

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

DIGI PORTAL LLC,

Plaintiff,

v.

GASBUDDY, LLC,

Defendant.

C.A. NO. _____

JURY TRIAL DEMANDED

PATENT CASE

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Digi Portal LLC files this Original Complaint for Patent Infringement against GasBuddy, LLC and would respectfully show the Court as follows:

I. THE PARTIES

1. Plaintiff Digi Portal LLC (“Digi Portal” or “Plaintiff”) is a Texas limited liability company with its principal place of business at 101 E. Park Blvd, Suite 600, Plano, Texas 75074.

2. On information and belief, Defendant GasBuddy, LLC (“Defendant”) is a limited liability company organized and existing under the laws of Delaware, with a place of business at 77 N. Washington St., 4th Floor, Boston, MA 02114. Defendant has a registered agent at The Registered Agent Company, 614 N Dupont Hwy, Suite 210, Dover, DE 19901.

II. JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction of such action under 28 U.S.C. §§ 1331 and 1338(a).

4. On information and belief, Defendant is subject to this Court’s specific and general personal jurisdiction, pursuant to due process and the Delaware Long-Arm Statute, due at least to its business in this forum, including at least a portion of the infringements alleged

herein. Furthermore, Defendant is subject to this Court's specific and general personal jurisdiction because Defendant is a Delaware limited liability company.

5. Without limitation, on information and belief, within this state, Defendant has used the patented inventions thereby committing, and continuing to commit, acts of patent infringement alleged herein. In addition, on information and belief, Defendant has derived revenues from its infringing acts occurring within Delaware. Further, on information and belief, Defendant is subject to the Court's general jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and deriving substantial revenue from goods and services provided to persons or entities in Delaware. Further, on information and belief, Defendant is subject to the Court's personal jurisdiction at least due to its sale of products and/or services within Delaware. Defendant has committed such purposeful acts and/or transactions in Delaware such that it reasonably should know and expect that it could be haled into this Court as a consequence of such activity.

6. Venue is proper in this district under 28 U.S.C. § 1400(b). On information and belief, Defendant is a Delaware limited liability company. On information and belief, from and within this District Defendant has committed at least a portion of the infringements at issue in this case.

7. For these reasons, personal jurisdiction exists and venue is proper in this Court under 28 U.S.C. § 1400(b).

III. COUNT I
(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 8,352,854)

8. Plaintiff incorporates the above paragraphs herein by reference.

9. On January 8, 2013, United States Patent No. 8,352,854 ("the '854 Patent") was duly and legally issued by the United States Patent and Trademark Office. The '854 Patent is

titled “Dynamic Page Generator.” The ‘854 patent is not subject to a terminal disclaimer and its term is extended under 35 U.S.C. 154(b) by 1270 days. (Ex. A). A true and correct copy of the ‘854 Patent is attached hereto as Exhibit A and incorporated herein by reference.

10. Digi Portal is the assignee of all right, title and interest in the ‘854 patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the ‘854 Patent. Accordingly, Digi Portal possesses the exclusive right and standing to prosecute the present action for infringement of the ‘854 Patent by Defendant.

11. The application leading to the ‘854 patent is a continuation of U.S. application Ser. No. 11/656,636, filed Jan. 22, 2007, which is a continuation of U.S. application Ser. No. 09/393,718, filed Sep. 10, 1999, which is a continuation of U.S. application Ser. No. 08/873,975, filed Jun. 12, 1997. (Ex. A at cover). The ‘854 patent was first assigned to Yahoo! Inc. (*Id.*).

12. The invention in the ‘854 Patent relates to the field of customized information presentation on the web; more specifically, providing customized pages that are quickly served and scalable to handle many users simultaneously. (*Id.* at col. 1:26-30).

13. Web servers for serving static web pages were well known in the global Internet. (*Id.* at col. 1:31-32). Such static web pages are useful in many applications whether the information presented to each requesting user is the same. (*Id.* at col. 1:32-34). However, some applications require customization to appeal to users. (*Id.* at col. 1:34-35). One example is presenting news to users. (*Id.* at col. 1:35-37). When static pages are used, a user will often have to scroll through many topics not of interest to that user to get to the information of interest. (*Id.* at col. 1:37-40). However, when presenting news to users, customized web pages present

news that is more relevant to the requesting user than static pages because the information is filtered according to each user's interest. (*Id.* at col. 1:35-37, 40-41).

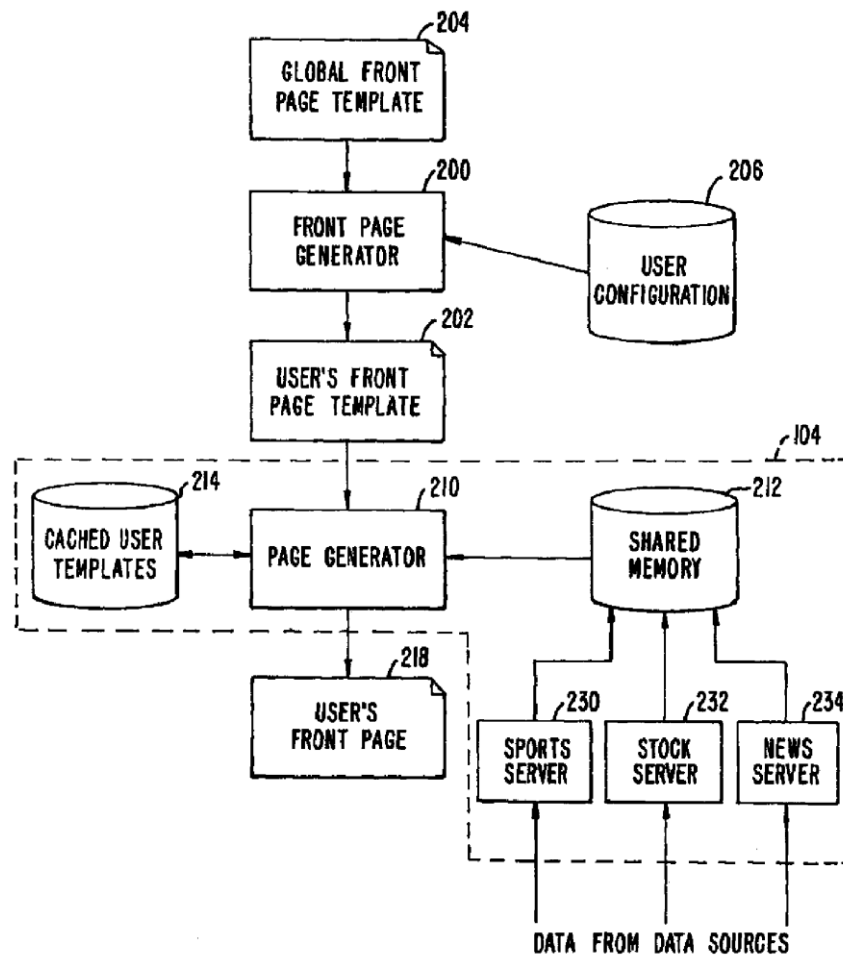
14. Customizing a server response based on the requester is known; however, known systems do not scale well. (*Id.* at col. 1:42-43). One method of serving custom pages is to execute a script, such as a Common Gateway Interface (CGI) script or other program to collect the information necessary to generate the custom page. (*Id.* at col. 1:43-47). For example, if the custom page is a news page containing stock quotes, sports scores and weather, the script might poll a quote server to obtain the quotes of interest, poll a sports score server to obtain the scores of interest and poll a weather server to obtain the weather. (*Id.* at col. 1:47-51). With this information, the server generates the custom page and returns it to the user. (*Id.* at col. 1:51-52). This approach is only useful where there are not many requesters and where the attendant delay associated with polling various servers to obtain the requested information is acceptable to users. (*Id.* at col. 1:53-54). Growing impatience with waiting will turn users away from such servers, especially as use increases. (*Id.* at col. 1:54-58).

15. One approach that was used in the prior art to avoid long waits is to transfer the custom information in non-real-time, so that the information is stored local to the user as it arrives and is presented to the user on request. (*Id.* at col. 1:59-62). A disadvantage of such a system is that the networks used by the user become clogged with data continually streaming to the user and require large amounts of local storage. (*Id.* at col. 1:62-65). Another disadvantage is that the locally stored information will become out of date as the server receives new data. (*Id.* at col. 1:65-67).

16. The inventors therefore recognized that there was a need to dynamically generate customized pages in an unconventional manner that solved the technical problems in the prior art

of long transfer times to obtain the requested information or having to rely on continually transferring custom information in non-real time which can clog the data network in addition to providing outdated information. (*Id.* at col. 1:42 to col. 2:2).

17. The following is a discussion of non-limiting examples of the claimed invention discussed in the specification of the '854 patent. The '854 patent provides a non-limiting exemplary diagram of the generation of a custom page for a user, using a front-page generator (200) and page server (104) (*Id.* at col. 3:58-60):



(Ex. A at Fig. 2). Front page generator (200) generates a user template (202) from a global front page template (204) and a user configuration record (206). (*Id.* at col. 3:58-62). A non-limiting example of a global front page template is provided in the '854 patent:

```

<html>
<head>
<title>My Yahoo! news summary for <!-- login --></title>
</head>
<body>

<center>
<!--banner:sum -->

<!-- ad -->
<!-- nav bar --> ~ 302
</center>

<table border=1 cellpadding=4 cellspacing=0 width=100%>
<tr><td align=center valign=top width="1%">
<!-- leftside:nsum --> ~ 302
<p></td>
<td align=center valign=top width="100%">
<!-- mode bar:"FRONT PAGE" -->
<!-- channel:nsum --> ~ 302

</td></tr>
</table>

<center>
<table border=1 cellpadding=2 cellspacing=0 width=100%>
<!-- motd:motn.html -->
</table>
</center>
<!-- search -->

<!-- copyright:sum -->

</body>
</html>

```

204

(Ex. A at Fig. 3). The global user template (204) is an HTML (HyperText Markup Language) document with additional tags as placeholders for live data. (*Id.* at col. 5:16-19). Several placeholders (302) are show in the code. (*Id.* at col. 5:19).

18. A user configuration record (206) is a record selected from user configuration database (116). (*Id.* at col. 3:63-64). User configuration information includes user demographic information, such as sex, age, location, stock quotes, favorite sports teams, news topics, etc. (*Id.* at col. 2:13-14, col. 5:45-50, col. 6:37-39, 46-48, 52-56). The user configuration information in the example may not change until the user changes his or her preferences. (*Id.* at col. 5:33-35).

19. The '854 patent provides an illustration of a user template (202) as might be generated from global user template (204) and a user configuration record (206):

202

```

<!-- timezone:-8,PT 0 -->
<!-- ad:M,85,95035,T,* 792 -->
<!-- portfolio:Quotes,pf_1,1,^DJI,^NYA,^IXIC,^SPX,^XAX,YHOO,NSCP,IOM,NSCP,YHOO
2836 -->
<!--
404 { scoreboard:NCAAFSSC,NHLSAN,MLSSAN,NCAAFSSS,ALOAK,NBAGSW,NFLOAK,NCAAFCCD,NFLSFO
,NLSFO 3803 -->
<!-- weather:f,30901,uk_londo,94601,95101 4368 -->
<!--
mode_bar:"FRONT_PAGE",.hier=News+Summary%3aEdit&.done=http://my.yahoo.com/news
/summary2:3,rt,rw,z0000,mlb,re,vf 4597 -->
<!-- motd:us_motn.html 4696 -->
<html>
<head>
<title>My Yahoo! news summary for ash802</title>
</head>
<body>

...

</body>
</html>

```

(Ex. A at Fig. 4). The user template is unique because it is built based on user demographic information provided by the user, as opposed to generically chosen dynamic information or based on information provided by the server. Exemplary demographic information is shown in line 2 of Fig. 4 (“:M,85,95035,T,*”) indicating that the user is a male, age 85, located in zip code 95035, etc. (*Id.* at col. 5:42-45). The ‘854 patent includes a full listing of the non-limiting exemplary user template of Fig. 4 in Appendix A. (Ex. A at col. 2:57-58; col. 5:22-23).


```

src="http://www.yahoo.com/images/my/logout.gif" alt="Change
User"></a></td>
</tr>
</table>
</center>
<map name=logout>
<area coords="0,0,50,68" href="/my/?http://www.yahoo.com/">
<area coords="51,0,100,68"
href="http://edit.my.yahoo.com/config/login?logout=1">
</map>

</body>
</html>

```

(Ex. B at Col. 7-11).

20. As shown in Fig. 2 of the '854 patent, the user template does not need to be generated each time and instead can be generated and stored. (Ex. A at col. 4:49-51, col. 5:23-32). One benefit of the claimed invention that speeds up the operation of the dynamic page generation is that the page can be stored in multiple locations that are based on the frequency by which the user requests the customized page based on the user template. (*Id.* at col. 5:37-38, col. 6:49-59). Some users might choose to access their user page infrequently, while others might choose to access their front page hourly. (*Id.* at col. 6: 52-54). For infrequent users, the user template is stored in a user configuration database, whereas for frequent users the user template may also be stored in cache. (*Id.* at col. 5:37-38, col. 6:51-59). Caching reduces the time to respond to a request for a page and is more effective where the typical user makes several requests in a short time span and then doesn't make any requests for a long period of time. (*Id.* at col. 5:29-32).

21. When the user template stored in cache, it may be stored long enough to be reused and may also be flushed from cache if the user page has been inactive for several days. (*Id.* at col. 6:49-52, 59-60). Even if it is flushed from cache, the user template can be maintained in the user configuration database, which can then be quickly accessed and stored in cache in the event a user may start to access the user page quickly. (*Id.*).

