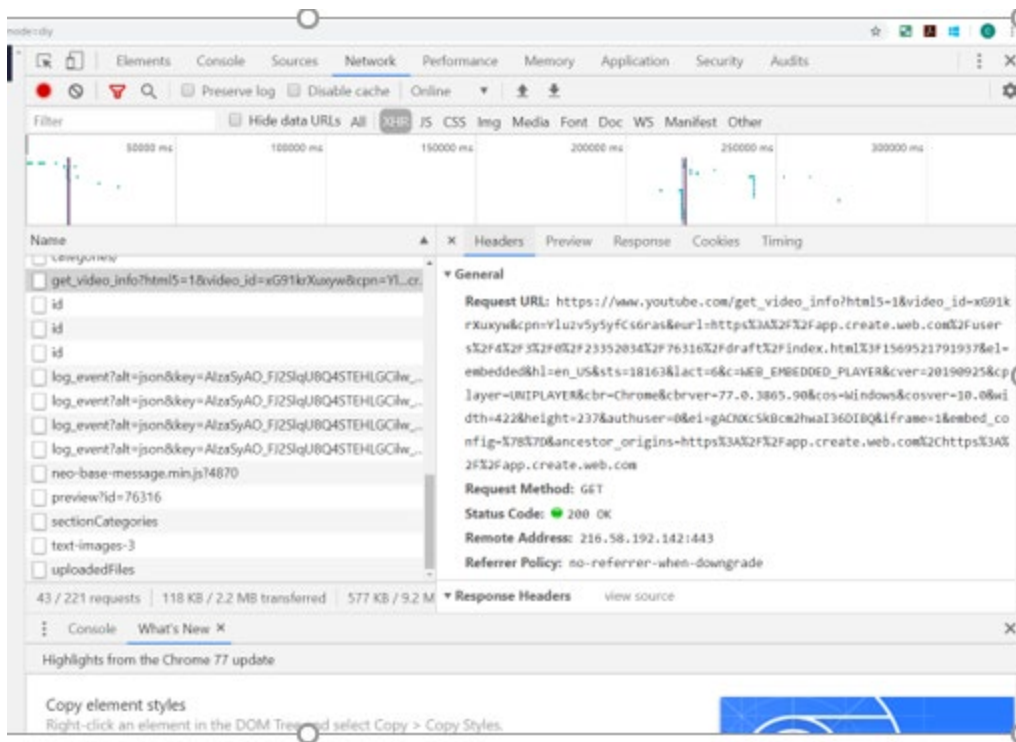
information in Web.com's databases. The settings selected by the user that are stored in Web.com's databases are used to build the user's web pages reflecting those settings.

107. The Accused Instrumentalities produce a player, where the player is a device-dependent code. In order for a site to display on different devices through a browser or through responsive capabilities, there is device dependent code. *See, e.g., X Commerce, Inc. v Express Mobile, Inc.*, Case No 17-cv-02605-RS, NDCA, DKT 79-5.

108. The Accused Instrumentalities provide the Application and Player to the device and executed on the device, and when the user of the device provides one or more input values associated with an input symbolic name to an input of the defined UI object, the device provides the user provided one or more input values and corresponding input symbolic names to the web service. Web.com makes its customers' websites accessible to website visitors' devices. The website visitors connect to the website on their own devices which are supplied the application and player code described above. The website visitors are then able to provide input values (e.g., typed text, mouse clicks, button clicks, touches, swipes, etc.) to an input of the defined UI object associated with an input symbolic name. The website provided by Web.com is designed such that when a website visitor provides input as described above, this input is provided to the web service. For example, when a website visitor clicks buttons, types text, touches a touch screen, or swipes the screen, these inputs are transmitted along with a corresponding input symbolic name to the web service through an HTTP request protocol, such as a POST or GET method call, over the Internet.

109. The below exemplary screenshot reflects sending of input data, as a part of an HTTP GET request, related to a website visitor clicking the play button for the video to the YouTube web service.





110. The web service utilizes the input symbolic name and the user provided one or more input values for generating one or more output values having an associated output symbolic name. Based on the received input from a website visitor as described above, the web service generates an output to send to the visitor's browser. For example, when a website visitor clicks to play, start, stop, or Watch later a YouTube video, the YouTube video web service receives an indication of the click (input), and in response generates output values such as video and result codes, and associated symbolic name.

111. The Accused Instrumentalities feature a system where the Player receives the output symbolic name and corresponding one or more output values and provides instructions for the display of the device to present an output value in the defined UI object. The player, described above, receives the output values such as video data and result codes, and associated symbolic name in an HTTP response from the web service. The player then presents the received output values for display in the UI object. For example, an output of the YouTube web service includes the actual video or associated graphical elements that are then presented within the visitor's browser.

112. The presence of the above referenced features is demonstrated, by way of example, by reference to publicly available information, including <https://www.web.com/websites/make-your-own-website>;

<https://www.web.com/websites/make-your-own-website#Overview>;

<https://www.web.com/websites/make-your-own-website#Features>;

<https://www.web.com/websites/make-your-own-website#Showcase>;

<https://www.web.com/content/dam/webdotcom/target/video.png>.

113. On information and belief, 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.

114. On information and belief, Defendant was made aware of the '755 patent and its infringement thereof at least since the filing of the complaint.

115. Upon information and belief, since at least the time Defendant received notice, Defendant has induced and continue to induce others to infringe at least one claim of the '755 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 '755 patent.

116. In particular, Defendant's actions that aid and abet others such as customers, clients, partners, developers, and end users to infringe include advertising and distributing the Accused Instrumentalities and providing instruction materials, training, and services regarding the Accused Instrumentalities. Defendant actively encourages the adoption of the Accused Instrumentalities and provides support sites for the vast network of developers working with the Accused Instrumentalities, emphasizing the user-friendly nature of their website builder and explaining that "[o]ur website builder does the hard work for you. Once you get started you'll be delighted at how fast you can create a website all by yourself. But don't worry, we'll be there every step of the way if you need it." (*See, e.g.*, <https://www.web.com/websites/make-your-own-website.>). 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 '755 patent and knowledge that their acts were inducing infringement of the '755 patent since at least the date Defendant received notice that such activities infringed the '755 patent.

117. Upon information and belief, Defendant is liable as contributory infringers of the '755 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States website or web page authoring tools to be especially made or adapted for use in an infringement of the '755 patent. The Accused Instrumentalities are a material component for use in practicing the '755 patent and are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

118. Upon information and belief, since the date of its receipt of notice, Defendant's infringement of the '755 patent has been willful.

119. Express Mobile has been harmed by Defendant's infringing activities.

120. Defendant's infringement has damaged and continues to damage and injure Plaintiff. Plaintiff's injury is irreparable and will continue unless and until Defendant is enjoined by this Court from further infringement.

