

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

EXPRESS MOBILE, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. _____
)	
HUBSPOT, INC.,)	JURY TRIAL DEMANDED
)	
Defendant.)	

COMPLAINT

Plaintiff Express Mobile, Inc. (“Express Mobile” or “Plaintiff”), by and through its undersigned counsel, brings this action for patent infringement against Defendant HubSpot, Inc. (“HubSpot” or “Defendant”) and alleges as follows:

NATURE OF THE ACTION

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

THE PARTIES

2. Plaintiff Express Mobile, Inc. is a Delaware corporation with a place of business at 38 Washington Street, Novato, CA 94947.

3. Upon information and belief, Defendant HubSpot, Inc. is a Delaware corporation with a registered agent at The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801, and a place of business at 25 First Street, Cambridge, MA 02141.

JURISDICTION AND VENUE

4. This is a civil action for patent infringement arising under 35 U.S.C. § 271.

5. This Court has subject matter jurisdiction over the matters pleaded herein under 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Defendant because Defendant has purposefully availed itself of the rights and benefits of the laws of this State and this Judicial District. On information and belief, Defendant is organized and existing under the laws of Delaware. This Court also has personal jurisdiction over Defendant because, on information and belief, Defendant has transacted or does transact business in this Judicial District, directly or through intermediaries, and has committed, contributed to, and/or induced acts of patent infringement in this Judicial District.

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

THE PATENTS-IN-SUIT

8. On April 8, 2003, United States Patent No 6,546,397 entitled “Browser Based Web Site Generation Tool and Run Time Engine,” was duly and legally issued to Steven H. Rempell after full and fair examination. Plaintiff is the lawful owner of all right, title, and interest in and to the ‘397 patent, including the right to recover for infringement thereof. A copy of the ‘397 patent is attached as Exhibit A.

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

10. The claims of the ‘397 patent do not merely describe performing some known business practice on the Internet. Instead, the claims of the ‘397 patent recite inventive concepts

that are rooted in computerized website creation technology and overcome problems specific to this realm.

11. The claimed inventions of the '397 patent do not merely apply routine or conventional technologies for website creation and generation. Instead, the claims describe a browser-based website creation system and method in which information representing user-selected settings for a website are stored in a database, and the stored information is retrieved to generate the website.

12. The claims in the '397 patent do not preempt all ways of creating and generating websites or web pages, all uses of website authoring tools, nor any other well-known prior art technology.

13. Each claim of the '397 patent thus recites a combination of elements sufficient to ensure that the claim amounts to significantly more than a patent- ineligible concept.

14. On September 22, 2009, United States Patent No 7,594,168 entitled "Browser Based Web Site Generation Tool and Run Time Engine," was duly and legally issued to Steven H. Rempell after full and fair examination. Plaintiff is the lawful owner of all right, title, and interest in and to the '168 patent, including the right to recover for infringement thereof. A copy of the '168 patent is attached as Exhibit B.

15. The claimed inventions of the '168 patent solve technical problems related to the creation and generation of websites. For example, the inventions utilize browser-based build tools and a user interface to enable the creation of websites. These inventions greatly improve the productivity of the designer utilizing an innovative implementation for styles. These features are implemented utilizing computer technology.

16. The claimed inventions of the '168 patent do not perform a known business practice on the Internet. Instead, the claims of the '168 patent recite inventive concepts rooted in computerized website creation technology, and overcome problems specifically arising in this realm.

17. The claimed inventions of the '168 patent do not merely apply routine or conventional technologies for website creation and generation. Instead, the inventions describe a browser-based website creation system including a server comprising a build engine configured to create and apply styles to, for example, a website with web pages comprised of objects.

18. The claims in the '168 patent do not preempt all ways of creating and generating websites or web pages, all uses of website authoring tools, nor any other well-known or prior art technology.

19. Each claim of the '168 patent thus recites a combination of elements sufficient to ensure that the claim amounts to significantly more than a patent-ineligible concept.

20. In Case No. 3:18-CV-04679-RS, an infringement action filed by Plaintiff in the Northern District of California, the defendant in that action, Code and Theory LLC, brought a Motion to Dismiss Plaintiff's Complaint, asserting that the '397 and '168 patents do not claim patent-eligible subject matter under 35 U.S.C. § 101 as a matter of law. (Case No. 3:18-CV-04679-RS D.I. 35.) Subsequent briefing included Plaintiff Express Mobile, Inc.'s Opposition to Defendant Code and Theory LLC's Motion to Dismiss Plaintiff's Complaint (Case No. 3:18-CV-04679-RS D.I. 40), and Motion to Dismiss Plaintiff's Complaint [sic] (Case No. 3:18-CV-04679-RS D.I. 41). Each of those filings is incorporated by reference into this Complaint.

21. In Case No. 3:18-CV-04688-RS, an infringement action filed by Plaintiff in the Northern District of California, the defendant in that action, Pantheon Systems, Inc., brought a

Motion to Dismiss Counts I and II of Plaintiff's First Amended Complaint asserting that the '397 and '168 patents were directed to the abstract idea of creating and displaying webpages based upon information from a user with no further inventive concept, and purportedly ineligible for patenting under 35 U.S.C. § 101. (Case No. 3:18-CV-04688-RS D.I. 26.) Subsequent briefing included Plaintiff's Answering Brief in Opposition of Defendant's Motion to Dismiss (Case No. 3:18-CV-04688-RS D.I. 32), and Reply in Support of Defendant's Motion to Dismiss Counts I and II of Plaintiff's First Amended Complaint (Case No. 3:18-CV-04688-RS D.I. 34). Each of those filings is incorporated by reference into this Complaint.

22. After a motion hearing and a consideration of the respective pleadings, the Hon. Richard Seeborg denied both motions with respect to both patents in a joint order, because "the patents purport to describe a novel technological approach to creating websites on the internet." (Case No. 3:18-CV-04679-RS D.I. 45; Case No. 3:18-CV-04688-RS D.I. 40; attached as Exhibit F.) In denying the motions, Judge Seeborg made several findings:

- "The patents here are directed at a purportedly revolutionary technological solution to a technological problem—how to create webpages for the internet in a manner that permits 'what you see is what you get' editing, and a number of other alleged improvements over the then-existing methodologies." *Id.* at 5.
- The claims of the '397 and '168 patents are "directed to a specific improvement to the way computers operate," and "it simply cannot be said on the present record that the claims are drawn so broadly as to be divorced from the potentially patent-eligible purported technological improvements described in the specification." *Id.* at 5-6.

23. In C.A. 2:17-00128, an infringement action filed by Plaintiff in the Eastern District of Texas, the defendant in that action, KTree Computer Solutions, brought a Motion for Judgement on the Pleadings, asserting that the '397 and '168 patents were invalid as claiming abstract subject matter under 35 U.S.C. § 101. (C.A. 2:17-00128 D.I. 9.) Subsequent briefing included Plaintiff's Response and related Declarations and Exhibits (C.A. 2:17-00128 D.I. 17, 22-

24), KTree's Reply (C.A. 2:17-00128 D.I. 25), and Plaintiff's Sur-Reply and related Declarations and Exhibits (C.A. 2:17-00128 D.I. 26-27). Each of those filings is incorporated by reference into this Complaint.

24. After consideration of the respective pleadings, Magistrate Judge Payne recommended denial of KTree's motion, without prejudice, holding that "the claims appear to address a problem particular to the internet: dynamically generating websites and displaying web pages based on stored user-selected settings" and further stating "the asserted claims do not bear all of the hallmarks of claims that have been invalidated on the pleadings by other courts in the past. For example, the claims are not merely do-it-on-a-computer claims." (C.A. 2:17-00128 D.I. 29, attached as Exhibit G.) No objection was filed to the Magistrate Judge's report and recommendation and the decision therefore became final.

25. In Case Nos. 1:18-CV-01173-RGA and 1:18-CV-01175-RGA, infringement actions filed by Plaintiff in the District of Delaware, the respective defendants in those actions, DreamHost LLC and Hostway Services, Inc., brought Motions to Dismiss claims of the '397 and '168 patents on the basis of invalidity under 35 U.S.C. § 101. (Case No. 1:18-CV-01173-RGA D.I. 14; Case No. 1:18-CV-01175-RGA D.I. 14.) Subsequent briefing included Plaintiff's Responses and related Declarations and Exhibits (Case No. 1:18-CV-01173-RGA D.I. 18-21; Case No. 1:18-CV-01175-RGA D.I. 17-19), and defendants' Replies (Case No. 1:18-CV-01173-RGA D.I. 24; Case No. 1:18-CV-01175-RGA D.I. 23). Each of these filings is incorporated by reference.

26. After consideration of the respective pleadings, Judge Andrews denied both motions in a joint order, pointing to factual allegations of inventiveness identified by the Plaintiff, and an expert declaration explaining inventiveness of the claims, noting that such factual issues

preclude a finding of invalidity on a motion to dismiss. (Case No. 1:18-CV-01173-RGA D.I. 43; Case No. 1:18-CV-01175-RGA D.I. 42; attached as Exhibit H.)

27. On June 23, 2015, United States Patent No 9,063,755 entitled “Systems and methods for presenting information on mobile devices,” was duly and legally issued to Steven H. Rempell, David Chrobak and Ken Brown after full and fair examination. Plaintiff is the lawful owner of all right, title, and interest in and to the ‘755 patent, including the right to recover for infringement thereof. A copy of the ‘755 patent is attached as Exhibit C.

28. The inventions of the ‘755 patent utilize inventive concepts to solve technical problems, such as those associated with methods and systems for displaying dynamic content on displays of devices, providing more efficient ways of generating code for more uniformly displaying dynamic content across different kinds of devices. For example, the inventions of the ‘755 patent allow a data-efficient and flexible association between a symbolic name and a UI object (e.g., a UI object for a widget), corresponding to a web component of a web service, that is defined for presentation on a display of a device. A device-independent application including the symbolic name is produced and provided to the device, together with a device-platform-dependent player.

29. The claimed inventions of the ‘755 patent allow the UI object to be efficiently displayed across different kinds of devices (e.g., PC, mobile or tablet; or different browsers, operating systems, and applications, including also for example both native and browser-based applications). In turn, a user can enter an input value to the UI object, and obtain an output value based on a web service associated with the UI object, the input value and output value also being communicated through symbolic names to provide an additional level of efficiency. These

inventive features are implemented utilizing computer technology and solve technical problems in the prior art.

30. The claims of the '755 patent do not recite merely the performance of a known business practice on the Internet. Instead, the claims of the '755 patent recite inventive concepts concerning the computerized, data-efficient generation of content (e.g., a UI object for providing dynamic content) on displays for different types of devices, such as PC, tablet, or mobile devices, or different browsers and applications. For example, the claims of the '755 patent utilize symbolic name associations and provide device-independent applications including those symbolic names, together with device-platform-dependent players, to devices. Further, input values and output values for the defined content are also communicated as symbolic names. Such features are specifically grounded in, and overcome problems with data efficiency and flexibility specifically arising in, the realm of computerized content generation and display technologies, and are not well-understood, routine, and conventional elements.

31. For example, the claimed inventions of the '755 patent recite innovative, technical improvements that associate symbolic names with defined UI objects (e.g., UI objects for a widget) corresponding to web components of web services, and produce device-independent applications including those symbolic names, together with device-dependent players, to provide more uniform, data-efficient content display across different types of devices.

32. The technology claimed in the '755 patent does not preempt all ways for the computerized generation of code for a display of a device, nor any other well-known or prior art technology. For example, the specific, innovative technical improvements claimed in the '755 patent do not preempt well-known methods of generating code for a display of a device by programming in HTML or JavaScript code.

33. Each claim of the '755 patent thus recites a combination of elements sufficient to ensure that the claim amounts to significantly more than a patent on an ineligible concept.

34. On October 18, 2016, United States Patent No 9,471,287 entitled "Systems and Methods for Integrating Widgets on Mobile Devices," was duly and legally issued to Steven H. Rempell, David Chrobak and Ken Brown after full and fair examination. Plaintiff is the lawful owner of all right, title, and interest in and to the '287 patent, including the right to recover for infringement thereof. A copy of the '287 patent is attached as Exhibit D.

35. The inventions of the '287 patent solve technical problems, such as those associated with methods and systems for displaying dynamic content on displays of devices by providing more efficient ways of generating code for more uniformly displaying dynamic content across different kinds of devices. For example, the inventions of the '287 patent allow a data-efficient and flexible association between a symbolic name and a UI object (e.g., a UI object for a widget) corresponding to a web component of a web service, that is defined for presentation on a display of a device. The defined UI object can be selected by a user of an authoring tool or automatically selected by a system based on a web component selected by the user. Further, the symbolic name has a data format type corresponding to a subclass of UI objects that support the data format type of the symbolic name. A device-independent application including the symbolic name is then produced and provided to the device together with a device-platform-dependent player. Such operations provide a user-friendly platform allowing the UI object to be efficiently defined and more uniformly displayed across different kinds of devices (e.g., PC, mobile or tablet; or different browsers, operating systems, and applications, including also for example both native and browser-based applications). These features are implemented utilizing computer technology and solve technical problems in the prior art.

36. The claims of the ‘287 patent do not recite merely the performance of a known business practice on the Internet. Instead, the claims of the ‘287 patent recite inventive concepts grounded in the computerized, data-efficient definition and generation of content (e.g., a UI object for providing dynamic content) on displays for different types of devices, such as PC, tablet, or mobile devices, or different browsers and applications. Such features are specifically grounded in, and overcome problems with data efficiency and flexibility specifically arising in, the realm of computerized content generation and display technologies, and are not well-understood, routine, and conventional elements.

37. For example, the claimed inventions of the ‘287 patent recite innovative, technical improvements that associate symbolic names with UI objects (e.g., UI objects for a widget) corresponding to web components of web services that are manually or automatically selected, and defined based on, for example, data format type, and produce device-independent applications including those symbolic names, together with device-dependent players, to provide more uniform, data-efficient content display across different types of devices.

38. The technology claimed in the ‘287 patent does not preempt all ways for the computerized generation of code for a display of a device nor any other well-known or prior art technology. For example, the specific, innovative technical improvements do not preempt well-known methods of generating code for a display of a device by programming in HTML or JavaScript code.

39. Each claim of the ‘287 patent thus recites a combination of elements sufficient to ensure that the claim amounts to significantly more than a patent on an ineligible concept.

40. On March 27, 2018, United States Patent No 9,928,044 entitled “Systems and Methods for Integrating Widgets on Mobile Devices,” was duly and legally issued to Steven H.

Rempell, David Chrobak and Ken Brown after full and fair examination. Plaintiff is the lawful owner of all right, title, and interest in and to the '044 patent, including the right to recover for infringement thereof. A copy of the '044 patent is attached as Exhibit E.

41. The inventions of the '044 patent solve technical problems, such as those associated with methods and systems for displaying dynamic content on displays of devices by providing more efficient ways of generating, storing, and retrieving code for displaying dynamic content more uniformly across different kinds of devices. For example, the inventions of the '044 patent allow a data-efficient and flexible association between a symbolic name with a UI object (e.g., a UI object for a widget) corresponding to a web component of a web service, that is manually or automatically selected. The symbolic name has a data format type corresponding to a subclass of UI objects that support the data format type of the symbolic name, and is only available to UI objects that support the data format of the symbolic name. Information representative of the defined UI object can be stored in a database, and subsequently retrieved from the database to build an application consisting of at least a portion of the database using a player, which uses the information to generate one or more web pages for display across different kinds of devices (e.g., PC, mobile or tablet; or different browsers, operating systems, and applications, including also for example both native and browser-based applications). These features are implemented utilizing computer technology and solve technical problems in the prior art.

42. The claims of the '044 patent do not recite merely the performance of a known business practice on the Internet. Instead, the claims of the '044 patent recite inventive concepts grounded in the computerized, data-efficient definition, selection, storage and generation of content (e.g., a UI object for providing dynamic content) on displays for different types of devices, such as PC, tablet, or mobile devices, or different browsers and applications. Such features are

specifically grounded in, and overcome problems with data efficiency and flexibility specifically arising in, the realm of computerized content generation and display technologies, and are not well-understood, routine, and conventional elements.

43. For example, the claimed inventions of the '044 patent recite innovative, technical improvements that select and associate symbolic names with defined UI objects (e.g., UI objects for a widget) corresponding to web components of web services based on, for example, data format type, storing information representative of such settings in a database, and building applications, which together with players, generate more uniform, data-efficient content display across different types of devices.

44. The technology claimed in the '044 patent does not preempt all ways for the computerized generation of code for a display of a device nor any other well-known or prior art technology. For example, the specific, innovative technical improvements do not preempt well-known methods of generating code for a display of a device by programming in HTML or JavaScript code.

45. Each claim of the '044 patent thus recites a combination of elements sufficient to ensure that the claim amounts to significantly more than a patent on an ineligible concept.

BACKGROUND

46. On information and belief, Defendant is a provider of website building tools. On information and belief, Defendant manufactures, uses, sells, and/or offers for sale the HubSpot CRM platform which, on information and belief, infringes the '397 patent, the '755 patent, the '287 patent, and the '044 patent, and the HubSpot CMS Hub (previously known as HubSpot CMS) platform which, on information and belief, infringes each of the Patents-In-Suit.

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

47. Plaintiff incorporates by reference paragraphs 1 to 46 above as if fully set forth herein.

48. On information and belief, Defendant has infringed the ‘397 patent under 35 U.S.C. § 271, either literally and/or under the doctrine of equivalents, directly and/or indirectly.

49. On information and belief, Defendant has infringed the ‘397 patent by performing, without authority, one or more of the following acts during relevant time periods: making, using, offering to sell, selling within, and importing into, the United States products and services that practiced the claimed inventions of the ‘397 patent, including but not limited to the HubSpot CRM platform (the “CRM” platform) and the HubSpot CMS Hub website builder platform (the “CMS” platform), previously known as HubSpot CMS (collectively the “Accused Instrumentalities”).

The CRM Platform

50. The CRM platform infringed at least claim 1 of the ‘397 patent through a combination of features that collectively practiced each limitation of claim 1. By way of example, the CRM platform provided a Customer Relationship Management (CRM) platform that allowed users to manage relationships and operations with business contacts (e.g., employees, customers, or partners) through a website.

What is a CRM?

A CRM, by its very name, is a system for managing relationships with your customers.

For most businesses, their most valuable and important asset is their customers. In the early days at a lot of companies, the details about those customers -- who they are, how they've interacted with your organization -- are spread out in many different places. The CEO's brain, a sales rep's inbox, the accountant's stack of invoices.

As a business grows, it quickly becomes necessary to have one central place where all of this information lives.

Your team will be slowed down without quick answers to important questions. Who are our customers? How do we get in touch with them? How do they interact with our content? What does our pipeline of new business look like?

Your prospects and customers will feel the pain when your team isn't on the same page. From their perspective, they have a relationship with one company, not a collection of different people and departments. Everyone on your team needs context about every customer's needs, wants, and current state, so they can pick up the conversation where it left off.

These are the problems that CRM systems are designed to solve. With one central place to organize all the details of your leads and customers, it's easy for everyone on your team to gain insight into the state of your business, and the status of every customer relationship.



<https://www.hubspot.com/growth-stack/what-is-crm>

51. HubSpot CRM websites (“CRM” websites) were, during relevant times, created on and for computers having a browser and a virtual machine capable of generating displays. For example, CRM websites could be created and displayed on modern browsers such as Google Chrome, Mozilla Firefox, Microsoft Edge, and Internet Explorer, that use browser engines (virtual machines) to render web pages on a computer display by interpreting and executing code such as JavaScript and HTML.

Browsers supported by HubSpot

Last updated: January 6, 2020

A supported web browser is required for full functionality of HubSpot's features.

Please note: the supported browsers listed here apply to using HubSpot tools, not public-facing content. Browser support for content created in and hosted by HubSpot will vary depending on the HTML, CSS, and JavaScript used on your website.

Windows-supported browsers

- Google Chrome (latest version)
- Mozilla Firefox (latest version)
- Microsoft Edge (latest version; not supported by the calling tool)
- Internet Explorer 11*

* Microsoft recommends using Microsoft Edge as your default browser, and supports Internet Explorer 11 for backward compatibility. Versions of Internet Explorer 10 and below are not supported by HubSpot, because they are not fully supported by Microsoft.

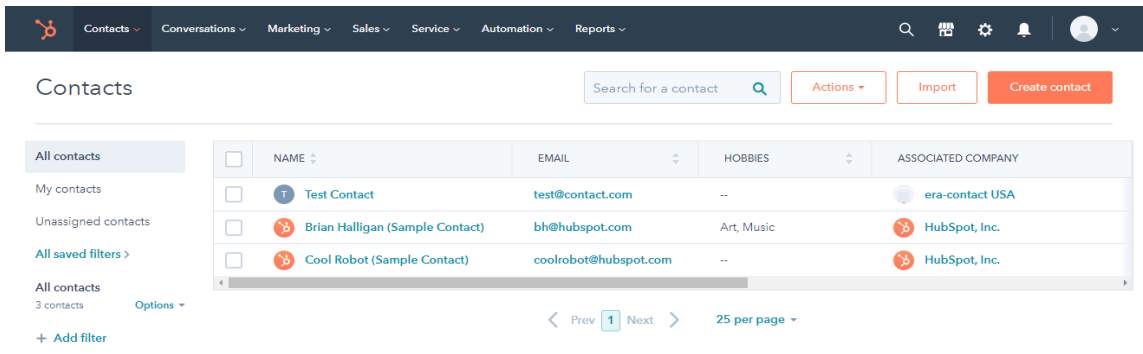
When you have [Compatibility View](#) turned on in Internet Explorer 11, HubSpot's unsupported browser warnings will display as IE 11 is acting as an older browser. To resolve this error, turn off Compatibility View.

Mac-supported browsers

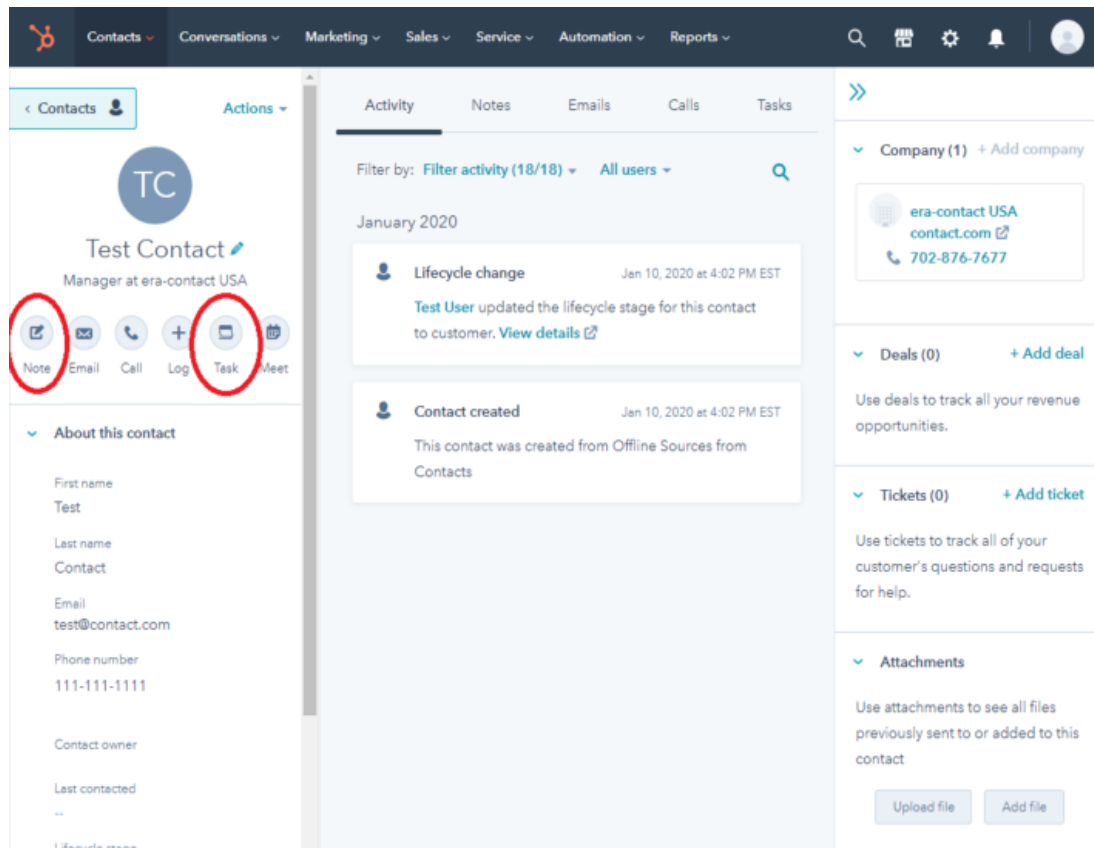
- Google Chrome (latest version)
- Safari (latest version; not supported by the calling tool)
- Mozilla Firefox (latest version)

<https://knowledge.hubspot.com/resources/which-browsers-are-supported-by-hubspot>

52. The CRM platform allowed users to, among other things, create and manage business contacts through a browser.



53. For example, a user could customize contact information and add notes and tasks for a business contact, all of which were rendered by browser engines (virtual machines) based on commands to the browser engine.



¹ Unless otherwise noted, the images presented in this Complaint were generated for investigative purposes by testing the Accused Instrumentalities on <https://www.hubspot.com/>.

54. When customizing a note or task for a business contact on a CRM website, the CRM platform presented a user selectable panel of settings through the browser. When adding a new task, for example, the CRM platform presented a panel of font settings for the task, such as bold, italics, and underline, as well as settings for adding an image.

Task [Close] [Minimize]

Enter your task Due Date
In 3 business days (Wednesday) 8:00 AM

Notes...

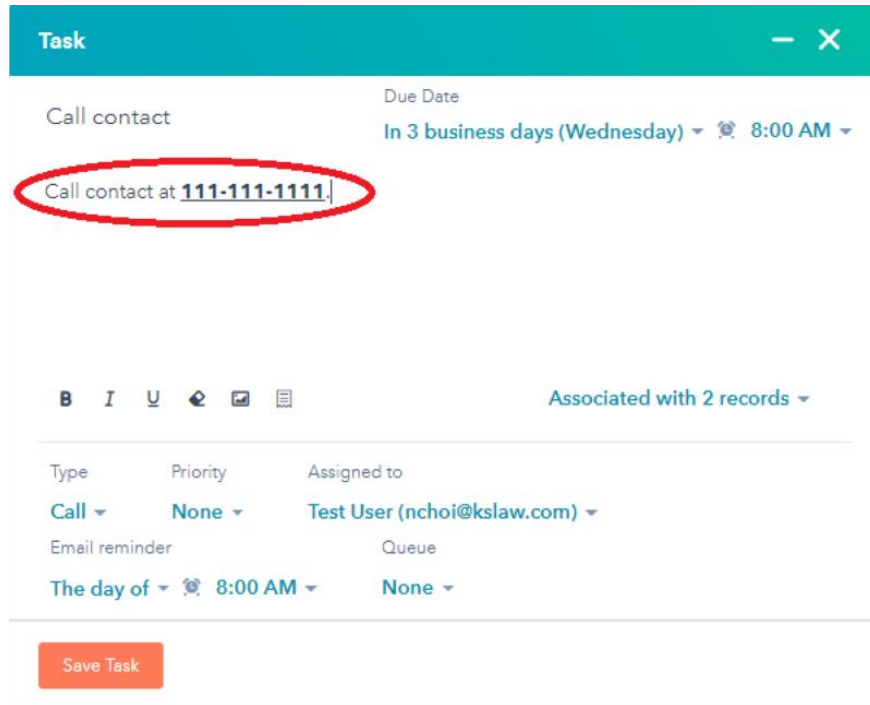
B I U [Link] [Image] [List] Associated with 2 records

Type: Call Priority: None Assigned to: Test User (nchoi@kslaw.com)

Email reminder: The day of 8:00 AM Queue: None

Save Task

55. When a desired setting was selected, a display in accordance with that selection was generated substantially contemporaneously with the selection. As shown in the example below, when customizing the font of the input text “111-111-1111” to be bold and underlined, the changes were displayed substantially contemporaneously with the selections of those settings.



56. On information and belief, information representative of the selected setting was stored in a database operated by Amazon Web Services (AWS), a cloud service that supports the CRM platform.

Data Hosting

The HubSpot platform is hosted in trusted third-party data center providers in the US, and the data stored by HubSpot is stored in the US. HubSpot partners with the world's leading data center providers in order to provide our services to you. Currently, the primary HubSpot infrastructure is hosted with Amazon Web Services in the US-East-1 region. Amazon Web Services maintains ISO 27001, SOC 2 Type II, and several other certifications to demonstrate the rigor of their hosting and infrastructure management program. Information about AWS certifications is available on the [AWS Security Compliance site](#).

https://legal.hubspot.com/hubfs/Downloadable_Legal_Docs/HubSpot_Your_Data_and_You.pdf?hsCtaTracking=3420634d-c28d-4c63-8c1c-9e2902de1dc8%7C979cdc8e-376e-4977-bc94-d1f6a3e938c2

57. A CRM website was generated in part by retrieving the information representative of the selected settings from the database. As shown in the example below, a user

could retrieve information for a business contact from the CRM platform with a simple HTTP POST request. As the HTTP POST request was sent to the CRM platform, it carried a query message including the data “objectType: CONTACT” and identification of the contact “subjectId: 301.” The CRM platform then responded with the requested contact information, e.g., first name “valentina,” last name “zelenko,” email address zelenko.v@yandex.ru, and additional information in the format of JSON dataset.

The screenshot displays a CRM interface on the left and a network traffic analysis tool on the right. The CRM interface shows a contact profile for 'valentina zelenko' with fields for first name, last name, email, and phone number. The network traffic analysis shows an HTTP POST request to a HubSpot endpoint. The request headers include 'authority: app.hubspot.com' and 'method: POST'. The request payload is a JSON object with the following structure:

```
{
  "operationName": "AboutCard_Query",
  "operationName": "AboutCard_Query",
  "query": "Query AboutCard_Query (SubjectType: String! SubjectId: Long! $! visit: Boolean! false! include: Boolean!)",
  "variables": {
    "subjectId": 301,
    "objectType": "CONTACT"
  }
}
```

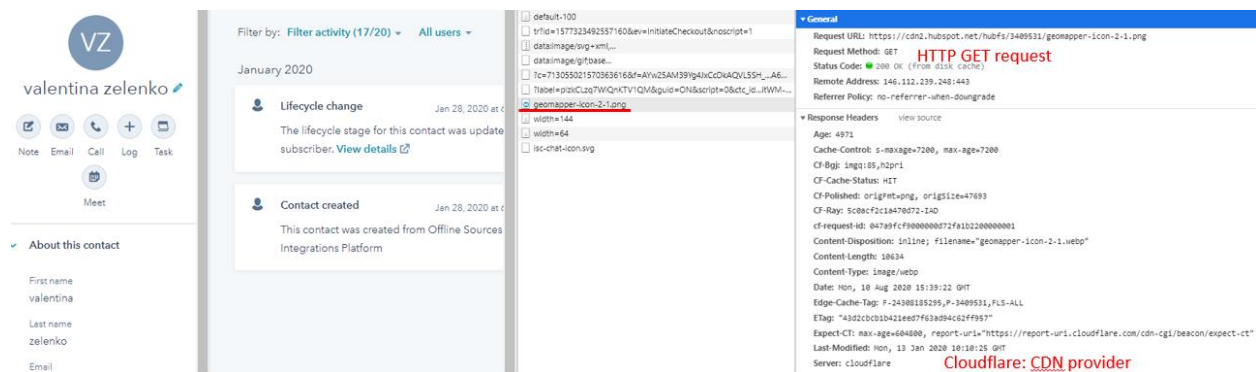
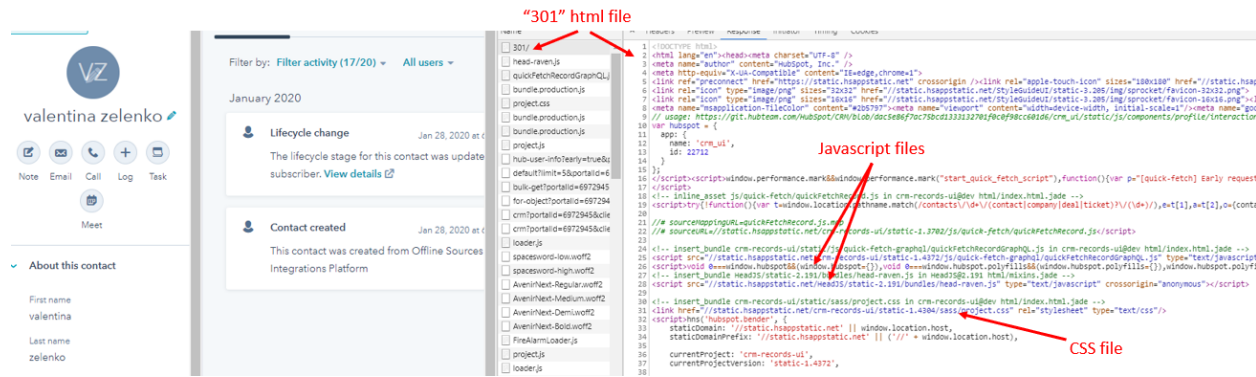
Red arrows indicate the flow of information from the JSON response to the CRM interface. The 'subjectId: 301' and 'objectType: CONTACT' from the request are linked to the contact details in the CRM. The 'first name: valentina', 'last name: zelenko', and 'email: zelenko.v@yandex.ru' from the response are linked to the corresponding fields in the CRM interface.