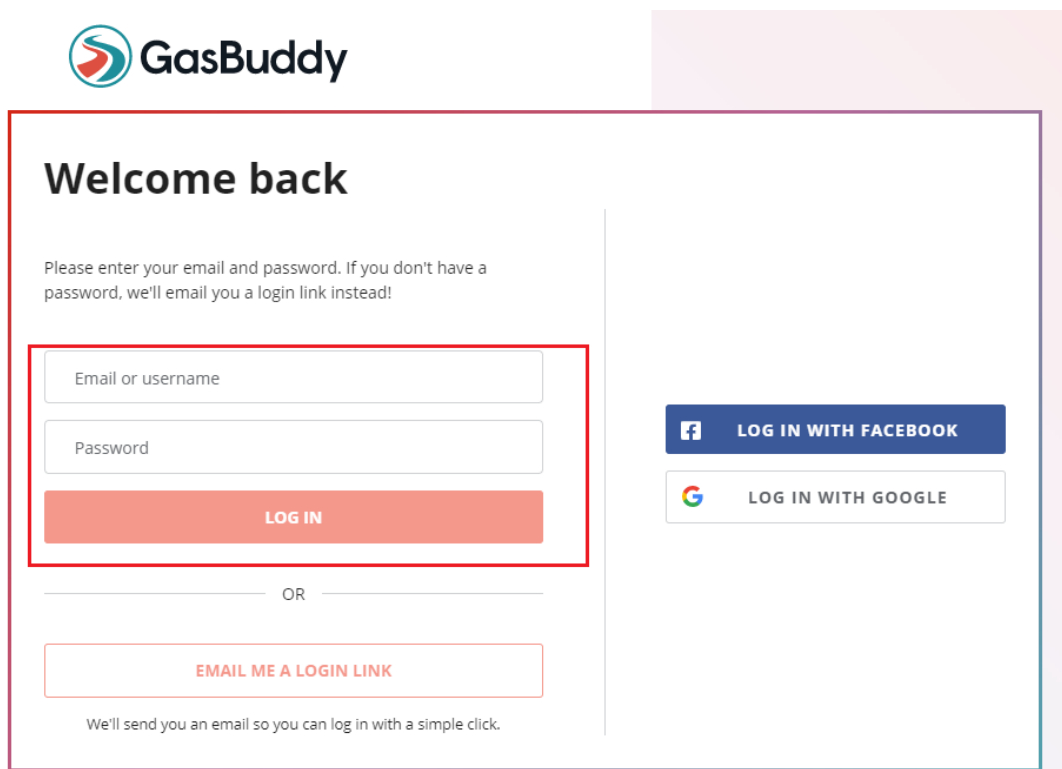
22. The custom user page can also include an advertisement that is selected based on the user demographic information. (*Id.* at col. 5:39-42). For example, using the demographic information “:M,85,95035,T,*”, an advertisement can be selected that is targeted for a male user, age 85, located in zip code 95035, etc. (*Id.* at col. 5:39-45).

23. Appendix B of the ‘854 patent is an HTML source code listing of an HTML page created from an executed user template that is used to generate a user customized browser web page. (Ex. B at col. 11 – col. 19).

24. As explained the ‘854 patent and prosecution history, there are unconventional and non-generic features of the claimed invention which are technical improvements that make the generation of dynamic web pages quicker, more efficient, and use less resources. By storing the user customized template program in two locations in which the location is determined by frequency, the system is more efficient and allows for a quicker response than the prior art. For example, by storing the user customized template in user configuration database and in cache, the dynamic generation of a user customized web page is more efficient and uses less resources of the server, database, and network, and allows for a quicker generation of the dynamic web page thereby allowing the server to scale in order to handle substantially more requests for user customized dynamic web pages. (*See* Ex. A at col. 1:42-67, col. 4:49-col. 5:15, col. 5:23-32). Furthermore, by caching the user template, the page can be generated entirely within a page server, thus conserving network and database resources. (*See id.* at col. 4:10-11, col. 5:23-32). By also storing the user customized template in a user configuration database, even if the cache is cleared, the template already exists in the database which then prevents having to regenerate a new user customized page from a global page template using a user configuration record thus saving database and server resources and more quickly generating the requested web page from

27. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing at least claims 1-3, 8-10, and 15 of the '854 patent in Delaware, and elsewhere in the United States, by performing the claimed method, using the claimed computer-readable non-transitory medium storing computer instructions, and/or making and/or using the claimed system at GasBuddy.com (“Accused Instrumentality”).

28. The Accused Instrumentality performs the step of receiving a user request for a customized page. For example, GasBuddy.com receives a user request for a user customized page:



(E.g., https://iam.gasbuddy.com/login?return_url=https://www.gasbuddy.com/).

The screenshot displays the GasBuddy search interface. At the top, there is a search bar with the text "Search gas prices by city or zip code..." and the input "77001". To the right of the search bar is a dropdown menu set to "Regular" and a "FIND GAS" button. Below the search bar, the heading "Gas Prices Near 77001" is visible, along with a "Map" button. Two gas stations are listed: Fuel Depot and Exxon. Both stations show a price of \$2.09 and are located in Houston, TX. A promotional banner for shoes with a "65% OFF" discount is also present. On the right side, a list of US states is provided for navigation.

(<https://www.gasbuddy.com/home?search=77001&fuel=1> (for a particular user)).

29. The Accused Instrumentality performs the step of receiving a template program (e.g., software instructions and data used for rendering a particular user’s GasBuddy.com page such as a JavaScript page) that is unique to the user and based on user configuration information (e.g., JavaScript pages will be specific to a user because the content can be modified by and/or customized for a user). The user configuration information is supplied by the user (e.g., a user defines the information the user’s template will display by inputting information such as the user’s location; a user can customize the content of their templates and what will be rendered and displayed using the templates by entering information such as the user’s location) and used to build the template program that is unique to the user (e.g., user profile and user configuration information is used to modify templates, create instructions, and designate appropriate data retrieval for rendering the user’s specific page). The following screenshots demonstrate the result of the accused instrumentality satisfying these limitations:

Search Gas Prices

ADVANCED SEARCH

Search gas prices by city or zip code...



Gas Prices Near 77001



Fuel Depot
 ★★★★★ 68
 2001 S Wayside Dr
 Houston, TX
\$2.09
 ↓ RONALD777
 4 hours ago

Save 5¢/gallon at stations nationwide with the free GasBuddy card! [LEARN MORE](#)

Exxon
 ★★★★★ 104
 2402 S Wayside Dr
 Houston, TX
\$2.09
 ↓ RONALD777
 4 hours ago

Find Cheap Gas Prices in the USA

- Alabama
- Arizona
- California
- Connecticut
- Florida
- Hawaii
- Illinois
- Iowa
- Kentucky
- Alaska
- Arkansas
- Colorado
- Delaware
- Georgia
- Idaho
- Indiana
- Kansas
- Louisiana

(<https://www.gasbuddy.com/home?search=77001&fuel=1> (for a particular user)).

Search Gas Prices

ADVANCED SEARCH

Search gas prices by city or zip code...



Gas Prices Near 10101



BP
 ★★★★★ 156
 466 10th Ave
 Manhattan, NY
\$3.39
 ↓ philvette
 32 minutes ago

Save 5¢/gallon at stations nationwide with the free GasBuddy card! [LEARN MORE](#)

Shell
 ★★★★★ 30
 38-02 21st St
 Long Island City, NY
\$2.76
 ↓ JCVNY
 7 hours ago

Find Cheap Gas Prices in the USA

- Alabama
- Arizona
- California
- Connecticut
- Florida
- Hawaii
- Illinois
- Iowa
- Kentucky
- Alaska
- Arkansas
- Colorado
- Delaware
- Georgia
- Idaho
- Indiana
- Kansas
- Louisiana

(E.g., <https://www.gasbuddy.com/home?search=10101&fuel=1> (for a particular user)).

30. For example, each user’s respective pages demonstrates that the template program is varied so that each user can receive appropriately customized pages (e.g., the code for each respective page is updated/adapted to pull from different resources so that the appropriate information/data can be referenced/displayed for each user). The screenshots below show two different templates belonging to two respective users based on user configuration information with the user configuration information (including user demographic information) being supplied by the user that is used to build the template program that is unique to the user:

First User

The screenshot displays the GasBuddy website interface for a user. At the top, there is a search bar titled "Search Gas Prices" with a sub-label "ADVANCED SEARCH". The search bar contains the zip code "77001" and a dropdown menu set to "Regular". A red "FIND GAS" button is positioned below the search bar. To the right of the search bar, there is a promotional image for a shoe with a "65% OFF" badge and a "Back to School" tag.

Below the search bar, the section "Gas Prices Near 77001" is visible, accompanied by a "Map" button. Two gas stations are listed:

- Fuel Depot:** 2001 S Wayside Dr, Houston, TX. Price: \$2.09. Last updated by RONALD777 4 hours ago.
- Exxon:** 2402 S Wayside Dr, Houston, TX. Price: \$2.09. Last updated by RONALD777 4 hours ago.

A promotional banner below the stations reads: "Save 5¢/gallon at stations nationwide with the free GasBuddy card! LEARN MORE". To the right of the stations, there is a list of states: Alabama, Arizona, California, Connecticut, Florida, Hawaii, Illinois, Iowa, Kentucky, Alaska, Arkansas, Colorado, Delaware, Georgia, Idaho, Indiana, Kansas, and Louisiana.

(<https://www.gasbuddy.com/home?search=77001&fuel=1> (for a particular user)).

Second User

The screenshot shows the GasBuddy.com search interface. At the top, there is a search bar with the text "Search gas prices by city or zip code..." and the input "10101". To the right of the search bar is a dropdown menu set to "Regular". Below the search bar is a red button labeled "FIND GAS".

Below the search bar, the page is titled "Gas Prices Near 10101" with a "Map" button. Two gas stations are listed:

- BP**: 466 10th Ave, Manhattan, NY. Price: **\$3.39**. Fuel type: CASH. Last updated: 32 minutes ago.
- Shell**: 38-02 21st St, Long Island City, NY. Price: **\$2.76**. Fuel type: CASH. Last updated: 7 hours ago.

A banner below the stations reads: "Save 5¢/gallon at stations nationwide with the free GasBuddy card! LEARN MORE".

On the right side of the page, there is an advertisement for AC Smith Green RO series water filters. Below the ad is a list of states: Alabama, Arizona, California, Connecticut, Florida, Hawaii, Illinois, Iowa, Kentucky, Alaska, Arkansas, Colorado, Delaware, Georgia, Idaho, Indiana, Kansas, Louisiana.

(E.g., <https://www.gasbuddy.com/home?search=10101&fuel=1> (for a particular user)).

31. As another example, a user can customize their GasBuddy.com page by selecting their favorite stations, so that Favorite Stations can be displayed. Below are screenshots pertaining to the selection process.

[< MY ACCOUNT](#)

Favorite Stations Lists

Add, edit or remove your favorite station lists.

ADD A NEW LIST

Favorites (Default List)


RENAME

(<https://www.gasbuddy.com/account/favorite-lists> (for a particular user)).

[< MY FAVORITES LISTS](#)

Favorites

You have no stations favorited in this list.

Click the  symbol when viewing a station to add it to your favorites.

(<https://www.gasbuddy.com/account/favorite-lists/5213569> (for a particular user)). Shown





below are screenshots of webpages customized according to the favorites of two respective users.

First User

< MY FAVORITES LISTS

Favorites

Regular

	Fuel Depot ★★★★☆ 68 2001 S Wayside Dr Houston, TX		\$2.09 RONALD777 5 hours ago
	Chevron ★★★★☆ 55 2490 S Wayside Dr Houston, TX		\$2.09 Zamzumims 5 hours ago CASH







(<https://www.gasbuddy.com/account/favorite-lists/5213569> (for a particular user)).

Second User

< MY FAVORITES LISTS

Favorites

Regular

	Shell ★★★★☆ 34 1599 Lexington Ave Manhattan, NY		\$2.69 petertsangus 16 hours ago CASH
	BP ★★★★☆ 147 1400 Park Ave Hoboken, NJ		\$2.45 golfpolice 1 hour ago
	Mobil ★★★☆☆ 101 51-63 8th Ave Manhattan, NY		\$3.49 12khan 27 minutes ago CASH

(<https://www.gasbuddy.com/account/favorite-lists/5213609> (for a particular user)). On

information and belief, “Favorites” data is stored locally in cookies. The JavaScript file, which has a utility function, is retrieved from the CDN and handles storing and retrieval of the saved gas stations, and user data stored and retrieved from local storage or cookie locations.

32. The user configuration information supplied by the user to build the template program includes user demographic information (*e.g.*, a user’s profile information and/or configuration information such as the user’s location and other information). (*E.g.*, <https://www.gasbuddy.com/privacy/>).

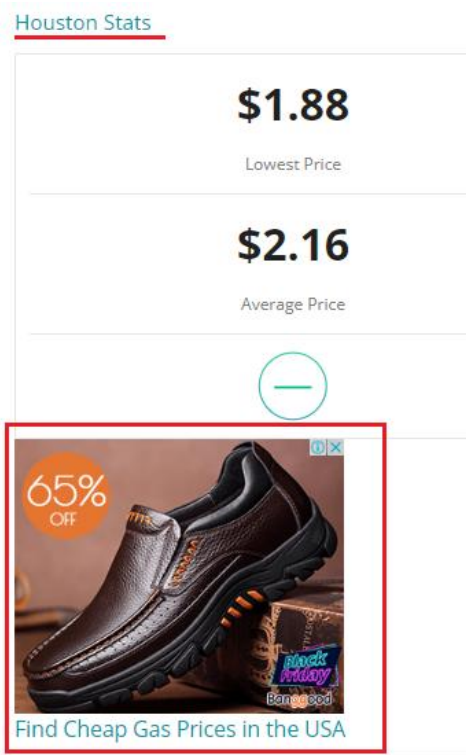
33. The template program is received from one of at least two locations (*e.g.*, the data and templates comprising a user’s page may be retrieved from a main server/disk storage), the location determined from the frequency of the user request for the customized GasBuddy.com page (*e.g.*, based on the frequency at which a user logs in or accesses their GasBuddy.com page, the data comprising the users page may be stored at a main server). On information and belief, template information that is part of the template program is stored for less frequently accessed files in the main storage and for more frequently accessed files in local storage on the user’s computer. On information and belief, running the template program (page generation code, tiles, containers, and user data) creates the customized webpage. On information and belief, when a user signs-up or performs a login, the code takes the user template information and stores it in a site Javascript object that is used in logic to display various gas stations and other site logic-based conditions. On information and belief, the user information is stored in multiple locations, which can include, (1) at runtime, in a Javascript object with the data structure called ContextData; (2) within browser local storage; and (3) browser cookies.

