

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

DIGI PORTAL LLC,

Plaintiff,

v.

MARRIOTT INTERNATIONAL, INC.,

Defendant.

C.A. No. 20-00864-MN

JURY TRIAL DEMANDED

PATENT CASE

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Digi Portal LLC files this First Amended Complaint for Patent Infringement against Marriott International, Inc. pursuant to Rule 15(a)(1)(B), Fed.R.Civ.P. 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 Marriott International, Inc. (“Defendant”) is a corporation organized and existing under the laws of Delaware, with a place of business at 10400 Fernwood Road, Bethesda, MD 20817. Defendant has a registered agent at The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

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 corporation.

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 incorporated in Delaware. Under the patent venue analysis, Defendant resides only in this District. 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. 1). A true and correct copy of the ‘854 Patent is attached hereto as Exhibit 1 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. 1 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).

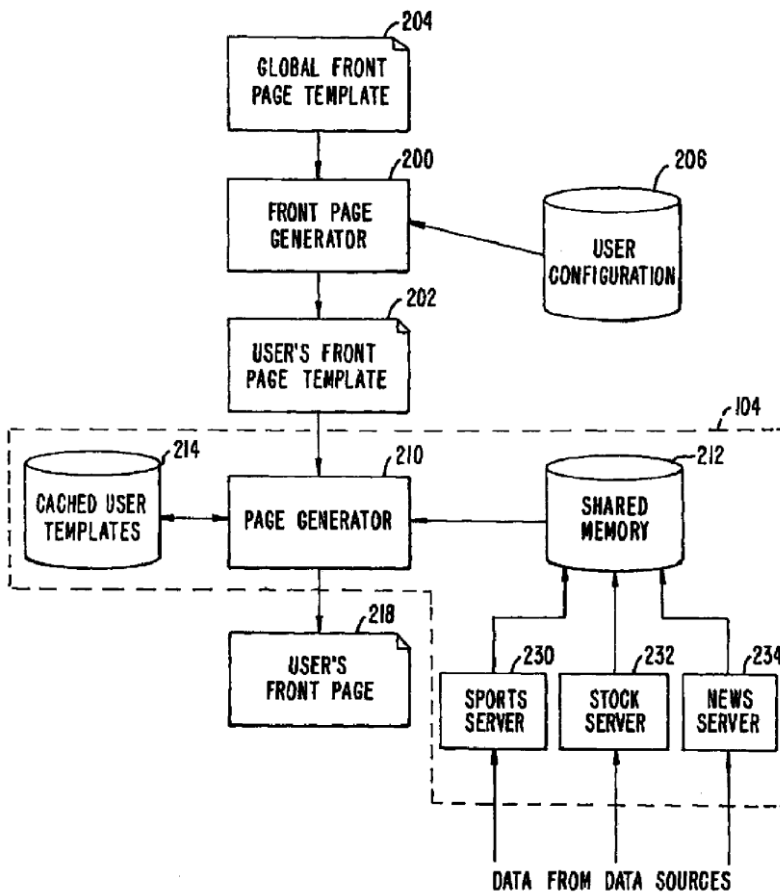
14. Customizing a server response based on the requester is known; however, known systems do not scale well. (*Id.* at col. 1:42-43). One method of serving custom pages is to execute a script, such as a Common Gateway Interface (CGI) script or other program to collect the information necessary to generate 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. 1 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. 1 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 shown 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. 1 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. 1 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. 2 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. 1 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. 2 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. 1 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

the user customized template. (*E.g., id.* at col. 3:37-39, col. 4:1-11, 49-62). The storage of a user customized template program in at least two locations and the location determined from the frequency of the user request for the customized page was an unconventional and non-generic method for storing such templates and was not disclosed in the prior art. (Ex. 3 (Oct. 28, 2010 Resp. to Office Action) at 9).

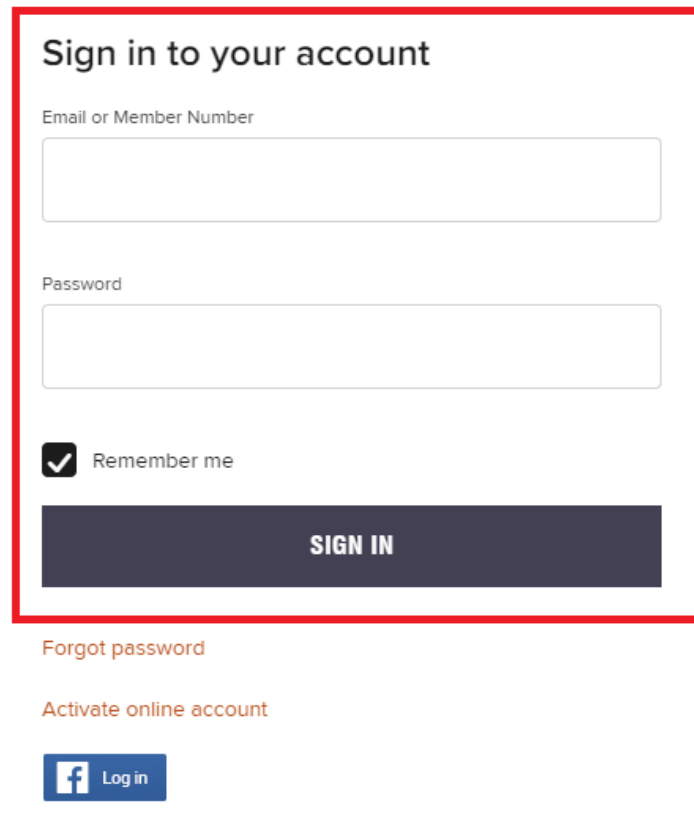
25. Furthermore, the invention provides for more personalized web pages because the user provides user configuration information on which the user customized template is generated. (Ex. 3 (Oct. 28, 2010 Resp. to Office Action) at 9; Ex. 4 (Apr. 18, 2011 Resp. to Office Action) at 6). This was an unconventional way for generating a user customized template unique to the user that was not found in the prior art. (Ex. 4 (Apr. 18, 2011 Resp. to Office Action) at 6).

26. The patents related to the '854 patent and sharing the same specification were cited during the prosecution history of over 700 patents, including patents and applications owned by companies including Google, Inc., Microsoft Corporation, Amazon Technologies, Inc., Facebook, Inc., Ebay, Inc., Salesforce.com, Inc., IBM Corporation, Oracle International Corporation, Comcast Cable Communications, LLC, SAP AG, Citrix Systems, Inc., BEA Systems, Inc., Sprint Communications Company L.P., Siemens AG, AT&T Intellectual Property I, L.P., Hewlett-Packard Development Company, L.P., Fujitsu Limited, AOL LLC, General Electric Company, Accenture LLP, Adobe Systems Inc., Sony Computer Entertainment Inc., and Akamai Technologies, Inc. (See <http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO2&Sect2=HITOFF&p=1&u=%2Fnethtml%2FPTO%2Fsearchbool.html&r=0&f=S&l=50&TERM1=5983227&FIELD1=UREF&co1=AND&TERM2=&FIELD2=&d=PTXT>).

27. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing at least claims 1-2, 8-9, 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 Marriott.com (“Accused Instrumentality”). Defendant contends that its current www.marriott.com website was first made available in February 2019; however, Digi Portal intends to seek discovery for both the currently available website and the prior website.

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

Welcome to Marriott Bonvoy



Sign in to your account

Email or Member Number


Password

Remember me

SIGN IN

[Forgot password](#)


[Activate online account](#)

 Log in

(E.g., <https://www.marriott.com/default.mi>).

Free Wi-Fi, Mobile check-in, and our lowest member rates all the time.

Join with your social account now

 Sign in with Facebook

We keep your data private. We do not post on your behalf.

Already a Member? [Activate online account](#)

OR

First Name

Last Name

Country/Region

USA

Zip/Postal code

Email

Password

<https://www.marriott.com/loyalty/createAccount/createAccountPage1.mi>

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 Marriott.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 configuration information (e.g., a user can customize the content of their templates and what will be rendered and displayed using said templates by entering information such as their location). The user configuration information is supplied by the user (e.g., a user defines the information their template will display by inputting information such as their 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).

```

<input type="hidden" class="search-google-map" name data-options="{\"api\":\"/maps.googleapis.com/maps/api/js?v=3.exp&client=gme-marriottinternational&libraries=places,geometry&signed_in=false&region=\", \"language\": \"en\"}">
<div class="m-field-control l-margin-bottom-three-quarters l-datepicker-open l-xl-col-4 l-pos-relative js-clearinput l-hsearch-loc l-clear clearfix js-location js-auto-complete \" data-options="{\"autocompleteURL\":\"/aries-search/v1/autocomplete.comp\", \"permittedLocales\": \"en-GB,en-AU,en-US\", \"suggestionSortOrder\": \"city,property,airport,poi,state,country\", \"placesUrl\": \"/aries-search/v2/autocomplete.comp\"}">
  <label for="3F5MIUHW_\" class="field-title \"> Destination </label>
  <div class="l-display-flex">
    <span class="animate-placeholder-text \" style="display: flex; opacity: 1;\">Try \"Times Square\"</span>
    <input id="3F5MIUHW_search-location\" autocomplete="off\" type="text" name="destinationAddress.destination" value="\" placeholder aria-label="City, airport, attraction or address" maxlength="100\" class="js-geoloc-target single-search single-search-destination js-recent-search js-search-location js-moreoptions-expander js-clear-input l-no-ie-clear l-h-field js-hform-fields js-auto-complete-input-v2\" data-target="destination\" aria-autocomplete="list\" tabindex="2\" data-count="3\"> => $0
    <span class="l-icon-inline t-icon t-icon-navigation-close js-clear-trigger\" title="Clear\"</span>
  </div>
  <div class="autocomplete-scroller-wrapper custom-wrapper\" style="display: none;\"></div>
  <div aria-live="assertive\" class="is-hidden-label\"></div>
  ::after
</div>
<div class="l-find-container js-find-container l-xl-col-4 l-pos-rel \"></div>
<input type="hidden" class="autosuggest-cat-headers\" data-category-params="{\"recent\":\"Recent\", \"clear\":\"Clear Recent\", \"city\":\"CITIES\", \"property\": \"Hotel\", \"state\": \"STATES\", \"country\":\"COUNTRIES/REGIONS\", \"airport\":\"AIRPORTS\", \"poi\":\"POINTS OF INTEREST\", \"label\":\"Continue typing to narrow your results\", \"searchResults\":\"Search Results\", \"currentLocation\":\"Current Location\", \"recentlyViewedLabel\": \"Recently Viewed\", \"recentSearchesLabel\": \"Recent Searches\", \"clearRecentLabel\": \"CLEAR RECENT\", \"showMoreLabel\": \"SHOW MORE\", \"showLessLabel\": \"SHOW LESS\", \"showRecentlyViewedProperties\": true, \"minRecentlyViewedPropertiesLimit\": 2, \"maxRecentlyViewedPropertiesLimit\": 5, \"expandedLabel\": \"expanded\", \"collapsedLabel\": \"collapsed\" }\">
<div class="date-picker-overlay\"></div>
<div class="m-field-control m-date-picker l-date-picker l-margin-bottom-three-quarters l-pos-relative l-xs-col-4 l-xl-col-4 \" data-trigger="false\" data-is-nonedated-search="false\" data-associate-flow></div>

```

Search terms initially stored in variables

(E.g., <https://www.marriott.com/default.mi> (for a particular user)).

```

country != '\\\\') {\n          type = 'country';\n        } else {\n        type = 'destination';\n        }\n        //Getting Timestamp\n        var\n        dateNow = new Date();\n        var timestampNow = dateNow.toISOString();\n        var endOfRecord = "";\n        if (!noCrrntSrch) {\n        endOfRecord = ",";\n        }\n        var most recent search = '{ \"displayName\":\"' + displayName + '\",\n        \"propertyCode\":\"' + propertyCode + '\", \"longitude\":\"' + longitude + '\", \"latitude\":\"'\n        + latitude + '\", \"stateProvince\":\"' + stateProvince + '\", \"country\":\"' + country + '\",\n        , \"searchRadius\":\"' + searchRadius + '\", \"timestamp\":\"' + timestampNow + '\", \"type\":\"'\n        + type + '\" }' + endOfRecord;\n        if (current_searches_length == 5) {\n        var last = current_recent_searches.lastIndexOf(",");\n        var tmpValue =\n        current_recent_searches.slice(last, current_recent_searches.length);\n        current_recent_searches = current_recent_searches.replace(tmpValue, '\\\\');\n        }\n        current_recent_searches = most_recent_search + current_recent_searches;\n        localStorage.setItem("recent_searches", current_recent_searches);\n        }\n
```

(E.g., <https://assets.adobedtm.com/launch-EN1ce795381cea451fa40478e502ecce2f.min.js> (for a particular user)).

```

"Analytics") + "Fields", s.corsUrl = o + "?" + l, s.callback = u\n
return s.url = a, S._getRemoteField(i ? k : R, a, e, t, s)\n
}\n
return ""\n
}, S.getAudienceManagerLocationHint =
function(e, t) {\n
if (S.isAllowed()) {\n
var i =
S.getMarketingCloudVisitorID(function(t) {\n
S.getAudienceManagerLocationHint(e, !0)\n
});\n
if (i) {\n
var n = S._getField(R);\n
if (!n && H.isTrackingServerPopulated() && (n =
S.getAnalyticsVisitorID(function(t) {\n
S.getAudienceManagerLocationHint(e, !0)\n
})), n ||
!H.isTrackingServerPopulated()) {\n
var r =
S._getAudienceManagerURLData(),\n
a = r.url;\n
return S._getRemoteField(x, a, e, t, r)\n
}\n
}\n
return ""\n
}, S.getLocationHint =
S.getAudienceManagerLocationHint, S.getAudienceManagerBlob = function(e, t) {\n
if (S.isAllowed()) {\n
var i = S.getMarketingCloudVisitorID(function(t) {\n
S.getAudienceManagerBlob(e, !0)\n
});\n
if (i) {\n

```

(E.g., <https://assets.adobedtm.com/launch-EN1ce795381cea451fa40478e502ecce2f.min.js> (for a particular user)).

