

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

DIGI PORTAL LLC,

Plaintiff,

v.

PARTY CITY CORPORATION,

Defendant.

C.A. NO. _____

JURY TRIAL DEMANDED

PATENT CASE

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

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

I. THE PARTIES

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

2. On information and belief, Defendant Party City Corporation (“Defendant”) is a corporation organized and existing under the laws of Delaware, with a place of business at 25 Green Pond Rd #1, Rockaway, NJ 07866. Defendant has a registered agent at Corporation Service Company, 251 Little Falls Drive, Wilmington, DE 19808.

II. JURISDICTION AND VENUE

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

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

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

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

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

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

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

8. Plaintiff incorporates the above paragraphs herein by reference.

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

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

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

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

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

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

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

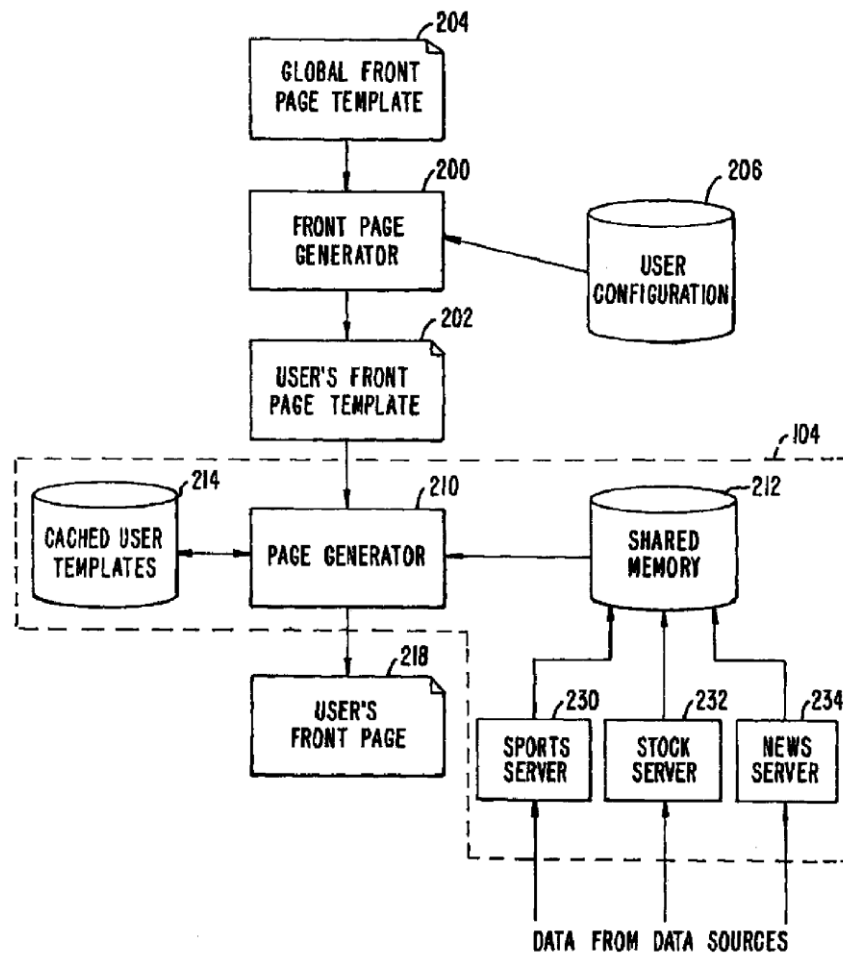
14. Customizing a server response based on the requester is known; however, known systems do not scale well. (*Id.* at col. 1:42-43). One method of serving custom pages is to execute a script, such as a Common Gateway Interface (CGI) script or other program to collect the information necessary to generate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

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

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

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

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



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

```

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

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

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

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

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

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

<!-- copyright:sum -->

</body>
</html>

```

204

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

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

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

202

```

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

...

</body>
</html>

```

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


```

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

</body>
</html>

```

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

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

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

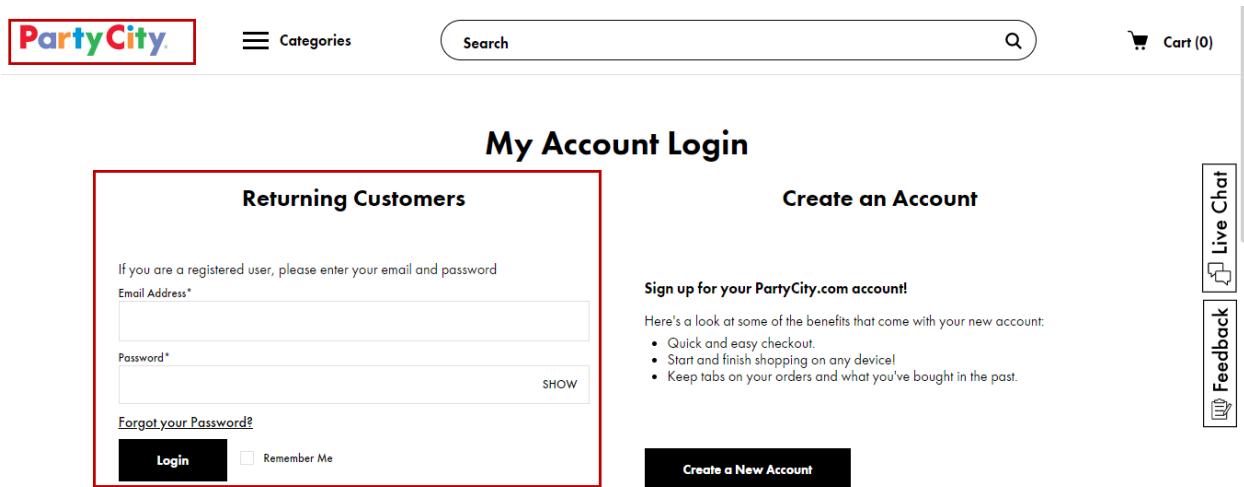
22. The custom user page can also include an advertisement that is selected based on the user demographic information. (*Id.* at col. 5:39-42). For example, using the demographic information “:M,85,95035,T,*”, an advertisement can be selected that is targeted for a male user, age 85, located in zip code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

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

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

27. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing at least claims 1-2, 8-9, and 15 of the ‘854 patent in Delaware, and elsewhere in the United States, by performing the claimed method, using the claimed computer-readable non-transitory medium storing computer instructions, and/or making and/or using the claimed system at <https://www.partycity.com/> (“Accused Instrumentality”).

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



(E.g., <https://www.partycity.com/account-login>).

29. The Accused Instrumentality performs the step of receiving a template program (e.g., software instructions and data used for rendering a particular user’s partycity.com page such as a JavaScript page) that is unique to the user (e.g., JavaScript pages will be specific to a user because the content can be modified by and/or customized for a user) and based on user configuration information (e.g., a user can customize the content of their templates and what will be rendered and displayed using said templates by entering information such as their location). The user configuration information is supplied by the user (e.g., a user defines the information their template will display by inputting information such as their location) and used to build the

template program that is unique to the user (e.g., user profile and user configuration information is used to modify templates, create instructions, and designate appropriate data retrieval for rendering the user's specific page).

```

window||navigator.msMaxTouchPoints>0,is_mobile:-1!=window.location.host.search(/m./)||-1!=window.location.host.search(".bbhosted.")||-1!=window.location.pathname.search("/index.m.html")
|-1!=window.location.pathname.search("/mobile"),environment:-1!=window.location.host.search(/^(stores|www|m)/)?"prod":"dev",carousel_pos:11,initialized:11,debug_mode:11,udo_json:
{}},ml_udo_json:{},ready_udo_json:{},last_udo_json:{},basket_line:{},toggle_basket:11,toggle_basket_to:11,omni_event_xwalk:{header:
{modal:10,hover:11,account:12,view_edit:17,save:18,checkout:19},footer:{email:1,social:2},"my_account":{"click:12},banner:{click:20,hover:15},gateway:{click:37},directory:{},search:
{qs:3,term:4,autosuggest:5,facet:8},auto_suggest:{selected:27},quickshop:{click:3},carousel:{click:9,hover:21},print:{click:37},basket:
{stateCode:23,shipMethod:24,continue:25,update:26,print:27,save:28,apply:29,remove:22,checkout:30,paypal:31},checkout:
{apply:29,remove:22,sign_in:12,guest:89,register:90,password:91,opt_out:92,new_addr:93,gift:65,paypal:31,place_order:68},thank_you:
{register:90,no_register:99,print:76,continue:25}},trackLink:function(e,t,a){var

```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

```

(r=document.location.href,t&&t.firstPartyServingDomain&&(o=document.domain,n=o+location.pathname,o&&o.length&&(r<=r.indexOf(n)?
r.replace(n,t.firstPartyServingDomain+EBG.Semi.AttributionEnum.UrlParamNames.SERVING_PIPE):r.replace(o,t.firstPartyServingDomain))),r=
(r=r.replace(EBG.Semi.AttributionEnum.UrlParamNames.DISP_TYPE+"="+EBG.Semi.AttributionEnum.DisplayTypes.IFRAME,EBG.Semi.AttributionEnum.UrlParamNames.DISP_TYPE+"="+EBG.Semi.AttributionEn
um.DisplayTypes.JAVASCRIPT)).replace("cn=ot","cn=ot"+EBG.Semi.AttributionEnum.UrlParamNames.SEC_CALL+"="+t.sessionId+"&sessionid="+t.sessionId:""),o=
(r=this._addProviderUserId(r,t)).substr(r.indexOf(EBG.Semi.AttributionEnum.UrlParamNames.SYNC)+
(EBG.Semi.AttributionEnum.UrlParamNames.SYNC+"").length,1),EBG.Semi.Infra.loadFileByScriptElem(document,r,function(){this._handleResponse({sendTime:(new
Date).getTime()}),1*o,this}),hasStorage:function(){try{return localStorage.setItem("eyeTesting","eyeTesting"),localStorage.removeItem("eyeTesting"),!0}catch(e)
{return!1}},getSessionId:function(){if(!this.hasStorage())return this._generateSessionId();var e=null,t=new
Date,a=localStorage.getItem("SZMKSessionId");if(a)try{a=JSON.parse(a),1&e5>t.getTime()-a.time&&(e=a.id)}catch(e){return
e=!1}this._generateSessionId(),localStorage.setItem("SZMKSessionId",JSON.stringify({time:t.getTime(),id:e})),e},generateSessionId:function(){var e=""+

```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

```

(o=document.createElement("input")).type="hidden",o.name="qty",o.value=0,o.size=3,o.maxLength=3,e[n].appendChild(o)}catch(e){}function clearDigitalBrowserCookies()
{document.cookie="basket=false; expires=Thu, 01-Jan-70 00:00:01 GMT; path=/";document.cookie="customer=false; expires=Thu, 01-Jan-70 00:00:01 GMT;
path=/";document.cookie="fv_mill=false; expires=Thu, 01-Jan-70 00:00:01 GMT; path=/";function date(e,t){var a,i,o=
["Sun","Mon","Tues","Wednes","Thurs","Fri","Satur","January","February","March","April","May","June","July","August","September","October","November","December"],n=/\?
(?:/gi,r=function(e,t){return i[e]?i[e](t):s=function(e,t){for(e=String(e);e.length<t;)e="0"+e;return e};i={d:function(){return s(i.j(),2)},D:function(){return
i.l().slice(0,3)},j:function(){return a.getDate()},l:function(){return o[i.u()]+day"},N:function(){return i.u()||7},S:function(){var e=i.j(),t=e%10;return
t<=3&&1==parseInt(e%10/10,10)&&(t=0),"st","nd","rd"}[t-1]||"th"},w:function(){return a.getDay()},z:function(){var e=new Date(i.Y(),i.n()-1,i.j()),t=new Date(i.Y(),0,1);return
Math.round((e-t)/864e5)},W:function(){var e=new Date(i.Y(),i.n()-1,i.j()-i.N()+3),t=new Date(e.getFullYear(),0,4);return s(1+Math.round((e-t)/864e5/7),2)},F:function(){return
o[6+i.n()]},m:function(){return s(i.n(),2)},M:function(){return i.F().slice(0,3)},n:function(){return a.getMonth()+1},t:function(){return new Date(i.Y(),i.n(),0).getDate()},l:function()
{var e=i.Y();return e%4==0&&100!|=0&&400==0},o:function(){var e=i.n(),t=i.W();return i.Y()+12===e&&t<9?1:0},Y:function(){return a.getFullYear()},y:function(){return
i.Y().toString().slice(-2)},a:function(){return a.getHours()>11?"pm":"am"},A:function(){return i.o().toUpperCase()},B:function(){var

```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

```

e.site.geo.geodat=JSON.parse(decodeURIComponent(n)),le.site.qs||le.site.qs.ip||e.site.geo.geodat.ip==e.site.qs.ip}}return!1},setGeodat:function(a,i)
{if(e.site.geo.geodat.latitude||e.site.geo.getGeoCookie())"function"==typeof a&&a();else{var o=location.protocol+"//maps."+e.site.domain+"/api/geopl?e.site.qs&&e.site.qs.ip&&(o+="?
ip="+e.site.qs.ip),t.ajax({url:o,dataType:"json",crossDomain:!0,xhrFields:{withCredentials:!0},success:function(t){t.geopl?
(e.site.geo.geodat.latitude=t.geopl.latitude,e.site.geo.geodat.longitude=t.geopl.longitude,e.site.geo.geodat.country_code=t.geopl.country_code,e.site.geo.geodat.country_name=t.geopl.coun
try_name,e.site.geo.geodat.region=t.geopl.region,e.site.geo.geodat.city=t.geopl.city,e.site.geo.geodat.postal_code=t.geopl.postal_code,"function"==typeof a&&a()):"function"==typeof
i&&i(),error:function(){"function"==typeof i&&i()}}},geError:function(t){var a="";void 0!==(t=a.t),e.site.geo.setGeodat(function(){window.location=e.site.geo.searchUrl+"?
lat="+e.site.geo.geodat.latitude+"&lng="+e.site.geo.geodat.longitude+"&rad="+e.site.geo.rad+a},function(){alert("Cannot determine your location. Please try entering your city and state
and searching manually.")});},gotoGeoloc:function(t){var a="";void 0!==(t=a.t.indexof("&"))?"&"+t:navigator.geolocation.getGeolocation?navigator.geolocation.getCurrentPosition(function(t)
{window.location=e.site.geo.searchUrl+"?lat="+t.coords.latitude+"&lng="+t.coords.longitude+"&rad="+e.site.geo.rad+a},function(){e.site.geo.geError(a)}),

```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

```
{data:null,providerCalled:!1},Device9:{data:null,providerCalled:!1,SizmekDI:  
{data:null,providerCalled:!1}},gEBMainWindow.providersData=this._providersData)},EBGUIP.UserIdProvider.prototype=  
{_filter:null,_currTagData:null,_arrProvidersNamesUsed:null,_providersEnum:["AdTruth","EBUIDCache","Device9","SizmekDI"],_providers:{AdTruth:{isUsed:!1,shouldSendData:!0},EBUIDCache:  
{isUsed:!1,shouldSendData:!0},Device9:{isUsed:!1,shouldSendData:!1},SizmekDI:{isUsed:!1,shouldSendData:!0}},_providersData:null,getUserIds:function(e)  
{for(this._filter=e.filter,this._init(),this._currTagData=e,this._currTagData.currDoc|
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

30. The user configuration information supplied by the user to build the template program includes user demographic information (e.g., a user's profile information and/or configuration information may contain their location and age, amongst other information). (E.g., <https://www.partycity.com/privacy>; <https://www.partycity.com/cookie-policy>).

31. The template program is received from one of at least two locations (e.g., the data and templates comprising a user's page may be retrieved from a main server/disk storage), the location determined from the frequency of the user request for the customized page (e.g., based on the frequency at which a user logs in or accesses their partycity.com page, the data comprising the users page may be stored at a main server). On information and belief, the accused instrumentality uses the template program that is unique to the user which is generated using customization information unique to the user and a global template that is generic to a plurality of users. On information and belief, template information that is part of the template program is stored for less frequently accessed files in the main storage and for more frequently accessed files in local storage on the user's computer. On information and belief, running the template program (page generation code, tiles, containers, and user data) creates the customized webpage. When a user signs-up or performs a login, the code takes the user template information and stores in a site Javascript object that is used in logic to display various stores,

other site logic-based conditions. The user information is stored in multiple locations, which can include, (1) at runtime, in a Javascript object with the data structure called ContextData; (2) within browser local storage; and (3) browser cookies. The JavaScript code shown below from the front-facing publicly available code, demonstrates that the sign-in is handled via JavaScript. The actual JS file is served from a CDN.

```
window|navigator.ms|MaxTouchPoints>0,is_mobile:-1!=window.location.host.search(/m./)|-1!=window.location.host.search("bbhosted.")|-1!=window.location.pathname.search("/index.m.html")|-1!=window.location.pathname.search("mobile"),environment:-1!=window.location.host.search(/stores|www|m)/)?"prod":"dev",carousel_pos:!!,initialized:!!,debug_mode:!!,udo_json:
{,ml_udo_json:{},ready_udo_json:{},last_udo_json:{},basket_line:{},toggle_basket:!!,toggle_basket_to:!!,omni_event_xwalk:{header:
{modal:10,hover:11,account:12,view_edit:17,save:18,checkout:19},footer:{email:1,social:2},"my_account":{click:12},banner:{click:20,hover:15},gateway:{click:37},directory:{},search:
{qs:3,term:4,autosuggest:5,facet:8},auto_suggest:{selected:27},quickshop:{click:3},carousel:{click:9,hover:21},print:{click:37},basket:
{stateCode:23,shipMethod:24,continue:25,update:26,print:27,save:28,apply:29,remove:22,checkout:30,paypal:31},checkout:
{apply:29,remove:22,sign_in:12,guest:89,register:90,password:91,opt_out:92,new_addr:93,gift:65,paypal:31,place_order:68},thank_you:
{register:90,no_register:99,print:76,continue:25}},trackLink:function(e,t,a){var
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

```
(r=document.location.href,t&t.firstPartyServingDomain&(o=document.domain,n=o+location.pathname,o&o<o.length&&(r<<r.indexOf(n)?
r.replace(n,t.firstPartyServingDomain+EBG.Semi.AttributionEnum.UrlParamNames.SERVING_PIPE):r.replace(o,t.firstPartyServingDomain))),r=
(r=r.replace(EBG.Semi.AttributionEnum.UrlParamNames.DISP_TYPE+"="+EBG.Semi.AttributionEnum.DisplayTypes.IFRAME,EBG.Semi.AttributionEnum.UrlParamNames.DISP_TYPE+"="+EBG.Semi.AttributionEn
um.DisplayTypes.JAVASCRIPT)).replace("cn=ot","cn=ot"+EBG.Semi.AttributionEnum.UrlParamNames.SEC_CALL+"="+t.sessionId+"&sessionId="+t.sessionId:""),o=
(r=this._addProviderUserId(r,t)).substr(r.indexOf(EBG.Semi.AttributionEnum.UrlParamNames.SYNC)+
(EBG.Semi.AttributionEnum.UrlParamNames.SYNC+"=").length,1),EBG.Semi.Infra.loadFileByScriptElem(document,r,function(){this.handleResponse({sendTime:(new
Date).getTime(),1*o,this}),hasStorage:function(){try{return localStorage.setItem("eyeTesting","eyeTesting"),localStorage.removeItem("eyeTesting"),!0}catch(e)
{return!1},getSessionId:function(){if(!this.hasStorage())return this.generateSessionId();var e=null,t=new
Date,a=localStorage.getItem("SZMKSessionId");if(a)try{a=JSON.parse(a),18e5>t.getTime()-a.time&&(e=a.id)}catch(e){return
e=||this.generateSessionId(),localStorage.setItem("SZMKSessionId",JSON.stringify({time:t.getTime(),id:e})),e},generateSessionId:function(){var e;e=""+
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

```
(o=document.createElement("input")).type="hidden",o.name="qty",o.value=0,o.size=3,o.maxLength=3,e[n].appendChild(o)}catch(e){}function clearDigitalBrowserCookies()
{document.cookie="basket=false; expires=Thu, 01-Jan-70 00:00:01 GMT; path=/;";document.cookie="customer=false; expires=Thu, 01-Jan-70 00:00:01 GMT;
path=/;";document.cookie="fv_mill=false; expires=Thu, 01-Jan-70 00:00:01 GMT; path=/;"}function date(e,t){var a,i,o=
["Sun","Mon","Tues","Wednes","Thurs","Fri","Satur","January","February","March","April","May","June","July","August","September","October","November","December"],n=/\?
(?:)gi,r=function(e,t){return i[e]?i[e](t):s=function(e,t){for(e=String(e);e.length<t;e="0"+e;return e};i={d:function(){return s(i.j(),2)},D:function(){return
i.l().slice(0,3)},j:function(){return a.getDate()},l:function(){return o[i.w()]+day"},M:function(){return i.w()||7},S:function(){var e=i.j(),t=e%10;return
t<=3&&1==parseInt(e%100/10,10)&&(t=0),"st","nd","rd"}[t-1]||"th"},w:function(){return a.getDay()},z:function(){var e=new Date(i.Y(),i.n()-1,i.j()),t=new Date(i.Y(),0,1);return
Math.round((e-t)/86400)},W:function(){var e=new Date(i.Y(),i.n()-1,i.j()-1,i.N()+3),t=new Date(e.getFullYear(),0,4);return s(1+Math.round((e-t)/86400/7),2)},F:function(){return
o[6+i.n()]},m:function(){return s(i.n(),2)},M:function(){return i.F().slice(0,3)},n:function(){return a.getMonth()+1},t:function(){return new Date(i.Y(),i.n(),0).getDate()},L:function()
{var e=i.Y();return e%4==0&&e%100!=0?e%400==0:o:function(){var e=i.n(),t=1.W();return i.Y()+12===e&&t<9?1:1===e&&t>9?1:0}},Y:function(){return a.getFullYear()},y:function(){return
i.Y().toString().slice(-2)},a:function(){return a.getHours()>11?"pm":"am"},A:function(){return i.a().toUpperCase()},B:function(){var
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).


```
e.site.geo.geodat=JSON.parse(decodeURIComponent(n)),e.site.q||e.site.q.ip||e.site.geo.geodat.ip==e.site.q.ip}}return!1},setGeodat:function(a,i)
{if(e.site.geo.geodat.latitude||e.site.geo.getGeoCookie())"function"==typeof a&&a();else(var o=location.protocol+"//maps."+e.site.domain+"/api/geopip";e.site.q&&e.site.q.ip&&(o+
ip="+e.site.q.ip),t.ajax({url:o,dataType:"json",crossDomain:!0,xhrFields:{withCredentials:!0},success:function(t){t.geopip?
(e.site.geo.geodat.latitude=t.geopip.latitude,e.site.geo.geodat.longitude=t.geopip.longitude,e.site.geo.geodat.country_code=t.geopip.country_code,e.site.geo.geodat.country_name=t.geopip.coun
try_name,e.site.geo.geodat.region=t.geopip.region,e.site.geo.geodat.city=t.geopip.city,e.site.geo.geodat.postal_code=t.geopip.postal_code,"function"==typeof a&&a());"function"==typeof
i&&i();},error:function(t){"function"==typeof i&&i();}},geoError:function(t){var a="";void 0!==t&&(a=t),e.site.geo.setGeodat(function(){window.location=e.site.geo.searchUrl+"?
lat="+e.site.geo.geodat.latitude+"&lng="+e.site.geo.geodat.longitude+"&rad="+e.site.geo.rad+a},function(){alert("Cannot determine your location. Please try entering your city and state
and searching manually.");}),gotogeoloc:function(t){var a="";void 0!==t&&(a=t.indexOf("&")? "&"+t:t),navigator.geolocation?navigator.geolocation.getCurrentPosition(function(t)
{window.location=e.site.geo.searchUrl+"?lat="+t.coords.latitude+"&lng="+t.coords.longitude+"&rad="+e.site.geo.rad+a},function(){e.site.geo.geoError(a)},
```