34. The Accused Instrumentality performs the step of receiving an advertisement selected in accordance to the user demographic information (*e.g.*, GasBuddy.com provides

advertisements to a user based on demographic information such as location, etc.). (*E.g.*, <https://www.gasbuddy.com/privacy/>). For example, the Accused Instrumentality has targeted advertising to users based on a user's geography and interest. (*Id.*).

35. The Accused Instrumentality performs the step of executing the template program (*e.g.*, JavaScript templates) using the selected advertisement (*e.g.*, an advertisement selected based on a user's demographic information) to generate the customized page (*e.g.*, a user's GasBuddy.com page, with the advertisement integrated). (*E.g.*, <https://www.gasbuddy.com/home?search=77001&fuel=1> (for a particular user)).

36. The Accused Instrumentality performs the step of providing the customized page to the user (*e.g.*, a user's GasBuddy.com page with integrated advertisements)



(*E.g.*, <https://www.gasbuddy.com/home?search=77001&fuel=1> (for a particular user)).

New York City Stats

\$2.43
Lowest Price

\$2.77
Average Price

↓

A.C. Smith
Every drop counts.
Presenting Green RO series
that saves 2X water.
GET A DEMO
T&C Apply
Find Cheap Gas Prices in the USA

(E.g., <https://www.gasbuddy.com/home?search=10101&fuel=1> (for a particular user)).

37. Plaintiff has been damaged as a result of Defendant’s infringing conduct. Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates Plaintiff for such Defendant’s infringement of the ‘854 patent, *i.e.*, in an amount that by law cannot be less than would constitute a reasonable royalty for the use of the patented technology, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

38. On information and belief, Defendant has had at least constructive notice of the ‘854 patent by operation of law, and there are no marking requirements that have not been complied with.

IV. COUNT II
(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 5,983,227)

39. Plaintiff incorporates the above paragraphs herein by reference.

40. On November 9, 1999, United States Patent No. 5,983,227 (“the ‘227 Patent”) was duly and legally issued by the United States Patent and Trademark Office. The ‘227 Patent is titled “Dynamic Page Generator.” A true and correct copy of the ‘227 Patent is attached hereto as Exhibit B and incorporated herein by reference.

41. Digi Portal is the assignee of all right, title and interest in the ‘227 patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the ‘227 Patent. Accordingly, Digi Portal possesses the exclusive right and standing to prosecute the present action for infringement of the ‘227 Patent by Defendant.

42. The application leading to the ‘227 patent was filed June 12, 1997. (Ex. B at cover). The ‘227 patent was first assigned to Yahoo! Inc. (*Id.*).

43. The invention in the ‘227 Patent relates to the field of customized information presentation on the web; more specifically, providing customized pages that are quickly served and scalable to handle many users simultaneously. (*Id.* at col. 1:14-18).

44. The ‘227 Patent shares the identical specification as the ‘854 patent and therefore Digi Portal incorporates the background and discussion of the invention in Paragraphs 13-25. Furthermore, as show in the prosecution history of the ‘227 Patent, it was unconventional to download real-time information into a server and use a template for the static data as opposed to linking directly to real-time information. (Ex. E at 5, Ex. F at 2).

45. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing at least claim 2 of the ‘227 patent in Delaware, and elsewhere in the United States, by performing actions comprising using or performing the claimed method of providing real-time responses to user requests for customized pages, including without limitation through the method

implemented of providing a user’s GasBuddy.com page (“Accused Instrumentality”). (E.g., <https://www.gasbuddy.com/>;

https://iam.gasbuddy.com/login?return_url=https://www.gasbuddy.com/).

46. The Accused Instrumentality performs the step of obtaining user preferences (e.g., location, station brand, etc.), wherein a user's user preferences indicate items of interest to that user. For example, users can customize their location on their GasBuddy.com page to locate gas stations near their location:

The screenshot displays the GasBuddy.com search interface. At the top, there is a search bar with the text "Search Gas Prices" and "ADVANCED SEARCH". The search bar contains the text "Search gas prices by city or zip code..." and "77001". To the right of the search bar, there is a dropdown menu for "Regular" fuel type. Below the search bar is a red button labeled "FIND GAS".

Below the search bar, there is a section titled "Gas Prices Near 77001" with a "Map" button. Below this section, there are two gas station listings:

- Fuel Depot**: 2001 S Wayside Dr, Houston, TX. Price: \$2.09. Rating: 68 stars. Last updated: 4 hours ago.
- Exxon**: 2402 S Wayside Dr, Houston, TX. Price: \$2.09. Rating: 104 stars. Last updated: 4 hours ago.

Below the listings, there is a banner that says "Save 5¢/gallon at stations nationwide with the free GasBuddy card! LEARN MORE". To the right of the listings, there is a promotional banner for shoes with a "65% OFF" tag and a list of US states:

- Alabama
- Arizona
- California
- Connecticut
- Florida
- Hawaii
- Illinois
- Iowa
- Kentucky
- Alaska
- Arkansas
- Colorado
- Delaware
- Georgia
- Idaho
- Indiana
- Kansas
- Louisiana



(<https://www.gasbuddy.com/home?search=77001&fuel=1> (for a particular user)).

47. The following screenshots are pages for two different users that have varying gas stations displayed based upon the users’ respective locations:

First User:

Search Gas Prices

ADVANCED SEARCH


Search gas prices by city or zip code...
  

FIND GAS




Gas Prices Near 77001

 Map

 **Fuel Depot**
 ★★★★★ 68
 2001 S Wayside Dr
 Houston, TX

\$2.09
 ▲ RONALD777
 4 hours ago

Save 5¢/gallon at stations nationwide with the free GasBuddy card! [LEARN MORE](#)

 **Exxon**
 ★★★★★ 104
 2402 S Wayside Dr
 Houston, TX

\$2.09
 ▲ RONALD777
 4 hours ago

Find Cheap Gas Prices in the USA



- | | |
|-------------|-----------|
| Alabama | Alaska |
| Arizona | Arkansas |
| California | Colorado |
| Connecticut | Delaware |
| Florida | Georgia |
| Hawaii | Idaho |
| Illinois | Indiana |
| Iowa | Kansas |
| Kentucky | Louisiana |

(<https://www.gasbuddy.com/home?search=77001&fuel=1> (for a particular user)).

Second User

Search Gas Prices

ADVANCED SEARCH


Search gas prices by city or zip code...
  

FIND GAS




Gas Prices Near 10101

 Map

 **BP**
 ★★★★★ 156
 466 10th Ave
 Manhattan, NY

\$3.39
 ▲ philvette
 32 minutes ago
 CASH

Save 5¢/gallon at stations nationwide with the free GasBuddy card! [LEARN MORE](#)

 **Shell**
 ★★★★★ 30
 38-02 21st St
 Long Island City, NY

\$2.76
 ▲ jcvny
 7 hours ago
 CASH

Find Cheap Gas Prices in the USA

- | | |
|-------------|-----------|
| Alabama | Alaska |
| Arizona | Arkansas |
| California | Colorado |
| Connecticut | Delaware |
| Florida | Georgia |
| Hawaii | Idaho |
| Illinois | Indiana |
| Iowa | Kansas |
| Kentucky | Louisiana |


(E.g., <https://www.gasbuddy.com/home?search=10101&fuel=1> (for a particular user)).

48. Additionally, a user can also customize the GasBuddy.com page by saving favorite stations, so that favorite stations can be displayed. The following are screenshots pertaining to the selection process:

[< MY FAVORITES LISTS](#)

Favorites


You have no stations favorited in this list.





Click the  symbol when viewing a station to add it to your favorites.

(<https://www.gasbuddy.com/account/favorite-lists/5213569> (for a particular user)).

[< MY FAVORITES LISTS](#)

Favorites

Regular 

	Fuel Depot ★★★★☆ 68 2001 S Wayside Dr Houston, TX		<u>\$2.09</u> RONALD777 5 hours ago
	Chevron ★★★★☆ 55 2490 S Wayside Dr Houston, TX		<u>\$2.09</u> Zamzummins 5 hours ago CASH

(<https://www.gasbuddy.com/account/favorite-lists/5213569> (for a particular user)).





49. The following screenshots are webpages customized according to the favorites of two respective users:

First User:

[< MY FAVORITES LISTS](#)

Favorites







Regular 

	Fuel Depot ★★★★☆ 68 2001 S Wayside Dr Houston, TX		\$2.09 RONALD777 5 hours ago
	Chevron ★★★★☆ 55 2490 S Wayside Dr Houston, TX		\$2.09 Zamzummims 5 hours ago CASH

(<https://www.gasbuddy.com/account/favorite-lists/5213569> (for a particular user)).

Second User

[← MY FAVORITES LISTS](#)**Favorites**Regular 

	<p>Shell</p> <p>★★★★☆ 34</p> <p>1599 Lexington Ave Manhattan, NY</p>		<p>\$2.69</p> <p>petertsangus 16 hours ago</p> <p>CASH</p>
	<p>BP</p> <p>★★★★☆ 147</p> <p>1400 Park Ave Hoboken, NJ</p>		<p>\$2.45</p> <p>golfpolice 1 hour ago</p>
	<p>Mobil</p> <p>★★★★☆ 101</p> <p>51-63 8th Ave Manhattan, NY</p>		<p>\$3.49</p> <p>12khan 27 minutes ago</p> <p>CASH</p>

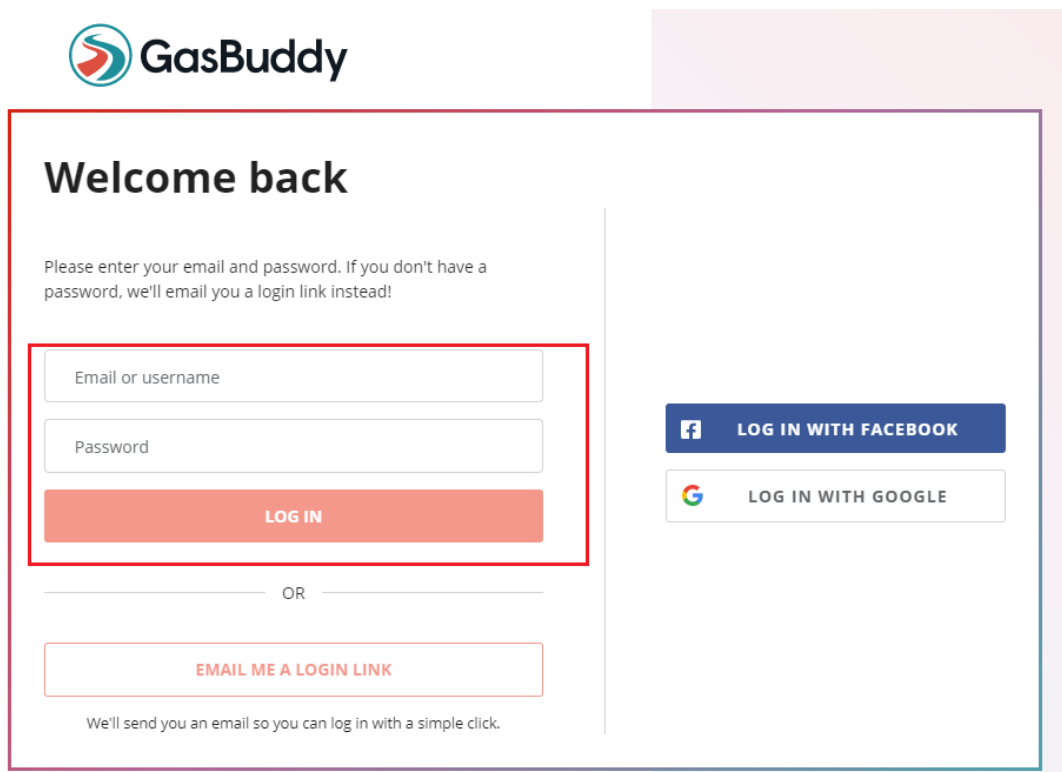
(<https://www.gasbuddy.com/account/favorite-lists/5213609> (for a particular user)).

50. On information and belief, the Accused Instrumentality performs obtaining real-time information (*e.g.*, currently gas prices at gas stations) from information sources (*e.g.*, GasBuddy.com's servers/databases which store real-time gas prices) and storing the real-time information in a storage device (*e.g.*, the gas prices at gas stations will be pulled from a storage server and sent to GasBuddy.com's web/API server so that the information can be used as input in a template program to generate a customized page that is provided to a user).

51. On information and belief, the Accused Instrumentality performs the step of combining the user preferences for the user (*e.g.*, user location and gas brand) and a template (*e.g.*, generic template) to form a template program specific to the user. On information and belief, the Accused Instrumentality forms a template program (*e.g.*, software instructions and data used for rendering a particular user's GasBuddy.com page such as a JavaScript page) that is unique to the user (*e.g.*, JavaScript pages will be specific to a user because the content can be

modified by and/or customized for a user) and based on user preferences (*e.g.*, a user can customize the content of their templates and what will be rendered and displayed using the templates by entering information such as their location). On information and belief, the Accused Instrumentality uses preference information for the user and a global template that is generic to a plurality of users to form a customized template program unique to a user. Running the template program (page generation code, tiles, containers, and user data) creates the customized webpage.

52. On information and belief, the Accused Instrumentality performs the step of receiving, from a user and at the server, a user request for a customized page (*e.g.*, when a user logs in to GasBuddy.com, displayed gas stations will be limited to a user's location) customized according to the user preferences. The following screenshots are examples of the request for a customized page that is customized according to the user preferences:



GasBuddy

Welcome back

Please enter your email and password. If you don't have a password, we'll email you a login link instead!

