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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

EXPRESS MOBILE, INC., Plaintiff, v. OATH HOLDINGS, INC., d/b/a VERIZON MEDIA GROUP, f/k/a YAHOO!, Defendant.	Case No. **COMPLAINT FOR PATENT INFRINGEMENT** **JURY TRIAL DEMANDED**

Plaintiff Express Mobile, Inc. ("Express Mobile" or "Plaintiff"), for its complaint against Defendant Oath Holdings, Inc., d/b/a Verizon Media Group, f/k/a Yahoo! ("Yahoo!" or "Defendant"), alleges the following:

NATURE OF THE ACTION

1.   This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

THE PARTIES

2.   Express Mobile is an inventor-owned corporation organized under the laws of the State of Delaware with a place of business at 38 Washington Street, Novato, CA 94947.

3.   Oath Holdings, Inc., d/b/a Verizon Media Group, is a corporation organized under the laws of the State of Delaware and is a resident of this District with a place of business at 701 First Avenue, Sunnyvale, CA 94089. It can be served through its registered agent in California, CT Corporation System, 818 West Seventh Street, Suite 930, Los Angeles, CA 90017.

4.   Yahoo! offers services throughout the United States, including in this judicial District, and introduces services into the stream of commerce that incorporate infringing technology knowing that those services would be used in this judicial District and elsewhere in the United States.

JURISDICTION AND VENUE

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

6.   This Court has personal jurisdiction over Yahoo! because it has purposefully availed itself of the rights and benefits of the laws of this State and this District. Yahoo! resides in the Northern District of California by maintaining a regular and established place of business at 701 First Avenue, Sunnyvale, CA 94089. This Court also has personal jurisdiction over Yahoo! because it has done, and is doing, substantial business in this District, both generally and with respect to the allegations in this complaint, including Yahoo!'s one or more acts of infringement in this District.

7.   Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c) and 1400(b). Yahoo! has committed acts of infringement through provision of its website builder in the Northern District of California and has at least one regular and established place of business in this District, specifically 701 First Avenue, Sunnyvale, CA 94089. Yahoo!'s office in Sunnyvale is a physical place in the District, it

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1   is an established location where Yahoo!'s business has been carried out for years, and Yahoo! publicly

2   advertises its presence in the District. *See In re Cray, Inc.*, 871 F.3d 1355, 1360-61 (Fed. Cir. 2017).

3   **BACKGROUND**

4   8.   Plaintiff Express Mobile is an innovator and leader in the business of developing mobile

5   application and website design and creation platforms. Express Mobile is managed by individuals with

6   many years of technology and business experience. The CEO of Express Mobile, Steve Rempell, is the

7   inventor of the breakthrough technology held in Express Mobile's patent portfolio. Mr. Rempell has

8   over 50 years' experience working in technology companies, with much of that experience focused on

9   web-based technologies and applications.

10   9.   Before the Express Mobile invention at issue, webpages were created, stored, and

11   rendered using code files that defined all the fixed parameters of the webpage, including, for example,

12   the formatting and location of text, or the location, size, and aspect ratio of images. Typically,

13   webpages could not be viewed during the creation process as they would later appear in the various

14   available browsers or on different devices, and each individual webpage of a website needed to be

15   stored as a separate file. The size and formatting of the stored files led to slow download times to the

16   user's computer, increasing the wait time for a page to load.

17   10.   Express Mobile developed groundbreaking improvements in the process for creating,

18   storing, and building webpages and websites. Express Mobile's invention enables defining the

19   webpage as a collection of user settings, storing information related to those settings in a database, and

20   then later using that information to render a webpage. The page can be viewed, as it is created or

21   edited, in the same manner that it would appear on different types of screens when later accessed. The

22   result is not a collection of computer code, but instead a group of user-selected objects and settings

23   describing the final webpage. These objects and settings can be saved in a database for ease of access

24   and efficient storage. The invention allows faster loading speeds and permits more efficient storage of

25   the data used to later build the webpages. It also makes changing the webpage more efficient through

26   editing user settings rather than editing multiple lines or versions of code.

27   11.   Defendant Yahoo! offers a wide array of services to consumers and businesses. Those

28   services include Yahoo! Small Business, which helps small and medium-sized businesses develop

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1 websites and e-commerce stores without the need for trained web developers. Yahoo! Small Business

2 allows users to customize a webpage using a menu of settings that control the placement of elements

3 such as buttons, headers, and forms. Selection of specific menu items will correspondingly update the

4 preview of the final page.

5 12. For consumers, Yahoo! offers My Yahoo! – customized home pages (or "portal pages")

6 that can display web content of the user's choosing, according to layouts specified by the user. My

7 Yahoo! contains menus allowing users to customize the appearance of their Yahoo! portal page. For

8 example, users can select various web content to be displayed at different locations on the portal page.

9 They can customize their portal page to include multiple "tabs," each with different content. And they

10 can select settings controlling the appearance of the page, such as "theme" colors. The preview of the

11 final page is updated when different menu items are selected.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,546,397
(My Yahoo!)