30. 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 may contain their location, amongst other information). (E.g., <https://www.marriott.com/about/privacy.mi>).

31. 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 Marriott.com page (e.g., based on the frequency at which a user logs in or accesses their Marriott.com page, the data comprising the users page may be stored at a main server). On information and belief, the accused instrumentality uses the template program that is unique to the user which is generated using customization information unique to the user and a global template that is generic to a plurality of users. 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. 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 hotels and other site logic-based conditions. 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. The JavaScript code shown below from the front-facing publicly available code, demonstrates that the sign-in is handled via JavaScript. The actual JS file is served from a CDN.

```
country != '\') {\n                type = \'country\';\n                } else {\n
type = \'destination\';\n                }\n                //Getting Timestamp\n                var
dateNow = new Date();\n                var timestampNow = dateNow.toISOString();\n
var endOfRecord = "";\n                if (!noCrrntSrch) {\n                endOfRecord = ",";\n
}\n                var most recent search = \'{ "displayName":\' + displayName + \',
"propertyCode":\' + propertyCode + \', "longitude":\' + longitude + \', "latitude":\'
+ latitude + \', "stateProvince":\' + stateProvince + \', "country":\' + country + \''
, "searchRadius":\' + searchRadius + \', "timestamp":\' + timestampNow + \', "type":\'
+ type + \'' }\' + endOfRecord;\n                if (current_searches_length == 5) {\n
var last = current_recent_searches.lastIndexOf(",{");                var tmpValue =
current_recent_searches.slice(last, current_recent_searches.length);\n
current_recent_searches = current_recent_searches.replace(tmpValue, '\\\');\n                }\n
current_recent_searches = most_recent_search + current_recent_searches;\n
localStorage.setItem("recent_searches", current_recent_searches);\n\n                }\n
```

(E.g., <https://assets.adobedtm.com/launch-EN1ce795381cea451fa40478e502ecce2f.min.js> (for a particular user)).

```

"Analytics") + "Fields", s.corsUrl = o + "?" + l, s.callback = u\n
return s.url = a, S._getRemoteField(i ? k : R, a, e, t, s)\n
}\n
}\n
return ""\n
}, S.getAudienceManagerLocationHint =
function(e, t) {\n
if (S.isAllowed()) {\n
var i =
S.getMarketingCloudVisitorID(function(t) {\n
S.getAudienceManagerLocationHint(e, !0)\n
});\n
if (i) {\n
var n = S._getField(R);\n
if (!n && H.isTrackingServerPopulated() && (n =
S.getAnalyticsVisitorID(function(t) {\n
S.getAudienceManagerLocationHint(e, !0)\n
})), n ||
!H.isTrackingServerPopulated()) {\n
var r =
S._getAudienceManagerURLData(),\n
a = r.url;\n
return S._getRemoteField(x, a, e, t, r)\n
}\n
}\n
return ""\n
}, S.getLocationHint =
S.getAudienceManagerLocationHint, S.getAudienceManagerBlob = function(e, t) {\n
if (S.isAllowed()) {\n
var i = S.getMarketingCloudVisitorID(function(t) {\n
S.getAudienceManagerBlob(e, !0)\n
});\n
if (i) {\n

```

(E.g., <https://assets.adobedtm.com/launch-EN1ce795381cea451fa40478e502ecce2f.min.js> (for a particular user)).

```

ule:m,logger:n,propertySettings:u,replaceTokens:o};Object.keys(r.modules).forEach(function(t)
){var e=r.modules[t],n=j(function(e){var n=oe(t,e);return
s.getModuleExports(n)});s.registerModule(t,e,a,n,i)}),s.hydrateCache()}return
s},xe=function(e,n,t,a,r){var i=j.createPrefixedLogger("Custom Script");e.track=function(e)
{j.log(''+e+' does not match any direct call identifiers.'),e.getVisitorId=function()
{return null},e.property=
{name:n.property.name},e.company=n.company,e.buildInfo=n.buildInfo,e.logger=i,e.notify=funct
ion(e,n){switch(j.warn("_satellite.notify is deprecated. Please use the `_satellite.logger`
API."),n){case 3:i.info(e);break;case 4:i.warn(e);break;case
5:i.error(e);break;default:i.log(e)}},e.getVar=a,e.setVar=r,e.setCookie=function(e,n,t){var

```

(E.g., <https://assets.adobedtm.com/launch-EN1ce795381cea451fa40478e502ecce2f.min.js> (for a particular user)).

```

[],actions:[{modulePath:"core/src/lib/actions/customCode.js",settings:
{global:!0,source:'/*STORE PAGENAME IN LOCAL STORAGE FOR MDL*/\nif (typeof dataLayer !==
"undefined") {dataLayer.previous_page =
localStorage.getItem(\'previous_page\')\nlocalStorage.setItem(\'previous_page\',
location.hostname + location.pathname);\n\n/*check for Bonvoy JOIN, set for once per
session*/\nif (window.dataLayer.mr_enrolled == "true" &&
sessionStorage.getItem("mr_enrolled_num") !== "1" &&
document.location.href.indexOf("signIn") == -1) {\n sessionStorage.setItem("mr enrolled",
"true");\n sessionStorage.setItem("mr enrolled num", 1);\n}\nelse if
(window.dataLayer.mr_enrolled == "true" && sessionStorage.getItem("mr_enrolled_num", 1) ==
"1"){
sessionStorage.setItem("mr_enrolled", "false")\n}\n\n/*LOAD A SCRIPT WITH A
CALLBACK FUNCTION*/\nfunction launchLoadScriptCallback(a, c, b) {\n var d =
document.getElementsByTagName("script"),\n e;\n b = d[0];\n for (e = 0; e <

```

(*E.g.*, <https://assets.adobedtm.com/launch-EN1ce795381cea451fa40478e502ecce2f.min.js> (for a particular user)).