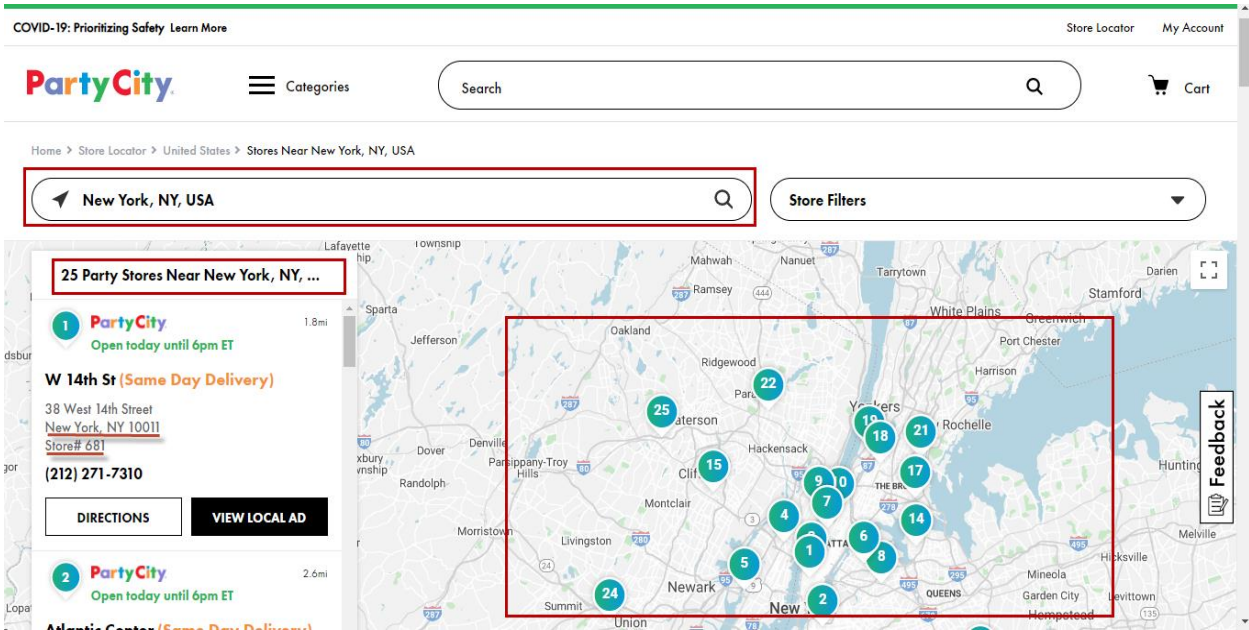
(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

```
{data:null,providerCalled:!1},Device9:{data:null,providerCalled:!1},SizmekDI:
{data:null,providerCalled:!1},gEBMainwindow.providersData=this._providersData},EBGUIP.UserIdProvider.prototype=
{filter:null,_currTagData:null,_arrProvidersNamesUsed:null,_providersEnum:["AdTruth","EBUIDCache","Device9","SizmekDI"],_providers:{AdTruth:{isUsed:!1,shouldSendData:!0},EBUIDCache:
{isUsed:!1,shouldSendData:!0},Device9:{isUsed:!1,shouldSendData:!1},SizmekDI:{isUsed:!1,shouldSendData:!0}},_providersData:null,getUserIds:function(e)
{for(this.filter=e.filter,this._init(),this._currTagData=e,this._currTagData.currDoc|
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

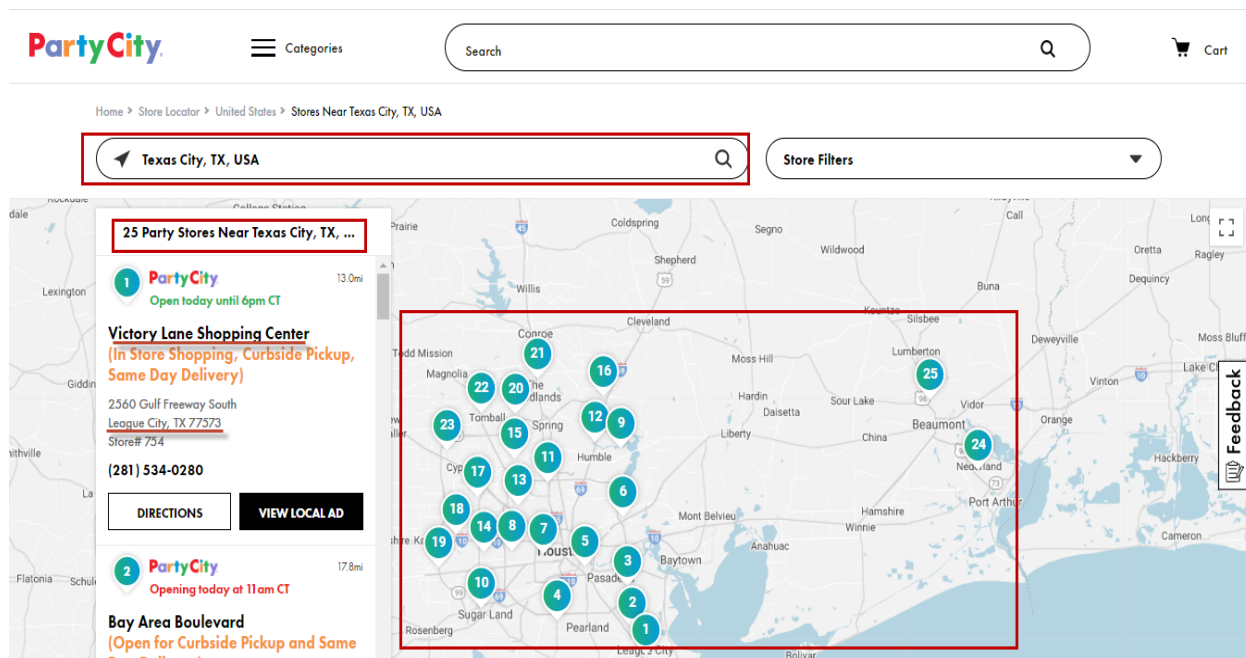
As shown below, a user’s partycity.com page will also be customized to show stores near the location linked to a user’s account. Below are screenshots of two pages for two different users that have varying stores displayed based upon the users’ respective locations.

First User –



(<https://stores.partycity.com/us/?q=New%20York,%20NY,%20USA> (for a particular user)).

Second User –



(<https://stores.partycity.com/us/?q=Texas%20City,%20TX,%20USA> (for a particular user)). A user can also customize their partycity.com page by saving Wishlist, so that saved Wishlist can be displayed. Below are screenshots pertaining to the selection process.



(<https://www.partycity.com/wishlist> (for a particular user)).



Giant Gliding Spider-Man Webbed Wonder Balloon

[See All Giant Gliding Balloons](#)

\$24.99

- 1 +

ADD TO CART

♥ Add to wishlist

✓ Curbside Pickup or Same-Day Delivery

Product Details

Party guests will want to swing in to see this Giant Gliding Spider-Man Webbed Wonder Balloon! This giant balloon is three feet tall and designed to look like Spider-Man in a crouching position. Use this Spider-Man balloon at your little hero's birthday party with other Spider-Man decorations, or include it inside a balloon bouquet for a truly awesome birthday gift.

[Read More](#)

Feedback

his Item [f](#) [t](#) [p](#) [✉](#)

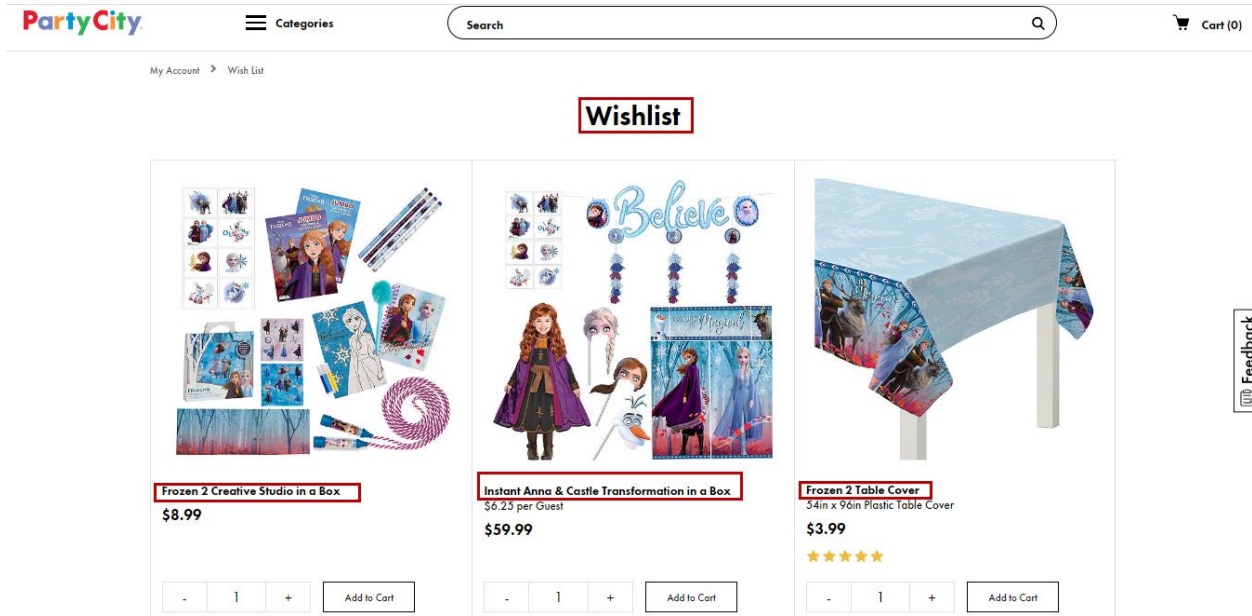
<https://www.partycity.com/giant-gliding-spider-man-webbed-wonder-balloon-765824.html?cgid=balloons-giant-gliding>

(for a particular user)). Shown below are screenshots of webpages customized according to the saved Wishlist of two respective users.

First User –

<https://www.partycity.com/wishlist> (for a particular user)).

Second User –



(<https://www.partycity.com/wishlist> (for a particular user)). “Wishlist” data is stored locally in cookies. The JavaScript file which has a utility function is retrieved from the CDN and handles storing and retrieval of the saved Wishlist, and user data stored and retrieved from local Storage or Cookie locations. The code for each user’s respective pages demonstrates that the template program is varied so that each user can receive appropriately customized pages (*e.g.*, the code for each respective page is updated/adapted to pull from different resources so that the appropriate information/data can be referenced/displayed for each user).

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

33. The Accused Instrumentality performs the step of executing the template program (*e.g.*, JavaScript templates) using the selected advertisement (*e.g.*, an advertisement selected

based on a user's demographic information) to generate the customized page (e.g., a user's partycity.com page, with the advertisement integrated).

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

(E.g., www.partycity.com (for a particular user)).

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

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

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

37. Plaintiff incorporates the above paragraphs herein by reference.

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

39. Digi Portal is the assignee of all right, title and interest in the '227 patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the '227 Patent. Accordingly, Digi Portal possesses the

exclusive right and standing to prosecute the present action for infringement of the '227 Patent by Defendant.

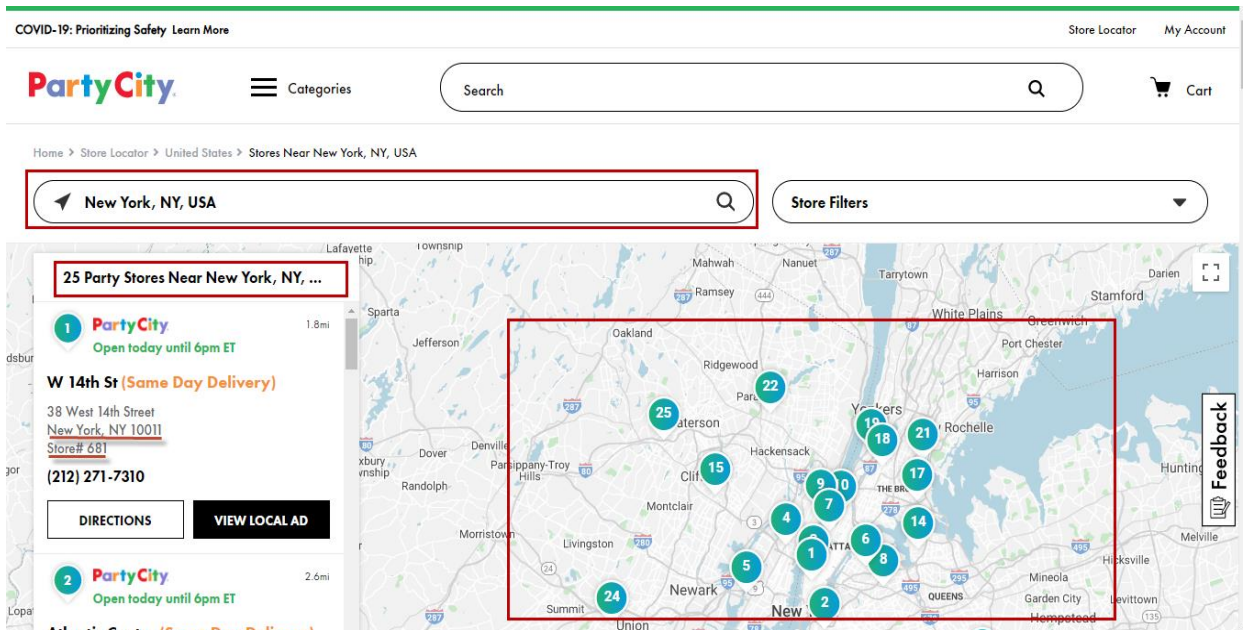
40. The application leading to the '227 patent was filed June 12, 1997. (Ex. B at cover). The '227 patent was first assigned to Yahoo! Inc. (*Id.*).

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

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

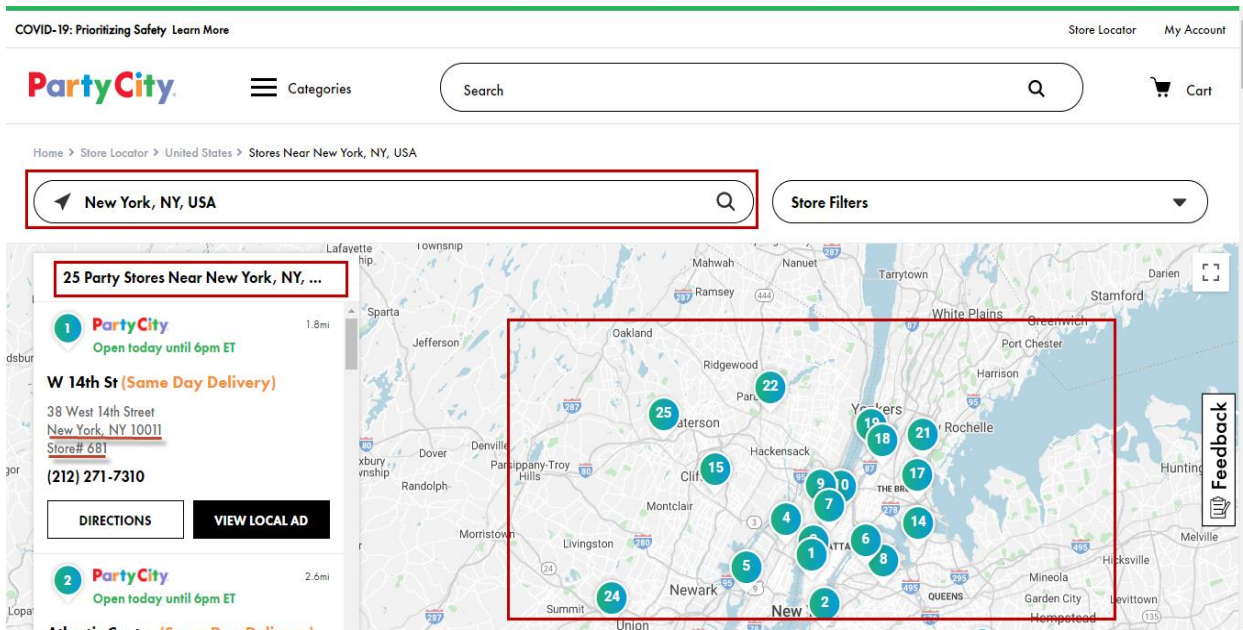
43. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing at least claim 2 of the '227 patent in Delaware, and elsewhere in the United States, by performing actions comprising using or performing the claimed method of providing real-time responses to user requests for customized pages, including without limitation through the method implemented of providing a user's partycity.com page ("Accused Instrumentality"). (*E.g.*, <https://www.partycity.com/>).

44. The Accused Instrumentality performs the step of obtaining user preferences (e.g., location), wherein a user's user preferences indicate items of interest to that user. For example, users can customize their location on their partycity.com page to locate stores near their location:



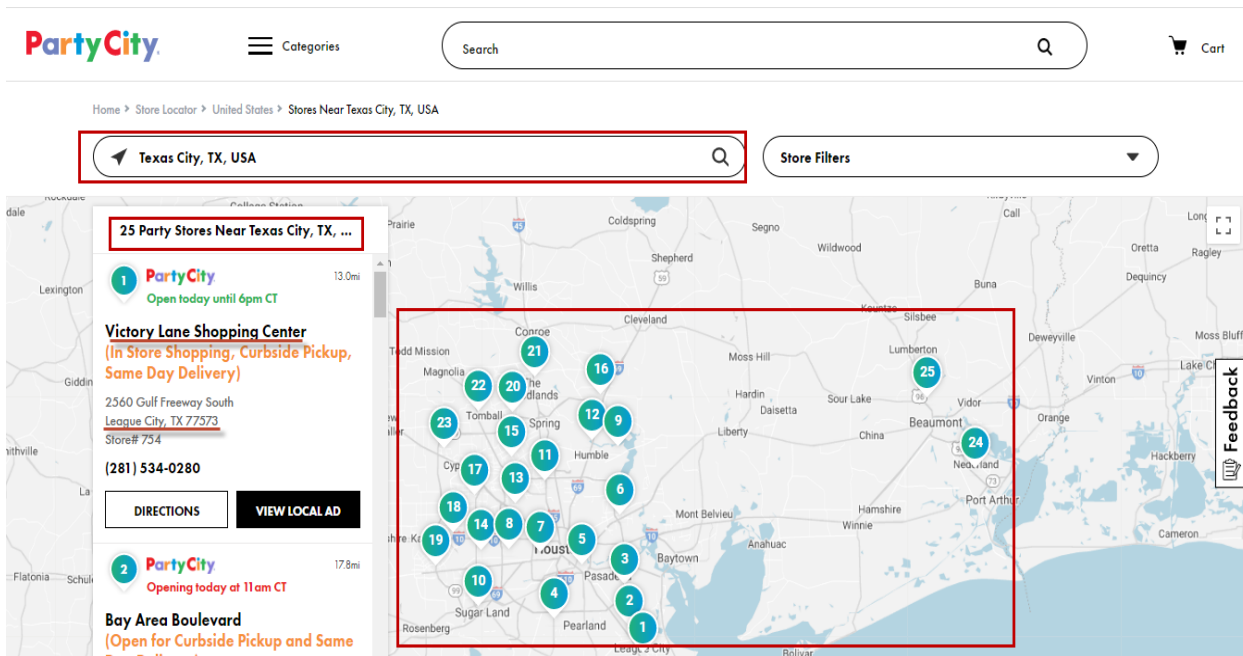
<https://stores.partycity.com/us/?q=New%20York,%20NY,%20USA> (for a particular user)). As shown below, a user's partycity.com page will also be customized to show stores near the location linked to a user's account. In this case, a user's zip code is auto-populated when a search is run. Below are screenshots of two pages for two different users' that have varying stores displayed based upon the users' respective locations.

First User –



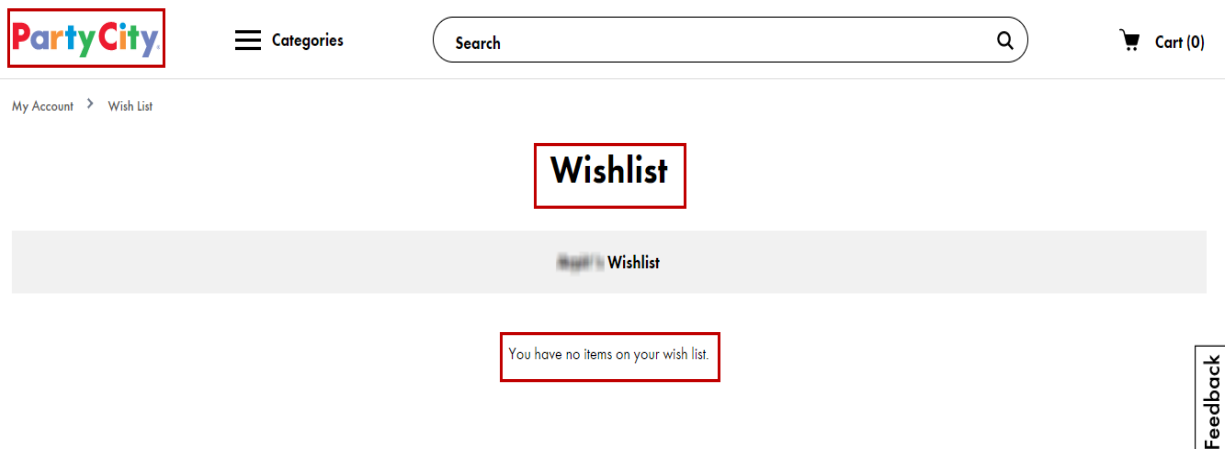
(<https://stores.partycity.com/us/?q=New%20York,%20NY,%20USA> (for a particular user)).

Second User –



(<https://stores.partycity.com/us/?q=Texas%20City,%20TX,%20USA> (for a particular user)).

A user can also customize their partycity.com page by saving Wishlists, so that saved Wishlists can be displayed. Below are screenshots pertaining to the selection process.



(<https://www.partycity.com/wishlist> (for a particular user)).






(<https://www.partycity.com/giant-gliding-spider-man-webbed-wonder-balloon-765824.html?cgid=balloons-giant-gliding> (for a particular user)).

Shown below are screenshots of webpages customized according to the saved Wishlist of two respective users.

First User –




Wishlist

| | | |
|--|--|--|
|  <p>Giant Gliding Spider-Man Webbed Wonder Balloon \$24.99 ★★★★★ - 1 + Add to Cart</p> |  <p>Spider-Man Punch Balloons 2ct \$1.00 ★★★★★ - 1 + Add to Cart</p> |  <p>PERSONALIZE OMG! AAAAAA AWW! BBBBB CUT! CCCCC WOW! HAPPY BIRTHDAY! PATRICK</p> <p>Personalized Spider-Man Birthday Balloon Kit 23in x 34in \$12.99 - 1 + Add to Cart</p> |
|--|--|--|

(<https://www.partycity.com/wishlist> (for a particular user)).

Second User –

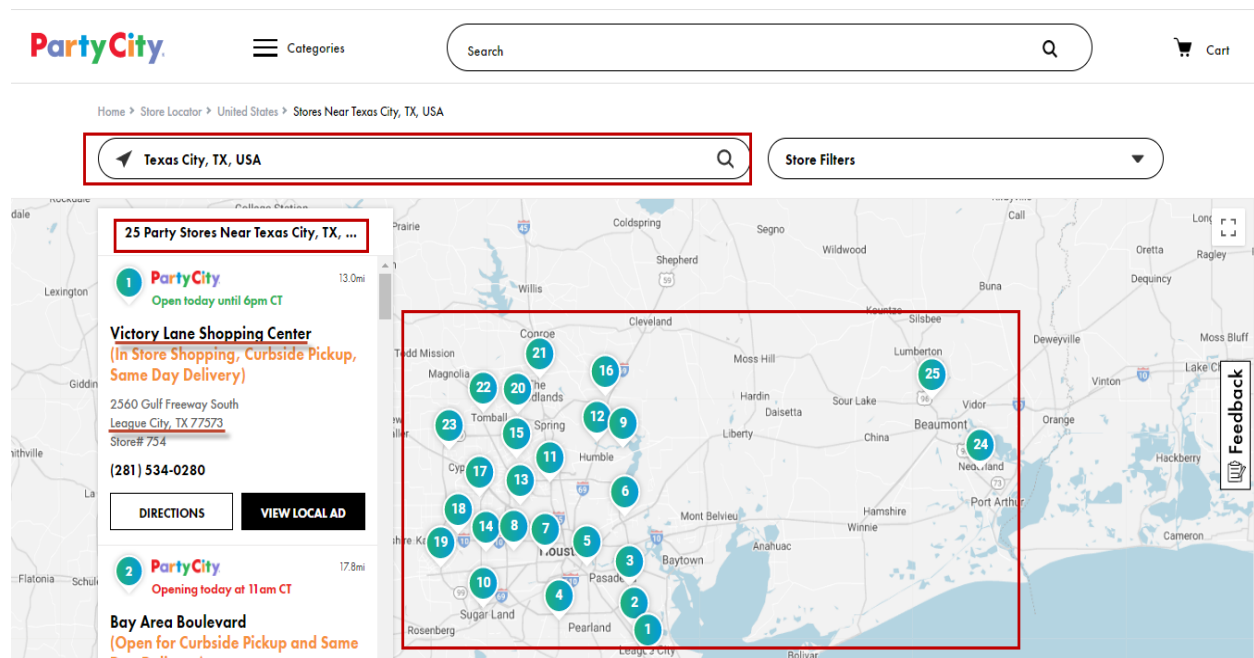
Wishlist

| | | |
|--|---|--|
|  <p>Frozen 2 Creative Studio in a Box \$8.99 - 1 + Add to Cart</p> |  <p>Believe Instant Anna & Castle Transformation in a Box \$6.25 per Guest \$59.99 - 1 + Add to Cart</p> |  <p>Frozen 2 Table Cover 34in x 96in Plastic Table Cover \$3.99 ★★★★★ - 1 + Add to Cart</p> |
|--|---|--|

Feedback

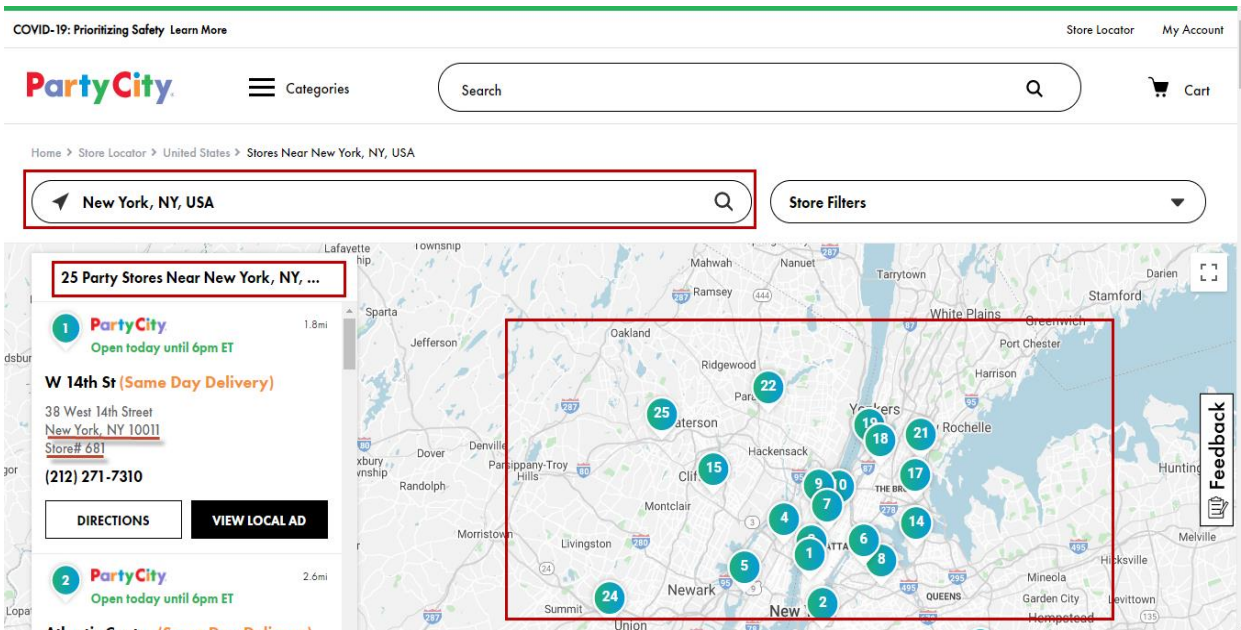
(<https://www.partycity.com/wishlist> (for a particular user)).

45. On information and belief, the Accused Instrumentality performs obtaining real-time information (e.g., currently available stores and advertisements) from information sources (e.g., partycity.com’s servers/databases that house currently available stores) and storing the real-time information in a storage device (e.g., the currently available stores and advertisements will be pulled from a storage server and sent to partycity.com’s web/API server so that said information can be used as input in a template program to generate a customized page that is provided to a user).



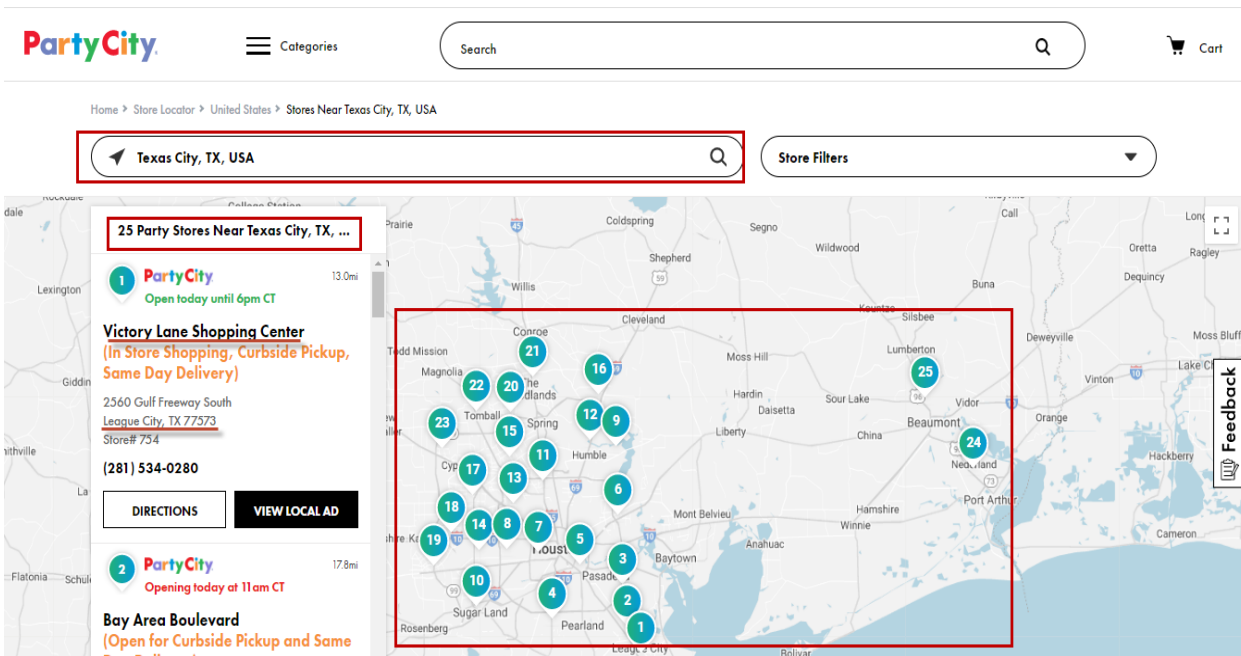
(<https://stores.partycity.com/us/?q=Texas%20City,%20TX,%20USA> (for a particular user)). As shown below, a user’s partycity.com page will also be customized to show stores near the location linked to a user’s account. Below are screenshots of two pages for two different users’ that have varying stores displayed based upon the users’ respective locations.

First User –



(<https://stores.partycity.com/us/?q=New%20York,%20NY,%20USA> (for a particular user)).

Second User –



(<https://stores.partycity.com/us/?q=Texas%20City,%20TX,%20USA> (for a particular user)).

Additionally, a user can also customize their partycity.com page by saving Wishlists, so that saved Wishlists can be displayed.

46. On information and belief, the Accused Instrumentality performs the combining the user preferences for the user (*e.g.*, user location, saved wishlist, user trends/actions) and a template (*e.g.*, generic template) to form a template program specific to the user. On information and belief, the accused instrumentality forms a template program (*e.g.*, software instructions and data used for rendering a particular user's partycity.com page such as a JavaScript page) that is unique to the user (*e.g.*, generic JavaScript pages will be specific to a user because the content can be modified by and/or customized for a user) and based on user preferences (*e.g.*, generic a user can customize the content of their templates and what will be rendered and displayed using said templates by entering information such as their location). The accused instrumentality uses customization information unique to the user and a global template that is generic to a plurality of users to form a customized template program unique to a user. Running the template program (page generation code, tiles, containers, and user data) creates the customized webpage. When a user signs-up or performs a login, the code takes the user template information and stores in a site Javascript object that is used in logic to display various stores, other site logic-based conditions. The user information is stored in multiple locations: (1) At runtime, in a Javascript object with the data structure called ContextData; (2) Within Browser local storage; and (3) Browser Cookies.