**COUNT IV – INFRINGEMENT OF U.S. PATENT NO. 9,471,287**

121. Plaintiff incorporates by reference the allegations contained in paragraphs 1 to 120 above.

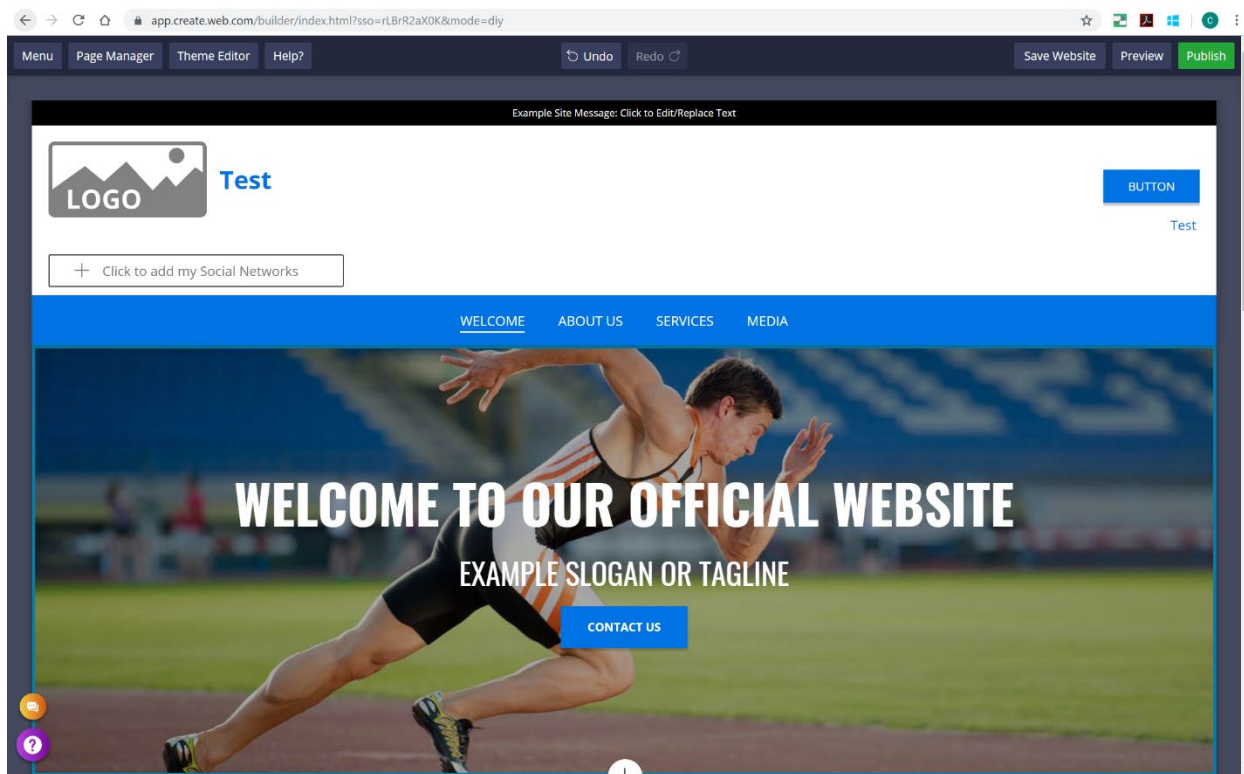
122. Defendant has manufactured, used, offered for sale, or sold products that infringe, either literally or under the doctrine of equivalents, one or more claims of the '287 patent in violation of 35 U.S.C. § 271(a). Defendant's infringement will continue unless enjoined by this Court.

123. Upon information and belief, Defendant has and continues to directly infringe at least claim 15 of the '287 patent by a method which includes a registry and an authoring tool or Player configured to define a User Interface ("UI") object for display on the device, where the UI object corresponds to a web component. Each UI object is either: 1) selected by a user or 2) automatically selected by the system as a preferred UI object corresponding to a symbolic name of the web component and used to produce an Application, where the Application is a device-independent code and a Player, where the Player is a device-dependent code. The Application and Player enable 1) the device to provide one or more input values and corresponding input symbolic name to the web service and 2) the web service to utilize the input symbolic name and the user provided one or more input values to generate one or more output values having an associated

output symbolic name, while 3) the Player receives the output symbolic name and corresponding one or more output values and provides instructions for the display of the device to present an output value in the defined UI object (the “Accused Instrumentalities”). The Accused Instrumentalities include the Web.com Website Builder, including its Theme Editor, that enables the functionality described above.

124. Claim 15 of the ’287 patent recites a method of displaying content on a display of a device having a Player, where the Player is a device-dependent code, the method comprising: defining a user interface (UI) object for presentation on the display, where the UI object corresponds to a web component included in a registry of one or more web components selected from a group consisting of an input of a web service and an output of the web service, where each web component includes a plurality of symbolic names of inputs and outputs associated with each web service, and where the registry includes: a) symbolic names required for evoking one or more web components each related to a set of inputs and outputs of the web service obtainable over a network, where the symbolic names are character strings that do not contain either a persistent address or pointer to an output value accessible to the web service, and b) an address of the web service, and where each defined UI object is either: 1) selected by a user of an authoring tool; 2) automatically selected by a system as a preferred UI object corresponding to a symbolic name of the web component selected by the user of the authoring tool.

125. The Accused Instrumentalities infringe claim 15 of the ’287 patent through a combination of features which collectively practice each limitation for displaying content on a display of a device having a player, where said Player is a device dependent code for displaying content on a display of a device. By way of example, the method is for displaying content on a display of a device as shown in the screenshot below.



126. The Accused Instrumentalities feature a Player, where the Player is a device-dependent code. In order for a site to display on different devices through a browser or through responsive capabilities, there is device dependent code. See, e.g., *X Commerce, Inc. v. Express Mobile, Inc.*, Case No 17-cv-02605-RS, NDCA, DKT 79-5.

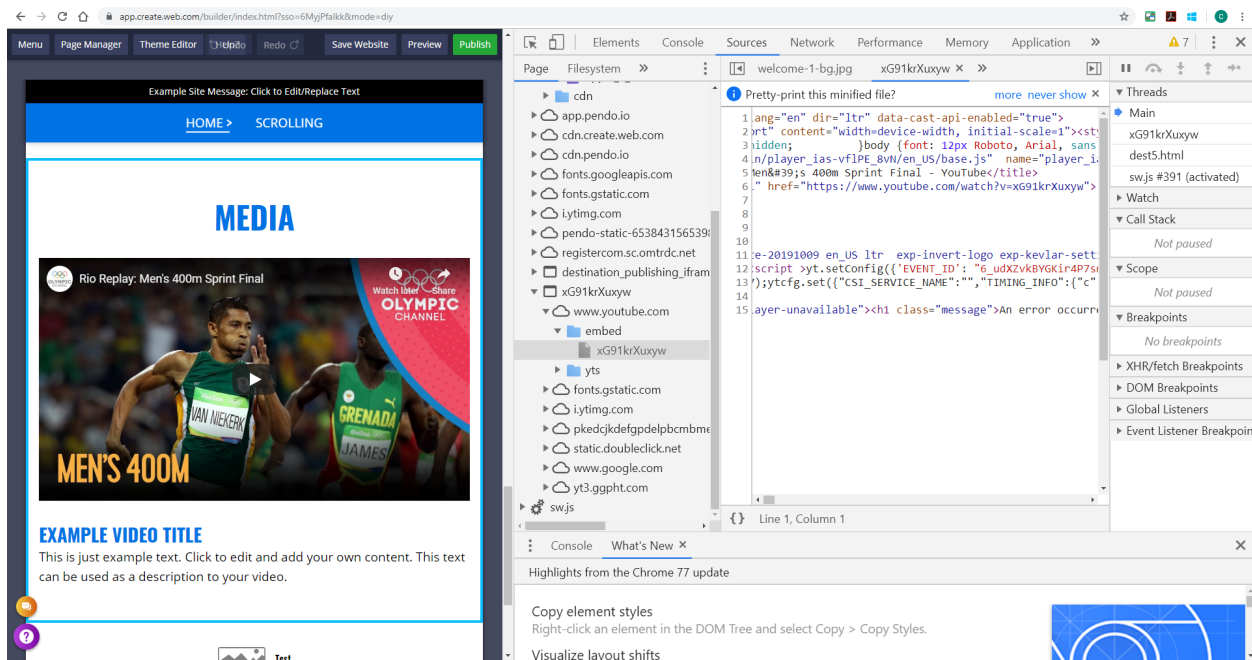
127. The Accused Instrumentalities include defining a user interface (UI) object for presentation on the display, where the defined UI object corresponds to a web component included in the registry of one or more web components, and where the web component is selected from a group consisting of an input of a web service and an output of the web service. For example, the Web.com Website Builder, including its Theme Editor, defines a UI object for presentation on display, where the UI object corresponds to a web component included in the non-volatile computer memory selected from a group consisting of an input of a web service and an output of the web service.