32. The Accused Instrumentality performs the step of receiving an advertisement selected in accordance to the user demographic information (*e.g.*, Marriott.com provides advertisements to a user based on demographic information such as age, gender, language, interest, activity, etc.). (*E.g.*, <https://www.marriott.com/about/privacy.mi>). For example, the Accused Instrumentality has targeted advertising to users based on a user's geography and interest. (*Id.*).

33. The Accused Instrumentality performs the step of executing the template program that is unique to the user (*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 Marriott.com page, with the advertisement integrated).

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

35. 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.

36. 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.

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

37. Plaintiff incorporates the above paragraphs herein by reference.

38. 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. 5). A true and correct copy of the ‘342 Patent is attached hereto as Exhibit 5 and incorporated herein by reference.

39. 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.

40. 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. 5 at cover).

41. 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).

42. 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.

43. **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 Marriott.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 Marriott.com website). (*E.g.*, <https://www.marriott.com/default.mi>). Defendant contends that its current www.marriott.com website was first made available in February 2019; however, Digi Portal intends to seek discovery for both the currently available website and the prior website.

44. On information and belief, the Accused Instrumentality performs the step of generating, via at least one server computer (*e.g.*, Marriott.com server), a template program unique to the user (*e.g.*, instruction, code, and data that is processed/executed to create a webpage customized to a user), wherein the template program is generated using customization information unique to the user (*e.g.*, user search parameters and preferences) and a global template that is generic to a plurality of users (*e.g.*, a generic template that of web page layout). The accused instrumentality combines the user customization information (*e.g.*, the search terms inputted by a user such as preferences set by user for hotels search) for the user and a generic template (*e.g.*, a generic webpage template) to form a template program specific to a user (*e.g.*, the code for the entire webpage that utilizes a generic template and user's inputted search terms to create a webpage that is customized to display a user's search results).

Destination
Los Angeles, CA, USA

Stay Dates (2 NIGHTS)
Sat, Mar 21, 2020 - Mon, Mar 23, 2020

Rooms & Guests
1 Room: 1 Adult /Room

EDIT

Map View
Currency: Default
Sort by: Distance

30 UNIQUE BRANDS

Filter by: Brand
Price
All Filters

Try these filters:

Fitness center (162)


Free breakfast (64)

Kitchen (46)


Pool (159)

Restaurant on-site (112)

Show available hotels only




The Westin Bonaventure Hotel & Suites, Los Angeles
404 South Figueroa Street Los Angeles, California 90071
0.7 miles from destination | Category 6
Downtown Los Angeles hotel with award-winning dining, elevated venues, an outdoor pool and gym.




From **215** USD Avg./night

VIEW RATES



Sheraton Grand Los Angeles
711 South Hope Street Los Angeles, California 90017
0.9 miles from destination | 4.2 525 Reviews | Category 5



(<https://www.marriott.com/search/findHotels.mi> (for a particular user)).

Currently available hotels information retrieved from information source

```

▶<div class=" 1-row t-bg-standard-20 property-record-item 1-display-inline-m js-property-record-item" id="property-record-map-LGBFP" data-brand="SI" data-map="true" data-pnum="14" data-property="{"lat": 34.080365,"longitude": -118.097331,"brand": "SI","marshaCode": "LGBFP","hwsInLanguageMissing": ">false","price": "142","symbol": "USD","type": "","hotelName": "Sheraton Los Angeles San Gabriel","propertyType": "","propMarkerLabel": "","propMarkerBedLabel": "","index": ""}" data-marsha="LGBFP" data-close-text="Close" data-city="San Gabriel" data-statecode="CA" data-stateprovince="California" data-country="US" data-promo-code data-marsha-brand-code data-function-space data-function-space-name">...</div>
▶<div class=" 1-row t-bg-standard-20 property-record-item 1-display-inline-m js-property-record-item" id="property-record-map-LAXRO" data-brand="RI" data-map="true" data-pnum="15" data-property="{"lat": 34.150267,"longitude": -118.150847,"brand": "RI","marshaCode": "LAXRO","hwsInLanguageMissing": ">false","price": "160","symbol": "USD","type": "","hotelName": "Residence Inn Los Angeles Pasadena/Old Town","propertyType": "","propMarkerLabel": "","propMarkerBedLabel": "","index": ""}" data-marsha="LAXRO" data-close-text="Close" data-city="Pasadena" data-statecode="CA" data-stateprovince="California" data-country="US" data-promo-code data-marsha-brand-code data-function-space data-function-space-name">...</div>
▶<div class=" 1-row t-bg-standard-20 property-record-item 1-display-inline-m js-property-record-item" id="property-record-map-LAXBV" data-brand="MC" data-map="true" data-pnum="16" data-property="{"lat": 34.056333,"longitude": -118.395855,"brand": "MC","marshaCode": "LAXBV","hwsInLanguageMissing": ">false","price": "260","symbol": "USD","type": "","hotelName": "Beverly Hills Marriott","propertyType": "","propMarkerLabel": "","propMarkerBedLabel": "","index": ""}" data-marsha="LAXBV" data-close-text="Close" data-city="Los Angeles" data-statecode="CA" data-stateprovince="California" data-country="US" data-promo-code data-marsha-brand-code data-function-space data-function-space-name">...</div>
▶<div class=" 1-row t-bg-standard-20 property-record-item 1-display-inline-m js-property-record-item" id="property-record-map-LAXRB" data-brand="RI" data-map="true" data-pnum="17" data-property="{"lat": 34.05572,"longitude": -118.395933,"brand": "RI","marshaCode": "LAXRB","hwsInLanguageMissing": ">false","price": "190","symbol": "USD","type": "","hotelName": "Residence Inn Beverly Hills","propertyType": "","propMarkerLabel": "","propMarkerBedLabel": "","index": ""}" data-marsha="LAXRB" data-close-text="Close" data-city="Los Angeles" data-statecode="CA" data-stateprovince="California" data-country="US" data-promo-code data-marsha-brand-code data-function-space data-function-space-name">...</div>
▶<div class=" 1-row t-bg-standard-20 property-record-item 1-display-inline-m js-property-record-item" id="property-record-map-LAXEB" data-brand="EB" data-map="true" data-pnum="18" data-property="{"lat": 34.0904,"longitude": -118.389156,"brand": "EB","marshaCode": "LAXEB","hwsInLanguageMissing": ">false","price": "454","symbol": "USD","type": "","hotelName": "The West Hollywood EDITION","propertyType": "NEW","propMarkerLabel": "","propMarkerBedLabel": "","index": ""}" data-marsha="LAXFR" data-close-text="Close" data-city="West Hollywood" data-statecode="CA" data-
    
```

