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

BROWSE3D LLC, Plaintiff v. **OFFICE DEPOT, INC.,** Defendant	**Case No. 6:20-cv-00548**

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Brwose3D LLC ("Browse3D" or "Plaintiff") files this Complaint for patent infringement against Defendant Office Depot, Inc. ("ODI" 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 108 Wild Basin Rd South, Suite 250, Austin, Texas 78746.

3.   Defendant is a Delaware corporation with an address of 6600 North Military Trail, Boca Raton, Florida 33496.

JURISDICTION AND VENUE

4.   This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1391 and 1400.

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. For example, Defendant has regular and established places of business at 5524 Bosque Blvd, Waco, TX 76710 and 4627 Jack Kultgen Fwy, Waco, TX 76706.

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://www.officedepot.com/ for advertising and promoting the sale of items to users of

the website (the "Accused Product"). In use, Defendant tracts 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 at least Claims 5, 7, and 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.   Regarding Claim 5, Office Depot provides a method for web browsing with a computer that consists of a display device. A user can view, browse, and purchase multiple items such as Desk items on Office Depot's website. As shown in the evidence, the user is browsing Corner Desks during first session i.e., at 11:06 AM.

https://www.officedepot.com/a/browse/corner-and-l-shaped-desks/N=5+553865/
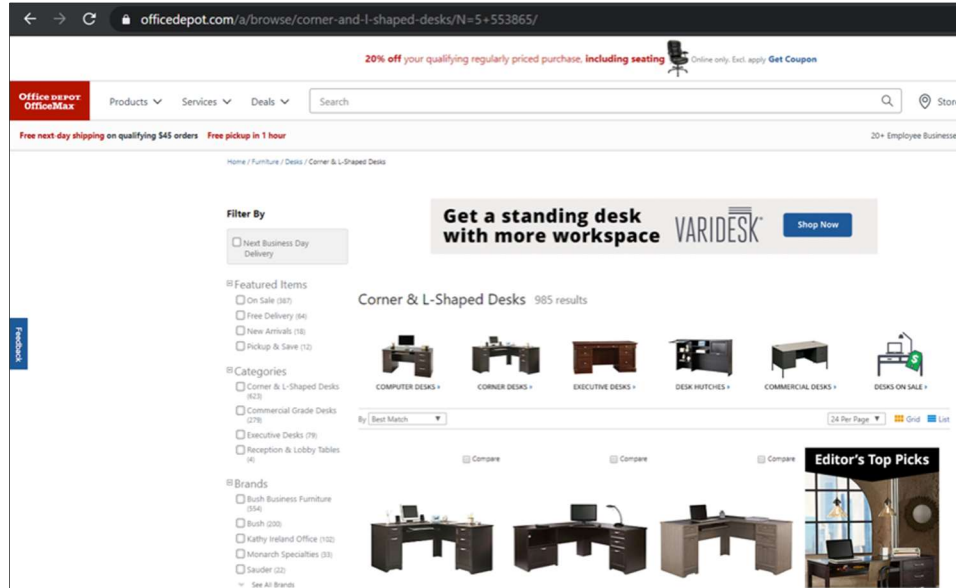
14.   Office Depot tracks browsing patterns of the user such as which pages and items they view, as well as items they buy from online stores etc.
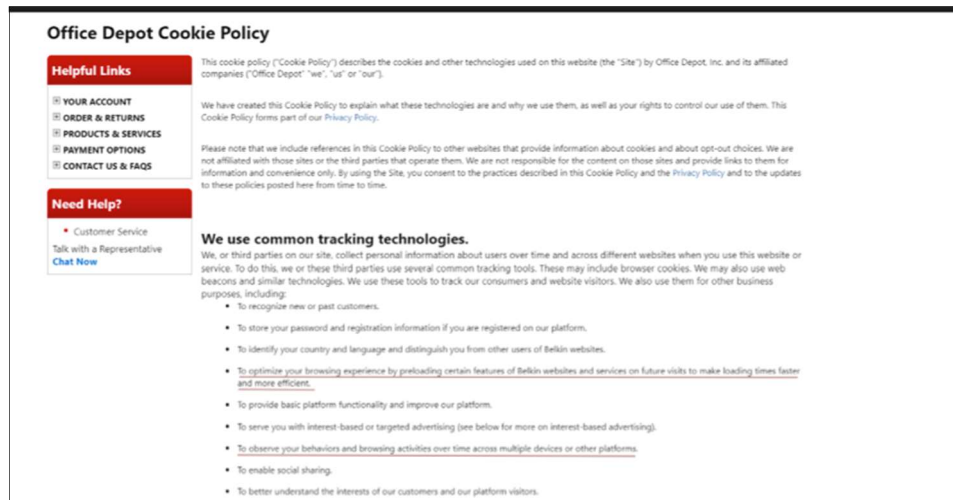
We engage in interest-based advertising.
We and our partners display interest-based advertising using information gathered about you over time across multiple devices or other platforms. This might include websites and apps.

Interest-based advertising or ⬚online behavioral advertising⬚ includes ads served to you after you leave our platform, encouraging you to return. They also include ads we think are relevant based on your shopping habits or online activities. These ads might be served on websites or on apps. They might also be served in emails. We might serve these ads, or third parties may serve ads. They might be about our products or other companies⬚ products.

How do we gather relevant information about you for interest-based advertising?

To decide what is relevant to you, we use information you make available to us when you interact with us, our affiliates, and other third parties. We gather this information using the tracking tools described above. For example, we or our partners might look at your purchases or browsing behaviors. We might look at these activities on our platforms or the platforms of others.

We work with third parties who help gather this information. These third parties might link your name or email address to other information they collect. That might include past purchases made offline or online. Or, it might include online usage information.