```

window.navigator.msMaxTouchPoints>0,is_mobile:-1!=window.location.host.search(/^m./)||-1!=window.location.host.search(".bbhosted.")||-1!=window.location.pathname.search("/index.m.html")
|-1!=window.location.pathname.search("/mobile"),environment:-1!=window.location.host.search(/^(stores|www|m)\./)?"prod":"dev",carousel_pos:!1,initialized:!1,debug_mode:!1,udo_json:
{ },ml_udo_json:{ },ready_udo_json:{ },last_udo_json:{ },basket_line:{ },toggle_basket:!1,toggle_basket_to:!1,omni_event_xwalk:{header:
{modal:10,hover:11,account:12,view_edit:17,save:18,checkout:19},footer:{email:1,social:2},"my_account":{click:12},banner:{click:20,hover:15},gateway:{click:37},directory:{ },search:
{qs:3,term:4,autosuggest:5,facet:8},auto_suggest:{selected:27},quickshop:{click:3},carousel:{click:9,hover:21},print:{click:37},basket:
{stateCode:23,shipMethod:24,continue:25,update:26,print:27,save:28,apply:29,remove:22,checkout:30,paypal:31},checkout:
{apply:29,remove:22,sign_in:12,guest:89,register:90,password:91,opt_out:92,new_addr:93,gift:65,paypal:31,place_order:68},thank_you:
{register:90,no_register:99,print:76,continue:25}},trackLink:function(e,t,a){var

```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

```
(r=document.location.href,t&&.firstPartyServingDomain&&(o=document.domain,n=o+location.pathname,o&&o.length&&(r<0<r.indexOf(n)?
r.replace(n,t.firstPartyServingDomain+EBG.Semi.AttributionEnum.UrlParamNames.SERVING_PIPE):r.replace(o,t.firstPartyServingDomain)),r=
(r=r.replace(EBG.Semi.AttributionEnum.UrlParamNames.DISP_TYPE+"="+EBG.Semi.AttributionEnum.DisplayTypes.IFRAME,EBG.Semi.AttributionEnum.UrlParamNames.DISP_TYPE+"="+EBG.Semi.AttributionEnum.DisplayTypes.JAVASCRIPT)).replace("cn=ot&","cn=ot"+EBG.Semi.AttributionEnum.UrlParamNames.SEC_CALL+"1"+(t.sessionId?"&sessionId="+t.sessionId:"")),o=
(r=this._addProviderUserId(r,t)).substr(r.indexOf(EBG.Semi.AttributionEnum.UrlParamNames.SYNC)+
(EBG.Semi.AttributionEnum.UrlParamNames.SYNC+"").length,1),EBG.Semi.Infra.loadFileByScriptElem(document,r,function(){this._handleResponse({sendTime:(new
Date).getTime()}),1*o,this}),hasStorage:function(){try{return localStorage.setItem("eyeTesting","eyeTesting"),localStorage.removeItem("eyeTesting"),!0}catch(e)
{return!1}},getSessionId:function(){if(!this.hasStorage())return this.generateSessionId();var e=null,t=new
Date,a=localStorage.getItem("SZMKSessionId");if(a)try{a=JSON.parse(a),18e5>t.getTime()-a.time&&(e=a.id)}catch(e){return
e=!this.generateSessionId(),localStorage.setItem("SZMKSessionId",JSON.stringify({time:t.getTime(),id:e})),e},generateSessionId:function(){var e;e=""+
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

```
(o=document.createElement("input")).type="hidden",o.name="qty",o.value=0,o.size=3,o.maxLength=3,e[n].appendChild(o)}catch(e){}function clearDigitalBrowserCookies()
{document.cookie="basket=false; expires=Thu, 01-Jan-70 00:00:01 GMT; path=/";document.cookie="customer=false; expires=Thu, 01-Jan-70 00:00:01 GMT;
path=/";document.cookie="fv_lml=false; expires=Thu, 01-Jan-70 00:00:01 GMT; path=/";function date(e,t){var a,i,o=
["Sun","Mon","Tues","Wednes","Thurs","Fri","Satur","January","February","March","April","May","June","July","August","September","October","November","December"],n=/\|\?
(?:/gi,r=function(e,t){return i[e]?i[e](t):s=function(e,t){for(e=String(e);e.length<t;)e="0"+e;return e};i={d:function(){return s(i.j(),2)},D:function(){return
i.l().slice(0,3)},j:function(){return a.getDate()},l:function(){return o[i.w()]+day"},M:function(){return i.w()||7},S:function(){var e=i.j(),t=e%10;return
t>3&&1===parseInt(e%100/10,10)&&(t=0),"st","nd","rd")[t-1]||"th"},w:function(){return a.getDay()},z:function(){var e=new Date(i.Y(),i.n()-1,i.j()),t=new Date(i.Y(),0,1);return
Math.round((e-t)/864e5)},W:function(){var e=new Date(i.Y(),i.n()-1,i.j()-i.n()+3),t=new Date(e.getFullYear(),0,4);return s(1+Math.round((e-t)/864e5/7),2)},F:function(){return
o[6+i.n()]},m:function(){return s(i.n(),2)},M:function(){return i.F().slice(0,3)},n:function(){return a.getMonth()+1},t:function(){return new Date(i.Y(),i.n(),0).getDate()},L:function()
{var e=i.Y();return e%4==0&&e%100!=0|e%400==0},o:function(){var e=i.n(),t=i.W();return i.Y()+12==e&&t<9?1:1==e&&t>9?1:0},Y:function(){return a.getFullYear()},y:function(){return
i.Y().toString().slice(-2)},a:function(){return a.getHours()>11?"pm":"am"},A:function(){return i.A().toUpperCase()},B:function(){var
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

```
e.site.geo.geodat=JSON.parse(decodeURIComponent(n)),le.site.qsl||le.site.qslip||e.site.geo.geodat.ip==e.site.qslip)return!1, setGeodat:function(a,i)
{if(e.site.geo.geodat.latitude||e.site.geo.getGeoCookie())"function"==typeof a&&a();else(var o=location.protocol+"/maps."+e.site.domain+"/api/geopip";e.site.qs&&e.site.qs.ip&&(o="?
ip="+e.site.qs.ip),t.ajax({url:o,dataType:"json",crossDomain:!0,xhrFields:{withCredentials:!0},success:function(t){t.geopip?
(e.site.geo.geodat.latitude=t.geopip.latitude,e.site.geo.geodat.longitude=t.geopip.longitude,e.site.geo.geodat.country_code=t.geopip.country_code,e.site.geo.geodat.country_name=t.geopip.coun
try_name,e.site.geo.geodat.region=t.geopip.region,e.site.geo.geodat.city=t.geopip.city,e.site.geo.geodat.postal_code=t.geopip.postal_code),"function"==typeof a&&a():)"function"==typeof
i&&i(),error:function(t){"function"==typeof i&&i()}},geolocation:function(t){var a="";void 0!==t&&(a=t.indexof("&")?&+t):navigator.geolocation?navigator.geolocation.getCurrentPosition(function(t)
{window.location=e.site.geo.searchUrl+"?lat="+t.coords.latitude+"&lng="+t.coords.longitude+"&rad="+e.site.geo.rad+a},function(){e.site.geo.geolat(a)},
lat="+e.site.geo.geodat.latitude+"&lng="+e.site.geo.geodat.longitude+"&rad="+e.site.geo.rad+a},function(){alert("Cannot determine your location. Please try entering your city and state
and searching manually.")}),gotogeoloc:function(t){var a="";void 0!==t&&(a=t.indexof("&")?&+t):navigator.geolocation?navigator.geolocation.getCurrentPosition(function(t)
{window.location=e.site.geo.searchUrl+"?lat="+t.coords.latitude+"&lng="+t.coords.longitude+"&rad="+e.site.geo.rad+a},function(){e.site.geo.geolat(a)},
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

```
{data:null,providerCalled:!1},Device9:{data:null,providerCalled:!1},SizmekDI:
{data:null,providerCalled:!1},gEBMainWindow.providersData=this._providersData},EBGUIP.UserIdProvider.prototype=
{filter:null,currTagData:null,_arrProvidersNamesUsed:null,_providersEnum:["AdTruth","EBUIDCache","Device9","SizmekDI"],_providers:{AdTruth:{isUsed:!1,shouldSendData:!0},EBUIDCache:
{isUsed:!1,shouldSendData:!0},Device9:{isUsed:!1,shouldSendData:!1},SizmekDI:{isUsed:!1,shouldSendData:!0}},_providersData:null,getUserIds:function(e)
{for(this.filter=e.filter,this._init(),this._currTagData=e,this._currTagData.currDoc|
```

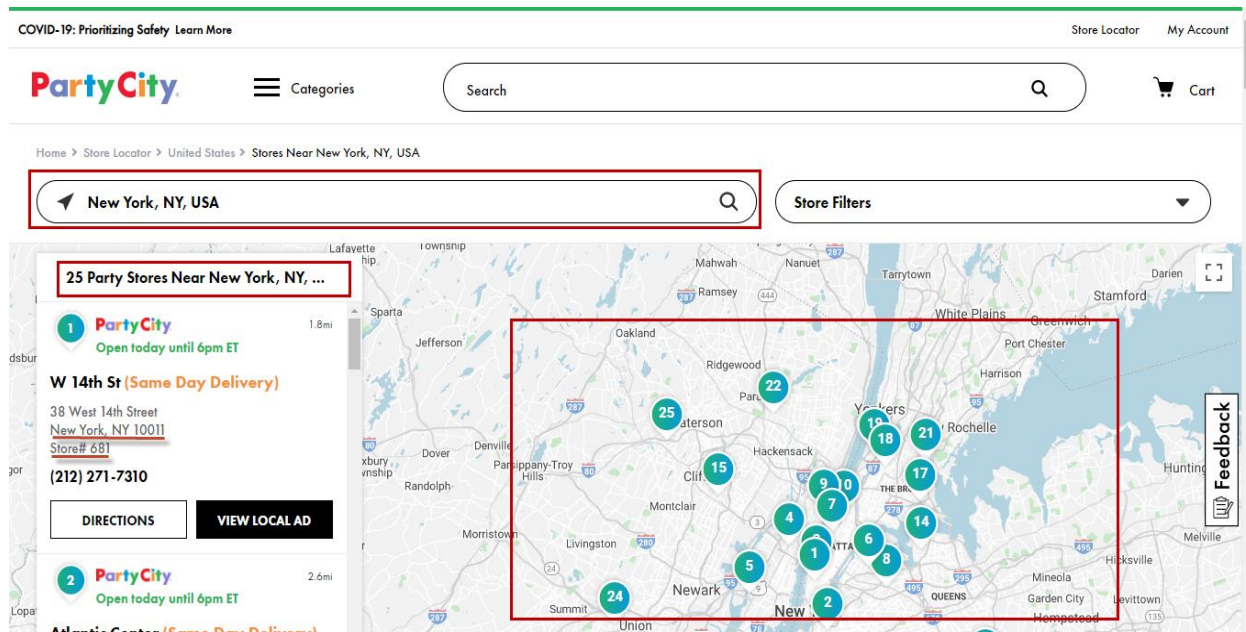
(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)). As explained above, a user’s partycity.com page will be customized to show

currently available stores near the location linked to a user’s account. A user can also

customize their partycity.com page by saving Wishlists, so that saved Wishlists can be displayed.

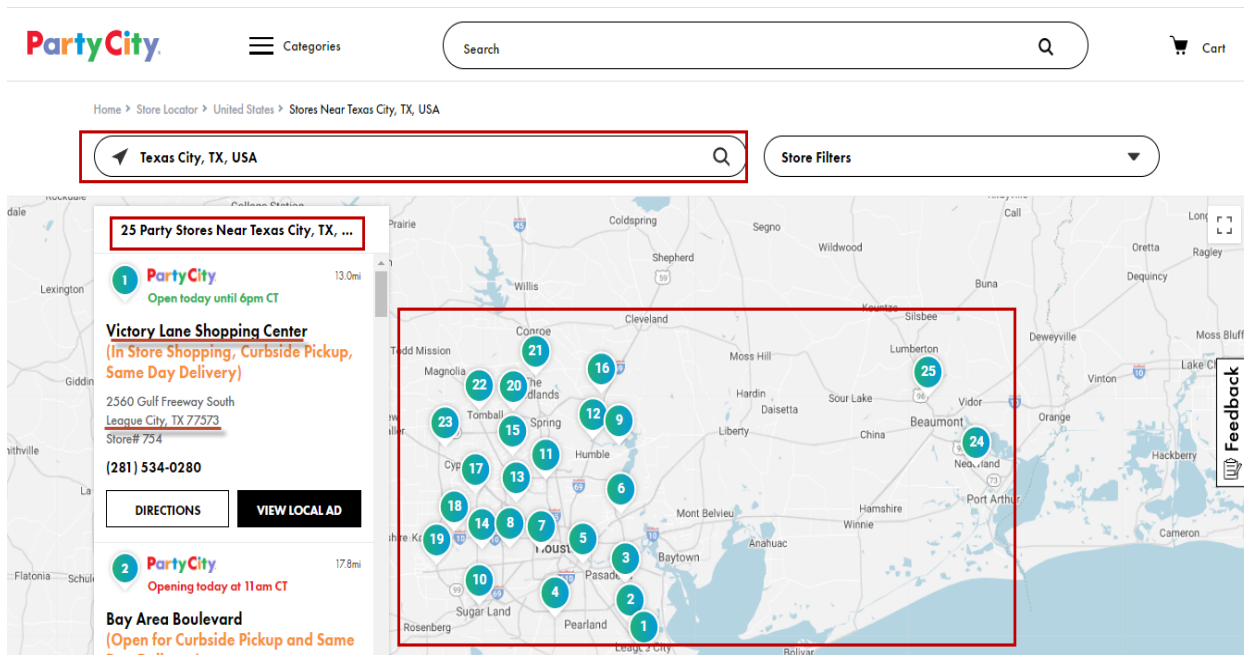
47. As shown below, partycity.com will then combine the template with customized data pulled based upon a user's search inputs and user login in order to create a template program executable by a user's browser, so that the customized webpage can be displayed to the user.

First User –



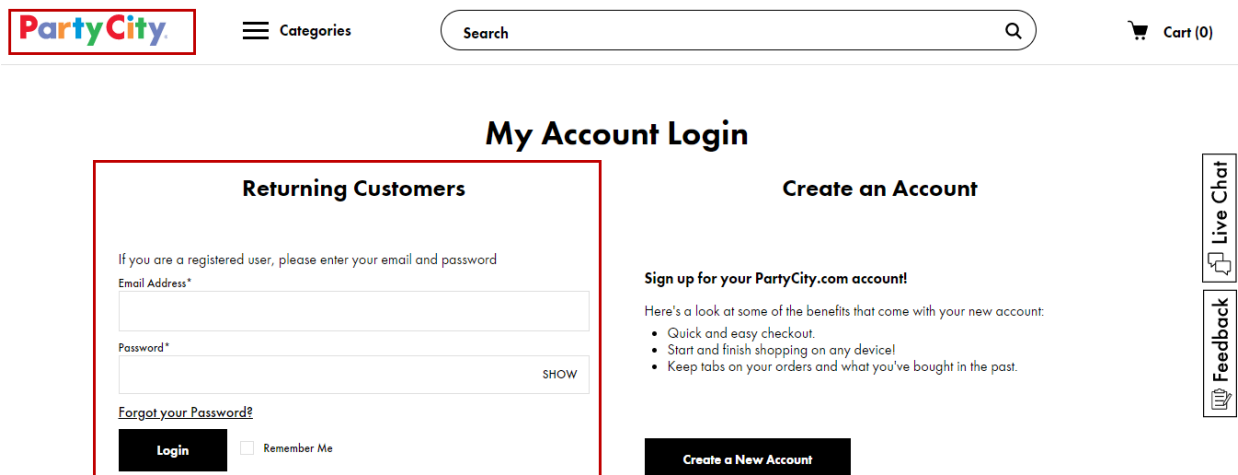
(<https://stores.partycity.com/us/?q=New%20York,%20NY,%20USA> (for a particular user)).

Second User –

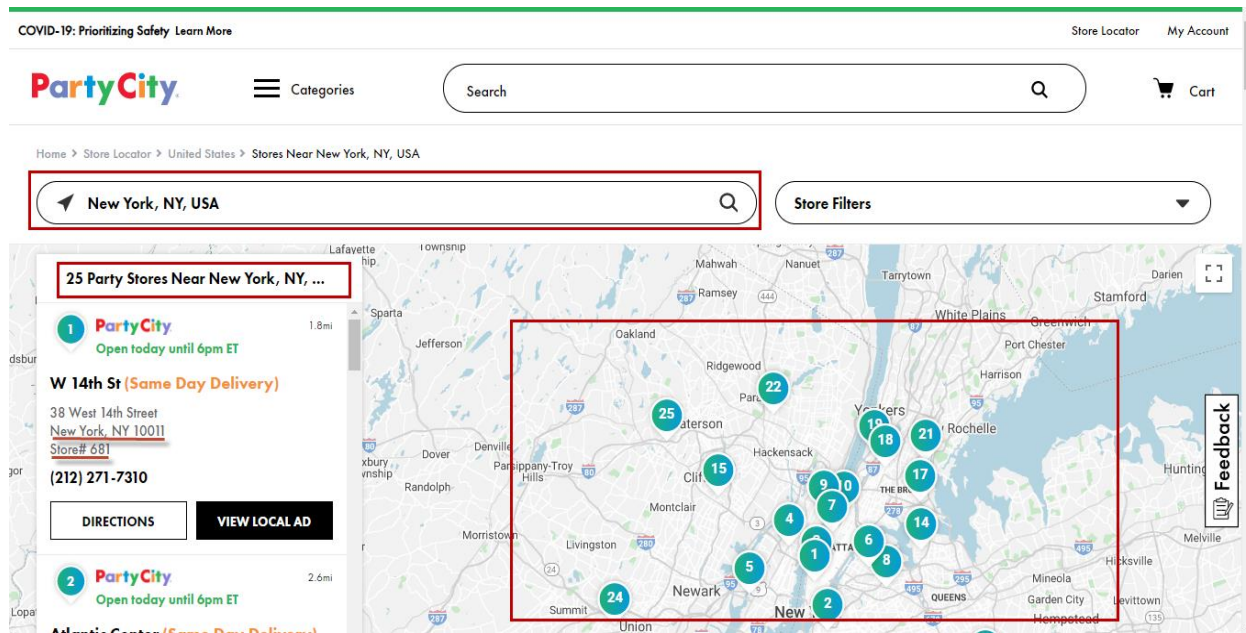


(<https://stores.partycity.com/us/?q=Texas%20City,%20TX,%20USA> (for a particular user)).

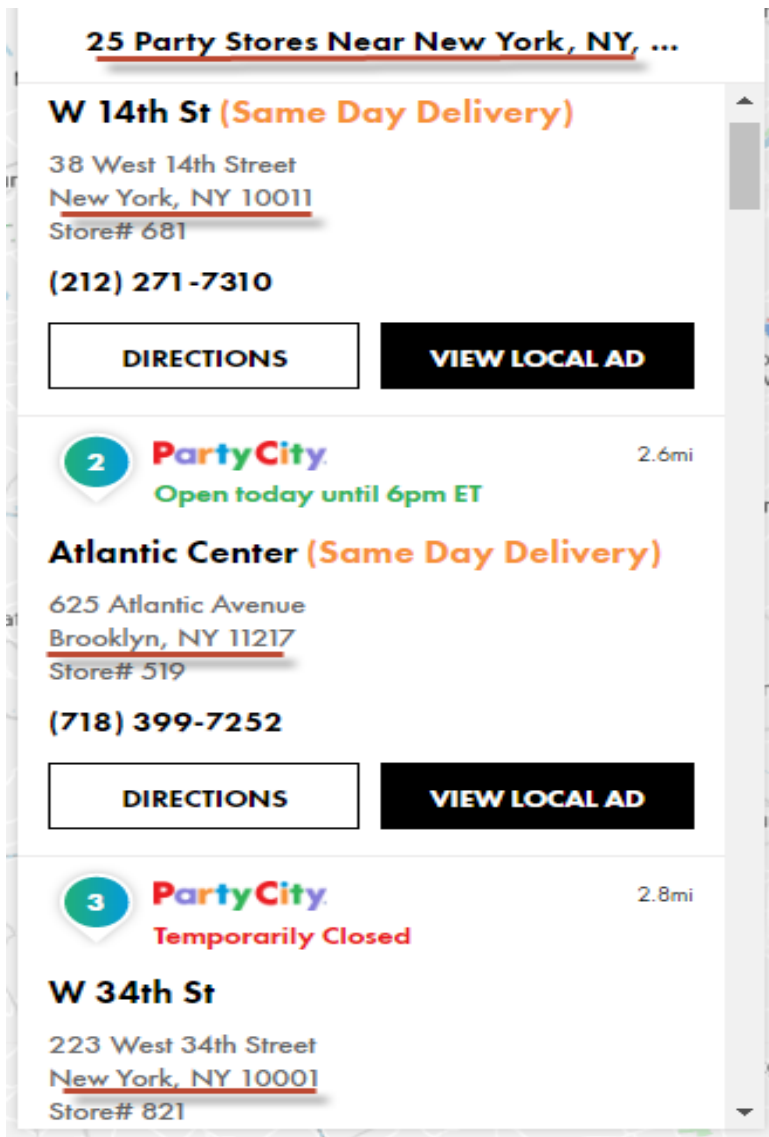
48. On information and belief, the Accused Instrumentality performs the step of receiving from a user and at the server, a user request for a customized page (e.g., when a user logs in to party.com, stores will be limited to those tied to user's location, and advertisements will be targeted towards a user's interest) customized according to the user preferences. In at least testing and usage, the accused instrumentality practices a method for receiving a user request (e.g., a user login request) for a customized page (e.g., a user's customized home and search pages on the partycity.com website).



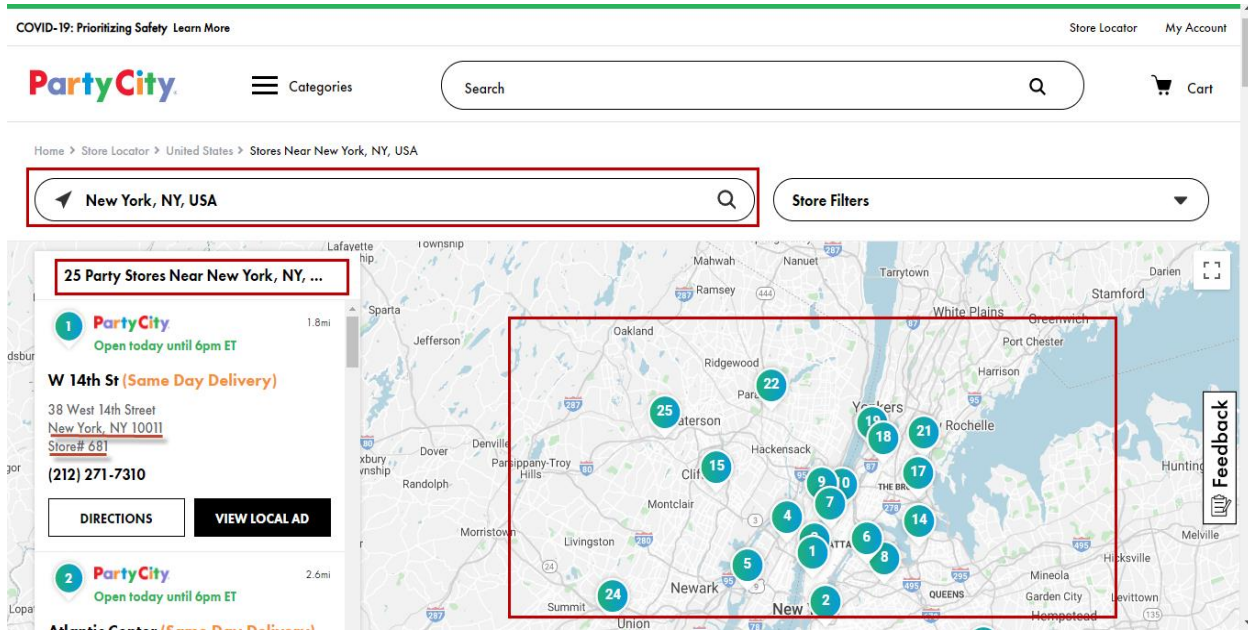
(<https://www.partycity.com/account-login> (for a particular user)). As shown below, users can customize their location on their partycity.com page to find stores near their location.



(<https://stores.partycity.com/us/?q=New%20York,%20NY,%20USA> for a particular user)). As shown below, a user's partycity.com page is customized by the location information provided by the user.



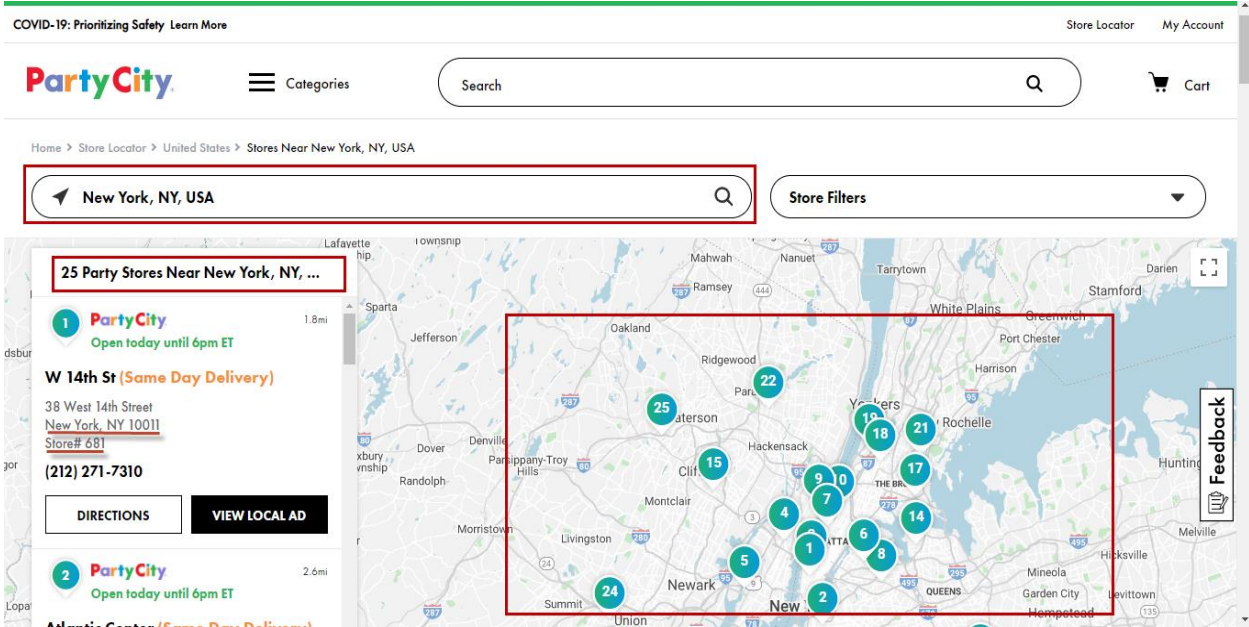
(<https://stores.partycity.com/us/?q=New%20York,%20NY,%20USA> (for a particular user)). As shown below, a user's partycity.com page is customized by the location information provided by the user.



(<https://stores.partycity.com/us/?q=New%20York,%20NY,%20USA> (for a particular user)).

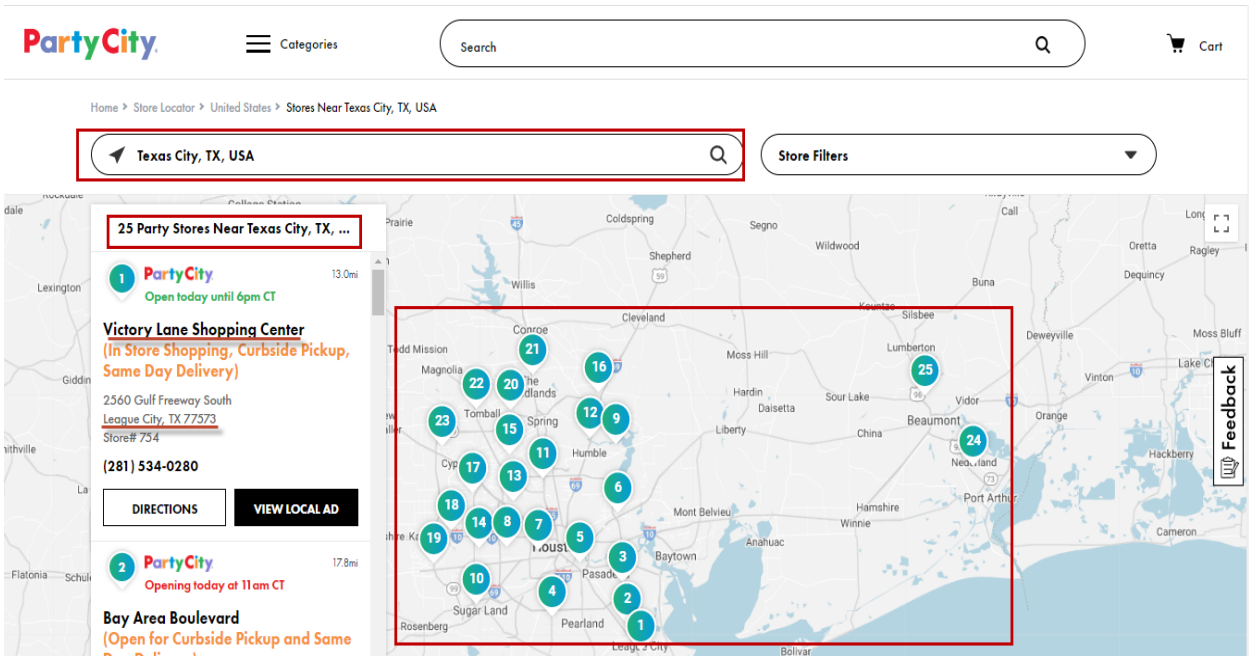
49. The Accused Instrumentality performs the step of executing the template program specific to the user (*e.g.*, page generation code, tiles, containers, and user data) using real-time information stored in the storage device (*e.g.*, currently available stores and advertisements, stored in a storage database/server) as input to the template program to generate the customized page (*e.g.*, the currently available stores, and advertisements will be inputted into a template program so that the appropriate web page will be generated and displayed to the user). As shown below, a user's party.com page will be customized to show the stores near the location linked to a user's account. Below are screenshots of two pages for two different users' that have varying stores displayed based upon the users' respective locations (*i.e.*, real-time information selected for the user's customized web page based on the customization information unique to the user).

First User –



(<https://stores.partycity.com/us/?q=New%20York,%20NY,%20USA> (for a particular user)).

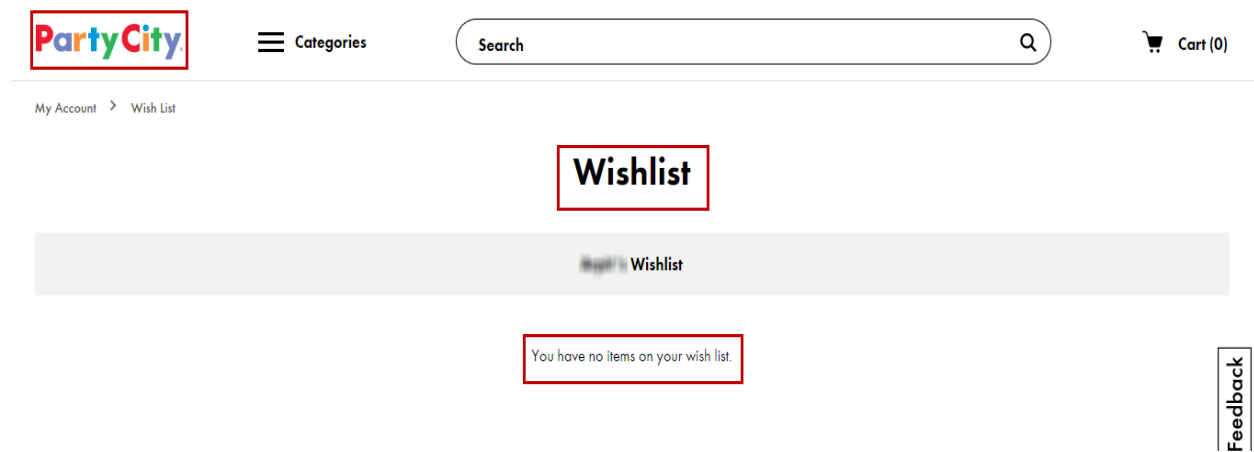
Second User –



(<https://stores.partycity.com/us/?q=Texas%20City,%20TX,%20USA> (for a particular user)).

The code for each user's respective pages demonstrates that the template program is varied so that each user can receive appropriately customized pages (e.g., the code for each respective

page is updated/adapted to pull from different resources so that the appropriate information/data can be referenced/displayed for each user). A user can also customize their partycity.com page by saving Wishlists, so that saved Wishlists can be displayed. Below are screenshots pertaining to the selection process.



(<https://www.partycity.com/wishlist> (for a particular user)).



(<https://www.partycity.com/giant-gliding-spider-man-webbed-wonder-balloon-765824.html?cgid=balloons-giant-gliding> (for a particular user)).

Shown below are screenshots of webpages customized according to the saved Wishlist of two respective users.