(<https://www.marriott.com/search/findHotels.mi> (for a particular user)).

```

<!doctype html>
<html xmlns="http://www.w3.org/1999/xhtml" lang="en_US" xml:lang="en_US" class="webkit chrome chrome79 win js non-retina
orientation_landscape maxw_1280" style="overflow: visible; position: static;">
  <head class="at-element-marker">...</head>
  <body class="t-bg-white is-form-takeover" data-hide-print style="overflow: visible; position: static;">
    <a name="topOfPage"></a>
    <div id="page-container" class="page-container">
      <header class="m-header">...</header>
      <div id="salesforce_code_insert">...</div>
      <div class="id-content-wrapper" id="main-body-wrapper">
        <div class="l-row">...</div>
        <div class="l-row">
          <div class="mi-sub-section bleed-sub-section l-margin-subsection-bottom-small l-margin-tile-vertical-default l-padding-tile-
vertical-default l-padding-subsection-vertical-none">...</div>
          <section class="mi-sub-section sub-section l-print-fullbleed l-container l-margin-subsection-bottom-small l-margin-tile-vertical-
default l-padding-tile-vertical-default l-padding-subsection-vertical-none mi-sub-section-blank">...</section>
          <section class="mi-sub-section two-col-sub-section l-print-fullbleed l-container l-margin-subsection-bottom-none l-margin-tile-
vertical-default l-padding-tile-vertical-default l-padding-subsection-vertical-none" style="position: relative;">...</section>
          <div class="mi-sub-section bleed-sub-section t-bg-standard-30 l-margin-subsection-bottom-none l-margin-tile-vertical-default l-
padding-tile-vertical-default l-padding-subsection-vertical-none">
            <div id="SuggestedFilters338f">...</div>
            <div id="propertyRecords54b9">
              <script type="text/mi-context" name="tileMessageErrorActions_propertyRecords54b9" defer="defer">{"DEFAULT":{"type":"component-
level-message","action":"error"}}</script>
              <script type="text/mi-context" name="tileErrorMessageContext_propertyRecords54b9" defer="defer">...</script>
              <script type="text/mi-context" name="propertyRecords54b9" defer="defer">...</script>
              <script type="text/mi-context" name="propertyRecords54b9" defer="defer">...</script>
              <div class="tile-property-records l-row property-records" data-spinner-label="FETCHING HOTEL INFORMATION..." data-back-results-
label="Back to Search Results" data-marrofferid data-enable-map-based-search="true" data-language-code="en" data-img="{ "pinImg":
"/Images/Icons/Search/pin-gmap.png", "pinBlue": "/Images/Icons/Search/pin-gmap-blue.png", "clustImg": "https://cache.marriott.com/
marriottassets/icons/pin-cluster-sm.png", "clustBlue": "/Images/Icons/Search/pin-cluster-sm-hover.png", "pinAdd": "/Images/Icons/
Search/pinAdd.png"}" data-clone="false" data-address="false" data-searchLocation data-searchLat data-searchLong data-refine

```

General template used to generate web page

(E.g., <https://www.marriott.com/search/findHotels.mi> (for a particular user)). As shown below, Marriott.com will then combine the template with customized data pulled based upon a user’s search inputs in order to create a template program executable by a user’s browser, so that the customized webpage can be displayed to the user.

```

data-property-cta-marker-label="{openingComponentInstanceId} | {urlName} Book | {closingComponentInstanceId} | {urlName} Book" data-
show-recently-viewed-properties="true" data-component-id="propertyRecords_01_54b9" data-component-name="propertyRecords" data-
component-endpoint="/api/search/v1/propertyRecords.com"
  <div class="js-wrapper l-pos-relative height-100">
    <div data-view="list" class="js-list-container l-container l-s-container-fullbleed l-init">
      <div class="l-1-col-8 l-m-col-5 hotels-banner">
        <h1 class="l-1-results-summary l-padding-top-three-quarters t-font-s t-line-height-m l-margin-none t-font-weight-normal t-
font-family-proximanova">...</h1>
        <div class="m-map-page-nation t-bg-standard-10 t-font-s l-margin-bottom-half t-color-standard-20 l-padding-half t-font-
xs t-line-height-xs">1&nbsp;40&nbsp;167&nbsp;hotels</div>
      </div>
      <div class="available-hotel-wrapper l-m-col-3 l-l-col-4 l-right-align l-padding-top-five-quarters">
        <fieldset class="l-margin-none l-padding-none t-border-none">...</fieldset>
      </div>
      <div class="js-property-results l-1-col-12 l-xl-col-12 l-l-col-last l-xl-col-last height-100 l-clear-both">
        <div id="merch-property-results" data-hotelmarshaCodes="LAXBW;LAXGR;LAXLD;LAXRI;LAXLZ;LAXJW;LAXNH;LAXMP;LAXRL;LAXAB;
LAXTG;LAXLS;LAXSP;LAXOT;LGBFP;LAXRO;LAXBV;LAXRB;LAXEB;BURSI;LAXDS;LAXPW;BURSH;LAXFR;BURRI;LAXCV;LAXNF;LAXCE;LAXNI;LAXRR;
LAXFP;BURCY;LAXAP;LAXAX;LAXSI;LAXHC;LAXTH;LAXCY;LAXNB;BURAP;" class="map-view-scroll-wrapper l-pos-relative touch-event-
bound">
          <div class="js-property-list-container map-view-scroll-space">
            <div class="l-row t-bg-standard-20 property-record-item l-display-inline-m in-focus js-property-record-item" id="
property-record-map-LAXBW" data-brand="WI" data-map="true" data-pnum="0" data-property="{ "lat":
"34.0529", "longitude": "-118.2565", "brand": "WI", "marshaCode": "LAXBW", "hwsInLanguageMissing": "false", "price":
"215", "symbol": "USD", "type": "", "hotelName": "The Westin Bonaventure Hotel & Suites, Los Angeles", "propertyType":
"", "propMarkerLabel": "", "propMarkerBedLabel": "", "index": ""} " data-marsha="LAXBW" data-close-text="Close" data-city=
"Los Angeles" data-statecode="CA" data-stateprovince="California" data-country="US" data-promo-code data-marsha-brand-
code data-function-space data-function-space-name">...</div>
            <div class="l-row t-bg-standard-20 property-record-item l-display-inline-m js-property-record-item" id="property-
record-map-LAXGR" data-brand="SI" data-map="true" data-pnum="1" data-property="{ "lat": "34.047831", "longitude":
"-118.257752", "brand": "SI", "marshaCode": "LAXGR", "hwsInLanguageMissing": "false", "price": "194", "symbol": "USD", "type":
"", "hotelName": "Sheraton Grand Los Angeles", "propertyType": "", "propMarkerLabel": "", "propMarkerBedLabel": "", "index":
""} " data-marsha="LAXGR" data-close-text="Close" data-city="Los Angeles" data-statecode="CA" data-stateprovince=
"California" data-country="US" data-promo-code data-marsha-brand-code data-function-space data-function-space-name">...