128. The Accused Instrumentalities store a registry of symbolic names required to evoke a web component (e.g., map, video, etc.) and address of a web service (e.g., YouTube web service). Each web component includes a plurality of symbolic names of inputs and outputs associated with each web service. Each symbolic name has an associated data format class type corresponding to a subclass of UI objects that supports the data format type of the symbolic name, and has a preferred UI object as demonstrated by the presence of JSON formatting in conjunction with the Web.com Theme Editor and widget capabilities.

129. The registry includes: a) symbolic names required for evoking one or more web components each related to a set of inputs and outputs of a web service obtainable over a network, where the symbolic names are character strings that do not contain either a persistent address or pointer to an output value accessible to the web service. The registry and database contain symbolic names required for evoking one or more web components each related to a set of inputs and outputs of a web service obtainable over a network as demonstrated by the formatting in conjunction with the Web.com Theme Editor, widget, and plugin authoring tools.

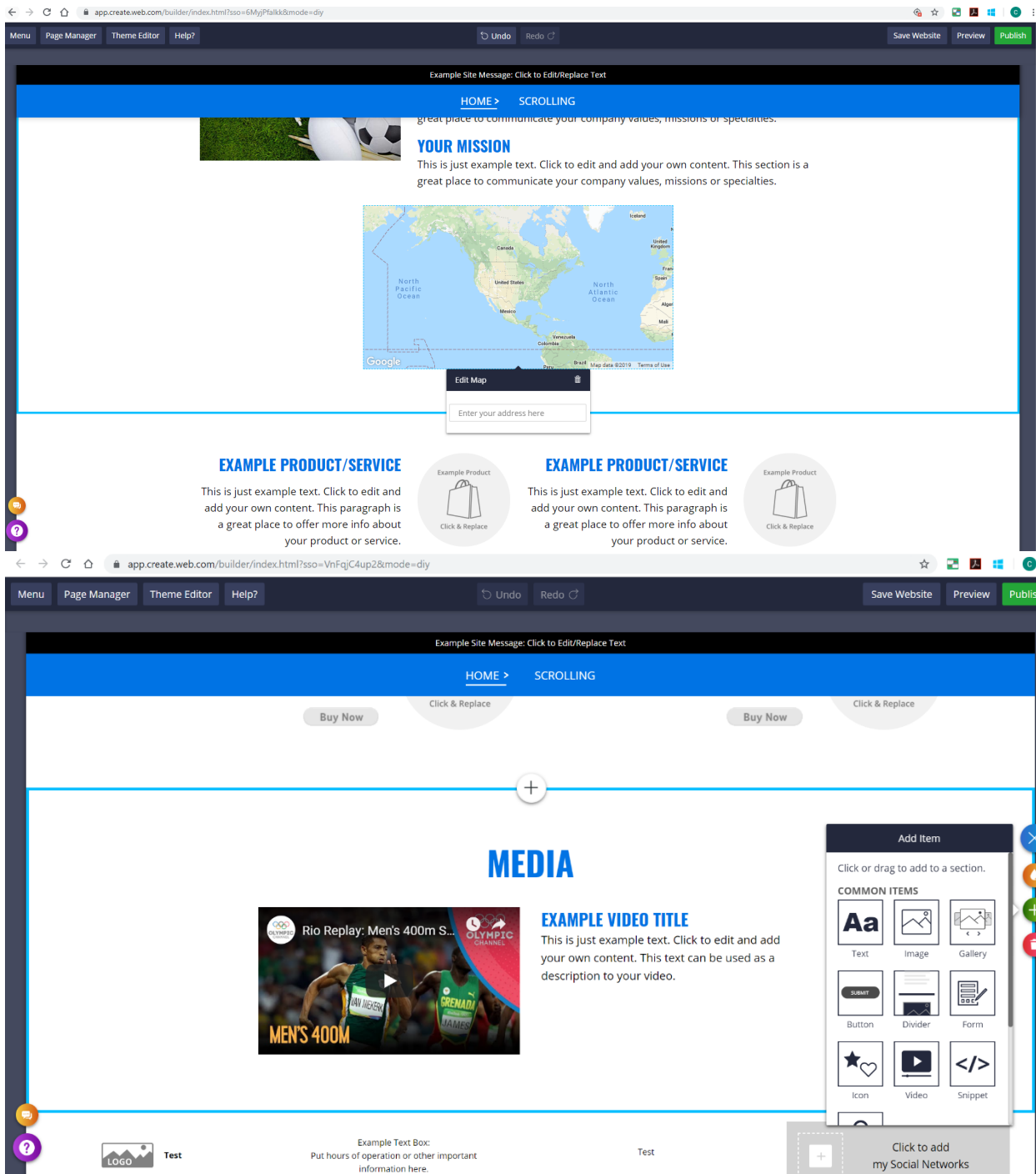
130. The Accused Instrumentalities include the ability to select web components for display on a web page. Users can add content to their website accessible by symbolic names. This content includes web components that relate to inputs and outputs of web services over the Internet. For example, Web.com's Website Builder integrates with third-party web services such as YouTube, Vimeo, Facebook, Instagram, among others. For example, a user can add a video section with videos provided from the YouTube web service.

131. Web.com's Website Builder also stores an address of the web service. For example, the exemplary screenshot below shows that Web.com stores the web address of the YouTube web service for retrieving map content.



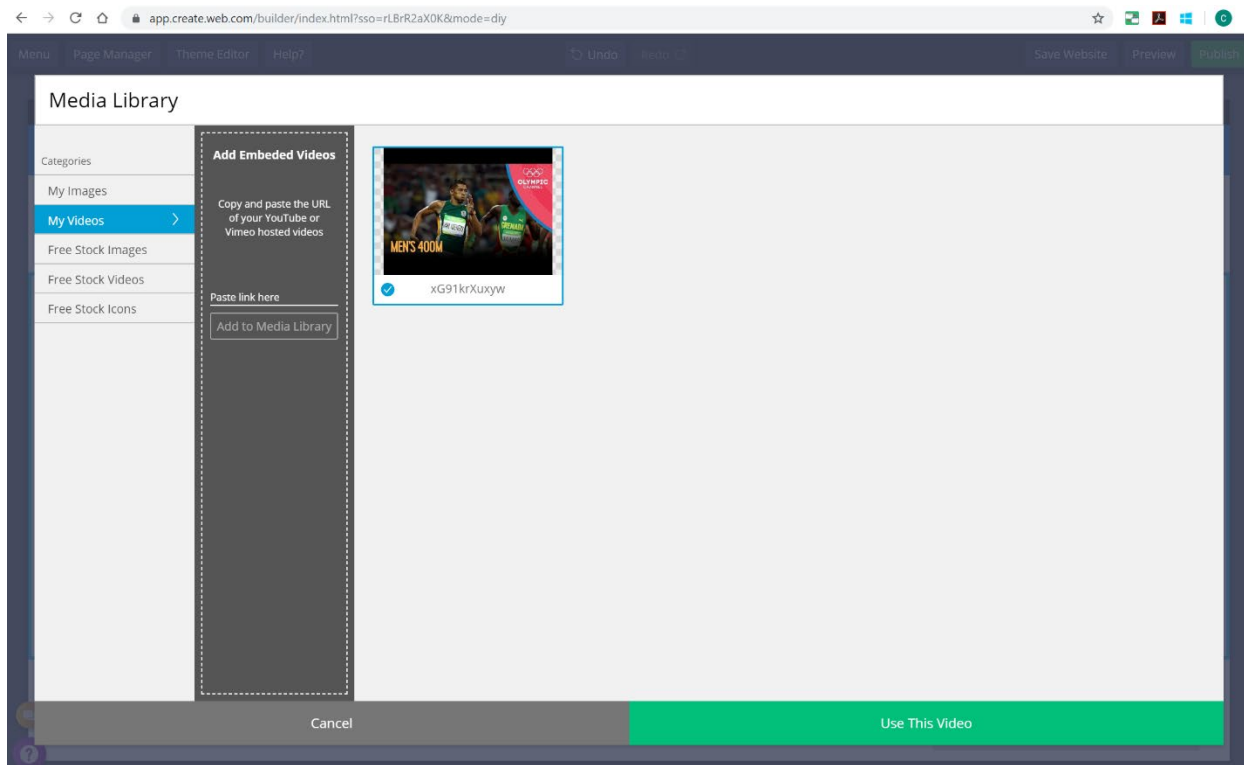
132. Accused Instrumentalities define a user interface (UI) object for presentation on the display, where said UI object corresponds to a web component included in said registry selected from the group consisting of an input of the web service and an output of the web service. For example, Web.com Website Builder, shown in the screenshots below, allows users to define UI objects on their website for maps and videos. These UI objects include map and video web components. These web components include both inputs from and outputs to corresponding web services.