First User –

The screenshot shows the Party City website's 'Wishlist' page. At the top, there is a search bar and navigation links for 'My Account' and 'Wish List'. The 'Wishlist' title is centered in a red-bordered box. Below it, three items are displayed in a grid:

- Giant Gliding Spider-Man Webbed Wonder Balloon:** A large Spider-Man figure next to a child. Price: \$24.99. Rating: 5 stars. Quantity: 1. Add to Cart button.
- Spider-Man Punch Balloons 2ct:** Two balloons, one blue and one red, with Spider-Man logos. Price: \$1.00. Rating: 5 stars. Quantity: 1. Add to Cart button.
- Personalized Spider-Man Birthday Balloon Kit 23in x 34in:** A kit including a Spider-Man figure and a personalized 'HAPPY BIRTHDAY! PATRICK!' balloon. Price: \$12.99. Rating: 5 stars. Quantity: 1. Add to Cart button.

(<https://www.partycity.com/wishlist> (for a particular user)).

Second User –

The screenshot shows the Party City website's 'Wishlist' page for a second user. At the top, there is a search bar and navigation links for 'My Account' and 'Wish List'. The 'Wishlist' title is centered in a red-bordered box. Below it, three items are displayed in a grid:

- Frozen 2 Creative Studio in a Box:** A collection of Frozen 2 themed items including cards, stickers, and a pencil. Price: \$8.99. Rating: 5 stars. Quantity: 1. Add to Cart button.
- Instant Anna & Castle Transformation in a Box:** A Frozen 2 themed box set. Price: \$6.25 per Guest, Total: \$59.99. Rating: 5 stars. Quantity: 1. Add to Cart button.
- Frozen 2 Table Cover:** A light blue table cover with a Frozen 2 design. Price: \$3.99. Rating: 5 stars. Quantity: 1. Add to Cart button.

(<https://www.partycity.com/wishlist> (for a particular user)).

50. The Accused Instrumentality performs the step of providing the customized page (e.g., a user's partycity.com page, search results, etc., with integrated advertisements) wherein

the steps of executing and providing are performed in real-time response to the receipt of the user request (*e.g.*, user login request, search initiation, etc.) in the step of receiving wherein the customized page includes at least one item of real-time information (*e.g.*, currently available stores) selected from the storage device (*e.g.*, pulled from storage servers/databases and sent to an API/webserver for processing/display). As shown above, a user's partycity.com page will be customized to show the stores near the location linked to a user's account. As shown above, two pages for two different users have varying stores displayed based upon the users' respective locations (*i.e.*, real-time information selected for the user's customized web page based on the customization information unique to the user). Also shown above, the code for each user's respective pages demonstrates that the template program is varied so that each user can receive appropriately customized pages (*e.g.*, the code for each respective page is updated/adapted to pull from different resources so that the appropriate information/data can be referenced/displayed for each user).

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

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

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

53. Plaintiff incorporates the above paragraphs herein by reference.

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

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

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

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

58. The ‘414 Patent shares the identical specification as the ‘854 patent and therefore Digi Portal incorporates the background and discussion of the invention in Paragraphs 13-25. Furthermore, the prosecution history of the ‘414 patent highlights advantages and unconventional features of the claimed invention including the “storing real-time information in a shared local storage device.” An example of this limitation is when live data used to fill templates is stored local to the page server which is handling user requests for custom web pages. (Ex. I at 8; Ex. G at col. 2:11-15). Every piece of information that a person can request on a page is storable in a shared memory closely coupled to a page generator. (Ex. I at 9; Ex. G

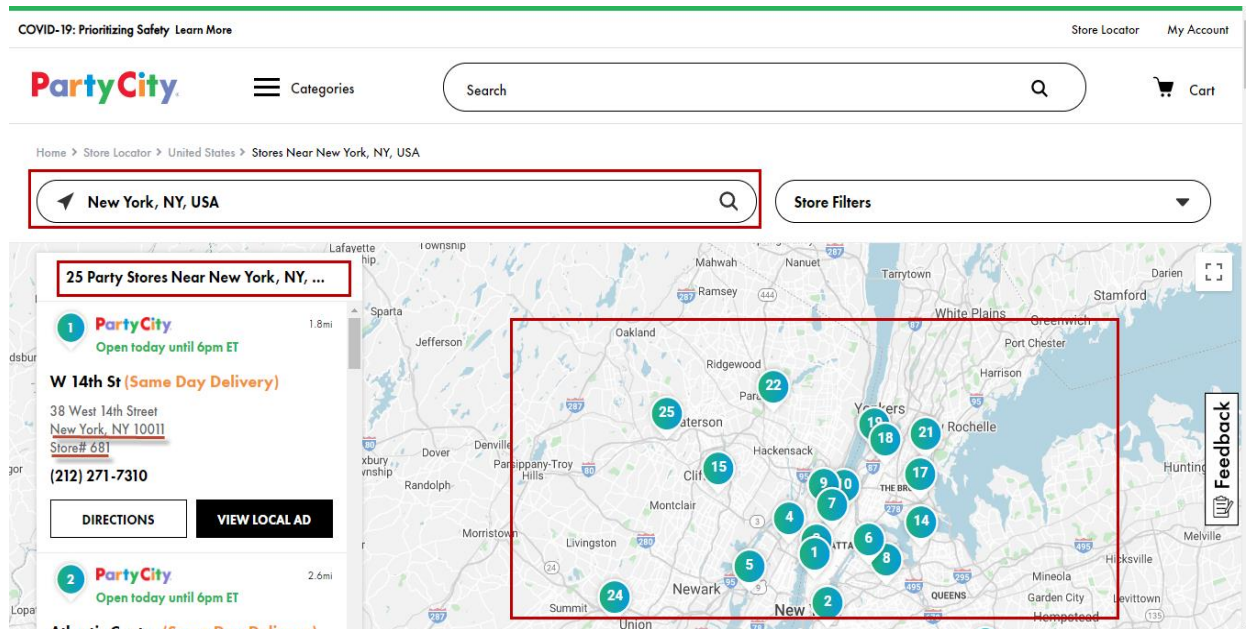
at col. 4:43-58). Unlike the prior art CGI process that required time consuming calls to other servers, storing real-time information in a shared local storage device, allows for any custom page to be built within the page server thereby eliminating the need to make requests from other servers for portions of the live data. (Ex. I at 9; Ex. G at col. 2:25-31).

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

60. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing at least claims 1 and 3 of the '414 patent in Delaware, and elsewhere in the United States, by performing actions comprising using or performing the claimed method using the <https://www.partycity.com/> website ("Accused Instrumentality"). The Accused Instrumentality uses a page server (*e.g.*, the partycity.com server), to provide a customized page to a user (*e.g.*, user-specific web page, search results), wherein the customized page is customized according to the user's preferences (*e.g.*, user location, user interests).

61. On information and belief, the Accused Instrumentality performs the step of real-time information from information sources (*e.g.*, storage servers/databases that store currently

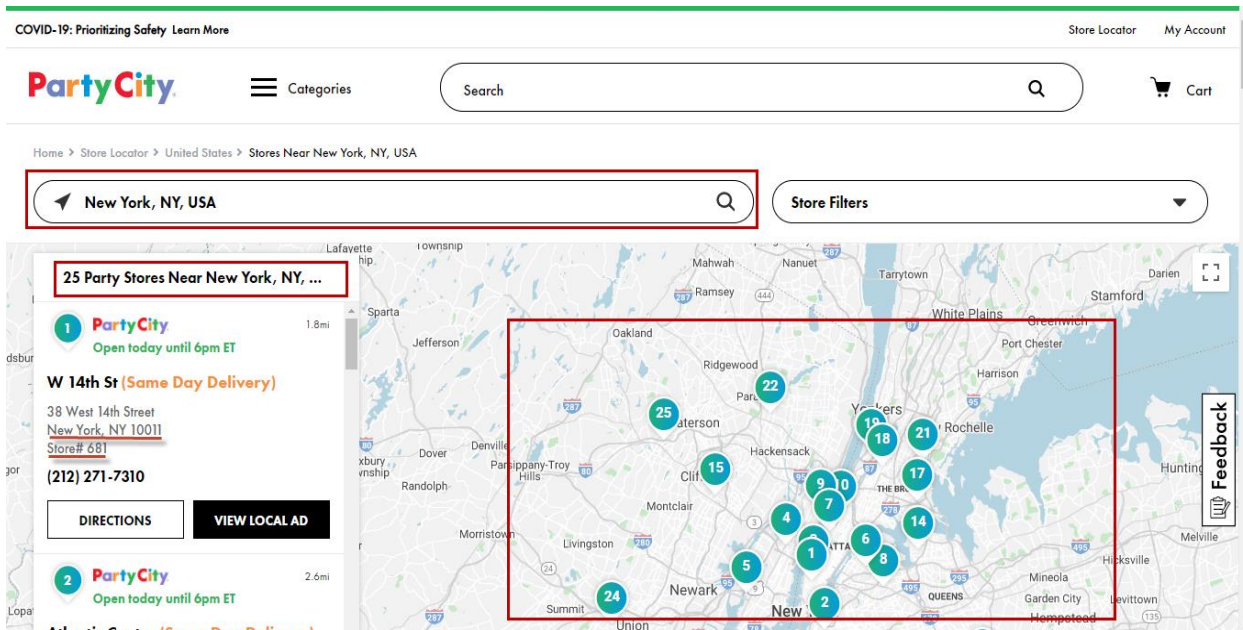
available stores and advertisements) and stores them in a shared local storage device (e.g., the data will be pulled from storage servers/databases and stored, at least temporarily, at a local web/API server, for processing and subsequent display to a user). As shown below, users can customize their location on their partycity.com page to find stores near their location.



(<https://stores.partycity.com/us/?q=New%20York,%20NY,%20USA> (for particular user)). As

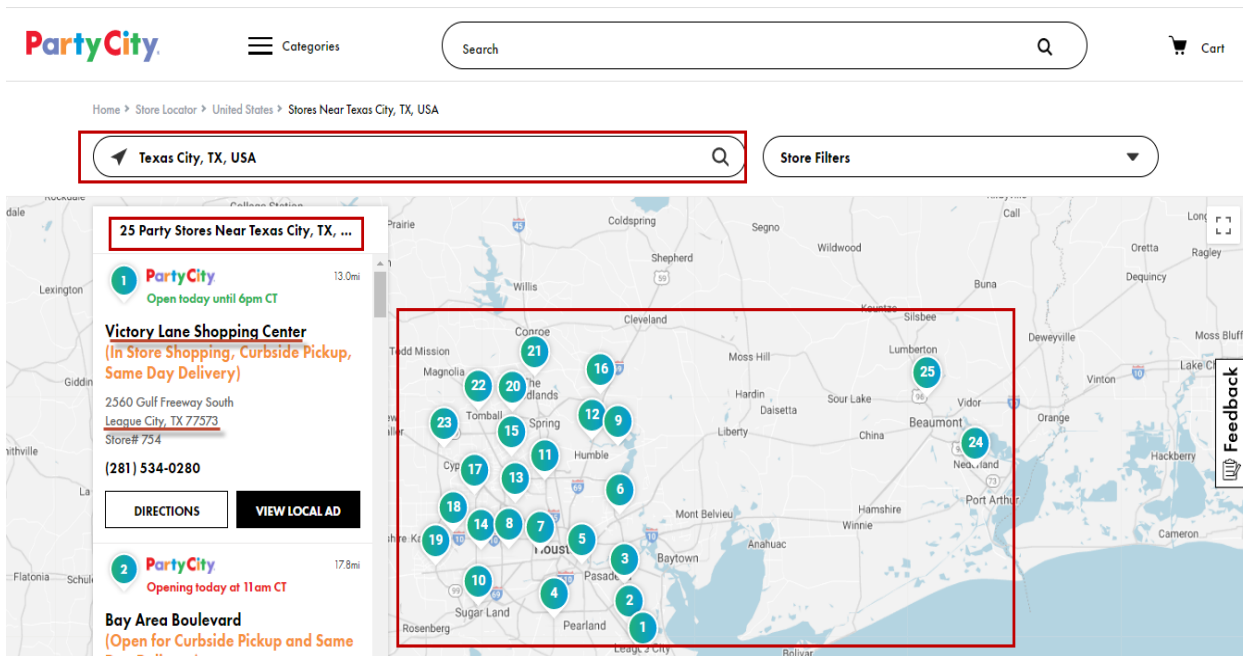
shown below, a user's partycity.com page will also be customized to show stores near the location linked to a user's account. Below are screenshots of two pages for two different users' that have varying stores displayed based upon the users' respective locations.

First User –



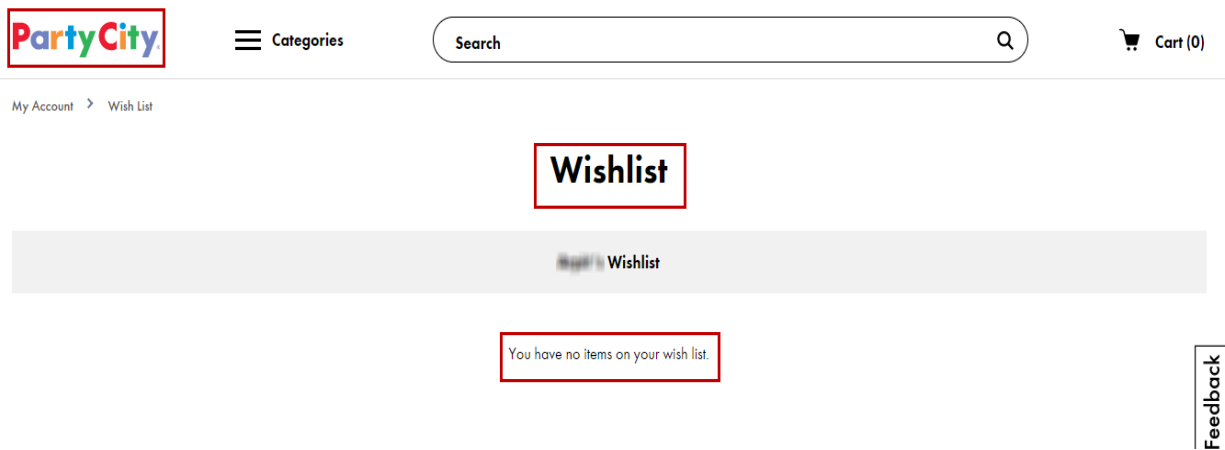
(<https://stores.partycity.com/us/?q=New%20York,%20NY,%20USA> (for a particular user)).

Second User –



(<https://stores.partycity.com/us/?q=Texas%20City,%20TX,%20USA> (for a particular user)).

A user can also customize their partycity.com page by saving Wishlists, so that saved Wishlists can be displayed. Below are screenshots pertaining to the selection process.



(<https://www.partycity.com/wishlist> (for a particular user)).



(<https://www.partycity.com/giant-gliding-spider-man-webbed-wonder-balloon-765824.html?cgid=balloons-giant-gliding> (for a particular user)). Shown below are screenshots

of webpages customized according to the saved Wishlist of two respective users.

First User –

The screenshot shows the Party City website's 'Wishlist' page. At the top, there is a search bar and navigation links for 'My Account' and 'Wish List'. The 'Wishlist' title is centered at the top of the product grid. Three items are listed:

- Giant Gliding Spider-Man Webbed Wonder Balloon**: \$24.99, 5 stars. Includes a quantity selector (1) and an 'Add to Cart' button.
- Spider-Man Punch Balloons 2ct**: \$1.00, 5 stars. Includes a quantity selector (1) and an 'Add to Cart' button.
- Personalized Spider-Man Birthday Balloon Kit 23in x 34in**: \$12.99. Includes a quantity selector (1) and an 'Add to Cart' button.

(<https://www.partycity.com/wishlist> (for a particular user)).

Second User –

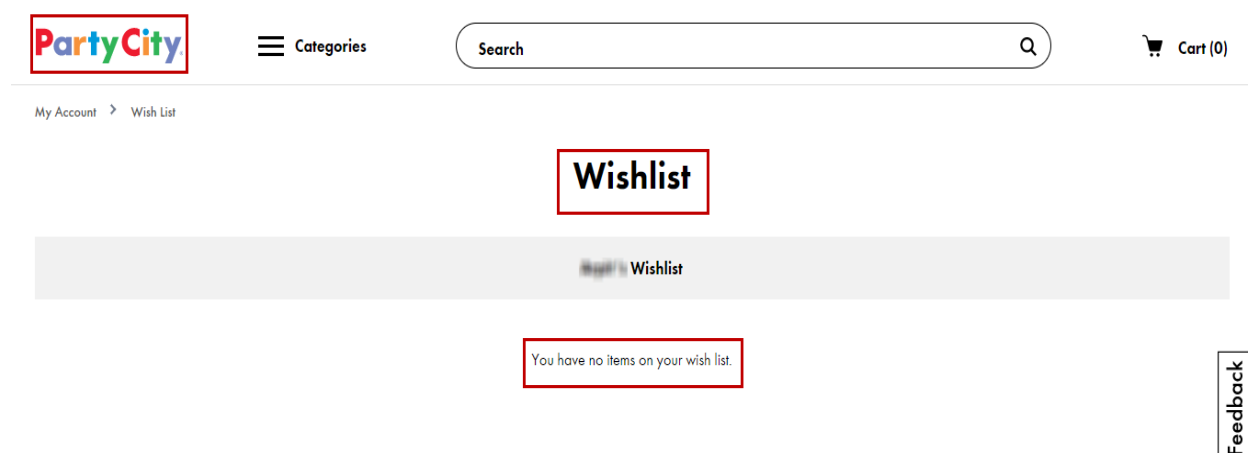
The screenshot shows the Party City website's 'Wishlist' page for a second user. At the top, there is a search bar and navigation links for 'My Account' and 'Wish List'. The 'Wishlist' title is centered at the top of the product grid. Three items are listed:

- Frozen 2 Creative Studio in a Box**: \$8.99. Includes a quantity selector (1) and an 'Add to Cart' button.
- Instant Anna & Castle Transformation in a Box**: \$6.25 per Guest, \$59.99. Includes a quantity selector (1) and an 'Add to Cart' button.
- Frozen 2 Table Cover**: 34in x 96in Plastic Table Cover, \$3.99, 5 stars. Includes a quantity selector (1) and an 'Add to Cart' button.

(<https://www.partycity.com/wishlist> (for a particular user)).

62. On information and belief, the Accused Instrumentality performs the step of storing a user-specific template program (e.g., generic template customized based on user-

specific interests & with real-time information) for the user in a data structure associated with a user identifier unique to the user (*e.g.*, the user-specific template is stored corresponding to every user based on the user's unique preferences and information associated with the user's sign-in information). The accused instrumentality uses the template program that is unique to the user which is generated using customization information unique to the user and a global template that is generic to a plurality of users. As shown below, after a user logs in, partycity.com can display a user's saved Wishlists. As such, a user-specific template program utilized to create the displayed websites that show a user's saved Wishlists must be stored in a database wherein said template program is tied to a user's log in information/account.



(<https://www.partycity.com/wishlist> (for a particular user)).



Giant Gliding Spider-Man Webbed Wonder Balloon

[See All Giant Gliding Balloons](#)

\$24.99

- 1 + **ADD TO CART**

♥ Add to wishlist ✓ Curbside Pickup or Same-Day Delivery

Product Details

Party guests will want to swing in to see this Giant Gliding Spider-Man Webbed Wonder Balloon! This giant balloon is three feet tall and designed to look like Spider-Man in a crouching position. Use this Spider-Man balloon at your little hero's birthday party with other Spider-Man decorations, or include it inside a balloon bouquet for a truly awesome birthday gift.

[Read More](#)

his Item [f](#) [t](#) [p](#) [✉](#)

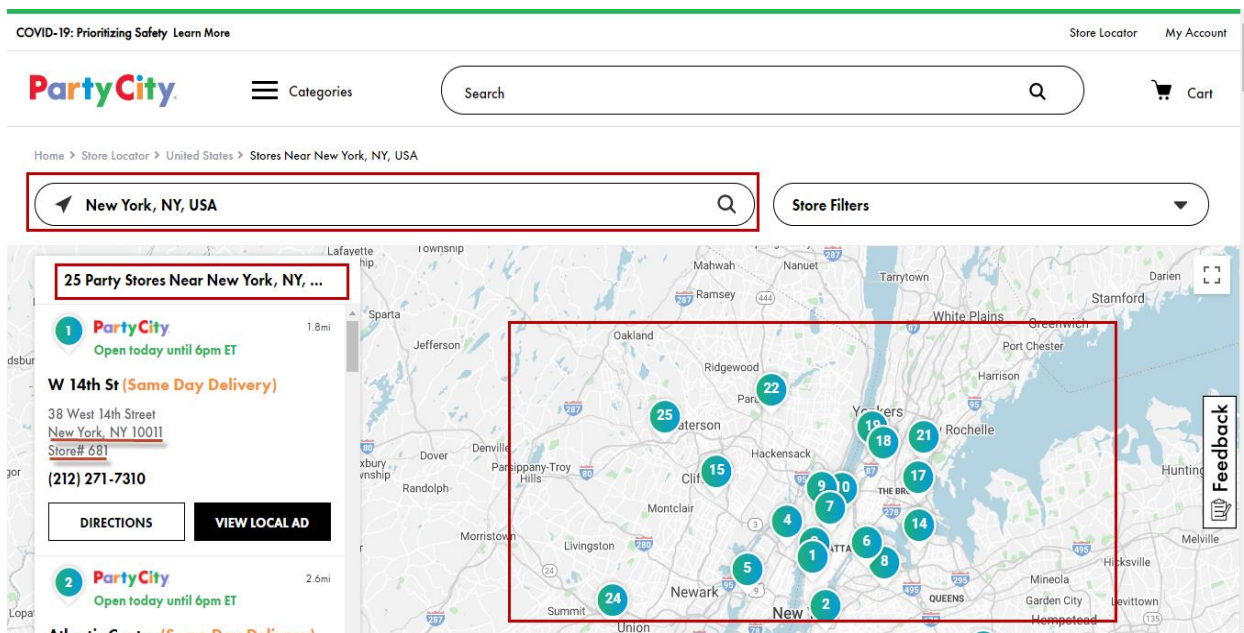
Feedback

<https://www.partycity.com/giant-gliding-spider-man-webbed-wonder-balloon-765824.html?cgid=balloons-giant-gliding> (for a particular user)).

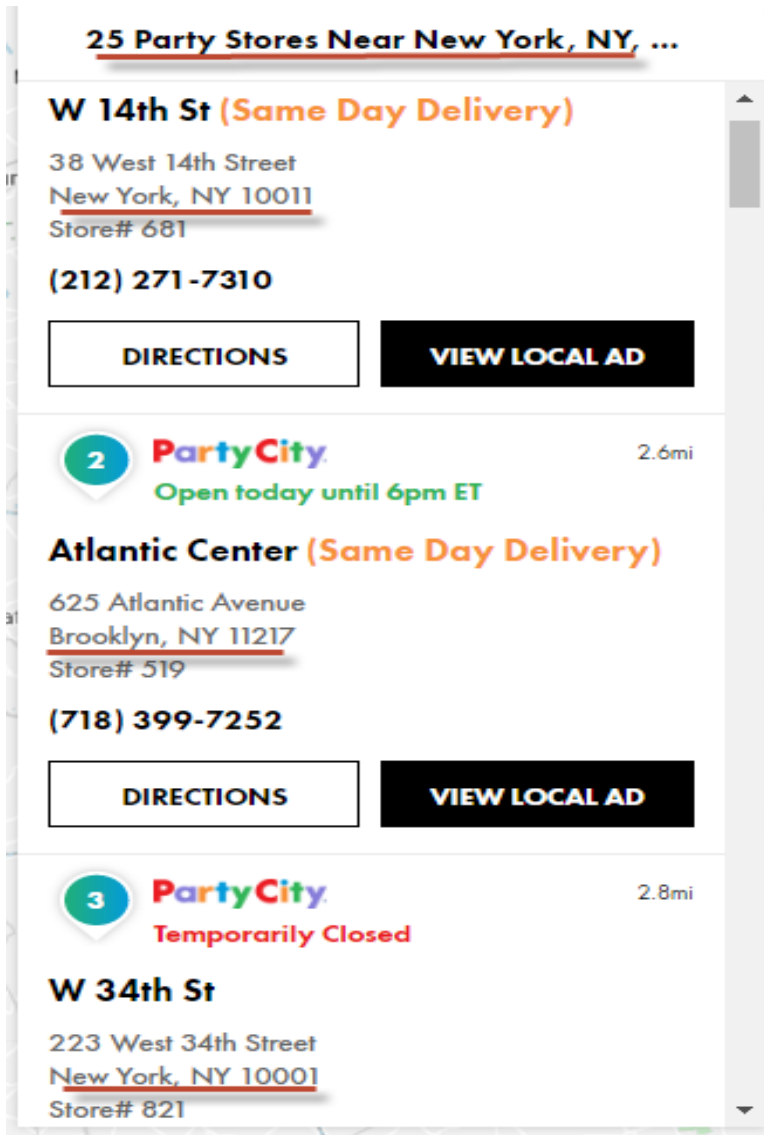
As shown above, the screenshots of webpages show that they are customized according to the saved Wishlists of two respective users. In order to display the saved Wishlists to a user following their login, partycity.com must store the template programs utilized to render said pages in a database, and tie said template programs to a user's account.

63. Upon information and belief, the Accused Instrumentality performs the step of receiving, from the user and at the page server (*e.g.*, partycity.com server), a user request (*e.g.*, user login, search initiation) for a customized page (*e.g.*, search results limited to a user's location, nearby stores tied to a user's location, pages with advertisements targeted to a user's interest) and determining a user identifier associated with the request (*e.g.*, in order to limited search results to a location tied to an account, or nearby stores related to a user's location, partycity.com must determine a user identifier that links the request to the user's account and preferences). The accused instrumentality uses the template program that is unique to the user which is generated using customization information unique to the user and a global template that

is generic to a plurality of users. As shown below, users can customize their location on their partycity.com page to find stores near their location.



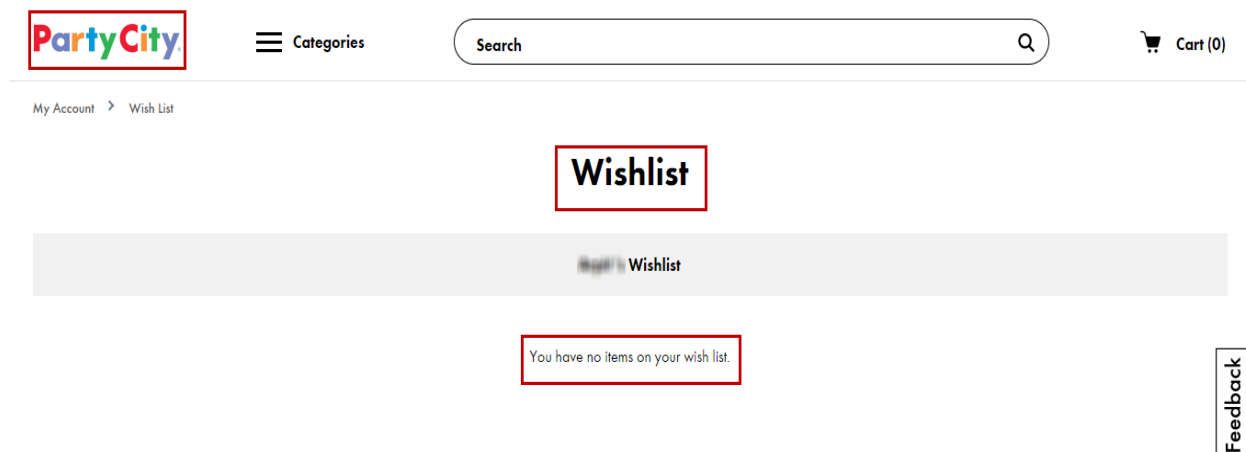
(E.g., <https://stores.partycity.com/us/?q=New%20York,%20NY,%20USA> (for a particular user)). As shown below, a user's partycity.com page is customized by the location information provided by the user.



(E.g., <https://stores.partycity.com/us/?q=New%20York,%20NY,%20USA> (for a particular user)). As shown above, a user's partycity.com page will also be customized to show stores near the location linked to a user's account. As shown above, a user can also customize their partycity.com page by saving Wishlists, so that saved Wishlists can be displayed.

64. On information and belief, the Accused Instrumentality performs the step of receiving a template program specific to the user using the determined user identifier (e.g., user id & password) associated with the user request (e.g., user login request). In order to display a webpage that shows search results limited to a user's location and saved Wishlists, partycity.com

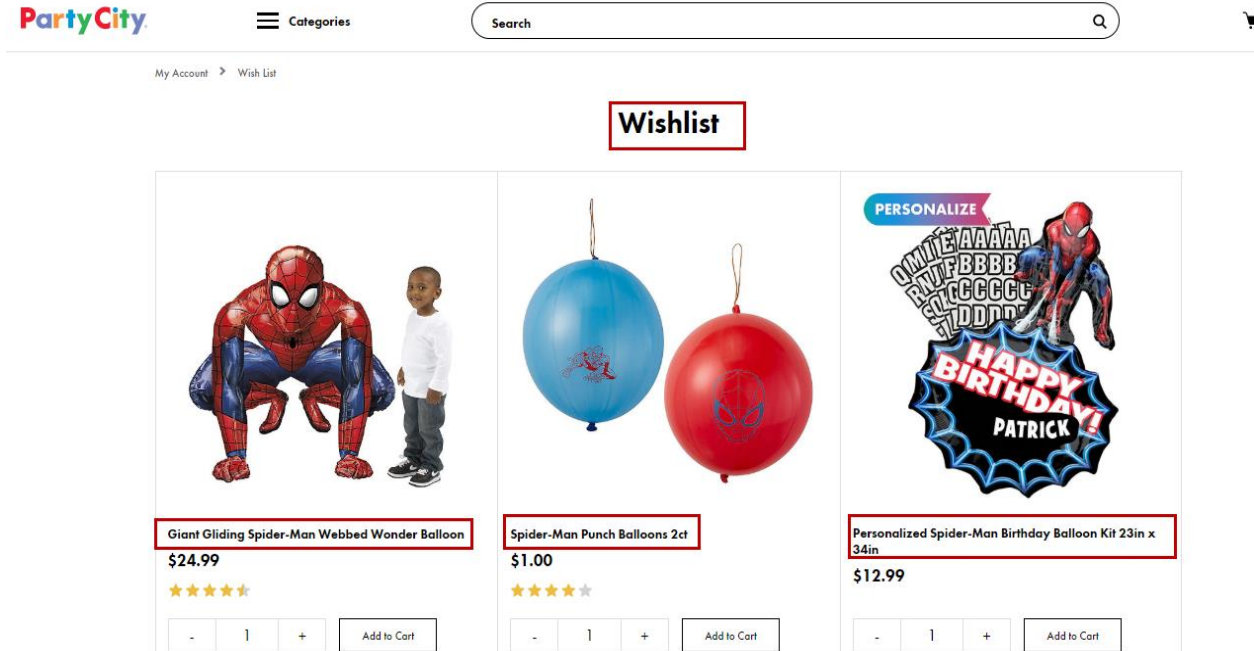
must receive a template program (e.g., code, instructions, etc., used to create a webpage for display) tied to a user's account/preferences. As shown below, after a user logs in, partycity.com can display a user's saved Wishlists. As such, a user-specific template program utilized to create the displayed websites that show a user's saved Wishlists must be stored in a database wherein said template program is tied to a user's log in information/account.