The screenshot displays a CRM interface on the left and a network traffic analysis tool on the right. The CRM interface shows a contact profile for 'valentina zelenko' with fields for first name, last name, email, and phone number. The network traffic analysis shows a JSON response with the following structure:

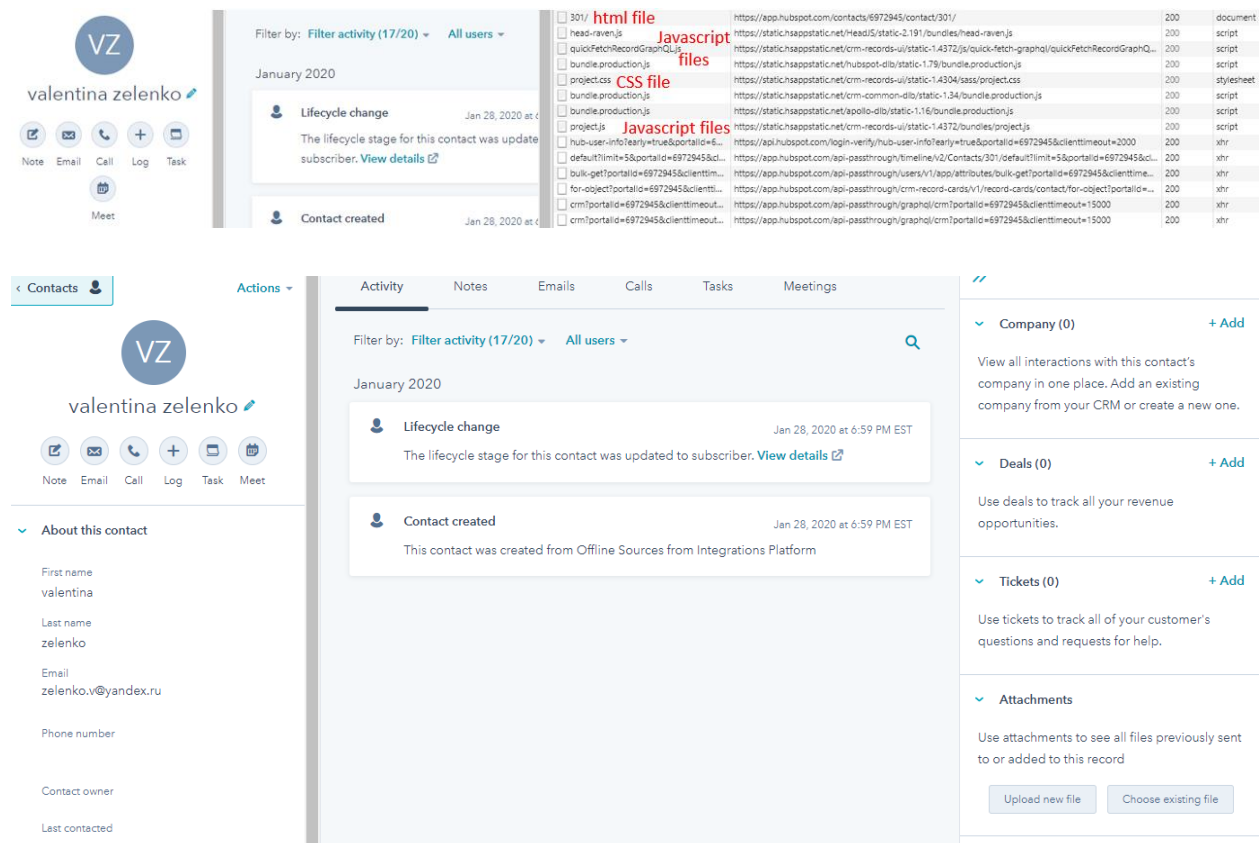
```
{
  "extensions": null,
  "data": {
    "crmObject": {
      "id": 301,
      "defaultProperties": {
        "first_name": "valentina",
        "last_name": "zelenko",
        "email": "zelenko.v@yandex.ru"
      }
    }
  }
}
```

Red arrows indicate the flow of information from the JSON response to the CRM interface. The 'first_name: valentina', 'last_name: zelenko', and 'email: zelenko.v@yandex.ru' from the response are linked to the corresponding fields in the CRM interface.

58. The CRM platform built a website comprising one or more web pages from the data for the settings and files stored in the database. Run time files (including CSS files and JavaScript files) used the stored data and files to generate commands for the browser engine of a device to display the one or more web pages. In particular, the CRM platform relied on a browser engine to generate a website comprising one or more web pages based on settings data extracted from at least a portion of the database, files fetched from Content Delivery Networks (CDNs), and at least one run time file. As shown in the example below, the CRM platform downloads a “301” HTML file from HubSpot’s server, indicating the web page of contact with the identifier “301.” When the browser build engine parses the HTML file, the web browser also makes a GET request to fetch the embedded CSS and JavaScript run time files. The image files displayed in the web page are then downloaded from the database. On information and belief, this functionality was present during relevant time periods of infringement.



59. On information and belief, the CRM platform fetched HTML (*.html) files, CSS (*.css) files, and JavaScript (*.js) files from its server and converted them with additional contents (e.g., JSON files and image files) into a working website to display. As shown in the example below, the CRM platform’s source code, such as the HTML files and run time files (including CSS and JavaScript files) are fetched from a HubSpot server to build and generate a web page for contact “valentina zelenko.” On information and belief, this functionality was present during relevant time periods of infringement.



The CMS Platform:

60. The CMS platform infringed claim 1 of the ‘397 patent through a combination of features which collectively practiced each limitation of claim 1 during relevant time periods. By way of example, the CMS platform provided the HubSpot CMS Hub website builder platform,

that allowed users to “build [websites] using flexible themes and content structures” and “easily edit and create pages on their own.”



Power your website with a CMS that makes it easy to grow better.

Developers build using flexible themes and content structures. Marketers easily edit and create pages on their own. Customers get a personalized, secure experience. With CMS Hub, everyone wins.

[Get a demo](#)

[Start 14-day free trial](#)

<https://www.hubspot.com/products/cms>

61. The CMS platform allowed users to produce Internet websites on and for computers having a browser and a virtual machine capable of generating displays. The CMS platform supported modern browsers such as Google Chrome, Mozilla Firefox, Safari, Microsoft Edge, and Internet Explorer, which used browser engines (virtual machines) to render web pages on a computer display by interpreting and executing code such as JavaScript and HTML.

Browsers supported by HubSpot

Last updated: January 6, 2020

A supported web browser is required for full functionality of HubSpot's features.

Please note: the supported browsers listed here apply to using HubSpot tools, not public-facing content. Browser support for content created in and hosted by HubSpot will vary depending on the HTML, CSS, and JavaScript used on your website.

Windows-supported browsers

- Google Chrome (latest version)
- Mozilla Firefox (latest version)
- Microsoft Edge (latest version; not supported by the calling tool)
- Internet Explorer 11*

* Microsoft recommends using Microsoft Edge as your default browser, and supports Internet Explorer 11 for backward compatibility. Versions of Internet Explorer 10 and below are not supported by HubSpot, because they are not fully supported by Microsoft.

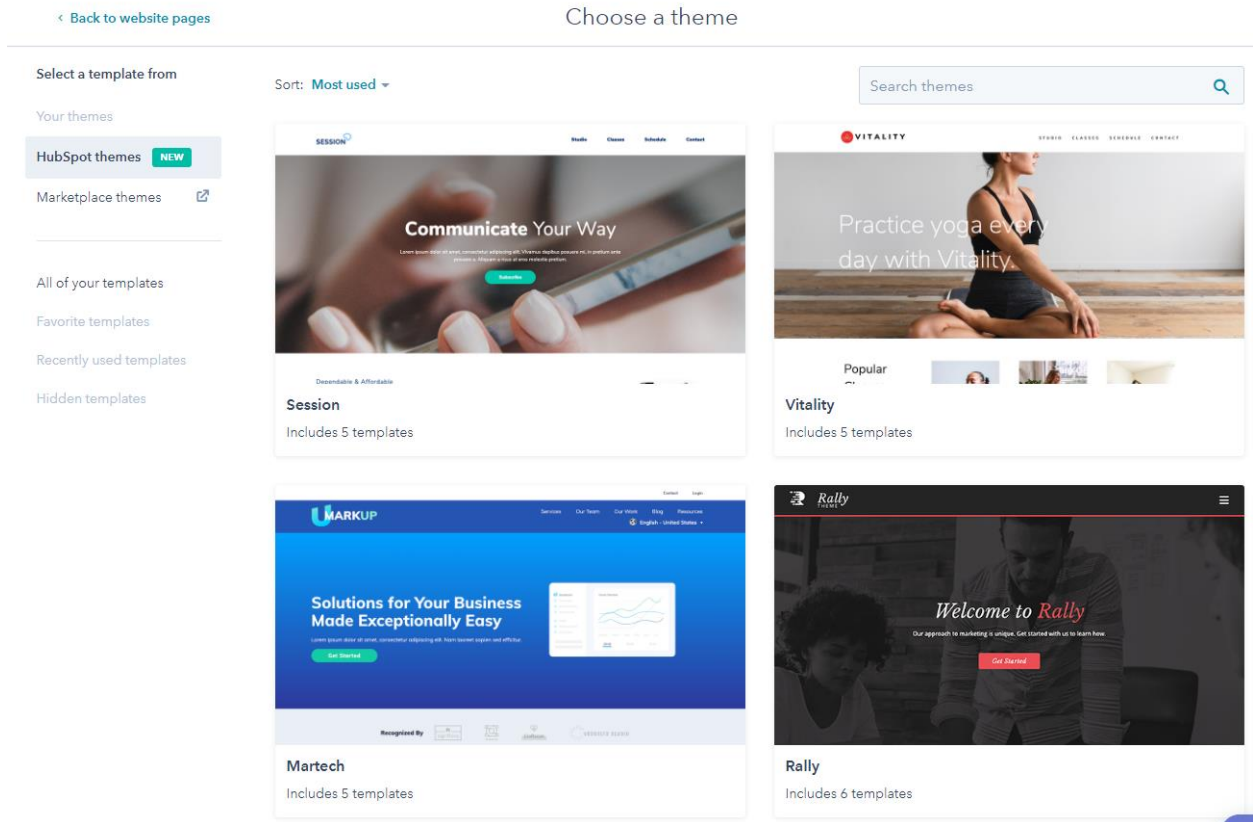
When you have [Compatibility View](#) turned on in Internet Explorer 11, HubSpot's unsupported browser warnings will display as IE 11 is acting as an older browser. To resolve this error, turn off Compatibility View.

Mac-supported browsers

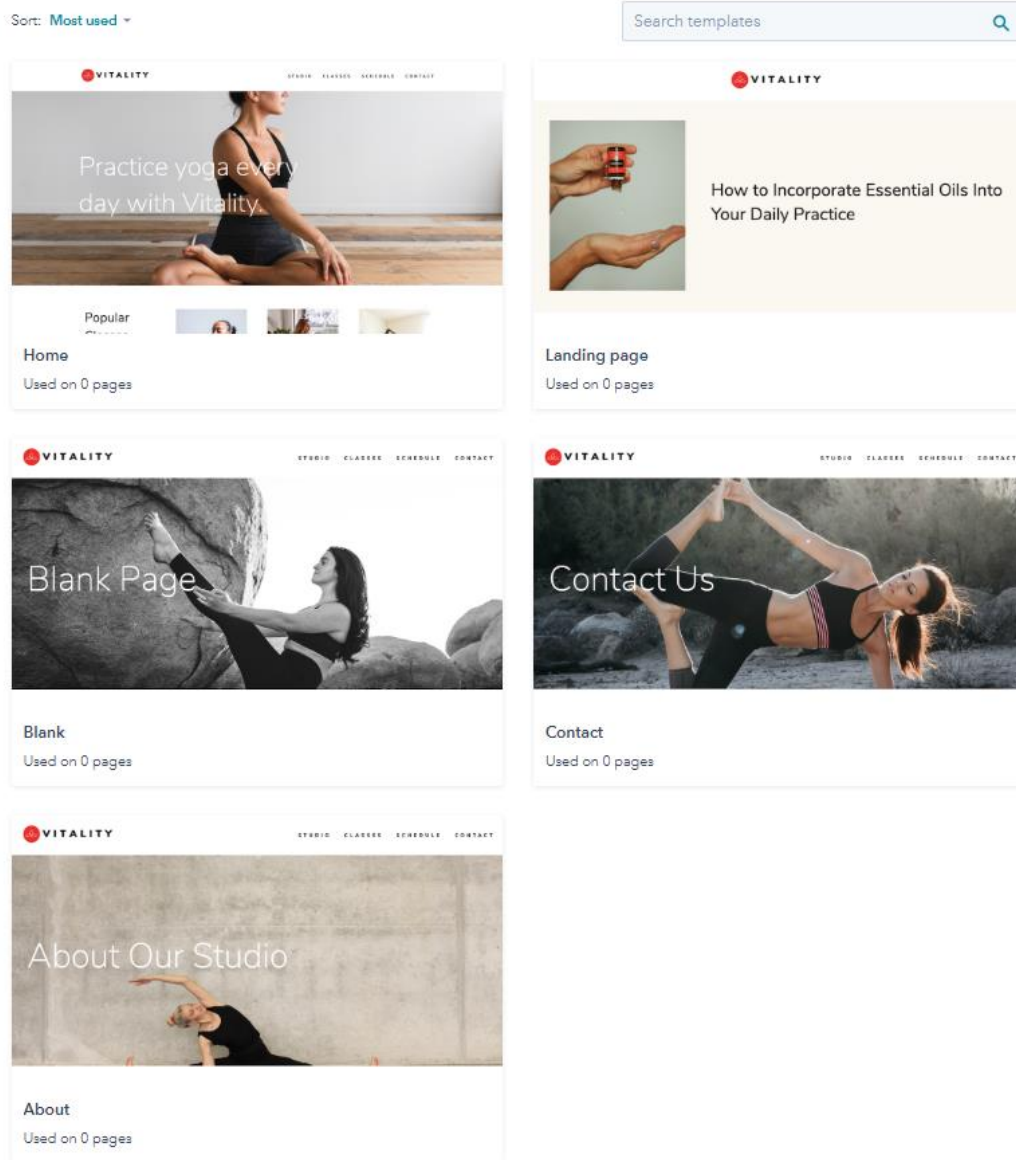
- Google Chrome (latest version)
- Safari (latest version; not supported by the calling tool)
- Mozilla Firefox (latest version)

<https://knowledge.hubspot.com/resources/which-browsers-are-supported-by-hubspot>

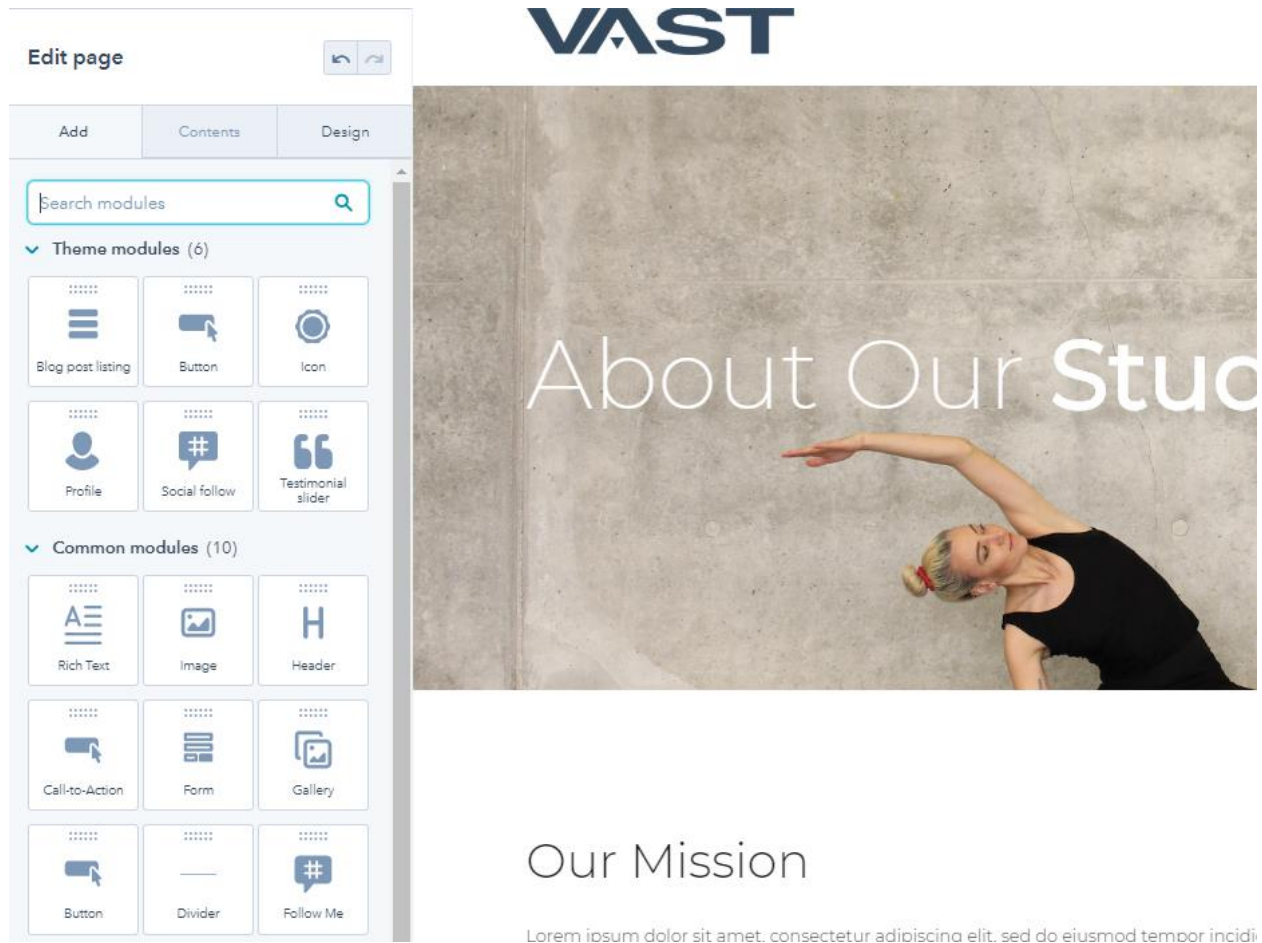
62. To build a HubSpot CMS website, the CMS platform provided a number of website templates or “themes” to start with.



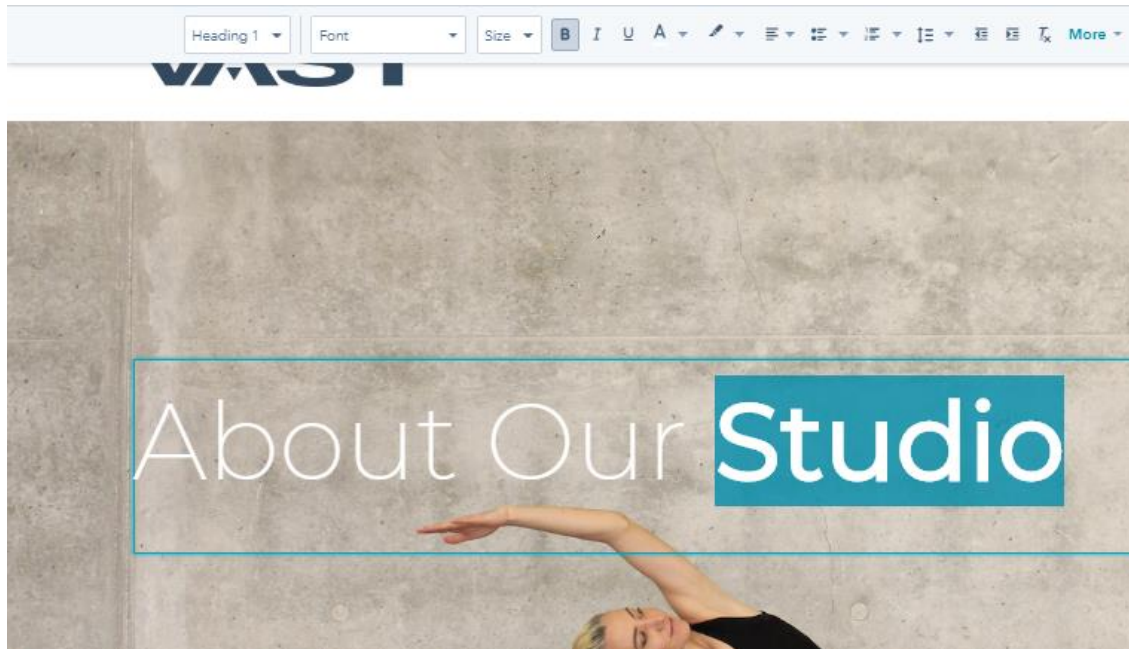
63. Once a website template or “theme” was selected, a number of web page templates were then displayed. In the example below, the web page templates “Home,” “Landing page,” “Blank,” “Contact,” and “About” are shown.



64. Each web page template contained a number of “module” blocks that contained text, image, or other content, and could be customized through a menu having a user selectable panel of settings presented to the user describing various elements for the website.



65. In a panel for editing text, for example, a user could select settings for font style, font size, and bold, italics, and underline options for the text. In the example below, the word “Studio” is set to be displayed in bold, and a display in accordance with the selected setting is generated substantially contemporaneously with the selection thereof. On information and belief, this functionality was present during relevant time periods of infringement.



66. Upon selection of the desired setting, the selected setting could be stored in a database by clicking on “Save.” On information and belief, HubSpot CMS websites were supported by a Content Delivery Network (CDN), which included a database storing data and files for user-selected settings. The CDN database allowed a user or a website visitor to quickly access the selected settings and website contents.

CDN, Security, Performance

Last updated: June 17, 2020

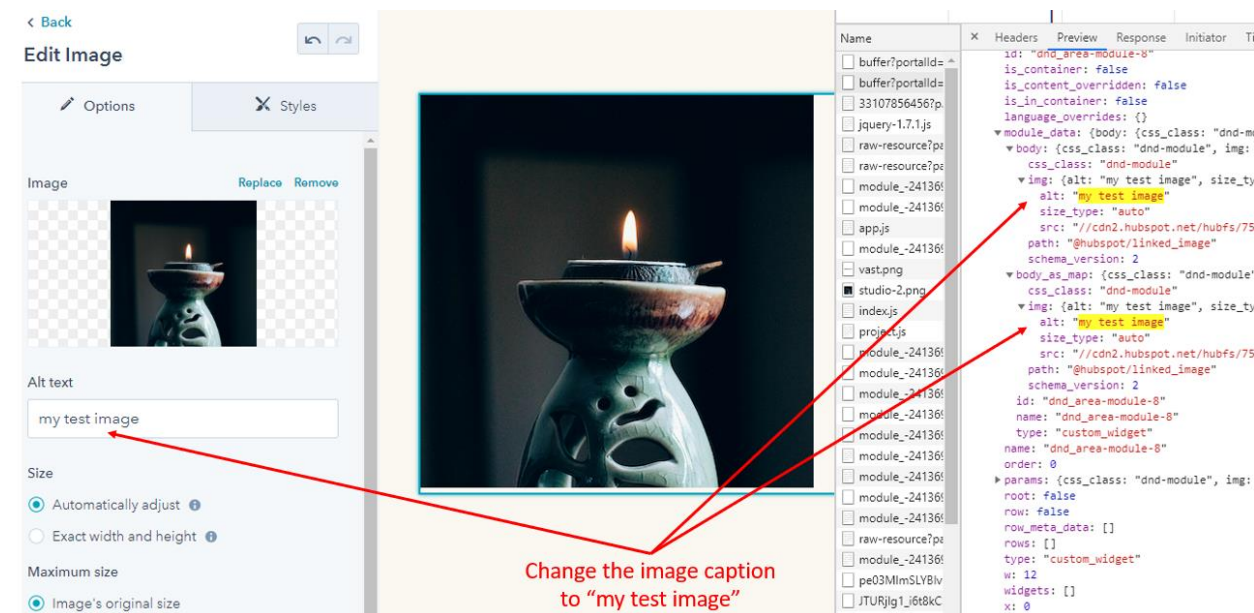
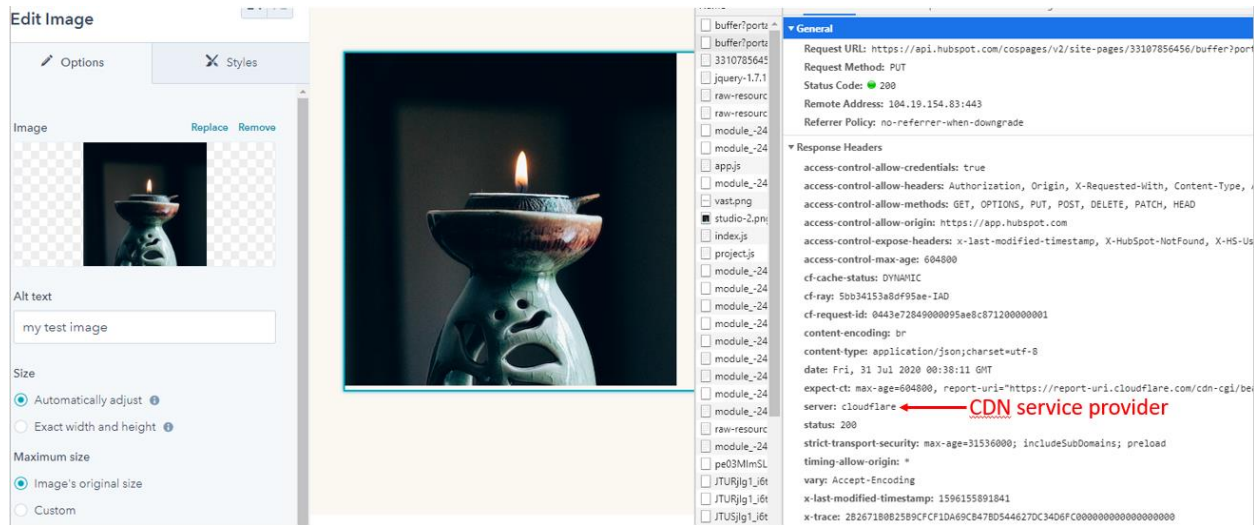
HubSpot's CMS is one of the most advanced and optimized content management systems on the market. Because the HubSpot CMS is a SaaS solution, we handle **security, reliability**, maintenance and more, so your team can focus on writing code and creating delightful user experiences.

Content Delivery Network (CDN)

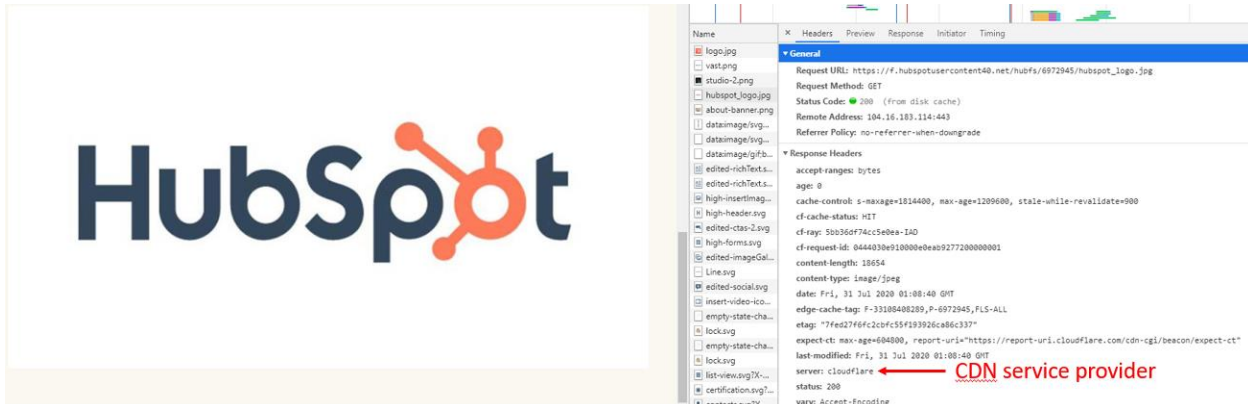
The HubSpot CMS's globally distributed Content Delivery Network will ensure lightning-fast page load times regardless of where your visitors are. No configuration, setup, or additional accounts are required to take advantage of the CDN for hosting media or pages. The system takes care of distribution and cache invalidation for you so you can focus on building a great site while a web application firewall and built-in security measures provide peace of mind against online attacks.

<https://developers.hubspot.com/docs/cms/developer-reference/cdn>

67. The screenshots below indicate that data for user selected settings on the CMS platform are stored in a database. For example, the image caption “my test image” is formatted in JSON data and sent to the server “api.hubspot.com” via an HTTP GET request method. The CMS platform stores the received JSON data in a “cloudflare” database provided by HubSpot’s CDN. On information and belief, this functionality was present during relevant time periods of infringement.

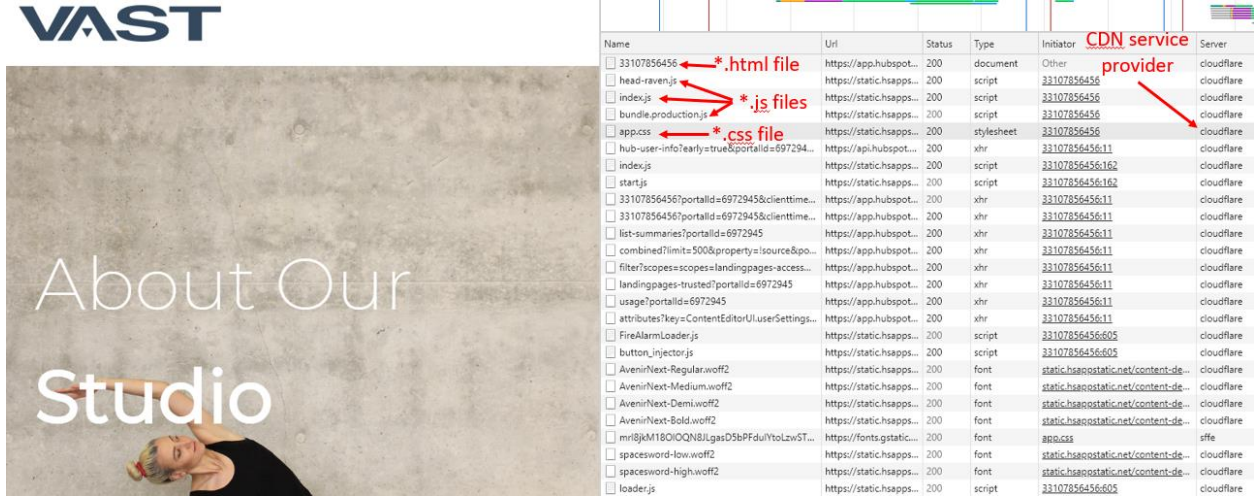


68. A HubSpot CMS website was then generated in part by retrieving the information for the user selected settings stored in the database. As shown below, if a user-selected setting such as an image “hubspot_logo.jpg” was previously stored in the database, a browser can load the website by sending a “hubspot_logo.jpg” GET requesting the stored setting (“hubspot_logo.jpg”), which is downloaded from the “cloudflare” server database. On information and belief, this functionality was present during relevant time periods of infringement.