133. The Accused Instrumentalities allow Web.com users to define UI objects on their website. For example, the Web.com Website Builder’s “Add Item” function defines UI objects (e.g., text, input fields, buttons, images, and divs) for presentation on a display, where the defined

UI objects correspond to a web component included in the registry selected from a group consisting of an input of the web service and an output of the web service. The screenshots below show that the Web.com Website Builder allows a user to insert a video web component to the website. The video web component includes both inputs from and outputs to a corresponding web service (e.g., YouTube).



134. The Accused Instrumentalities include selecting the symbolic name from the web component (i.e., Theme Editor, Widget, or Plug-in) corresponding to the defined UI object, where the selected symbolic name has an associated data format class type corresponding to a subclass of UI objects that support the data format type of the symbolic name and has the preferred UI object. For example, Web.com’s Website Builder is configured to generate a section of type video that includes a an embedded video when a user selects to add “My Videos” to their website. The selected symbolic name for the video web component is associated with the UI object. The

Accused Instrumentalities include associating the selected symbolic name with the defined UI object.

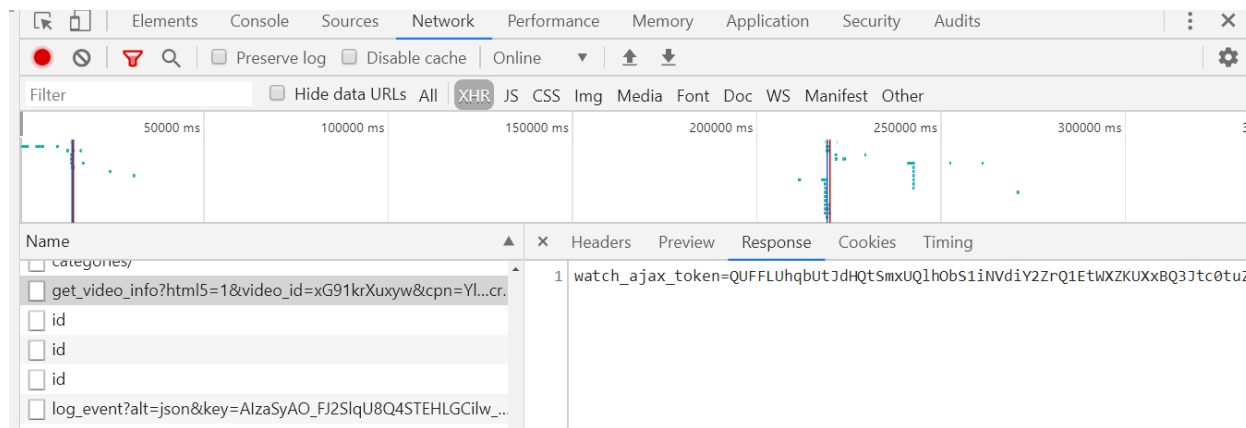
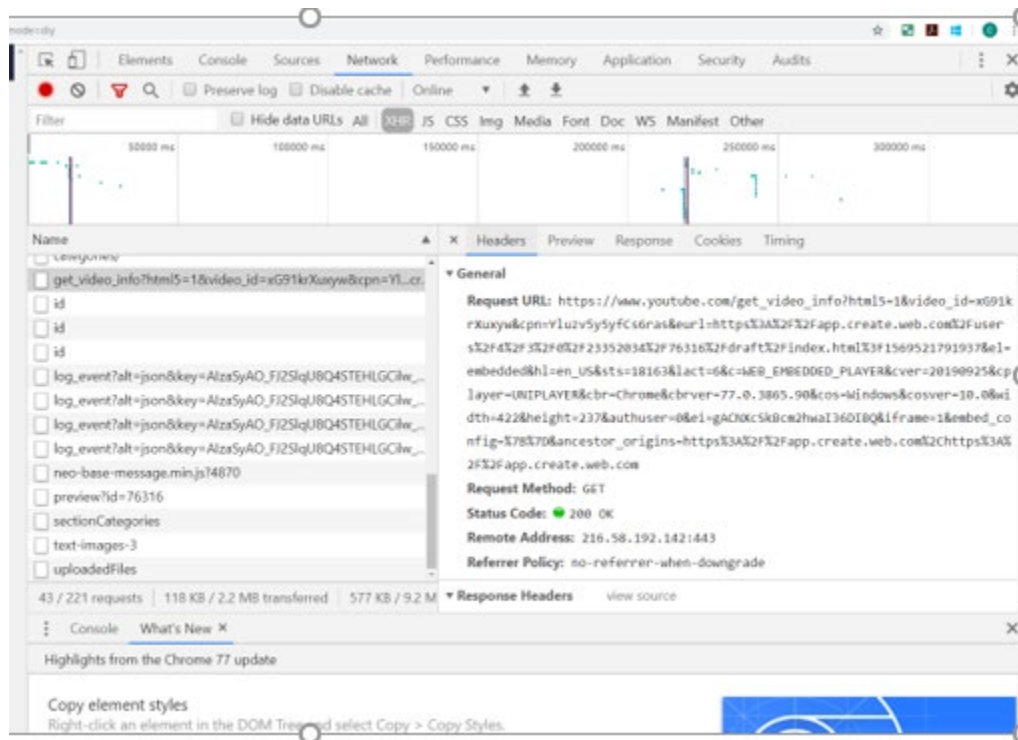
135. The Accused Instrumentalities include producing an Application including the selected symbolic name of the defined UI object, where the Application is a device-independent code. For example, the “My Videos” section with a video is built from at least a portion of the information in Web.com’s databases. The settings selected by the user that are stored in Web.com’s databases are used to build the user’s web pages reflecting those settings.

136. The Accused Instrumentalities produce a player, where the player is a device-dependent code. In order for a site to display on different devices through a browser or through responsive capabilities, there is device dependent code. *See, e.g., X Commerce, Inc. v. Express Mobile, Inc.*, Case No 17-cv-02605-RS, NDCA, DKT 79-5.

137. The Accused Instrumentalities provide the Application and Player to the device and executed on the device and when the user of the device provides one or more input values associated with an input symbolic name to an input of the defined UI object, the device provides the user provided one or more input values and corresponding input symbolic names to the web service. Web.com makes its customers’ websites accessible to website visitors’ devices. The website visitors connect to the website on their own devices which are supplied the application and player code described above. The website visitors are then able to provide input values (e.g., typed text, mouse clicks, button clicks, touches, swipes, etc.) to an input of the defined UI object associated with an input symbolic name. The website provided by Web.com is designed such that when a website visitor provides input as described above, this input is provided to the web service. For example, when a website visitor clicks buttons, types text, touches a touch screen, or swipes the screen, these inputs are transmitted along with a corresponding input symbolic name to the

web service through an HTTP request protocol, such as a POST or GET method call, over the Internet.