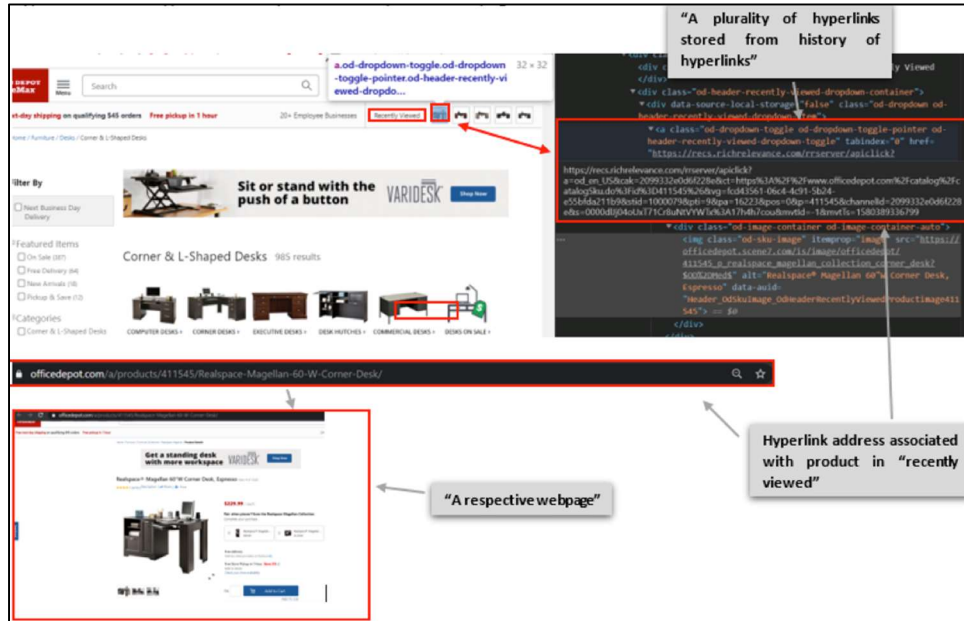https://www.officedepot.com/a/customerservice/trackingtools/

15.   Office Depot stores items the user views during his browsing sessions and shows them in 'Recently viewed' section. As shown in the evidence here, Desks, the user views from the Corner Desks page ("a particular web page"), they are added in 'Recently viewed items section', thus Office Depot stores "a history of hyperlinks selected by the user from a webpage."