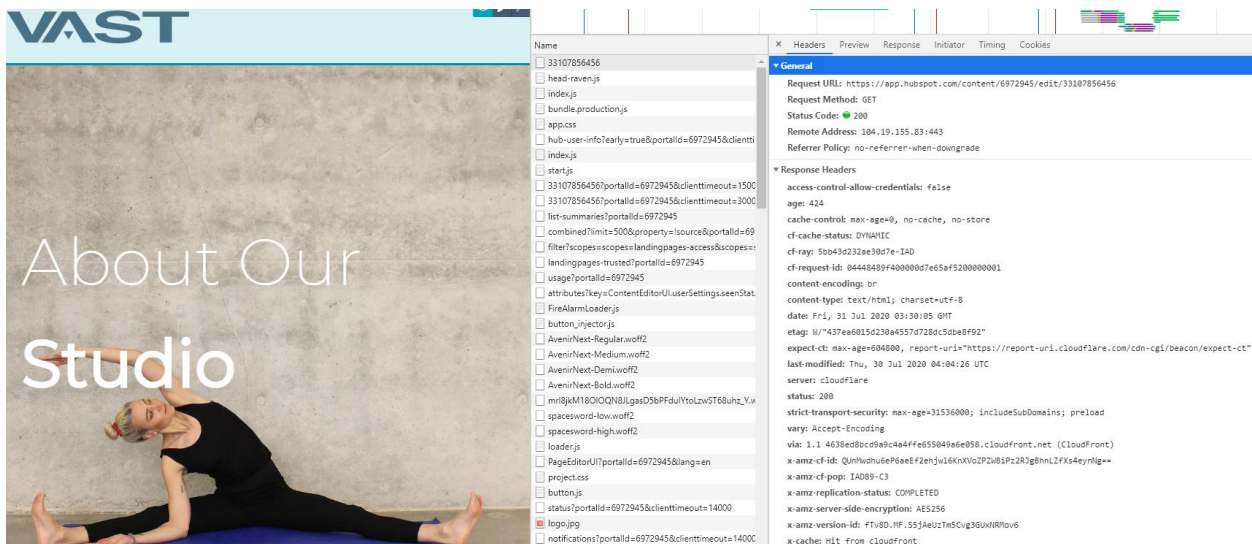


69. On information and belief, the CMS platform built the user’s website using run time files that used the data stored in the database to generate commands for the browser engine to display the one or more web pages. Further, the CMS platform built CMS websites by rendering web pages, as demonstrated through the web page templates for a CMS website shown above.

70. In particular, the CMS platform relied on a browser engine to generate a website by building one or more web pages based on virtual machine commands (commands for the browser engine) for the display of the one or more web pages. As shown in the example below, the CMS Platform fetches HTML files and various run time files (including CSS and JavaScript files) relating to website objects and styles, from the “cloudflare” server database. On information and belief, this functionality was present during relevant time periods of infringement.



71. On information and belief, the CMS platform fetched HTML (*.html) files, CSS (*.css) files, and JavaScript (*.js) files from the HubSpot’s CDN server (e.g., cloudflare) and converted them into a working website to display. In the example below, the CMS platform’s source code, such as the HTML files and run time files (including CSS files, and JavaScript files), are fetched from the database by the GET method. On information and belief, this functionality was present during relevant time periods of infringement.



72. The presence of the above referenced features is demonstrated, by way of example, by testing the Accused Instrumentalities for investigative purposes on

<https://www.hubspot.com/>, and by reference to publicly available information, including <https://www.hubspot.com/>, <https://www.hubspot.com/products/cms>, <https://www.hubspot.com/growth-stack/what-is-crm>, <https://www.hubspot.com/crm-implementation>, <https://knowledge.hubspot.com/resources/which-browsers-are-supported-by-hubspot>, <https://knowledge.hubspot.com/account/hubspot-cloud-infrastructure-frequently-asked-questions>, <https://developers.hubspot.com/docs/cms/developer-reference/cdn>, <https://developers.hubspot.com/docs/cms/building-blocks/themes>, <https://knowledge.hubspot.com/integrations/use-video-in-hubspot>, <https://knowledge.hubspot.com/cos-general/how-to-edit-hubdb-tables>, <https://knowledge.hubspot.com/files/supported-file-types>, https://legal.hubspot.com/hubfs/Downloadable_Legal_Docs/HubSpot_Your_Data_and_You.pdf ?hsCtaTracking=3420634d-c28d-4c63-8c1c-9e2902de1dc8%7C979cdc8e-376e-4977-bc94-d1f6a3e938c2, and <https://knowledge.hubspot.com/cos-pages-editor/adding-images-to-an-image-gallery-module>. On information and belief, the above referenced features were present during relevant time periods of infringement.

73. On information and belief, Defendant has had knowledge of the ‘397 patent and its infringement thereof at least as early as October 4, 2019, and no later than August 31, 2020, when Plaintiff provided notices of the ‘397 patent and Defendant’s infringement of the ‘397 patent.

74. On information and belief, Defendant has contributed to the infringement of the ‘397 patent because Defendant knew that the infringing aspects of its infringing products and services, including but not limited to the Accused Instrumentalities, were made for use in an infringement, and were not staple articles of commerce suitable for substantial non-infringing uses.

75. On information and belief, Defendant has induced the infringement of the ‘397 patent, with knowledge of the ‘397 patent and that its acts, including without limitation using, offering to sell, selling within, and importing into the United States, the Accused Instrumentalities, would aid and abet and induce infringement by customers, clients, partners, developers, and end users of the foregoing.

76. In particular, Defendant’s actions that aided and abetted others such as customers, clients, partners, developers, and end users to infringe included advertising and distributing the Accused Instrumentalities, and providing instructional materials, training, and other services regarding the Accused Instrumentalities. Defendant actively encouraged the adoption of the Accused Instrumentalities and provided support sites for the vast network of developers working with the Accused Instrumentalities, emphasizing the user-friendly nature and diverse capabilities provided by the Accused Instrumentalities, explaining that the HubSpot CRM platform provided “[e]verything you need to organize, track, and build better relationships with leads and customers,” and that the HubSpot CMS platform provided “[c]ontent management software that’s flexible for marketers, powerful for developers, and gives customers a personalized, secure experience.” (*See, e.g.,* <https://www.hubspot.com/>.) On information and belief, Defendant engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendant had actual knowledge of the ‘397 patent and knowledge that their acts were inducing infringement of the ‘397 patent since at least the date Defendant received notice that its activities infringed the ‘397 patent.

77. Defendant’s acts of infringement caused damage to Plaintiff, and Plaintiff is entitled to recover damages from Defendant in an amount subject to proof at trial.

78. On information and belief, Defendant has acted with disregard of Plaintiff's patent rights, without any reasonable basis for doing so, and has willfully infringed the '397 patent.

79. The foregoing is illustrative of Defendant's infringement of the '397 patent. Plaintiff reserves the right to identify additional claims and Accused Instrumentalities in accordance with the Court's local rules and applicable scheduling orders.

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

80. Plaintiff incorporates by reference paragraphs 1 to 79 above as if fully set forth herein.

81. On information and belief, Defendant has infringed and is infringing the '168 patent under 35 U.S.C. § 271, either literally and/or under the doctrine of equivalents, directly and/or indirectly.

82. On information and belief, Defendant has infringed and is infringing the '168 patent by performing, without authority, one or more of the following acts: making, using, offering to sell, selling within, and importing into, the United States products and services that practice the claimed inventions of the '168 patent, including but not limited to the HubSpot CMS Hub website builder platform, previously known as HubSpot CMS (the "CMS" platform or the "Accused Instrumentalities").

83. The Accused Instrumentalities infringe at least claim 1 of the '168 patent through a combination of features that collectively practice each limitation of claim 1. By way of example, the Accused Instrumentalities provide the CMS Hub website builder platform, which allows users to "build [websites] using flexible themes and content structures" and "easily edit and create pages on their own."



Power your website with a CMS that makes it easy to grow better.

Developers build using flexible themes and content structures. Marketers easily edit and create pages on their own. Customers get a personalized, secure experience. With CMS Hub, everyone wins.

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<https://www.hubspot.com/products/cms>

84. The Accused Instrumentalities include a global Content Delivery Network (CDN) that hosts and supports HubSpot websites through servers and databases.

CDN, Security, Performance

Last updated: June 17, 2020

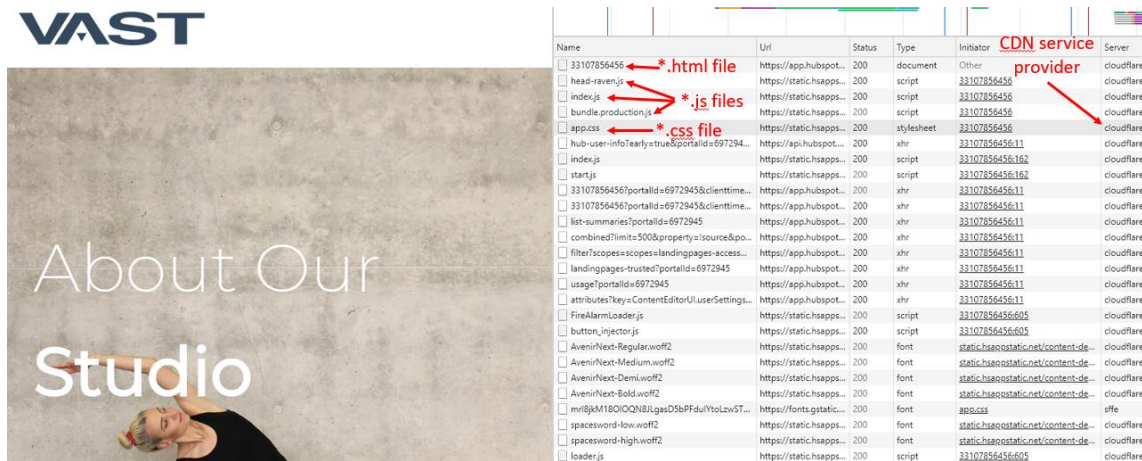
HubSpot's CMS is one of the most advanced and optimized content management systems on the market. Because the HubSpot CMS is a SaaS solution, we handle **security, reliability**, maintenance and more, so your team can focus on writing code and creating delightful user experiences.

Content Delivery Network (CDN)

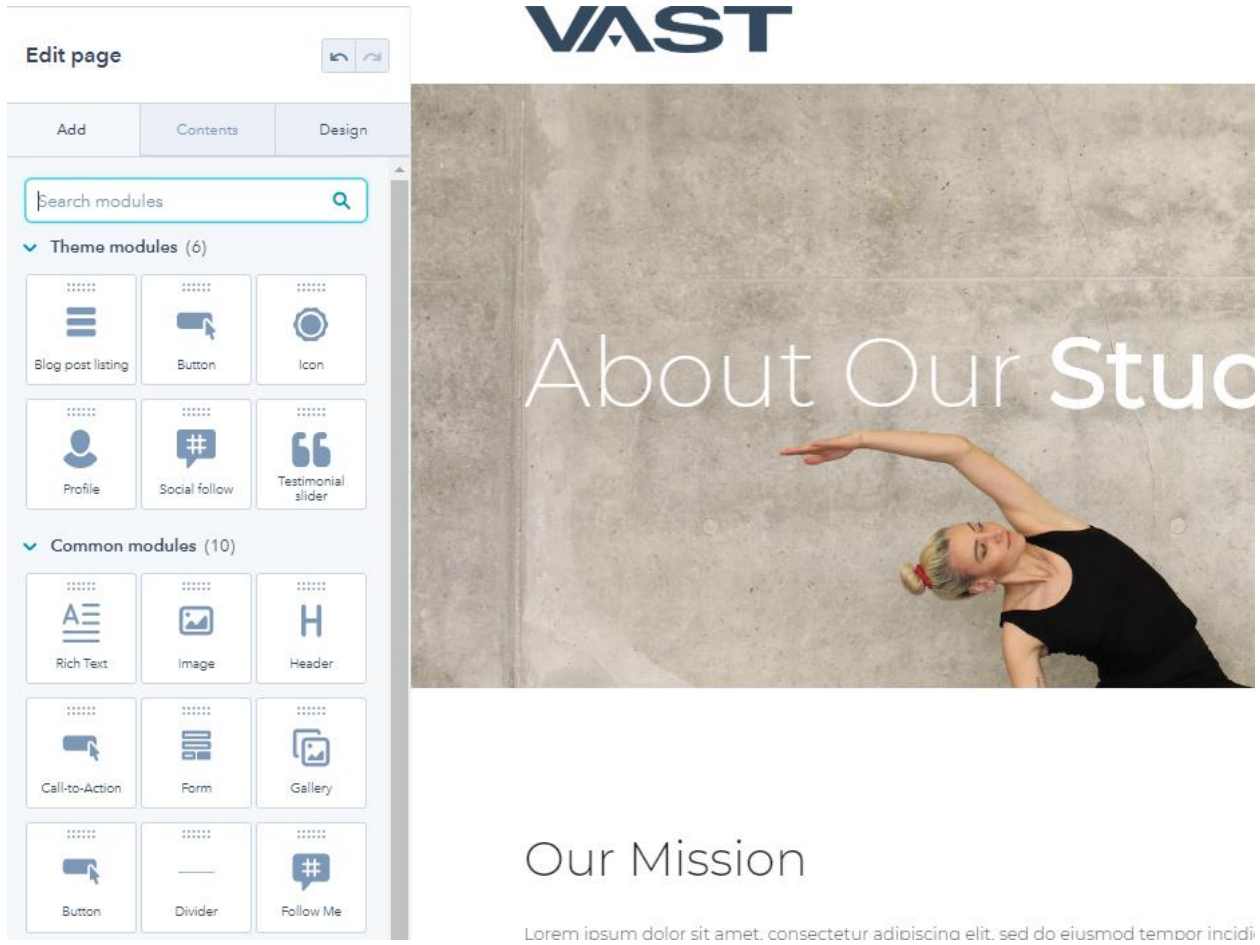
The HubSpot CMS's globally distributed Content Delivery Network will ensure lightning-fast page load times regardless of where your visitors are. No configuration, setup, or additional accounts are required to take advantage of the CDN for hosting media or pages. The system takes care of distribution and cache invalidation for you so you can focus on building a great site while a web application firewall and built-in security measures provide peace of mind against online attacks.

<https://developers.hubspot.com/docs/cms/developer-reference/cdn>

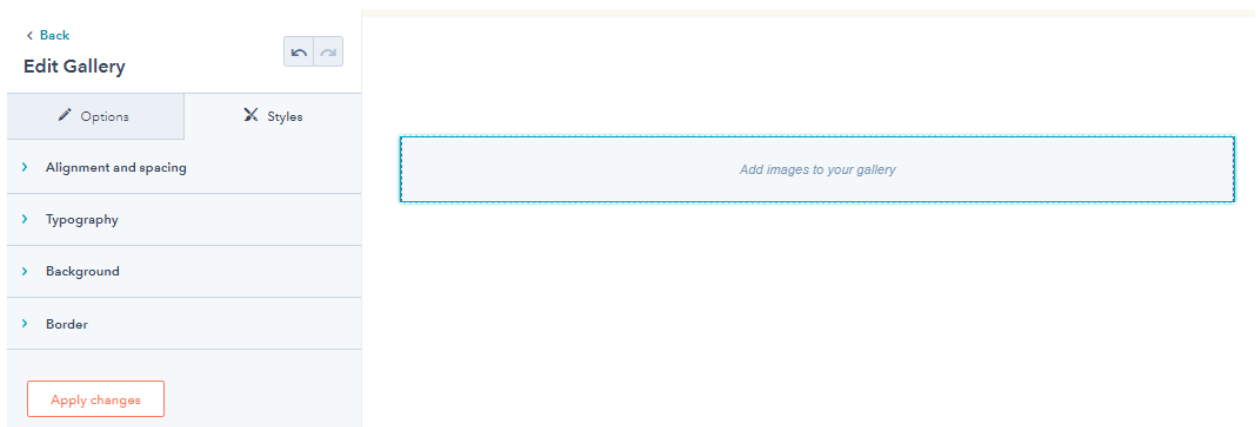
85. As shown below, the Accused Instrumentalities store data such as website objects, runtime files, and other content in a “cloudflare” server provided by HubSpot’s CDN service.



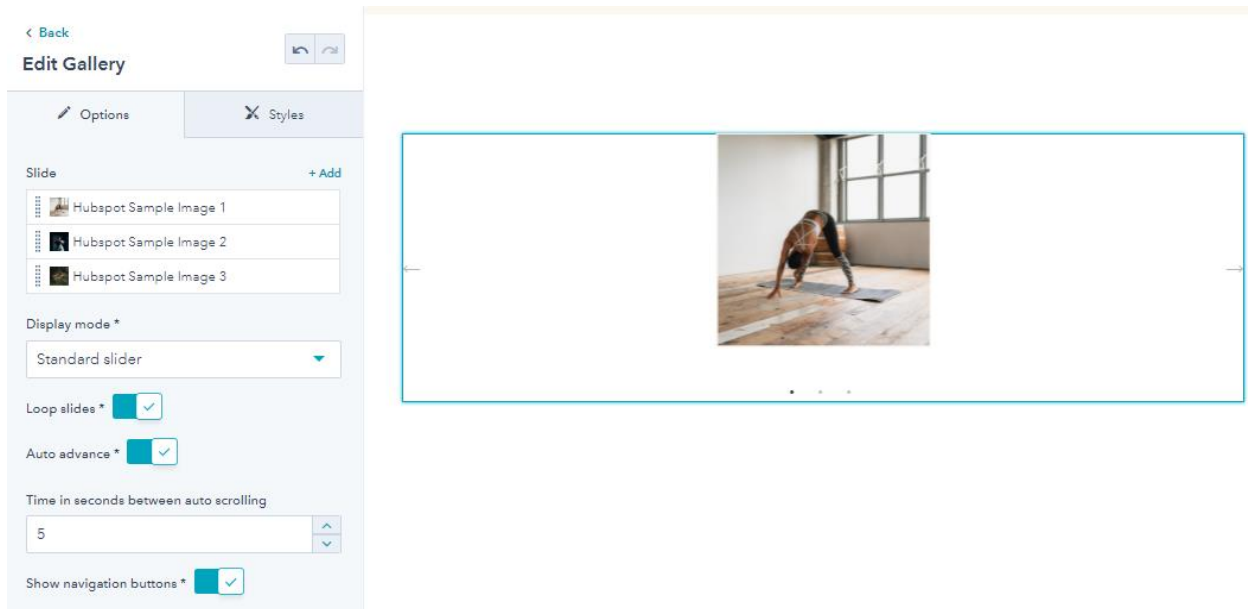
86. The server includes a build engine configured to accept user input to create a website comprising a plurality of web pages that each include one or more objects within “modules.” Modules may include, for example, objects for buttons, icons, text, images, and galleries.



87. Upon the selection of a module, the Accused Instrumentalities can accept user input for a particular style to be associated with an object in the module. For example, for a “Gallery” module which comprises image objects, a user can input styles relating to alignment and spacing, typography, background, and border.



88. A user can also associate with the gallery module transformation and time-line styles such as a display mode, including “standard slider,” as well as “loop slides,” “auto advance” and time between auto scrolling. These styles define different types of transformation and time-line configurations for image objects in the gallery module, and each web page can be defined entirely by such objects and the selected styles through customized templates.



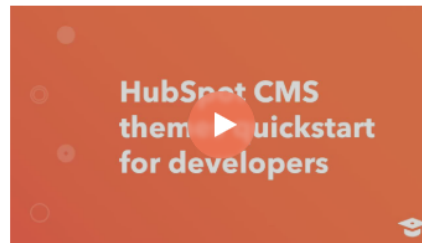
89. The Accused Instrumentalities are configured to produce a database with a multidimensional array including the objects that comprise the website. As described above, the Accused Instrumentalities employ “Themes” as starting templates for websites. Configurations for themes, such as the styles described above, are set in JSON data format.

Home > Building Blocks > Themes

Themes

Last updated: July 24, 2020

A Theme is a portable and contained collection of developer assets designed to work together to enable a marketer-friendly content editing experience. Themes and all of the files within themes are designed to be portable between environments and accounts. Themes allow developers to work with **coded files**, use the tools, technologies, and workflows they prefer, while offering a flexible content creation experience for marketers, supporting layout, style and content updates all within the content editors.



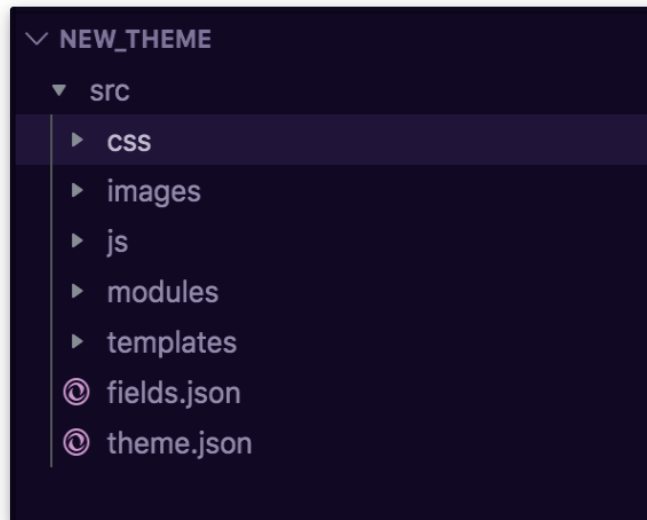
[View in HubSpot Academy](#)

<https://developers.hubspot.com/docs/cms/building-blocks/themes>

Theme file structure

A theme is a single directory of files. You can include HTML, CSS, and Javascript files, modules and additional files that can be organized in any manner within subdirectories of the parent theme folder. **Two JSON files are necessary to build a theme, theme.json and fields.json**, which should be included at the root theme folder.

To start from an example, see the [HubSpot CMS Boilerplate](#).



<https://developers.hubspot.com/docs/cms/building-blocks/themes>

90. The JSON dataset used to build a theme for creating a HubSpot website is multidimensional in nature. For example, the Accused Instrumentalities provide two JSON files to build a theme: a theme.json file and a fields.json file. In the examples below, the theme.json file and the fields.json file comprise a plurality of key-value pairs, which controls the features and behaviors of the theme. The JSON files, together with HTML, CSS, JavaScript, and other standard files can be converted into a working website for display. A user can customize the theme by changing the value of the JSON objects in the theme.json and fields.json files. In the example below, a user can change the value of the key “email” in the theme.json file, or change the display font size “48” for the key “children” in the fields.json file.

```
JSON Copy all  
  
1 // theme.json  
2 {  
3   "label": "Cool Theme",  
4   "preview_path": "./templates/home-page.html",  
5   "screenshot_path": "./images/templates/homepage.jpg",  
6   "enable_domain_stylesheets": false,  
7   "version": "1.0",  
8   "author": {  
9     "name": "Jon McLaren",  
10    "email": "noreply@hubspot.com",  
11    "url": "https://theme-provider.com/"  
12  },  
13  "documentation_url": "https://theme-provider.com/cool-theme/documentati  
14  "example_url": "https://theme-provider.com/cool-theme/demo"  
15 }
```

<https://developers.hubspot.com/docs/cms/building-blocks/themes>

```

JSON                                                                    Copy all
1 // fields.json
2 [{
3   "type": "group",
4   "name": "typography",
5   "label": "Typography",
6   "children": [
7     {
8       "type": "font",
9       "name": "h1_font",
10      "label": "Heading 1",
11      "load_external_fonts": true,
12      "default": {
13        "color": "#000",
14        "font": "Merriweather",
15        "font_set": "GOOGLE",
16        "variant": "700",
17        "size": "48"
18      }
19    }
20  ]
21 }]}
    
```

<https://developers.hubspot.com/docs/cms/building-blocks/themes>

91. A web browser with access to a runtime engine can then generate the user configured website including the user input objects and style data (e.g., HTML, JavaScript and CSS files) extracted from the cloudflare CDN server, as shown in the example below.

Name	Url	Status	Type	Iniator	CDN service provider	Server
33107856456	https://app.hubspot...	200	document	Other	cloudflare	cloudflare
head-raven.js	https://static.hsapps...	200	script	33107856456	cloudflare	cloudflare
index.js	https://static.hsapps...	200	script	33107856456	cloudflare	cloudflare
bundle.production.js	https://static.hsapps...	200	script	33107856456	cloudflare	cloudflare
app.css	https://static.hsapps...	200	stylesheet	33107856456	cloudflare	cloudflare
hub-user-info?early=true&portalid=697294...	https://api.hubspot...	200	xhr	33107856456:11	cloudflare	cloudflare
index.js	https://static.hsapps...	200	script	33107856456:162	cloudflare	cloudflare
start.js	https://static.hsapps...	200	script	33107856456:162	cloudflare	cloudflare
33107856456?portalid=6972945&clienttime...	https://app.hubspot...	200	xhr	33107856456:11	cloudflare	cloudflare
33107856456?portalid=6972945&clienttime...	https://app.hubspot...	200	xhr	33107856456:11	cloudflare	cloudflare
list-summaries?portalid=6972945	https://app.hubspot...	200	xhr	33107856456:11	cloudflare	cloudflare
combined?limit=500&property=source&po...	https://app.hubspot...	200	xhr	33107856456:11	cloudflare	cloudflare
filter?scopes=scopes=landingpages-access...	https://app.hubspot...	200	xhr	33107856456:11	cloudflare	cloudflare
landingpages-trusted?portalid=6972945	https://app.hubspot...	200	xhr	33107856456:11	cloudflare	cloudflare
usage?portalid=6972945	https://app.hubspot...	200	xhr	33107856456:11	cloudflare	cloudflare
attributes?key=ContentEditorUI.UserSettings...	https://app.hubspot...	200	xhr	33107856456:11	cloudflare	cloudflare
FireAlarmLoader.js	https://static.hsapps...	200	script	33107856456:605	cloudflare	cloudflare
button_injector.js	https://static.hsapps...	200	script	33107856456:605	cloudflare	cloudflare
AvenirNext-Regular.woff2	https://static.hsapps...	200	font	static.hsappostatic.net/content-de...	cloudflare	cloudflare
AvenirNext-Medium.woff2	https://static.hsapps...	200	font	static.hsappostatic.net/content-de...	cloudflare	cloudflare
AvenirNext-Demi.woff2	https://static.hsapps...	200	font	static.hsappostatic.net/content-de...	cloudflare	cloudflare
AvenirNext-Bold.woff2	https://static.hsapps...	200	font	static.hsappostatic.net/content-de...	cloudflare	cloudflare
mri8jKM180IQON8JlgasD5bPFduYtoLzw5T...	https://fonts.gstatic...	200	font	api.css	sffe	sffe
spaceword-low.woff2	https://static.hsapps...	200	font	static.hsappostatic.net/content-de...	cloudflare	cloudflare
spaceword-high.woff2	https://static.hsapps...	200	font	static.hsappostatic.net/content-de...	cloudflare	cloudflare
loader.js	https://static.hsapps...	200	script	33107856456:605	cloudflare	cloudflare

92. The presence of the above referenced features is demonstrated, by way of example, by testing the Accused Instrumentalities for investigative purposes on <https://www.hubspot.com/>, and by reference to publicly available information, including <https://www.hubspot.com/>, <https://www.hubspot.com/products/cms>, <https://knowledge.hubspot.com/resources/which-browsers-are-supported-by-hubspot>, <https://knowledge.hubspot.com/account/hubspot-cloud-infrastructure-frequently-asked-questions>, <https://developers.hubspot.com/docs/cms/developer-reference/cdn>, <https://developers.hubspot.com/docs/cms/building-blocks/themes>, <https://knowledge.hubspot.com/integrations/use-video-in-hubspot>, <https://knowledge.hubspot.com/cos-general/how-to-edit-hubdb-tables>, <https://knowledge.hubspot.com/files/supported-file-types>, https://legal.hubspot.com/hubfs/Downloadable_Legal_Docs/HubSpot_Your_Data_and_You.pdf?hsCtaTracking=3420634d-c28d-4c63-8c1c-9e2902de1dc8%7C979cdc8e-376e-4977-bc94-d1f6a3e938c2, and <https://knowledge.hubspot.com/cos-pages-editor/adding-images-to-an-image-gallery-module>.

93. On information and belief, Defendant has had knowledge of the '168 patent and its infringement thereof at least as early as October 4, 2019, and no later than August 31, 2020, when Plaintiff provided notices of the '168 patent and Defendant's infringement of the '168 patent. Furthermore, Defendant has been aware of the '168 patent and its infringement thereof since at least the filing of this complaint.

94. On information and belief, Defendant has contributed and is contributing to the infringement of the '168 patent because Defendant knows that the infringing aspects of its infringing products and services, including but not limited to the Accused Instrumentalities, are

made for use in an infringement, and are not staple articles of commerce suitable for substantial non-infringing uses.

95. On information and belief, Defendant has induced and is inducing the infringement of the '168 patent, with knowledge of the '168 patent and that its acts, including without limitation using, offering to sell, selling within, and importing into the United States, the Accused Instrumentalities, would aid and abet and induce infringement by customers, clients, partners, developers, and end users of the foregoing.

96. In particular, Defendant's actions that aid and abet others such as customers, clients, partners, developers, and end users to infringe include advertising and distributing the Accused Instrumentalities, and providing instructional materials, training, and other services regarding the Accused Instrumentalities. Defendant actively encourages the adoption of the Accused Instrumentalities and provides support sites for the vast network of developers working with the Accused Instrumentalities, emphasizing the user-friendly nature and diverse capabilities provided by the Accused Instrumentalities, explaining that the HubSpot CRM platform provides "[e]verything you need to organize, track, and build better relationships with leads and customers," and that the HubSpot CMS platform provides "[c]ontent management software that's flexible for marketers, powerful for developers, and gives customers a personalized, secure experience." (*See, e.g.,* <https://www.hubspot.com/>.) On information and belief, Defendant has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendant has had actual knowledge of the '168 patent and knowledge that their acts were inducing infringement of the '168 patent since at least the date Defendant received notice that its activities infringed the '168 patent.

97. Defendant's acts of infringement have caused damage to Plaintiff, and Plaintiff is entitled to recover damages from Defendant in an amount subject to proof at trial.

98. Defendant's infringement of Plaintiff's rights under the '168 patent will continue to damage Plaintiff's business, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

99. On information and belief, Defendant has acted with disregard of Plaintiff's patent rights, without any reasonable basis for doing so, and has willfully infringed and does willfully infringe the '168 patent.

100. The foregoing is illustrative of Defendant's infringement of the '168 patent. Plaintiff reserves the right to identify additional claims and Accused Instrumentalities in accordance with the Court's local rules and applicable scheduling orders.

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

101. Plaintiff incorporates by reference paragraphs 1 to 100 above as if fully set forth herein.

102. On information and belief, Defendant has infringed and is infringing the '755 patent under 35 U.S.C. § 271, either literally and/or under the doctrine of equivalents, directly and/or indirectly.

103. On information and belief, Defendant has infringed and is infringing the '755 patent by performing, without authority, one or more of the following acts: making, using, offering to sell, selling within, and importing into, the United States products and services that practice the claimed inventions of the '755 patent, including but not limited to the HubSpot CRM platform (the "CRM" platform) and the HubSpot CMS Hub website builder platform (the "CMS" platform), previously known as HubSpot CMS (collectively the "Accused Instrumentalities").

The CRM Platform:

104. The CRM platform infringes at least claim 1 of the '755 patent through a combination of features that collectively practice each limitation of claim 1. By way of example, the CRM platform provides a Customer Relationship Management (CRM) platform that allows users to manage relationships and operations with business contacts (e.g., employees, customers, or partners).

What is a CRM?

A CRM, by its very name, is a **system for managing relationships with your customers.**

For most businesses, their most valuable and important asset is their customers. In the early days at a lot of companies, the details about those customers -- who they are, how they've interacted with your organization -- are spread out in many different places. The CEO's brain, a sales rep's inbox, the accountant's stack of invoices.

As a business grows, it quickly becomes necessary to have one central place where all of this information lives.

Your team will be slowed down without quick answers to important questions. Who are our customers? How do we get in touch with them? How do they interact with our content? What does our pipeline of new business look like?

Your prospects and customers will feel the pain when your team isn't on the same page. From their perspective, they have a relationship with one company, not a collection of different people and departments. Everyone on your team needs context about every customer's needs, wants, and current state, so they can pick up the conversation where it left off.

These are the problems that CRM systems are designed to solve. With one central place to organize all the details of your leads and customers, it's easy for everyone on your team to gain insight into the state of your business, and the status of every customer relationship.