138. The below exemplary screenshot reflects the sending of input data, as a part of an HTTP GET request, related to a website visitor clicking the play button for the video to the YouTube web service.



139. The web service utilizes the input symbolic name and the user provided one or more input values for generating one or more output values having an associated output symbolic name. Based on the received input from a website visitor as described above, the web service generates an output to send to the visitor's browser. For example, when a website visitor clicks to play, start, stop, or Watch later a YouTube video, the YouTube video zoom in, zoom out, or drag a map, the Mapbox map web service receives an indication of the click (input), and in response generates output values such as map data, video data, and result codes, and associated symbolic name.

140. The Player of the Accused Instrumentalities receives the output symbolic name and corresponding one or more output values and provides instructions for the display of the device to present an output value in the defined UI object. The player, described above, receives the output values such as video data and result codes, and associated symbolic name in an HTTP response from the web service. The player then presents the received output values for display in the UI object. For example, an output of the YouTube web service includes the actual video or associated graphical elements that are then presented within the visitor's browser.

141. The presence of the above referenced features is demonstrated, by way of example, by reference to publicly available information including <https://www.web.com/websites/make-your-own-website>;

<https://www.web.com/websites/make-your-own-website#Overview>;

<https://www.web.com/websites/make-your-own-website#Features>;

<https://www.web.com/websites/make-your-own-website#Showcase>;

<https://www.web.com/content/dam/webdotcom/target/video.png>.

142. On information and belief, Defendant was made aware of the '287 patent and its infringement thereof at least as early as December 20, 2018 when Plaintiff provided notice of

Defendant infringement of the '287 patent. Furthermore, Defendant has been aware of the '287 patent and its infringement thereof since at least since the filing of the complaint.

143. Upon information and belief, since at least the time Defendant received notice, Defendant has induced and continue to induce others to infringe at least one claim of the '287 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 '287 patent.

144. In particular, Defendant's actions that aid and abet others such as customers, clients, partners, developers, and end users to infringe include advertising and distributing the Accused Instrumentalities and providing instruction materials, training, and services regarding the Accused Instrumentalities. Defendant actively encourages the adoption of the Accused Instrumentalities and provides support sites for the vast network of developers working with the Accused Instrumentalities, emphasizing the user-friendly nature of their website builder and explaining that "[o]ur website builder does the hard work for you. Once you get started you'll be delighted at how fast you can create a website all by yourself. But don't worry, we'll be there every step of the way if you need it." (*See, e.g.*, <https://www.web.com/websites/make-your-own-website>). 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 '287 patent and knowledge that their acts were inducing infringement of the '287 patent since at least the date Defendant received notice that such activities infringed the '287 patent.

145. Upon information and belief, Defendant is liable as a contributory infringer of the '287 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States website or web page authoring tools to be especially made or adapted for use in an infringement of the '287 patent. The Accused Instrumentalities are a material component for use in practicing the '287 patent and are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

146. Upon information and belief, since the date of its receipt of notice, Defendant's infringement of the '287 patent has been willful.

147. Express Mobile has been harmed by Defendant's infringing activities.

148. Defendant's infringement has damaged and continues to damage and injure Plaintiff. Plaintiff's injury is irreparable and will continue unless and until Defendant is enjoined by this Court from further infringement.

**COUNT V – INFRINGEMENT OF U.S. PATENT NO. 9,928,044**

149. Plaintiff incorporates by reference the allegations contained in paragraphs 1 to 148 above.

150. Defendant has manufactured, used, offered for sale, or sold products that infringe, either literally or under the doctrine of equivalents, one or more claims of the '044 patent in violation of 35 U.S.C. § 271(a). Defendant's infringement will continue unless enjoined by this Court.

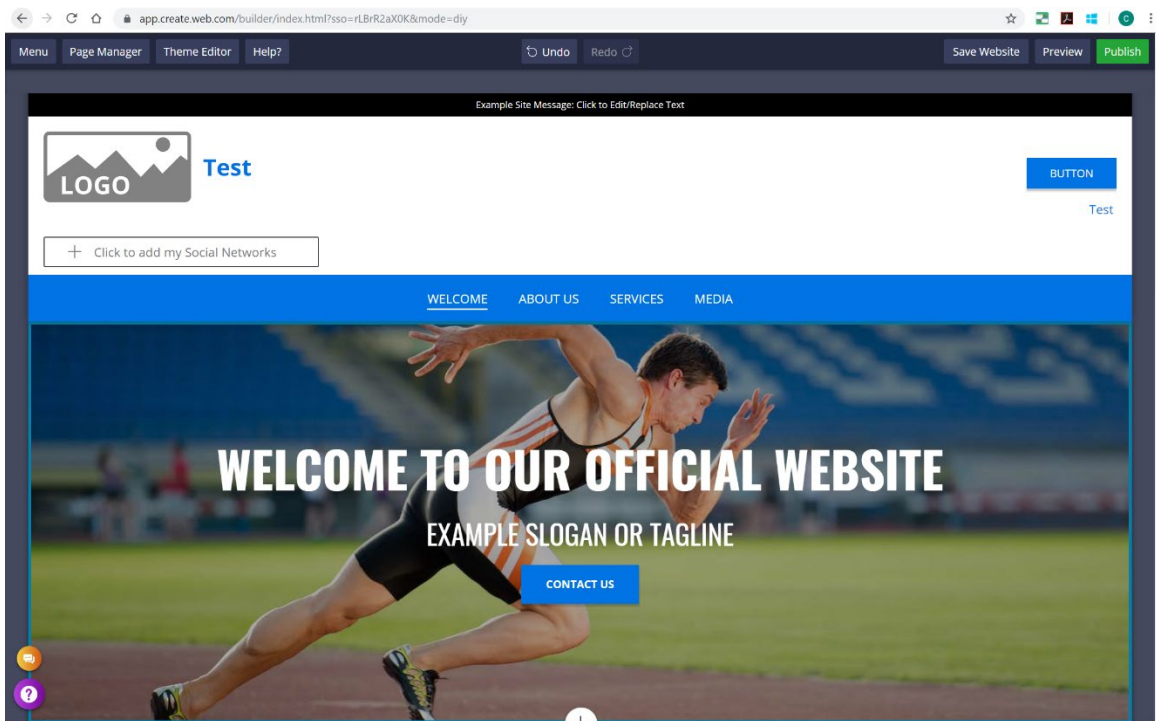
151. Upon information and belief, Defendant has and continues to directly infringe at least claim 15 of the '044 patent by displaying content on a display of a device having a player and non-volatile computer memory storing symbolic names required for evoking one or more web

components. The Accused Instrumentalities include the Web.com Website Builder, including its Theme Editor, that enables the functionality described above.

152. Claim 15 of the '044 patent recites a method of displaying content on a display of a device having a Player the method comprising: defining a user interface (UI) object for presentation on the display, where the UI object corresponds to a web component included in a registry of one or more web components selected from a group consisting of an input of a web service and an output of the web service, where each web component includes a plurality of symbolic names of inputs and outputs associated with each web service, and where the registry includes: a) symbolic names required for evoking one or more web components each related to a set of inputs and outputs of the web service obtainable over a network, where the symbolic names are character strings that do not contain either a persistent address or pointer to an output value accessible to the web service, and b) an address of the web service, and where each defined UI object is either: 1) selected by a user of an authoring tool; 2) automatically selected by a system as a preferred UI object corresponding to a symbolic name of the web component selected by the user of the authoring tool.