https://www.officedepot.com/a/browse/corner-and-l-shaped-desks/N=5+553865/
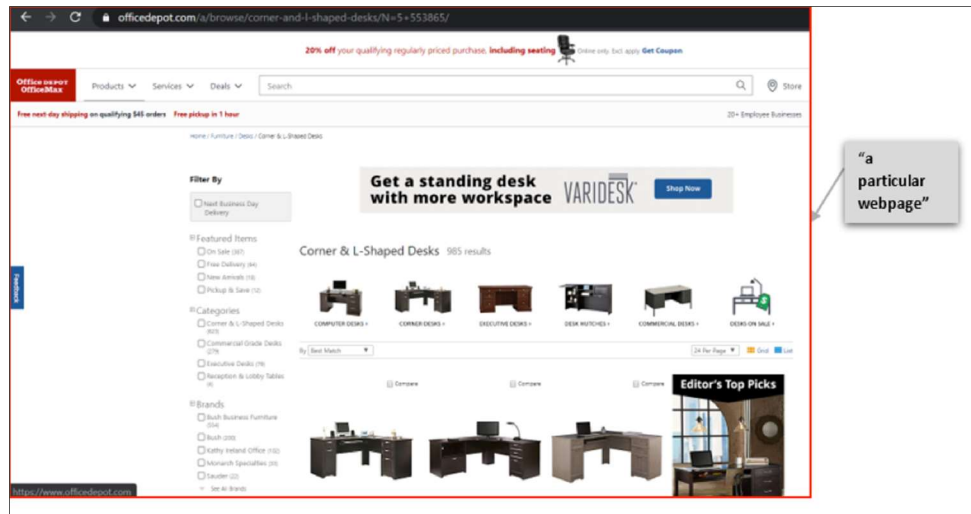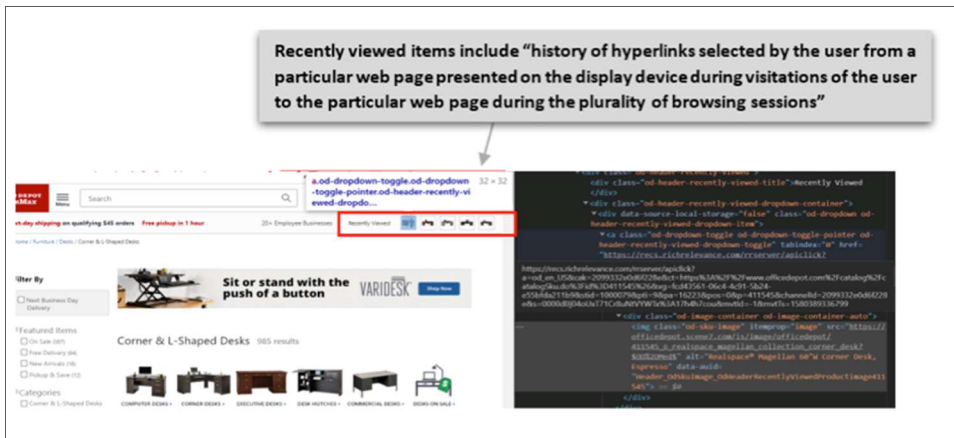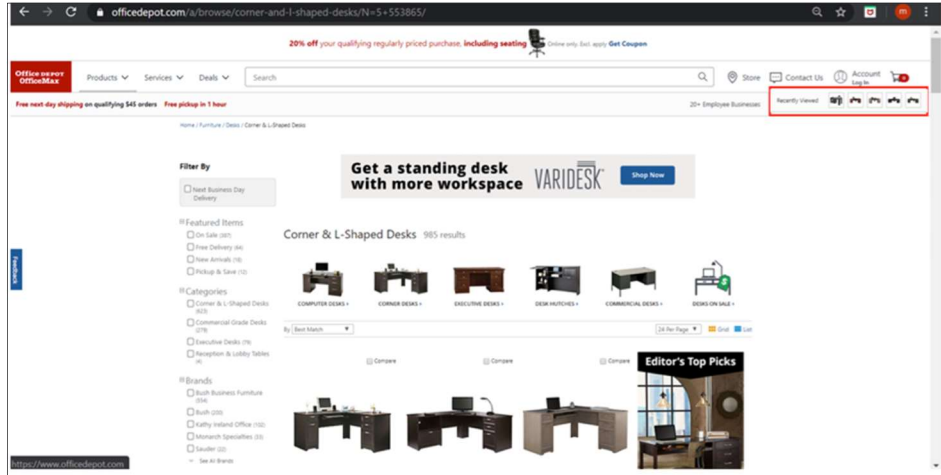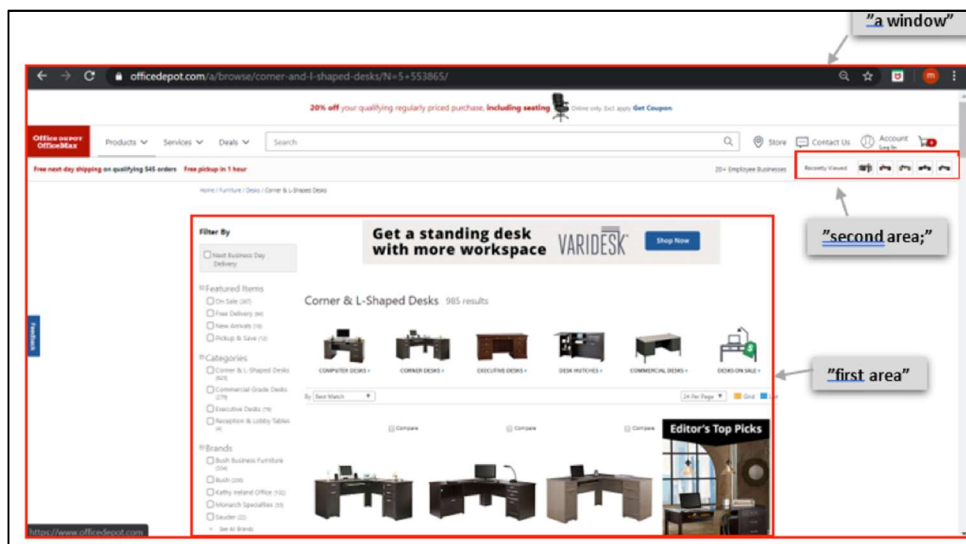
16.   Office Depot is operable to determine "a plurality of hyperlinks" from the stored history of hyperlinks. Each hyperlink corresponds to a respective webpage. As shown in the evidence, each item in 'Recently viewed' section corresponds to a hyperlink and the hyperlink corresponds to a respective webpage of the Desk.
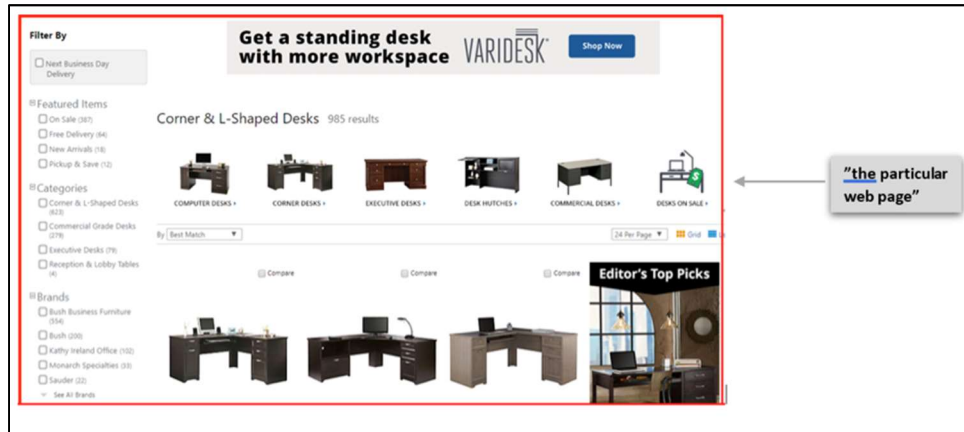
https://www.officedepot.com/a/products/411545/Realspace-Magellan-60-W-Corner-Desk/;jsessionid=0000qdWwh6OubxjURjFA5BymJ0c:17h4h7bfo

17.   As shown in the evidence, when the user revisits the Corners Desks webpage at 11:56 AM, Office Depot website shows the Corner Desk page in "a first area" and the Desks that the user browsed in a previous session (at 11:06 AM) are shown in 'Recently viewed items' section "a second area."

https://www.officedepot.com/a/browse/corner-and-l-shaped-desks/N=5+553865/

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18.   Office Depot website shows the Corners Desk page in "a first area".

19.   Office Depot have "Recently viewed items" section referred as "second area" which provides the Desks browsed by the user. Each Desk in 'Recently viewed items' section corresponds to a respective hyperlink.