Email or username

Password

LOG IN

OR

EMAIL ME A LOGIN LINK

We'll send you an email so you can log in with a simple click.



f LOG IN WITH FACEBOOK

G LOG IN WITH GOOGLE

(*E.g.*, https://iam.gasbuddy.com/login?return_url=https://www.gasbuddy.com/).

Search Gas Prices

ADVANCED SEARCH


Search gas prices by city or zip code...
 77001  Regular 

FIND GAS



Gas Prices Near 77001






Fuel Depot
 ★★★★★ 68
 2001 S Wayside Dr
 Houston, TX

\$2.09
▲ RONALD777
 4 hours ago

Save 5c/gallon at stations nationwide with the free GasBuddy card! [LEARN MORE](#)



Exxon
 ★★★★★ 104
 2402 S Wayside Dr
 Houston, TX

\$2.09
▲ RONALD777
 4 hours ago

Find Cheap Gas Prices in the USA


- | | |
|-------------|-----------|
| Alabama | Alaska |
| Arizona | Arkansas |
| California | Colorado |
| Connecticut | Delaware |
| Florida | Georgia |
| Hawaii | Idaho |
| Illinois | Indiana |
| Iowa | Kansas |
| Kentucky | Louisiana |

(<https://www.gasbuddy.com/home?search=77001&fuel=1> (for a particular user)).

< MY FAVORITES LISTS

Favorites

You have no stations favorited in this list.





Click the  symbol when viewing a station to add it to your favorites.

(<https://www.gasbuddy.com/account/favorite-lists/5213569> (for a particular user)).

< MY FAVORITES LISTS

Favorites

Regular

	<p>Fuel Depot</p> <p>★★★★☆ 68</p> <p>2001 S Wayside Dr Houston, TX</p>	 <p>\$2.09</p> <p>RONALD777 5 hours ago</p>
	<p>Chevron</p> <p>★★★★☆ 55</p> <p>2490 S Wayside Dr Houston, TX</p>	 <p>\$2.09</p> <p>Zamzummins 5 hours ago</p> <p>CASH</p>

(<https://www.gasbuddy.com/account/favorite-lists/5213569> (for a particular user)).

53. The Accused Instrumentality performs the step of executing the template program specific to the user (*e.g.*, page generation code, tiles, containers, and user data) using the real-time information stored in the storage device (*e.g.*, gas prices at gas stations stored in a storage database/server) as input to the template program to generate the customized page (*e.g.*, the gas prices at gas stations will be inputted into a template program so that the appropriate web page will be generated and displayed to the user). The following sets of screenshots are examples of customizing a user's GasBuddy.com page from two different users that have varying gas prices at gas stations displayed based upon the users' respective locations (*i.e.*, real-time information selected for the user's customized web page based on the customization information unique to the user) or that have varying gas prices at gas stations based on location.

First User:

Search Gas Prices
ADVANCED SEARCH

Search gas prices by city or zip code...

77001

Regular

FIND GAS

Gas Prices Near 77001

Map

Fuel Depot

★★★★☆ 68

2001 S Wayside Dr
Houston, TX

\$2.09

▲ RONALD777
4 hours ago

Save 5¢/gallon at stations nationwide with the free GasBuddy card! [LEARN MORE](#)

Exxon

★★★★☆ 104

2402 S Wayside Dr
Houston, TX

\$2.09

▲ RONALD777
4 hours ago

Alabama

Arizona

California

Connecticut

Florida

Hawaii

Illinois

Iowa

Kentucky

Alaska

Arkansas

Colorado

Delaware

Georgia

Idaho

Indiana

Kansas

Louisiana

Find Cheap Gas Prices in the USA

(<https://www.gasbuddy.com/home?search=77001&fuel=1> (for a particular user)).

Second User

Search Gas Prices
ADVANCED SEARCH

Search gas prices by city or zip code...

10101

Regular

FIND GAS

Gas Prices Near 10101

Map

BP

★★★★☆ 156

466 10th Ave
Manhattan, NY

\$3.39

▲ philvette
32 minutes ago

CASH

Save 5¢/gallon at stations nationwide with the free GasBuddy card! [LEARN MORE](#)

Shell

★★★★☆ 30

38-02 21st St
Long Island City, NY

\$2.76

▲ JCVNY
7 hours ago

CASH

Alabama

Arizona

California

Connecticut

Florida

Hawaii

Illinois

Iowa

Kentucky

Alaska

Arkansas

Colorado

Delaware

Georgia

Idaho

Indiana

Kansas

Louisiana

Find Cheap Gas Prices in the USA





(E.g., <https://www.gasbuddy.com/home?search=10101&fuel=1> (for a particular user)).

First User:

[< MY FAVORITES LISTS](#)

Favorites

Regular 

 Fuel Depot ★★★★☆ 68 2001 S Wayside Dr Houston, TX		\$2.09 RONALD777 5 hours ago
 Chevron ★★★★☆ 55 2490 S Wayside Dr Houston, TX		\$2.09 Zamzummims 5 hours ago CASH







(<https://www.gasbuddy.com/account/favorite-lists/5213569> (for a particular user)).

Second User

[< MY FAVORITES LISTS](#)

Favorites

Regular 

 Shell ★★★★☆ 34 1599 Lexington Ave Manhattan, NY		\$2.69 petertsangus 16 hours ago CASH
 BP ★★★★☆ 147 1400 Park Ave Hoboken, NJ		\$2.45 golfpolice 1 hour ago
 Mobil ★★★★☆ 101 51-63 8th Ave Manhattan, NY		\$3.49 12khan 27 minutes ago CASH

<https://www.gasbuddy.com/account/favorite-lists/5213609> (for a particular user)).

54. The Accused Instrumentality performs the step of providing the customized page to the user (*e.g.*, a user's GasBuddy.com page, search results, saved favorites, etc.) wherein the steps of executing and providing are performed in real-time response to receipt of the user request in the step of receiving (*e.g.*, user login request, search initiation, etc.) and wherein the customized page includes at least one item of real-time information (*e.g.*, current gas prices at gas stations) selected from the storage device (*e.g.*, pulled from storage servers/databases and sent to an API/webserver for processing/display). (*E.g.*, screenshots in paragraphs 52 and 53).

55. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates Plaintiff for such Defendant's infringement of the '227 patent, *i.e.*, in an amount that by law cannot be less than would constitute a reasonable royalty for the use of the patented technology, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

56. On information and belief, Defendant has had at least constructive notice of the '227 patent by operation of law, and there are no marking requirements that have not been complied with.

V. COUNT III
(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 7,171,414)

57. Plaintiff incorporates the above paragraphs herein by reference.

58. On January 30, 2007, United States Patent No. 7,171,414 ("the '414 Patent") was duly and legally issued by the United States Patent and Trademark Office. The '414 Patent is titled "Dynamic Page Generator." A true and correct copy of the '414 Patent is attached hereto as Exhibit G and incorporated herein by reference.

59. Digi Portal is the assignee of all right, title and interest in the '414 patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the '414 Patent. Accordingly, Digi Portal possesses the exclusive right and standing to prosecute the present action for infringement of the '414 Patent by Defendant.

60. The application leading to the '414 patent was filed September 10, 1999, which was a continuation of application no. 08/873,975, which issued as the '227 patent. (Ex. G at cover). The '414 patent was first assigned to Yahoo! Inc. (*Id.*).

61. The invention in the '414 Patent relates to the field of customized information presentation on the web; more specifically, providing customized pages that are quickly served and scalable to handle many users simultaneously. (*Id.* at col. 1:29-33).

62. The '414 Patent shares the identical specification as the '854 patent and therefore Digi Portal incorporates the background and discussion of the invention in Paragraphs 13-25. Furthermore, the prosecution history of the '414 patent highlights advantages and unconventional features of the claimed invention including the “storing real-time information in a shared local storage device.” An example of this limitation is when live data used to fill templates is stored local to the page server which is handling user requests for custom web pages. (Ex. I at 8; Ex. G at col. 2:11-15). Every piece of information that a person can request on a page is storable in a shared memory closely coupled to a page generator. (Ex. I at 9; Ex. G at col. 4:43-58). Unlike the prior art CGI process that required time consuming calls to other servers, storing real-time information in a shared local storage device, allows for any custom page to be built within the page server thereby eliminating the need to make requests from other servers for portions of the live data. (Ex. I at 9; Ex. G at col. 2:25-31).

63. Furthermore, as show in the prosecution history of the ‘414 Patent, it was unconventional to receive the template program from one of at least two location, the frequency of the user request for the customized page determines the retrieval location of the template program. (Ex. H at 9-10). In the prior art, the published web site was stored on a server and provided from one server location regardless of the frequency of the user requests for the web site. (*Id.*). The examiner agreed that the claim was allowable because the prior art did not disclose that in a page server coupled to a network a method of providing a customized page to a user, the customized page is customized according to the user’s preferences, and the template is received from one of at least two locations, the location determined from frequency of the user request for the customized page. (Ex. J at 3).

64. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing at least claims 1 and 3 of the ‘414 patent in Delaware, and elsewhere in the United States, by performing actions comprising using or performing the claimed method using the GasBuddy.com website (“Accused Instrumentality”). The Accused Instrumentality uses a page server (*e.g.*, the GasBuddy.com server), to provide a customized page (*e.g.*, user-specific web page, search results, etc.) to a user, wherein the customized page is customized according to the user's preferences (*e.g.*, user location, brands, etc.).

65. On information and belief, the Accused Instrumentality performs the step of obtaining real-time information (*e.g.*, current gas prices at gas stations) from information sources (*e.g.*, storage servers/databases that store current gas prices at gas stations) and stores them in a shared local storage device (*e.g.*, the data will be pulled from storage servers/databases and stored, at least temporarily, at a local web/API server, for processing and subsequent display to a user).

66. For example, users can customize their location on their GasBuddy.com page to find real-time current gas prices at gas stations near their location:

The screenshot shows the GasBuddy.com search interface. At the top, there is a search bar with the text "Search gas prices by city or zip code..." and the input "77001". To the right of the search bar is a dropdown menu for fuel type, currently set to "Regular". Below the search bar is a red button labeled "FIND GAS".

Below the search bar, there is a section titled "Gas Prices Near 77001" with a "Map" button. This section displays two gas stations:

- Fuel Depot:** 2001 S Wayside Dr, Houston, TX. Price: \$2.09. Last updated: RONALD777, 4 hours ago. Rating: 68 stars.
- Exxon:** 2402 S Wayside Dr, Houston, TX. Price: \$2.09. Last updated: RONALD777, 4 hours ago. Rating: 104 stars.

Below the gas station listings is a promotional banner: "Save 5¢/gallon at stations nationwide with the free GasBuddy card! LEARN MORE".

On the right side of the page, there is a sidebar with a list of US states: Alabama, Arizona, California, Connecticut, Florida, Hawaii, Illinois, Iowa, Kentucky, Alaska, Arkansas, Colorado, Delaware, Georgia, Idaho, Indiana, Kansas, Louisiana. Above this list is a promotional image for shoes with a "65% OFF" badge and the text "Find Cheap Gas Prices in the USA".


(<https://www.gasbuddy.com/home?search=77001&fuel=1> (for a particular user)).





67. As another example, users can save favorite gas stations:

First User

< MY FAVORITES LISTS

Favorites

Regular 


 Fuel Depot ★★★★☆ 68 2001 S Wayside Dr Houston, TX		\$2.09 RONALD777 5 hours ago
 Chevron ★★★★☆ 55 2490 S Wayside Dr Houston, TX		\$2.09 Zamzummims 5 hours ago CASH







(<https://www.gasbuddy.com/account/favorite-lists/5213569> (for a particular user)).

Second User

< MY FAVORITES LISTS

Favorites

Regular 

 Shell ★★★★☆ 34 1599 Lexington Ave Manhattan, NY		\$2.69 petertsangus 16 hours ago CASH
 BP ★★★★☆ 147 1400 Park Ave Hoboken, NJ		\$2.45 golfpolice 1 hour ago
 Mobil ★★★☆☆ 101 51-63 8th Ave Manhattan, NY		\$3.49 12khan 27 minutes ago CASH


(<https://www.gasbuddy.com/account/favorite-lists/5213609> (for a particular user)).

68. On information and belief, the Accused Instrumentality performs the step of storing a user-specific template program (*e.g.*, generic template customized to a user-specific template program based on user-specific interests & with real-time information) for the user in a data structure associated with a user identifier unique to the user (*e.g.*, the user-specific template is stored corresponding to every user based on the user's unique preferences and information associated with the user's sign-in information (*e.g.*, e-mail address)). Upon information and belief, after a user logs in, GasBuddy.com can display a user's saved favorites and gas stations. As such, a user-specific template program utilized to create the displayed websites that show a user's saved favorites must be stored in a database wherein the template program is tied to a user's log in information/account.

[← MY FAVORITES LISTS](#)

Favorites

You have no stations favorited in this list.

Click the  symbol when viewing a station to add it to your favorites.





(<https://www.gasbuddy.com/account/favorite-lists/5213569> (for a particular user)).

First User

< MY FAVORITES LISTS

Favorites

Regular

	Fuel Depot ★★★★☆ 68 2001 S Wayside Dr Houston, TX		\$2.09 RONALD777 5 hours ago
	Chevron ★★★★☆ 55 2490 S Wayside Dr Houston, TX		\$2.09 Zamzummins 5 hours ago CASH







(<https://www.gasbuddy.com/account/favorite-lists/5213569> (for a particular user)).

Second User

< MY FAVORITES LISTS

Favorites

Regular

	Shell ★★★★☆ 34 1599 Lexington Ave Manhattan, NY		\$2.69 petertsangus 16 hours ago CASH
	BP ★★★★☆ 147 1400 Park Ave Hoboken, NJ		\$2.45 golfpolice 1 hour ago
	Mobil ★★★☆☆ 101 51-63 8th Ave Manhattan, NY		\$3.49 12khan 27 minutes ago CASH

(<https://www.gasbuddy.com/account/favorite-lists/5213609> (for a particular user)).