153. The Accused Instrumentalities infringe claim 15 of the '044 patent through a combination of features which collectively practice each limitation for displaying content on a display of a device utilizing a registry of one or more web components related to inputs and outputs of a web service. By way of example, the method is for displaying content on a display of a device as shown in the screen shot below.

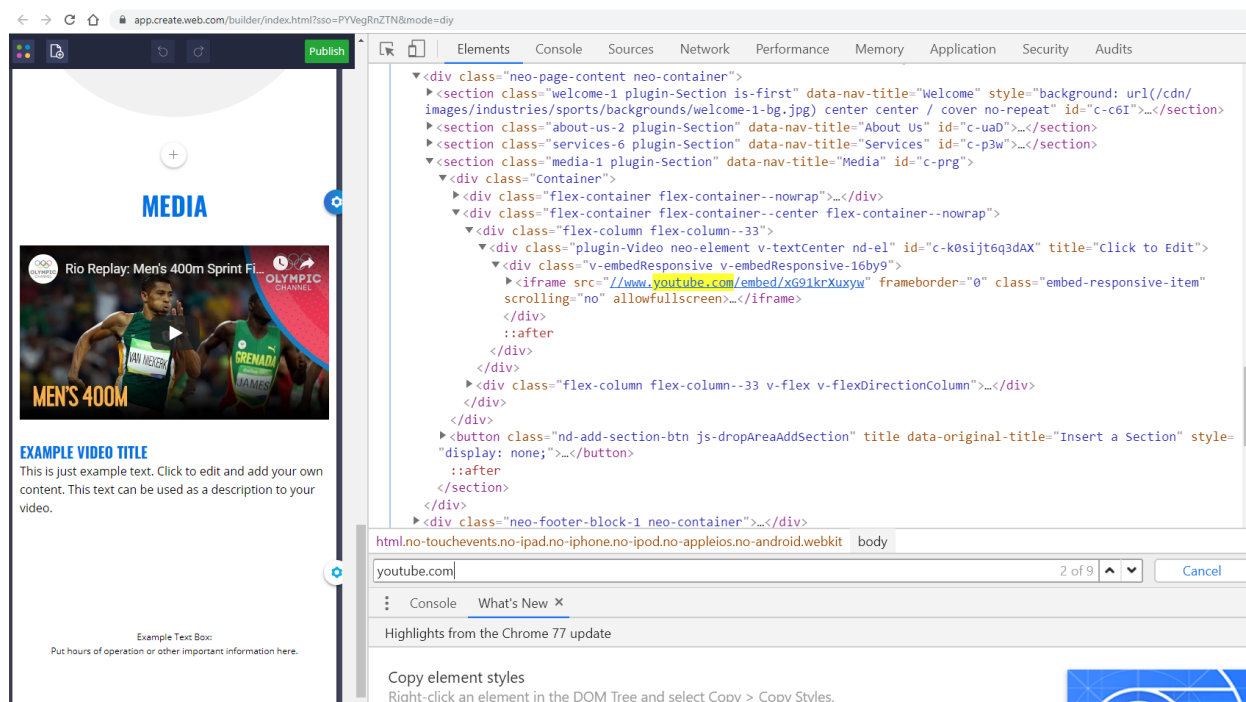




154. The Accused Instrumentalities perform the method of displaying content on a display of a device having a player and non-volatile computer memory storing symbolic names required for evoking one or more web components each related to a set of inputs and outputs of a web service obtainable over a network, where the symbolic names are character strings that do not contain either a persistent address or pointer to an output value accessible to the web service, where each symbolic name has an associated data format class type corresponding to a subclass of User Interface (UI) objects that support the data format type of the symbolic name, and where each symbolic name has a preferred UI object, and an address of the web service. For example, Web.com enables a user to generate the code, including a player, to display content to website visitors through a browser. Each website visitor uses a device containing a browser to access the provided code. Web.com uses memory in servers it owns or controls to store symbolic names required to evoke a web component (e.g., video) and address of a web service (e.g., YouTube web service).

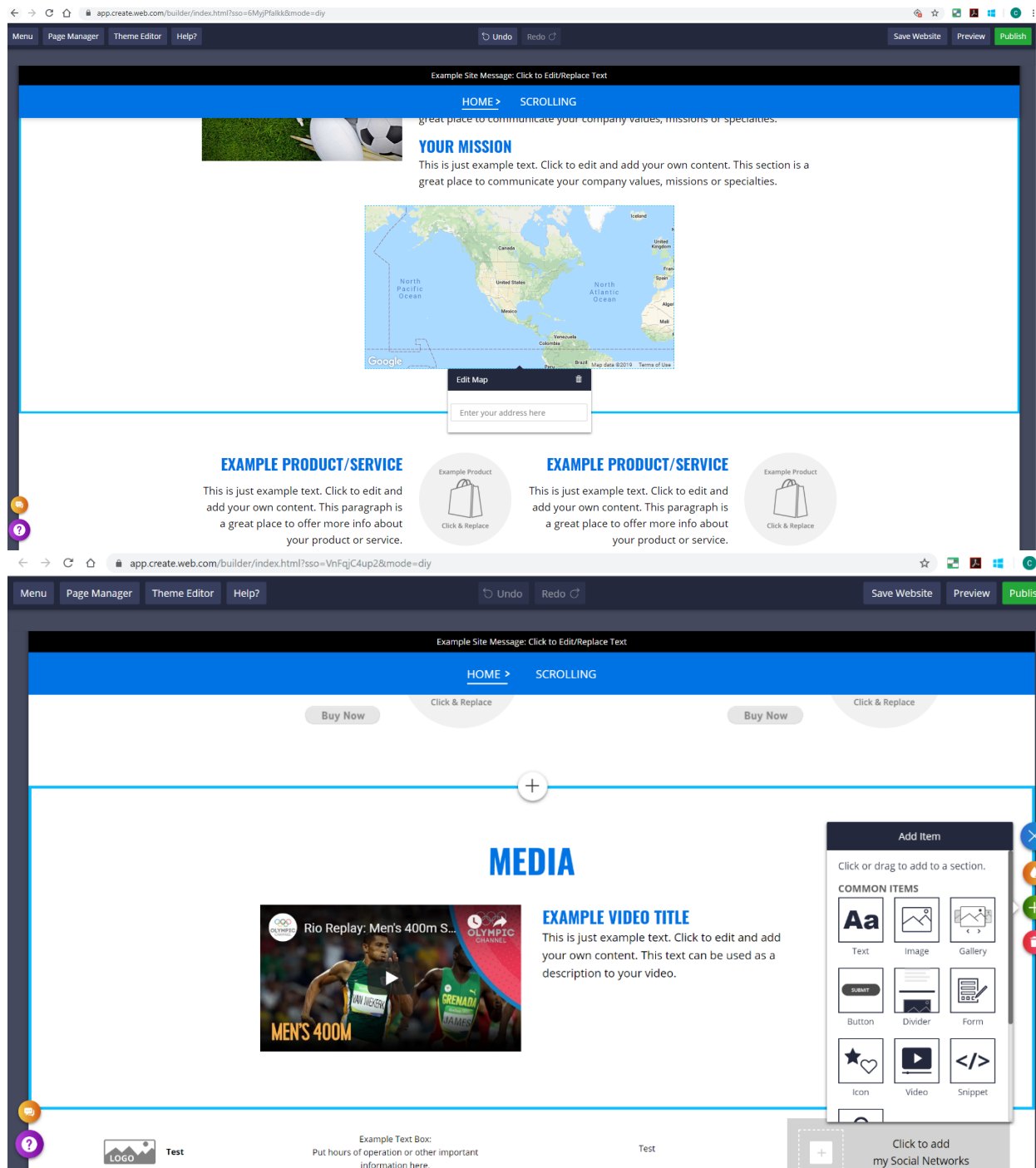
155. The Accused Instrumentalities include the ability to select web components for display on a web page. Users can add content to their website accessible by symbolic names. This content includes web components that relate to inputs and outputs of web services over the Internet. For example, Web.com’s Website Builder integrates with third-party web services such as YouTube, Vimeo, Facebook, Instagram, among others. For example, a user can add a video section with videos provided from the YouTube web service.