13. The allegations set forth in the foregoing paragraphs 1 through 12 are incorporated into
this First Claim for Relief.

14. On April 8, 2003, U.S. Patent No. 6,546,397 ("the '397 patent"), entitled *Browser Based
Web Site Generation Tool and Run Time Engine*, was duly and legally issued by the United States
Patent and Trademark Office. A true and correct copy of the '397 patent is attached as Exhibit A.

15. The claimed invention of the '397 patent resolves technical problems related to website
creation and generation. Prior to the invention taught and disclosed in the '397 patent, webpages were
generally created, stored, and rendered either by programming directly in HTML, CSS,[1] or JavaScript
code, or by using a visual editor that produced HTML files. The result was a collection of pages of
computer code – typically HTML, CSS, JavaScript, or Java applets – which defined the visual layout,
style, and business logic of websites.

16. Conventional website creation and generation methods suffered from many flaws.
Creating a webpage could be cumbersome. Webpages could not be viewed throughout the creation

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[1] CSS, or "Cascading Style Sheets," is a programming language designed to interoperate with HTML
to specify the appearance and placement of web elements.

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process as they would later appear in various browsers or on different devices.   Each individual webpage of a website was stored as a separate HTML, CSS, or JavaScript file, which wasted computer resources and required longer access times in the form of hard drive access while editing websites, and in the form of network traffic while downloading them.   Prior-art methods also led to slow downloading of the webpage file to a user's computer and slower rendering by the browser, which increased the wait time for a page to load.

17.   Unlike prior-art methods, the '397 patent brings together disparate ideas and concepts for creating, storing, and building webpages.   The Express Mobile invention at issue defines webpages as combinations of user-selected objects and settings stored in a database, rather than as combinations of computer code.   Because code files do not need to be stored, the page structure – the vast majority of the HTML code itself – is created on the fly each time the page is loaded in a user browser.   This unconventional step of building the webpage HTML code on the fly is performed by the run time engine of the invention, using data representative of the user settings.   This allows the system to optimize the page based on device-specific information, including the operating system, browser, and screen size.   Moreover, the process of defining the webpages is done through a "What You See Is What You Get" or "WYSIWYG" environment, so that, as the page is created or edited, it can be viewed in the same manner it will appear on different types of screens when later accessed.

18.   Express Mobile's patents are directed at a revolutionary technological solution to a technological problem – how to create webpages for the Internet in a manner that permits "What You See Is What You Get" editing, and a number of other improvements over the then-existing methodologies.   The claims are not drawn so broadly as to be divorced from the patent-eligible technological improvements described in the specification.

19.   The invention claimed in the '397 patent is not merely the routine or conventional use of website creation systems and methods.   Rather, the invention enables the creation of websites through browser-based visual editing tools such as selectable settings panels that describe website elements, with one or more settings corresponding to commands.   The invention also enables retrieving that information to generate a website.   Those features are implemented exclusively using computer technology, including using virtual machines.

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1   20.   The invention claimed in the '397 patent offers substantial improvements in computer

2   performance and web design. For example, the invention allows for faster loading speeds, more

3   efficient storage of webpage data, and the ability to change the webpage more efficiently by editing

4   user settings rather than multiple versions of code. The invention also permits scaling of webpages and

5   elements within the webpage, to most efficiently use the screen space. Taken separately or together,

6   the claim elements of the invention significantly improve the operation of a computer and the process

7   of web design.

8   21.   The claims of the '397 patent do not merely recite the performance of some business

9   practice known from the pre-Internet world along with the requirement to perform it on the Internet.

10   Instead, the claims of the '397 patent recite one or more inventive concepts that are rooted in

11   computerized website creation technology, and overcome problems specifically arising in the realm of

12   computerized website creation technologies.

13   22.   The invention claimed in the '397 patent neither preempts all ways of using website or

14   webpage authoring tools nor preempts the use of all website or webpage authoring tools or any other

15   well-known or prior-art technology. Accordingly, each claim of the '397 patent recites a combination

16   of elements sufficient to ensure that the claim in practice amounts to significantly more than a patent on

17   an ineligible concept.

18   23.   Express Mobile is the assignee and owner of the right, title, and interest in and to the

19   '397 patent, including the right to assert all causes of action arising under that patent and the right to

20   any remedies for infringement of it.

21   24.   Yahoo! has manufactured, used, offered for sale, or sold browser-based website building

22   tools that infringed, either literally or under the doctrine of equivalents, the '397 patent in violation of

23   35 U.S.C. § 271(a).

24   25.   Upon information and belief, Yahoo!'s My Yahoo! service has infringed at least claim 1

25   of the '397 patent.