69. A user can also customize their GasBuddy.com page by selecting gas stations to saved so that favorite gas stations can be displayed. Upon information and belief, in order to display the saved gas stations to a user following their login, GasBuddy.com must store the template programs utilized to render the pages in a database, and tie the template programs to a user's account. The following the screenshots of webpages customized according to the favorites of two respective users:

First User

[← MY FAVORITES LISTS](#)

Favorites

Regular 

 ★★★★☆ 68 2001 S Wayside Dr Houston, TX		<u>\$2.09</u> RONALD777 5 hours ago
 ★★★★☆ 55 2490 S Wayside Dr Houston, TX		<u>\$2.09</u> Zamzummins 5 hours ago CASH







(<https://www.gasbuddy.com/account/favorite-lists/5213569> (for a particular user)).

Second User

< MY FAVORITES LISTS

Favorites

Regular

 ★★★★☆ 34 1599 Lexington Ave Manhattan, NY		\$2.69 petertsangus 16 hours ago CASH
 ★★★★☆ 147 1400 Park Ave Hoboken, NJ		\$2.45 golfpolice 1 hour ago
 ★★★★☆ 101 51-63 8th Ave Manhattan, NY		\$3.49 12khan 27 minutes ago CASH

(<https://www.gasbuddy.com/account/favorite-lists/5213609> (for a particular user)).


70. Upon information and belief, the Accused Instrumentality performs the step of receiving, from the user and at the page server (e.g., GasBuddy.com server), a user request (e.g., user login, search initiation, etc.) for a customized page (e.g., search results limited to a user's location and gas stations, etc.) and determining a user identifier associated with the request (e.g., in order to limit search results to a location tied to an account, GasBuddy.com must determine a user identifier that links the request to the user's account and preferences).

Search Gas Prices ADVANCED SEARCH

Search gas prices by city or zip code...
77001 Regular

FIND GAS

Gas Prices Near 77001 Map




Fuel Depot
★★★★☆ 68
2001 S Wayside Dr
Houston, TX

\$2.09

▲ RONALD777
4 hours ago

Save 5¢/gallon at stations nationwide with the free GasBuddy card! [LEARN MORE](#)



Exxon
★★★★☆ 104
2402 S Wayside Dr
Houston, TX

\$2.09

▲ RONALD777
4 hours ago

Find Cheap Gas Prices in the USA

Alabama	Alaska
Arizona	Arkansas
California	Colorado
Connecticut	Delaware
Florida	Georgia
Hawaii	Idaho
Illinois	Indiana
Iowa	Kansas
Kentucky	Louisiana

(<https://www.gasbuddy.com/home?search=77001&fuel=1> (for a particular user)).

71. On information and belief, the Accused Instrumentality performs the step of receiving a template program specific to the user using the determined user identifier (e.g., user id & password) associated with the user request (e.g., user login request). On information and belief, in order to display a webpage that shows search results limited to a user’s location and favorite gas stations, GasBuddy.com must receive a template program (e.g., code, instructions, etc., used to create a webpage for display) tied to a user’s account/preferences.



Welcome back

Please enter your email and password. If you don't have a password, we'll email you a login link instead!

LOG IN



LOG IN WITH FACEBOOK



LOG IN WITH GOOGLE

OR

EMAIL ME A LOGIN LINK

We'll send you an email so you can log in with a simple click.

(E.g., https://iam.gasbuddy.com/login?return_url=https://www.gasbuddy.com/).

First User

Search Gas Prices

ADVANCED SEARCH

Search gas prices by city or zip code...

77001



Regular



FIND GAS

Gas Prices Near 77001

Map



Fuel Depot

★★★★☆ 68
2001 S Wayside Dr
Houston, TX

\$2.09

▲ RONALD777
4 hours ago

Save 5¢/gallon at stations nationwide with the free GasBuddy card! [LEARN MORE](#)



Exxon

★★★★☆ 104
2402 S Wayside Dr
Houston, TX

\$2.09

▲ RONALD777
4 hours ago



Find Cheap Gas Prices in the USA

- | | |
|-------------|-----------|
| Alabama | Alaska |
| Arizona | Arkansas |
| California | Colorado |
| Connecticut | Delaware |
| Florida | Georgia |
| Hawaii | Idaho |
| Illinois | Indiana |
| Iowa | Kansas |
| Kentucky | Louisiana |

(<https://www.gasbuddy.com/home?search=77001&fuel=1> (for a particular user)).

Second User

The screenshot shows the GasBuddy search interface. At the top, there is a search bar with the text "Search gas prices by city or zip code..." and the input "10101". To the right of the search bar is a dropdown menu set to "Regular". Below the search bar is a red "FIND GAS" button. To the right of the search bar is an "ADVANCED SEARCH" link. Below the search bar is a "Gas Prices Near 10101" section with a "Map" button. The main content area displays two gas stations: BP and Shell. The BP station is located at 466 10th Ave, Manhattan, NY, with a price of \$3.39. The Shell station is located at 38-02 21st St, Long Island City, NY, with a price of \$2.76. To the right of the search results is a sidebar with a list of states: Alabama, Arizona, California, Connecticut, Florida, Hawaii, Illinois, Iowa, Kentucky, Alaska, Arkansas, Colorado, Delaware, Georgia, Idaho, Indiana, Kansas, and Louisiana. At the top right of the sidebar is an advertisement for AC Smith water filters. Below the sidebar is a "Find Cheap Gas Prices in the USA" link.

(E.g., <https://www.gasbuddy.com/home?search=10101&fuel=1> (for a particular user)).

First User:

< MY FAVORITES LISTS

Favorites

The screenshot shows the GasBuddy Favorites lists. At the top, there is a dropdown menu set to "Regular". Below the dropdown menu are two gas stations: Fuel Depot and Chevron. The Fuel Depot station is located at 2001 S Wayside Dr, Houston, TX, with a price of \$2.09. The Chevron station is located at 2490 S Wayside Dr, Houston, TX, with a price of \$2.09. Both stations have a red heart icon next to them, indicating they are favorites. The Fuel Depot station has a rating of 4.5 stars and 68 reviews. The Chevron station has a rating of 4.5 stars and 55 reviews. Below the Chevron station is a "CASH" button.







(<https://www.gasbuddy.com/account/favorite-lists/5213569> (for a particular user)).

Second User

< MY FAVORITES LISTS

Favorites

Regular

 <p>Shell ★★★★☆ 34 1599 Lexington Ave Manhattan, NY</p>		<p>\$2.69</p> <p>petertsangus 16 hours ago</p> <p>CASH</p>
 <p>BP ★★★★☆ 147 1400 Park Ave Hoboken, NJ</p>		<p>\$2.45</p> <p>golfpolice 1 hour ago</p>
 <p>Mobil ★★★★☆ 101 51-63 8th Ave Manhattan, NY</p>		<p>\$3.49</p> <p>12khan 27 minutes ago</p> <p>CASH</p>

(<https://www.gasbuddy.com/account/favorite-lists/5213609> (for a particular user)).

72. On information and belief, the Accused Instrumentality performs the step that the template program is received from one of at least two locations (*e.g.*, main storage at the GasBuddy.com server or local storage on the user's computer), the location determined from frequency of the user request for the customized page. On information and belief, template information that is part of the template program is stored for less frequently accessed files in the main storage and for more frequently accessed files in storage on the user's computer. Running the template program (page generation code, tiles, containers, and user data) creates the customized webpage. On information and belief, when a user signs-up or performs a login, the code takes the user template information and stores it in a site JavaScript object that is used in logic to display various gas prices at gas stations and other site logic-based conditions. On information and belief, the template information is stored in multiple locations: (1) at runtime, in

a Javascript object with the data structure called Context Data; (2) within browser local storage; and (3) browser cookies.

73. On information and belief, the Accused Instrumentality performs the step of executing the template program (*e.g.*, code, instructions, etc.) specific to the user (*e.g.*, used to create a user-specific web page) using the real-time information (*e.g.*, current gas prices at gas stations, etc.) stored in the shared local storage device (*e.g.*, gas prices at gas stations are pulled from storage servers/databases and sent to a web/API server used to process the data for display; the web/API server is local to GasBuddy.com and is shared among all users accessing the GasBuddy.com website) to generate the customized page (*e.g.*, a user webpage displaying gas prices at gas stations based on their preferences). For example, the screenshots in Paragraph 71 are for two different users that have varying current gas prices at gas stations displayed based upon the users' respective locations (*i.e.*, real-time information selected for the user's customized web page based on the customization information unique to the user such as current gas prices at gas stations).

74. On information and belief, the Accused Instrumentality performs the step that the template program indicates items of interest (*e.g.*, gas prices at gas stations related to the user location, etc.) to the user; and providing the user with the customized page (*e.g.*, user-specific web page). Users have varying gas prices at gas stations displayed based upon the users' respective locations (*i.e.*, real-time information selected for the user's customized web page based on the customization information unique to the user such as current gas prices at gas stations). Users can also select favorite gas stations so saved favorite gas stations are displayed. (*E.g.*, screenshots in paragraph 71).

75. On information and belief, the Accused Instrumentality performs the step of receiving user preferences (*e.g.*, user location, etc.) for the user, wherein the user preferences indicate the items of interest to the user (*e.g.*, gas prices at gas stations near a user, brands, etc.) and combining the user preferences with a generic template to form the template program specific to the user. On information and belief, the Accused Instrumentality uses a template program that is unique to the user to generate a customized webpage by combining customization information unique to the user and a global template that is generic to a plurality of users. The overall layout of a user's page will be shared among all users, however the content of that page will differ for each user, this being dictated by a unique template program that is made by taking a generic template that only defines layout and combining the data specific to user's interests to be displayed within the layout. (*E.g.*, screenshots in paragraph 71).

76. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates Plaintiff for such Defendant's infringement of the '414 patent, *i.e.*, in an amount that by law cannot be less than would constitute a reasonable royalty for the use of the patented technology, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

77. On information and belief, Defendant has had at least constructive notice of the '414 patent by operation of law, and there are no marking requirements that have not been complied with.

VI. COUNT IV
(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 7,565,359)

78. Plaintiff incorporates the above paragraphs herein by reference.

79. On July 21, 2009, United States Patent No. 7,565,359 ("the '359 Patent") was duly and legally issued by the United States Patent and Trademark Office. The '359 Patent is

titled “Dynamic Page Generator.” A true and correct copy of the ‘359 Patent is attached hereto as Exhibit K and incorporated herein by reference.

80. Digi Portal is the assignee of all right, title and interest in the ‘359 patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the ‘359 Patent. Accordingly, Digi Portal possesses the exclusive right and standing to prosecute the present action for infringement of the ‘359 Patent by Defendant.

81. The application leading to the ‘359 patent was filed January 22, 2007, as a continuation of application no. 09/393,718, which issued as the ‘414 patent, which was a continuation of application no. 08/873,975, which issued as the ‘227 patent. (Ex. K at cover). The ‘359 patent was first assigned to Yahoo! Inc. (*Id.*).

82. The invention in the ‘359 Patent relates to the field of customized information presentation on the web; more specifically, providing customized pages that are quickly served and scalable to handle many users simultaneously. (*Id.* at col. 1:22-27).

83. The ‘359 Patent shares the identical specification as the ‘854 patent and therefore Digi Portal incorporates the background and discussion of the invention in Paragraphs 13-25. Furthermore, the prosecution history of the ‘359 patent highlights advantages and the unconventional features of the claimed invention. When allowing the claims of the ‘359 patent, the examiner focused on the last two limitations of the claim stating that executing the template program specific to the user using the real-time information stored in the shared local storage device to generate a customized page; and receiving user preferences for the user, and combining the user preferences with a generic template to form the template specific to the user, wherein the

user preferences indicate the items of interest to the user in conjunction with the other limitations was not found in the prior art. (Ex. L at 8).

84. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing at least claim 10 of the '359 patent in Delaware, and elsewhere in the United States, by performing actions comprising making and/or using the claimed computer-readable medium comprising instructions for generating customized pages that are customized according to user preferences that performs the method steps required by the claim, including without limitation through the method implemented of providing a user's GasBuddy.com page ("Accused Instrumentality"). The Accused Instrumentality utilizes a computer-readable medium comprising instructions (*e.g.*, code that is executed to create webpages) for generating customized pages (*e.g.*, user-specific web pages), wherein the customized pages are customized according to user preferences (*e.g.*, web pages will be customized to show gas prices at gas stations near a user's location, and brand, etc.).

85. On information and belief, the Accused Instrumentality performs the step of storing the real-time information in a shared local storage device (*e.g.*, gas prices at gas stations will be pulled from a storage server/database and sent to a GasBuddy.com local web/API server for processing and display). On information and belief, the Accused Instrumentality also performs the step of storing a user-specific template program (*e.g.*, instructions and data used to generate a custom user webpage) for a plurality of users, wherein each template program indicates items of interest to a user (*e.g.*, each user's template program will include instructions, code, etc. that dictates the information that should be displayed for a user based on their interest), and is associated with a user identifier (*e.g.*, in order for a user to see information specific to them and their account, such as saved favorite gas stations, the template program for their


webpage must be tied to their login credentials), wherein the user identifier is associated with a user request (e.g., user login and subsequent search request, navigation, etc.) for a customized page.

86. For example, after a user logs in, GasBuddy.com displays a user's saved favorite gas stations and therefore a user-specific template program utilized to create the displayed websites that show a user's saved favorite gas stations must be tied to a user's log in information/account.

[< MY FAVORITES LISTS](#)

Favorites

You have no stations favorited in this list.

Click the  symbol when viewing a station to add it to your favorites.





(<https://www.gasbuddy.com/account/favorite-lists/5213569> (for a particular user)).

First User

[< MY FAVORITES LISTS](#)

Favorites

Regular 

	Fuel Depot ★★★★☆ 68 2001 S Wayside Dr Houston, TX		\$2.09 RONALD777 5 hours ago
	Chevron ★★★★☆ 55 2490 S Wayside Dr Houston, TX		\$2.09 Zamzummims 5 hours ago CASH







(<https://www.gasbuddy.com/account/favorite-lists/5213569> (for a particular user)).