```

Content obtained from information sources, combined within the templates

(E.g., <https://www.marriott.com/search/findHotels.mi> (for a particular user)).

45. On information and belief, the Accused Instrumentality performs the step of executing, via the at least one server computer (e.g., Marriott.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., hotels search results) selected for the user's customized web page based on the customization information unique to the user (e.g., hotels information will be gathered based upon a user's search parameters). The accused instrumentality serves via the at least one server computer (e.g., the Marriott.com server), the user's customized web page (e.g., hotels results).

The screenshot displays a search interface on Marriott.com. At the top, search criteria are listed: Destination (Los Angeles, CA, USA), Stay Dates (2 NIGHTS: Sat, Mar 21, 2020 - Mon, Mar 23, 2020), and Rooms & Guests (1 Room: 1 Adult /Room). An 'EDIT' button is visible. Below the search bar, there are options for 'Map View', 'Currency: Default', and 'Sort by: Distance'. A '30 UNIQUE BRANDS' badge is present, along with filters for 'Brand', 'Price', and 'All Filters'. A section titled 'Try these filters:' includes buttons for 'Fitness center (162)', 'Free breakfast (64)', 'Kitchen (46)', 'Pool (159)', and 'Restaurant on-site (112)'. The results show 'Showing 1 - 40 of 167 hotels' with a 'Show available hotels only' checkbox. Two hotel listings are visible: 'The Westin Bonaventure Hotel & Suites, Los Angeles' (404 South Figueroa Street, 0.7 miles from destination, Category 6, \$215 USD Avg./night) and 'Sheraton Grand Los Angeles' (711 South Hope Street, 0.9 miles from destination, 4.2 525 Reviews, Category 5).

(<https://www.marriott.com/search/findHotels.mi> (for a particular user)).

Currently available hotels information retrieved from information source

```

▶<div class=" 1-row t-bg-standard-20 property-record-item 1-display-inline-m js-property-record-item" id="property-record-map-LGBFP" data-brand="SI" data-map="true" data-pnum="14" data-property="{\"lat\": \"34.080365\", \"longitude\": \"-118.097331\", \"brand\": \"SI\", \"marshaCode\": \"LGBFP\", \"hwsInLanguageMissing\": \"false\", \"price\": \"142\", \"symbol\": \"USD\", \"type\": \"\", \"hotelName\": \"Sheraton Los Angeles San Gabriel\", \"propertyType\": \"\", \"propMarkerLabel\": \"\", \"propMarkerBedLabel\": \"\", \"index\": \"\"}\" data-marsha="LGBFP" data-close-text="Close" data-city="San Gabriel" data-statecode="CA" data-stateprovince="California" data-country="US" data-promo-code data-marsha-brand-code data-function-space data-function-space-name>...</div>
▶<div class=" 1-row t-bg-standard-20 property-record-item 1-display-inline-m js-property-record-item" id="property-record-map-LAXRO" data-brand="RI" data-map="true" data-pnum="15" data-property="{\"lat\": \"34.150267\", \"longitude\": \"-118.150847\", \"brand\": \"RI\", \"marshaCode\": \"LAXRO\", \"hwsInLanguageMissing\": \"false\", \"price\": \"160\", \"symbol\": \"USD\", \"type\": \"\", \"hotelName\": \"Residence Inn Los Angeles Pasadena/Old Town\", \"propertyType\": \"\", \"propMarkerLabel\": \"\", \"propMarkerBedLabel\": \"\", \"index\": \"\"}\" data-marsha="LAXRO" data-close-text="Close" data-city="Pasadena" data-statecode="CA" data-stateprovince="California" data-country="US" data-promo-code data-marsha-brand-code data-function-space data-function-space-name>...</div>
▶<div class=" 1-row t-bg-standard-20 property-record-item 1-display-inline-m js-property-record-item" id="property-record-map-LAXBV" data-brand="MC" data-map="true" data-pnum="16" data-property="{\"lat\": \"34.056333\", \"longitude\": \"-118.395855\", \"brand\": \"MC\", \"marshaCode\": \"LAXBV\", \"hwsInLanguageMissing\": \"false\", \"price\": \"260\", \"symbol\": \"USD\", \"type\": \"\", \"hotelName\": \"Beverly Hills Marriott\", \"propertyType\": \"\", \"propMarkerLabel\": \"\", \"propMarkerBedLabel\": \"\", \"index\": \"\"}\" data-marsha="LAXBV" data-close-text="Close" data-city="Los Angeles" data-statecode="CA" data-stateprovince="California" data-country="US" data-promo-code data-marsha-brand-code data-function-space data-function-space-name>...</div>
▶<div class=" 1-row t-bg-standard-20 property-record-item 1-display-inline-m js-property-record-item" id="property-record-map-LAXRB" data-brand="RI" data-map="true" data-pnum="17" data-property="{\"lat\": \"34.05572\", \"longitude\": \"-118.395933\", \"brand\": \"RI\", \"marshaCode\": \"LAXRB\", \"hwsInLanguageMissing\": \"false\", \"price\": \"190\", \"symbol\": \"USD\", \"type\": \"\", \"hotelName\": \"Residence Inn Beverly Hills\", \"propertyType\": \"\", \"propMarkerLabel\": \"\", \"propMarkerBedLabel\": \"\", \"index\": \"\"}\" data-marsha="LAXRB" data-close-text="Close" data-city="Los Angeles" data-statecode="CA" data-stateprovince="California" data-country="US" data-promo-code data-marsha-brand-code data-function-space data-function-space-name>...</div>
▶<div class=" 1-row t-bg-standard-20 property-record-item 1-display-inline-m js-property-record-item" id="property-record-map-LAXEB" data-brand="EB" data-map="true" data-pnum="18" data-property="{\"lat\": \"34.0904\", \"longitude\": \"-118.389156\", \"brand\": \"EB\", \"marshaCode\": \"LAXEB\", \"hwsInLanguageMissing\": \"false\", \"price\": \"454\", \"symbol\": \"USD\", \"type\": \"\", \"hotelName\": \"The West Hollywood EDITION\", \"propertyType\": \"NEW\", \"propMarkerLabel\": \"\", \"propMarkerBedLabel\": \"\", \"index\": \"\"}\" data-marsha="LAXFR" data-close-text="Close" data-city="West Hollywood" data-statecode="CA" data-
    
```

(<https://www.marriott.com/search/findHotels.mi> (for a particular user)).