<https://www.hubspot.com/growth-stack/what-is-crm>

105. The CRM platform utilizes a registry of web components related to inputs and outputs of web services. In particular, the CRM platform is supported by a registry provided by Amazon Web Services (AWS), which on information and belief includes a registry with web components for inputs and outputs of web services on the CRM platform.

Data Hosting

The HubSpot platform is hosted in trusted third-party data center providers in the US, and the data stored by HubSpot is stored in the US. HubSpot partners with the world's leading data center providers in order to provide our services to you. Currently, the primary HubSpot infrastructure is hosted with Amazon Web Services in the US-East-1 region. Amazon Web Services maintains ISO 27001, SOC 2 Type II, and several other certifications to demonstrate the rigor of their hosting and infrastructure management program. Information about AWS certifications is available on the [AWS Security Compliance site](#).

https://legal.hubspot.com/hubfs/Downloadable_Legal_Docs/HubSpot_Your_Data_and_You.pdf?hsCtaTracking=3420634d-c28d-4c63-8c1c-9e2902de1dc8%7C979cdc8e-376e-4977-bc94-d1f6a3e938c2

106. Web services supported on the CRM platform include, for example, GeoMapper, which allows a user to locate and view business contacts and surrounding business prospects on an interactive map that can accept inputs and generate outputs.

How GeoMapper integrates with HubSpot

Works from within your HubSpot CRM

Access GeoMapper from any company or contact using the HubSpot CRM side-panel.

Everyone within your team can access maps with no extra logins to manage.

Locate companies and contacts using your HubSpot properties

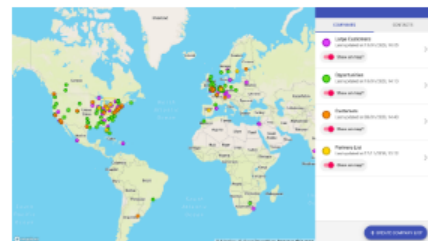
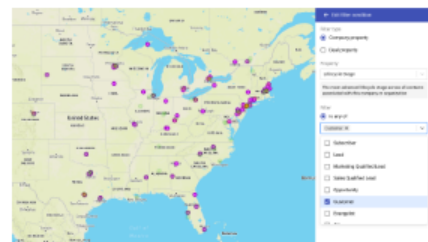
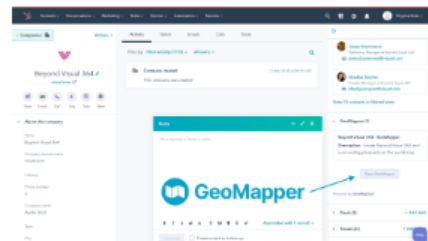
Create lists within GeoMapper to finally get visibility on where your companies and contacts are located.

Find opportunities near customers you plan on visiting to make the most out of your business trips.

Locate

Now you've located the companies and contacts that are important to you...

- Your sales team can make the most of their business trips
- Your marketing team can execute on localized campaigns
- Your customer success team can invite relevant customers to local events



<https://app.hubspot.com/ecosystem/6972945/marketplace/apps/sales/sales-enablement/geomaptool-178602>

107. Web components in the CRM registry include a plurality of corresponding symbolic names for inputs and outputs for a web service. These symbolic names are required for evoking the web components, and constitute character strings that do not contain a persistent address or pointer. In particular, the GeoMapper web service on the CRM platform operates through JSON datasets, which comprise name/value pairs that are essentially character strings (i.e., symbolic names) with no persistent address or pointers. In the example below, a user can create a company list for a contact and define (or draw) an area to segment companies on the list by geographical location. The user-selected area is represented by geographic coordinates and is sent to the GeoMapper web service in the format of JSON data with an HTTP POST request.

The image shows a screenshot of the GeoMapper web application interface on the left and its network request details on the right.

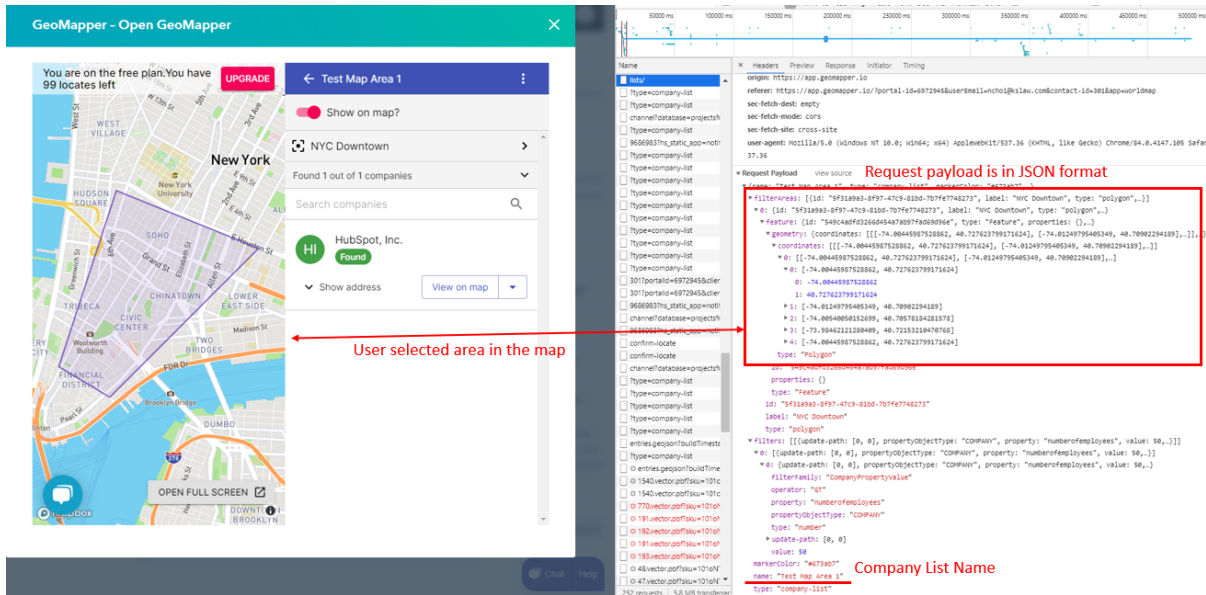
GeoMapper - Open GeoMapper Interface:

- Header: "GeoMapper - Open GeoMapper"
- Map: Shows a map of New York City with a blue polygon highlighting a specific area in the SoHo neighborhood. Text on the map says "You are on the free plan. You have 99 locates left" and "UPGRADE".
- Control Panel:
 - Test Map Area 1
 - Show on map? (toggle)
 - NYC Downtown
 - Found 1 out of 1 companies
 - Search companies
 - HubSpot, Inc. Found
 - Show address
 - View on map

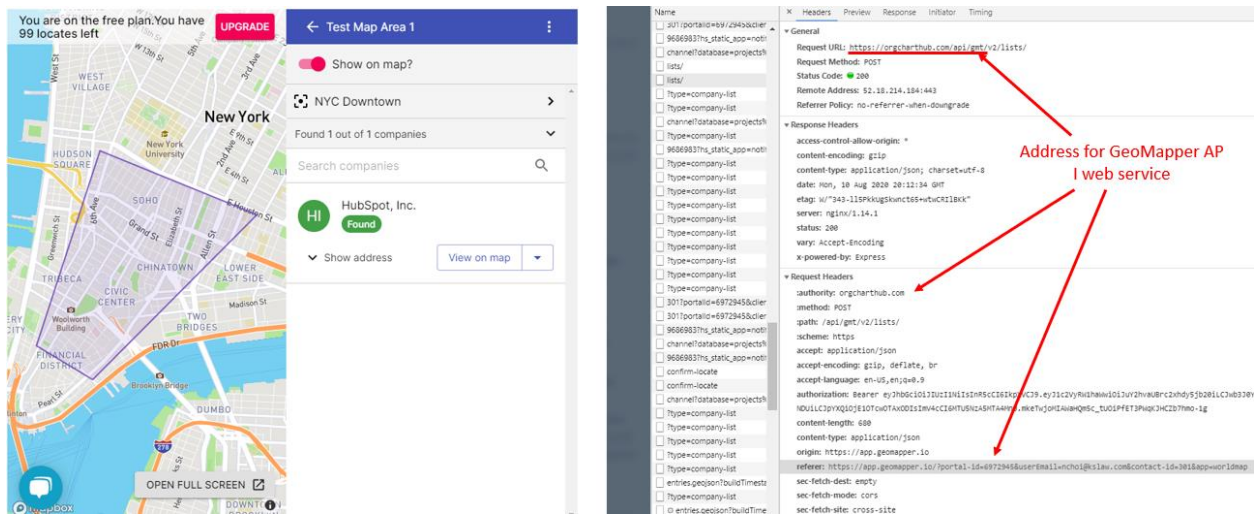
Network Request Details:

- Request URL: <https://orgcharthub.com/api/gmt/v2/lists/>
- Request Method: **POST** HTTP POST request
- Status Code: 200
- Remote Address: 52.18.214.184:443
- Referrer Policy: no-referrer-when-downgrade
- Response Headers:
 - access-control-allow-origin: *
 - content-encoding: gzip
 - content-type: application/json; charset=utf-8
 - date: Mon, 10 Aug 2020 20:12:14 GMT
 - etag: W/"343-115fkkg5kunct65wtwcz21Bkk"
 - server: nginx/1.14.1
 - status: 200
 - vary: Accept-Encoding
 - x-powered-by: Express
- Request Headers:
 - authority: orgcharthub.com
 - method: POST
 - path: /api/gmt/v2/lists/
 - scheme: https
 - accept: application/json

A red arrow points to the "authority" header in the request headers, labeled "GeoMapper web services server".

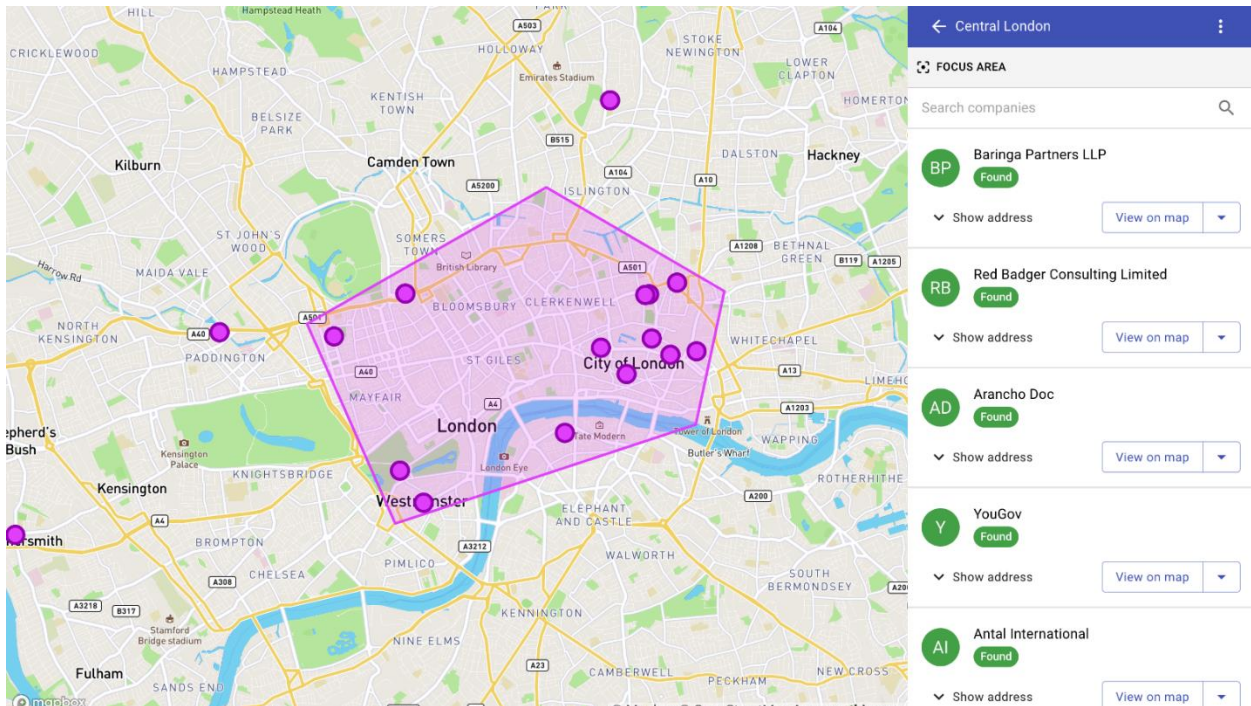
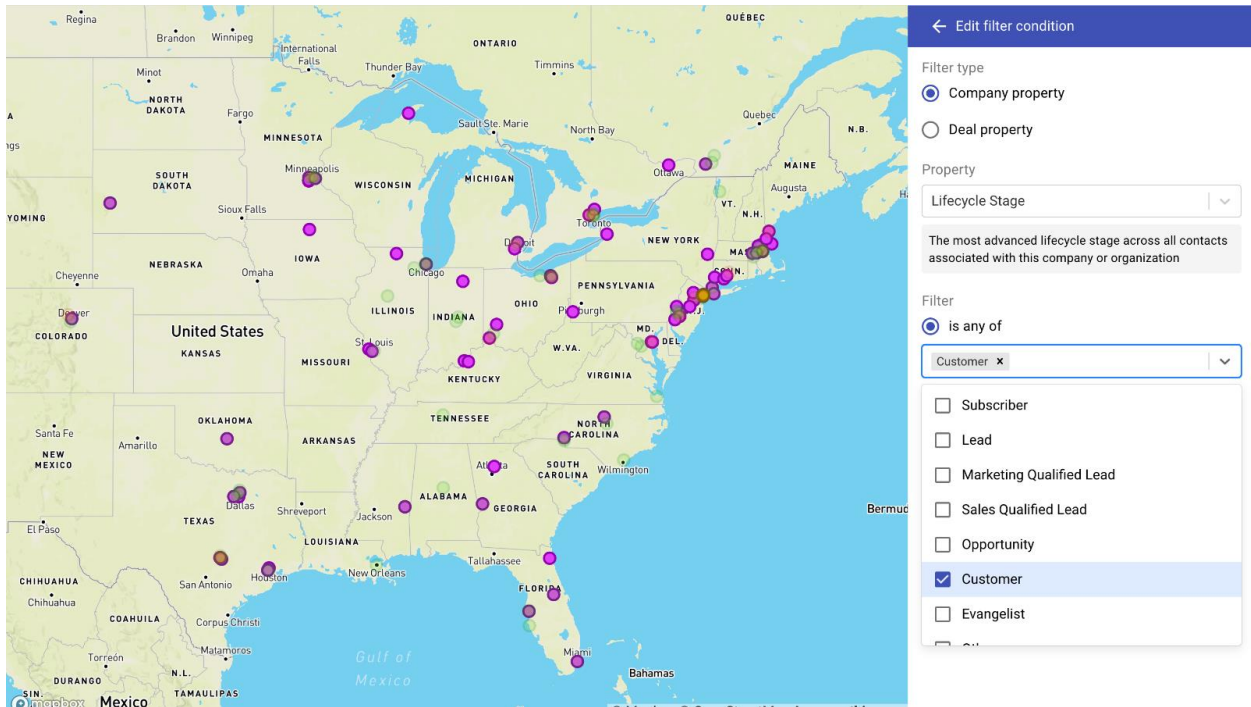


108. The registry for the CRM platform also includes addresses for the web services where the input symbolic names and output symbolic names can be sent to and received from. In the example below, the request URL includes an address for the GeoMapper web service “orgcharthub.com” where the input and output JSON data can be sent to and received from.



109. The CRM platform is configured to allow definition of a UI object corresponding to a web component for an input or output of a web service, for presentation on a display. For example, when the GeoMapper web service is opened on the CRM platform, UI objects for web

components such as a map image, points denoting customer locations, text fields and buttons for filters and other options, and customizable map areas can be defined for the GeoMapper web service.



110. When a UI object is defined, a symbolic name (e.g., JSON data) from the web component corresponding to the defined UI object is selected and associated with the defined UI object. The CRM platform then produces a device-independent application that includes the JSON data, as well as standard HTML, CSS and JavaScript code. The application is executed on a device together with a device-dependent player, such as a browser engine for a browser, or an operating system or application for a particular kind of device. *See, e.g., Shopify Inc. v. Express Mobile, Inc.*, Case No. 1:19-cv-00439-RGA, D. Del., D.I. 137. In the example below, a radio button and select list UI objects are used to set a filter condition for a company list search. The filter type “Company property” is associated with the symbolic name “filterFamily,” the property “Number of Employees” is associated with the symbolic name “property,” and the number “6” is associated with symbolic name “value.”

GeoMapper - Open GeoMapper

You are on the free plan. You have 99 locates left **UPGRADE**

← Edit filter condition

Filter type

- Company property
- Deal property

Property

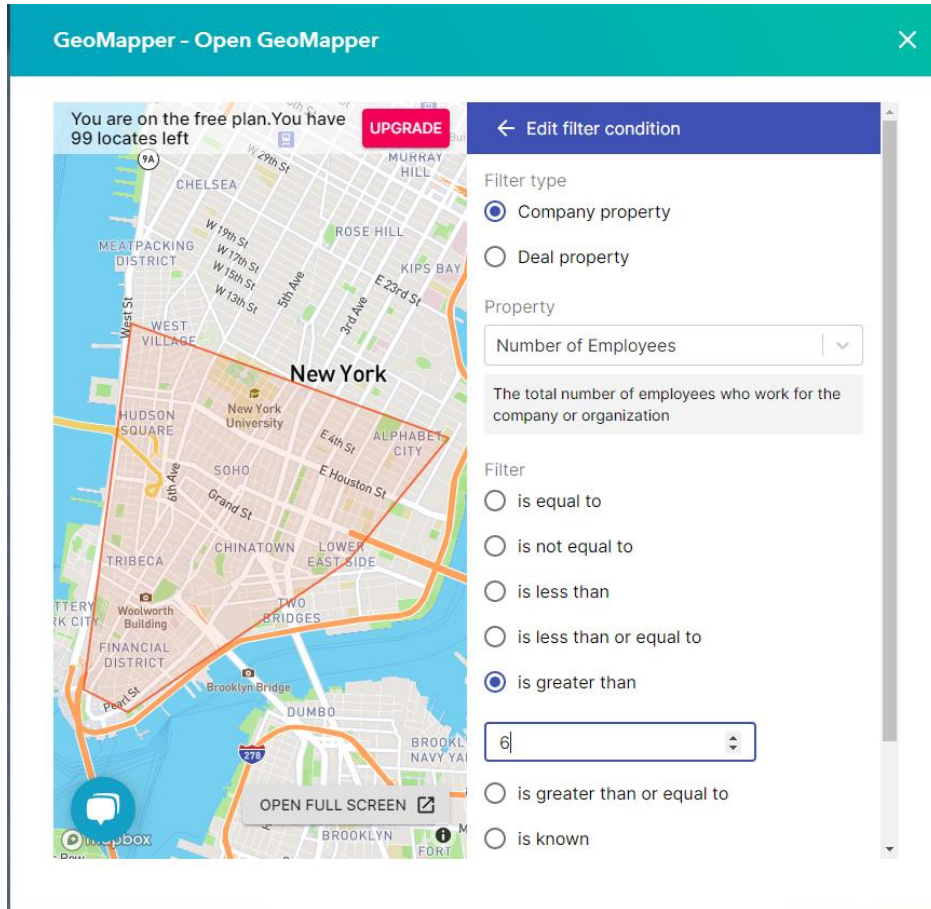
Number of Employees

The total number of employees who work for the company or organization

Filter

- is equal to
- is not equal to
- is less than
- is less than or equal to
- is greater than
- is greater than or equal to
- is known

6




```

▼ Request Payload view source
▼ {name: "Test Area 2", type: "company-list", markerColor: "#f4511e",...}
  ▼ filterAreas: [[{id: "5f31b794-e6ec-4d4e-9dd2-7c7227e4fd7c", label: "NYC Downtown 2", type: "polygon",...}]
    ▼ 0: {id: "5f31b794-e6ec-4d4e-9dd2-7c7227e4fd7c", label: "NYC Downtown 2", type: "polygon",...}
      ▼ feature: {id: "0a872bff581f312bf1e3639bea8a8708", type: "Feature", properties: {}, geometry: {,...}}
        ▼ geometry: {,...}
          ▼ coordinates: [[[-74.00970395250542, 40.735025937498705], [-74.01488213527287, 40.70478879722117],...]]
            ▼ 0: [[-74.00970395250542, 40.735025937498705], [-74.01488213527287, 40.70478879722117],...]]
              ▶ 0: [-74.00970395250542, 40.735025937498705]
              ▶ 1: [-74.01488213527287, 40.70478879722117]
              ▶ 2: [-74.0100570104217, 40.70291524827303]
              ▶ 3: [-73.98616675810959, 40.71531537787743]
              ▶ 4: [-73.9751042767435, 40.725572732404544]
              ▶ 5: [-74.00970395250542, 40.735025937498705]
                type: "Polygon"
                id: "0a872bff581f312bf1e3639bea8a8708"
                properties: {}
                type: "Feature"
                id: "5f31b794-e6ec-4d4e-9dd2-7c7227e4fd7c"
                label: "NYC Downtown 2"
                type: "polygon"
          filters: [[{update-path: [0, 0], propertyObjectType: "COMPANY", property: "numberofemployees", value: 6,...}]
            ▼ 0: [{update-path: [0, 0], propertyObjectType: "COMPANY", property: "numberofemployees", value: 6,...}]
              ▼ 0: {update-path: [0, 0], propertyObjectType: "COMPANY", property: "numberofemployees", value: 6,...}
                filterFamily: "CompanyPropertyValue"
                operator: "GT"
                property: "numberofemployees"
                propertyObjectType: "COMPANY"
                type: "number"
                ▶ update-path: [0, 0]
                value: 6
                markerColor: "#f4511e"
                name: "Test Area 2"
                type: "company-list"

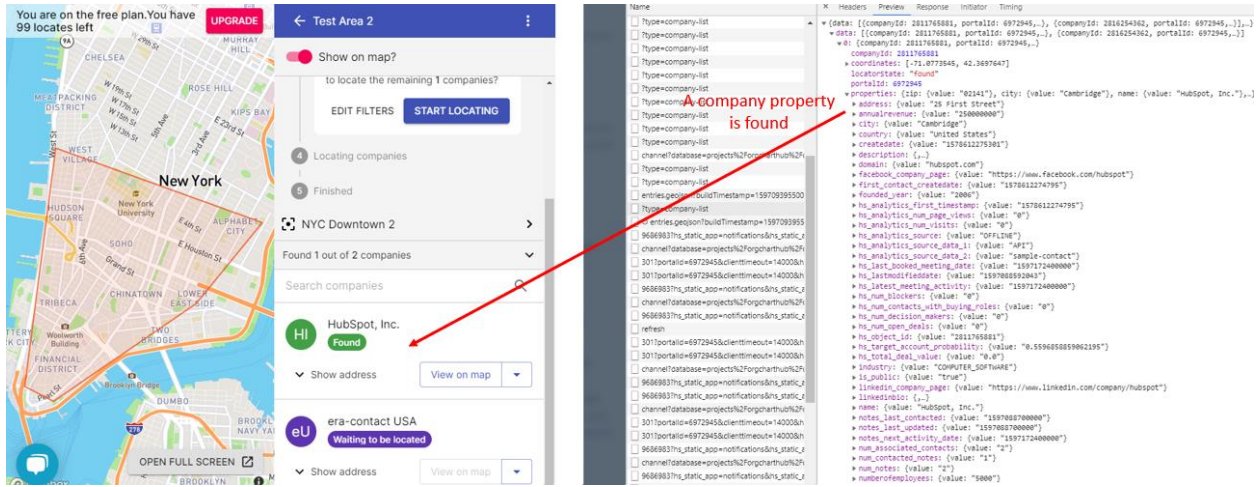
```

User drawing area

User selected filter condition

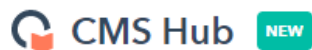
112. The input symbolic name is utilized by the GeoMapper web service to generate an output value with an associated output symbolic name (e.g., JSON data for the output). The player then provides instructions to the display of the device to render and present the output value. For example, based on a user-input conditions such as a specific map area and a filter condition, the GeoMapper web service can generate and transmit to the CRM platform, in the format of JSON dataset, information about business contacts matching the user input conditions. In the example below, the company “HubSpot, Inc.” is found as a business contact matching the user-input

conditions, and its information (e.g., company name, address, website, founded year, etc.) is displayed in JSON data format.



The CMS Platform:

113. The Accused Instrumentalities infringe at least claim 12 of the ‘755 patent through a combination of features that collectively practice each claimed limitation of claim 12. By way of example, the Accused Instrumentalities provide the CMS Hub website builder platform, which allows users to “build [websites] using flexible themes and content structures” and “easily edit and create pages on their own.”



Power your website with a CMS that makes it easy to grow better.

Developers build using flexible themes and content structures. Marketers easily edit and create pages on their own. Customers get a personalized, secure experience. With CMS Hub, everyone wins.

[Get a demo](#)

[Start 14-day free trial](#)

<https://www.hubspot.com/products/cms>

114. The CMS platform includes a registry of web components related to inputs and outputs of web services, with each web component including a plurality of corresponding symbolic names for inputs and outputs. On information and belief, HubSpot CMS websites are supported by a Content Delivery Network (CDN), which includes web components and symbolic names for inputs and outputs of web services, allowing users and visitors to quickly access content.

CDN, Security, Performance

Last updated: June 17, 2020

HubSpot's CMS is one of the most advanced and optimized content management systems on the market. Because the HubSpot CMS is a SaaS solution, we handle **security, reliability**, maintenance and more, so your team can focus on writing code and creating delightful user experiences.

Content Delivery Network (CDN)

The HubSpot CMS's globally distributed Content Delivery Network will ensure lightning-fast page load times regardless of where your visitors are. No configuration, setup, or additional accounts are required to take advantage of the CDN for hosting media or pages. The system takes care of distribution and cache invalidation for you so you can focus on building a great site while a web application firewall and built-in security measures provide peace of mind against online attacks.

<https://developers.hubspot.com/docs/cms/developer-reference/cdn>

115. Web services supported on the CMS platform include third-party CMS applications such as Instagram, YouTube, and GeoMapper that may be integrated on CMS websites.

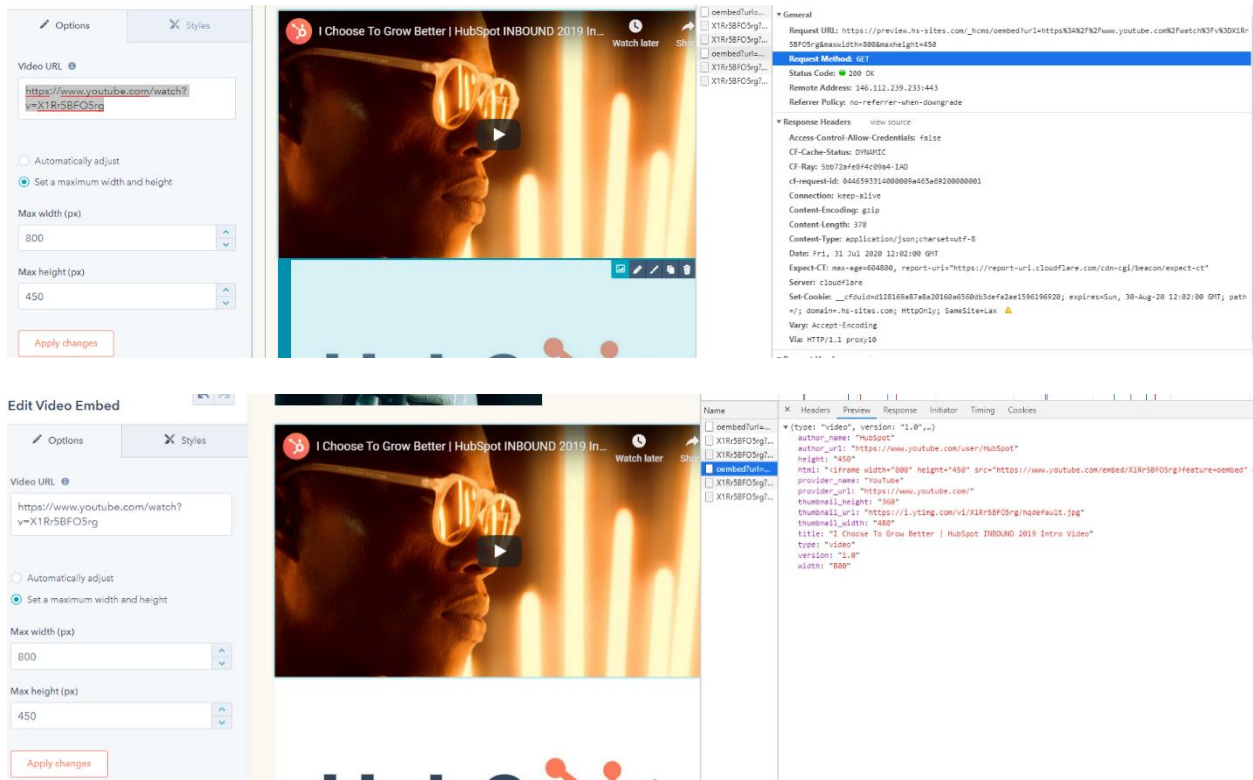
Integrate and grow without the pesky plugins.

Add even more power to your website. Access dozens of CMS applications that you know and love. [Explore CMS apps →](#)



<https://www.hubspot.com/products/cms>

116. In the example, a video for the YouTube CMS application (i.e., a web service) is embedded in a web page with the customized video URL <https://www.youtube.com/watch?v=X1Rr5BFO5rg>, a maximum width of “800” pixels, and a maximum height of “450” pixels. The video URL, maximum width, and maximum height constitute user inputs that are sent to HubSpot’s server via a HTTP GET call for requesting the video content from the YouTube web service. In response, HubSpot’s CDN “cloudflare” server sends a JSON file comprising a plurality of key/value pairs (i.e., symbolic names) that describe the information for the requested video, after which the embedded video can be played on the web page. For example, the key “provider_name” (a symbolic name) is paired with the value “YouTube,” and the key “height” (a symbolic name) is paired with the value “450.”