Second User

< MY FAVORITES LISTS

Favorites

Regular

 ★★★★☆ 34 1599 Lexington Ave Manhattan, NY		\$2.69 petertsangus 16 hours ago CASH
 ★★★★☆ 147 1400 Park Ave Hoboken, NJ		\$2.45 golfpolice 1 hour ago CASH
 ★★★★☆ 101 51-63 8th Ave Manhattan, NY		\$3.49 12khan 27 minutes ago CASH

(<https://www.gasbuddy.com/account/favorite-lists/5213609> (for a particular user)).





87. For example, a user can also customize their GasBuddy.com page by selecting favorite gas stations to save, so that favorite gas stations can be displayed. In order to display the saved favorite gas stations to a user following their login, GasBuddy.com must tie the template programs to a user's account.

First User:

< MY FAVORITES LISTS

Favorites

Regular 

 ★★★★☆ 68 2001 S Wayside Dr Houston, TX		\$2.09 RONALD777 5 hours ago
 ★★★★☆ 55 2490 S Wayside Dr Houston, TX		\$2.09 Zamzumimms 5 hours ago CASH







(<https://www.gasbuddy.com/account/favorite-lists/5213569> (for a particular user)).

Second User

< MY FAVORITES LISTS

Favorites

Regular 

 ★★★★☆ 34 1599 Lexington Ave Manhattan, NY		\$2.69 petertsangus 16 hours ago CASH
 ★★★★☆ 147 1400 Park Ave Hoboken, NJ		\$2.45 golfpolice 1 hour ago
 ★★★☆☆ 101 51-63 8th Ave Manhattan, NY		\$3.49 12khan 27 minutes ago CASH

(<https://www.gasbuddy.com/account/favorite-lists/5213609> (for a particular user)).

88. For example, a user's GasBuddy.com page will also be customized to show current gas prices at gas stations near the location linked to a user's account.

First User:

Search Gas Prices ADVANCED SEARCH

Search gas prices by city or zip code...
77001

FIND GAS

Gas Prices Near 77001

Fuel Depot
★★★★☆ 68
2001 S Wayside Dr
Houston, TX
\$2.09
▲ RONALD777
4 hours ago

Exxon
★★★★☆ 104
2402 S Wayside Dr
Houston, TX
\$2.09
▲ RONALD777
4 hours ago

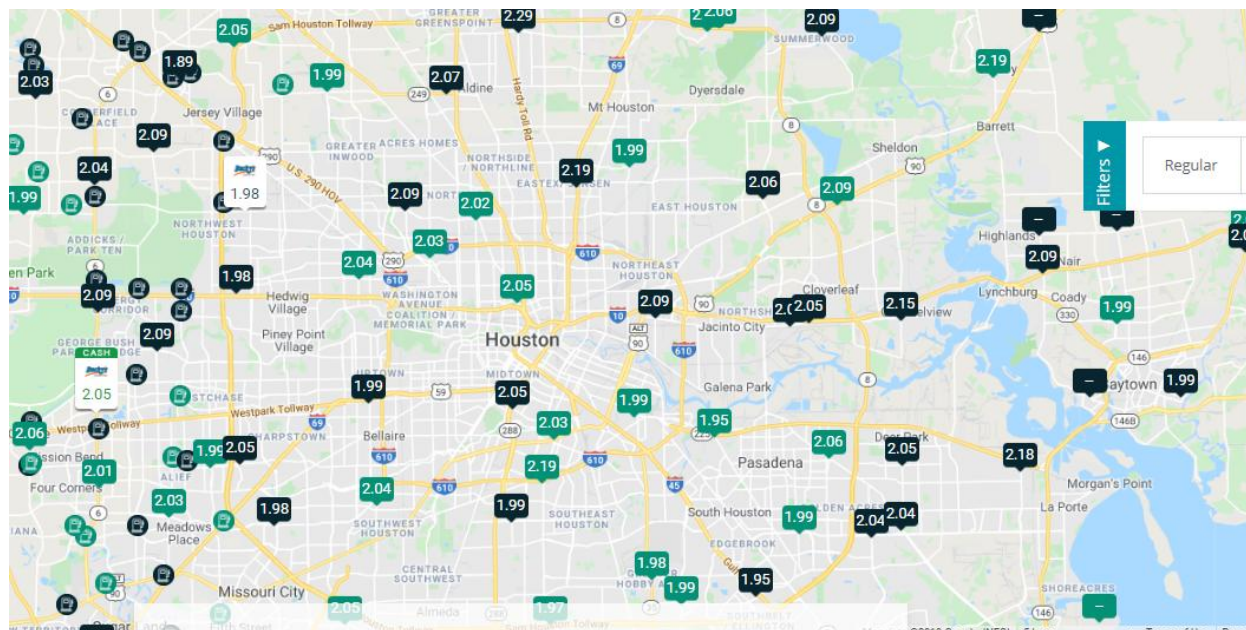
Save 5¢/gallon at stations nationwide with the free GasBuddy card! [LEARN MORE](#)

- Alabama
- Arizona
- California
- Connecticut
- Florida
- Hawaii
- Illinois
- Iowa
- Kentucky
- Alaska
- Arkansas
- Colorado
- Delaware
- Georgia
- Idaho
- Indiana
- Kansas
- Louisiana

65% OFF

Find Cheap Gas Prices in the USA

(<https://www.gasbuddy.com/home?search=77001&fuel=1> (for a particular user)).



(Map Button available on page <https://www.gasbuddy.com/home?search=77001&fuel=1> (for a particular user)).

Second User

The screenshot displays the GasBuddy search interface. At the top, there is a search bar with the text "Search gas prices by city or zip code..." and the input "10101". To the right of the search bar is a dropdown menu set to "Regular". Below the search bar is a prominent red "FIND GAS" button. Underneath, the page is titled "Gas Prices Near 10101" with a "Map" button. Two gas station listings are shown:

- BP**: 466 10th Ave, Manhattan, NY. Price: **\$3.39**. Last updated by philvette 32 minutes ago. Payment: CASH.
- Shell**: 38-02 21st St, Long Island City, NY. Price: **\$2.76**. Last updated by JCVNY 7 hours ago. Payment: CASH.

A promotional banner for AC Smith water filters is visible on the right side of the page. Below the station listings, a banner reads "Save 5¢/gallon at stations nationwide with the free GasBuddy card! LEARN MORE". On the far right, a sidebar lists US states: Alabama, Arizona, California, Connecticut, Florida, Hawaii, Illinois, Iowa, Kentucky, Alaska, Arkansas, Colorado, Delaware, Georgia, Idaho, Indiana, Kansas, and Louisiana.

(E.g., <https://www.gasbuddy.com/home?search=10101&fuel=1> (for a particular user)).

89. For example, the JavaScript code below was retrieved from browser developer tools. Based on user data, the code is managing various GasBuddy.com data based on user preferences such as location.

```
[jt.MOBILE,jt.TABLET,jt.DESKTOP].forEach(function(e)
{-1===c.indexOf(e)&&s.push({mobile:Pt.a.hiddenMobile,tablet:Pt.a.hiddenTablet,desktop:Pt.a.hiddenDesktop}
[e]}),i.a.createElement(t,At({className:s.length?s.join(" "):void 0},u));Ct.propTypes=
{as:f.a.oneOfType([f.a.string,f.a.func]),className:f.a.string,mobile:f.a.bool,tablet:f.a.bool,desktop:f.a.bool},Ct.defaultP
rops={as:"div",className:void 0,mobile:!0,tablet:!0,desktop:!0};var Lt=Ct,It=
{IAM_Account_Login:"IAM Account Login",IAM_Login_Clicked:"IAM Login Clicked",IAM_Login_MagicLink_Requested:"IAM Login Magic
Link Clicked",IAM_Login_MagicLink_WrongDevice:"IAM Login MagicLink WrongDevice",IAM_Login_MagicLink_InvalidOrExpired:"IAM L
ogin MagicLink InvalidOrExpired",IAM_PasswordReset_MagicLink_Requested:"IAM PasswordReset MagicLink Clicked",IAM_User_Succe
ssfully_Logged_In:"IAM User Successfully Logged In",IAM_Facebook_Login_Clicked:"IAM Facebook Login Clicked",IAM_Google_Logi
n_Clicked:"IAM Google Login Clicked",IAM_Account_Signup:"IAM Account Signup",IAM_Signup_Clicked:"IAM Signup Clicked",IAM_Fa
cebook_Signup_Clicked:"IAM Facebook Signup Clicked",IAM_Google_Signup_Clicked:"IAM Google Signup Clicked",IAM_User_Succe
ssfully_Registered:"IAM User Successfully Registered",IAM_Login_CodeEntered:"IAM Login CodeEntered"},Nt=function(){return
document},Rt=function(){return window};function Dt(e){var t=e.id,n=document.createElement("noscript");return
n.innerHTML='<iframe src="//www.googletagmanager.com/ns.html?id=' .concat(t," height="0" width="0"
style="display:none;visibility:hidden" id="tag-manager"></iframe>'),n}var Ft={initialize:function(e,t){var
n=e.id,r=e.dataLayerName,o=void 0===r?"dataLayer":r,i=Rt(),a=Nt();void 0!==i&&[i[o]=i[o]]
[]},Ft.dataLayerName=o,t&&Ft.identifyUser(t),a.head.appendChild(function(e){var
```

(<https://cdn.gasbuddy.com/client.03c7cbbb5e3454d13c80.js> (for a particular user)).

```
dataLayer.push({event:"data-gtm",gtm_action:"footer",gtm_label:"linkedin"}),!0}),$("#upload-
cv").on("click",function(){return dataLayer.push({event:"data-
gtm",gtm_action:"homev2",gtm_label:"upload_cv_link"}),!0}),$("#home #sbmt").on("click",function()
{return""!=="#Keywords").val()&&""===$("#Location").val()?(dataLayer.push({event:"data-
gtm",gtm_action:"homev2",gtm_label:"search job submit with
keywords"}),!0):""!=="#Location").val()&&""===$("#Keywords").val()?(dataLayer.push({event:"data-
gtm",gtm_action:"homev2",gtm_label:"search job submit with
location"}),!0):""!=="#Keywords").val()&&""!=="#Location").val()?(dataLayer.push({event:"data-
gtm",gtm_action:"homev2",gtm_label:"search job submit with keywords and
location"}),!0):""===$("#Location").val()&&""===$("#Keywords").val()?(dataLayer.push({event:"data-
gtm",gtm_action:"homev2",gtm_label:"search job submit with no criteria"}),!0):void 0}),$("#jobs
#sbmt").on("click",function(){return 0===$(".job").length&&dataLayer.push({event:"data-
gtm",gtm_action:"jobsv2",gtm_label:"No results"}),""!=="#Keywords").val()&&""===$("#Location").val()?
```

(<https://cdn.gasbuddy.com/vendor.66659a953a1ba14deb1a.js> (for a particular user)).

90. On information and belief, the Accused Instrumentality performs the step of receiving a template program (e.g., code, instructions, etc. that are executed to create a user page) specific to the user using the user identifier (e.g., as explained above, in order to display pages customized for a user subsequent to their login, the template program used to create the customized page must be tied to the user's account credentials), wherein the template program is received from one of at least two locations (e.g., main storage at a GasBuddy.com server or local device storage), the location based upon a frequency of user requests for the customized page. On information and belief, template information that is part of the template program is stored for less frequently accessed files in a main storage server wherein frequently accessed files will be

stored in local storage on the user's computer. On information and belief, when a user signs-up or performs a login, the code takes the user template information and stores it in a site JavaScript object that is used in logic to display various available gas prices at gas stations, and other site logic-based conditions. The template information can be stored in multiple locations including but not limited to (1) at runtime, in a Javascript object with the data structure called ContextData; (2) within browser local storage; and (3) browser cookies.

```
1),this._expirationTime=Ci=t,this._root=e,this._callbacks=this._next=null,this._hasChildren=this._didComplete=!1,this._children=null,this._defer=!0}function ja(){this._callbacks=null,this._didCommit=!1,this._onCommit=this._onCommit.bind(this)}function Wa(e,t,n){e={current:t=Hr(3,null,null,t?3:0),containerInfo:e,pendingChildren:null,pingCache:null,earliestPendingTime:0,latestPendingTime:0,earliestSuspendedTime:0,latestSuspendedTime:0,latestPingedTime:0,didError:!1,pendingCommitExpirationTime:0,finishedWork:null,timeoutHandle:-1,context:null,pendingContext:null,hydrate:n,nextExpirationTimeToWorkOn:0,expirationTime:0,firstBatch:null,nextScheduledRoot:null},this._internalRoot=t.stateNode=e}function Va(e){return(!(e||1)!==e.nodeType&&9)!==e.nodeType&&11)!==e.nodeType&&(8)!==e.nodeType||" react-mount-point-unstable "!==e.nodeValue)}}function Ba(e,t,n,r,o){var l=n._reactRootContainer;if(l){if("function"===typeof o){var i=o;o=function(){var e=La(l._internalRoot);i.call(e)}}null!==e?l.legacy_renderSubtreeIntoContainer(e,t,o):l.render(t,o)}else{if(l=n._reactRootContainer=function(e,t){if(t||!(t=!(!t=e?9===e.nodeType?e.documentElement:e.firstChild):null)||1!==t.nodeType||!t.hasAttribute("data-reactroot")),!t)for(var
```

(<https://cdn.gasbuddy.com/vendor.66659a953a1ba14deb1a.js> (for a particular user)).

```
(p=h)}}f=f.return}while(null!==f);f=c;do{if((h=13===f.tag)&&(h=void 0)!==f.memoizedProps fallback&&null===f.memoizedState),h){if(null===c=c.f.updateQueue)?(c=new Set).add(d),f.updateQueue=c):c.add(d),0==(1&f.mode)}f.effectTag|=64,s.effectTag&=-1957,1===s.tag&&(null===s.alternate?s.tag=17:((a=Xl(1073741823)).tag=Hl,Jl(s,a))),s.expirationTime=1073741823;break e}c=a;var v=(s=u).pingCache,null===v?(v=s.pingCache=new xi,h=new Set,y.set(d,h)):void 0===(h=v.get(d))&&(h=new Set,y.set(d,h),h.has(c)||h.add(c),s=xi.bind(null,s,d,c),d.then(s,s)),-1===p?u=1073741823:(-1===m&&(m=10*(1073741822-to(u,a))-5e3),u=m+p),0<u&&0i<u&&(0i=u),f.effectTag|=2048,f.expirationTime=a;break e}f=f.return}while(null!==f);f=Error((at(s.type)||"A React component")+ "suspended while rendering, but no fallback UI was specified.\n\nAdd a <Suspense fallback=...> component higher in the tree to provide a loading indicator or placeholder to display."+ut(s));zi=!0,f=li(f,s),u=c;do{switch(u.tag){case
```

(<https://cdn.gasbuddy.com/vendor.66659a953a1ba14deb1a.js> (for a particular user)).