26   26.   Claim 1 of the '397 patent recites a method to allow users to produce Internet websites

27   on and for computers having a browser and a virtual machine capable of generating displays, said

28   method comprising: (a) presenting a viewable menu having a user-selectable panel of settings

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describing elements on a website, said panel of settings being presented through a browser on a computer adapted to accept one or more of said selectable settings in said panel as inputs therefrom, and where at least one of said user-selectable settings in said panel corresponds to commands to said virtual machine; (b) generating a display in accordance with one or more user-selected settings substantially contemporaneously with the selection thereof; (c) storing information representative of said one or more user-selected settings in a database; (d) generating a website at least in part by retrieving said information representative of said one or more user-selected settings stored in said database; (e) building one or more webpages to generate said website from at least a portion of said database and at least one run time file, where said one run time file uses information stored in said database to generate virtual machine commands for the display of at least a portion of said one or more webpages.

27.   My Yahoo! infringed claim 1 of the '397 patent. During the relevant time periods, My Yahoo! practiced a method to allow users to produce portal pages, which are Internet websites on and for computers having a browser and a virtual machine capable of generating displays.

28.   By way of example, My Yahoo! presented a viewable menu displaying user-selectable settings that allowed users to specify which elements they wanted to appear on their portal page. Additional viewable menus controlled user-selectable settings controlling the appearance of individual web elements. For example, a user could select how many headlines she wanted to be displayed in an element that showed news clippings.

29.   By way of further example, My Yahoo! presented a viewable menu displaying user-selectable settings that allowed users to specify the design of the portal page, including settings that corresponded to the page's background, the number of columns into which the elements on the portal page were organized, and the font size of the text displayed in the elements.

30.   By way of further example, My Yahoo! presented a viewable menu of buttons that allowed users to create or delete "tabs" on a portal page, essentially creating multiple separate portal pages. By way of further example, My Yahoo! allowed users to click and drag elements on the portal page, placing them in their desired locations on any of the available columns on any of the available portal page tabs.

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31.   Once a user selected any of these settings, My Yahoo! generated the portal page in accordance with the selected settings substantially contemporaneously with the selection thereof. A user could continue changing settings, and My Yahoo! would update accordingly.

32.   On information and belief, My Yahoo! stored all user-selected settings in a database.

33.   Those user-selectable settings corresponded to commands to a virtual machine. When a setting was selected, My Yahoo! used it to generate code formatted in JavaScript Object Notation ("JSON"). One or more run time files containing HTML and JavaScript code communicated with the My Yahoo! web server to send and retrieve the encoded user-selected settings and thus generated the portal page.

34.   By way of example, when a user first loaded My Yahoo!, the My Yahoo! web server sent the run time files to the user's web browser. The run time files then communicated with the My Yahoo! web server to retrieve the user-selectable settings stored in the database, and used them to generate virtual machine commands in the form of JSON code, which was sent to the web browser. The web browser's virtual machine executed the JSON code. That execution, in combination with the commands in the run time files, generated the My Yahoo! portal page in accordance with the saved settings.

35.   Yahoo! was made aware of the '397 patent and its infringement thereof at least as early as December 20, 2018, when Express Mobile provided notice of Yahoo!'s infringement of the '397 patent.

36.   Upon information and belief, since at least the time Yahoo! received notice, Yahoo! induced others to infringe at least claim 1 of the '397 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Yahoo!'s partners, clients, customers, and end users, whose use of My Yahoo! constituted direct infringement of at least one claim of the '397 patent. In particular, Yahoo!'s actions that aided and abetted others such as customers, clients, partners, developers, and end users to infringe included advertising My Yahoo! as a way for users to have a single place to access their most important information on the Web. On information and belief, Yahoo! engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because

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Yahoo! had actual knowledge of the '397 patent and knowledge that its acts were inducing infringement of the '397 patent since at least the date Yahoo! received notice that such activities infringed the '397 patent.

37.   By way of example, a page on Yahoo!'s website described My Yahoo! as a "customizable," "personalized page," on which users "can choose how the format is laid out and what types of content [they would] like to see."

38.   Since December 20, 2018, and until expiration of the '397 patent, Yahoo!'s infringement of the '397 patent has been willful.

39.   Yahoo!'s infringement has damaged and injured Express Mobile.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 6,546,397
(Yahoo! Small Business)

40.   The allegations set forth in the foregoing paragraphs 1 through 39 are incorporated into this Second Claim for Relief.

41.   Yahoo! has manufactured, used, offered for sale, or sold browser-based website building tools that infringed, either literally or under the doctrine of equivalents, one or more claims of the '397 patent in violation of 35 U.S.C. § 271(a).

42.   Upon information and belief, Yahoo!'s Small Business service has infringed at least claim 1 of the '397 patent.

43.   Yahoo! Small Business infringed claim 1 of the '397 patent. During the relevant time periods, Yahoo! Small Business practiced a method to allow users to produce Internet websites on and for computers having a browser and a virtual machine capable of generating displays.

44.   By way of example, Yahoo! Small Business presented a viewable menu displaying user-selectable settings that allowed users to specify which elements they wanted to appear on their webpages. Additional viewable menus controlled user-selectable settings controlling the appearance of individual web elements. For example, a user could decide to include a button on their website, and afterwards could select the color of the button.