20.   Each Desk in 'Recently viewed items' section is presented as a thumbnail ("a reduced size image"), which corresponds to a respective hyperlink.
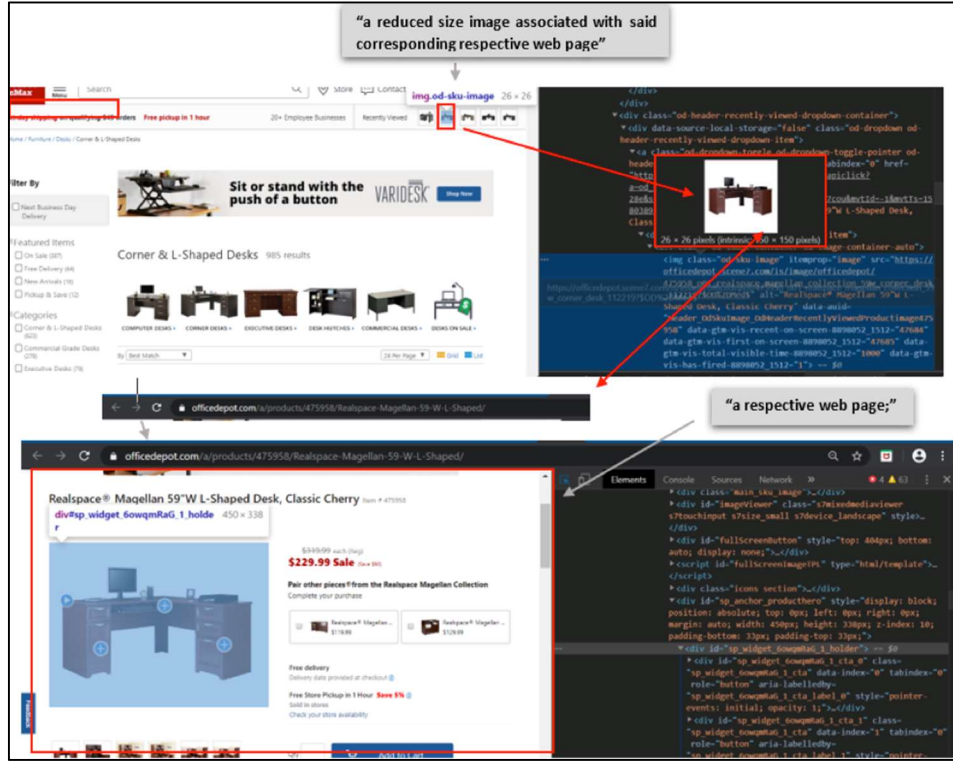
21.   The Office Depot website displays two different types of prioritization for the arrangement of the reduced size images.

    a. When the User closes the browsing session and returns to the Corner Desk Page:

        i.   The item most previously viewed during the closed browsing session is displayed at the position furthers to the left in the arrangement taking an identified priority of "0&p"

        ii. Then the items are displayed in a descending fashion prioritized by the next most previously viewed item.

        iii. The first item viewed by the user in the browsing session then takes the position furthest to the right in the arrangement taking identified priority of "4&p"

   b. When the User is in the first browsing session:

    i.   Until the 6th search, the spot furthest to the right is reserved for the most recently viewed item. It takes on a "session id number".

    ii.   The spot furthest to the left is reserved for the second most previously viewed item and takes on the priority "0&P"