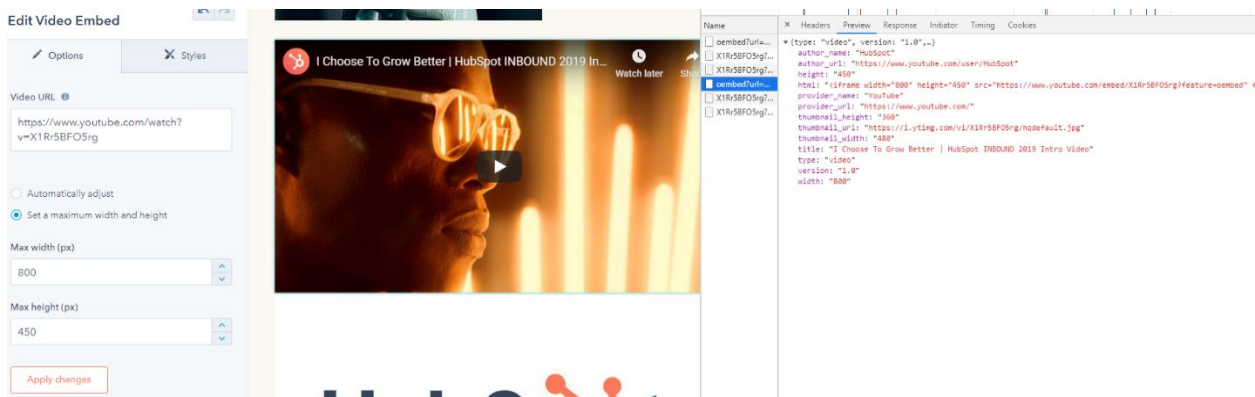
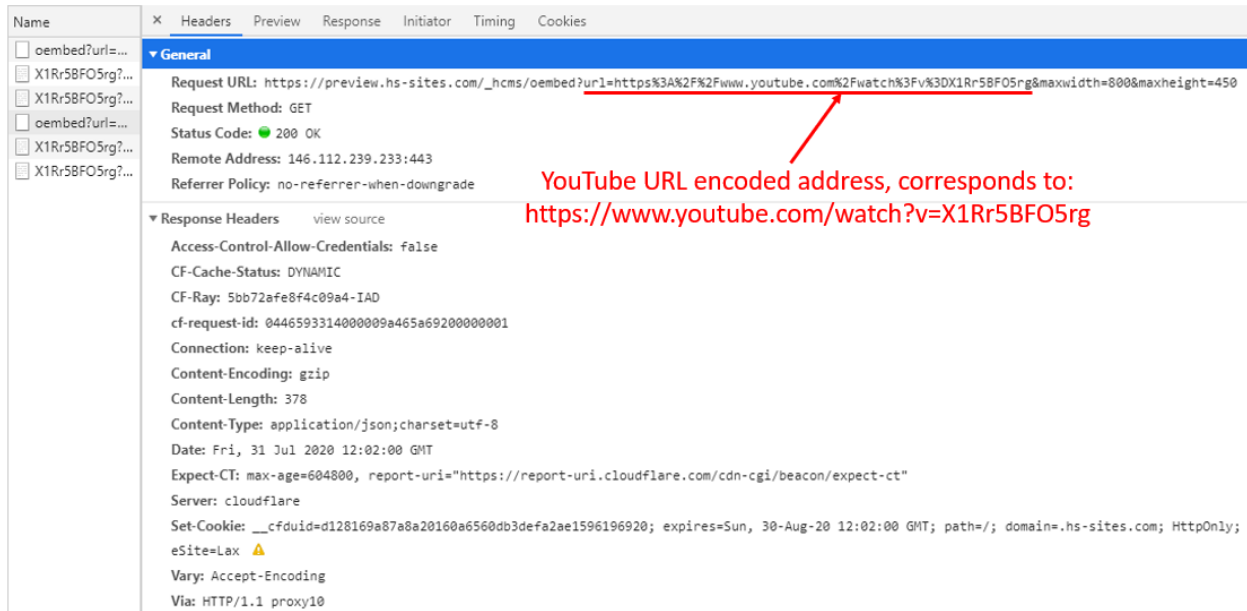
117. To store and transmit data for the web services (e.g., the CMS applications), the CMS platform employs JSON data to evoke web components and to communicate inputs and outputs for the web services. JSON data comprise key/value pairs that are essentially character strings (i.e., symbolic names) with no persistent address or pointer, as shown in the exemplary JSON data key/value pairs for the YouTube web service.

```

{type: "video", version: "1.0",...}
  author_name: "HubSpot"
  author_url: "https://www.youtube.com/user/HubSpot"
  height: "450"
  html: "<iframe width=800 height=450 src=https://www.youtube.com/embed/X1Rr5BF05rg?feature=oembed frameborder=0 allow=accelerometer; auto
  provider_name: "YouTube"
  provider_url: "https://www.youtube.com/"
  thumbnail_height: "360"
  thumbnail_url: "https://i.ytimg.com/vi/X1Rr5BF05rg/hqdefault.jpg"
  thumbnail_width: "480"
  title: "I Choose To Grow Better | HubSpot INBOUND 2019 Intro Video"
  type: "video"
  version: "1.0"
  width: "800"
    
```

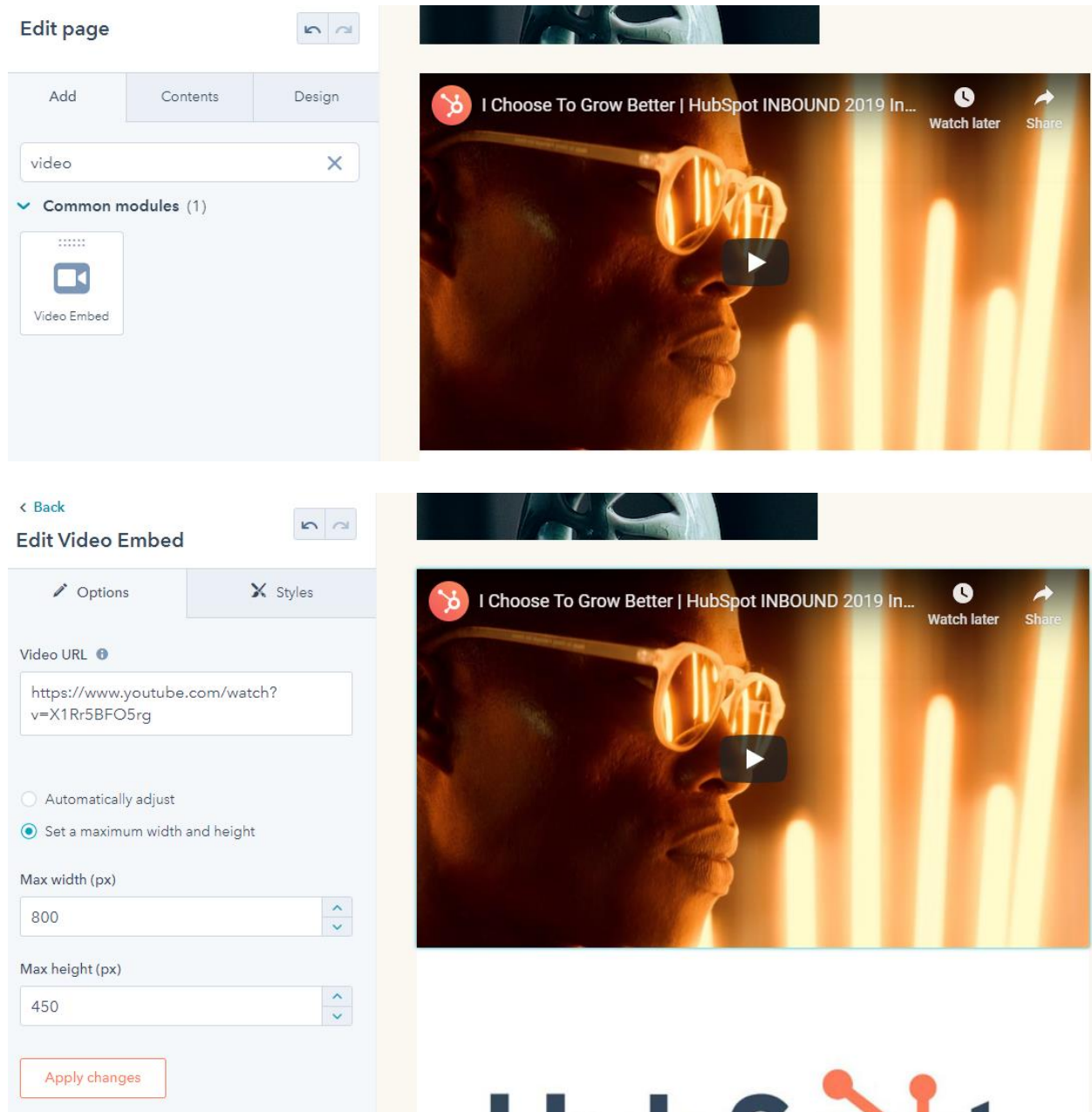
118. The registry for the Accused Instrumentalities also includes addresses for the web services where the input symbolic names and output symbolic names can be sent to and received from. For example, the screenshot below shows a request URL requesting a video from the

YouTube web service, with the video URL “https://www.youtube.com/watch?v=X1Rr5BFO5rg” embedded in the request URL being the address of the YouTube video. In the JSON dataset, the video URL is associated with the symbolic name “html” to show the source of the video contents, and “https://www.youtube.com/” is associated with the symbolic name “provider_url” to show the address of the video content provider.



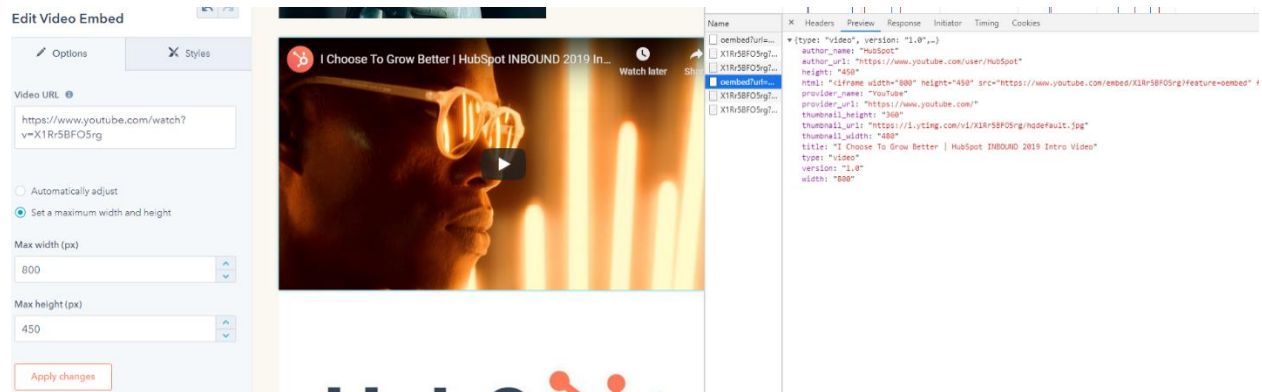
119. The CMS platform defines UI objects corresponding to web components for web services. For example, when a “Video Embed” module is added to a web page for the YouTube

web service, UI objects for corresponding web components such as a video URL, maximum height, and maximum width are defined for the YouTube web service.



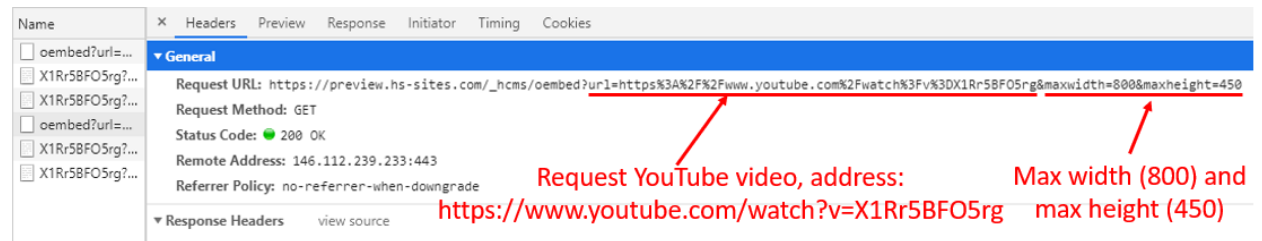
120. When a UI object is defined, a symbolic name (e.g., JSON data) from the web component corresponding to the defined UI object is selected and associated with the defined UI object. In the example below, a JSON dataset is used to define a YouTube video component

embedded in a web page. The JSON dataset comprises user selected settings (e.g., video URL, maximum width and height) and additional information for the video object. The user selected settings and information for the video are formatted as key/value pairs in which the keys constitute symbolic names for the values.

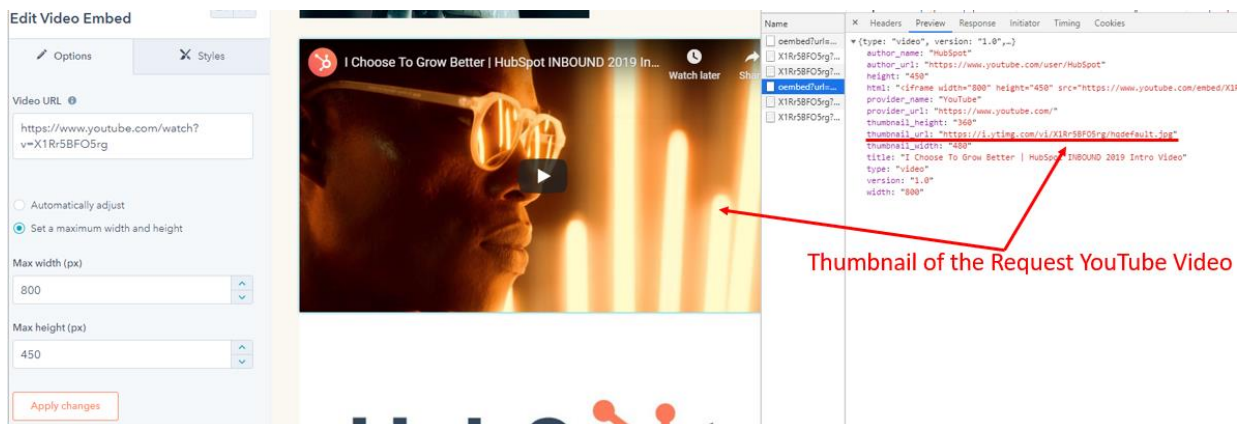


121. The Accused Instrumentalities then produce a device-independent application that includes the JSON data, as well as standard HTML, CSS and JavaScript code. The application is executed on a device together with a device-dependent player, such as a browser engine for a particular browser, or an operating system or application for a particular kind of device. *See, e.g., Shopify Inc. v. Express Mobile, Inc.*, Case No. 1:19-cv-00439-RGA, D. Del., D.I. 137.

122. When the CMS platform accepts an input value (e.g., a video URL or/and a maximum width and a maximum height) from a user for the video module, a corresponding input symbolic name (e.g., encoded URL request for the input) is transmitted to the YouTube web service through an HTTP request protocol, such as a GET method call.



123. The input symbolic name is utilized by the YouTube web service to generate an output value with an associated output symbolic name (e.g., JSON data for the output). The player then provides instructions to the display of the device to present the output value in the video module. For example, when a user enters a YouTube video URL into the video module, the YouTube web service generates and transmits a thumbnail of the requested YouTube video, through corresponding JSON data.



124. The presence of the above referenced features is demonstrated, by way of example, by testing the Accused Instrumentalities for investigative purposes on <https://www.hubspot.com/>, and by reference to publicly available information, including <https://www.hubspot.com/>, <https://www.hubspot.com/products/cms>, <https://www.hubspot.com/growth-stack/what-is-crm>, <https://www.hubspot.com/crm-implementation>, <https://knowledge.hubspot.com/resources/which-browsers-are-supported-by-hubspot>, <https://knowledge.hubspot.com/account/hubspot-cloud-infrastructure-frequently-asked-questions>, <https://developers.hubspot.com/docs/cms/developer-reference/cdn>, <https://developers.hubspot.com/docs/cms/building-blocks/themes>, <https://knowledge.hubspot.com/integrations/use-video-in-hubspot>, <https://knowledge.hubspot.com/cos-general/how-to-edit-hubdb-tables>,

<https://knowledge.hubspot.com/files/supported-file-types>,
https://legal.hubspot.com/hubfs/Downloadable_Legal_Docs/HubSpot_Your_Data_and_You.pdf
[?hsCtaTracking=3420634d-c28d-4c63-8c1c-9e2902de1dc8%7C979cdc8e-376e-4977-bc94-d1f6a3e938c2](https://legal.hubspot.com/hubfs/Downloadable_Legal_Docs/HubSpot_Your_Data_and_You.pdf?hsCtaTracking=3420634d-c28d-4c63-8c1c-9e2902de1dc8%7C979cdc8e-376e-4977-bc94-d1f6a3e938c2),
<https://app.hubspot.com/ecosystem/6972945/marketplace/apps/sales/sales-enablement/geomaptool-178602>,
<https://community.hubspot.com/t5/CRM/How-to-integrate-Google-Maps-to-Companies-Page/td-p/8633>, and <https://knowledge.hubspot.com/cos-pages-editor/adding-images-to-an-image-gallery-module>.

125. On information and belief, Defendant has had knowledge of the ‘755 patent and its infringement thereof at least as early as October 4, 2019, when Plaintiff provided notice of the ‘287 and ‘044 patents and Defendant’s infringement thereof, both of which identify on their face the ‘755 patent, and its issuance from a parent patent application of the ‘287 and ‘044 patents, and no later than August 31, 2020, when Plaintiff provided notice of the ‘755 patent, and Defendant’s infringement thereof. Furthermore, Defendant has been aware of the ‘755 patent and its infringement thereof since at least the filing of this complaint.

126. On information and belief, Defendant has contributed and is contributing to the infringement of the ‘755 patent because Defendant knows that the infringing aspects of its infringing products and services, including but not limited to the Accused Instrumentalities, are made for use in an infringement, and are not staple articles of commerce suitable for substantial non-infringing uses.

127. On information and belief, Defendant has induced and is inducing the infringement of the ‘755 patent, with knowledge of the ‘755 patent and that its acts, including without limitation using, offering to sell, selling within, and importing into the United States, the

Accused Instrumentalities, would aid and abet and induce infringement by customers, clients, partners, developers, and end users of the foregoing.

128. In particular, Defendant's actions that aid and abet others such as customers, clients, partners, developers, and end users to infringe include advertising and distributing the Accused Instrumentalities, providing instructional materials, training, and others services regarding the Accused Instrumentalities, and providing free base products and services relating to the Accused Instrumentalities designed to be upgraded for additional capabilities by, for example, encouraging users to "Get HubSpot free... Get Started with FREE tools, and upgrade as you grow." (See, e.g., <https://www.hubspot.com/>.) Defendant actively encourages the adoption of the Accused Instrumentalities and provides support sites for the vast network of developers working with the Accused Instrumentalities, emphasizing the user-friendly nature and diverse capabilities provided by the Accused Instrumentalities, explaining that the HubSpot CRM platform provides "[e]verything you need to organize, track, and build better relationships with leads and customers. Yes, it's 100% free. Forever" and that the HubSpot CMS platform provides "[c]ontent management software that's flexible for marketers, powerful for developers, and gives customers a personalized, secure experience." (See, e.g., <https://www.hubspot.com/>.) On information and belief, Defendant has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendant has had actual knowledge of the '755 patent and knowledge that their acts were inducing infringement of the '755 patent since at least the date Defendant received notice that its activities infringed the '755 patent.

129. Defendant's acts of infringement have caused damage to Plaintiff, and Plaintiff is entitled to recover damages from Defendant in an amount subject to proof at trial.

130. Defendant's infringement of Plaintiff's rights under the '755 patent will continue to damage Plaintiff's business, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

131. On information and belief, Defendant has acted with disregard of Plaintiff's patent rights, without any reasonable basis for doing so, and has willfully infringed and does willfully infringe the '755 patent.

132. The foregoing is illustrative of Defendant's infringement of the '755 patent. Plaintiff reserves the right to identify additional claims and Accused Instrumentalities in accordance with the Court's local rules and applicable scheduling orders.

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

133. Plaintiff incorporates by reference paragraphs 1 to 132 above as if fully set forth herein.

134. On information and belief, Defendant has infringed and is infringing the '287 patent under 35 U.S.C. § 271, either literally and/or under the doctrine of equivalents, directly and/or indirectly.

135. On information and belief, Defendant has infringed and is infringing the '287 patent by performing, without authority, one or more of the following acts: making, using, offering to sell, selling within, and importing into, the United States products and services that practice the claimed inventions of the '287 patent, including but not limited to the HubSpot CRM platform (the "CRM" platform) and the HubSpot CMS Hub website builder platform (the "CMS" platform), previously known as HubSpot CMS (collectively the "Accused Instrumentalities").

The CRM Platform:

136. The CRM platform infringes at least claim 15 of the '287 patent through a combination of features that collectively practice each claimed limitation of claim 15.

137. By way of example, the CRM platform provides a Customer Relationship Management (CRM) platform that allows users to manage relationships with business contacts (e.g., employees, customers, or partners).

What is a CRM?

A CRM, by its very name, is a **system for managing relationships with your customers.**

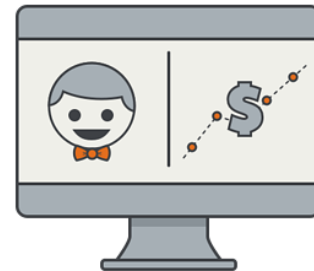
For most businesses, their most valuable and important asset is their customers. In the early days at a lot of companies, the details about those customers -- who they are, how they've interacted with your organization -- are spread out in many different places. The CEO's brain, a sales rep's inbox, the accountant's stack of invoices.

As a business grows, it quickly becomes necessary to have one central place where all of this information lives.

Your team will be slowed down without quick answers to important questions. Who are our customers? How do we get in touch with them? How do they interact with our content? What does our pipeline of new business look like?

Your prospects and customers will feel the pain when your team isn't on the same page. From their perspective, they have a relationship with one company, not a collection of different people and departments. Everyone on your team needs context about every customer's needs, wants, and current state, so they can pick up the conversation where it left off.

These are the problems that CRM systems are designed to solve. With one central place to organize all the details of your leads and customers, it's easy for everyone on your team to gain insight into the state of your business, and the status of every customer relationship.



<https://www.hubspot.com/growth-stack/what-is-crm>

138. The CRM platform displays content through a device that has a device-dependent player, such as a browser engine for a specific browser, or an operating system or application for a particular kind of device. *See, e.g., Shopify Inc. v. Express Mobile, Inc.*, Case No. 1:19-cv-00439-RGA, D. Del., D.I. 137. For example, CRM websites can be created and displayed on modern browsers such as Google Chrome, Mozilla Firefox, Microsoft Edge, and Internet Explorer.

Browsers supported by HubSpot

Last updated: January 6, 2020

A supported web browser is required for full functionality of HubSpot's features.

Please note: the supported browsers listed here apply to using HubSpot tools, not public-facing content. Browser support for content created in and hosted by HubSpot will vary depending on the HTML, CSS, and JavaScript used on your website.

Windows-supported browsers

- Google Chrome (latest version)
- Mozilla Firefox (latest version)
- Microsoft Edge (latest version; not supported by the calling tool)
- Internet Explorer 11*

* Microsoft recommends using Microsoft Edge as your default browser, and supports Internet Explorer 11 for backward compatibility. Versions of Internet Explorer 10 and below are not supported by HubSpot, because they are not fully supported by Microsoft.

When you have [Compatibility View](#) turned on in Internet Explorer 11, HubSpot's unsupported browser warnings will display as IE 11 is acting as an older browser. To resolve this error, turn off Compatibility View.

Mac-supported browsers

- Google Chrome (latest version)
- Safari (latest version; not supported by the calling tool)
- Mozilla Firefox (latest version)

<https://knowledge.hubspot.com/resources/which-browsers-are-supported-by-hubspot>

139. The CRM platform defines a UI object for presentation on the display, the UI object corresponding to a web component included in a registry of one or more web components selected from an input of a web service and an output of a web service. In particular, the CRM platform is supported by Amazon Web Services (AWS), which on information and belief provides a registry including web components for inputs and outputs of web services to support CRM websites.

Data Hosting

The HubSpot platform is hosted in trusted third-party data center providers in the US, and the data stored by HubSpot is stored in the US. HubSpot partners with the world's leading data center providers in order to provide our services to you. Currently, the primary HubSpot infrastructure is hosted with Amazon Web Services in the US-East-1 region. Amazon Web Services maintains ISO 27001, SOC 2 Type II, and several other certifications to demonstrate the rigor of their hosting and infrastructure management program. Information about AWS certifications is available on the [AWS Security Compliance site](#).

https://legal.hubspot.com/hubfs/Downloadable_Legal_Docs/HubSpot_Your_Data_and_You.pdf?hsCtaTracking=3420634d-c28d-4c63-8c1c-9e2902de1dc8%7C979cdc8e-376e-4977-bc94-d1f6a3e938c2

140. Web services supported on the CRM platform include, for example, GeoMapper, which allows a user to locate and view business contacts and surrounding business prospects on an interactive map that can accept inputs and generate outputs.

How GeoMapper integrates with HubSpot

Works from within your HubSpot CRM

Access GeoMapper from any company or contact using the HubSpot CRM side-panel.

Everyone within your team can access maps with no extra logins to manage.

Locate companies and contacts using your HubSpot properties

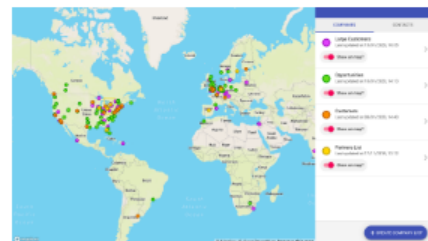
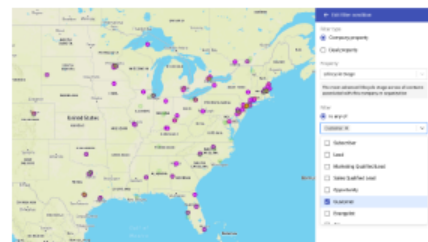
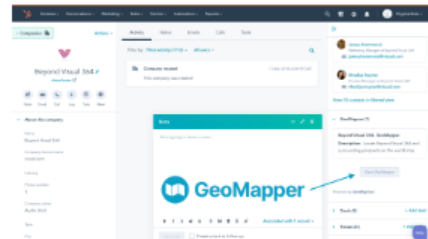
Create lists within GeoMapper to finally get visibility on where your companies and contacts are located.

Find opportunities near customers you plan on visiting to make the most out of your business trips.

Locate

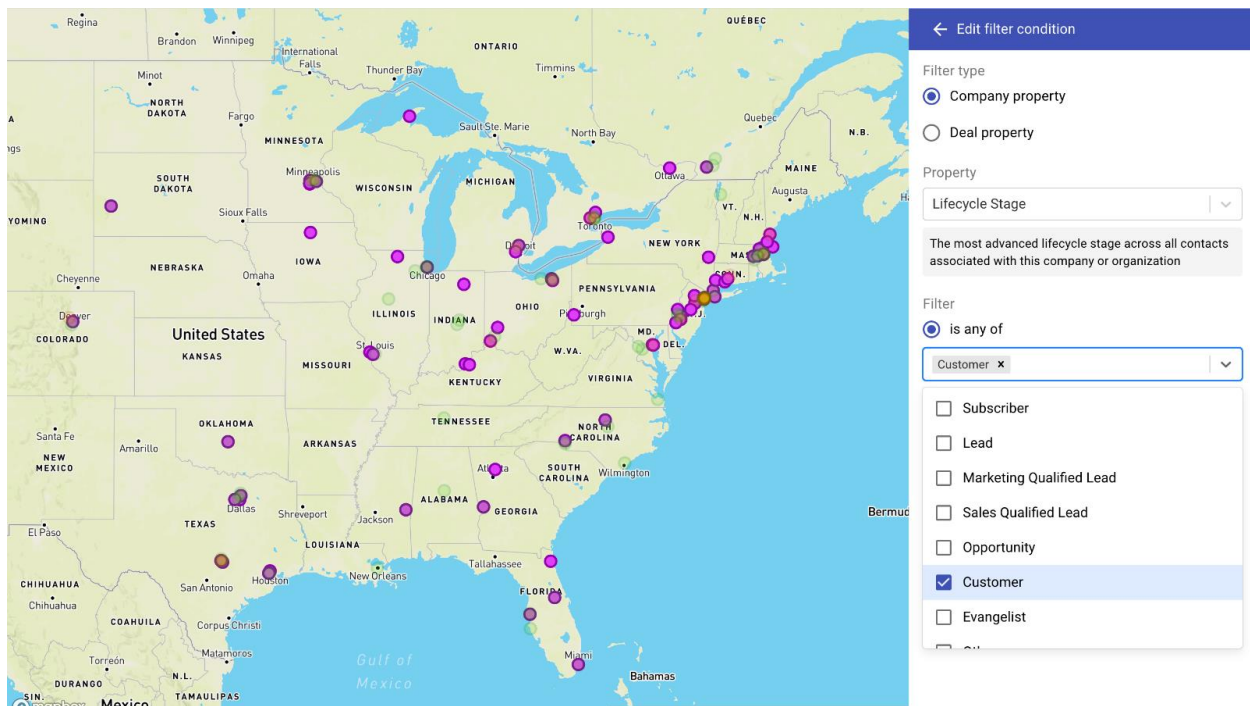
Now you've located the companies and contacts that are important to you...

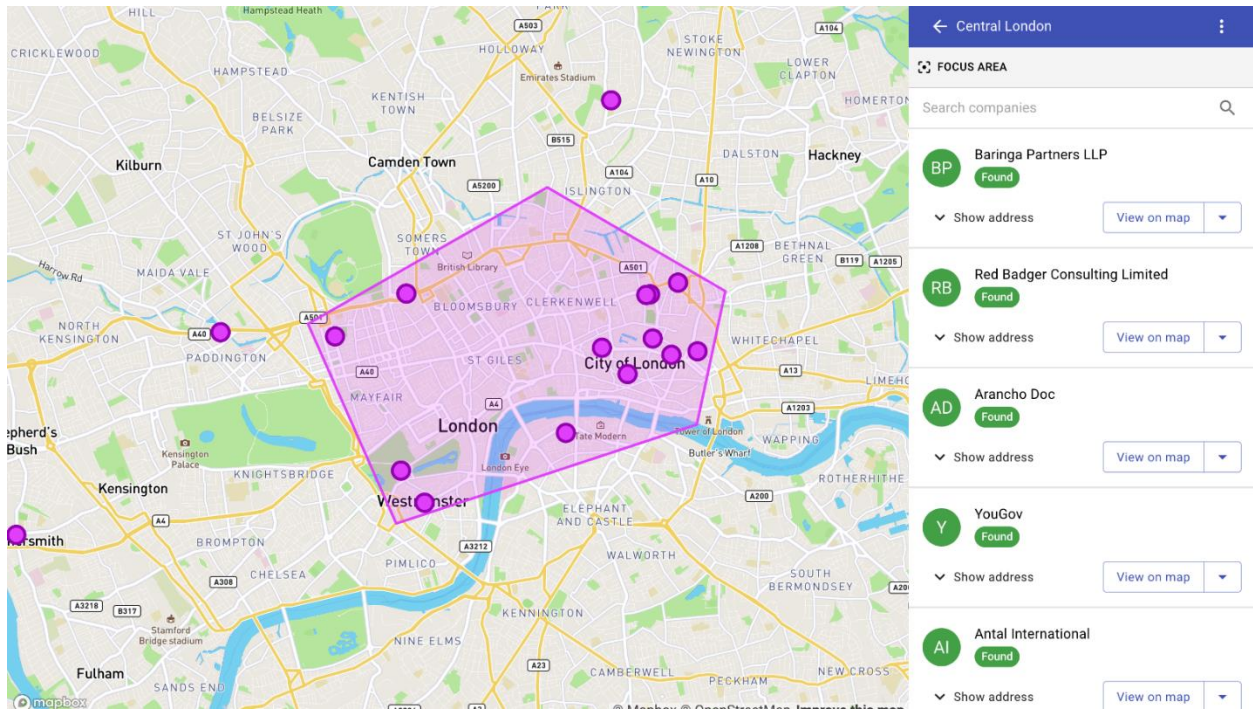
- Your sales team can make the most of their business trips
- Your marketing team can execute on localized campaigns
- Your customer success team can invite relevant customers to local events



<https://app.hubspot.com/ecosystem/6972945/marketplace/apps/sales/sales-enablement/geomaptool-178602>

141. For example, when the GeoMapper web service is opened on the CRM platform, UI objects for web components such as a map image, points denoting customer locations, text fields and buttons for filters and other options, and customizable map areas can be defined for the GeoMapper web service.





142. To store and transmit data for the GeoMapper web service, the CRM platform employs JSON data to evoke web components and to communicate inputs and outputs for the GeoMapper web service. JSON data comprise key/value pairs that include character strings (i.e., symbolic names) with no persistent address or pointer. For example, when GeoMapper is opened on a web page for a business contact, a user can define an area on the map as a filter area and configure a filter condition. The user-defined map area and user-selected filter condition are transmitted in the format of JSON dataset to the GeoMapper web service with a simple HTTP POST request. On information and belief, the JSON data (i.e., symbolic names) for inputs and outputs for GeoMapper are also located in the AWS registry described above.