45.   By way of further example, Yahoo! Small Business presented a viewable menu displaying user-selectable settings that allowed users to specify the design of the websites, including

settings that corresponded to the page's background, the number of sections webpages were organized into, and the font of the text on the webpages. By way of further example, Yahoo! Small Business allowed users to click and move elements appearing on the webpage, placing them in their desired locations.

46.   Once a user selected any of these settings, Yahoo! Small Business updated the webpage in accordance with the selected settings substantially contemporaneously with the selection thereof.

47.   On information and belief, Yahoo! Small Business stored user-selected settings in a database.

48.   Those user-selectable settings corresponded to commands to a virtual machine. When a setting was selected, Yahoo! Small Business used it to generate JSON code. One or more run time files containing HTML and JavaScript code communicated with the Yahoo! Small Business web server to send and retrieve the encoded user-selected settings and thus generated the webpage.

49.   By way of example, when a user first loaded Yahoo! Small Business, the Yahoo! Small Business web server sent the run time files to the user's web browser. The run time files then communicated with the Yahoo! Small Business web server to retrieve the user-selectable settings stored in the database, and used them to generate virtual machine commands in the form of JSON code, which was sent to the web browser. The web browser's virtual machine executed the JSON code. That execution, in combination with the commands in the run time files, generated the website in accordance with the saved settings.

50.   Yahoo! was made aware of the '397 patent and its infringement thereof at least as early as December 20, 2018, when Express Mobile provided notice of Yahoo!'s infringement of the '397 patent.

51.   Upon information and belief, since at least the time Yahoo! received notice, Yahoo! induced others to infringe at least claim 1 of the '397 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Yahoo!'s partners, clients, customers, and end users, whose use of Yahoo! Small Business constituted direct infringement of at least one claim of the '397 patent. In particular, Yahoo!'s actions that aided and abetted others such as customers, clients, partners, developers, and end

users to infringe included advertising Yahoo! Small Business as a site-building tool for small businesses. On information and belief, Yahoo! engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Yahoo! had actual knowledge of the '397 patent and knowledge that its acts were inducing infringement of the '397 patent since at least the date Yahoo! received notice that such activities infringed the '397 patent.

52.   By way of example, Yahoo! ran graphic advertisements on its website featuring infringing features of Yahoo! Small Business. For example, Yahoo! advertised its service as a way to "[c]reate a wow-worthy website in minutes," adding "[j]ust pick your theme, personalize it and go live." The advertisement promised that "[i]t's easy and there's no coding required."

53.   In a "Frequently Asked Questions" section of its website, Yahoo! explained that its authoring tool "is an easy-to-use, drag-and-drop, website building tool." It added that a "website will be ready to go live in just minutes."

54.   Since December 20, 2018, and until expiration of the '397 patent, Yahoo!'s infringement of the '397 patent has been willful.

55.   Yahoo!'s infringement has damaged and injured Express Mobile.

COUNT III – INFRINGEMENT OF U.S. PATENT NO. 7,594,168
(Yahoo! Small Business)

56.   The allegations set forth in the foregoing paragraphs 1 through 55 are incorporated into this Third Claim for Relief.

57.   On September 22, 2009, U.S. Patent No. 7,594,168 ("the '168 patent"), entitled *Browser Based Web Site Generation Tool and Run Time Engine*, was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '168 patent is attached as Exhibit B.

58.   The claimed invention of the '168 patent resolves technical problems related to website creation and generation. Prior to the invention taught and disclosed in the '168 patent, webpages were generally created, stored, and rendered either by programming directly in HTML, CSS, or JavaScript code, or by using a visual editor that produced HTML files. The result was a collection of pages of computer code – typically HTML, CSS, JavaScript, or Java applets – which defined the visual layout,

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style and business logic of websites. While content (for example, photographs) for those sites could be dropped into certain placeholders, the overall format and structure of the webpage was fixed, as defined by the code.

59.   Conventional website creation and generation methods suffered from many flaws. Creating a webpage could be cumbersome. Webpages could not be viewed throughout the creation process as they would later appear in various browsers or on different devices. Also, each individual webpage of a website was stored as a separate HTML, CSS, or JavaScript file, which wasted computer resources and required longer access times in the form of hard drive access while editing websites and in the form of network traffic while downloading them. Prior-art methods also led to slow downloading of the webpage file to a user's computer and slower rendering by the browser, which increased the wait time for a page to load.

60.   Unlike prior-art methods, the '168 patent brings together disparate ideas and concepts for creating, storing, and building webpages. This can include building the page using a "What You See Is What You Get" or "WYSIWYG" environment, so that, as the page is created or edited, it can be viewed in the same manner it will appear on different types of screens when later accessed. Unlike conventional models, the result is not a collection of computer code, but instead a group of user-selected objects and settings. These can be saved in a database, for ease of access and efficient storage. Since code files do not need to be stored, the page structure – the vast majority of the HTML code itself – is created on the fly each time the page is loaded in a user browser. This unconventional step of building the webpage HTML code on the fly is performed by the run time engine of the invention, using data representative of the user settings. This allows the system to optimize the page based on device-specific information, including the operating system, browser, and screen size.