156. Web.com’s Website Builder also stores an address of the web service. For example, the exemplary screenshot below shows that Web.com stores the web address of the YouTube web service for retrieving video content.

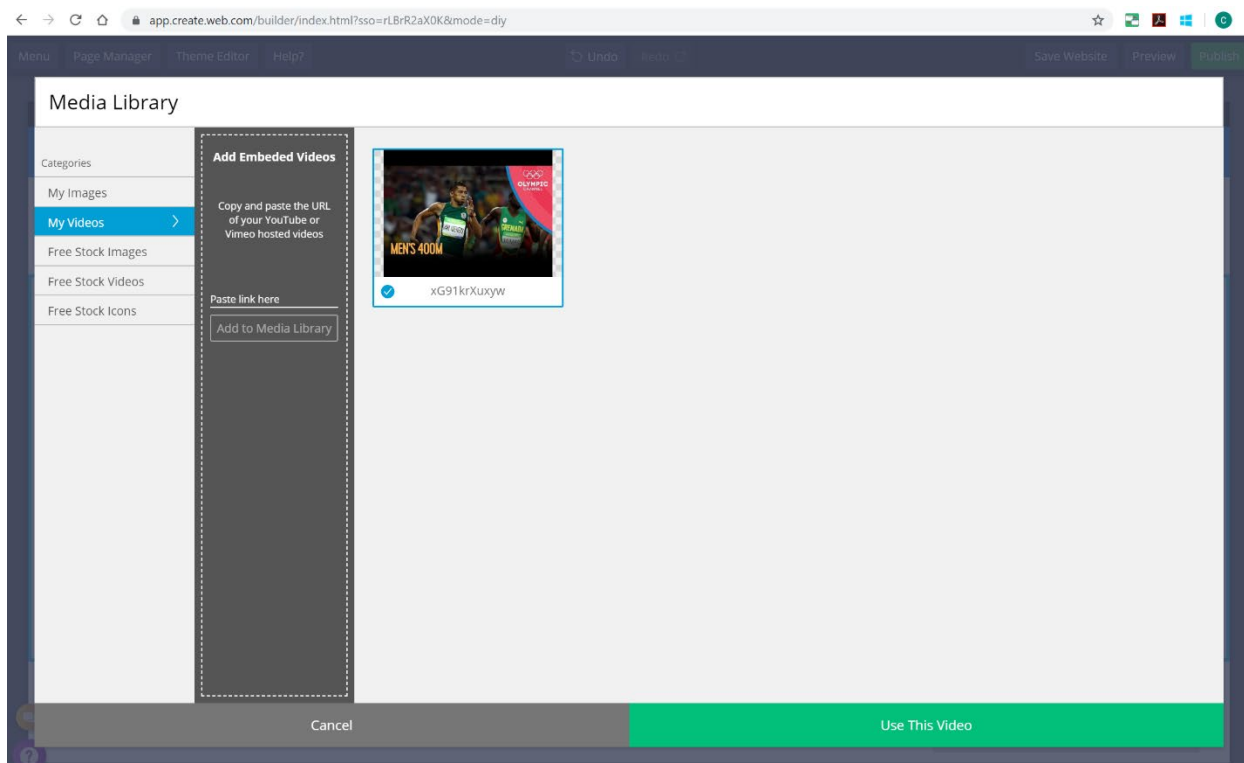


157. Accused Instrumentalities define a user interface (UI) object for presentation on the display, where said UI object corresponds to a web component included in said registry selected from the group consisting of an input of the web service and an output of the web service. For example, Web.com Website Builder, shown in the screenshots below, allows users to define UI

objects on their website for maps and videos. These UI objects correspond to map and video web components. These web components include both inputs from and outputs to corresponding web services.



158. The Accused Instrumentalities allow Web.com users to define UI objects on their website. For example, the Web.com Website Builder’s “Add Item” function defines UI objects (e.g., text, input fields, buttons, images, and divs) for presentation on a display, where the defined UI objects corresponds to a web components included in the registry selected from a group consisting of an input of the web service and an output of the web service. The screenshots below show that the Web.com Website Builder allows a user to insert a video web component to the website. These video web components include both inputs from and outputs to a corresponding web service (e.g., YouTube).



159. The Accused Instrumentalities include selecting the symbolic name from the web component (i.e., Theme Editor, Widget, or Plug-in) corresponding to the defined UI object, where the selected symbolic name has an associated data format class type corresponding to a subclass of UI objects that support the data format type of the symbolic name and has the preferred UI object. For example, Web.com’s Website Builder is configured to generate a section of type video

that includes a an embeded video when a user selects to add “My Videos” to their website. The selected symbolic name for the video web component is associated with the UI object. The Accused Instrumentalities include associating the selected symbolic name with the defined UI object.

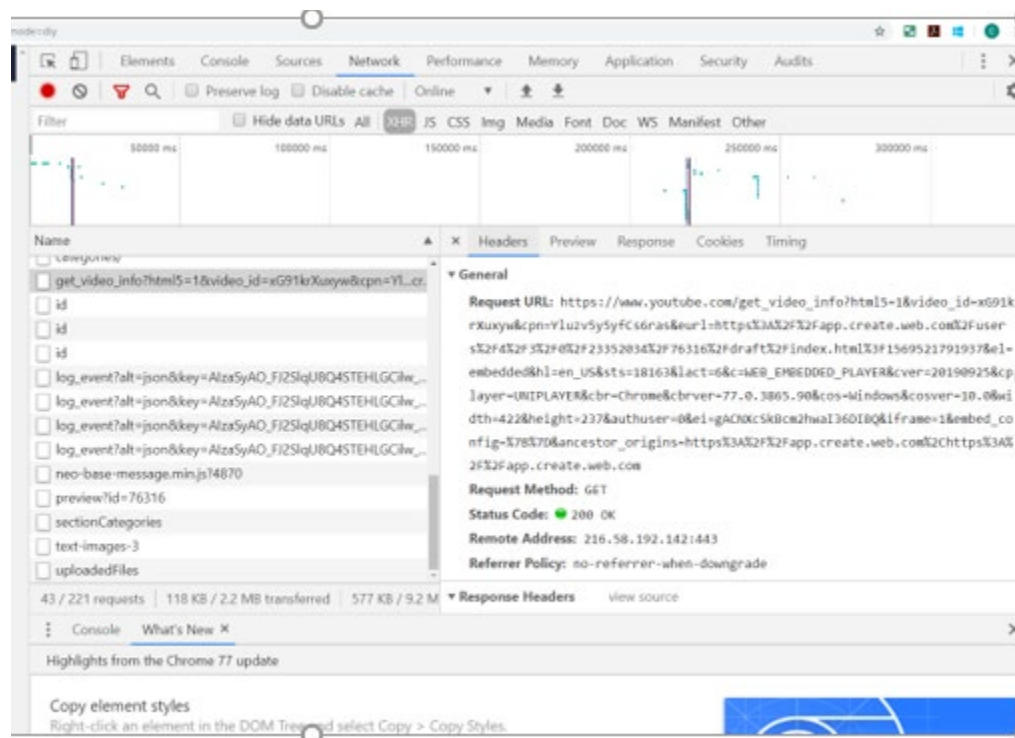
160. The Accused Instrumentalities build an Application consisting of one or more web page views from at least a portion of said database utilizing at least one player. For example, the “My Videos” section with a video is built from at least a portion of the information in Web.com’s databases. The settings selected by the user that are stored in Web.com’s databases are used to build the user’s web pages reflecting those settings.