GeoMapper - Open GeoMapper ✕

You are on the free plan. You have **99 locates left** UPGRADE

← Edit filter condition

Filter type

- Company property
- Deal property

Property


Number of Employees ▾

The total number of employees who work for the company or organization

Filter

- is equal to
- is not equal to
- is less than
- is less than or equal to
- is greater than
- is greater than or equal to
- is known

▾



OPEN FULL SCREEN ↗

▼ Request Payload [view source](#)

```

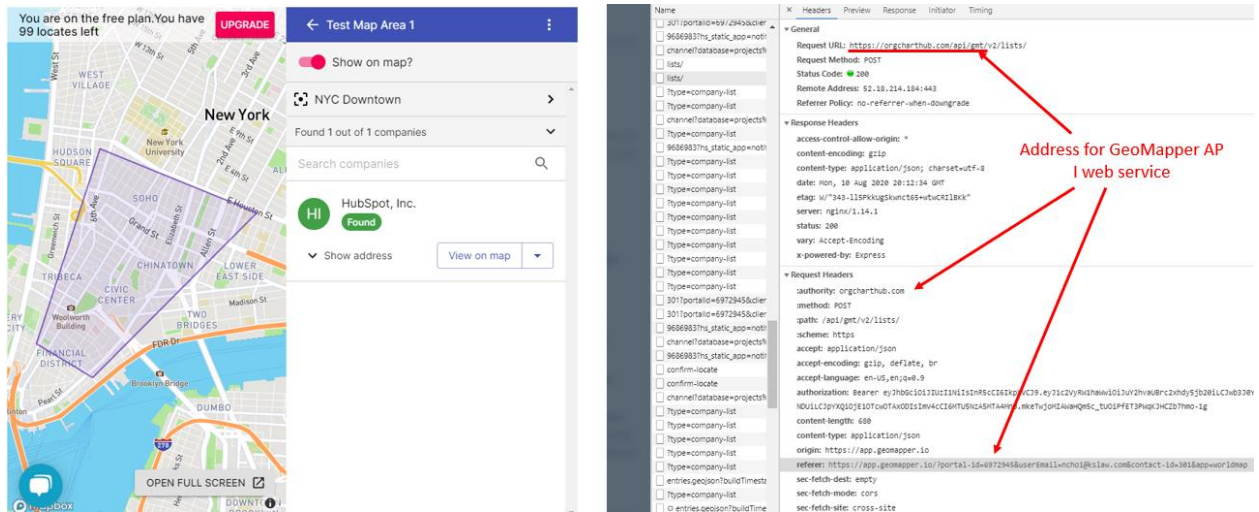
{name: "Test Area 2", type: "company-list", markerColor: "#f4511e",...}
  ▼ filterAreas: [{id: "5f31b794-e6ec-4d4e-9dd2-7c7227e4fd7c", label: "NYC Downtown 2", type: "polygon",...}]
    ▼ 0: {id: "5f31b794-e6ec-4d4e-9dd2-7c7227e4fd7c", label: "NYC Downtown 2", type: "polygon",...}
      ▼ feature: {id: "0a872bff581f312bf1e3639bea8a8708", type: "Feature", properties: {}, geometry: {,...}}
        ▼ geometry: {,...}
          ▼ coordinates: [[[-74.00970395250542, 40.735025937498705], [-74.01488213527287, 40.70478879722117],...]]
            ▼ 0: [[-74.00970395250542, 40.735025937498705], [-74.01488213527287, 40.70478879722117],...]]
              ▶ 0: [-74.00970395250542, 40.735025937498705]
              ▶ 1: [-74.01488213527287, 40.70478879722117]
              ▶ 2: [-74.0100570104217, 40.70291524827303]
              ▶ 3: [-73.98616675810959, 40.71531537787743]
              ▶ 4: [-73.9751042767435, 40.725572732404544]
              ▶ 5: [-74.00970395250542, 40.735025937498705]
              type: "Polygon"
              id: "0a872bff581f312bf1e3639bea8a8708"
              properties: {}
              type: "Feature"
              id: "5f31b794-e6ec-4d4e-9dd2-7c7227e4fd7c"
              label: "NYC Downtown 2"
              type: "polygon"
          type: "Polygon"
          id: "0a872bff581f312bf1e3639bea8a8708"
          properties: {}
          type: "Feature"
          id: "5f31b794-e6ec-4d4e-9dd2-7c7227e4fd7c"
          label: "NYC Downtown 2"
          type: "polygon"
    filters: [{update-path: [0, 0], propertyObjectType: "COMPANY", property: "numberofemployees", value: 6,...}]
      ▼ 0: [{update-path: [0, 0], propertyObjectType: "COMPANY", property: "numberofemployees", value: 6,...}]
        ▼ 0: {update-path: [0, 0], propertyObjectType: "COMPANY", property: "numberofemployees", value: 6,...}
          filterFamily: "CompanyPropertyValue"
          operator: "GT"
          property: "numberofemployees"
          propertyObjectType: "COMPANY"
          type: "number"
          update-path: [0, 0]
          value: 6
      markerColor: "#f4511e"
      name: "Test Area 2"
      type: "company-list"

```

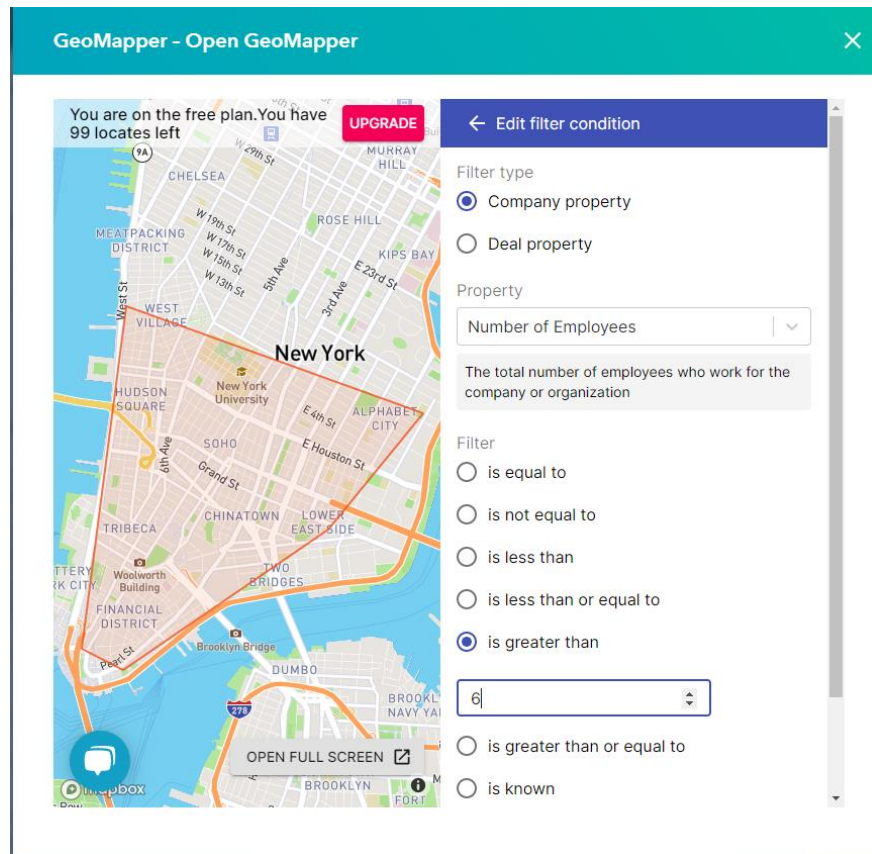
User drawing area

User selected filter condition

143. The registry for the CRM platform also includes addresses for the web services where the input symbolic names and output symbolic names can be sent to and received from. In the example below, the request URL includes an address for the GeoMapper web service “orgcharthub.com” where the input and output JSON data can be sent to and received from.



144. The defined UI objects described above are either selected by a user of an authoring tool or automatically selected by the CRM platform as preferred UI objects. For example, when the GeoMapper web service is integrated onto a CRM contact website, UI objects for web components such as map image, points denoting customer locations, text fields and radio buttons for filters and other options are automatically selected by the CRM platform as preferred UI objects.



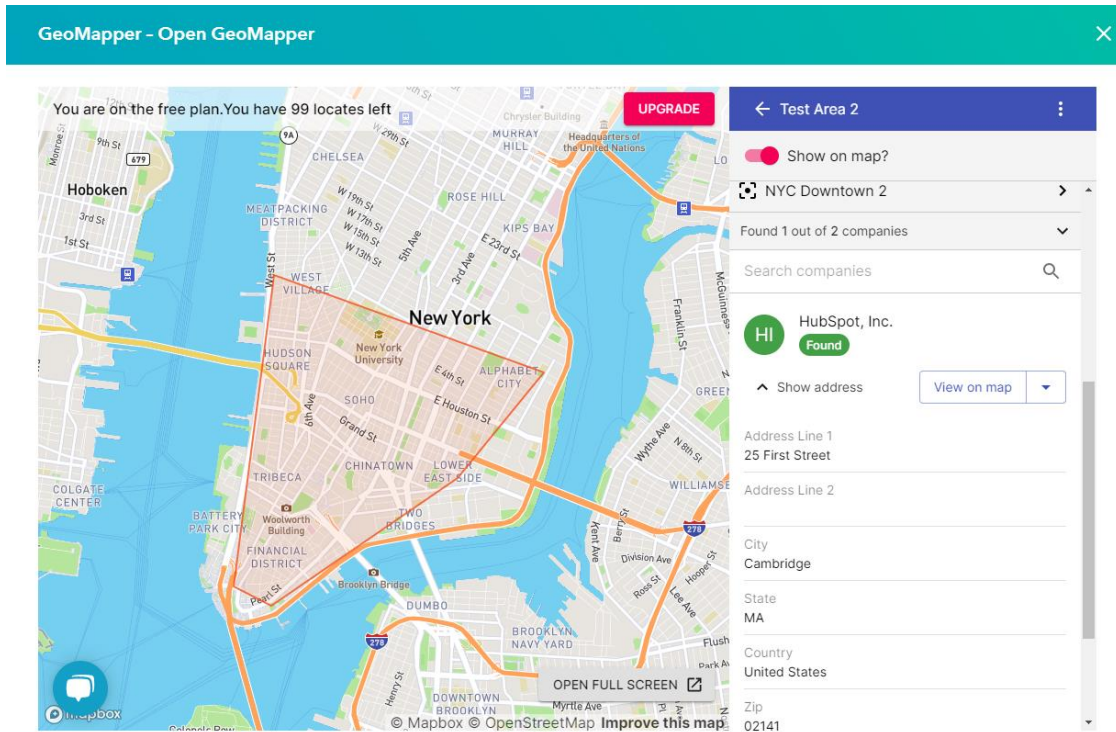
145. When a UI object is so defined, a symbolic name (e.g., JSON data) from the web component corresponding to the defined UI object is selected and associated with the defined UI object. The symbolic name has an associated data format class type corresponding to a subclass of UI objects that support the data format type of the symbolic name, and has the preferred UI object. For example, as shown below, when a user configures a filter condition, the radio button is the preferred UI object. The symbolic name “propertyObjectType” is associated with the radio button object “Company property” and the symbolic name “type” indicates the associated data format class type corresponding to a subclass of UI objects (e.g., radio button “is greater than” and select list “6”).


```

▼ Request Payload view source
▼ {name: "Test Area 2", type: "company-list", markerColor: "#f4511e",...}
  ▼ filterAreas: [{id: "5f31b794-e6ec-4d4e-9dd2-7c7227e4fd7c", label: "NYC Downtown 2", type: "polygon",...}]
    ▼ 0: {id: "5f31b794-e6ec-4d4e-9dd2-7c7227e4fd7c", label: "NYC Downtown 2", type: "polygon",...}
      ▼ feature: {id: "0a872bff581f312bfe3639bea8a8708", type: "Feature", properties: {}, geometry: {,...}}
        ▼ geometry: {,...}
          ▼ coordinates: [[[-74.00970395250542, 40.735025937498705], [-74.01488213527287, 40.70478879722117],...]]
            ▼ 0: [[-74.00970395250542, 40.735025937498705], [-74.01488213527287, 40.70478879722117],...]]
              ▶ 0: [-74.00970395250542, 40.735025937498705]
              ▶ 1: [-74.01488213527287, 40.70478879722117]
              ▶ 2: [-74.0100570104217, 40.70291524027303]
              ▶ 3: [-73.98616675810959, 40.71531537787743]
              ▶ 4: [-73.9751042767435, 40.725572732404544]
              ▶ 5: [-74.00970395250542, 40.735025937498705]
            type: "Polygon"
            id: "0a872bff581f312bfe3639bea8a8708"
            properties: {}
            type: "Feature"
            id: "5f31b794-e6ec-4d4e-9dd2-7c7227e4fd7c"
            label: "NYC Downtown 2"
            type: "polygon"
          User drawing area
        filters: [[[{update-path: [0, 0], propertyObjectType: "COMPANY", property: "numberofemployees", value: 6,...}]]]
          ▼ 0: [{update-path: [0, 0], propertyObjectType: "COMPANY", property: "numberofemployees", value: 6,...}]
            ▼ 0: {update-path: [0, 0], propertyObjectType: "COMPANY", property: "numberofemployees", value: 6,...}
              filterFamily: "CompanyPropertyValue"
              operator: "GT"
              property: "numberofemployees"
              propertyObjectType: "COMPANY"
              type: "number"
              ▶ update-path: [0, 0]
              value: 6
            User selected filter condition
          markerColor: "#f4511e"
          name: "Test Area 2"
          type: "company-list"

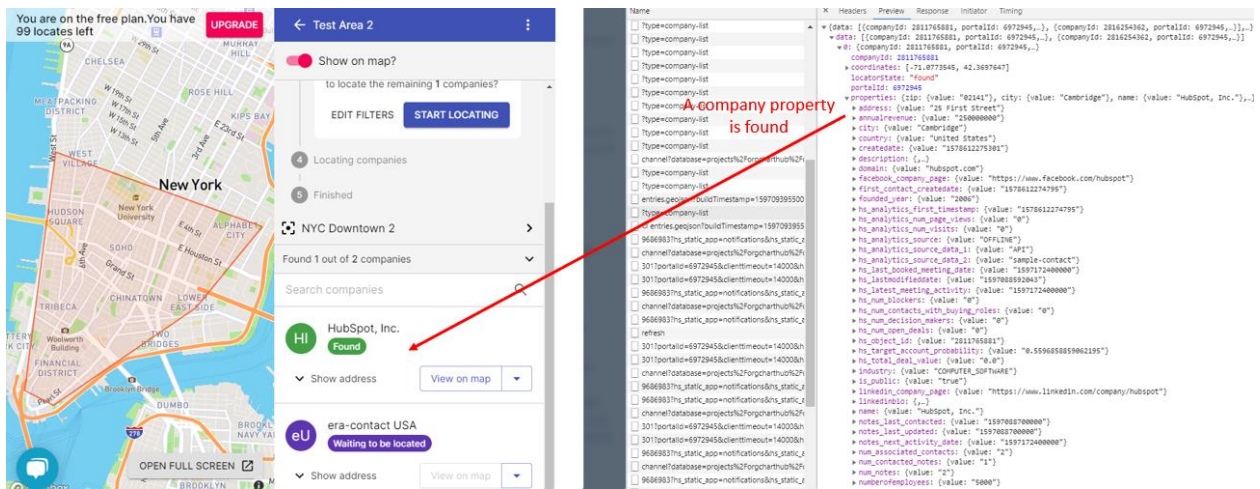
```

146. The CRM platform then produces a device-independent application that includes the JSON data, as well as standard HTML, CSS and JavaScript code. The application is executed on a device together with a device-dependent player, such as a browser engine for a specific browser, or an operating system or application for a particular kind of device. *See, e.g., Shopify Inc. v. Express Mobile, Inc.*, Case No. 1:19-cv-00439-RGA, D. Del., D.I. 137. In the example below, the CRM platform converts HTML, CSS, JavaScript, JSON (e.g., address of found company “HubSpot, Inc.”), and other files into an active web page.



147. When the application and player are executed on the device, an input value for the web service can be provided by a user. The device then provides the input value and a corresponding input symbolic name to the web service, which in turn generates an output value and a corresponding symbolic name for the output. By way of example, when the CRM platform's GeoMapper web service accepts an input value from a user (e.g., a user-drawn map area or a filter condition), a corresponding input symbolic name (e.g., JSON data for the input) is transmitted to the GeoMapper web service through an HTTP request protocol, such as a POST method call. The symbolic name "filterAreas" is associated with the user defined map area, and the symbolic name "filters" is associated with user selected filter condition.

148. The input symbolic name is utilized by the GeoMapper web service to generate an output value with an associated output symbolic name (e.g., JSON data for the output). The player then provides instructions to the display of the device to render and present the output value. For example, based on user-input conditions such as a specific map area and a filter condition, the GeoMapper web service can generate and transmit to the CRM platform, in the format of JSON dataset, information about business contacts matching the user input conditions. In the example below, the company “HubSpot, Inc.” is found as a business contact matching the user-input conditions, and its information (e.g., company name, address, website, founded year, etc.) is displayed in JSON data format.



The CMS Platform:

149. The CMS platform infringes claim 15 of the ‘287 patent through a combination of features that collectively practice each limitation of claim 15. By way of example, the CMS platform provides the CMS Hub website builder platform, which allows users to “build [websites] using flexible themes and content structures” and “easily edit and create pages on their own.”



Power your website with a CMS that makes it easy to grow better.

Developers build using flexible themes and content structures. Marketers easily edit and create pages on their own. Customers get a personalized, secure experience. With CMS Hub, everyone wins.

Get a demo

Start 14-day free trial

<https://www.hubspot.com/products/cms>

150. The CMS platform displays content through a device that has a device-dependent player, such as a browser engine for a particular browser, or an operating system or application for a particular kind of device. *See, e.g., Shopify Inc. v. Express Mobile, Inc.*, Case No. 1:19-cv-00439-RGA, D. Del., D.I. 137. For example, the CMS platform supports modern browsers such as Microsoft Internet Explorer, Mozilla's Firefox, Apple Safari, Google Chrome, and Opera, which use browser-dependent browser engines to generate and display content on the browser.

Browsers supported by HubSpot

Last updated: January 6, 2020

A supported web browser is required for full functionality of HubSpot's features.

Please note: the supported browsers listed here apply to using HubSpot tools, not public-facing content. Browser support for content created in and hosted by HubSpot will vary depending on the HTML, CSS, and JavaScript used on your website.

Windows-supported browsers

- Google Chrome (latest version)
- Mozilla Firefox (latest version)
- Microsoft Edge (latest version; not supported by the calling tool)
- Internet Explorer 11*

* Microsoft recommends using Microsoft Edge as your default browser, and supports Internet Explorer 11 for backward compatibility. Versions of Internet Explorer 10 and below are not supported by HubSpot, because they are not fully supported by Microsoft.

When you have [Compatibility View](#) turned on in Internet Explorer 11, HubSpot's unsupported browser warnings will display as IE 11 is acting as an older browser. To resolve this error, turn off Compatibility View.

Mac-supported browsers

- Google Chrome (latest version)
- Safari (latest version; not supported by the calling tool)
- Mozilla Firefox (latest version)

<https://knowledge.hubspot.com/resources/which-browsers-are-supported-by-hubspot>

151. The CMS platform defines a UI object for presentation on the display, where the UI object corresponds to a web component included in a registry of one or more web components selected from an input of a web service and an output of a web service, and each web component includes symbolic names of inputs and outputs associated with the web service. Web services that may be integrated on HubSpot CMS websites include third-party HubSpot CMS applications such as Instagram, YouTube, and GeoMapper.

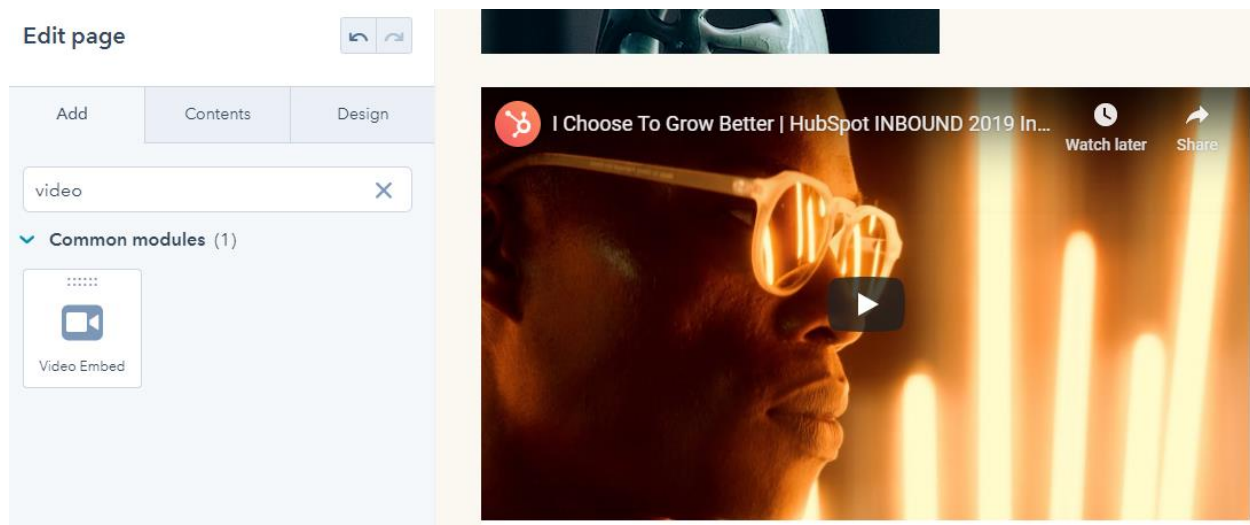
Integrate and grow without the pesky plugins.

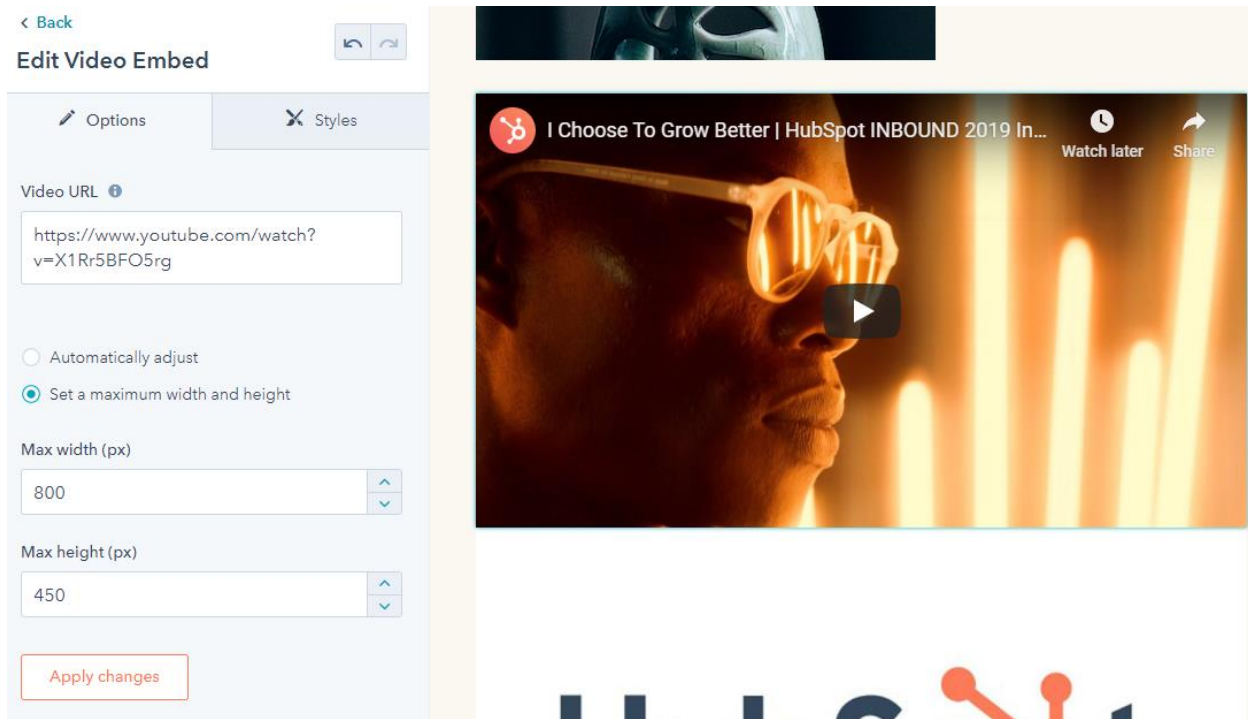
Add even more power to your website. Access dozens of CMS applications that you know and love. [Explore CMS apps →](#)



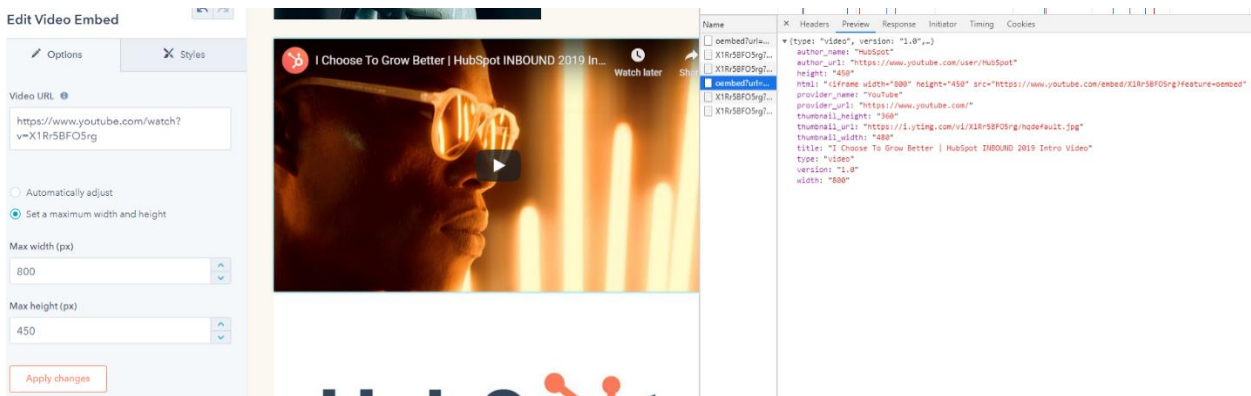
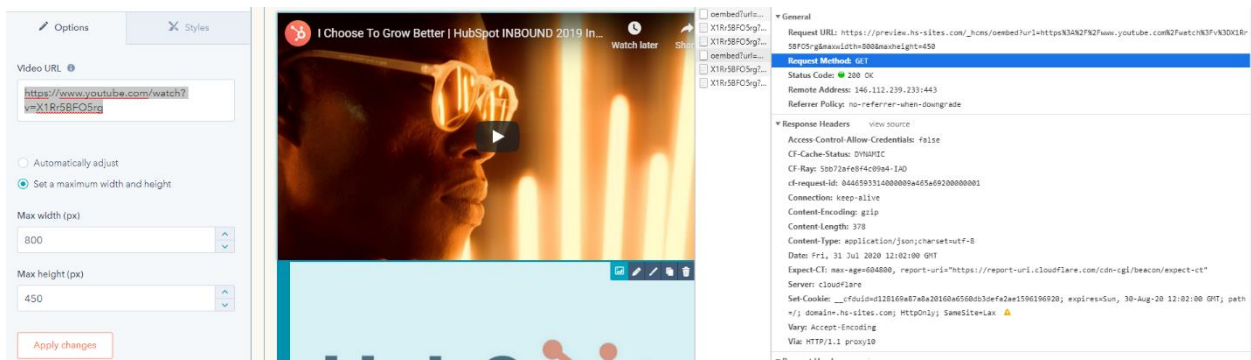
<https://www.hubspot.com/products/cms>

152. For example, when a “Video Embed” module is added to a HubSpot CMS website to embed the YouTube web service, UI objects corresponding to web components for the YouTube web service, such as a video URL, maximum height, or maximum width, are defined.





153. On information and belief, the web components are included in a registry in HubSpot’s CDN “cloudflare” server, which also includes a plurality of symbolic names for the inputs and outputs for YouTube. For example, the video URL, maximum width, and maximum height described above constitute user inputs that are sent to HubSpot’s server via a HTTP GET call for requesting the video content from the YouTube web service. In response, HubSpot’s CDN server sends a JSON file comprising symbolic names by way of a plurality of key/value pairs (i.e., symbolic names) that describe the information for the requested video, and the embedded video can then be played on the web page. In the example below, the key “provider_name” (a symbolic name) is paired with the value “YouTube,” and the key “height” (a symbolic name) is paired with the value “450.”



154. To store and transmit data for web services like YouTube, the CMS platform employs JSON data to evoke web components and to communicate inputs and outputs for the web services. As described above, JSON data comprise key/value pairs, that are essentially character strings (i.e., symbolic names) with no persistent address or pointer.

```

{type: "video", version: "1.0",...}
  author_name: "HubSpot"
  author_url: "https://www.youtube.com/user/HubSpot"
  height: "450"
  html: "<iframe width=800 height=450 src=https://www.youtube.com/embed/X1Rr5BF05rg?feature=oembed frameborder=0 allow=accelerometer; auto;
  provider_name: "YouTube"
  provider_url: "https://www.youtube.com/"
  thumbnail_height: "360"
  thumbnail_url: "https://i.ytimg.com/vi/X1Rr5BF05rg/hqdefault.jpg"
  thumbnail_width: "480"
  title: "I Choose To Grow Better | HubSpot INBOUND 2019 Intro Video"
  type: "video"
  version: "1.0"
  width: "800"
  
```

155. The registry for the CMS platform also includes addresses for the web services where the input symbolic names and output symbolic names can be sent to and received from. For example, the screenshot below shows a request URL requesting a video from the YouTube web service, with the video URL “https://www.youtube.com/watch?v=X1Rr5BF05rg” embedded in the request URL being the address of the YouTube video. In the JSON dataset, the video URL is associated with the symbolic name “html” to show the source of the video contents, and “https://www.youtube.com/” is associated with the symbolic name “provider_url” to show the address of the video content provider.

General

Request URL: https://preview.hs-sites.com/_hcms/oembed?url=https%3A%2Fwww.youtube.com%2Fwatch?v%3DX1Rr5BF05rg&maxwidth=800&maxheight=450

Request Method: GET

Status Code: 200 OK

Remote Address: 146.112.239.233:443

Referrer Policy: no-referrer-when-downgrade

Response Headers

Access-Control-Allow-Credentials: false

CF-Cache-Status: DYNAMIC

CF-Ray: 5bb72afe8f4c09a4-IAD

cf-request-id: 044659331400009a465a69200000001

Connection: keep-alive

Content-Encoding: gzip

Content-Length: 378

Content-Type: application/json;charset=utf-8

Date: Fri, 31 Jul 2020 12:02:00 GMT

Expect-CT: max-age=604800, report-uri="https://report-uri.cloudflare.com/cdn-cgi/beacon/expect-ct"

Server: cloudflare

Set-Cookie: __cfduid=d128169a87a8a20160a6560db3defa2ae1596196920; expires=Sun, 30-Aug-20 12:02:00 GMT; path=/; domain=.hs-sites.com; HttpOnly; eSite=Lax

Vary: Accept-Encoding

Via: HTTP/1.1 proxy10

YouTube URL encoded address, corresponds to:
<https://www.youtube.com/watch?v=X1Rr5BF05rg>

Edit Video Embed

Options Styles

Video URL <https://www.youtube.com/watch?v=X1Rr5BF05rg>

Automatically adjust

Set a maximum width and height

Max width (px): 800

Max height (px): 450

Apply changes

Headers

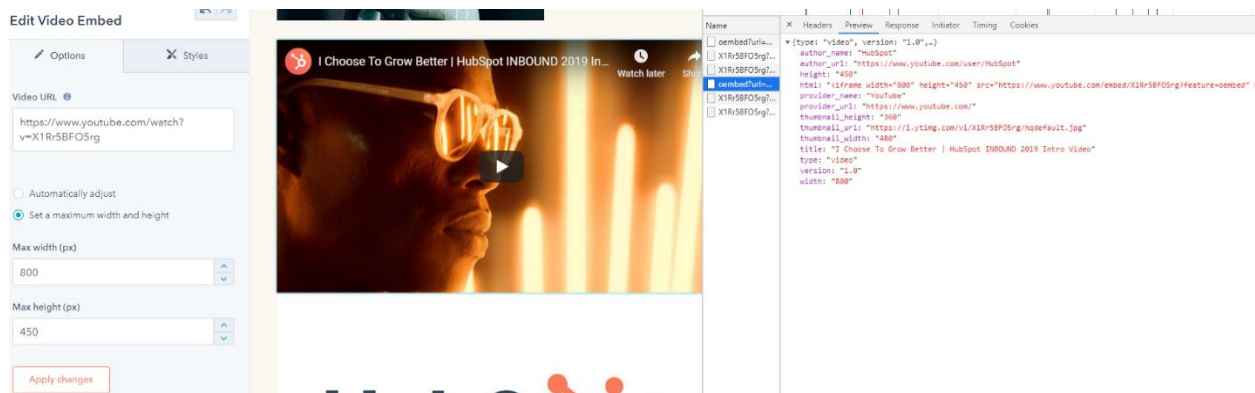
oembed?url=...
 X1Rr5BF05rg?...
 X1Rr5BF05rg?...
 oembed?url=...
 X1Rr5BF05rg?...
 X1Rr5BF05rg...