    iii.   Then the items are prioritized in a descending motion from the "0&p" to "1&p", to "2&p", to furthest right in the descending list to "3&p"
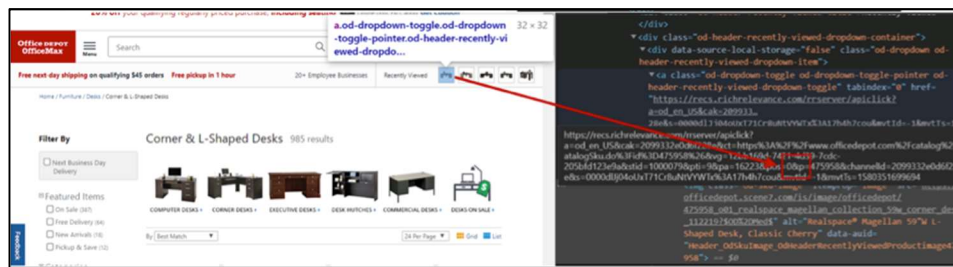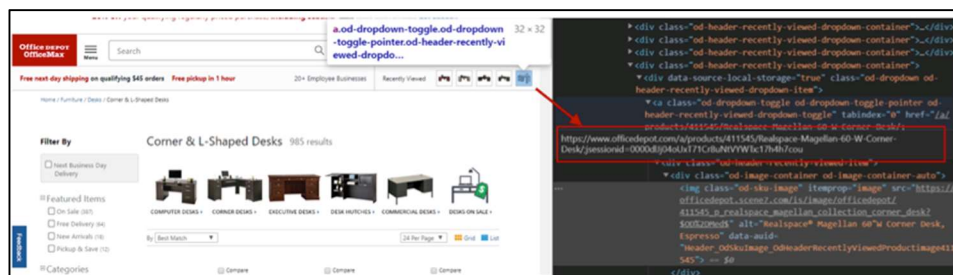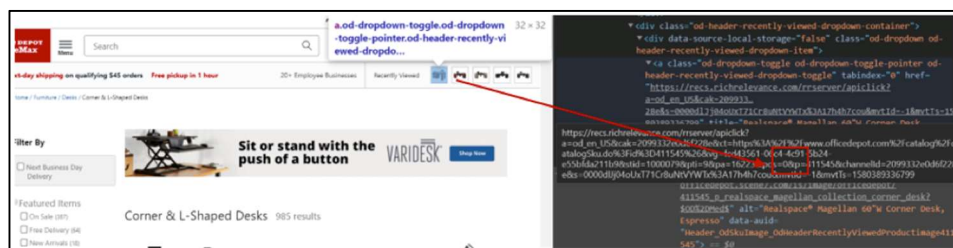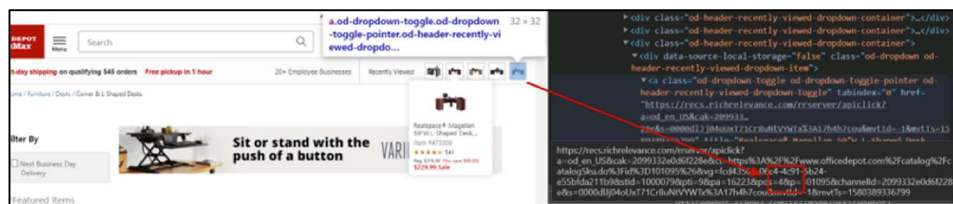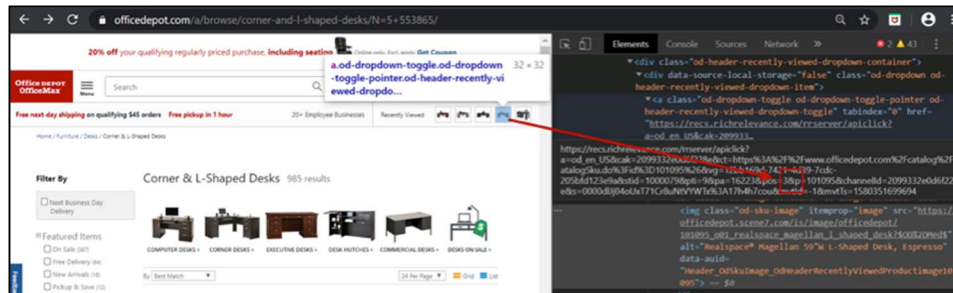
22.   Regarding Claim 7, as ilustrated above in claim 5, The Recently Viewed list are webpages the User has previously selected (The host API that stores and displays the hyperlinks prioritizes the webpages according to when the order in which the user viewed them.
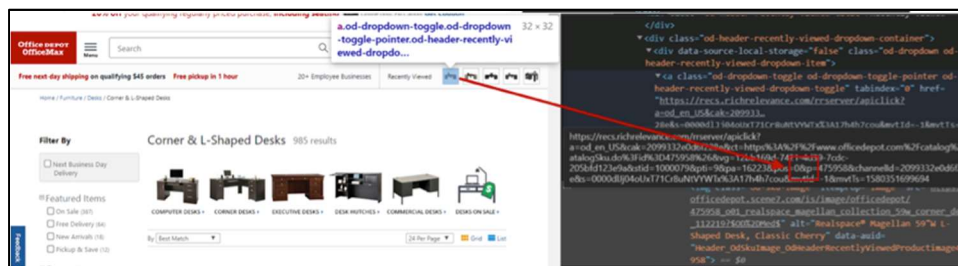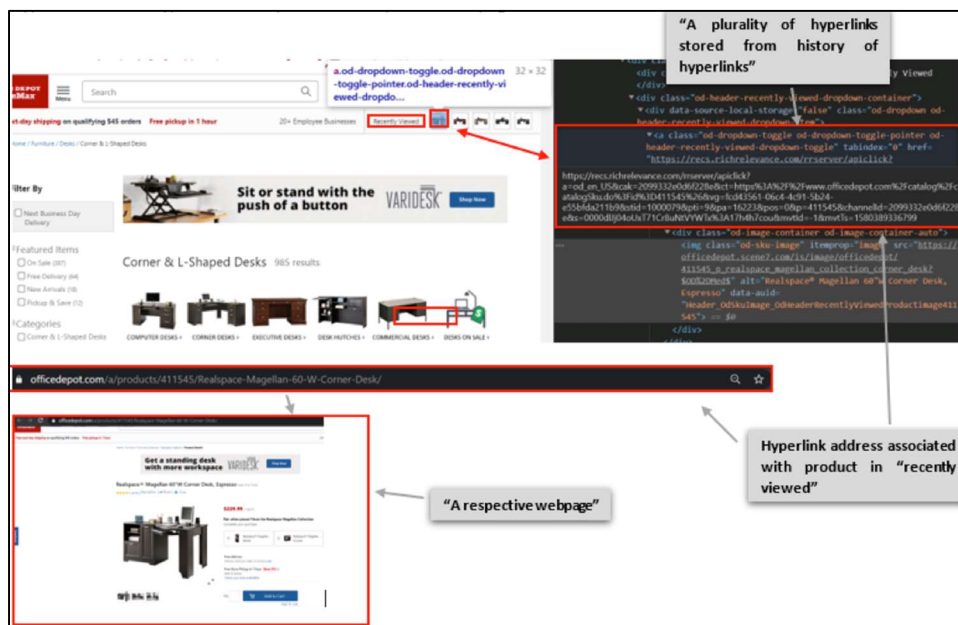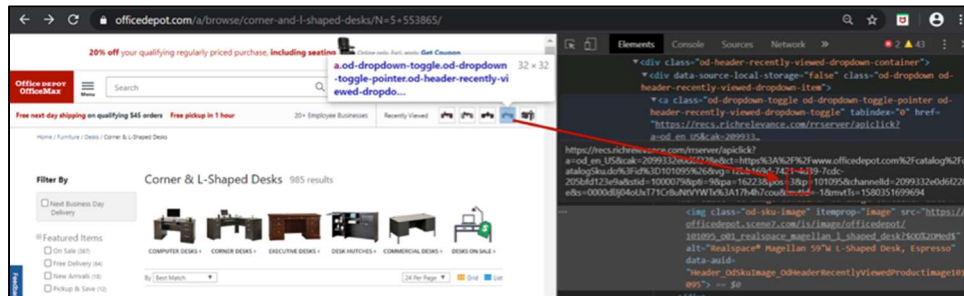
23.   Regarding Claim 10, the Office Depot website monitors the browsing activity of a user at a particular webpage. As shown below the Corner and L-Shaped desks constitutes a particular webpage. The page comprises a plurality of hyperlinks for hyperlinking from the particular page.