91. On information and belief, the Accused Instrumentality performs that step of executing the template program specific to the user (e.g., generating user-specific web page by executing a template program which is composed of code, instructions, and data) using the real-time information stored in the shared local storage device (e.g., gas prices at gas stations pulled



from external storage servers/databases and sent to a local GasBuddy.com web/API server for processing and display) to generate the customized page. As shown above, a user's GasBuddy.com page will be customized to show current gas prices at gas stations near the location linked to a user's account, and a user can also customize their GasBuddy.com page by saving favorite gas stations so that favorite gas stations can be displayed.

92. On information and belief, the Accused Instrumentality performs the step of receiving user preferences for the user (*e.g.*, user location, saved favorite stations, etc.), and for combining the user preferences with a generic template to form the template program specific to the user (*e.g.*, user-specific web page), wherein the user preferences indicate the items of interest to the user. On information and belief, the Accused Instrumentality uses a template program that is unique to the user to generate a customized webpage by combining customization information unique to the user and a global template that is generic to a plurality of users. The overall layout of a user's page will be shared among all users; however, the content of that page will differ for each user, this being dictated by a unique template program that is made by taking a general template that only defines layout and adding the data to be displayed within the layout. For example, the following screenshots of two different users that have varying current gas prices at gas stations displayed based upon the users' respective locations (*i.e.*, real-time information selected for the user's customized web page based on the customization information unique to the user such as current gas prices at gas stations) shows that the template program is varied so that each user can receive appropriately customized pages (*e.g.*, the code for each respective page is updated/adapted to pull from different resources so that the appropriate information/data can be referenced/displayed for each user).

First User

Search Gas Prices


ADVANCED SEARCH

Search gas prices by city or zip code...
 77001  Regular 
FIND GAS




Gas Prices Near 77001



 **Fuel Depot**
 ★★★★★ 68
 2001 S Wayside Dr
 Houston, TX
\$2.09
 RONALD777
 4 hours ago

Save 5¢/gallon at stations nationwide with the free GasBuddy card! [LEARN MORE](#)

 **Exxon**
 ★★★★★ 104
 2402 S Wayside Dr
 Houston, TX
\$2.09
 RONALD777
 4 hours ago

Find Cheap Gas Prices in the USA



- | | |
|-------------|-----------|
| Alabama | Alaska |
| Arizona | Arkansas |
| California | Colorado |
| Connecticut | Delaware |
| Florida | Georgia |
| Hawaii | Idaho |
| Illinois | Indiana |
| Iowa | Kansas |
| Kentucky | Louisiana |

(<https://www.gasbuddy.com/home?search=77001&fuel=1> (for a particular user)).

Second User

Search Gas Prices


ADVANCED SEARCH

Search gas prices by city or zip code...
 10101  Regular 
FIND GAS




Gas Prices Near 10101



 **BP**
 ★★★★★ 156
 466 10th Ave
 Manhattan, NY
\$3.39
 philvette
 32 minutes ago
 CASH

Save 5¢/gallon at stations nationwide with the free GasBuddy card! [LEARN MORE](#)

 **Shell**
 ★★★★★ 30
 38-02 21st St
 Long Island City, NY
\$2.76
 jcvny
 7 hours ago
 CASH

Find Cheap Gas Prices in the USA

- | | |
|-------------|-----------|
| Alabama | Alaska |
| Arizona | Arkansas |
| California | Colorado |
| Connecticut | Delaware |
| Florida | Georgia |
| Hawaii | Idaho |
| Illinois | Indiana |
| Iowa | Kansas |
| Kentucky | Louisiana |

(*E.g.*, <https://www.gasbuddy.com/home?search=10101&fuel=1> (for a particular user)).

93. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates Plaintiff for such Defendant's infringement of the '359 patent, *i.e.*, in an amount that by law cannot be less than would constitute a reasonable royalty for the use of the patented technology, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

94. On information and belief, Defendant has had at least constructive notice of the '359 patent by operation of law, and there are no marking requirements that have not been complied with.

VII. COUNT V
(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 9,626,342)

95. Plaintiff incorporates the above paragraphs herein by reference.

96. On April 18, 2017, United States Patent No. 9,626,342 ("the '342 Patent") was duly and legally issued by the United States Patent and Trademark Office. The '342 Patent is titled "Dynamic Page Generator." The '342 patent is not subject to a terminal disclaimer and its term is extended under 35 U.S.C. 154(b) by 891 days. (Ex. M). A true and correct copy of the '342 Patent is attached hereto as Exhibit M and incorporated herein by reference.

97. Digi Portal is the assignee of all right, title and interest in the '342 patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the '342 patent. Accordingly, Digi Portal possesses the exclusive right and standing to prosecute the present action for infringement of the '342 patent by Defendant.

98. The application leading to the '342 patent was filed December 21, 2012, as a continuation of application no. 11/842,095, which was a continuation of application no.

11/656,636, which is a continuation of 09/393,718, which was a continuation of application no. 08/873,975, which issued as the '227 patent. (Ex. M at cover).

99. The invention in the '342 patent relates to the field of customized information presentation on the web; more specifically, providing customized pages that are quickly served and scalable to handle many users simultaneously. (*Id.* at col. 1:33-37).

100. The '342 patent shares the identical specification as the '854 patent and therefore Digi Portal incorporates the background and discussion of the invention in Paragraphs 13-25.

101. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing at least claim 1 of the '342 patent in Delaware, and elsewhere in the United States, by performing actions comprising performing the claimed method steps, including without limitation through the method implemented of providing a user's GasBuddy.com page ("Accused Instrumentality"). The Accused Instrumentality practices the method of responding to a user request (*e.g.*, a user login request, search initiation, etc.) for a customized page (*e.g.*, a user's customized home and search pages on the GasBuddy.com website). (*E.g.*, <https://accounts.GasBuddy.com/share/login.aspx>).

102. On information and belief, the Accused Instrumentality performs the step of generating, via at least one server computer (*e.g.*, GasBuddy.com server), a template program unique to the user (*e.g.*, a template program will be unique to a user because it is composed of instruction, code, and data that is processed/executed to create a webpage customized to a user), the template program that is unique to the user being used to form the user's customized web page, the template program that is unique to the user being generated using customization information unique to the user (*e.g.*, user location, saved favorite gas stations) and a global template that is generic to a plurality of users. On information and belief, the Accused

Instrumentality uses a template program that is unique to the user to generate a customized webpage by combining customization information unique to the user and a global template that is generic to a plurality of users. The overall layout of a user’s page will be shared among all users; however, the content of that page will differ for each user, this being dictated by a unique template program that is made by taking a general template that only defines layout and combining the data selected based on customization information unique to the user to be displayed within the layout. For example, the following screenshots for two different users have varying gas prices at gas stations displayed based upon the users’ respective locations (*i.e.*, real-time information selected for the user's customized web page based on the customization information unique to the user such as current gas prices at gas stations near a particular location).

First User

The screenshot displays the GasBuddy website interface. At the top, there is a search bar titled "Search Gas Prices" with a sub-link for "ADVANCED SEARCH". The search input field contains "77001" and a dropdown menu is set to "Regular". A red "FIND GAS" button is positioned below the search bar. Below the search bar, the heading "Gas Prices Near 77001" is visible, accompanied by a "Map" button. Two gas station listings are shown: "Fuel Depot" and "Exxon". Both listings include a star rating, address, and a price of "\$2.09" with a note that it was updated "4 hours ago" by user "RONALD777". A promotional banner below the listings reads "Save 5¢/gallon at stations nationwide with the free GasBuddy card! LEARN MORE". On the right side of the page, there is a sidebar with a "65% OFF" promotion on shoes and a list of US states: Alabama, Arizona, California, Connecticut, Florida, Hawaii, Illinois, Iowa, Kentucky, Alaska, Arkansas, Colorado, Delaware, Georgia, Idaho, Indiana, Kansas, and Louisiana.

(<https://www.gasbuddy.com/home?search=77001&fuel=1> (for a particular user)).

Second User

Search Gas Prices ADVANCED SEARCH

Search gas prices by city or zip code...
10101

Regular

FIND GAS

Gas Prices Near 10101 Map

BP
★★★★☆ 156
466 10th Ave
Manhattan, NY

\$3.39
philvette
32 minutes ago
CASH

Alabama Alaska
Arizona Arkansas
California Colorado
Connecticut Delaware
Florida Georgia
Hawaii Idaho
Illinois Indiana
Iowa Kansas
Kentucky Louisiana

Save 5¢/gallon at stations nationwide with the free GasBuddy card! [LEARN MORE](#)

Shell
★★★★☆ 30
38-02 21st St
Long Island City, NY

\$2.76
JCINY
7 hours ago
CASH

Every drop counts. Presenting Green RO series that saves 2X water. [GET A DEMO](#)

Find Cheap Gas Prices in the USA

(E.g., <https://www.gasbuddy.com/home?search=10101&fuel=1> (for a particular user)).

103. For example, a user can also customize their GasBuddy.com page by selecting favorite gas stations to save, so that favorite gas stations can be displayed.

< MY FAVORITES LISTS

Favorites

You have no stations favorited in this list.


Click the symbol when viewing a station to add it to your favorites.



(<https://www.gasbuddy.com/account/favorite-lists/5213569> (for a particular user)).



First User

< MY FAVORITES LISTS

Favorites

Regular 

	Fuel Depot ★★★★☆ 68 2001 S Wayside Dr Houston, TX		\$2.09 RONALD777 5 hours ago
---	---	---	---


	Chevron ★★★★☆ 55 2490 S Wayside Dr Houston, TX		\$2.09 Zamzummims 5 hours ago CASH
---	--	---	---



(<https://www.gasbuddy.com/account/favorite-lists/5213569> (for a particular user)).



Second User



< MY FAVORITES LISTS

Favorites

Regular 

	Shell ★★★★☆ 34 1599 Lexington Ave Manhattan, NY		\$2.69 petertsangus 16 hours ago CASH
---	---	---	--

	BP ★★★★☆ 147 1400 Park Ave Hoboken, NJ		\$2.45 golfpolice 1 hour ago
---	--	---	---

	Mobil ★★★★☆ 101 51-63 8th Ave Manhattan, NY		\$3.49 12khan 27 minutes ago CASH
---	---	---	--

(<https://www.gasbuddy.com/account/favorite-lists/5213609> (for a particular user)).

104. On information and belief, the Accused Instrumentality performs the step of executing, via the at least one server computer (*e.g.*, GasBuddy.com server), the user's template program (*e.g.*, instructions, code and data used to create a user webpage) to generate the user's customized web page, the user's customized web page including real-time information (*e.g.*, gas prices at gas stations) selected for the user's customized web page based on the customization information unique to the user (*e.g.*, user location, brand). For example, a user's GasBuddy.com page will be customized to show current gas prices at gas stations near the location linked to a user's account.

First User

The screenshot displays the GasBuddy website interface. At the top, there is a search bar titled "Search Gas Prices" with a sub-link for "ADVANCED SEARCH". The search bar contains the text "Search gas prices by city or zip code..." and the zip code "77001". A dropdown menu shows "Regular" as the selected fuel type. A red "FIND GAS" button is positioned below the search bar. Below the search bar, the heading "Gas Prices Near 77001" is displayed, accompanied by a "Map" button. Two gas station listings are shown: "Fuel Depot" and "Exxon". Both listings include a star rating, address, and a price of "\$2.09". A promotional banner for a 65% off shoe is visible on the right side of the page. Below the gas station listings, there is a red banner that reads "Save 5¢/gallon at stations nationwide with the free GasBuddy card! LEARN MORE". On the right side, there is a list of states: Alabama, Arizona, California, Connecticut, Florida, Hawaii, Illinois, Iowa, Kentucky, Alaska, Arkansas, Colorado, Delaware, Georgia, Idaho, Indiana, Kansas, and Louisiana.

(<https://www.gasbuddy.com/home?search=77001&fuel=1> (for a particular user)).

Second User

The screenshot displays the GasBuddy.com interface. At the top, there is a search bar with the text "Search gas prices by city or zip code..." and the zip code "10101" entered. To the right of the search bar is a dropdown menu set to "Regular". Below the search bar is a prominent red "FIND GAS" button. Underneath, the heading "Gas Prices Near 10101" is shown, accompanied by a "Map" button. The main content area features two gas station listings. The first listing is for BP, located at 466 10th Ave, Manhattan, NY, with a price of \$3.39 per gallon. The second listing is for Shell, located at 38-02 21st St, Long Island City, NY, with a price of \$2.76 per gallon. A promotional banner for the GasBuddy card is positioned between the two listings, stating "Save 5¢/gallon at stations nationwide with the free GasBuddy card!". On the right side of the page, there is an advertisement for AC Smith Green RO series water filters, featuring the text "Every drop counts. Presenting Green RO series that saves 2X water." and a "GET A DEMO" button. Below the advertisement is a list of US states: Alabama, Arizona, California, Connecticut, Florida, Hawaii, Illinois, Iowa, Kentucky, Alaska, Arkansas, Colorado, Delaware, Georgia, Idaho, Indiana, Kansas, and Louisiana.

(E.g., <https://www.gasbuddy.com/home?search=10101&fuel=1> (for a particular user)).





105. For example, a user can also customize their GasBuddy.com page by selecting favorite gas stations to save, so that saved favorite gas stations can be displayed.