Response

```
{
  "type": "video",
  "version": "1.0",
  "author_name": "HubSpot",
  "author_url": "https://www.youtube.com/user/HubSpot",
  "height": "450",
  "html": "<iframe width=800 height=450 src=https://www.youtube.com/embed/X1Rr5BF05rg?feature=oembed...>",
  "provider_name": "YouTube",
  "provider_url": "https://www.youtube.com/",
  "thumbnail_height": "360",
  "thumbnail_url": "https://i.ytimg.com/vi/X1Rr5BF05rg/featuredefault.jpg",
  "thumbnail_width": "480",
  "title": "I Choose To Grow Better | HubSpot INBOUND 2019 Intro Video",
  "type": "video",
  "version": "1.0",
  "width": "800"
}
```

156. Each defined object is selected by a user of an authoring tool, or automatically selected by a system as a preferred UI object corresponding to a symbolic name of the web component selected by the user of the authoring tool. For example, when the maximum height and maximum width are defined for a video module for YouTube as described above, the settings for these UI objects may be automatically defined by the CMS platform as preferred settings or may be customized by the user.

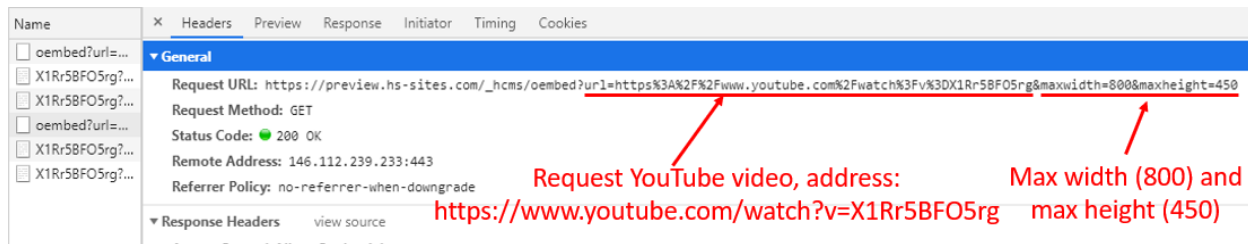
157. When a UI object is defined, a symbolic name (e.g., JSON data) from the web component corresponding to the defined UI object is selected and associated with the defined UI object. In the example below, a JSON dataset is used to define a YouTube video component embedded in a web page. The JSON dataset comprises user selected settings (e.g., video URL, maximum width and height) and additional information for the video object. The user selected settings and information for the video are formatted as key/value pairs in which the keys constitute symbolic names for the values. Further, the symbolic name has a data format class type corresponding to a subclass of UI objects that support the data format type of the symbolic name and has the preferred UI object.



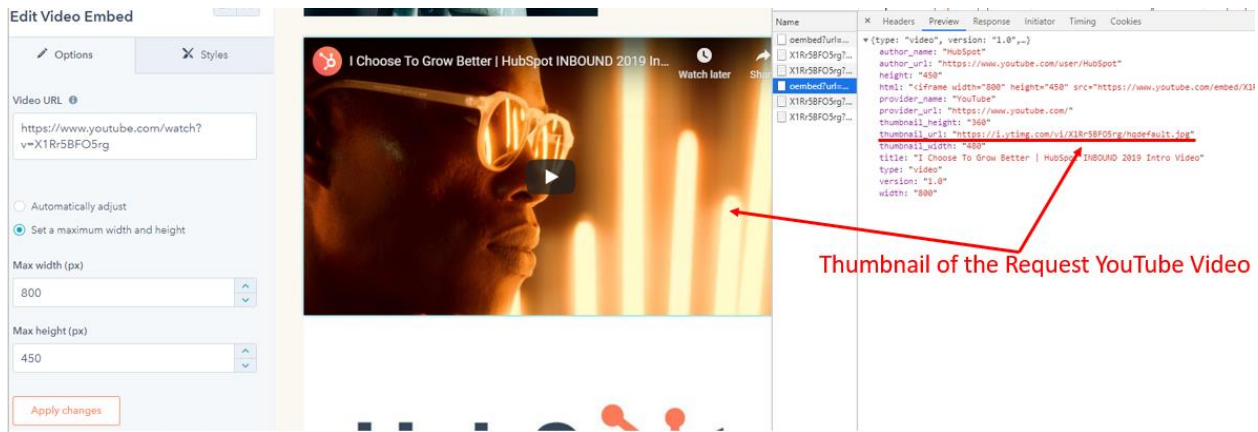
158. The CMS platform then produces a device-independent application that includes the JSON data, as well as standard HTML, CSS and JavaScript code. The application is executed

on a device together with a device-dependent player, such as a browser engine for a particular browser, or an operating system or application for a particular kind of device. *See, e.g., Shopify Inc. v. Express Mobile, Inc.*, Case No. 1:19-cv-00439-RGA, D. Del., D.I. 137.

159. When the CMS platform accepts an input value (e.g., a video URL or/and a maximum width and a maximum height) from a user for the video module, a corresponding input symbolic name (e.g., encoded URL request for the input) is transmitted to the YouTube web service through an HTTP request protocol, such as a GET method call.



160. The input symbolic name is utilized by the YouTube web service to generate an output value with an associated output symbolic name (e.g., JSON data for the output). The player then provides instructions to the display of the device to present the output value in the video module. For example, when a user enters a YouTube video URL into the video module, the YouTube web service generates and transmits a thumbnail of the requested YouTube video, through corresponding JSON data.



161. The presence of the above referenced features is demonstrated, by way of example, by testing the Accused Instrumentalities for investigative purposes on <https://www.hubspot.com/>, and by reference to publicly available information, including <https://www.hubspot.com/>, <https://www.hubspot.com/products/cms>, <https://www.hubspot.com/growth-stack/what-is-crm>, <https://www.hubspot.com/crm-implementation>, <https://knowledge.hubspot.com/resources/which-browsers-are-supported-by-hubspot>, <https://knowledge.hubspot.com/account/hubspot-cloud-infrastructure-frequently-asked-questions>, <https://developers.hubspot.com/docs/cms/developer-reference/cdn>, <https://developers.hubspot.com/docs/cms/building-blocks/themes>, <https://knowledge.hubspot.com/integrations/use-video-in-hubspot>, <https://knowledge.hubspot.com/cos-general/how-to-edit-hubdb-tables>, <https://knowledge.hubspot.com/files/supported-file-types>, https://legal.hubspot.com/hubfs/Downloadable_Legal_Docs/HubSpot_Your_Data_and_You.pdf?hsCtaTracking=3420634d-c28d-4c63-8c1c-9e2902de1dc8%7C979cdc8e-376e-4977-bc94-d1f6a3e938c2, <https://app.hubspot.com/ecosystem/6972945/marketplace/apps/sales/sales-enablement/geomaptool-178602>, <https://community.hubspot.com/t5/CRM/How-to-integrate->

Google-Maps-to-Companies-Page/td-p/8633, and <https://knowledge.hubspot.com/cos-pages-editor/adding-images-to-an-image-gallery-module>.

162. On information and belief, Defendant has had knowledge of the '287 patent and its infringement thereof at least as early as October 4, 2019, and no later than August 31, 2020, when Plaintiff provided notices of the '287 patent and Defendant's infringement of the '287 patent. Furthermore, Defendant has been aware of the '287 patent and its infringement thereof since at least the filing of this complaint.

163. On information and belief, Defendant has contributed and is contributing to the infringement of the '287 patent because Defendant knows that the infringing aspects of its infringing products and services, including but not limited to the Accused Instrumentalities, are made for use in an infringement, and are not staple articles of commerce suitable for substantial non-infringing uses.

164. On information and belief, Defendant has induced and is inducing the infringement of the '287 patent, with knowledge of the '287 patent and that its acts, including without limitation using, offering to sell, selling within, and importing into the United States, the Accused Instrumentalities, would aid and abet and induce infringement by customers, clients, partners, developers, and end users of the foregoing.

165. In particular, Defendant's actions that aid and abet others such as customers, clients, partners, developers, and end users to infringe include advertising and distributing the Accused Instrumentalities, and providing instructional materials, training, and other services regarding the Accused Instrumentalities. Defendant actively encourages the adoption of the Accused Instrumentalities and provides support sites for the vast network of developers working with the Accused Instrumentalities, emphasizing the user-friendly nature and diverse capabilities

provided by the Accused Instrumentalities, explaining that the HubSpot CRM platform provides “[e]verything you need to organize, track, and build better relationships with leads and customers,” and that the HubSpot CMS platform provides “[c]ontent management software that’s flexible for marketers, powerful for developers, and gives customers a personalized, secure experience.” (*See, e.g.,* <https://www.hubspot.com/>.) On information and belief, Defendant has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendant has had actual knowledge of the ‘287 patent and knowledge that their acts were inducing infringement of the ‘287 patent since at least the date Defendant received notice that its activities infringed the ‘287 patent.

166. Defendant’s acts of infringement have caused damage to Plaintiff, and Plaintiff is entitled to recover damages from Defendant in an amount subject to proof at trial.

167. Defendant’s infringement of Plaintiff’s rights under the ‘287 patent will continue to damage Plaintiff’s business, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

168. On information and belief, Defendant has acted with disregard of Plaintiff’s patent rights, without any reasonable basis for doing so, and has willfully infringed and does willfully infringe the ‘287 patent.

169. The foregoing is illustrative of Defendant’s infringement of the ‘287 patent. Plaintiff reserves the right to identify additional claims and Accused Instrumentalities in accordance with the Court’s local rules and applicable scheduling orders.

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

170. Plaintiff incorporates by reference paragraphs 1 to 169 above as if fully set forth herein.

171. On information and belief, Defendant has infringed and is infringing the '044 patent under 35 U.S.C. § 271, either literally and/or under the doctrine of equivalents, directly and/or indirectly.

172. On information and belief, Defendant has infringed and is infringing the '044 patent by performing, without authority, one or more of the following acts: making, using, offering to sell, selling within, and importing into, the United States products and services that practice the claimed inventions of the '044 patent, including but not limited to the HubSpot CRM platform (the "CRM" platform) and the HubSpot CMS Hub website builder platform (the "CMS" platform), previously known as HubSpot CMS (collectively the "Accused Instrumentalities").

The CRM Platform:

173. The CRM platform infringes at least claim 15 of the '044 patent through a combination of features that collectively practice each claimed limitation of claim 15. By way of example, the CRM platform provides a Customer Relationship Management (CRM) platform that allows users to manage relationships and operations with business contacts (e.g., employees, customers, or partners).

What is a CRM?

A CRM, by its very name, is a system for managing relationships with your customers.

For most businesses, their most valuable and important asset is their customers. In the early days at a lot of companies, the details about those customers -- who they are, how they've interacted with your organization -- are spread out in many different places. The CEO's brain, a sales rep's inbox, the accountant's stack of invoices.

As a business grows, it quickly becomes necessary to have one central place where all of this information lives.

Your team will be slowed down without quick answers to important questions. Who are our customers? How do we get in touch with them? How do they interact with our content? What does our pipeline of new business look like?

Your prospects and customers will feel the pain when your team isn't on the same page. From their perspective, they have a relationship with one company, not a collection of different people and departments. Everyone on your team needs context about every customer's needs, wants, and current state, so they can pick up the conversation where it left off.

These are the problems that CRM systems are designed to solve. With one central place to organize all the details of your leads and customers, it's easy for everyone on your team to gain insight into the state of your business, and the status of every customer relationship.



<https://www.hubspot.com/growth-stack/what-is-crm>

174. The CRM platform provides a platform for displaying content on a display of a device having a player, such as a browser engine for a specific browser, or an operating system or application for a particular kind of device. *See, e.g., Shopify Inc. v. Express Mobile, Inc.*, Case No. 1:19-cv-00439-RGA, D. Del., D.I. 137. For example, the CRM platform displays content through modern browsers such as Google Chrome, Mozilla Firefox, Microsoft Edge, and Internet Explorer.

Browsers supported by HubSpot

Last updated: January 6, 2020

A supported web browser is required for full functionality of HubSpot's features.

Please note: the supported browsers listed here apply to using HubSpot tools, not public-facing content. Browser support for content created in and hosted by HubSpot will vary depending on the HTML, CSS, and JavaScript used on your website.

Windows-supported browsers

- Google Chrome (latest version)
- Mozilla Firefox (latest version)
- Microsoft Edge (latest version; not supported by the calling tool)
- Internet Explorer 11*

* Microsoft recommends using Microsoft Edge as your default browser, and supports Internet Explorer 11 for backward compatibility. Versions of Internet Explorer 10 and below are not supported by HubSpot, because they are not fully supported by Microsoft.

When you have [Compatibility View](#) turned on in Internet Explorer 11, HubSpot's unsupported browser warnings will display as IE 11 is acting as an older browser. To resolve this error, turn off Compatibility View.

Mac-supported browsers

- Google Chrome (latest version)
- Safari (latest version; not supported by the calling tool)
- Mozilla Firefox (latest version)

<https://knowledge.hubspot.com/resources/which-browsers-are-supported-by-hubspot>

175. On information and belief, the CRM platform includes a non-volatile memory for storing symbolic names required for evoking one or more web components each related to a set of inputs and outputs of a web service obtainable over a network. In particular, the CRM platform is supported by a database on Amazon Web Services (AWS), a cloud computing service for the CRM platform. Databases conventionally use non-volatile computer memories to store data.

Data Hosting

The HubSpot platform is hosted in trusted third-party data center providers in the US, and the data stored by HubSpot is stored in the US. HubSpot partners with the world's leading data center providers in order to provide our services to you. Currently, the primary HubSpot infrastructure is hosted with Amazon Web Services in the US-East-1 region. Amazon Web Services maintains ISO 27001, SOC 2 Type II, and several other certifications to demonstrate the rigor of their hosting and infrastructure management program. Information about AWS certifications is available on the [AWS Security Compliance site](#).

https://legal.hubspot.com/hubfs/Downloadable_Legal_Docs/HubSpot_Your_Data_and_You.pdf?hsCtaTracking=3420634d-c28d-4c63-8c1c-9e2902de1dc8%7C979cdc8e-376e-4977-bc94-d1f6a3e938c2

176. On information and belief, the computer memory in the CRM platform thus stores data for the CRM business contact websites, including symbolic names for evoking inputs and outputs of web services such as GeoMapper, which can be integrated on a CRM contact website to allow a user to locate and view business contacts and surrounding business prospects on an interactive map through inputs and outputs.

177. To store and transmit data for a GeoMapper web service, the CRM platform employs JSON data to evoke web components and to communicate inputs and outputs for the GeoMapper web service. JSON data comprise key/value pairs that essentially constitute symbolic names constituting character strings with no persistent address or pointer. For example, when the GeoMapper web service is opened on the CRM platform, a user can draw and define a map area and configure a filter condition. The user-defined map area and filter condition are then sent in the format of JSON dataset to the GeoMapper web service with a simple HTTP POST request.

GeoMapper - Open GeoMapper ✕

You are on the free plan. You have 99 locates left UPGRADE

← Edit filter condition

Filter type

- Company property
- Deal property

Property

Number of Employees ▾

The total number of employees who work for the company or organization

Filter

- is equal to
- is not equal to
- is less than
- is less than or equal to
- is greater than
- is greater than or equal to
- is known

6 ▾

OPEN FULL SCREEN ↗

```

▼ Request Payload view source
▼ {name: "Test Area 2", type: "company-list", markerColor: "#f4511e",...}
  ▼ filterAreas: [{id: "5f31b794-e6ec-4d4e-9dd2-7c7227e4fd7c", label: "NYC Downtown 2", type: "polygon",...}]
    ▼ 0: {id: "5f31b794-e6ec-4d4e-9dd2-7c7227e4fd7c", label: "NYC Downtown 2", type: "polygon",...}
      ▼ feature: {id: "0a872bff581f312bfe3639bea8a8708", type: "Feature", properties: {}, geometry: {,...}}
        ▼ geometry: {,...}
          ▼ coordinates: [[[-74.00970395250542, 40.735025937498705], [-74.01488213527287, 40.70478879722117],...]]
            ▼ 0: [[-74.00970395250542, 40.735025937498705], [-74.01488213527287, 40.70478879722117],...]]
              ▶ 0: [-74.00970395250542, 40.735025937498705]
              ▶ 1: [-74.01488213527287, 40.70478879722117]
              ▶ 2: [-74.0100570104217, 40.70291524027303]
              ▶ 3: [-73.98616675810959, 40.71531537787743]
              ▶ 4: [-73.9751042767435, 40.725572732404544]
              ▶ 5: [-74.00970395250542, 40.735025937498705]
            type: "Polygon"
            id: "0a872bff581f312bfe3639bea8a8708"
            properties: {}
            type: "Feature"
            id: "5f31b794-e6ec-4d4e-9dd2-7c7227e4fd7c"
            label: "NYC Downtown 2"
            type: "polygon"
          User drawing area
        filters: [[[{update-path: [0, 0], propertyObjectType: "COMPANY", property: "numberofemployees", value: 6,...}]]]
          ▼ 0: [{update-path: [0, 0], propertyObjectType: "COMPANY", property: "numberofemployees", value: 6,...}]
            ▼ 0: {update-path: [0, 0], propertyObjectType: "COMPANY", property: "numberofemployees", value: 6,...}
              filterFamily: "CompanyPropertyValue"
              operator: "GT"
              property: "numberofemployees"
              propertyObjectType: "COMPANY"
              type: "number"
              ▶ update-path: [0, 0]
              value: 6
            User selected filter condition
          markerColor: "#f4511e"
          name: "Test Area 2"
          type: "company-list"

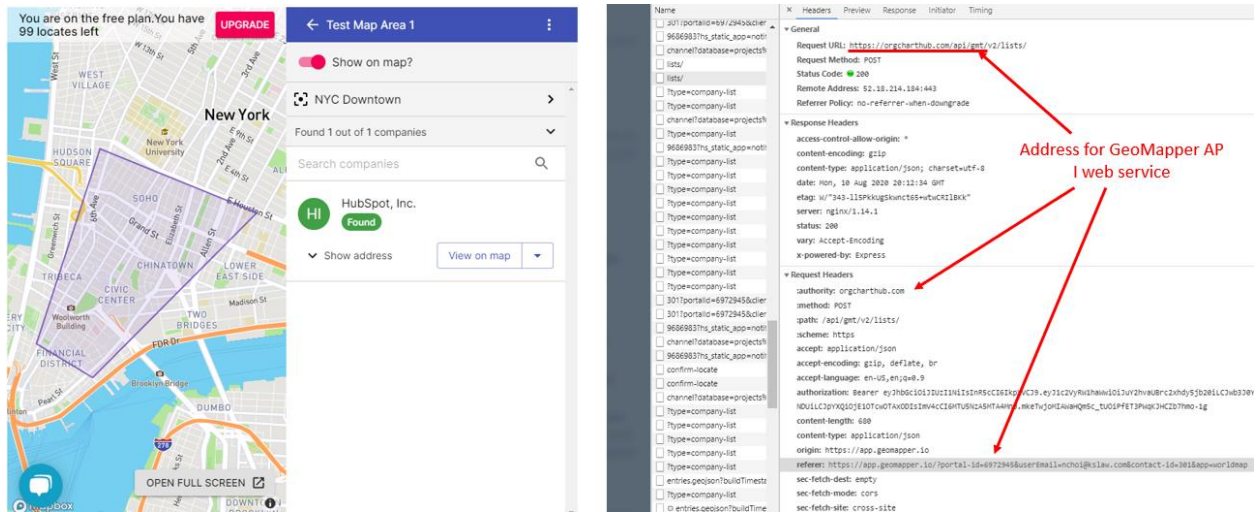
```

178. Each symbolic name has an associated data format class type corresponding to a subclass of UI objects that support the data format type of the symbolic name, and has the preferred UI object. In the example below, when configuring a filter condition, the radio button is the preferred UI object. The symbolic name “propertyObjectType” is associated with the radio button object “Company property” and symbolic name “type” indicates the associated data format class type corresponding to a subclass of UI objects (e.g., radio button “is greater than” and select list “6”).

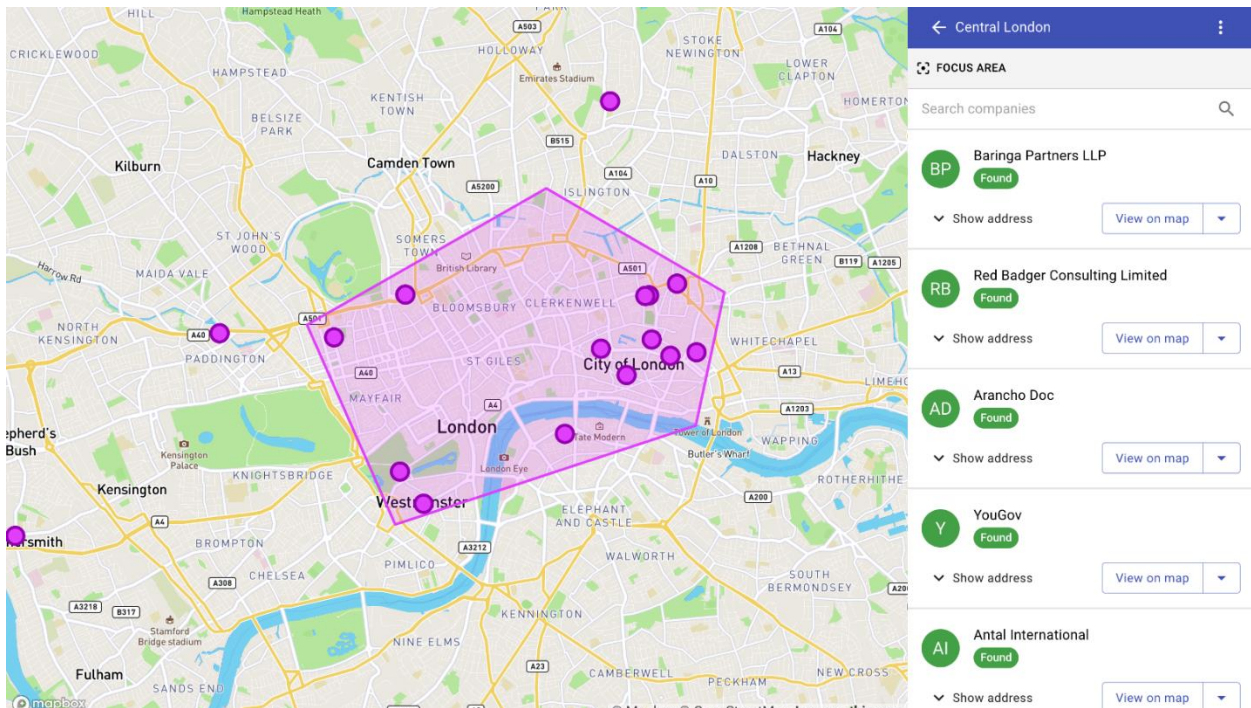
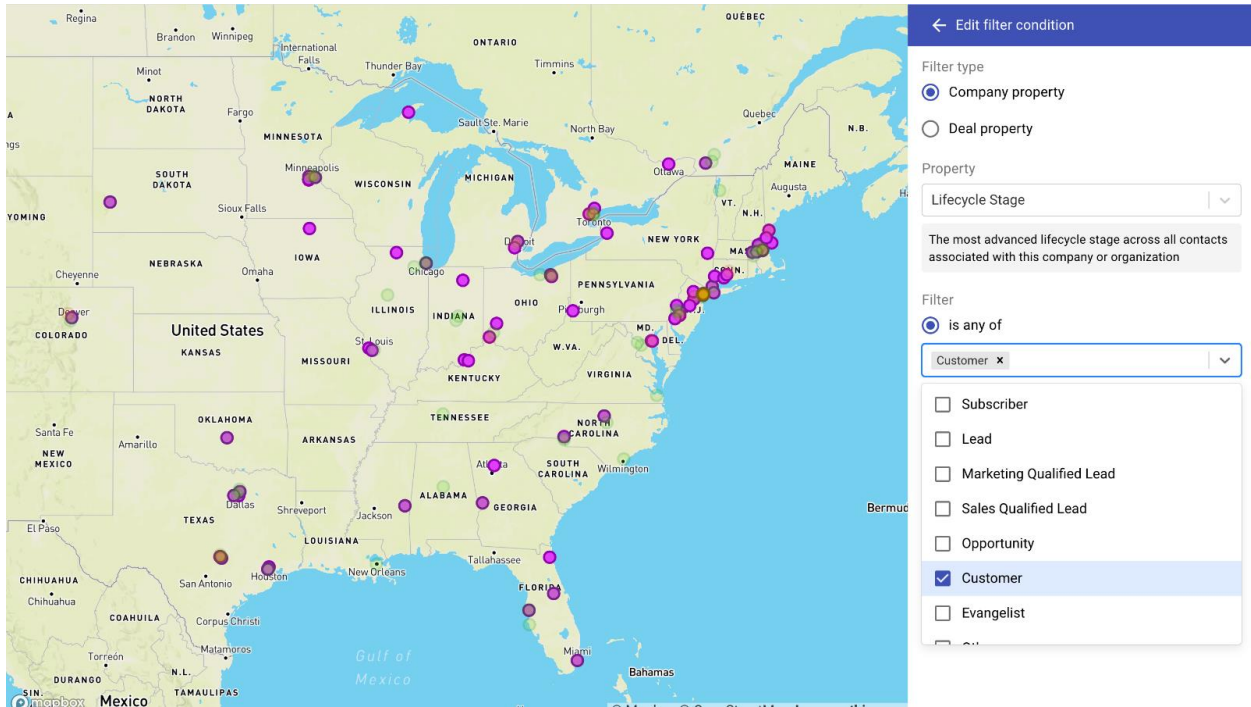
```

Request Payload view source
▼ {name: "Test Area 2", type: "company-list", markerColor: "#f4511e",...}
  ▼ filterAreas: [{id: "5f31b794-e6ec-4d4e-9dd2-7c7227e4fd7c", label: "NYC Downtown 2", type: "polygon",...}]
    ▼ 0: {id: "5f31b794-e6ec-4d4e-9dd2-7c7227e4fd7c", label: "NYC Downtown 2", type: "polygon",...}
      ▼ feature: {id: "0a872bff581f312bfe3639bea8a8708", type: "Feature", properties: {}, geometry: {,...}}
        ▼ geometry: {,...}
          ▼ coordinates: [[[-74.00970395250542, 40.735025937498705], [-74.01488213527287, 40.70478879722117],...]]
            ▼ 0: [[-74.00970395250542, 40.735025937498705], [-74.01488213527287, 40.70478879722117],...]]
              ▶ 0: [-74.00970395250542, 40.735025937498705]
              ▶ 1: [-74.01488213527287, 40.70478879722117]
              ▶ 2: [-74.0100570104217, 40.70291524027303]
              ▶ 3: [-73.98616675810959, 40.71531537787743]
              ▶ 4: [-73.9751042767435, 40.725572732404544]
              ▶ 5: [-74.00970395250542, 40.735025937498705]
              type: "Polygon"
              id: "0a872bff581f312bfe3639bea8a8708"
              properties: {}
              type: "Feature"
            id: "5f31b794-e6ec-4d4e-9dd2-7c7227e4fd7c"
            label: "NYC Downtown 2"
            type: "polygon"
          User drawing area
        filters: [[[{update-path: [0, 0], propertyObjectType: "COMPANY", property: "numberofemployees", value: 6,...}]]]
          ▼ 0: [{update-path: [0, 0], propertyObjectType: "COMPANY", property: "numberofemployees", value: 6,...}]
            ▼ 0: {update-path: [0, 0], propertyObjectType: "COMPANY", property: "numberofemployees", value: 6,...}
              filterFamily: "CompanyPropertyValue"
              operator: "GT"
              property: "numberofemployees"
              propertyObjectType: "COMPANY"
              type: "number"
              ▶ update-path: [0, 0]
              value: 6
            User selected filter condition
          markerColor: "#f4511e"
          name: "Test Area 2"
          type: "company-list"
  
```

179. The computer memory where data for the CRM websites are stored also includes addresses for the web services where the input symbolic names and output symbolic names can be sent to and received from. In the example below, the request URL includes an address for the GeoMapper web service “orgcharthub.com” where the input and output JSON data can be sent to and received from.

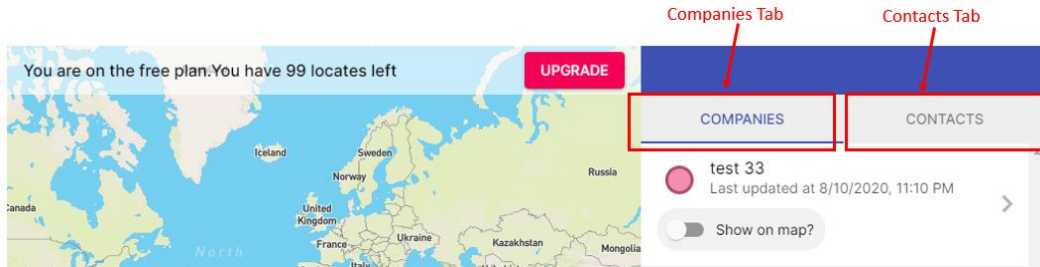


180. The CRM platform defines a UI object for presentation on the display, the UI object corresponding to a web component included in the computer memory, and the web component being selected from a group consisting of an input or output for the GeoMapper web service described above. By way of example, when an interactive map is embedded on a CRM website to integrate the GeoMapper web service, UI objects for input and output web components such as a map image, points denoting customer locations, text fields and buttons for filters and other options, and customizable map areas, are defined for the GeoMapper web service. Each of these UI objects is automatically selected by the CRM platform as a preferred UI object.