https://www.officedepot.com/a/browse/corner-and-l-shaped-desks/N=5+553865/
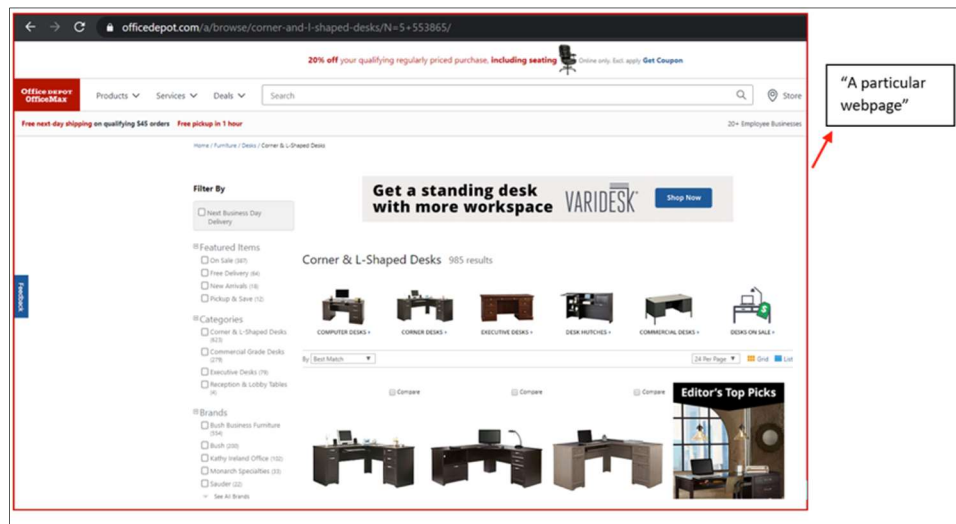
24.   The Office Depot website determines a pattern of hyperlink usage based on monitored browsing activity:
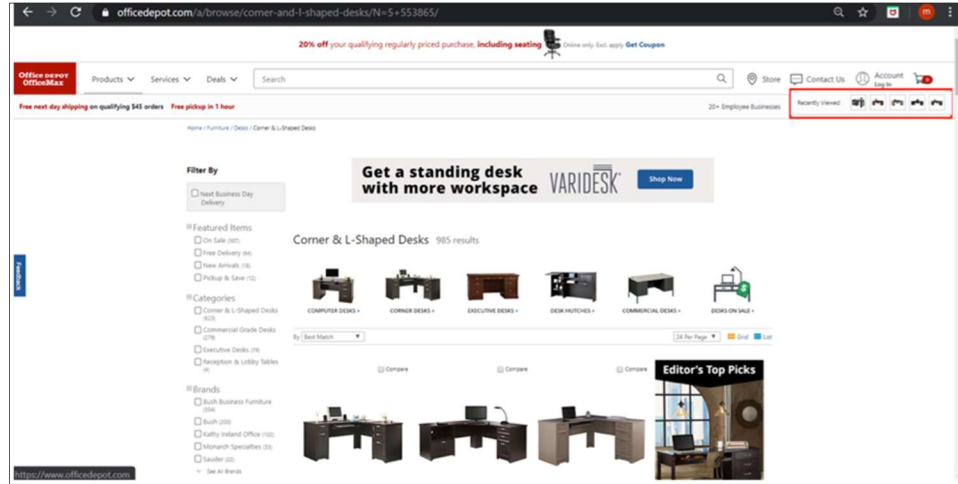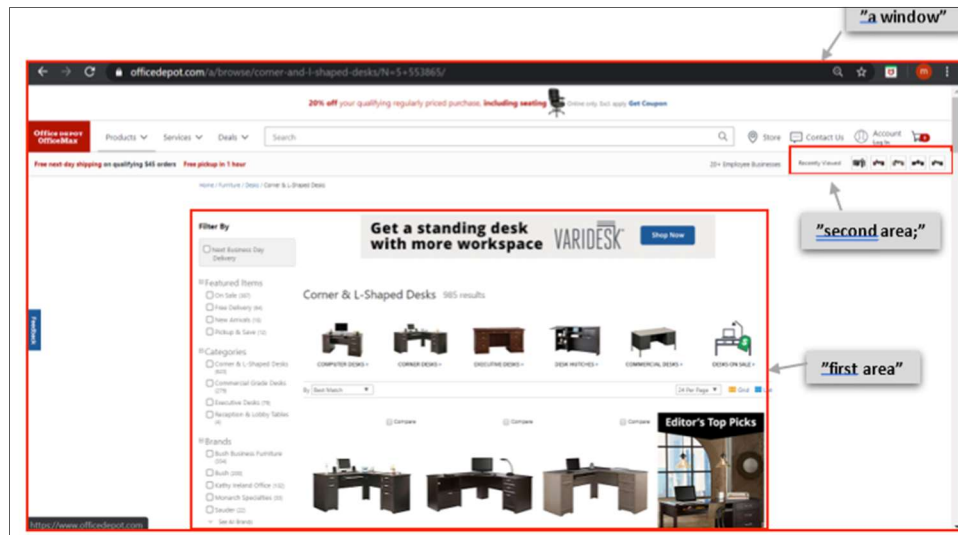
25.   The hyperlinks displayed in the "recently viewed" section are prioritized by when the user visited the page (The host API that stores and displays the hyperlinks prioritizes the webpages according to the order in which the user viewed them).
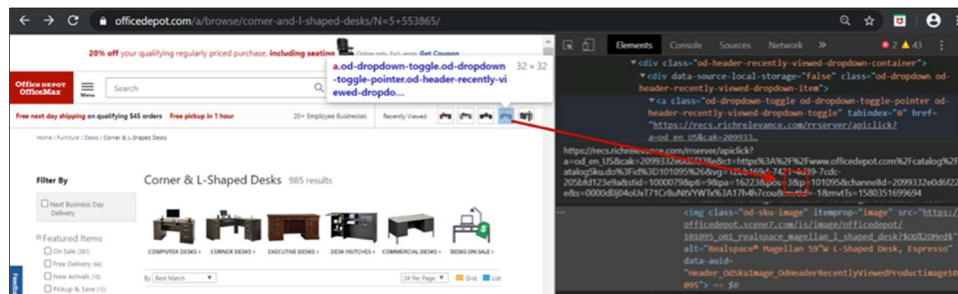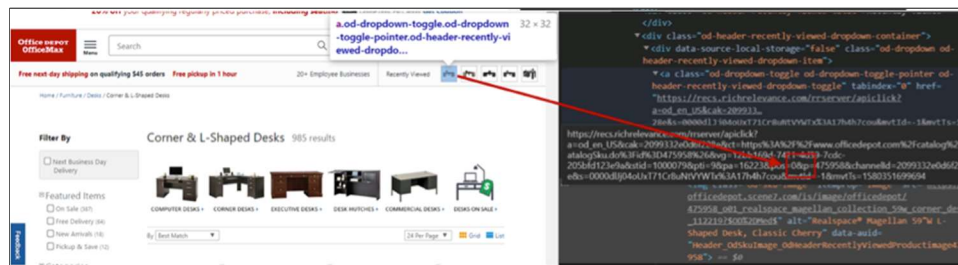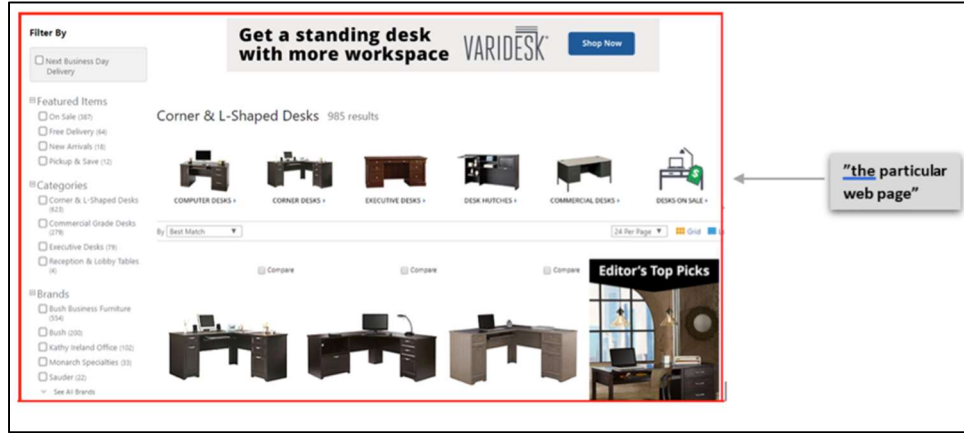