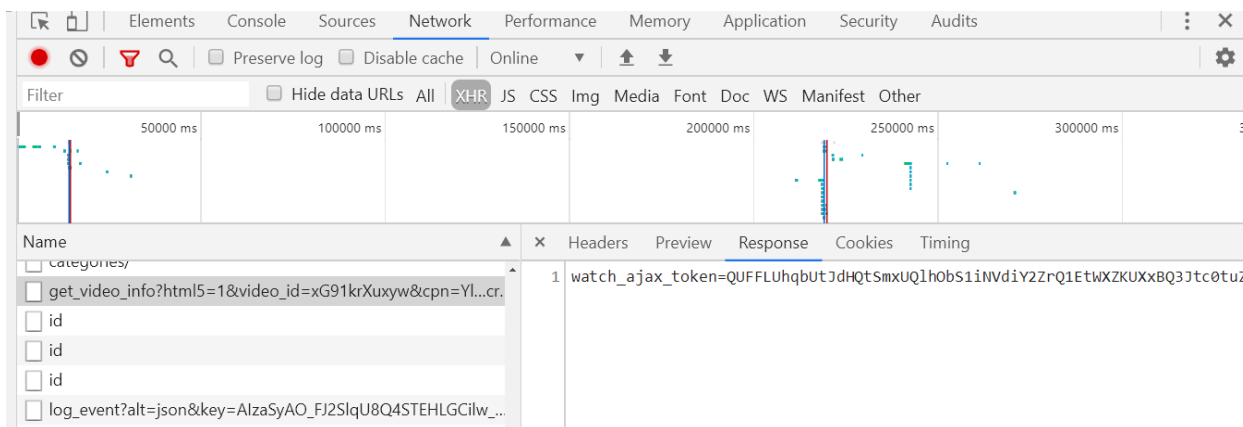
161. The Accused Instrumentalities produce a player that utilizes information stored in said database to generate for the display of at least a portion of said one or more web pages. For example, player code, such as HTML and JavaScript code, provided by Web.com utilizes the information stored in the database for generating at least a portion of a user’s web pages on a browser by the browser’s engine(s). The below exemplary screenshot of a web page built by Web.com’s Website Builder shows the utilizing information stored in said database to generate for the display of at least a portion of said one or more web pages.

162. The Accused Instrumentalities provide the Application and Player to the device and executed on the device and when the user of the device provides one or more input values associated with an input symbolic name to an input of the defined UI object, the device provides the user provided one or more input values and corresponding input symbolic names to the web service. Web.com makes its customers’ websites accessible to website visitors’ devices. The website visitors connect to the website on their own devices which are supplied the application and player code described above. The website visitors are then able to provide input values (e.g.,

typed text, mouse clicks, button clicks, touches, swipes, etc.) to an input of the defined UI object associated with an input symbolic name. The website provided by Web.com is designed such that when a website visitor provides input as described above, this input is provided to the web service. For example, when a website visitor clicks buttons, types text, touches a touch screen, or swipes the screen, these inputs are transmitted along with a corresponding input symbolic name to the web service through an HTTP request protocol, such as a POST or GET method call, over the Internet.

163. The below exemplary screenshot reflects the sending of input data, as a part of an HTTP GET request, related to a website visitor clicking the play button for the video to the YouTube web service.





164. The web service utilizes the input symbolic name and the user provided one or more input values for generating one or more output values having an associated output symbolic name. Based on the received input from a website visitor as described above, the web service generates an output to send to the visitor's browser. For example, when a website visitor clicks to play, start, stop, or Watch later a YouTube video, the YouTube video zoom in, zoom out, or drag a map, the Mapbox map web service receives an indication of the click (input), and in response generates output values such as map data, video and result codes, and associated symbolic name.

165. The Player of the Accused Instrumentalities receives the output symbolic name and corresponding one or more output values and provides instructions for the display of the device to present an output value in the defined UI object. The player, described above, receives the output values such as video data and result codes, and associated symbolic name in an HTTP response from the web service. The player then presents the received output values for display in the UI object. For example, an output of the YouTube web service includes the actual video or associated graphical elements that are then presented within the visitor's browser.

166. The presence of the above referenced features is demonstrated, by way of example, by reference to publicly available information including <https://www.web.com/websites/make-your-own-website>;

<https://www.web.com/websites/make-your-own-website#Overview>;

<https://www.web.com/websites/make-your-own-website#Features>;

<https://www.web.com/websites/make-your-own-website#Showcase>;

<https://www.web.com/content/dam/webdotcom/target/video.png>.

167. On information and belief, 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.

168. On information and belief, Defendant was made aware of the '044 patent and its infringement thereof at least since the filing of the complaint.

169. Upon information and belief, since at least the time Defendant received notice, Defendant has induced and continue to induce others to infringe at least one claim of the '044 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 '044 patent.

170. In particular, Defendant's actions that aid and abet others such as customers, clients, partners, developers, and end users to infringe include advertising and distributing the Accused Instrumentalities and providing instruction materials, training, and services regarding the Accused Instrumentalities. Defendant actively encourages the adoption of the Accused Instrumentalities and provides support sites for the vast network of developers working with the Accused Instrumentalities, emphasizing the user-friendly nature of their website builder and explaining that "[o]ur website builder does the hard work for you. Once you get started you'll be delighted at how fast you can create a website all by yourself. But don't worry, we'll be there every step of the way



if you need it.” (See, e.g., <https://www.web.com/websites/make-your-own-website>). 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 '044 patent and knowledge that their acts were inducing infringement of the '044 patent since at least the date Defendant received notice that such activities infringed the '044 patent.

171. Upon information and belief, Defendant is liable as a contributory infringer of the '044 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States website or web page authoring tools to be especially made or adapted for use in an infringement of the '044 patent. The Accused Instrumentalities are a material component for use in practicing the '044 patent and are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

172. Upon information and belief, since the date of its receipt of notice, Defendant's infringement of the '044 patent has been willful.

173. Express Mobile has been harmed by Defendant's infringing activities.

174. Defendant's infringement has damaged and continues to damage and injure Plaintiff. Plaintiff's injury is irreparable and will continue unless and until Defendant is enjoined by this Court from further infringement.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests that the Court enter judgment for Plaintiff and against Defendant as follows:

A. That U.S. Patent Nos. 6,546,397, 7,594,168, 9,063,755, 9,471,287 and 9,928,044 be judged valid, enforceable, and infringed by Defendant;

- B. That the Court preliminarily and permanently enjoin Defendant, its officers, partners, agents, servants, employees, parents, subsidiaries, divisions, affiliate corporations, joint ventures, other related business entities and all other persons acting in concert, participation, or in privity with them, and their successors and assigns, from any commercial manufacture, use, offer to sell, or sale within the United States, or importation into the United States of Web.com's Website Builder and any product that infringes the '397, '168, '755, '287, and/or '044 patents prior to the expiration of the '397, '168, '755, '287, and/or '044;
- C. That Plaintiff be awarded judgment against Defendant for damages together with interests and costs fixed by the Court including an accounting of all infringements and/or damages not presented at trial;
- D. That the Court declare this an exceptional case and award Plaintiff its attorneys' fees, as provided by 35 U.S.C. § 285;
- E. That Plaintiff be awarded such other and further relief as this Court may deem just and proper.

**JURY DEMAND**

Plaintiff respectfully requests a jury trial on all issues so triable.

Dated: October 11, 2019

Respectfully submitted,

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