61.   The invention claimed in the '168 patent is not merely the routine or conventional use of website creation systems and methods. Rather, the invention enables the creation of websites through browser-based visual editing tools such as selectable settings panels that describe website elements, with one or more settings corresponding to commands. The invention also enables retrieving that information to generate a website. Those features are implemented exclusively using computer technology, including using virtual machines.

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62.   The invention claimed in the '168 patent offers substantial improvements in computer performance and web design. For example, the invention allows for faster loading speeds, more efficient storage of webpage data, and the ability to change the webpage more efficiently by editing user settings rather than multiple versions of code. The invention also permits scaling of webpages and elements within the webpage, to most efficiently use the screen space. Taken separately or together, the claim elements of the invention significantly improve the operation of a computer and the process of web design.

63.   The claims of the '168 patent do not merely recite the performance of some business practice known from the pre-Internet world along with the requirement to perform it on the Internet. Instead, the claims of the '168 patent recite one or more inventive concepts that are rooted in computerized website creation technology, and overcome problems specifically arising in the realm of computerized website creation technologies.

64.   The invention claimed in the '168 patent neither preempts all ways of using website or webpage authoring tools nor preempts the use of all website or webpage authoring tools or any other well-known or prior-art technology. Accordingly, each claim of the '168 patent recites a combination of elements sufficient to ensure that the claim in practice amounts to significantly more than a patent on an ineligible concept.

65.   Express Mobile is the assignee and owner of the right, title, and interest in and to the '168 patent, including the right to assert all causes of action arising under that patent and the right to any remedies for infringement of it.

66.   Yahoo! has manufactured, used, offered for sale, or sold browser-based website building tools that infringe, either literally or under the doctrine of equivalents, one or more claims of the '168 patent in violation of 35 U.S.C. § 271(a). Yahoo!'s infringement will continue unless enjoined by this Court.

67.   Upon information and belief, Yahoo!'s Small Business service has infringed and continues to infringe at least claim 1 of the '168 patent.

68.   Claim 1 of the '168 patent recites a system for assembling a website comprising: a server comprising a build engine configured to: accept user input to create a website, the website

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comprising a plurality of webpages, each webpage comprising a plurality of objects, accept user input to associate a style with objects of the plurality of webpages, wherein each webpage comprises at least one button object or at least one image object, and wherein the at least one button object or at least one image object is associated with a style that includes values defining transformations and timelines for the at least one button object or at least one image object; and wherein each webpage is defined entirely by each of the plurality of objects comprising that webpage and the style associated with the object, produce a database with a multidimensional array comprising the objects that comprise the website including data defining, for each object, the object style, an object number, and an indication of the webpage that each object is part of, and provide the database to a server accessible to web browser; wherein the database is produced such that a web browser with access to a run time engine is configured to generate the website from the objects and style data extracted from the provided database.

69.   Yahoo! Small Business infringes claim 1 of the '168 patent through a combination of features that collectively practice each limitation of claim 1. Yahoo! Small Business is a system for assembling a website, including a server that comprises a build engine. The Yahoo! Small Business build engine accepts user input to create a website containing one or more webpages, onto which users can add objects. Among others, Yahoo! Small Business allows users to add images and buttons. The Yahoo! Small Business editor tool allows users to associate styles with objects, including styles that define transformations and animations. The webpages created by Yahoo! Small Business are defined entirely by the objects users place on them.

70.   On information and belief, Yahoo! Small Business uses a database with a multidimensional array to store the data defining each object style, a numerical ID associated with the object, and an indication of the webpage that the object is a part of. Yahoo! Small Business encodes the information selected by the user in JSON format. One or more run time files containing HTML and JavaScript code communicate with the Yahoo! Small Business web server to send and retrieve the encoded user-selected settings and thus generate the webpage.

71.   By way of example, when a user first loads Yahoo! Small Business, the Yahoo! Small Business web server sends the run time files to the user's web browser. The run time files then communicate with the Yahoo! Small Business web server to generate the webpage in the web browser.

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The web server retrieves the user-selectable settings stored in the database, and uses them to generate virtual machine commands in the form of JSON code, which is sent to the web browser. The web browser's virtual machine executes the JSON code. That execution, in combination with the commands in the run time files, generates the website in accordance with the saved settings.

72.   Yahoo! was made aware of the '168 patent and its infringement thereof at least as early as December 20, 2018, when Express Mobile provided notice of Yahoo!'s infringement of the '168 patent.