46. 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., the receipt of a user's search initiation); receiving, via the at least one server computer (Marriott.com server), the template program (e.g., code, instructions, etc. that are executed to create a user page) that is unique to the user from one of at least two locations (e.g., main storage at a Marriott.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. In at least testing and usage, the accused instrumentality practices receiving a template program (e.g., software instructions and data used for rendering a particular user's search results 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 configuration information (e.g., a user can customize the content of their templates and what will be rendered and displayed using

said templates by entering information such as their preferred location) the user configuration information being supplied by the user (*e.g.*, a user defines the information their template will display by inputting information such as their preferred location) and used to build the template program that is unique to the user (*e.g.*, user configuration information is used to modify templates, create instructions, and designate appropriate data retrieval for rendering the user's specific page) and wherein 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 page (*e.g.*, based on the frequency at which a user logs in or accesses the Marriott.com page, the data comprising the users page may be stored at a main server). The accused instrumentality uses the template program that is unique to the user which is generated using customization information unique to the user. 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. Webpage information can be stored in a Javascript object that is used in logic to display various available hotels and other site logic-based conditions. 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.

```

<input type="hidden" class="search-google-map" name data-options="{\"api\":\"/maps.googleapis.com/maps/api/js?v=3.exp&client=gme-marriottinternational&libraries=places,geometry&signed_in=false&region=\", \"language\": \"en\"}">
<div class="m-field-control l-margin-bottom-three-quarters l-datepicker-open l-xl-col-4 l-pos-relative js-clearinput l-hsearch-loc l-clear clearfix js-location js-auto-complete \" data-options="{\"autoCompleteURL\":\"/aries-search/v1/autoComplete.comp\", \"permittedLocales\": \"en-GB,en-AU,en-US\", \"suggestionSortOrder\": \"city,property,airport,poi,state,country\", \"placesUrl\": \"/aries-search/v2/autoComplete.comp\"}">
  <label for="3F5MIUHW_\" class="field-title \"> Destination </label>
  <div class="l-display-flex">
    <span class="animate-placeholder-text \" style="display: flex; opacity: 1;">Try "Times Square"</span>
    <input id="3F5MIUHW_search-location\" autocomplete="off" type="text" name="destinationAddress.destination" value="\" placeholder aria-label="City, airport, attraction or address" maxlength="100" class="js-geoloc-target single-search single-search-destination js-recent-search js-search-location js-moreoptions-expander js-clear-input l-no-ie-clear l-h-field js-hform-fields js-auto-complete-input-v2\" data-target="destination" aria-autocomplete="list" tabindex="2" data-count="3"> == $0
  <span class="l-icon-inline t-icon t-icon-navigation-close js-clear-trigger" title="Clear"></span>
</div>
<div class="autocomplete-scroller-wrapper custom-wrapper" style="display: none;"></div>
<div aria-live="assertive" class="is-hidden-label"></div>
  ::after
</div>
<div class="l-find-container js-find-container l-xl-col-4 l-pos-rel \"></div>
<input type="hidden" class="autosuggest-cat-headers" data-category-params="{\"recent\":\"Recent\", \"clear\":\"Clear Recent\", \"city\":\"CITIES\", \"property\": \"Hotel\", \"state\": \"STATES\", \"country\":\"COUNTRIES/REGIONS\", \"airport\": \"AIRPORTS\", \"poi\":\"POINTS OF INTEREST\", \"label\":\"Continue typing to narrow your results\", \"searchResults\":\"Search Results\", \"currentLocation\":\"Current Location\", \"recentlyViewedLabel\": \"Recently Viewed\", \"recentSearchesLabel\": \"Recent Searches\", \"clearRecentLabel\": \"CLEAR RECENT\", \"showMoreLabel\": \"SHOW MORE\", \"showLessLabel\": \"SHOW LESS\", \"showRecentlyViewedProperties\": true, \"minRecentlyViewedPropertiesLimit\": 2, \"maxRecentlyViewedPropertiesLimit\": 5, \"expandedLabel\": \"expanded\", \"collapsedLabel\": \"collapsed\" }">
<div class="date-picker-overlay"></div>
<div class="m-field-control m-date-picker l-date-picker l-margin-bottom-three-quarters l-pos-relative l-xs-col-4 l-xl-col-4 \" data-trigger="false" data-is-non-dated-search="false" data-associate-flow></div>

```

Search terms initially stored in variables

(E.g., <https://www.marriott.com/default.mi> (for a particular user)).

```

ule:m,logger:n,propertySettings:u,replaceTokens:o};Object.keys(r.modules).forEach(function(t){var e=r.modules[t],n=j(function(e){var n=oe(t,e);return s.getModuleExports(n)});s.registerModule(t,e,a,n,i)})),s.hydrateCache()}return s},xe=function(e,n,t,a,r){var i=j.createPrefixedLogger("Custom Script");e.track=function(e){j.log(''+e+' does not match any direct call identifiers.')},e.getVisitorId=function(){return null},e.property={name:n.property.name},e.company=n.company,e.buildInfo=n.buildInfo,e.logger=i,e.notify=function(e,n){switch(j.warn("_satellite.notify is deprecated. Please use the `satellite.logger` API."),n){case 3:i.info(e);break;case 4:i.warn(e);break;case 5:i.error(e);break;default:i.log(e)}},e.getVar=a,e.setVar=r,e.setCookie=function(e,n,t){var

```

(E.g., <https://assets.adobedtm.com/launch-EN1ce795381cea451fa40478e502ecce2f.min.js> (for a particular user)).

```
[],actions:[{modulePath:"core/src/lib/actions/customCode.js",settings:
{global:!0,source:'/*STORE PAGENAME IN LOCAL STORAGE FOR MDL*/\nif (typeof dataLayer !==
"undefined") {dataLayer.previous_page =
localStorage.getItem(\'previous_page\')}\nlocalStorage.setItem(\'previous_page\',
location.hostname + location.pathname);\n\n/*check for Bonvoy JOIN, set for once per
session*/\nif (window.dataLayer.mr_enrolled == "true" &&
sessionStorage.getItem("mr_enrolled_num") !== "1" &&
document.location.href.indexOf("signIn") == -1) {\n sessionStorage.setItem("mr enrolled",
"true");\n sessionStorage.setItem("mr enrolled num", 1);\n}\nelse if
(window.dataLayer.mr_enrolled == "true" && sessionStorage.getItem("mr_enrolled_num", 1) ==
"1"){
sessionStorage.setItem("mr_enrolled", "false");\n}\n\n/*LOAD A SCRIPT WITH A
CALLBACK FUNCTION*/\nfunction launchLoadScriptCallback(a, c, b) {\n    var d =
document.getElementsByTagName("script"),\n        e;\n        b = d[0];\n        for (e = 0; e <
```

(E.g., <https://assets.adobedtm.com/launch-EN1ce795381cea451fa40478e502ecce2f.min.js> (for a particular user)).