First User:

< MY FAVORITES LISTS

Favorites

Regular 

 Fuel Depot ★★★★☆ 68 2001 S Wayside Dr Houston, TX		\$2.09 RONALD777 5 hours ago
 Chevron ★★★★☆ 55 2490 S Wayside Dr Houston, TX		\$2.09 Zamzummims 5 hours ago CASH







(<https://www.gasbuddy.com/account/favorite-lists/5213569> (for a particular user)).

Second User

< MY FAVORITES LISTS

Favorites

Regular 

 Shell ★★★★☆ 34 1599 Lexington Ave Manhattan, NY		\$2.69 petertsangus 16 hours ago CASH
 BP ★★★★☆ 147 1400 Park Ave Hoboken, NJ		\$2.45 golfpolice 1 hour ago
 Mobil ★★★★☆ 101 51-63 8th Ave Manhattan, NY		\$3.49 12khan 27 minutes ago CASH

(<https://www.gasbuddy.com/account/favorite-lists/5213609> (for a particular user)).

106. On information and belief, the Accused Instrumentality performs the step of in response to receiving a subsequent request for the user's customized web page (*e.g.*, user login); receiving, via the at least one server computer (GasBuddy.com server), the template program that is unique to the user from one of at least two locations (*e.g.*, main storage at a GasBuddy.com server or local storage on the user's device), the location determined from the frequency of the request for the user's customized web page. On information and belief, template information that is part of the template program is stored for less frequently accessed files in a main storage wherein frequently accessed files will be stored in storage on the user's computer. Running the template program (page generation code, tiles, containers, and user data) creates the customized webpage. On information and belief, when a user signs-up or performs a login, the code takes the user template information and stores it in a site JavaScript object that is used in logic to display various gas prices at gas stations and other site logic-based conditions. On information and belief, the template information can be stored in multiple locations: (1) at runtime, in a JavaScript object with the data structure called ContextData; (2) within browser local storage; and (3) browser cookies.

```
1),this._expirationTime=Ci=t,this._root=e,this._callbacks=this._next=null,this._hasChildren=this._didComplete=!1,this._children=null,this._defer=!0}function ja(){this._callbacks=null,this._didCommit=!1,this._onCommit=this._onCommit.bind(this)}function Wa(e,t,n){e={current:t=Hr(3,null,null,t?3:0),containerInfo:e,pendingChildren:null,pingCache:null,earliestPendingTime:0,latestPendingTime:0,earliestSuspendedTime:0,latestSuspendedTime:0,latestPingedTime:0,didError:!1,pendingCommitExpirationTime:0,finishWork:null,timeoutHandle:-1,context:null,pendingContext:null,hydrate:n,nextExpirationTimeToWorkOn:0,expirationTime:0,firstBatch:null,nextScheduledRoot:null},this._internalRoot=t.stateNode=e}function Va(e){return!(e||!1===e.nodeType&&9!==e.nodeType&&11===e.nodeType&&8!==e.nodeType||" react-mount-point-unstable "!==e.nodeValue)}function Ba(e,t,n,r,o){var l=n._reactRootContainer;if(1){if("function"===typeof o){var i=o;o=function(){var e=La(l._internalRoot);i.call(e)}}null!==e?l.legacy_renderSubtreeIntoContainer(e,t,o):l.render(t,o)}else{if(l=n._reactRootContainer=function(e,t){if(t||!(t=!(t=e?9===e.nodeType?e.documentElement:e.firstChild):null)||!1===t.nodeType||!t.hasAttribute("data-reactroot")),!t)for(var
```

(<https://cdn.gasbuddy.com/vendor.66659a953a1ba14deb1a.js> (for a particular user)).

```
(p=h))}f=f.return}while(null!==f);f=c;do{if((h=13===f.tag)&&(h=void
0!==f.memoizedProps.fallback&&null===f.memoizedState),h){if(null===(c=f.updateQueue)?((c=new
Set).add(d),f.updateQueue=c):c.add(d),0==(1&f.mode)){f.effectTag|=64,s.effectTag&=-1957,1===s.tag&&
(null===s.alternate?s.tag=17:((a=Xl(1073741823)).tag=Hl,Jl(s,a))),s.expirationTime=1073741823;break
e}c=a;var y=(s=u).pingCache;null===y?(y=s.pingCache=new xi,h=new Set,y.set(d,h)):void 0===(h=y.get(d))&&
(h=new Set,y.set(d,h)),h.has(c)||h.add(c),s=xi.bind(null,s,d,c),d.then(s,s),-1===p?u=1073741823:
(-1===m&&(m=10*(1073741822-to(u,a))-5e3),u=m+p),0<u&&0i<u&&
(Oi=u),f.effectTag|=2048,f.expirationTime=a;break e}f=f.return}while(null!==f);f=Error((at(s.type)||"A
React component")+" suspended while rendering, but no fallback UI was specified.\n\nAdd a <Suspense
fallback=...> component higher in the tree to provide a loading indicator or placeholder to
display."+ut(s));zi=!0,f=li(f,s),u=c;do{switch(u.tag){case
```

(<https://cdn.gasbuddy.com/vendor.66659a953a1ba14deb1a.js> (for a particular user)).

107. On information and belief, the Accused Instrumentality performs the step of executing, via the at least one server computer (e.g., GasBuddy.com server), the received template program that is unique to the user (e.g., instructions, code, and data that is executed to create a customized user webpage) to generate the user's customized web page, the user's customized web page including real-time information (e.g., current gas prices at gas stations) selected for the user's customized web page in response to the subsequent request (e.g., user login, search initiation, etc.) and based on the customization information unique to the user (e.g., user location, brand).

Search Gas Prices

Search gas prices by city or zip code...
77001

Fuel Type: Regular

Payment Method: Credit Only



Station brand: All Station Brands

Prices updated in the last: No Limit

FIND GAS

Regular Gas Prices Near 77001

[VIEW MAP](#)

 Shell ★★★★★ 24 2003 Pease St Houston, TX	---
 Exxon	\$2.09

CONTINUE >

Free Package Tracking Tool



Find Cheap Gas Prices in the USA

Alabama	Alaska
Arizona	Arkansas
California	Colorado
Connecticut	Delaware
Florida	Georgia
Hawaii	Idaho
Illinois	Indiana
Iowa	Kansas

(<https://www.gasbuddy.com/home?search=77001&fuel=1&maxAge=0&method=> (for a particular user)).

Search Gas Prices ADVANCED SEARCH

Search gas prices by city or zip code...
77001 Regular

FIND GAS

Gas Prices Near 77001 Map

Fuel Depot
★★★★☆ 68
2001 S Wayside Dr
Houston, TX
\$2.09
▲ RONALD777
4 hours ago

Exxon
★★★★☆ 104
2402 S Wayside Dr
Houston, TX
\$2.09
▲ RONALD777
4 hours ago

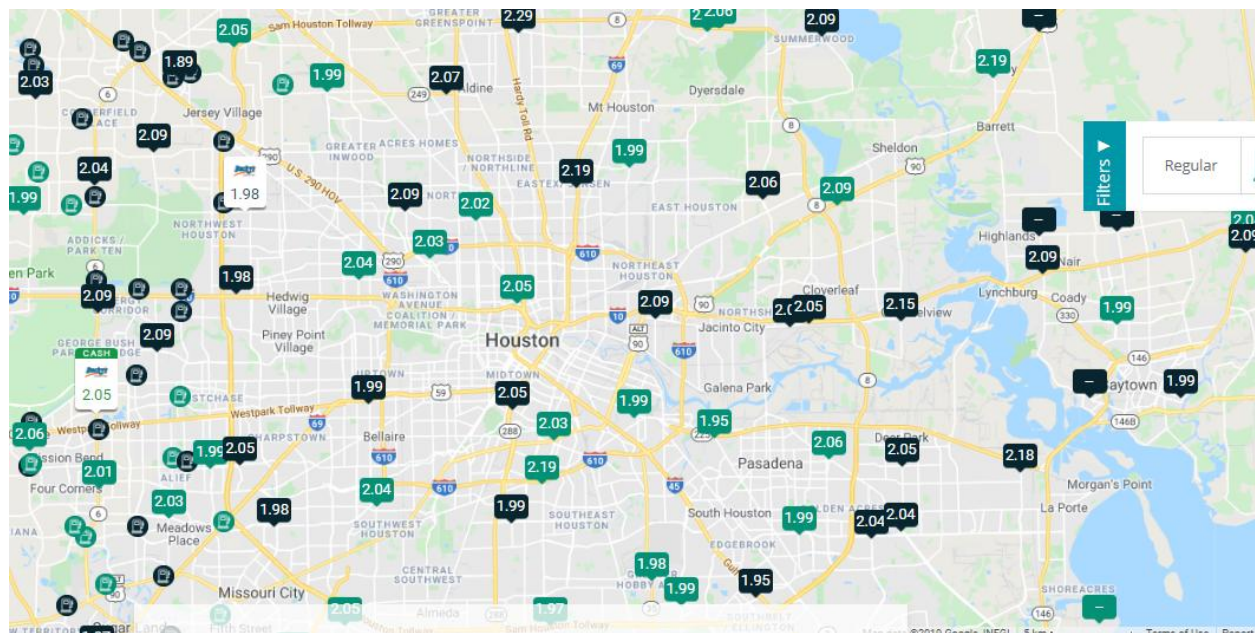
Save 5¢/gallon at stations nationwide with the free GasBuddy card! [LEARN MORE](#)

Alabama	Alaska
Arizona	Arkansas
California	Colorado
Connecticut	Delaware
Florida	Georgia
Hawaii	Idaho
Illinois	Indiana
Iowa	Kansas
Kentucky	Louisiana

65% OFF

Find Cheap Gas Prices in the USA

(<https://www.gasbuddy.com/home?search=77001&fuel=1> (for a particular user)).



(<https://www.gasbuddy.com/home?search=77001&fuel=1> (for a particular user)).

108. For example, a user's GasBuddy.com page will also be customized to show current gas prices at gas stations near the location linked to a user's account.

First User

Search Gas Prices ADVANCED SEARCH

Search gas prices by city or zip code...
77001 Regular

FIND GAS

Gas Prices Near 77001 Map

Fuel Depot
★★★★☆ 68
2001 S Wayside Dr
Houston, TX

\$2.09
▲ RONALD777
4 hours ago

Exxon
★★★★☆ 104
2402 S Wayside Dr
Houston, TX

\$2.09
▲ RONALD777
4 hours ago

Save 5¢/gallon at stations nationwide with the free GasBuddy card! [LEARN MORE](#)

Find Cheap Gas Prices in the USA

Alabama	Alaska
Arizona	Arkansas
California	Colorado
Connecticut	Delaware
Florida	Georgia
Hawaii	Idaho
Illinois	Indiana
Iowa	Kansas
Kentucky	Louisiana

(<https://www.gasbuddy.com/home?search=77001&fuel=1> (for a particular user)).

Second User

Search Gas Prices ADVANCED SEARCH

Search gas prices by city or zip code...
10101 Regular

FIND GAS

Gas Prices Near 10101 Map

BP
★★★★☆ 156
466 10th Ave
Manhattan, NY
\$3.39
philvette
32 minutes ago
CASH

Shell
★★★★☆ 30
38-02 21st St
Long Island City, NY
\$2.76
JCINY
7 hours ago
CASH

Save 5¢/gallon at stations nationwide with the free GasBuddy card! [LEARN MORE](#)

Alabama Alaska
Arizona Arkansas
California Colorado
Connecticut Delaware
Florida Georgia
Hawaii Idaho
Illinois Indiana
Iowa Kansas
Kentucky Louisiana

AC Smith
Every drop counts.
Presenting Green RO series
that saves 2X water.
GET A DEMO
*T&C Apply

Find Cheap Gas Prices in the USA

(E.g., <https://www.gasbuddy.com/home?search=10101&fuel=1> (for a particular user)).





109. For example, a user can also customize their GasBuddy.com page by selecting favorite gas stations to save, so that saved favorite gas stations can be displayed.

First User:

< MY FAVORITES LISTS

Favorites

Regular 

 Fuel Depot ★★★★☆ 68 2001 S Wayside Dr Houston, TX		\$2.09 RONALD777 5 hours ago
 Chevron ★★★★☆ 55 2490 S Wayside Dr Houston, TX		\$2.09 Zamzummins 5 hours ago CASH







(<https://www.gasbuddy.com/account/favorite-lists/5213569> (for a particular user)).

Second User

< MY FAVORITES LISTS

Favorites

Regular 

 Shell ★★★★☆ 34 1599 Lexington Ave Manhattan, NY		\$2.69 petertsangus 16 hours ago CASH
 BP ★★★★☆ 147 1400 Park Ave Hoboken, NJ		\$2.45 golfpolice 1 hour ago
 Mobil ★★★★☆ 101 51-63 8th Ave Manhattan, NY		\$3.49 12khan 27 minutes ago CASH

(<https://www.gasbuddy.com/account/favorite-lists/5213609> (for a particular user)).

110. On information and belief, the Accused Instrumentality performs the step of serving, via the at least one server computer (*e.g.*, GasBuddy.com server), the user's customized web page (*e.g.*, webpage customized for a user with local gas prices at gas stations). (*E.g.*, screenshots in paragraph 109).

111. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates Plaintiff for such Defendant's infringement of the '342 patent, *i.e.*, in an amount that by law cannot be less than would constitute a reasonable royalty for the use of the patented technology, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

112. On information and belief, Defendant has had at least constructive notice of the '342 patent by operation of law, and there are no marking requirements that have not been complied with.

VIII. JURY DEMAND

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

IX. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of United States Patent No. 8,352,854 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- b. Judgment that one or more claims of United States Patent No. 5,983,227 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;

- c. Judgment that one or more claims of United States Patent No. 7,171,414 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- d. Judgment that one or more claims of United States Patent No. 7,565,359 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- e. Judgment that one or more claims of United States Patent No. 9,626,342 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- f. Judgment that Defendant account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of Defendant's infringing activities and other conduct complained of herein, and an accounting of all infringements and damages not presented at trial;
- g. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein; and
- h. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

June 28, 2020

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