73.   Upon information and belief, since at least the time Yahoo! received notice, Yahoo! has induced and continues to induce others to infringe at least claim 1 of the '168 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Yahoo!'s partners, clients, customers, and end users, whose use of Yahoo! Small Business constitutes direct infringement of at least one claim of the '168 patent. In particular, Yahoo!'s actions that aid and abet others such as customers, clients, partners, developers, and end users to infringe include advertising Yahoo! Small Business as a site-building tool for small businesses. On information and belief, Yahoo! has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Yahoo! has had actual knowledge of the '168 patent and knowledge that its acts were inducing infringement of the '168 patent since at least the date Yahoo! received notice that such activities infringed the '168 patent.

74.   By way of example, Yahoo! ran graphic advertisements on its website featuring infringing features of Small Business. For example, Yahoo! advertised its service as a way to "[c]reate a wow-worthy website in minutes," adding "[j]ust pick your theme, personalize it and go live." The advertisement promised that "[i]t's easy and there's no coding required."

75.   In a "Frequently Asked Questions" section of its website, Yahoo! explained that its authoring tool "is an easy-to-use, drag-and-drop, website building tool." It added that the tool features "mobile-friendly" templates, and that a "website will be ready to go live in just minutes."

76.   Another Yahoo! Small Business advertisement explained that users can "[m]ake a website that looks great on any device," adding that all of the available themes "look[ ] amazing on

desktop and mobile." The advertisement shows an example of the same website on both a desktop and mobile web browser.

77. Since December 20, 2018, Yahoo!'s infringement of the '168 patent has been willful.

78. Yahoo!'s infringement has damaged and continues to damage and injure Express Mobile. Express Mobile's injury is irreparable and will continue unless and until Yahoo! is enjoined by this Court from further infringement.

COUNT IV – INFRINGEMENT OF U.S. PATENT NO. 9,063,755
(My Yahoo!)

79. The allegations set forth in the foregoing paragraphs 1 through 78 are incorporated into this Fourth Claim for Relief.

80. On June 23, 2015, U.S. Patent No. 9,063,755 ("the '755 patent"), entitled *Systems and Methods for Presenting Information on Mobile Devices*, was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '755 patent is attached as Exhibit C.

81. The invention claimed in the '755 patent resolves technical problems related to generating and distributing dynamic content on a device display, such as the display of a mobile device. Before the patents-in-suit, content and applications for device displays were generally created using code written for each individual type of device. As device types proliferated, programming content and applications for each device became increasingly expensive and time-consuming. Doing so also limited the ability of providers to update the capabilities of, and increase the available content for, many devices.

82. The invention of the '755 patent resolves technical problems related to generating and distributing dynamic content on a device display. The invention features a computer memory and an authoring tool or Player configured to define a User Interface ("UI") object for display on the device, where the defined UI object corresponds to a web component and where each UI object is either: (1) selected by a user or (2) automatically selected by the system as a preferred UI object corresponding to a symbolic name of the web component. Additionally, the computer memory and the authoring tool or Player are configured to build an Application consisting of one or more webpage views to provide for

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the display of at least a portion of one or more of the webpages. These features are exclusively implemented using computer technology.

83.   Unlike methods in the prior art, the '755 patent brings together disparate ideas and concepts for generating and distributing content suitable for display on different devices with varying characteristics, using a combination of device-independent and device- and platform-dependent code. This can include building a webpage or application using a "What You See Is What You Get" or "WYSIWYG" environment, so that, as the page or app is created or edited, it can be viewed in the same manner it will appear on different types of screens when later accessed. The invention can also include an authoring tool that can create an Application, where the Application is device-independent code, and a Player, where the Player is device- and platform-dependent code. The Player enables the Application to function on a variety of devices or platforms, with differing functionality. This enables users of the authoring tool to create and distribute device-independent Applications for different device types, without individually tailoring the device-independent Applications for each device type.

84.   The claims of the '755 patent do not merely recite the performance of some business practice known from the pre-Internet world along with the requirement to perform it on the Internet. Instead, the claims of the '755 patent recite one or more inventive concepts that are rooted in the computerized generation of content on a device display, such as a mobile device, and overcome problems specifically arising in the realm of computerized display content generation technologies.

85.   The claims of the '755 patent recite an invention that is not merely the routine or conventional use of systems and methods for the computerized generation of content on a device display. Instead, the invention describes systems for use with devices with authoring tools or Players specific to each device and Applications that are independent of the device.

86.   The invention claimed in the '755 patent offers substantial improvements in device performance and web or application design. For example, the invention allows for faster loading speeds, more efficient storage of webpage or application data, and the ability to change a webpage or application more efficiently by editing user settings rather than multiple versions of code. The invention also permits scaling of webpages and elements within the webpage, or applications and elements within the application, to most efficiently use the screen space. Taken separately or together,

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1 the claim elements of the invention significantly improve the operation of a computer and the process

2 of web design.

3   87.   The invention claimed in the '755 patent neither preempts all ways for the computerized

4 generation of content on a device display, such as a mobile device, nor preempts the use of all

5 authoring tools or Players for the computerized generation of content on a device display, such as a

6 mobile device, or any other well-known or prior-art technology.

7   88.   Accordingly, each claim of the '755 patent recites a combination of elements sufficient

8 to ensure that the claim in practice amounts to significantly more than a patent on an ineligible concept.