181. When a UI object is so defined, a symbolic name (e.g., JSON data) from the web component corresponding to the defined UI object is selected and associated with the defined UI object. The symbolic name is only available to UI objects that support the defined data format

associated with that symbolic name. In the example below, the symbolic name “propertyObjectType” is only available to the “Companies” tab objects with the value “COMPANY” or “DEAL.”



```
▼ Request Payload view source
  ▼ {name: "Test List 3", type: "company-list", markerColor: "#795548",...}
    ▶ filterAreas: [{id: "5f31d1c7-93e3-4668-9b0c-a7609d85a99", label: "Area 3", type: "polygon",...}]
    ▼ filters: [[{update-path: [0, 0], propertyObjectType: "COMPANY", property: "numberofemployees", value: 300,...}]
      ▼ 0: [{update-path: [0, 0], propertyObjectType: "COMPANY", property: "numberofemployees", value: 300,...}]
        ▼ 0: {update-path: [0, 0], propertyObjectType: "COMPANY", property: "numberofemployees", value: 300,...}
          filterFamily: "CompanyPropertyValue"
          operator: "LTE"
          property: "numberofemployees"
          propertyObjectType: "COMPANY"
          type: "number"
          ▶ update-path: [0, 0]
            value: 300
        markerColor: "#795548"
        name: "Test List 3"
        type: "company-list"
```

User selected filter condition for companies (company property)

```
▼ Request Payload view source
  ▼ {name: "test 33", type: "company-list", markerColor: "#f48fb1",...}
    ▶ filterAreas: [{id: "5f31d3b1-5337-4088-a631-4a4af44b8a27", label: "Area 1", type: "polygon",...}]
    ▼ filters: [[{dealsFilter: {filterFamily: "DealProperty", filterLines: [{,..}]}}]]
      ▼ 0: [{dealsFilter: {filterFamily: "DealProperty", filterLines: [{,..}]}}]]
        ▼ 0: {dealsFilter: {filterFamily: "DealProperty", filterLines: [{,..}]}}
          filterFamily: "DealProperty"
          ▼ filterLines: [{,..}]
            ▼ 0: {,..}
              dealSelector: "ALL"
              ▼ filter: {update-path: [0, 0, "dealsFilter", "filterLines", 0, "filter"], propertyObjectType: "DEAL",...}
                filterFamily: "DealProperty"
                operator: "CONTAINS"
                property: "hs_analytics_source_data_1"
                propertyObjectType: "DEAL"
                type: "string"
                ▶ update-path: [0, 0, "dealsFilter", "filterLines", 0, "filter"]
                  value: "224"
            markerColor: "#f48fb1"
            name: "test 33"
            type: "company-list"
```

User selected filter condition for companies (deal property)

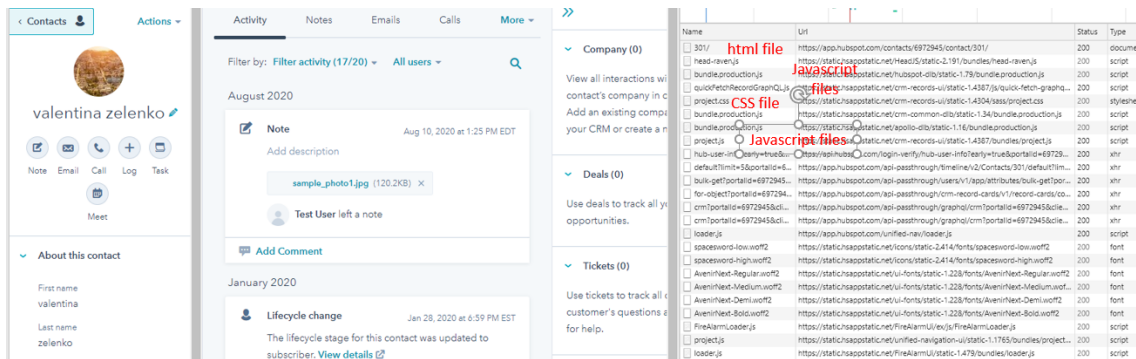
```

Request Payload view source
{
  name: "area 34",
  type: "contact-list",
  markerColor: "#ffd600",
  filterAreas: [
    {
      id: "5f31d2d8-d83d-448c-96e1-41a215d64f27",
      label: "Area 1",
      type: "polygon"
    }
  ],
  filters: [
    [
      {
        update-path: [0, 0],
        filterFamily: "PropertyValue",
        property: "degree",
        type: "string"
      }
    ],
    [
      {
        update-path: [0, 0],
        filterFamily: "PropertyValue",
        property: "degree",
        type: "string"
      }
    ],
    [
      {
        update-path: [0, 0],
        filterFamily: "PropertyValue",
        operator: "EQ",
        property: "degree",
        type: "string",
        update-path: [0, 0],
        0: 0,
        1: 0,
        value: "90"
      }
    ]
  ],
  markerColor: "#ffd600",
  name: "area 34",
  type: "contact-list"
}
    
```

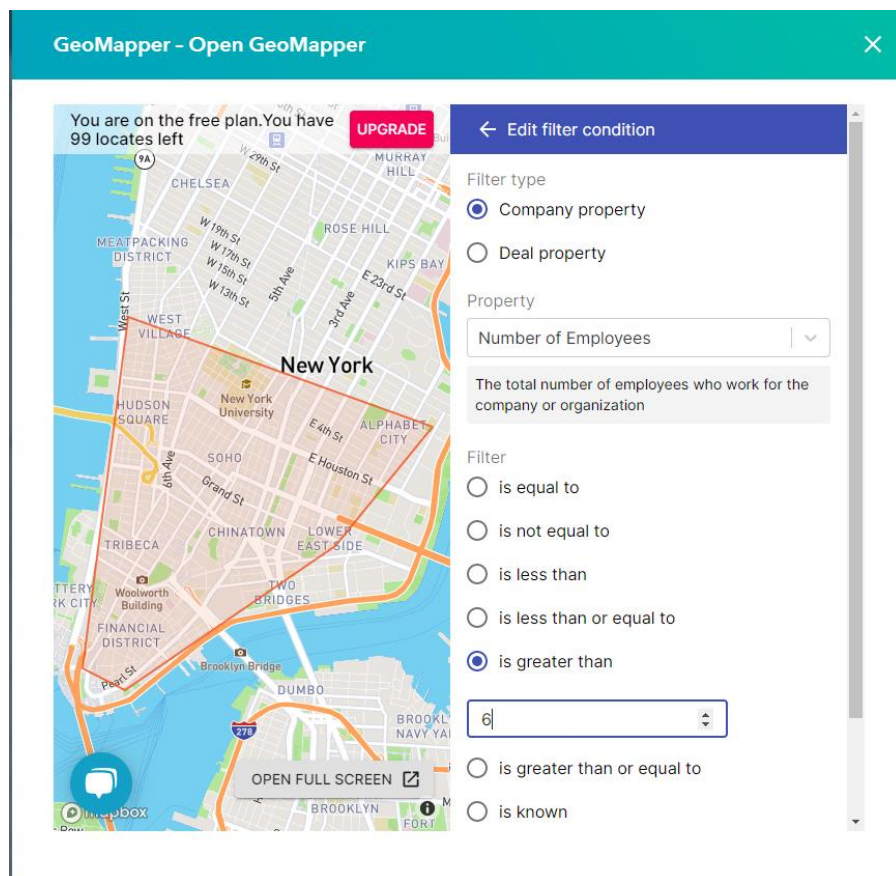
User selected filter condition for contacts

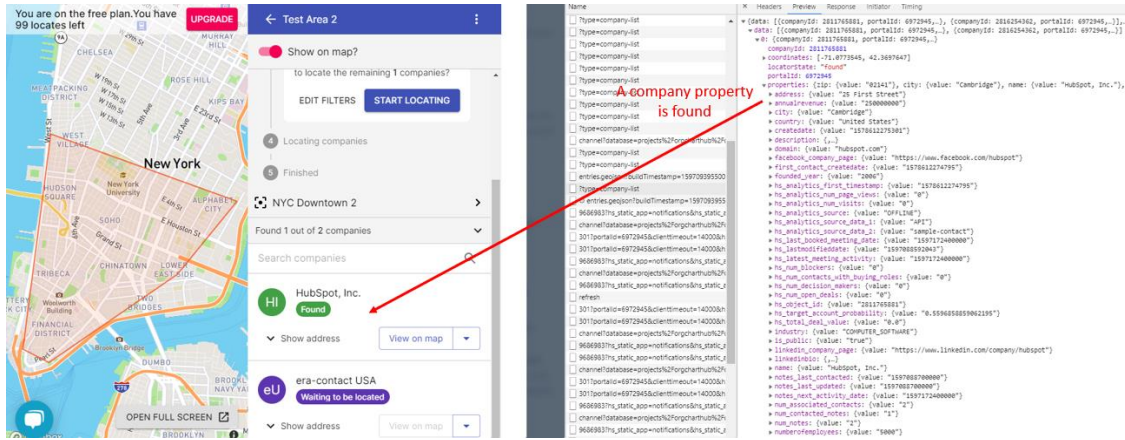
182. On information and belief, the CRM platform stores information representative of the defined UI object and related settings (e.g., JSON data, along with standard HTML, CSS, and JavaScript code) in a database in HubSpot’s AWS server described above.

183. To generate the CRM website, the CRM platform retrieves the information for the UI objects stored in the AWS database, and builds an application consisting of one or more web pages views from at least a portion of the database using the player. The player (e.g., a browser engine or operating system) utilizes the data stored in the database to generate for the display at least a portion of a web page. In the example below, the CRM platform converts HTML, CSS, JavaScript, and other files into an active CRM website for contact “valentina zelenko.”



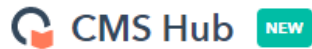
184. When the application and player are executed on the device, an input value can be provided by a user. The device then provides the input value and a corresponding input symbolic name to the web service, which in turn generates an output value and a corresponding symbolic name for the output. By way of example, the CRM platform's GeoMapper web service accepts an input value from a user (e.g., a defined map area or filter condition), and a corresponding input symbolic name (e.g., JSON data for the input) is transmitted to the GeoMapper web service through an HTTP request protocol such as a POST method call. In the example below, the symbolic name "filterAreas" is associated with the user defined map area and "filters" is associated with the user selected filter condition.





The CMS Platform:

186. The CMS platform infringes on at least claim 15 of the ‘044 patent through a combination of features which collectively practice each limitation of claim 15. By way of example, the CMS platform provides the CMS Hub website builder platform, which allows users to “build [websites] using flexible themes and content structures” and “easily edit and create pages on their own.”



Power your website with a CMS that makes it easy to grow better.

Developers build using flexible themes and content structures. Marketers easily edit and create pages on their own. Customers get a personalized, secure experience. With CMS Hub, everyone wins.

Get a demo

Start 14-day free trial

<https://www.hubspot.com/products/cms>

187. The CMS platform provides a platform for displaying content on a display of a device having a player, such as a browser engine for a particular browser, or an operating system or application for a particular kind of device. *See, e.g., Shopify Inc. v. Express Mobile, Inc.*, Case No. 1:19-cv-00439-RGA, D. Del., D.I. 137. For example, the CMS platform supports modern browsers such as Google Chrome, Mozilla Firefox, Safari, Microsoft Edge, and Internet Explorer, that use device-dependent browser engines (i.e., players) to generate and display content.

Browsers supported by HubSpot

Last updated: January 6, 2020

A supported web browser is required for full functionality of HubSpot's features.

Please note: the supported browsers listed here apply to using HubSpot tools, not public-facing content. Browser support for content created in and hosted by HubSpot will vary depending on the HTML, CSS, and JavaScript used on your website.

Windows-supported browsers

- Google Chrome (latest version)
- Mozilla Firefox (latest version)
- Microsoft Edge (latest version; not supported by the calling tool)
- Internet Explorer 11*

* Microsoft recommends using Microsoft Edge as your default browser, and supports Internet Explorer 11 for backward compatibility. Versions of Internet Explorer 10 and below are not supported by HubSpot, because they are not fully supported by Microsoft.

When you have [Compatibility View](#) turned on in Internet Explorer 11, HubSpot's unsupported browser warnings will display as IE 11 is acting as an older browser. To resolve this error, turn off Compatibility View.

Mac-supported browsers

- Google Chrome (latest version)
- Safari (latest version; not supported by the calling tool)
- Mozilla Firefox (latest version)

<https://knowledge.hubspot.com/resources/which-browsers-are-supported-by-hubspot>

188. The CMS platform includes symbolic names required for evoking one or more web components each related to a set of inputs and outputs of a web service obtainable over a network. Web services that can be integrated on HubSpot CMS websites include third-party HubSpot CMS applications such as Instagram, YouTube, and GeoMapper.

Integrate and grow without the pesky plugins.

Add even more power to your website. Access dozens of CMS applications that you know and love. [Explore CMS apps →](#)



<https://www.hubspot.com/products/cms>

189. To store and transmit data for the third-party web services (e.g., CMS applications), the CMS platform employs JSON data to evoke web components for the web services, and to communicate inputs and outputs for the various web services. JSON data comprise key/value pairs that are essentially character strings (i.e., symbolic names) with no persistent address or pointer, as shown in the examples below. Further, each symbolic name has a data format class type corresponding to a subclass of UI objects that supports the data format type of the symbolic name and has the preferred UI object.

```

▼ {type: "video", version: "1.0",...}
  author_name: "HubSpot"
  author_url: "https://www.youtube.com/user/HubSpot"
  height: "450"
  html: "<iframe width="800" height="450" src="https://www.youtube.com/embed/X1Rr58F05rg?feature=oembed" frameborder="0" allow="accelerometer; auto;
  provider_name: "YouTube"
  provider_url: "https://www.youtube.com/"
  thumbnail_height: "360"
  thumbnail_url: "https://i.ytimg.com/vi/X1Rr58F05rg/hqdefault.jpg"
  thumbnail_width: "480"
  title: "I Choose To Grow Better | HubSpot INBOUND 2019 Intro Video"
  type: "video"
  version: "1.0"
  width: "800"

```

190. On information and belief, the CMS platform includes a non-volatile memory for storing the symbolic names described above for evoking one or more web components each related to a set of inputs and outputs of a web service obtainable over a network. In particular, the CMS platform is supported by a Content Delivery Network (CDN), which comprises servers and data centers. Servers and data centers conventionally store data in non-volatile computer memories.

CDN, Security, Performance

Last updated: June 17, 2020

HubSpot's CMS is one of the most advanced and optimized content management systems on the market. Because the HubSpot CMS is a SaaS solution, we handle **security, reliability**, maintenance and more, so your team can focus on writing code and creating delightful user experiences.

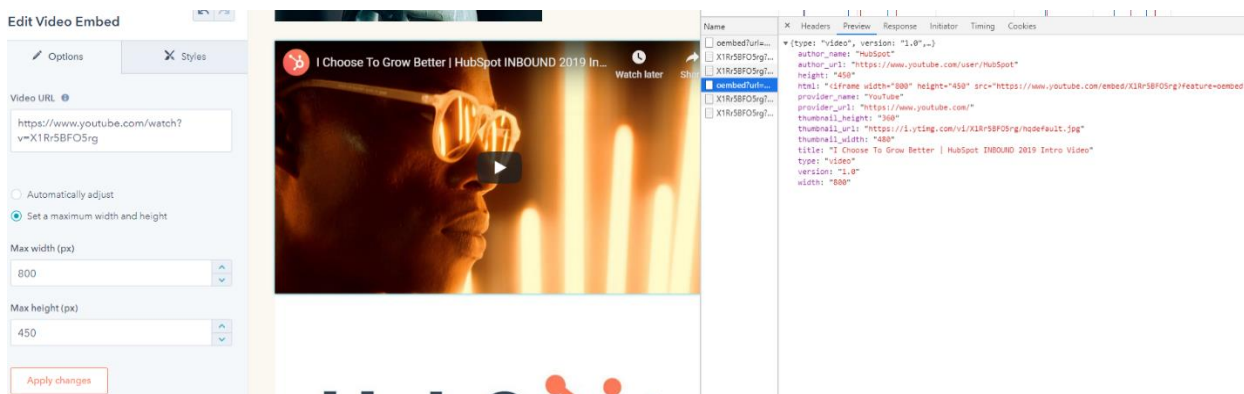
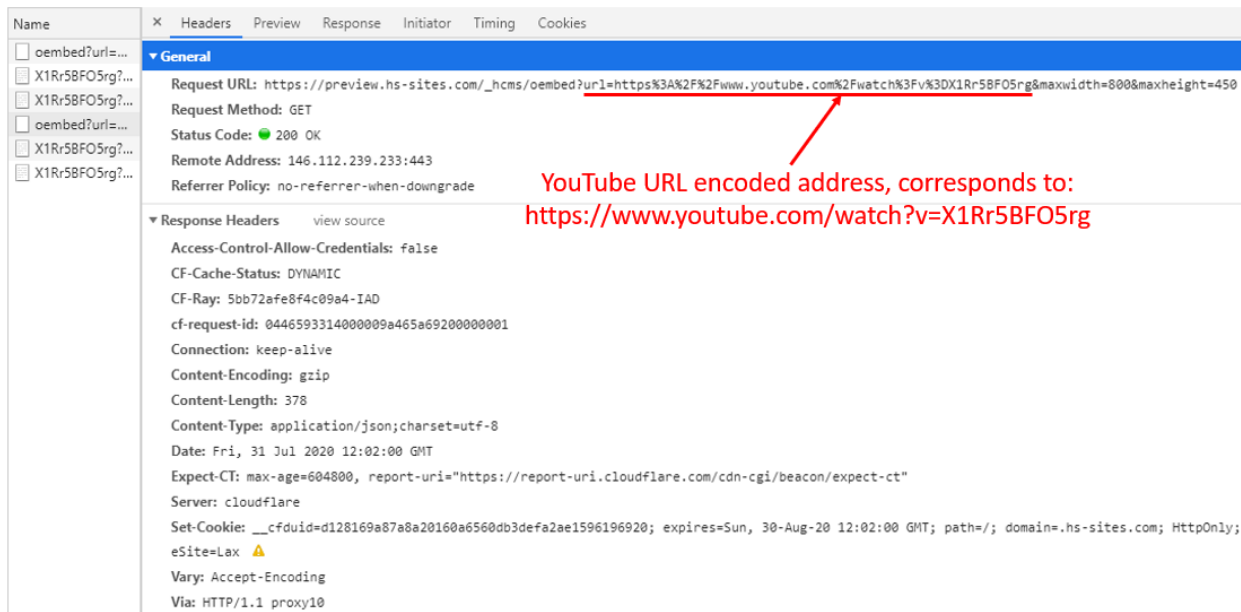
Content Delivery Network (CDN)

The HubSpot CMS's globally distributed Content Delivery Network will ensure lightning-fast page load times regardless of where your visitors are. No configuration, setup, or additional accounts are required to take advantage of the CDN for hosting media or pages. The system takes care of distribution and cache invalidation for you so you can focus on building a great site while a web application firewall and built-in security measures provide peace of mind against online attacks.

<https://developers.hubspot.com/docs/cms/developer-reference/cdn>

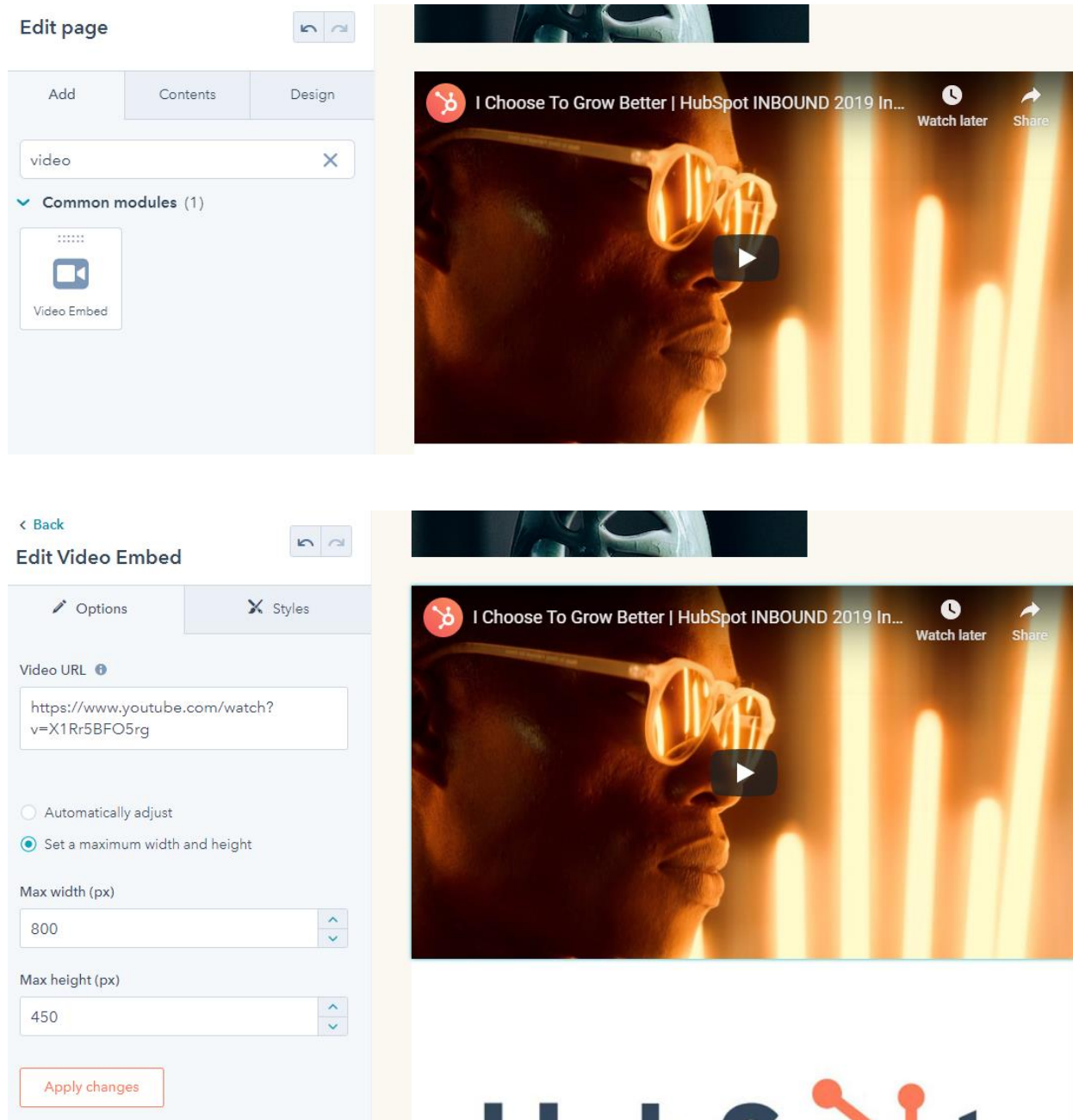
191. On information and belief, the computer memory also includes addresses for the web services where the input symbolic names and output symbolic names can be sent to and received from. For example, the screenshots below show a request URL requesting a video from

the YouTube web service, with the video URL “https://www.youtube.com/watch?v=X1Rr5BFO5rg” embedded in the request URL being the address of the YouTube video. In the JSON dataset, the video URL is associated with the symbolic name “html” to show the source of the video contents, and “https://www.youtube.com/” is associated with the symbolic name “provider_url” to show the address of the video content provider.



192. The CMS platform defines UI objects corresponding to web components for web services. For example, when a “Video Embed” module is added to a web page for the YouTube

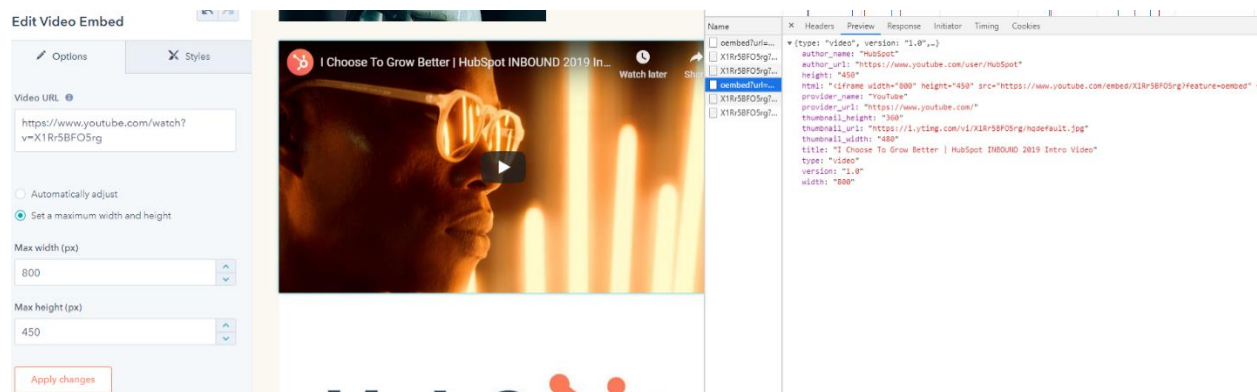
web service, UI objects for corresponding web components such as a video URL, maximum height, and maximum width are defined for the YouTube web service.



193. Each defined object is selected by a user of an authoring tool, or automatically selected by a system as a preferred UI object corresponding to a symbolic name of the web component selected by the user of the authoring tool. For example, when the maximum height and

maximum width are defined for a video module for YouTube as described above, the settings for these UI objects can be automatically defined by the CMS platform as preferred settings, or may be customized by the user.

194. When a UI object is defined, a symbolic name (e.g., JSON data) from the web component corresponding to the defined UI object is selected and associated with the defined UI object. In the example below, a JSON dataset is used to define a YouTube video component embedded in a web page. The JSON dataset comprises user selected settings (e.g., video URL, maximum width and height) and additional information for the video object. The user selected settings and information for the video are formatted as key/value pairs in which the keys constitute symbolic names for the values. The symbolic name is only available to UI objects that support the defined data format associated with that symbolic name. For example, the symbolic names “height” and “width” are only available to listing objects (e.g., “Max width (px)” and “Max height (px)”) when the radio button object “Set a maximum width and height” is selected and the listing objects are available and associated with the symbolic names “height” and “width.”

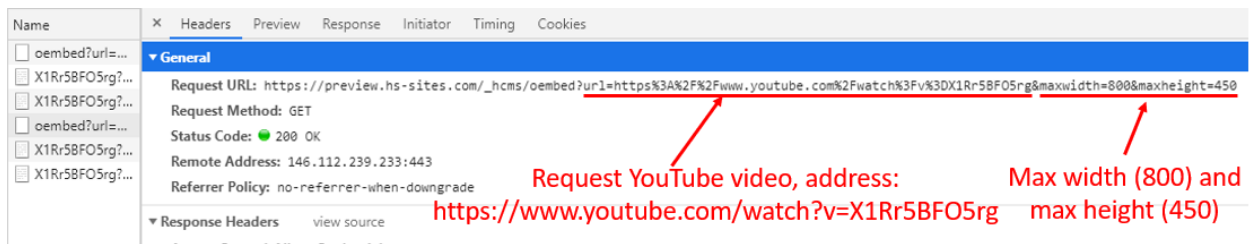


195. On information and belief, the CMS platform stores information representative of the defined UI object and related settings (e.g., JSON data, along with standard HTML, CSS,

and JavaScript code) in a database provide by the CDN described above, permitting a user or a website visitor to quickly access the settings and website contents.

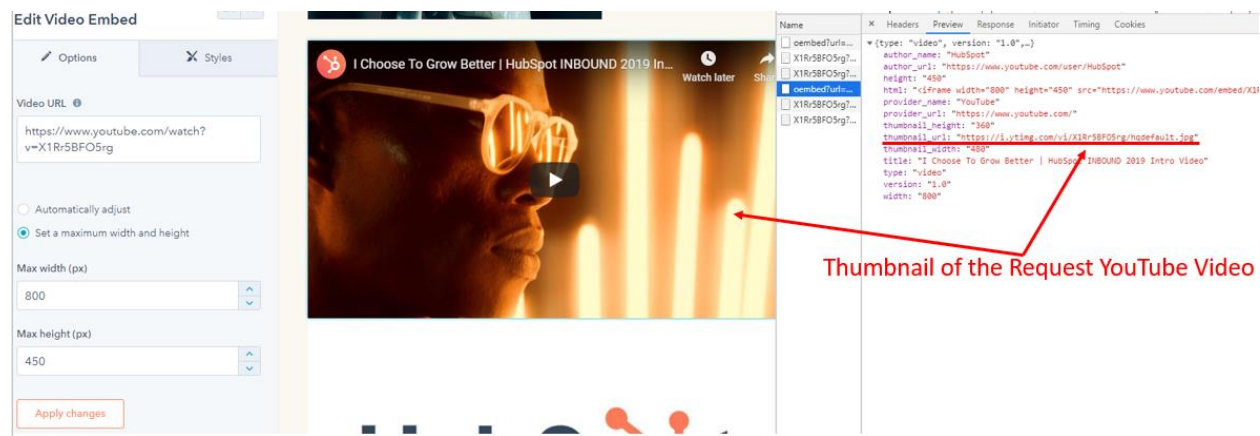
196. A HubSpot CMS website is then generated by retrieving the stored information from the HubSpot CDN database, and building an application consisting of web page views from at least a portion of the database using the player, which uses the information in the database to generate the web pages. For example, if information for a UI object for a YouTube video module was previously stored in the database, a browser can load the website by sending a GET requesting the stored information (i.e., a defined maximum height), which is downloaded from HubSpot's CDN server.

197. When the application and player are executed on the device, the CMS platform can accept an input value (e.g., a video URL or/and a maximum width and a maximum height) from a user into the video module, and a corresponding input symbolic name (e.g., encoded URL request for the input) is transmitted to the YouTube web service through an HTTP request protocol, such as a GET method call.



198. The input symbolic name is utilized by the YouTube web service to generate an output value with an associated output symbolic name (e.g., JSON data for the output). The player then provides instructions to the display of the device to present the output value in the video module. For example, when a user enters a YouTube video URL into the video module, the

YouTube web service generates and transmits a thumbnail of the requested YouTube video, through corresponding JSON data.



199. The presence of the above referenced features is demonstrated, by way of example, by testing the Accused Instrumentalities for investigative purposes on <https://www.hubspot.com/>, and by reference to publicly available information, including <https://www.hubspot.com/>, <https://www.hubspot.com/products/cms>, <https://www.hubspot.com/growth-stack/what-is-crm>, <https://www.hubspot.com/crm-implementation>, <https://knowledge.hubspot.com/resources/which-browsers-are-supported-by-hubspot>, <https://knowledge.hubspot.com/account/hubspot-cloud-infrastructure-frequently-asked-questions>, <https://developers.hubspot.com/docs/cms/developer-reference/cdn>, <https://developers.hubspot.com/docs/cms/building-blocks/themes>, <https://knowledge.hubspot.com/integrations/use-video-in-hubspot>, <https://knowledge.hubspot.com/cos-general/how-to-edit-hubdb-tables>, <https://knowledge.hubspot.com/files/supported-file-types>, https://legal.hubspot.com/hubfs/Downloadable_Legal_Docs/HubSpot_Your_Data_and_You.pdf [?hsCtaTracking=3420634d-c28d-4c63-8c1c-9e2902de1dc8%7C979cdc8e-376e-4977-bc94-d1f6a3e938c2](https://app.hubspot.com/ecosystem/6972945/marketplace/apps/sales/sales-d1f6a3e938c2), [109](https://app.hubspot.com/ecosystem/6972945/marketplace/apps/sales/sales-</p>
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enablement/geomaptool-178602, <https://community.hubspot.com/t5/CRM/How-to-integrate-Google-Maps-to-Companies-Page/td-p/8633>, and <https://knowledge.hubspot.com/cos-pages-editor/adding-images-to-an-image-gallery-module>.

200. On information and belief, Defendant has had knowledge of the '044 patent and its infringement thereof at least as early as October 4, 2019, and no later than August 31, 2020, when Plaintiff provided notices of the '044 patent and Defendant's infringement of the '044 patent. Furthermore, Defendant has been aware of the '044 patent and its infringement thereof since at least the filing of this complaint.

201. On information and belief, Defendant has contributed and is contributing to the infringement of the '044 patent because Defendant knows that the infringing aspects of its infringing products and services, including but not limited to the Accused Instrumentalities, are made for use in an infringement, and are not staple articles of commerce suitable for substantial non-infringing uses.

202. On information and belief, Defendant has induced and is inducing the infringement of the '044 patent, with knowledge of the '044 patent and that its acts, including without limitation using, offering to sell, selling within, and importing into the United States, the Accused Instrumentalities, would aid and abet and induce infringement by customers, clients, partners, developers, and end users of the foregoing.

203. In particular, Defendant's actions that aid and abet others such as customers, clients, partners, developers, and end users to infringe include advertising and distributing the Accused Instrumentalities, and providing instructional materials, training, and other services regarding the Accused Instrumentalities. Defendant actively encourages the adoption of the Accused Instrumentalities and provides support sites for the vast network of developers working

with the Accused Instrumentalities, emphasizing the user-friendly nature and diverse capabilities provided by the Accused Instrumentalities, explaining that the HubSpot CRM platform provides “[e]verything you need to organize, track, and build better relationships with leads and customers,” and that the HubSpot CMS platform provides “[c]ontent management software that’s flexible for marketers, powerful for developers, and gives customers a personalized, secure experience.” (*See, e.g.,* <https://www.hubspot.com/>.) On information and belief, Defendant has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendant has had actual knowledge of the ‘044 patent and knowledge that their acts were inducing infringement of the ‘044 patent since at least the date Defendant received notice that its activities infringed the ‘044 patent.

204. Defendant’s acts of infringement have caused damage to Plaintiff, and Plaintiff is entitled to recover damages from Defendant in an amount subject to proof at trial.

205. Defendant’s infringement of Plaintiff’s rights under the ‘044 patent will continue to damage Plaintiff’s business, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

206. On information and belief, Defendant has acted with disregard of Plaintiff’s patent rights, without any reasonable basis for doing so, and has willfully infringed and does willfully infringe the ‘044 patent.

207. The foregoing is illustrative of Defendant’s infringement of the ‘044 patent. Plaintiff reserves the right to identify additional claims and Accused Instrumentalities in accordance with the Court’s local rules and applicable scheduling orders.

PRAYER FOR RELIEF

208. WHEREFORE, Plaintiff prays for the following relief:

- A. A judgment that U.S. Patent Nos. 6,546,397, 7,594,168, 9,063,755, 9,471,287, and 9,928,044 are valid and enforceable;
- B. A judgment that Defendant has directly infringed, contributorily infringed, and/or induced the infringement of U.S. Patent Nos. 6,546,397, 7,594,168, 9,063,755, 9,471,287, and 9,928,044;
- C. A judgment that Defendant's infringement of U.S. Patent Nos. 6,546,397, 7,594,168, 9,063,755, 9,471,287, and 9,928,044 has been willful;
- D. An award of attorneys' fees incurred in prosecuting this action, on the basis that this is an exceptional case;
- E. A judgment and order requiring Defendant to pay Plaintiff damages under 35 U.S.C. § 284, including supplemental damages for any continuing post-verdict infringement up until entry of the final judgment, with an accounting, as needed, and treble damages for willful infringement as provided by 35 U.S.C. § 284;
- F. A judgment and order requiring Defendant to pay Plaintiff the costs of this action (including all disbursements);
- G. A judgment and order requiring Defendant to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;
- H. A judgment and order requiring that Plaintiff be awarded a compulsory ongoing license fee; and
- I. Such other relief as the Court may deem just and proper.

Dated: September 1, 2020

Respectfully submitted,

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/s/ Timothy Devlin

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