26.   Each hyperlink from the prioritized list link to a respective webpage:
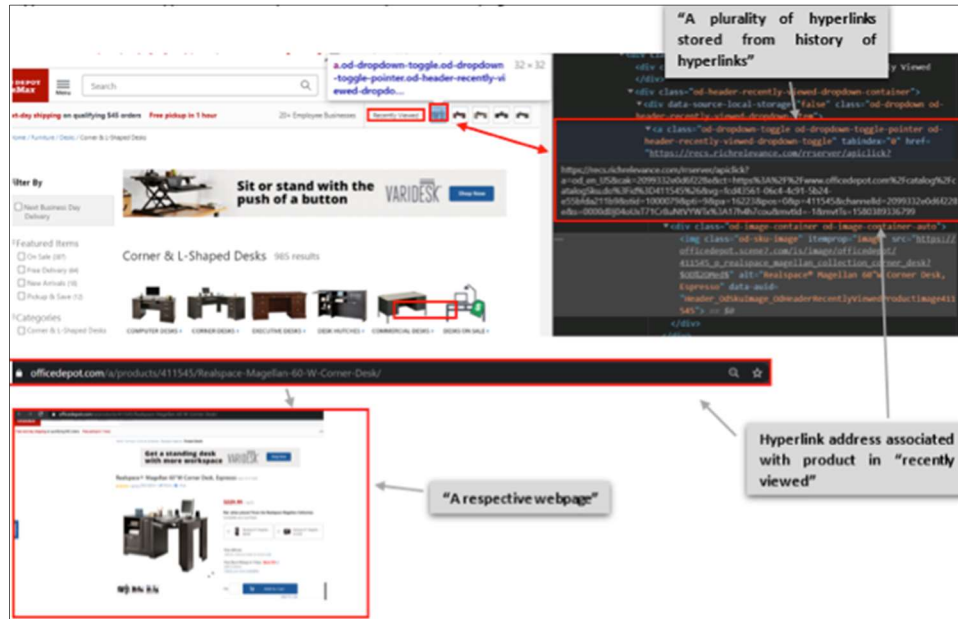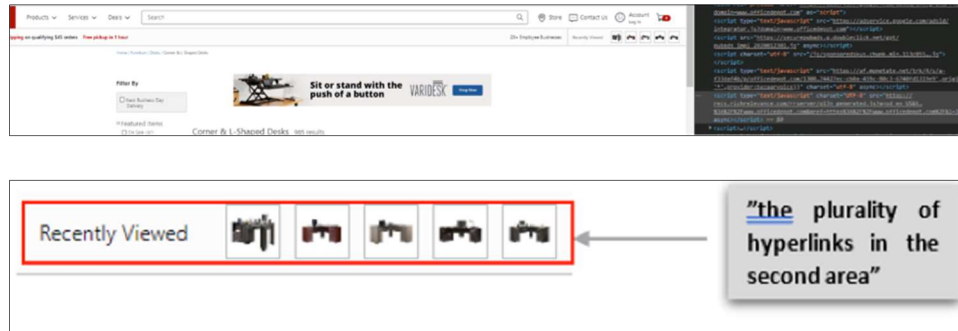
27.   After the user closed the first browsing session and returned to the