9   89.   Express Mobile is the assignee and owner of the right, title, and interest in and to the

10 '755 patent, including the right to assert all causes of action arising under the patent and the right to any

11 remedies for infringement of it.

12   90.   Yahoo! has manufactured, used, offered for sale, or sold browser-based website building

13 tools that infringe, either literally or under the doctrine of equivalents, one or more claims of the '755

14 patent in violation of 35 U.S.C. § 271(a). Yahoo!'s infringement will continue unless enjoined by this

15 Court.

16   91.   Upon information and belief, My Yahoo!'s service has infringed and continues to

17 infringe at least claim 23 of the '755 patent.

18   92.   Claim 23 of the '755 patent recites a method of providing information to a device having

19 a display from a web component of a web service to a device on a network, said method comprising:

20 accepting, on the device, a first code over the network, where said first code is device-platform-

21 dependent; accepting, on the device, a second code over the network, where said second code is device-

22 independent and includes a plurality of symbolic names of inputs and outputs associated with the web

23 service; and executing said first code on the device, where the symbolic names are provided from a

24 registry of one or more web components related to inputs and outputs of a web service obtainable over

25 a network, where the web service requires both an input symbolic name and one or more associated

26 input values and returns one or more output values having an associated output symbolic name, and

27 where the registry includes (a) symbolic names required for evoking one or more web components each

28 related to a set of inputs and outputs of a web service obtainable over a network, where the symbolic

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names are character strings that do not contain either a persistent address or pointer to an output value accessible to the web service, and (b) the address of the web service; where said executing includes: processing said symbolic names of the second code on the device, transmitting processed instructions from the device to the web service, and accepting a third code on the device over the network, where said third code is a device-independent third code including the output of the web component provided by the web service over the network and in response to the second code.

93.   My Yahoo! infringes claim 23 of the '755 patent through a combination of features that collectively practice each limitation of claim 23. My Yahoo! practices a method for providing information to a device having a display, including a web browser. The information comes from a web service, the My Yahoo! web server. My Yahoo! accepts and executes device-dependent code from the My Yahoo! web server, including HTML, CSS, and JavaScript. It also accepts device-independent code from the My Yahoo! web server, which includes symbolic names of inputs and outputs. Unlike the device-independent code, the device-dependent code is written for specific devices, such as laptops, tablets, or smart phones. The symbolic names are provided from a registry of web components related to inputs and outputs obtainable over a network. The web components include widgets, which contain their own content obtainable over the Internet from other services, including those not controlled by Yahoo! For example, a news web component might display headlines from non-Yahoo!-controlled news services.

94.   The registry that My Yahoo! uses contains the address of a web service available over a network (the My Yahoo! web server) and symbolic names related to inputs and outputs of the web service. The symbolic names are character strings that do not contain either a persistent address or pointer to an output value. The My Yahoo! web server accepts both an input symbolic name and one or more associated input values from a user and returns one or more outputs having an associated symbolic name. When the browser executes the code provided to it, it processes the symbolic names and transmits instructions back to the web service. In response, it accepts new, device-independent code from the web service.

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95.   Yahoo! was made aware of the '755 patent and its infringement thereof at least as early as November 24, 2020, when Express Mobile provided notice of Yahoo!'s infringement of the '755 patent.

96.   Upon information and belief, since at least the time Yahoo! received notice, Yahoo! has induced and continues to induce others to infringe at least claim 23 of the '755 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Yahoo!'s partners, clients, customers, and end users, whose use of My Yahoo! constitutes direct infringement of at least one claim of the '755 patent. In particular, Yahoo!'s actions that aid and abet others such as customers, clients, partners, developers, and end users to infringe include advertising My Yahoo! as a way for users to have a single place to access their most important information on the web. On information and belief, Yahoo! has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Yahoo! has had actual knowledge of the '755 patent and knowledge that its acts were inducing infringement of the '755 patent since at least the date Yahoo! received notice that such activities infringed the '755 patent.

97.   Since November 24, 2020, Yahoo!'s infringement of the '755 patent has been willful.

98.   Yahoo!'s infringement has damaged and continues to damage and injure Express Mobile. Express Mobile's injury is irreparable and will continue unless and until Yahoo! is enjoined by this Court from further infringement.

COUNT V – INFRINGEMENT OF U.S. PATENT NO. 9,063,755
(Yahoo! Small Business)

99.   The allegations set forth in the foregoing paragraphs 1 through 98 are incorporated into this Fifth Claim for Relief.

100.   Yahoo! has manufactured, used, offered for sale, or sold browser-based website building tools that infringe, either literally or under the doctrine of equivalents, one or more claims of the '755 patent in violation of 35 U.S.C. § 271(a). Yahoo!'s infringement will continue unless enjoined by this Court.

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101.   Upon information and belief, Yahoo!'s Small Business service has infringed and continues to infringe at least claim 23 of the '755 patent.