(<https://www.partycity.com/wishlist> (for a particular user)).



(<https://www.partycity.com/giant-gliding-spider-man-webbed-wonder-balloon-765824.html?cgid=balloons-giant-gliding> (for a particular user)).



(E.g., <https://www.partycity.com/wishlist> (for a particular user)).

65. On information and belief, the Accused Instrumentality performs the step that the template program is received from one of at least two locations (e.g., main storage at the partycity.com server or local storage on the user’s computer), the location determined from frequency of the user request for the customized page. Template information that is part of the template program is stored for less frequently accessed files in the main storage and for more frequently accessed files in local storage on the user’s computer. Running the template program (page generation code, tiles, containers, and user data) creates the customized webpage.

66. In at least testing and usage, the accused instrumentality practices receiving a template program (e.g., software instructions and data used for rendering a particular user’s partycity.com page such as a JavaScript page) that is unique to the user (e.g., JavaScript pages will be specific to a user because the content can be modified by and/or customized for a user) and based on user configuration information (e.g., a user can customize the content of their templates and what will be rendered and displayed using said templates by entering information

such as their location) the user configuration information being supplied by the user (*e.g.*, a user defines the information their template will display by inputting information such as their location) and used to build the template program that is unique to the user (*e.g.*, user profile and user configuration information is used to modify templates, create instructions, and designate appropriate data retrieval for rendering the user's specific page), the user configuration information including user demographic information (*e.g.*, a user's profile information and/or configuration information may contain their location and age, among other information), and wherein the template program is received from one of at least two locations (*e.g.*, the data and templates comprising a user's page may be retrieved from a main server/disk storage), the location determined from the frequency of the user request for the customized page (*e.g.*, based on the frequency at which a user logs in or accesses their partycity.com page, the data comprising the users page may be stored at a main server). The accused instrumentality uses the template program that is unique to the user which is generated using customization information unique to the user and a global template that is generic to a plurality of users. Template information that is part of the template program is stored for less frequently accessed files in the main storage and for more frequently accessed files in local storage on the user's computer. Running the template program (page generation code, tiles, containers, and user data) creates the customized webpage. When a user signs-up or performs a login, the code takes the user template information and stores in a site JavaScript object that is used in logic to display various stores, other site logic-based conditions. The user information is stored in multiple locations: (1) At runtime, in a JavaScript object with the data structure called Context Data; (2) Within Browser local storage; and (3) Browser Cookies.

```
window|navigator.msMaxTouchPoints>0,is_mobile:-1!=window.location.host.search(/m/)|-1!=window.location.host.search("bbhosted.")|-1!=window.location.pathname.search("/index.m.html")
|-1!=window.location.pathname.search("/mobile"),environment:-1!=window.location.host.search(/\/stores\/www\/m\/.\/)?"prod":"dev",carousel_pos:!!,initialized:!!,debug_mode:!!,udo_json:
{ml_udo_json:{},ready_udo_json:{},last_udo_json:{},basket_line:{},toggle_basket:!!,toggle_basket_to:!!,omni_event_xwalk:{header:
{modal:10,hover:11,account:12,view_edit:17,save:18,checkout:19},footer:{email:1,social:2},"my account":{click:12},banner:{click:20,hover:15},gateway:{click:37},directory:{},search:
{qs:3,term:4,autosuggest:5,facet:8},auto_suggest:{selected:27},quickshop:{click:3},carousel:{click:9,hover:21},print:{click:37},basket:
{stateCode:23,shipMethod:24,continue:25,update:26,print:27,save:28,apply:29,remove:22,checkout:30,paypal:31},checkout:
{apply:29,remove:22,sign_in:12,guest:89,register:90,password:91,opt_out:92,new_addr:93,gift:65,paypal:31,place_order:68},thank_you:
{register:90,no_register:99,print:76,continue:25}},trackLink:function(e,t,a){var
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

```
(r=document.location.href,t&t.firstPartyServingDomain&(o=document.domain,n=o+location.pathname,o&&o.length&&(r<<r.indexOf(n)?
r.replace(n,t.firstPartyServingDomain+EBG.Semi.AttributionEnum.UrlParamNames.SERVING_PIPE):r.replace(o,t.firstPartyServingDomain))),r=
(r=r.replace(EBG.Semi.AttributionEnum.UrlParamNames.DISP_TYPE+"="+EBG.Semi.AttributionEnum.DisplayTypes.IFRAME,EBG.Semi.AttributionEnum.UrlParamNames.DISP_TYPE+"="+EBG.Semi.AttributionEn
um.DisplayTypes.JAVASCRIPT)).replace("cn=ot","cn=ot"+EBG.Semi.AttributionEnum.UrlParamNames.SEC_CALL+"="+t.sessionId+"&sessionId="+t.sessionId+""),o=
(r=this._addProviderUserId(r,t)).substr(r.indexOf(EBG.Semi.AttributionEnum.UrlParamNames.SYNC)+
(EBG.Semi.AttributionEnum.UrlParamNames.SYNC+"").length,1),EBG.Semi.Infra.loadFileByScriptElem(document,r,function(){this._handleResponse({sendTime:(new
Date).getTime()},1*o,this)},hasStorage:function(){try{return localStorage.setItem("eyeTesting","eyeTesting"),localStorage.removeItem("eyeTesting"),!0}catch(e)
{return!1}},getSessionId:function(){if(!this.hasStorage())return this.generateSessionId();var e=null,t=new
Date,a=localStorage.getItem("SZMKSessionId");if(a)try{a=JSON.parse(a),18e5>t.getTime()-a.time&&(e=a.id)}catch(e){return
e=!1}this.generateSessionId(),localStorage.setItem("SZMKSessionId",JSON.stringify({time:t.getTime(),id:e})),e},generateSessionId:function(){var e;e=""+
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

```
(o=document.createElement("input")).type="hidden",o.name="qty",o.value=0,o.size=3,o.maxLength=3,e[n].appendChild(o)}catch(e){}function clearDigitalBrowserCookies()
{document.cookie="basket=false; expires=Thu, 01-Jan-70 00:00:01 GMT; path=/;","document.cookie="customer=false; expires=Thu, 01-Jan-70 00:00:01 GMT;
path=/;","document.cookie="fv_mill=false; expires=Thu, 01-Jan-70 00:00:01 GMT; path=/;"}function date(e,t){var a,i,o=
["Sun","Mon","Tues","Wednes","Thurs","Fri","Satur","January","February","March","April","May","June","July","August","September","October","November","December"],n=/\?
(?:/gi,r=function(e,t){return i[e]?i[e](t):s=function(e,t){for(e=String(e);e.length<t;e="0"+e;return e);i={d:function(){return s(i.j(),2)},D:function(){return
i.l().slice(0,3)},j:function(){return a.getDate()},l:function(){return o[i.w()+"day"],M:function(){return i.w()||7},S:function(){var e=i.j(),t=e%10;return
t<=3&&1==parseInt(e%100/10,10)&&(t=0),"st","nd","rd"}[t-1]||"th"},w:function(){return a.getDay()},z:function(){var e=new Date(i.Y(),i.n()-1,i.j()),t=new Date(i.Y(),0,1);return
Math.round((e-t)/864e5)},W:function(){var e=new Date(i.Y(),i.n()-1,i.j()-i.n()+3),t=new Date(e.getFullYear(),0,4);return s(1+Math.round((e-t)/864e5/7),2)},F:function(){return
o[6+i.n()]},m:function(){return s(i.n(),2)},M:function(){return i.F().slice(0,3)},n:function(){return a.getMonth()+1},t:function(){return new Date(i.Y(),i.n(),0).getDate()},L:function()
{var e=i.Y();return e%4==0&&e%100!=0?e%400==0},o:function(){var e=i.n(),t=i.W();return i.Y()+12===e&&t<9?1:1===e&&t>9?1:0},Y:function(){return a.getFullYear()},y:function(){return
i.Y().toString().slice(-2)},a:function(){return a.getHours()>11?"pm":"am"},A:function(){return i.a().toUpperCase()},B:function(){var
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

```
e.site.geo.geodat=JSON.parse(decodeURIComponent(n)),le.site.qsl||e.site.qsl|e.site.geo.geodat.ip=e.site.qslip}}return!1},setGeodat:function(a,i)
{if(e.site.geo.geodat.latitude|e.site.geo.getGeoCookie())"function"==typeof a&&a();else{var o=location.protocol+"//maps."+e.site.domain+"/api/geopip";e.site.qs&&e.site.qs.ip&&(o+="?
ip="+e.site.qs.ip),t.ajax({url:o,dataType:"json",crossDomain:!0,xhrFields:{withCredentials:!0},success:function(t){t.geopip?
(e.site.geo.geodat.latitude=t.geopip.latitude,e.site.geo.geodat.longitude=t.geopip.longitude,e.site.geo.geodat.country_code=t.geopip.country_code,e.site.geo.geodat.country_name=t.geopip.coun
try_name,e.site.geo.geodat.region=t.geopip.region,e.site.geo.geodat.city=t.geopip.city,e.site.geo.geodat.postal_code=t.geopip.postal_code,"function"==typeof a&&a());"function"==typeof
i&&i(),error:function(){if("function"==typeof i&&i()){}}},geolocation?function(t){var a=""void 0!==(t&&(a=t.indexOf("&")?&"+t):navigator.geolocation?navigator.geolocation.getCurrentPosition(function(t)
{window.location=e.site.geo.searchUrl+?lat="+t.coords.latitude+"&lng="+t.coords.longitude+"&rad="+e.site.geo.rad+a},function(){e.site.geo.geError(a)},
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

```
{data:null,providerCalled:!1},Device9:{data:null,providerCalled:!1},SizmekDI:
{data:null,providerCalled:!1}},gEBMainwindow.providersData=this._providersData)},EBGUIP.UserIdProvider.prototype=
{_filter:null,_currTagData:null,_arrProvidersNamesUsed:null,_providersEnum:["AdTruth","EBUIDCache","Device9","SizmekDI"],_providers:{isUsed:!1,shouldSendData:!0},EBUIDCache:
{isUsed:!1,shouldSendData:!0},Device9:{isUsed:!1,shouldSendData:!1},SizmekDI:{isUsed:!1,shouldSendData:!0}},_providersData:null,getUserIds:function(e)
{for(this._filter=e.filter,this._init(),this._currTagData=e,this._currTagData.currDoc|
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

```
(r=document.location.href,t&&.firstPartyServingDomain&&(o=document.domain,n=o+location.pathname,o&&o.length&&(r=0<r.indexOf(n)?
r.replace(n,t.firstPartyServingDomain+EBG.Semi.AttributionEnum.UrlParamNames.SERVING_PIPE):r.replace(o,t.firstPartyServingDomain))),r=
(r=r.replace(EBG.Semi.AttributionEnum.UrlParamNames.DISPLAY_TYPE+"="+EBG.Semi.AttributionEnum.DisplayTypes.IFRAME,EBG.Semi.AttributionEnum.UrlParamNames.DISPLAY_TYPE+"="+EBG.Semi.AttributionEn
um.DisplayTypes.JAVASCRIPT)).replace("cn=ot","cn=ot"+EBG.Semi.AttributionEnum.UrlParamNames.SEC_CALL+"="+t.sessionId+"&sessionId="+t.sessionId:""),o=
(r=this._addProviderUserId(r,t)).substr(r.indexOf(EBG.Semi.AttributionEnum.UrlParamNames.SYNC)+
(EBG.Semi.AttributionEnum.UrlParamNames.SYNC+"").length,1),EBG.Semi.Infra.loadFileByScriptElem(document,r,function(){this._handleResponse({sendTime:(new
Date).getTime(),1*o,this)),hasStorage:function(){try{return localStorage.setItem("eyeTesting","eyeTesting"),localStorage.removeItem("eyeTesting"),!0}catch(e)
{return!1}},getSessionId:function(){if(!this.hasStorage())return this.generateSessionId();var e=null,t=new
Date,a=localStorage.getItem("SZMKSessionId");if(a)try{a=JSON.parse(a),18e5>t.getTime()-a.time&&(e=a.id),catch(e){return
e=|this.generateSessionId(),localStorage.setItem("SZMKSessionId",JSON.stringify({time:t.getTime(),id:e})),e},generateSessionId:function(){var e;e=""
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

67. On information and belief, the Accused Instrumentality performs the step of executing the template program (*e.g.*, code, objects, APIs, scripts, etc.) specific to the user (*e.g.*, used to create a user-specific web page) using real-time information (*e.g.*, currently available stores) stored in the shared local storage device (*e.g.*, currently available stores are pulled from storage servers/databases and sent to a web/API server used to process said data for display; said web/API server is local to partycity.com and is shared amongst all users accessing the partycity.com website) to generate the customized webpage (*e.g.*, a user webpage displaying currently available stores, etc., customized for a user based on their preferences). As shown above, a user's partycity.com page will be customized to show stores near the location linked to a user's account. As shown above, screenshots of two pages for two different users have varying currently available stores displayed based upon the users' respective locations (*i.e.*, real-time information selected for the user's customized web page based on the customization information unique to the user such as stores). The code for each user's respective pages demonstrates that

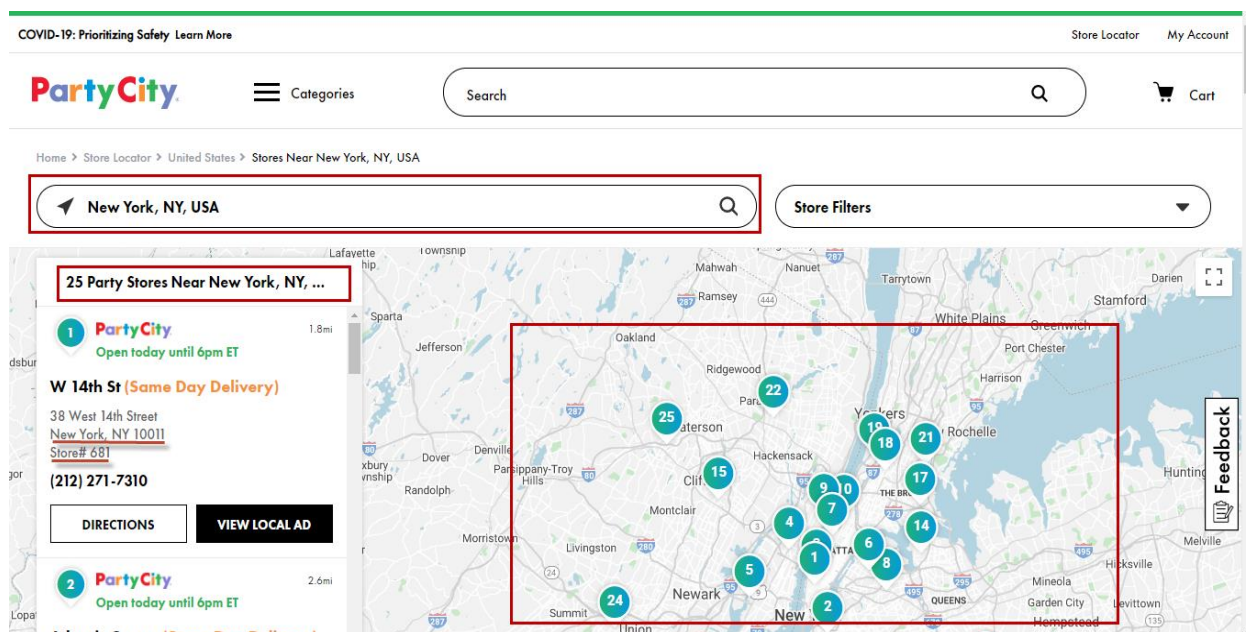
the template program is varied so that each user can receive appropriately customized pages (*e.g.*, the code for each respective page is updated/adapted to pull from different resources so that the appropriate information/data can be referenced/displayed for each user).

68. On information and belief, the Accused Instrumentality performs the step that the template program indicates items of interest to the user (*e.g.*, currently available stores related to the user location); and providing the user with the customized page (*e.g.*, user-specific web page). The accused instrumentality practices providing the customized page to the user (*e.g.*, a user's partycity.com page. As shown above, a user's partycity.com page will be customized to show stores near the location linked to a user's account. The code for each user's respective pages demonstrates that the template program is varied so that each user can receive appropriately customized pages (*e.g.*, the code for each respective page is updated/adapted to pull from different resources so that the appropriate information/data can be referenced/displayed for each user). As described above, a user can also customize their partycity.com page by saving Wishlists, so that saved Wishlists can be displayed.

69. On information and belief, the Accused Instrumentality performs the step of receiving user preferences (*e.g.*, user location/saved Wishlists) for the user, wherein the user preferences indicate the items of interest to the user (*e.g.*, currently available stores near a user, advertisement corresponding to user location) and combining the user preferences with a generic template to form the template program specific to the user. The accused instrumentality uses a template program that is unique to the user to generate a customized webpage by combining customization information unique to the user and a global template that is generic to a plurality of users. The overall layout of a user's page will be shared amongst all users, however the content of that page will differ for each user, this being dictated by a unique template program

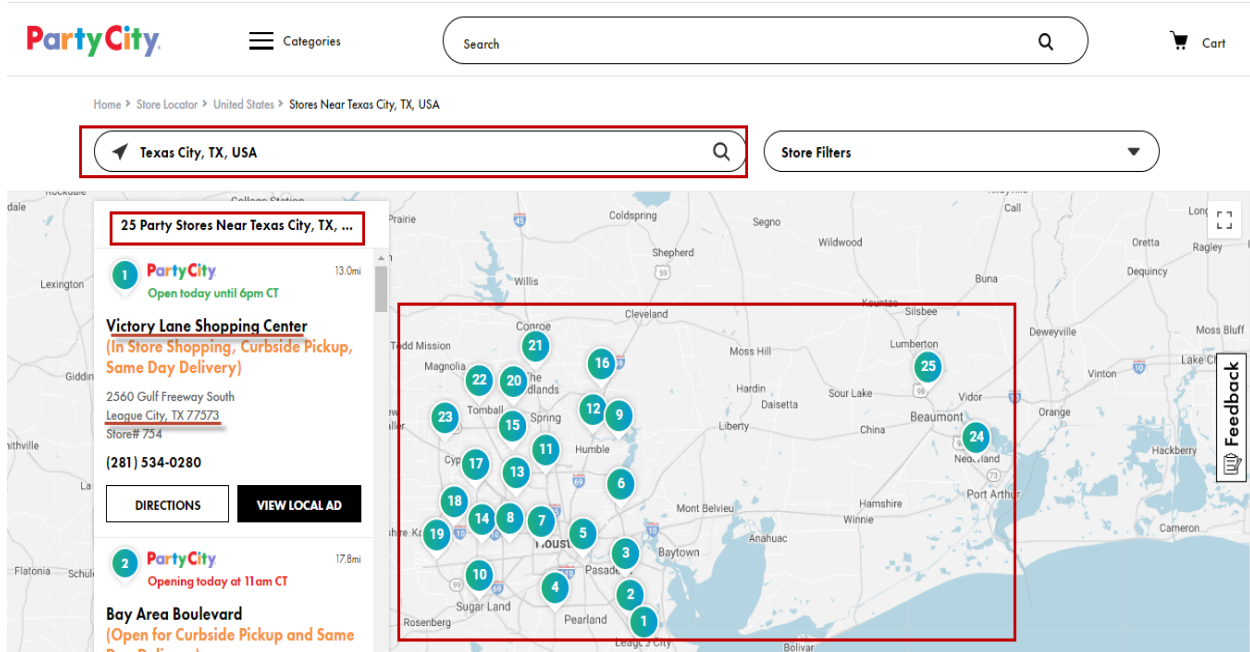
that is made by taking a general template that only defines layout, combining the user preferences with a generic template to form the template program specific to the user, and adding the data specific to user's interests to be displayed within said layout. As shown below, a user's partycity.com page will also be customized to show stores near the location linked to a user's account. Below are screenshots of two pages for two different users' that have varying stores displayed based upon the users' respective locations.

First User –



(<https://stores.partycity.com/us/?q=New%20York,%20NY,%20USA> (for a particular user)).

Second User –



(<https://stores.partycity.com/us/?q=Texas%20City,%20TX,%20USA> (for a particular user)). As described above, a user can also customize their partycity.com page by saving Wishlists, so that saved Wishlists can be displayed. Below are screenshots pertaining to the selection process.

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

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

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

72. Plaintiff incorporates the above paragraphs herein by reference.

73. On July 21, 2009, United States Patent No. 7,565,359 (“the ‘359 Patent”) was duly and legally issued by the United States Patent and Trademark Office. The ‘359 Patent is titled “Dynamic Page Generator.” A true and correct copy of the ‘359 Patent is attached hereto as Exhibit K and incorporated herein by reference.

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

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

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

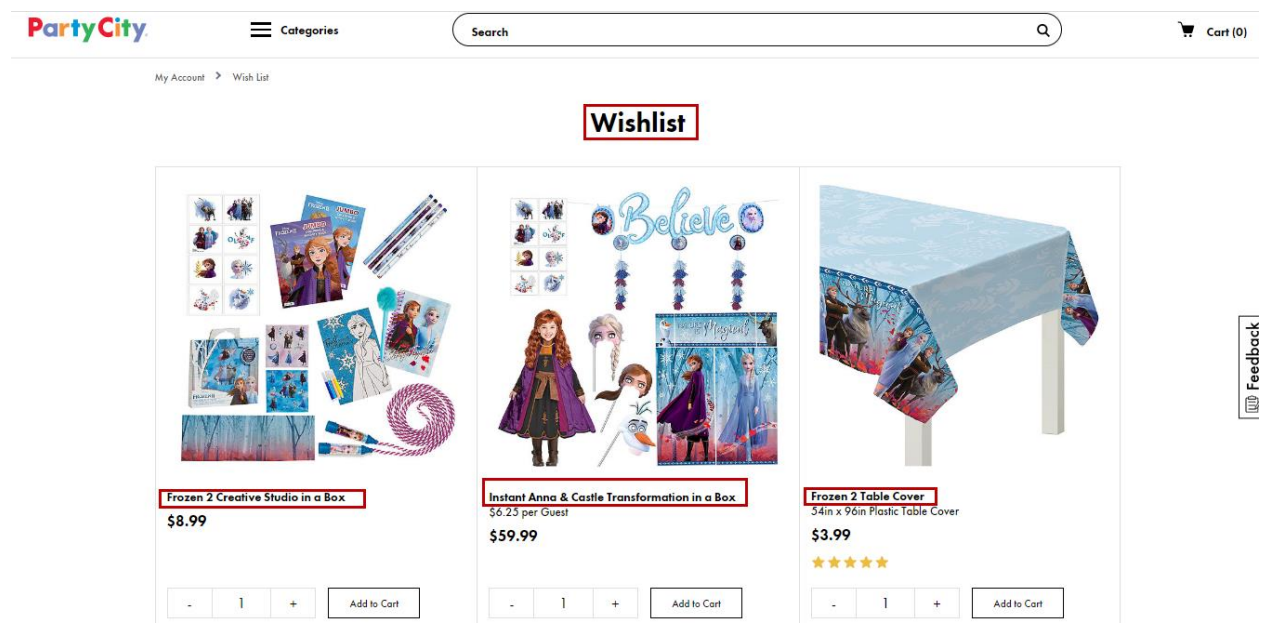
77. The ‘359 Patent shares the identical specification as the ‘854 patent and therefore Digi Portal incorporates the background and discussion of the invention in Paragraphs 13-25. Furthermore, the prosecution history of the ‘359 patent highlights advantages and the unconventional features of the claimed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

the user preferences with a generic template to form the template specific to the user, wherein the user preferences indicate the items of interest to the user in conjunction with the other limitations was not found in the prior art. (Ex. L at 8).

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

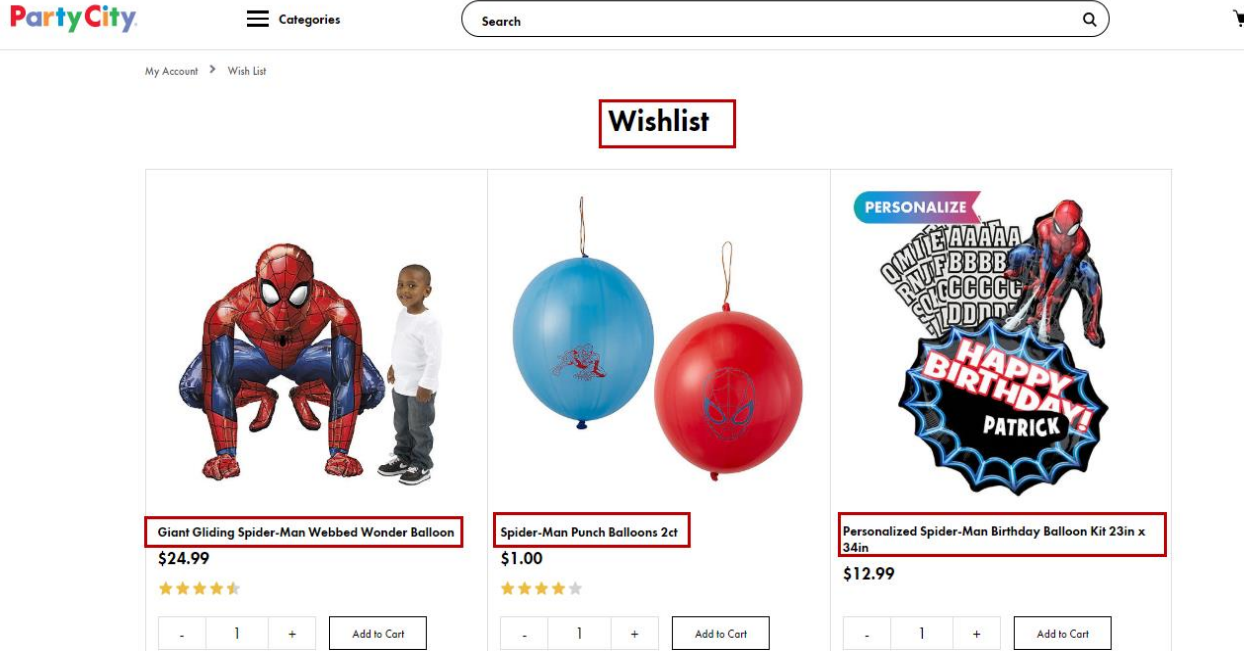
79. On information and belief, the Accused Instrumentality performs the step of storing the real-time information in a shared local storage device (*e.g.*, currently available stores and advertisements will be pulled from a storage server/database and sent to a partycity.com local web/API server for processing and display). The accused instrumentality also practices storing a user-specific template program (*e.g.*, instructions and data used to generate a custom user webpage) for a plurality of users, wherein each template program indicates items of interest to a user (*e.g.*, each user's template program will include instructions, code, etc. that dictates the information that should be displayed for a user based on their search query), and is associated

with a user identifier (e.g., in order for a user to see information specific to them and their account, such as saved searches or past searches, the template program for their webpage must be tied to their login credentials), wherein the user identifier is associated with a user request (e.g., user login and subsequent search request, navigation) for a customized page. As shown below, after a user logs in, partycity.com can display a user's saved Wishlists. As such, a user-specific template program utilized to create the displayed websites that show a user's saved Wishlists must be tied to a user's log in information/account.



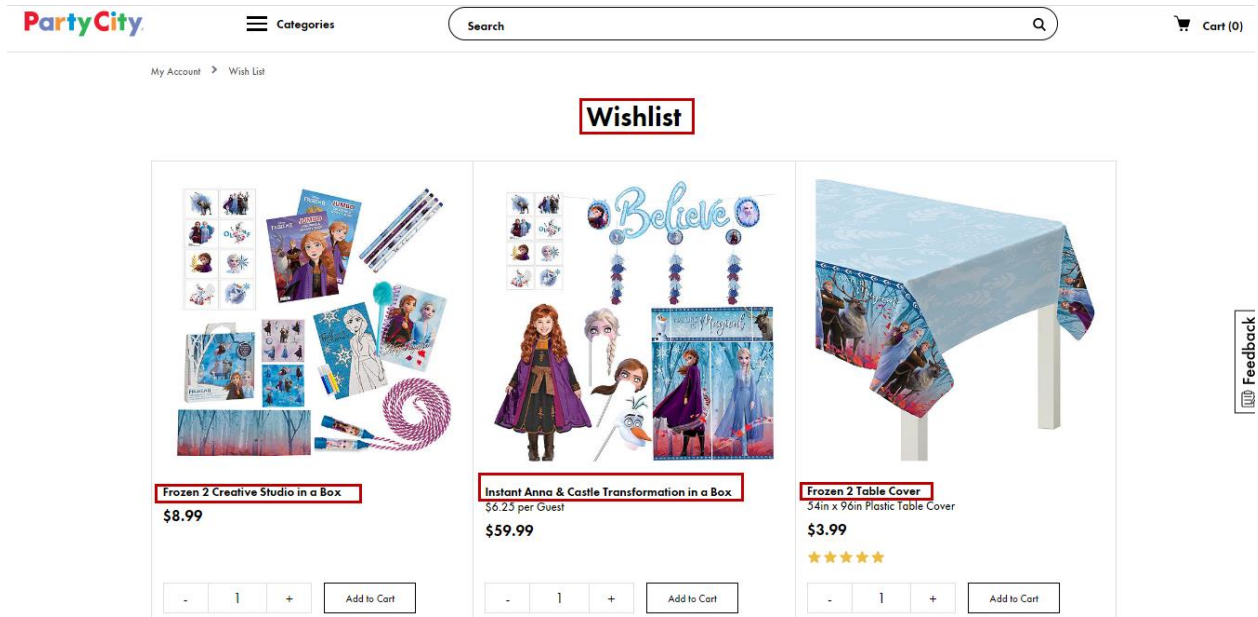
(<https://www.partycity.com/wishlist> (for a particular user)). Shown below are screenshots of webpages customized according to the saved Wishlists of two respective users.