47. On information and belief, the Accused Instrumentality performs the step of executing, via the at least one server computer (e.g., Marriott.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., hotels information will be gathered based upon a user's search parameters) selected for the user's customized web page in response to the subsequent request (e.g., search initiation) and based on the customization information unique to the user (e.g., a web page displaying hotels results will be created and displayed based upon a user's inputted search parameters and preferences).

Destination
Los Angeles, CA, USA

Stay Dates (2 NIGHTS)
Sat, Mar 21, 2020 - Mon, Mar 23, 2020

Rooms & Guests
1 Room: 1 Adult /Room

EDIT

Map View
Currency: Default
Sort by: Distance

30 UNIQUE BRANDS

Filter by: Brand
Price
All Filters

Try these filters:

Fitness center (162)


Free breakfast (64)

Kitchen (46)


Pool (159)

Restaurant on-site (112)

Show available hotels only




The Westin Bonaventure Hotel & Suites, Los Angeles
404 South Figueroa Street Los Angeles, California 90071
0.7 miles from destination | Category 6
Downtown Los Angeles hotel with award-winning dining, elevated venues, an outdoor pool and gym.




From **215** USD Avg./night

VIEW RATES



Sheraton Grand Los Angeles
711 South Hope Street Los Angeles, California 90017
0.9 miles from destination | 4.2 525 Reviews | Category 5



(<https://www.marriott.com/search/findHotels.mi> (for a particular user)).

Currently available hotels information retrieved from information source

```

▶<div class=" 1-row t-bg-standard-20 property-record-item 1-display-inline-m js-property-record-item" id="property-record-map-LGBFP" data-brand="SI" data-map="true" data-pnum="14" data-property="{"lat": 34.080365,"longitude": -118.097331,"brand": "SI","marshaCode": "LGBFP","hwsInLanguageMissing": ">false","price": "142","symbol": "USD","type": "","hotelName": "Sheraton Los Angeles San Gabriel","propertyType": "","propMarkerLabel": "","propMarkerBedLabel": "","index": ""}" data-marsha="LGBFP" data-close-text="Close" data-city="San Gabriel" data-statecode="CA" data-stateprovince="California" data-country="US" data-promo-code data-marsha-brand-code data-function-space data-function-space-name">...</div>
▶<div class=" 1-row t-bg-standard-20 property-record-item 1-display-inline-m js-property-record-item" id="property-record-map-LAXRO" data-brand="RI" data-map="true" data-pnum="15" data-property="{"lat": 34.150267,"longitude": -118.150847,"brand": "RI","marshaCode": "LAXRO","hwsInLanguageMissing": ">false","price": "160","symbol": "USD","type": "","hotelName": "Residence Inn Los Angeles Pasadena/Old Town","propertyType": "","propMarkerLabel": "","propMarkerBedLabel": "","index": ""}" data-marsha="LAXRO" data-close-text="Close" data-city="Pasadena" data-statecode="CA" data-stateprovince="California" data-country="US" data-promo-code data-marsha-brand-code data-function-space data-function-space-name">...</div>
▶<div class=" 1-row t-bg-standard-20 property-record-item 1-display-inline-m js-property-record-item" id="property-record-map-LAXBV" data-brand="MC" data-map="true" data-pnum="16" data-property="{"lat": 34.056333,"longitude": -118.395855,"brand": "MC","marshaCode": "LAXBV","hwsInLanguageMissing": ">false","price": "260","symbol": "USD","type": "","hotelName": "Beverly Hills Marriott","propertyType": "","propMarkerLabel": "","propMarkerBedLabel": "","index": ""}" data-marsha="LAXBV" data-close-text="Close" data-city="Los Angeles" data-statecode="CA" data-stateprovince="California" data-country="US" data-promo-code data-marsha-brand-code data-function-space data-function-space-name">...</div>
▶<div class=" 1-row t-bg-standard-20 property-record-item 1-display-inline-m js-property-record-item" id="property-record-map-LAXRB" data-brand="RI" data-map="true" data-pnum="17" data-property="{"lat": 34.05572,"longitude": -118.395933,"brand": "RI","marshaCode": "LAXRB","hwsInLanguageMissing": ">false","price": "190","symbol": "USD","type": "","hotelName": "Residence Inn Beverly Hills","propertyType": "","propMarkerLabel": "","propMarkerBedLabel": "","index": ""}" data-marsha="LAXRB" data-close-text="Close" data-city="Los Angeles" data-statecode="CA" data-stateprovince="California" data-country="US" data-promo-code data-marsha-brand-code data-function-space data-function-space-name">...</div>
▶<div class=" 1-row t-bg-standard-20 property-record-item 1-display-inline-m js-property-record-item" id="property-record-map-LAXB" data-brand="EB" data-map="true" data-pnum="18" data-property="{"lat": 34.0904,"longitude": -118.389156,"brand": "EB","marshaCode": "LAXB","hwsInLanguageMissing": ">false","price": "454","symbol": "USD","type": "","hotelName": "The West Hollywood EDITION","propertyType": "NEW","propMarkerLabel": "","propMarkerBedLabel": "","index": ""}" data-marsha="LAXFR" data-close-text="Close" data-city="West Hollywood" data-statecode="CA" data-
    
```

(<https://www.marriott.com/search/findHotels.mi> (for a particular user)).

48. On information and belief, the Accused Instrumentality performs the step of serving, via the at least one server computer (*e.g.*, Marriott.com server), the user's customized web page (*e.g.*, a web page displaying hotels results that meet a user's inputted parameters).

The screenshot displays a search interface for hotels in Los Angeles, CA, USA. The search parameters are: Destination: Los Angeles, CA, USA; Stay Dates: 2 NIGHTS (Sat, Mar 21, 2020 - Mon, Mar 23, 2020); Rooms & Guests: 1 Room: 1 Adult /Room. The search results are sorted by Distance and show 30 unique brands. Filters applied include Fitness center (162), Free breakfast (64), Kitchen (46), Pool (159), and Restaurant on-site (112). The results show 1 of 40 of 167 hotels. The first result is The Westin Bonaventure Hotel & Suites, Los Angeles, located at 404 South Figueroa Street, Los Angeles, California 90071, 0.7 miles from the destination, with a price of \$215 USD per night. The second result is the Sheraton Grand Los Angeles, located at 711 South Hope Street, Los Angeles, California 90017, 0.9 miles from the destination, with a rating of 4.2 from 525 reviews.

(<https://www.marriott.com/search/findHotels.mi> (for a particular user)).

49. 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.

50. 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. 9,626,342 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- c. 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;
- d. 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
- e. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

August 13, 2020

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Attorneys for Plaintiff Digi Portal LLC

CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2020, I electronically filed the above documents with the Clerk of Court using CM/ECF which will send electronic notification of such filings to all registered counsel.

/s/Jimmy Chong _____
Jimmy Chong