computer an hour later the Corner and L-Shaped desk displayed the following:

28.   The page automatically requests the browsing activity which was captured and stored by Office Depot's Website:

29.   The hyperlinks displayed in the "recently viewed" section are prioritized by when the user visited the last visited the page (The host API that stores and displays the Hyperlinks prioritizes the webpages according to the order in which the user viewed them).
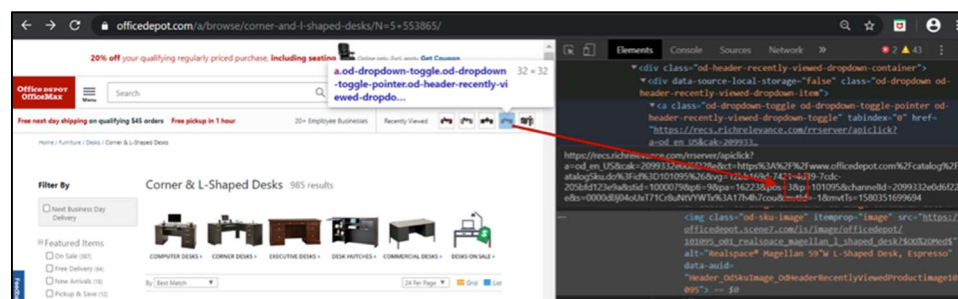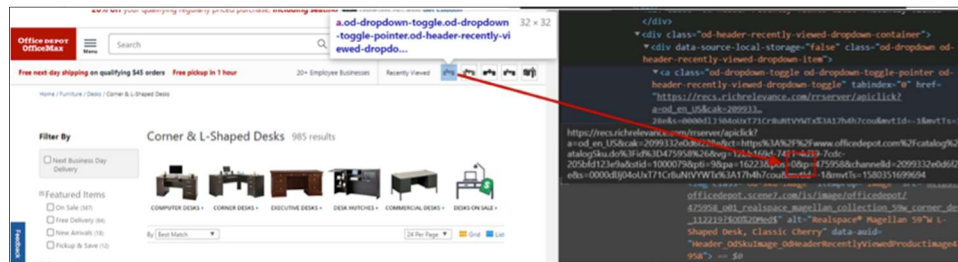
30.   The images presented are reduced sized images rendered using the webpage data.
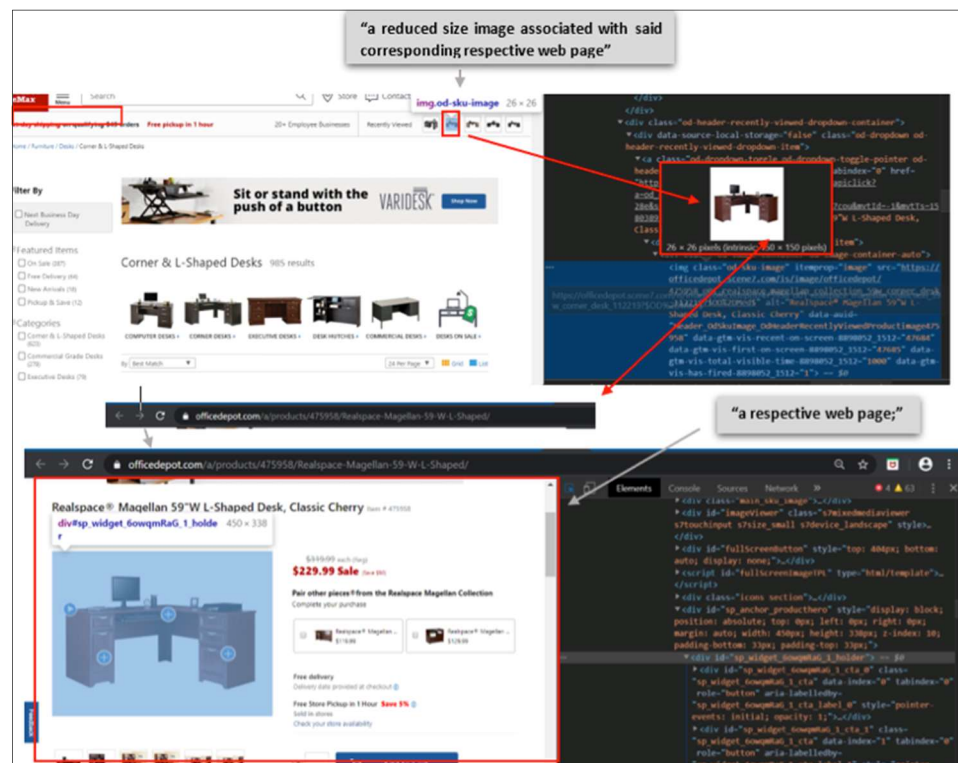
31.   Browse3D has been damaged by Defendant's infringing activities.

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: June 17, 2020   Respectfully submitted,

                                          /s/ Raymond W. Mort, III
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                                          raymort@austinlaw.com

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