First User –



(<https://www.partycity.com/wishlist> (for a particular user)).

Second User –

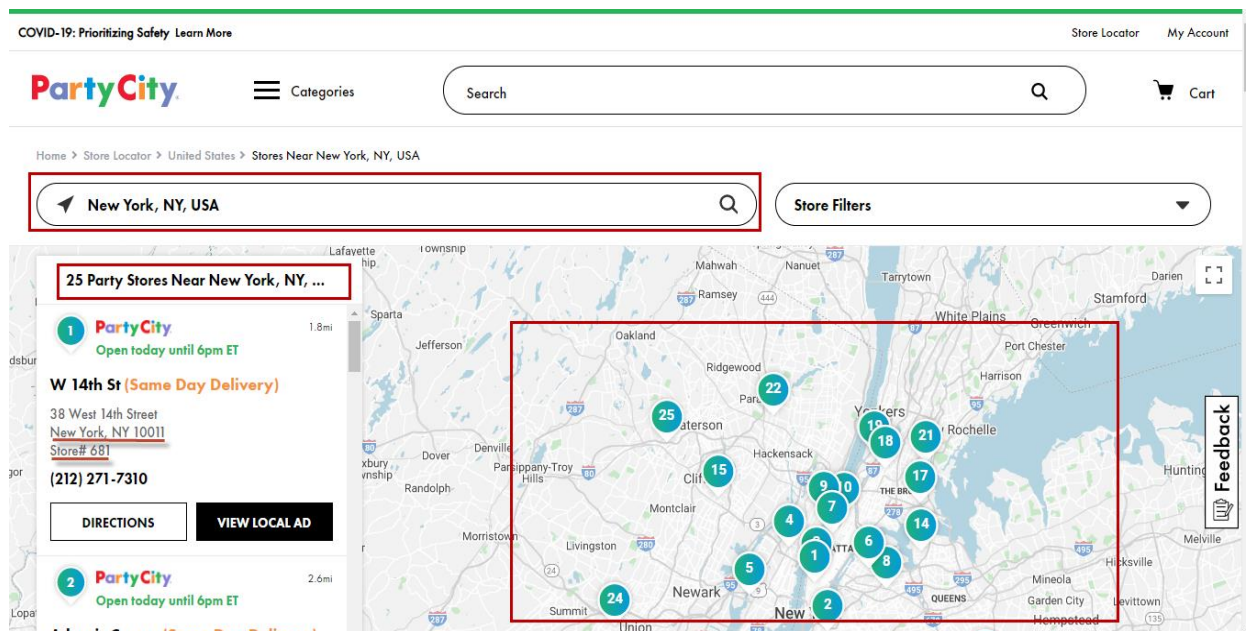


(<https://www.partycity.com/wishlist> (for a particular user)).

Additionally, a user's partycity.com page will also be customized to show stores near the location linked to a user's account. Below are screenshots of two pages for two different users'

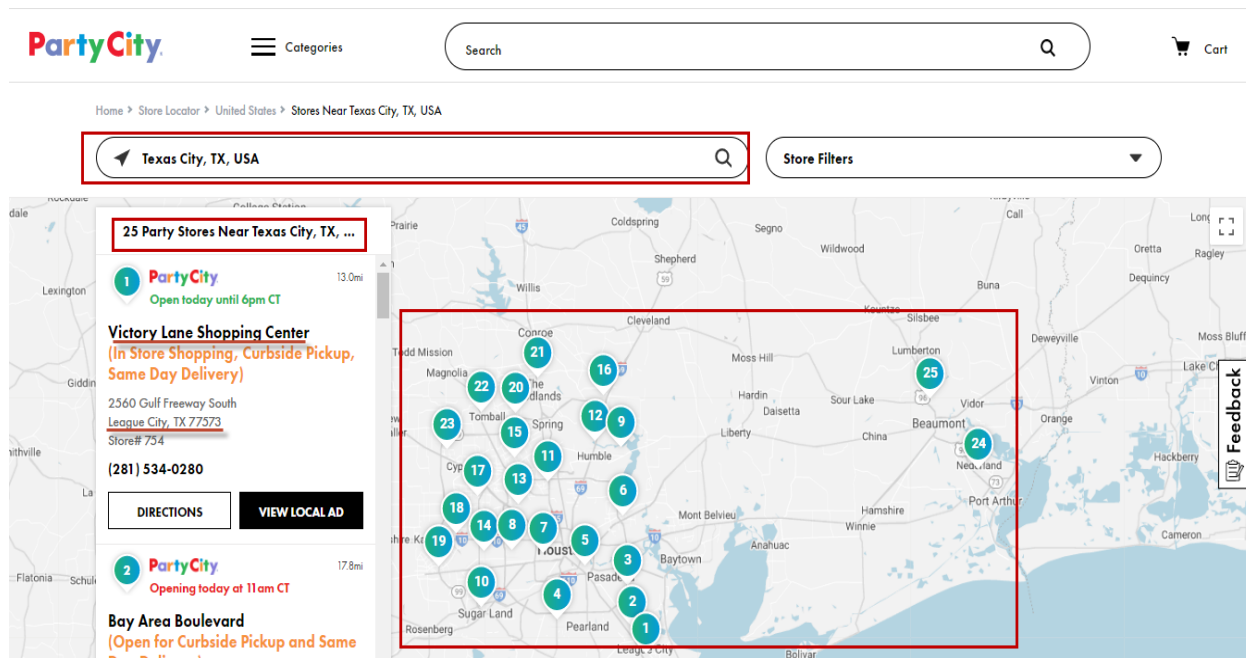
that have varying stores displayed based upon the users' respective locations.

First User –



(<https://stores.partycity.com/us/?q=New%20York,%20NY,%20USA> (for a particular user)).

Second User –



(<https://stores.partycity.com/us/?q=Texas%20City,%20TX,%20USA> (for a particular user)).

80. On information and belief, the Accused Instrumentality performs the step of receiving a template program (e.g., code, instructions, etc. that are executed to create a user page) specific to the user using the user identifier (e.g., as explained above, in order to display pages customized for a user subsequent to their login, the template program utilized to create said customized page must be tied to the user's account credentials), wherein the template program is received from one of at least two locations (e.g., main storage at a partycity.com server or local device storage), the location based upon a frequency of user requests for the customized page. On information and belief, template information that is part of the template program is stored for less frequently accessed files in a main storage server wherein frequently accessed files will be stored in local storage on the user's computer. Running the template program (page generation code, tiles, containers, and user data) creates the customized webpage. When a user signs-up or performs a login, the code takes the user template information and stores in a site JavaScript object that is used in logic to display various stores, other site logic-based conditions. The user information is stored in multiple locations: (1) At runtime, in a JavaScript object with the data structure called Context Data; (2) Within Browser local storage; and (3) Browser Cookies.

```

window||navigator.msMaxTouchPoints>0,is_mobile:-1!=window.location.host.search(/^m./)||-1!=window.location.host.search(".bbhosted.")||-1!=window.location.pathname.search("/index.m.html")
|-1!=window.location.pathname.search("/mobile"),environment:-1!=window.location.host.search(/^(stores|www|m)/.)?"prod":"dev",carousel_pos:!1,initialized:!1,debug_mode:!1,udo_json:
{ },m1_udo_json:{ },ready_udo_json:{ },last_udo_json:{ },basket_line:{ },toggle_basket:!1,toggle_basket_to:!1,omni_event_xwalk:{header:
{modal:10,hover:11,account:12,view_edit:17,save:18,checkout:19},footer:{email:1,social:2},"my_account":{click:12},banner:{click:20,hover:15},gateway:{click:37},directory:{ },search:
{qs:3,term:4,autosuggest:5,facet:8},auto_suggest:{selected:27},quickshop:{click:3},carousel:{click:9,hover:21},print:{click:37},basket:
{stateCode:23,shipMethod:24,continue:25,update:26,print:27,save:28,apply:29,remove:22,checkout:30,paypal:31},checkout:
{apply:29,remove:22,sign_in:12,guest:89,register:90,password:91,opt_out:92,new_addr:93,gift:65,paypal:31,place_order:68},thank_you:
{register:90,no_register:99,print:76,continue:25}},trackLink:function(e,t,a){var

```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

```
(r=document.location.href,t&&.firstPartyServingDomain&&(o=document.domain,n=o+location.pathname,o&&o.length&&(r<0<r.indexOf(n)?
r.replace(n,t.firstPartyServingDomain+EBG.Semi.AttributionEnum.UrlParamNames.SERVING_PIPE):r.replace(o,t.firstPartyServingDomain))),r=
(r=r.replace(EBG.Semi.AttributionEnum.UrlParamNames.DISP_TYPE+"="+EBG.Semi.AttributionEnum.DisplayTypes.IFRAME,EBG.Semi.AttributionEnum.UrlParamNames.DISP_TYPE+"="+EBG.Semi.AttributionEnum.DisplayTypes.JAVASCRIPT)).replace("cn=ot","cn=ot"+EBG.Semi.AttributionEnum.UrlParamNames.SEC_CALL+"1"+(t.sessionId?"&sessionId="+t.sessionId:"")),o=
(r=this._addProviderUserId(r,t)).substr(r.indexOf(EBG.Semi.AttributionEnum.UrlParamNames.SYNC)+
(EBG.Semi.AttributionEnum.UrlParamNames.SYNC+"").length,1),EBG.Semi.Infra.loadFileByScriptElem(document,r,function(){this._handleResponse({sendTime:(new
Date()).getTime()}),1*o,this}),hasStorage:function(){try{return localStorage.setItem("eyeTesting","eyeTesting"),localStorage.removeItem("eyeTesting"),!0}catch(e)
{return!1}},getSessionId:function(){if(!this.hasStorage())return this.generateSessionId();var e=null,t=new
Date,a=localStorage.getItem("SZMKSessionId");if(a)try{a=JSON.parse(a),18e5>t.getTime()-a.time&&(e=a.id)}catch(e){return
e=!this.generateSessionId(),localStorage.setItem("SZMKSessionId",JSON.stringify({time:t.getTime(),id:e})),e},generateSessionId:function(){var e="";
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

```
(o=document.createElement("input")).type="hidden",o.name="qty",o.value=0,o.size=3,o.maxLength=3,e[n].appendChild(o)}catch(e){}function clearDigitalBrowserCookies()
{document.cookie="basket=false; expires=Thu, 01-Jan-70 00:00:01 GMT; path=/";document.cookie="customer=false; expires=Thu, 01-Jan-70 00:00:01 GMT;
path=/";document.cookie="fv_lml=false; expires=Thu, 01-Jan-70 00:00:01 GMT; path=/";function date(e,t){var a,i,o=
["Sun","Mon","Tues","Wednes","Thurs","Fri","Satur","January","February","March","April","May","June","July","August","September","October","November","December"],n=/\d{
}(?)/gi,r=function(e,t){return i[e]?i[e](t):s=function(e,t){for(e=String(e);e.length<t;)e="0"+e;return e};i={d:function(){return s(i.j(),2)},D:function(){return
i.l().slice(0,3)},j:function(){return a.getDate()},l:function(){return o[i.w()]+"day"},M:function(){return i.w()}},S:function(){var e=i.j(),t=e%10;return
t>3&&1===parseInt(e%100/10,10)&&(t=0),["st","nd","rd"][t-1]}},w:function(){return a.getDay()},z:function(){var e=new Date(i.Y(),i.n()-1,i.j()),t=new Date(i.Y(),0,1);return
Math.round((e-t)/864e5)},W:function(){var e=new Date(i.Y(),i.n()-1,i.j()-1,i.n()+3),t=new Date(e.getFullYear(),0,4);return s(1+Math.round((e-t)/864e5/7),2)},F:function(){return
o[6+i.n()]},m:function(){return s(i.n(),2)},M:function(){return i.F().slice(0,3)},n:function(){return a.getMonth()+1},t:function(){return new Date(i.Y(),i.n(),0).getDate()},L:function()
{var e=i.Y();return e%4==0&&e%100!=0|e%400==0},o:function(){var e=i.n(),t=i.W();return i.Y()+12===e&&t<9?1+e:e&&t<9?1+e:e},Y:function(){return a.getFullYear()},y:function(){return
i.Y().toString().slice(-2)},a:function(){return a.getHours()>11?"pm":"am"},A:function(){return i.a().toUpperCase()},B:function(){var
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

```
e.site.geo.geodat=JSON.parse(decodeURIComponent(n)),le.site.qsl||le.site.qslip||e.site.geo.geodat.ip==e.site.qslip)return!1,setGeodat:function(a,i)
{if(e.site.geo.geodat.latitude||e.site.geo.getGeoCookie())"function"==typeof a&&a();else(var o=location.protocol+"/maps."+e.site.domain+"/api/geopip";e.site.qs&&e.site.qs.ip&&(o="?
ip="+e.site.qs.ip),t.ajax({url:o,dataType:"json",crossDomain:!0,xhrFields:{withCredentials:!0},success:function(t){t.geopip?
(e.site.geo.geodat.latitude=t.geopip.latitude,e.site.geo.geodat.longitude=t.geopip.longitude,e.site.geo.geodat.country_code=t.geopip.country_code,e.site.geo.geodat.country_name=t.geopip.coun
try_name,e.site.geo.geodat.region=t.geopip.region,e.site.geo.geodat.city=t.geopip.city,e.site.geo.geodat.postal_code=t.geopip.postal_code,"function"==typeof a&&a());"function"==typeof
i&&i()}.error:function(t){"function"==typeof i&&i()}},geoError:function(t){var a="";void 0!==t&&(a=t.indexOf("&"))?&"t:t,navigator.geolocation?navigator.geolocation.getCurrentPosition(function(t)
{window.location=e.site.geo.searchUrl+"?lat="+t.coords.latitude+"&lng="+t.coords.longitude+"&rad="+e.site.geo.rad+a},function(){e.site.geo.geoError(a)},
lat="+e.site.geo.geodat.latitude+"&lng="+e.site.geo.geodat.longitude+"&rad="+e.site.geo.rad+a},function(){alert("Cannot determine your location. Please try entering your city and state
and searching manually.")}),gotogeoloc:function(t){var a="";void 0!==t&&(a=t.indexOf("&"))?&"t:t,navigator.geolocation?navigator.geolocation.getCurrentPosition(function(t)
{window.location=e.site.geo.searchUrl+"?lat="+t.coords.latitude+"&lng="+t.coords.longitude+"&rad="+e.site.geo.rad+a},function(){e.site.geo.geoError(a)},
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

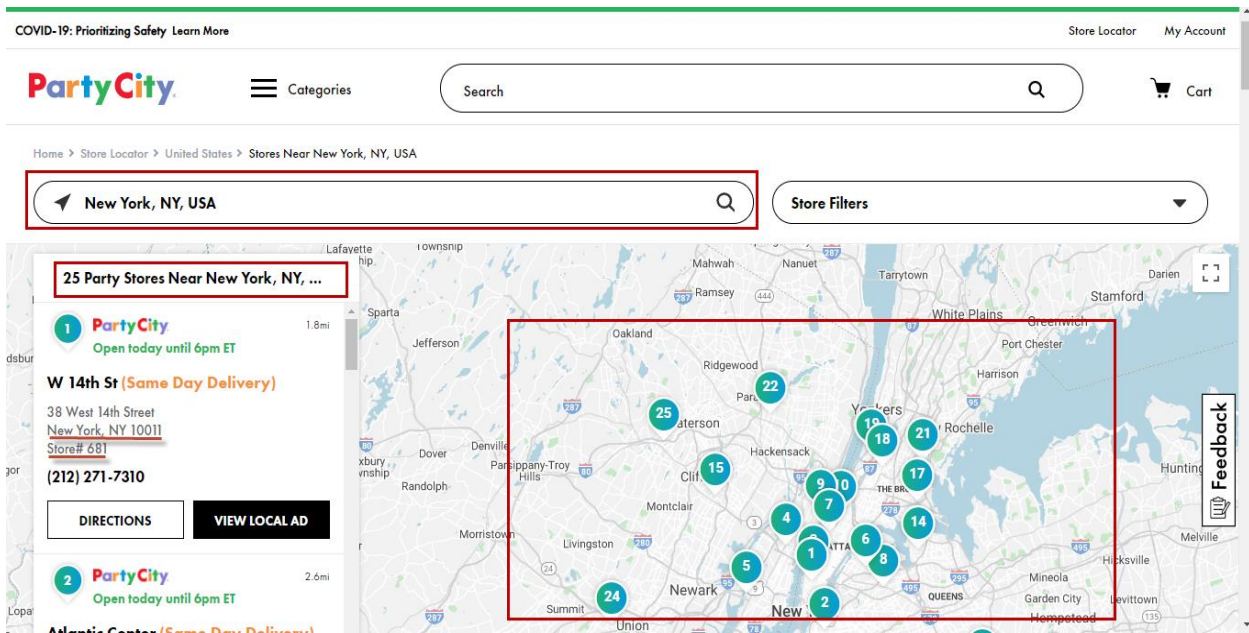
```
{data:null,providerCalled:!1},Device9:{data:null,providerCalled:!1},SizmekDI:
{data:null,providerCalled:!1},gEBMainWindow.providersData=this._providersData},EBGUIP.UserIdProvider.prototype=
{filter:null,currTagData:null,_arrProvidersNamesUsed:null,_providersEnum:["AdTruth","EBUIDCache","Device9","SizmekDI"],_providers:{AdTruth:{isUsed:!1,shouldSendData:!0},EBUIDCache:
{isUsed:!1,shouldSendData:!0},Device9:{isUsed:!1,shouldSendData:!1},SizmekDI:{isUsed:!1,shouldSendData:!0}},_providersData:null,getUserIds:function(e)
{for(this._filter=e.filter,this._init(),this._currTagData=e,this._currTagData.currDoc|
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

81. On information and belief, the Accused Instrumentality performs that step of executing the template program specific to the user (e.g., generating user-specific web page by

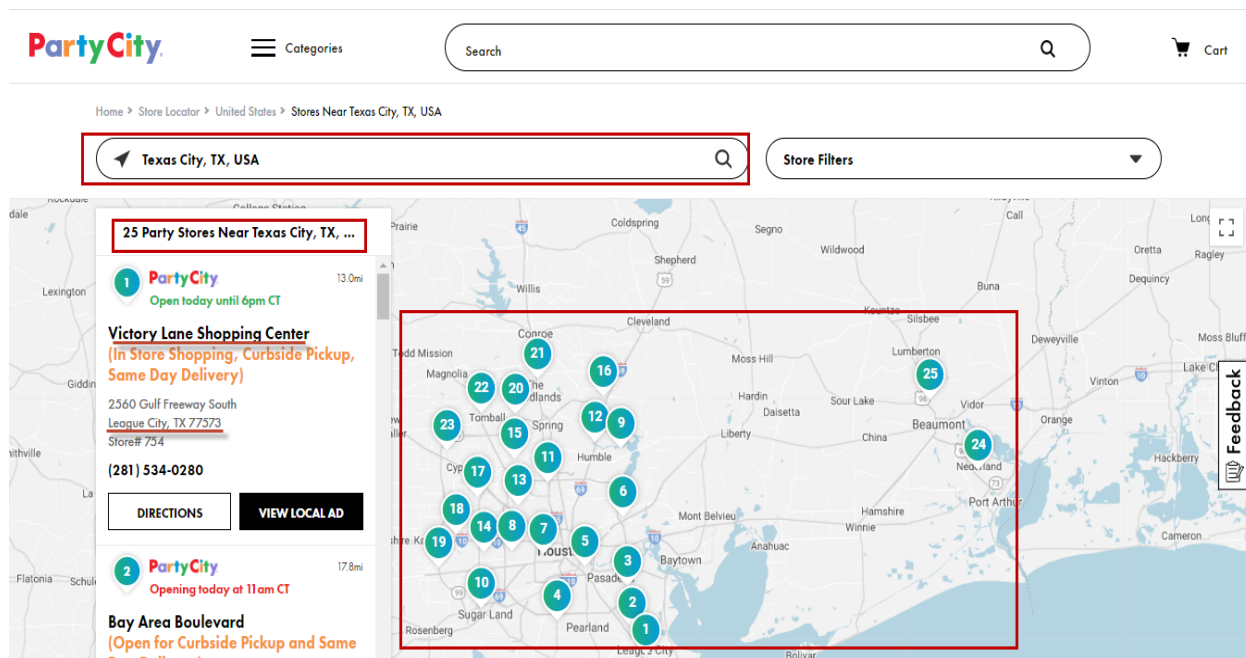
executing a template program which is composed of code, instructions, and data) using real-time information stored in the shared local storage device (e.g., currently available stores and advertisements pulled from external storage servers/databases and sent to a local partycity.com web/API server for processing and display) to generate the customized webpage. As shown below, a user's partycity.com page will be customized to show stores near the location linked to a user's account. Below are screenshots of two pages for two different users' that have varying stores displayed based upon the users' respective locations (i.e., real-time information selected for the user's customized web page based on the customization information unique to the user such as stores). Also, shown below is the code for each user's respective page which demonstrates that the template program is varied so that each user can receive appropriately customized pages (e.g., the code for each respective page is updated/adapted to pull from different resources so that the appropriate information/data can be referenced/displayed for each user).

First User –



(<https://stores.partycity.com/us/?q=New%20York,%20NY,%20USA> (for a particular user)).

Second User –



(<https://stores.partycity.com/us/?q=Texas%20City,%20TX,%20USA> (for a particular user)).

A user can also customize their partycity.com page by saving Wishlists, so that saved Wishlists can be displayed. Below are screenshots pertaining to the selection process.



(<https://www.partycity.com/wishlist> (for a particular user)).



Giant Gliding Spider-Man Webbed Wonder Balloon

[See All Giant Gliding Balloons](#)

\$24.99

- 1 +

ADD TO CART

♥ Add to wishlist

✓ Curbside Pickup or Same-Day Delivery

Product Details

Party guests will want to swing in to see this Giant Gliding Spider-Man Webbed Wonder Balloon! This giant balloon is three feet tall and designed to look like Spider-Man in a crouching position. Use this Spider-Man balloon at your little hero's birthday party with other Spider-Man decorations, or include it inside a balloon bouquet for a truly awesome birthday gift.

[Read More](#)

Feedback

his Item [f](#) [t](#) [p](#) [✉](#)

[https://www.partycity.com/giant-gliding-spider-man-webbed-wonder-balloon-](https://www.partycity.com/giant-gliding-spider-man-webbed-wonder-balloon-765824.html?cgid=balloons-giant-gliding)

[765824.html?cgid=balloons-giant-gliding](https://www.partycity.com/giant-gliding-spider-man-webbed-wonder-balloon-765824.html?cgid=balloons-giant-gliding) (for a particular user)). Shown below are screenshots of webpages customized according to the saved Wishlist of two respective users.

First User –

PartyCity ☰ Categories

[My Account](#) > [Wish List](#)

Wishlist

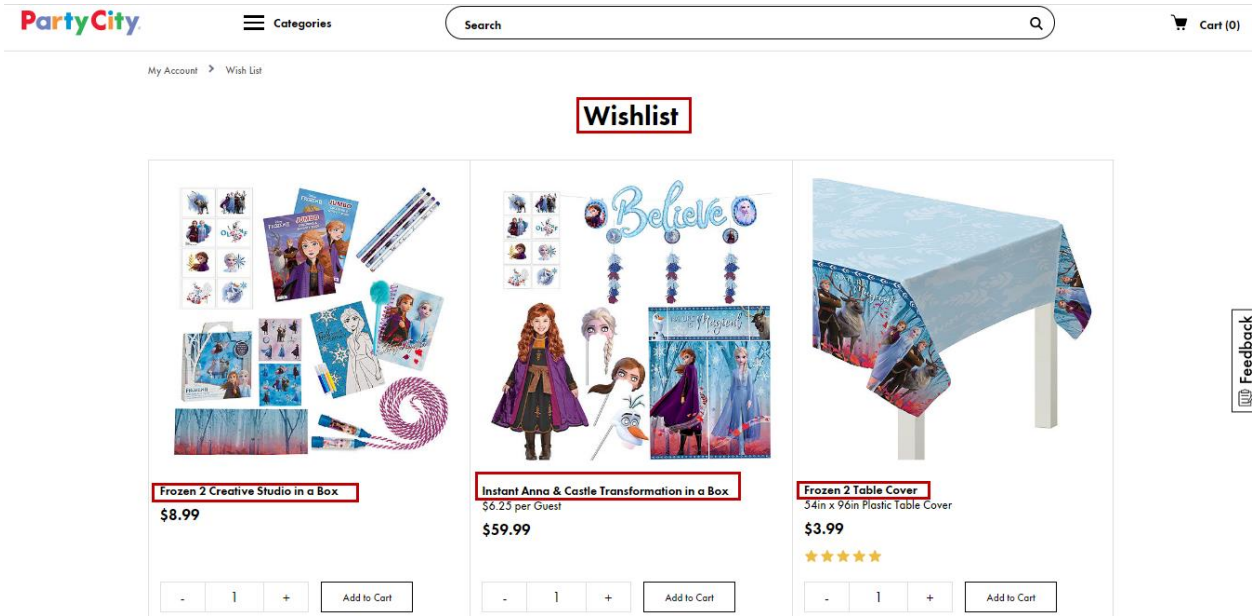
Giant Gliding Spider-Man Webbed Wonder Balloon
\$24.99
★★★★★
- 1 + Add to Cart

Spider-Man Punch Balloons 2ct
\$1.00
★★★★★
- 1 + Add to Cart

Personalized Spider-Man Birthday Balloon Kit 23in x 34in
\$12.99
- 1 + Add to Cart

<https://www.partycity.com/wishlist> (for a particular user)).

Second User –

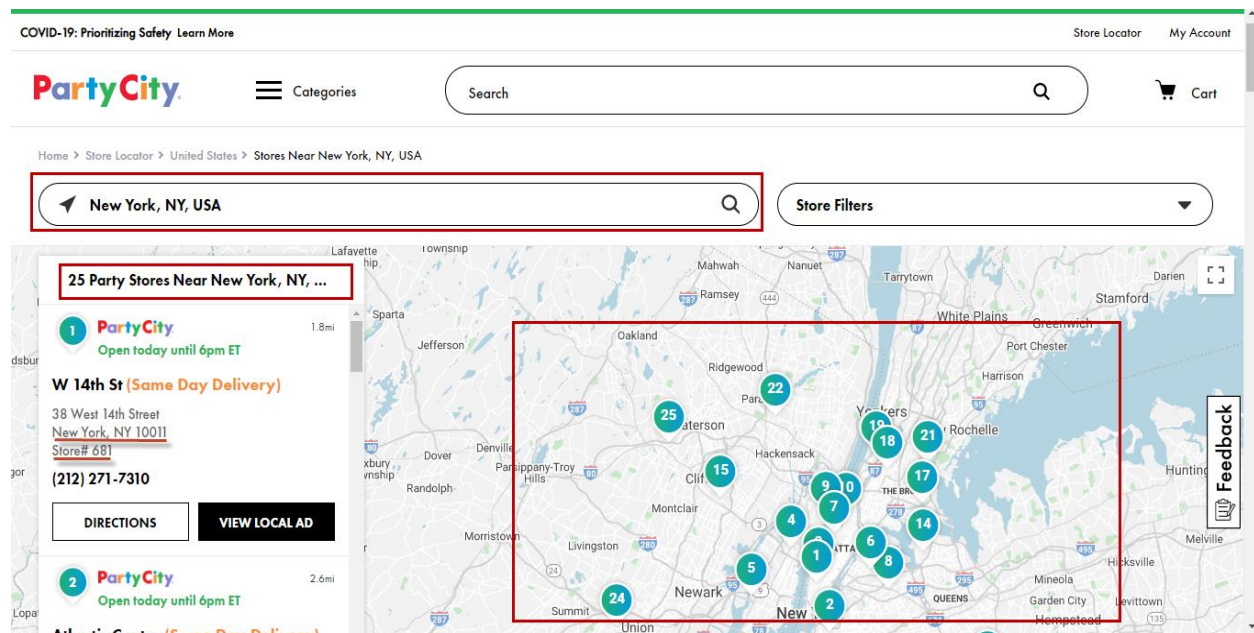


(<https://www.partycity.com/wishlist> (for a particular user)).

82. On information and belief, the Accused Instrumentality performs the step of receiving user preferences for the user (e.g., user location, saving wishlist, user interest/habits), and for combining the user preferences with a generic template to form the template program specific to the user (e.g., user-specific web page), wherein the user preferences indicate the item of interest to the user. The accused instrumentality uses a template program that is unique to the user to generate a customized webpage by combining customization information unique to the user and a global template that is generic to a plurality of users. The overall layout of a user's page will be shared among all users; however, the content of that page will differ for each user, this being dictated by a unique template program that is made by taking a general template that only defines layout, combining the user preferences with a generic template to form the template program specific to the user, and adding the data specific to user's interests to be displayed within said layout. As shown below, a user's partycity.com page will be customized to show stores near the location linked to a user's account. Below are screenshots of two pages for two different users' that have varying stores displayed based upon the users' respective locations

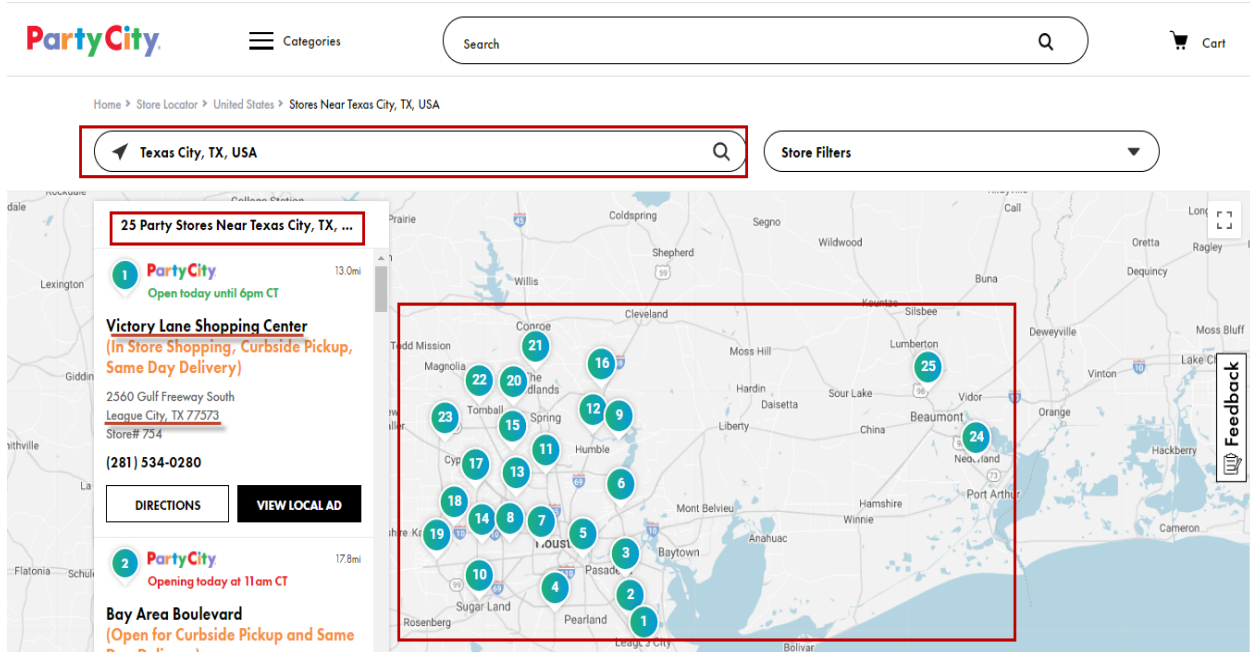
(i.e., real-time information selected for the user's customized web page based on the customization information unique to the user such as stores). The code for each user's respective pages demonstrates that the template program is varied so that each user can receive appropriately customized pages (e.g., the code for each respective page is updated/adapted to pull from different resources so that the appropriate information/data can be referenced/displayed for each user).

First User –



(<https://stores.partycity.com/us/?q=New%20York,%20NY,%20USA> (for a particular user)).

Second User –



(<https://stores.partycity.com/us/?q=Texas%20City,%20TX,%20USA> (for a particular user)).

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

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

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

84. Plaintiff incorporates the above paragraphs herein by reference.

85. On April 18, 2017, United States Patent No. 9,626,342 (“the ‘342 Patent”) was duly and legally issued by the United States Patent and Trademark Office. The ‘342 Patent is titled “Dynamic Page Generator.” The ‘342 patent is not subject to a terminal disclaimer and its

term is extended under 35 U.S.C. 154(b) by 891 days. (Ex. M). A true and correct copy of the '342 Patent is attached hereto as Exhibit M and incorporated herein by reference.

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

87. The application leading to the '342 patent was filed December 21, 2012, as a continuation of application no. 11/842,095, which was a continuation of application no. 11/656,636, which is a continuation of 09/393,718, which was a continuation of application no. 08/873,975, which issued as the '227 patent. (Ex. M at cover).

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

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

90. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing at least claim 1 of the '342 patent in Delaware, and elsewhere in the United States, by performing actions comprising performing the claimed method steps, including without limitation through the method implemented of providing a user's partycity.com page ("Accused Instrumentality"). The Accused Instrumentality practices the method of responding to a user request (*e.g.*, a user login request, search initiation, etc.) for a customized page (*e.g.*, a user's

customized home and search pages on the partycity.com website). (*E.g.*, <https://www.partycity.com/>).

91. On information and belief, the Accused Instrumentality performs the step of generating, via at least one server computer (*e.g.*, partycity.com server), a template program unique to the user (*e.g.*, a template program will be unique to a user because it is composed of instruction, code, and data that is processed/executed to create a webpage customized to a user), the template program that is unique to the user being used to form the user's customized web page, the template program that is unique to the user being generated using customization information unique to the user (*e.g.*, user location, saved Wishlists, user interest/habits etc.) and a global template that is generic to a plurality of users. The accused instrumentality uses a template program that is unique to the user to generate a customized webpage by combining customization information unique to the user and a global template that is generic to a plurality of users. The overall layout of a user's page will be shared among all users; however, the content of that page will differ for each user, this being dictated by a unique template program that is made by taking a general template that only defines layout, and combining the user preferences with a generic template to form the template program specific to the user, and adding the data specific to user's interests to be displayed within said layout. As shown below, a user's partycity.com page will be customized to show currently available stores near the location linked to a user's account. Below are screenshots of two pages for two different users that have varying currently available stores displayed based upon the users' respective locations (*i.e.*, real-time information selected for the user's customized web page based on the customization information unique to the user such as stores near a particular location). The code for each user's respective pages demonstrates that the template program is varied so that each user can receive

appropriately customized pages (e.g., the code for each respective page is updated/adapted to pull from different resources so that the appropriate information/data can be referenced/displayed for each user).

```
window||navigator.msMaxTouchPoints>0,is_mobile:-1!=window.location.host.search(/m./)||-1!=window.location.host.search(/.bbhosted.)/|-1!=window.location.pathname.search(/index.m.html")
|-1!=window.location.pathname.search(/mobile/),environment:-1!=window.location.host.search(/^(stores|www|m)/)?"prod":"dev",carousel_pos:11,initialized:11,debug_mode:11,udo_json:
{m_udo_json:{},ready_udo_json:{},last_udo_json:{},basket_line:{},toggle_basket:11,toggle_basket_to:11,omni_event_xwalk:{header:
{modal:10,hover:11,account:12,view_edit:17,save:18,checkout:19},footer:{email:1,social:2},my_account:{click:12},banner:{click:20,hover:15},gateway:{click:37},directory:{},search:
{qs:3,term:4,autosuggest:5,facet:8},auto_suggest:{selected:27},quickshop:{click:3},carousel:{click:9,hover:21},print:{click:37},basket:
{stateCode:23,shipMethod:24,continue:25,update:26,print:27,save:28,apply:29,remove:22,checkout:30,paypal:31},checkout:
{apply:29,remove:22,sign_in:12,guest:89,register:90,password:91,opt_out:92,new_addr:93,gift:65,paypal:31,place_order:68},thank_you:
{register:90,no_register:99,print:76,continue:25}},trackLink:function(e,t,a){var
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

```
(r=document.location.href,t&&.firstPartyServingDomain&&(o=document.domain,n=o+location.pathname,o&&o.length&&(r<=r.indexOf(n))
r.replace(n,t.firstPartyServingDomain+EBG.Semi.AttributionEnum.UrlParamNames.SERVING_PIPE):r.replace(o,t.firstPartyServingDomain)),r=
(r=r.replace(EBG.Semi.AttributionEnum.UrlParamNames.DISP_TYPE+"="+EBG.Semi.AttributionEnum.DisplayTypes.IFRAME,EBG.Semi.AttributionEnum.UrlParamNames.DISP_TYPE+"="+EBG.Semi.AttributionEn
m.DisplayTypes.JAVASCRIPT)).replace("cn=ot","cn=ot"+EBG.Semi.AttributionEnum.UrlParamNames.SEC_CALL+"="+t.sessionId+"&sessionid="+t.sessionId:""),o=
(r=this._addProviderUserId(r,t)).substr(r.indexOf(EBG.Semi.AttributionEnum.UrlParamNames.SYNC+
(EBG.Semi.AttributionEnum.UrlParamNames.SYNC+"").length,1),EBG.Semi.Infra.loadFileByScriptElem(document,r,function(){this._handleResponse({sendTime:(new
Date).getTime()}),1*o,this)),hasStorage:function(){try{return localStorage.setItem("eyeTesting","eyeTesting"),localStorage.removeItem("eyeTesting"),!0}catch(e)
{return!1}},getSessionId:function(){if(!this.hasStorage())return this._generateSessionId();var e=null,t=new
Date,a=localStorage.getItem("SZMKSessionId");if(a)try{a=JSON.parse(a),18e5>t.getTime()-a.time&&(e=a.id)}catch(e){return
e=!1}this._generateSessionId(),localStorage.setItem("SZMKSessionId",JSON.stringify({time:t.getTime(),id:e})),e},generateSessionId:function(){var e;e=""
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

```
(o=document.createElement("input")).type="hidden",o.name="qty",o.value=0,o.size=3,o.maxLength=3,e[n].appendChild(o)}catch(e){}function clearDigitalBrowserCookies()
{document.cookie="basket=false; expires=Thu, 01-Jan-70 00:00:01 GMT; path=/",document.cookie="customer=false; expires=Thu, 01-Jan-70 00:00:01 GMT;
path=/",document.cookie="fv_mill=false; expires=Thu, 01-Jan-70 00:00:01 GMT; path=/";function date(e,t){var a,i,o=
["Sun","Mon","Tues","Wednes","Thurs","Fri","Satur","January","February","March","April","May","June","July","August","September","October","November","December"],n=/\?
(?:/gi,r=function(e,t){return i[e]?i[e]:t},s=function(e,t){for(e=String(e);e.length<t;)e="0"+e;return e};i={d:function(){return s(i.j(),2)},D:function(){return
i.l().slice(0,3)},j:function(){return a.getDate()},l:function(){return o[i.u()+"day"],N:function(){return i.u()}},S:function(){var e=i.j(),t=e%10;return
t<=3&&1==parseInt(e%10/10,10)&&(t=0),"st","nd","rd"}[t-1]||"th"},w:function(){return a.getDay()},z:function(){var e=new Date(i.Y(),i.n()-1,i.j()),t=new Date(i.Y(),0,1);return
Math.round((e-t)/864e5)},W:function(){var e=new Date(i.Y(),i.n()-1,i.j()-i.N()+3),t=new Date(e.getFullYear(),0,4);return s(1+Math.round((e-t)/864e5/7),2)},F:function(){return
o[6+i.n()]},m:function(){return s(i.n(),2)},N:function(){return i.F().slice(0,3)},n:function(){return a.getMonth()+1},t:function(){return new Date(i.Y(),i.n(),0).getDate()},l:function()
{var e=i.Y();return e%4==0&&e%100!=0?e%400==0,o:function(){var e=i.n(),t=i.W();return i.Y()+12===e&&t<9?1:0},Y:function(){return a.getFullYear()},y:function(){return
i.Y().toString().slice(-2)},a:function(){return a.getHours()>11?"pm":"am"},A:function(){return i.o().toUpperCase()},B:function(){var
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

```
e.site.geo.geodat=JSON.parse(decodeURIComponent(n)),le.site.q||le.site.qs||le.site.qs[ip]==e.site.qs[ip]}return!1},setGeodat:function(a,i)
{if(e.site.geo.geodat.latitude|e.site.geo.getGeoCookie()"function"==typeof a&&a)}else{var o=location.protocol+"//maps."+e.site.domain+"/api/geolp";e.site.qs&&e.site.qs[ip]&&(o+=
ip+"e.site.qs.ip),t.ajax({url:o,dataType:"json",crossDomain:!0,xhrFields:{withCredentials:!0},success:function(t){t.geolp?
(e.site.geo.geodat.latitude=t.geolp.latitude,e.site.geo.geodat.longitude=t.geolp.longitude,e.site.geo.geodat.country_code=t.geolp.country_code,e.site.geo.geodat.country_name=t.geolp.coun
try_name,e.site.geo.geodat.region=t.geolp.region,e.site.geo.geodat.city=t.geolp.city,e.site.geo.geodat.postal_code=t.geolp.postal_code,"function"==typeof a&&a)}:"function"==typeof
i&&i)},error:function(){if("function"==typeof i&&i)}},geError:function(t){var a="";void 0!==(a=t,e.site.geo.setGeodat(function(){window.location=e.site.geo.searchUrl+"?
lat="+e.site.geo.geodat.latitude+"&lng="+e.site.geo.geodat.longitude+"&rad="+e.site.geo.rad+a},function(){alert("Cannot determine your location. Please try entering your city and state
and searching manually."))}),gotoGeoloc:function(t){var a="";void 0!==(a=t.indexof("&")?&+t):navigator.geolocation?navigator.geolocation.getCurrentPosition(function(t)
{window.location=e.site.geo.searchUrl+"?lat="+t.coords.latitude+"&lng="+t.coords.longitude+"&rad="+e.site.geo.rad+a},function(){e.site.geo.geError(a)}),
```

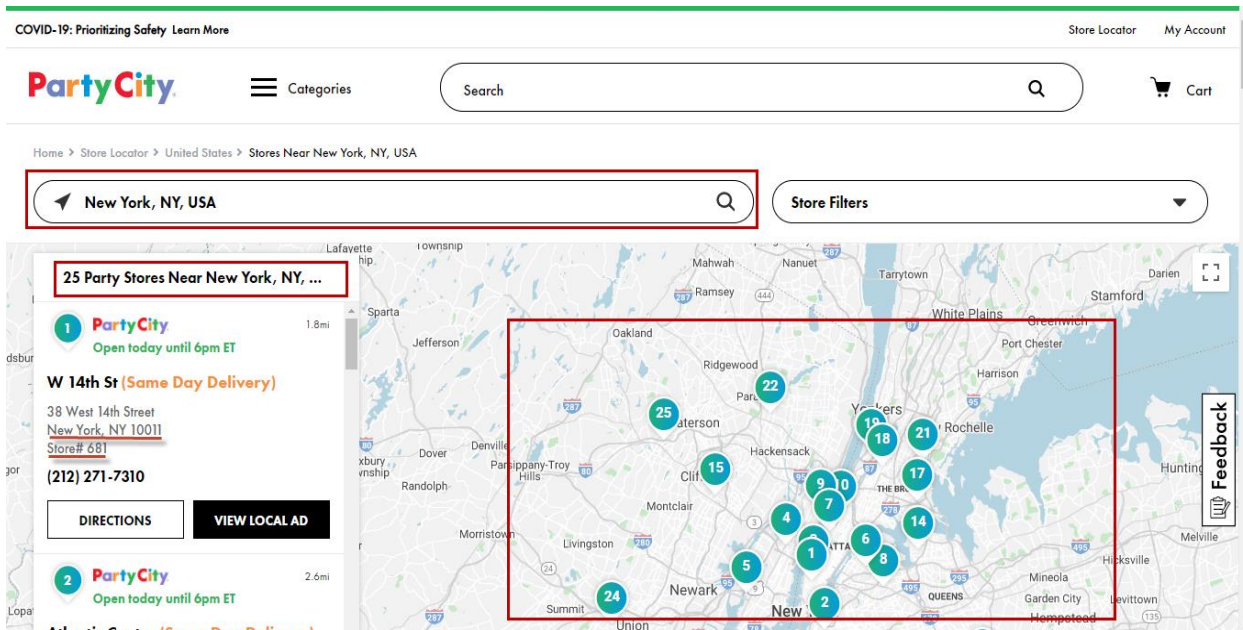
(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

```
{data:null,providerCalled:!1},Device9:{data:null,providerCalled:!1,SizmekDI:
{data:null,providerCalled:!1}},gEBMainWindow.providersData=this._providersData)},EBGUIP.UserIdProvider.prototype=
{ _filter:null, _currTagData:null, _arrProvidersNamesUsed:null, _providersEnum:["AdTruth", "EBUIDCache", "Device9", "SizmekDI"], _providers:{AdTruth:{isUsed:!1,shouldSendData:!0}, EBUIDCache:
{isUsed:!1,shouldSendData:!0},Device9:{isUsed:!1,shouldSendData:!1},SizmekDI:{isUsed:!1,shouldSendData:!0}}, _providersData:null,getUserIds:function(e)
{for(this._filter=e.filter,this._init(),this._currTagData=e,this._currTagData.currDoc|
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

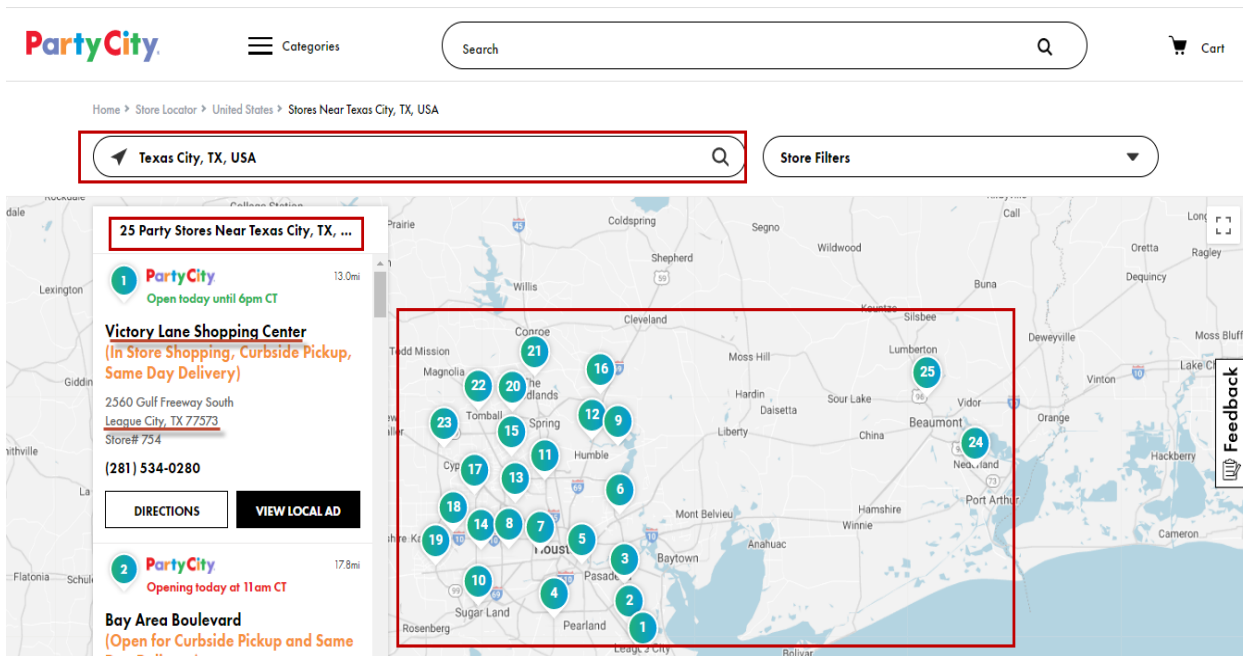
92. On information and belief, the Accused Instrumentality performs the step of executing, via the at least one server computer (e.g., partycity.com server) the user's template program (e.g., instructions, code and data used to create a user webpage), to generate the user's customized web page, the user's customized web page including real-time information (e.g., currently available stores, advertisements, etc.) selected for the user's customized web page based on the customization information unique to the user (e.g., user location and interest/habits). As shown below, a user's partycity.com page will be customized to show stores near the location linked to a user's account. Below are screenshots of two pages for two different users' that have varying stores displayed based upon the users' respective locations (i.e., real-time information selected for the user's customized web page based on the customization information unique to the user such as stores). The code for each user's respective page demonstrates that the template program is varied so that each user can receive appropriately customized pages (e.g., the code for each respective page is updated/adapted to pull from different resources so that the appropriate information/data can be referenced/displayed for each user).

First User –



(<https://stores.partycity.com/us/?q=New%20York,%20NY,%20USA> (for a particular user)).

Second User –



(<https://stores.partycity.com/us/?q=Texas%20City,%20TX,%20USA> (for a particular user)).

A user can also customize their partycity.com page by saving Wishlists, so that saved Wishlists can be displayed. Below are screenshots pertaining to the selection process.


Categories

Cart (0)

My Account > Wish List

Wishlist

Wishlist

You have no items on your wish list.

Feedback

(<https://www.partycity.com/wishlist> (for a particular user)).



Giant Gliding Spider-Man Webbed Wonder Balloon

[See All Giant Gliding Balloons](#)

\$24.99

ADD TO CART

Add to wishlist

✓ Curbside Pickup or Same-Day Delivery

Product Details

Party guests will want to swing in to see this Giant Gliding Spider-Man Webbed Wonder Balloon! This giant balloon is three feet tall and designed to look like Spider-Man in a crouching position. Use this Spider-Man balloon at your little hero's birthday party with other Spider-Man decorations, or include it inside a balloon bouquet for a truly awesome birthday gift.

[Read More](#)

Share this Item    

Feedback

([https://www.partycity.com/giant-gliding-spider-man-webbed-wonder-balloon-](https://www.partycity.com/giant-gliding-spider-man-webbed-wonder-balloon-765824.html?cgid=balloons-giant-gliding)

[765824.html?cgid=balloons-giant-gliding](https://www.partycity.com/giant-gliding-spider-man-webbed-wonder-balloon-765824.html?cgid=balloons-giant-gliding) (for a particular user)).

Shown below are screenshots of webpages customized according to the saved Wishlist of two respective users.

First User –

The screenshot shows the Party City website's 'Wishlist' page for a user. The page features three items:

- Giant Gliding Spider-Man Webbed Wonder Balloon**: \$24.99, 5 stars, 1 in cart.
- Spider-Man Punch Balloons 2ct**: \$1.00, 5 stars, 1 in cart.
- Personalized Spider-Man Birthday Balloon Kit 23in x 34in**: \$12.99, 1 in cart. The kit includes a Spider-Man figure and a personalized birthday banner that says "HAPPY BIRTHDAY! PATRICK".

(<https://www.partycity.com/wishlist> (for a particular user)).

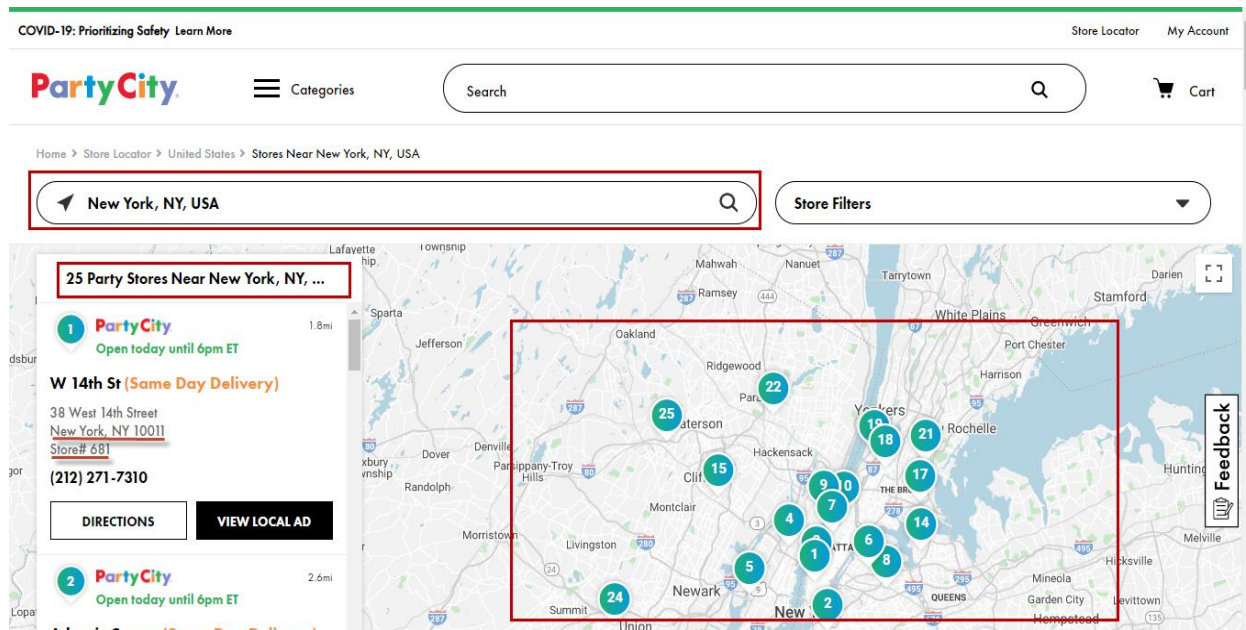
Second User –

The screenshot shows the Party City website's 'Wishlist' page for a second user. The page features three items:

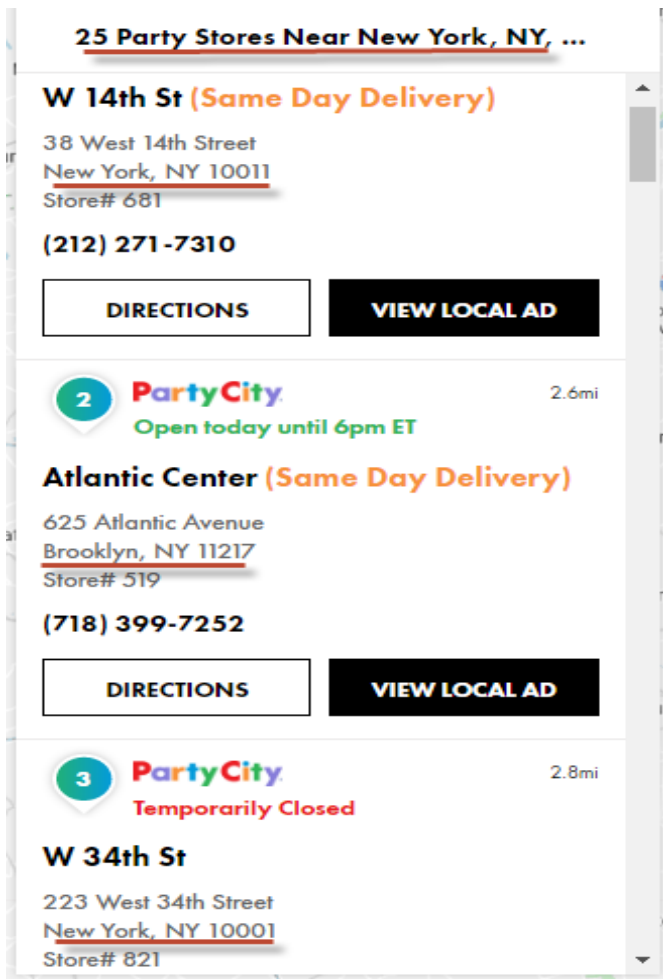
- Frozen 2 Creative Studio in a Box**: \$8.99, 1 in cart.
- Instant Anna & Castle Transformation in a Box**: \$6.25 per Guest, \$59.99 total, 1 in cart.
- Frozen 2 Table Cover**: 34in x 96in Plastic Table Cover, \$3.99, 5 stars, 1 in cart.

(<https://www.partycity.com/wishlist> (for a particular user)).

93. In at least testing and usage, the accused instrumentality practices serving, via the at least one server computer (e.g., partycity.com server will serve a webpage to the user), the user's customized web page.

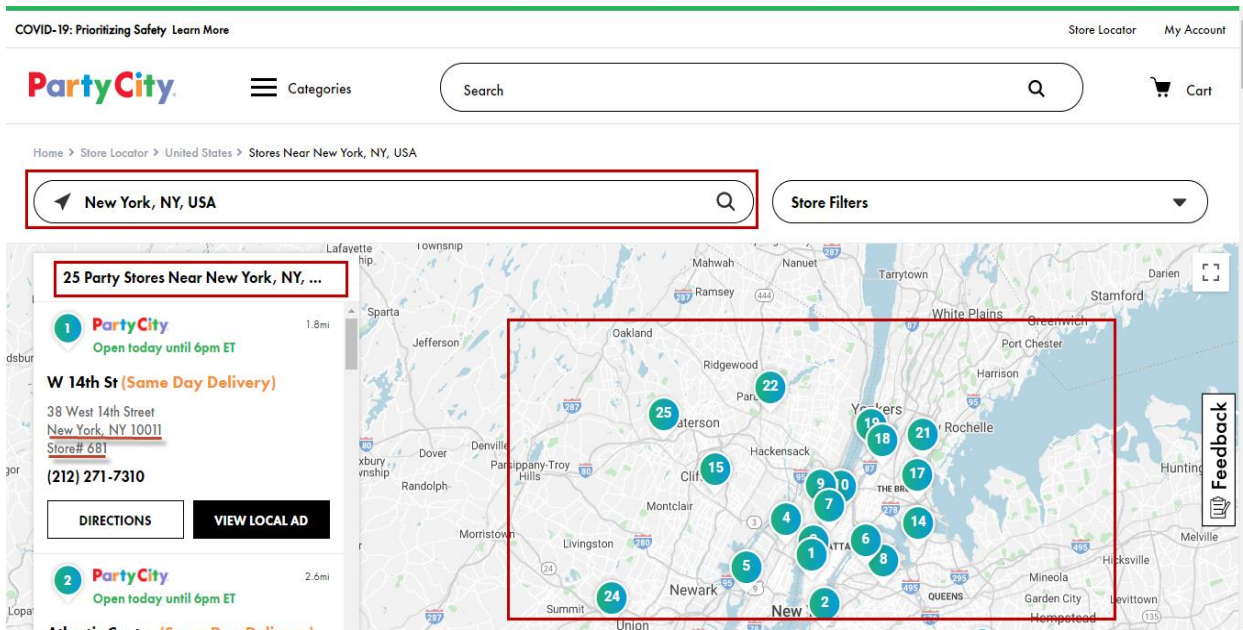


(<https://stores.partycity.com/us/?q=New%20York,%20NY,%20USA> (for a particular user)). As shown below, a user's partycity.com page is customized by the location information provided by the user.



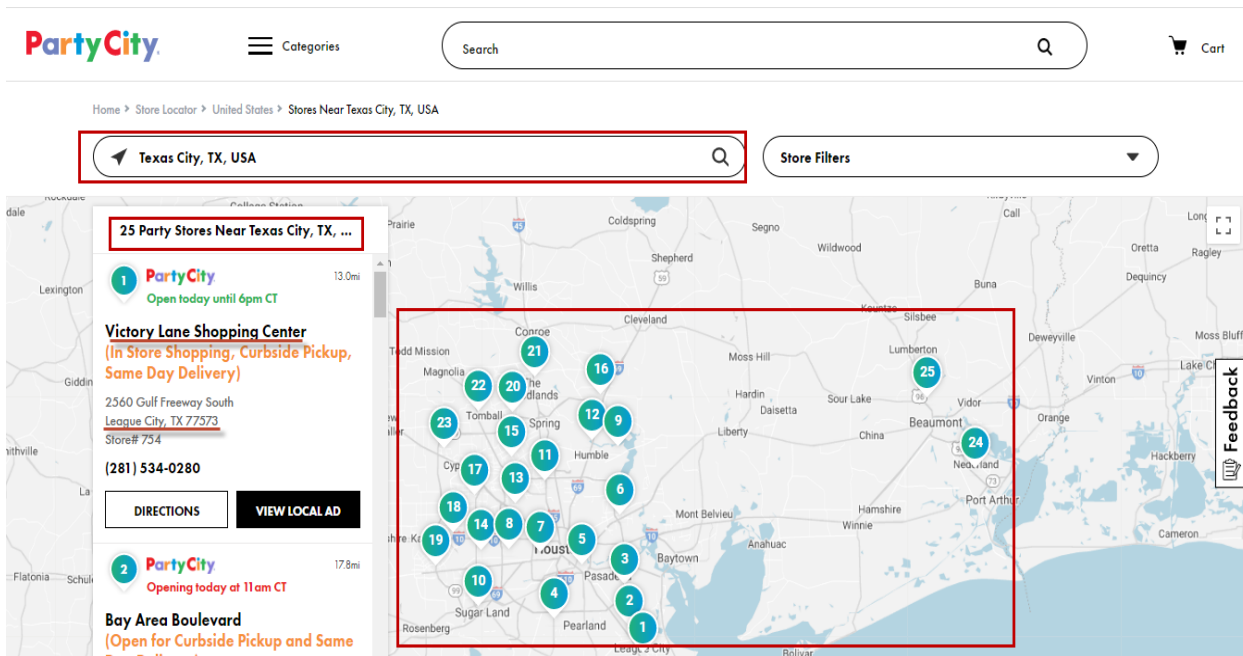
(<https://stores.partycity.com/us/?q=New%20York,%20NY,%20USA> (for a particular user)). As shown below, a user's partycity.com page will also be customized to show stores near the location linked to a user's account. Below are screenshots of two pages for two different users' that have varying stores displayed based upon the users' respective locations.

First User –



(<https://stores.partycity.com/us/?q=New%20York,%20NY,%20USA> (for a particular user)).

Second User –



(<https://stores.partycity.com/us/?q=Texas%20City,%20TX,%20USA> (for a particular user)).

As shown above, a user can also customize their partycity.com page by saving Wishlists, so that saved Wishlists can be displayed.

94. On information and belief, the Accused Instrumentality performs the step of in response to receiving a subsequent request for the user's customized web page (e.g., the receipt of a user's search initiation and login) practices receiving, via the at least one server computer (e.g., partycity.com server) a template program (e.g., code, instructions, etc. that are executed to create a user page) that is unique to the user from one of at least two locations (e.g., main storage at a partycity.com server or local storage on the user's device), the location based upon a frequency of user requests for the customized page (e.g., certain components of the webpage may be retrieved from local cache, CDN servers, or cookies, as opposed to a main server, if said components were kept in cache due to a user's frequent request for the same or similar page). On information and belief, template information that is part of the template program is stored for less frequently accessed files in a main storage wherein frequently accessed files will be stored in storage on the user's computer. Running the template program (page generation code, tiles, containers, and user data) creates the customized webpage. When a user signs-up or performs a login, the code takes the user template information and stores in a site JavaScript object that is used in logic to display various stores, other site logic-based conditions. The user information is stored in multiple locations: (1) At runtime, in a JavaScript object with the data structure called Context Data; (2) Within Browser local storage; and (3) Browser Cookies.

```

window|navigator.ms|axTouchPoints>0,is_mobile:-1!=window.location.host.search(/m./)||-1!=window.location.host.search(".bbhosted.")||-1!=window.location.pathname.search("/index.m.html")
|-1!=window.location.pathname.search("/mobile"),environment:-1!=window.location.host.search(/^(stores|www|m)/.)/?"prod":"dev",carousel_pos:!!1,initialized:!!1,debug_mode:!!1,udo_json:
{ },ml_udo_json:{ },ready_udo_json:{ },last_udo_json:{ },basket_line:{ },toggle_basket:!!1,toggle_basket_to:!!1,omni_event_xwalk:{header:
{modal:10,hover:11,account:12,view_edit:17,save:18,checkout:19},footer:{email:1,social:2},"my account":{click:12},banner:{click:20,hover:15},gateway:{click:37},directory:{ },search:
{qs:3,term:4,autosuggest:5,facet:8},auto_suggest:{selected:27},quickshop:{click:3},carousel:{click:9,hover:21},print:{click:37},basket:
{stateCode:23,shipMethod:24,continue:25,update:26,print:27,save:28,apply:29,remove:22,checkout:30,paypal:31},checkout:
{apply:29,remove:22,sign_in:12,guest:89,register:90,password:91,opt_out:92,new_addr:93,gift:65,paypal:31,place_order:68},thank_you:
{register:90,no_register:99,print:76,continue:25}},trackLink:function(e,t,a){var

```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

```
(r=document.location.href,t&&t.firstPartyServingDomain&&(o=document.domain,n=o+location.pathname,o&&o.length&&(r<<r.indexOf(n))
r.replace(n,t.firstPartyServingDomain+EBG.Semi.AttributionEnum.UrlParamNames.SERVING_PIPE):r.replace(o,t.firstPartyServingDomain)),r=
(r=r.replace(EBG.Semi.AttributionEnum.UrlParamNames.DISP_TYPE+"="+EBG.Semi.AttributionEnum.DisplayTypes.IFRAME,EBG.Semi.AttributionEnum.UrlParamNames.DISP_TYPE+"="+EBG.Semi.Attribution
um.DisplayTypes.JAVASCRIPT)).replace("cn=ot","cn=ot"+EBG.Semi.AttributionEnum.UrlParamNames.SEC_CALL+"1"+(t.sessionId?"&sessionId="+t.sessionId:"")),o=
(r=this._addProviderUserId(r,t)).substr(r.indexOf(EBG.Semi.AttributionEnum.UrlParamNames.SYNC+
(EBG.Semi.AttributionEnum.UrlParamNames.SYNC+"=")).length,1),EBG.Semi.Infra.loadFileByScriptElem(document,r,function(){this._handleResponse({sendTime:(new
Date).getTime()}),1*(o,this)},hasStorage:function(){try{return localStorage.setItem("eyeTesting","eyeTesting"),localStorage.removeItem("eyeTesting"),!0}catch(e)
{return!1}},getSessionId:function(){if(!this.hasStorage())return this.generateSessionId();var e=null,t=new
Date,a=localStorage.getItem("SZMKSessionId");if(a)try{a=JSON.parse(a),18e5>t.getTime()-a.time&&(e=a.id)}catch(e){return
e=|this.generateSessionId(),localStorage.setItem("SZMKSessionId",JSON.stringify({time:t.getTime(),id:e})),e},generateSessionId:function(){var e;e="+
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

```
(o=document.createElement("input")).type="hidden",o.name="qty",o.value=0,o.size=3,o.maxLength=3,e[n].appendChild(o)}catch(e){}function clearDigitalBrowserCookies()
{document.cookie="basket=false; expires=Thu, 01-Jan-70 00:00:01 GMT; path=/";document.cookie="customer=false; expires=Thu, 01-Jan-70 00:00:01 GMT;
path=/";document.cookie="fv_mill=false; expires=Thu, 01-Jan-70 00:00:01 GMT; path=/";function date(e,t){var a,i,o=
["Sun","Mon","Tues","Wednes","Thurs","Fri","Satur","January","February","March","April","May","June","July","August","September","October","November","December"],n=/\?
(?:/gi,r=function(e,t){return i[e]?i[e](t):s=function(e,t){for(e=eString(e);e.length<t;)e="0"+e;return e};i={d:function(){return s(i.j(),2)},D:function(){return
i.l().slice(0,3)},j:function(){return a.getDate()},l:function(){return o[i.w()]+day"},M:function(){return i.w()|7},S:function(){var e=i.j(),t=e%10;return
t<3&&1==parseInt(e%100/10,10)&&(t-o),["st","nd","rd"][t-1]|"th"},w:function(){return a.getDay()},z:function(){var e=new Date(i.Y(),i.n()-1,i.j()),t=new Date(i.Y(),0,1);return
Math.round((e-t)/864e5)},W:function(){var e=new Date(i.Y(),i.n()-1,i.j()-1,i.N()+3),t=new Date(e.getFullYear(),0,4);return s(1+Math.round((e-t)/864e5/7),2)},F:function(){return
o[6+i.n()]},m:function(){return s(i.n(),2)},M:function(){return i.F().slice(0,3)},n:function(){return a.getMonth()+1},t:function(){return new Date(i.Y(),i.n(),0).getDate()},L:function()
{var e=i.Y();return e%4==0&&e%100!=0|e%400==0},o:function(){var e=i.n(),t=i.W();return i.Y()+{12===e&&t<9?1:1===e&&t>9?1:0},Y:function(){return a.getFullYear()},y:function(){return
i.Y().toString().slice(-2)},a:function(){return a.getHours()>11?"pm":"am"},A:function(){return i.a().toUpperCase()},B:function(){var
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

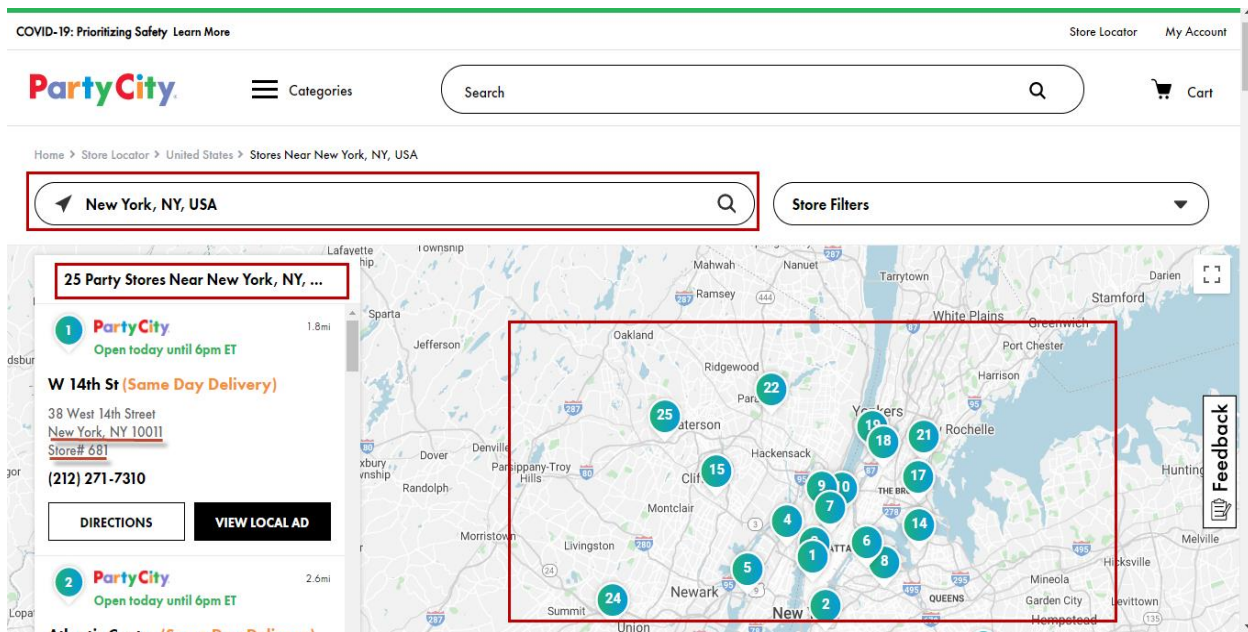
```
e.site.geo.geodat=JSON.parse(decodeURIComponent(n)),le.site.qs||le.site.qs.ip||e.site.geo.geodat.ip==e.site.qs.ip}}return!1},setGeodat:function(a,i)
{if(e.site.geo.geodat.latitude||e.site.geo.getGeoCookie())"function"==typeof a&&a();else{var o=location.protocol+"//maps."+e.site.domain+"/api/geopip";e.site.qs&&e.site.qs.ip&&(o+="?
ip="+e.site.qs.ip),t.ajax({url:o,dataType:"json",crossDomain:!0,xhrFields:{withCredentials:!0},success:function(t){t.geopip?
(e.site.geo.geodat.latitude=t.geopip.latitude,e.site.geo.geodat.longitude=t.geopip.longitude,e.site.geo.geodat.country_code=t.geopip.country_code,e.site.geo.geodat.country_name=t.geopip.coun
try_name,e.site.geo.geodat.region=t.geopip.region,e.site.geo.geodat.city=t.geopip.city,e.site.geo.geodat.postal_code=t.geopip.postal_code,"function"==typeof a&&a());"function"==typeof
i&&i(),error:function(i){"function"==typeof i&&i(i)}}},geolocation:geolocation)}(var a="";void 0!==(a=t),e.site.geo.setGeodat(function(){window.location=e.site.geo.searchUrl+"?
lat="+e.site.geo.geodat.latitude+"&lng="+e.site.geo.geodat.longitude+"&rad="+e.site.geo.rad+a},function(){alert("Cannot determine your location. Please try entering your city and state
and searching manually.")}),gotogeoloc:function(t){var a="";void 0!==(a=t.indexof("&")?&"+t):navigator.geolocation?navigator.geolocation.getCurrentPosition(function(t)
{window.location=e.site.geo.searchUrl+"?lat="+t.coords.latitude+"&lng="+t.coords.longitude+"&rad="+e.site.geo.rad+a},function(){e.site.geo.geolocation(a)},
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

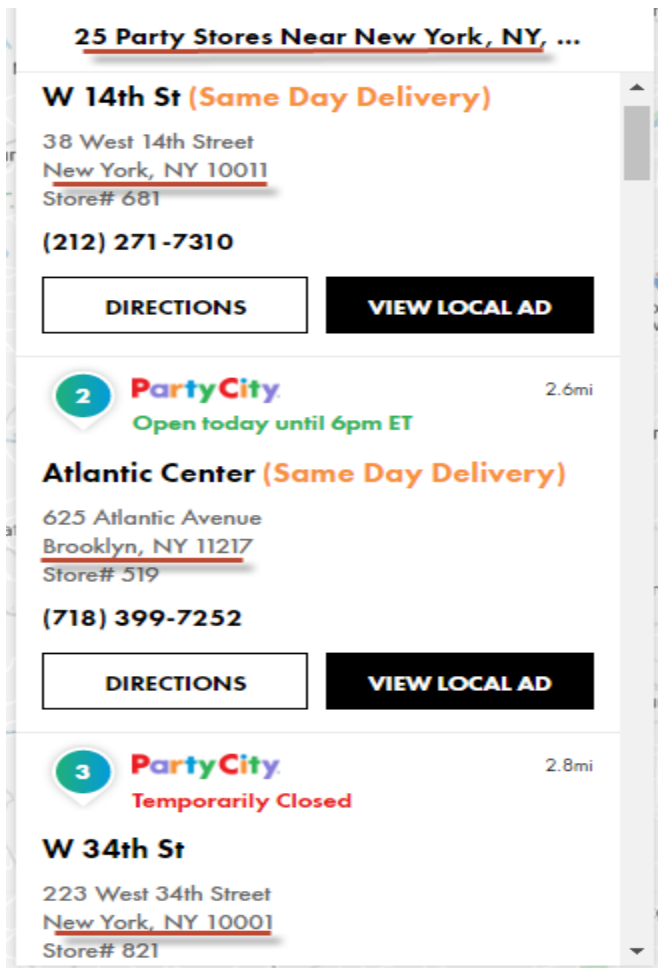
```
{data:null,providerCalled:!1},Device9:{data:null,providerCalled:!1},SizmekID:
{data:null,providerCalled:!1}},gEBMainWindow.providersData=this._providersData),EBGUIP.UserIdProvider.prototype=
{filter:null,currTagData:null,appProvidersNamesUsed:null,_providersEnum:["AdTruth","EBUIDCache","Device9","SizmekID"],_providers:{AdTruth:{isUsed:!1,shouldSendData:!0},EBUIDCache:
{isUsed:!1,shouldSendData:!0},Device9:{isUsed:!1,shouldSendData:!1},SizmekID:{isUsed:!1,shouldSendData:!0}},_providersData:null,getUserIds:function(e)
{for(this._filter=e.filter,this._init(),this._currTagData=e,this._currTagData.currDoc|
```

(<https://assets.partycity.com/min/scripts.min.js?v=67e3d1f61fe864d2aa9d5769a79bfcd0> (for a particular user)).

95. On information and belief, the Accused Instrumentality performs the step of executing, via the at least one server computer (*e.g.*, partycity.com server) the user's template program (*e.g.*, a template program is composed of instructions, code and data used to create a user webpage (*e.g.*, currently available stores) selected for the user's customized web page in response to the subsequent request (*e.g.*, user login, search initiation, etc.) and based on the customization information unique to the user (*e.g.*, user location, interest/habits, etc.). As shown below, users can customize their location on their partycity.com page to find stores near their location.

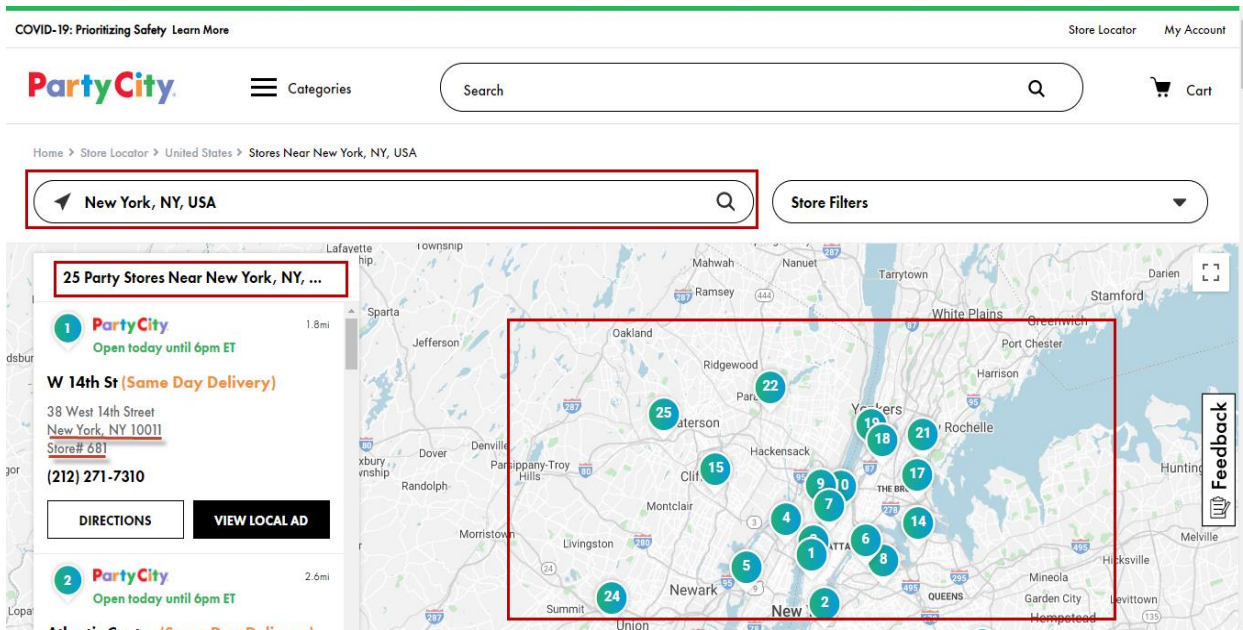


(<https://stores.partycity.com/us/?q=New%20York,%20NY,%20USA> (for a particular user)). As shown below, a user's partycity.com page is customized by the location information provided by the user.



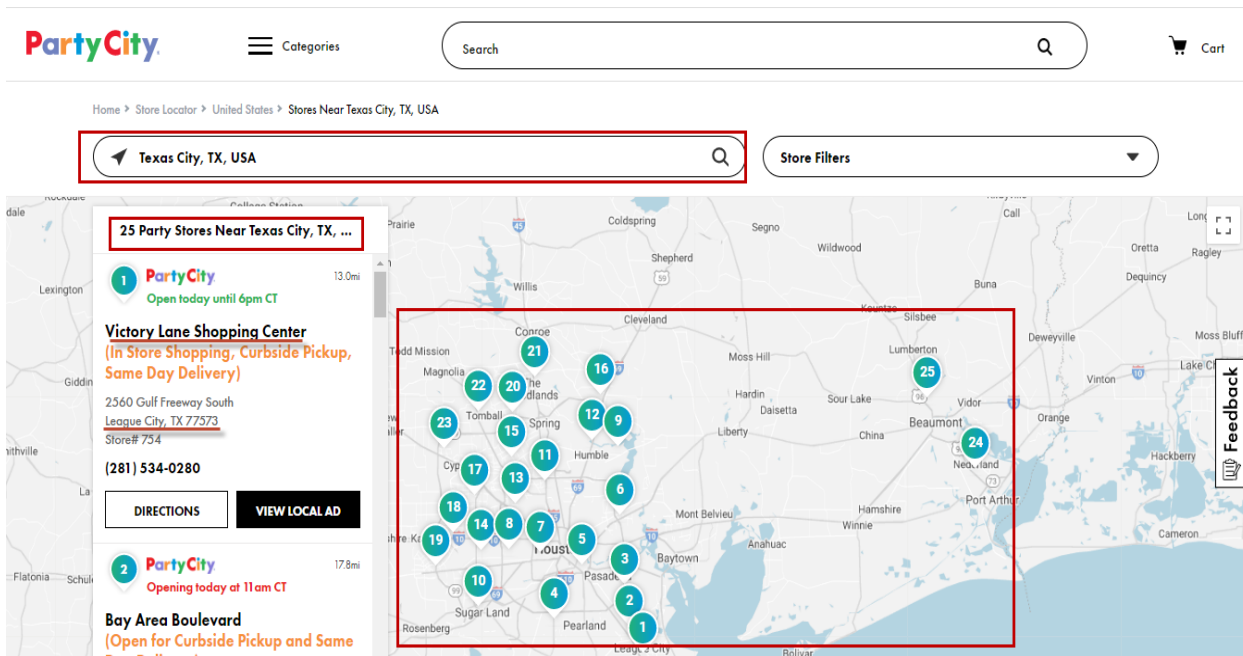
(<https://stores.partycity.com/us/?q=New%20York,%20NY,%20USA> (for a particular user)). As shown below, a user's partycity.com page will also be customized to show stores near the location linked to a user's account. Below are screenshots of two pages for two different users' that have varying stores displayed based upon the users' respective locations.

First User –



(<https://stores.partycity.com/us/?q=New%20York,%20NY,%20USA> (for a particular user)).

Second User –

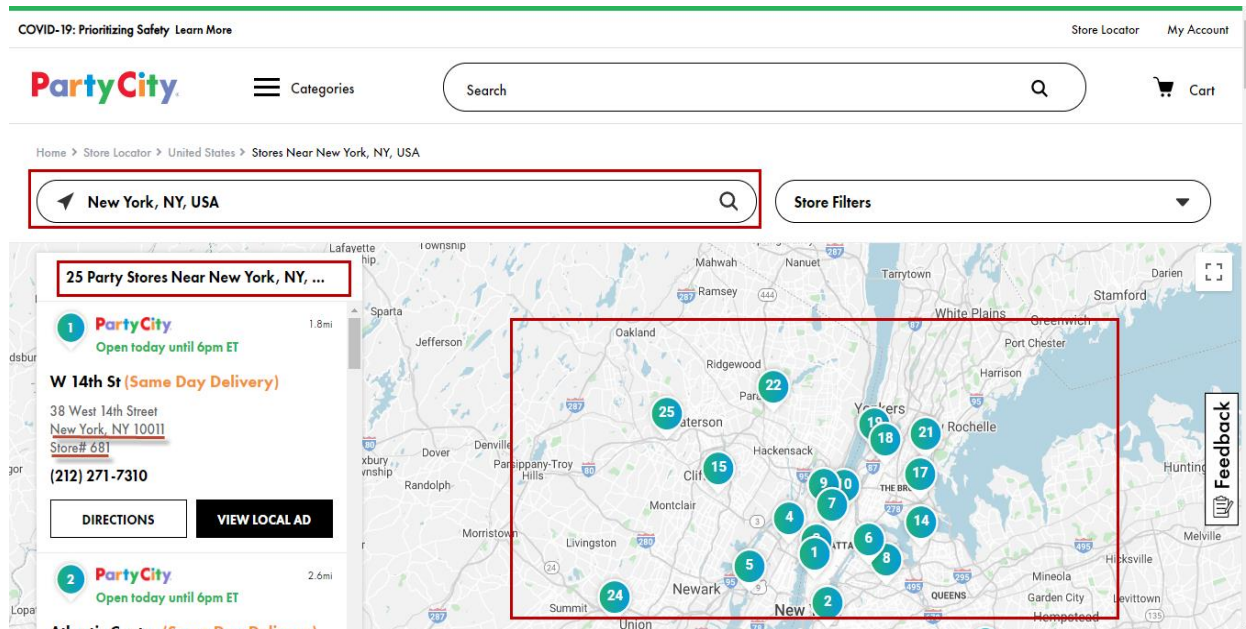


(<https://stores.partycity.com/us/?q=Texas%20City,%20TX,%20USA> (for a particular user)).

As shown above, a user can also customize their partycity.com page by saving Wishlists, so that saved Wishlists can be displayed.

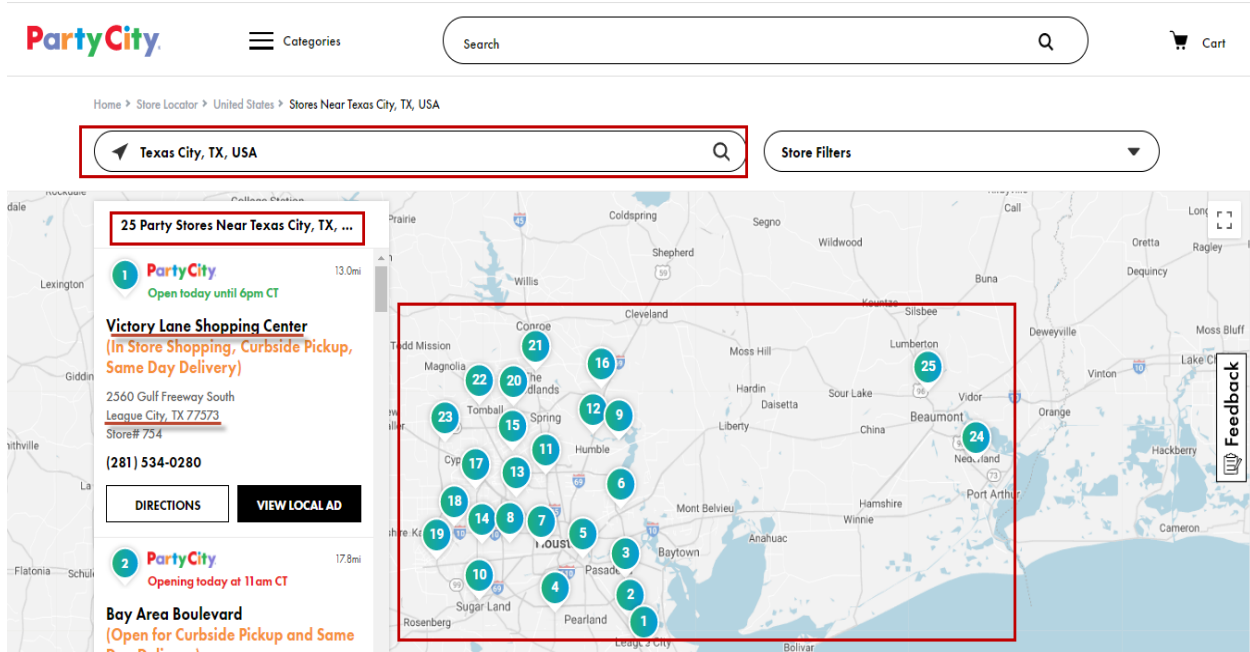
96. On information and belief, the Accused Instrumentality performs the step of serving, via the at least one server computer (e.g., partycity.com server), the user's customized web page (e.g., webpage customized for a user with local currently available stores).

First User –



<https://stores.partycity.com/us/?q=New%20York,%20NY,%20USA> (for a particular user)).

Second User –



(<https://stores.partycity.com/us/?q=Texas%20City,%20TX,%20USA> (for a particular user)). A user can also customize their partycity.com page by saving Wishlists, so that saved Wishlists can be displayed.

97. On information and belief, the accused instrumentality utilizes a template that further includes providing a customized page to the user (e.g., a user's partycity.com page, with integrated advertisements) wherein the user template comprises advertisement selection information for use in selecting one or more advertisements for inclusion in the user's customized web page in addition to real-time information selected for the user's web page (e.g., the code for the webpage will include code that allows for the insertion of target advertisements into a user's customized web page which contains real time information such as currently available stores).

98. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates Plaintiff for such Defendant's infringement of the '342 patent, i.e., in an amount that by law

cannot be less than would constitute a reasonable royalty for the use of the patented technology, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

99. Digi Portal is asserting solely method claims and therefore no marking issue arises. Regardless, on information and belief, to the extent required, all marking requirements have been complied with.

X. JURY DEMAND

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

XII. PRAYER FOR RELIEF

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

- a. Judgment that one or more claims of United States Patent No. 8,352,854 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- b. Judgment that one or more claims of United States Patent No. 5,983,227 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- c. Judgment that one or more claims of United States Patent No. 7,171,414 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- d. Judgment that one or more claims of United States Patent No. 7,565,359 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- e. Judgment that one or more claims of United States Patent No. 9,626,342 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- f. Judgment that Defendant account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of Defendant's infringing activities and other conduct complained of herein, and an accounting of all infringements and damages not presented at trial;

- g. Judgment that damages should be trebled as a result of Defendant's willful infringement;
- j. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein; and
- k. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

November 24, 2020

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