102.   Yahoo! Small Business infringes claim 23 of the '755 patent through a combination of features that collectively practice each limitation of claim 23.   Yahoo! Small Business practices a method for providing information to a device having a display, including a web browser.   The information comes from a web service, the Yahoo! Small Business web server.   Yahoo! Small Business accepts and executes device-dependent code from the My Yahoo! web server, including HTML, CSS, and JavaScript.   It also accepts device-independent code from the My Yahoo! web server, which includes symbolic names of inputs and outputs.   Unlike the device-independent code, the device-dependent code is written for specific devices, such as laptops, tablets, or smart phones.   The symbolic names are provided from a registry of web components related to inputs and outputs obtainable over a network.   The web components include buttons, text, images, and other common web components.

103.   The registry that Yahoo! Small Business uses contains the address of a web service available over a network (the Yahoo! Small Business web server) and symbolic names related to inputs and outputs of the web service.   The symbolic names are character strings that do not contain either a persistent address or pointer to an output value.   The Yahoo! Small Business web server accepts both an input symbolic name and one or more associated input values from a user and returns one or more output having an associated symbolic name.   When the browser executes the code provided to it, it processes the symbolic names and transmits instructions back to the web service.   In response, it accepts new, device-independent code from the web service.

104.   Yahoo! was made aware of the '755 patent and its infringement thereof at least as early as November 24, 2020, when Express Mobile provided notice of Yahoo!'s infringement of the '755 patent.

105.   Upon information and belief, since at least the time Yahoo! received notice, Yahoo! has induced and continues to induce others to infringe at least claim 23 of the '755 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Yahoo!'s partners, clients, customers, and end users, whose use of Yahoo! Small Business constitutes direct infringement of at least one claim of the

'755 patent. In particular, Yahoo!'s actions that aid and abet others such as customers, clients, partners, developers, and end users to infringe include advertising Yahoo! Small Business as a site-building tool for small businesses. On information and belief, Yahoo! has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Yahoo! has had actual knowledge of the '755 patent and knowledge that its acts were inducing infringement of the '755 patent since at least the date Yahoo! received notice that such activities infringed the '755 patent.

106.   By way of example, Yahoo! ran graphic advertisements on its website featuring infringing features of Small Business. For example, Yahoo! advertised its service as a way to "[c]reate a wow-worthy website in minutes," adding "[j]ust pick your theme, personalize it and go live." The advertisement promised that "[i]t's easy and there's no coding required."

107.   In a "Frequently Asked Questions" section on its website, Yahoo! explained that its authoring tool "is an easy-to-use, drag-and-drop, website building tool." It added that the tool features "mobile-friendly" templates, and that a "website will be ready to go live in just minutes."

108.   Another Yahoo! Small Business advertisement explained that users can "[m]ake a website that looks great on any device," adding that all of the available themes "look[ ] amazing on desktop and mobile." The advertisement showed an example of the same website on both a desktop and mobile web browser.

109.   Since November 24, 2020, Yahoo!'s infringement of the '755 patent has been willful.

110.   Yahoo!'s infringement has damaged and continues to damage and injure Express Mobile.

COUNT VI – INFRINGEMENT OF U.S. PATENT NO. 9,471,287
(My Yahoo!)

111.   The allegations set forth in the foregoing paragraphs 1 through 110 are incorporated into this Sixth Claim for Relief.

112.   On October 18, 2016, U.S. Patent No. 9,471,287 ("the '287 patent"), entitled *Systems and Methods for Integrating Widgets on Mobile Devices*, was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '287 patent is attached as Exhibit D.

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113. The invention claimed in the '287 patent resolves technical problems related to generating and distributing dynamic content on a device display, such as the display of a mobile device. Before the patents-in-suit, content and applications for device displays were generally created using code written for each individual type of device. As device types proliferated, programming content and applications for each device became increasingly expensive and time-consuming. Doing so also limited the ability of providers to update the capabilities of, and increase the available content for, many devices.

114. The invention of the '287 patent resolves technical problems related to generating and distributing dynamic content on a device display, such as the display of a mobile device. The invention of the '287 patent features a registry and an authoring tool or Player configured to define a UI object for display on the device, where the UI object corresponds to a web component. Each UI object is either: (1) selected by a user or (2) automatically selected by the system as a preferred UI object corresponding to a symbolic name of the web component and used to produce an Application, where the Application is a device-independent code, and a Player, where the Player is a device- and platform-dependent code. The Application and Player (1) enable the device to provide one or more input values and corresponding input symbolic name to the web service and (2) enable the web service to use the input symbolic name and one or more user-provided input values to generate one or more output values having an associated output symbolic name, while (3) the Player receives the output symbolic name and one or more corresponding output values and provides instructions for the display of the device to present an output value in the defined UI object. These features are exclusively implemented using computer technology.

115. Unlike methods in the prior art, the '287 patent brings together disparate ideas and concepts for generating and distributing content on different device displays. This can include building a webpage or application using a "What You See Is What You Get" or "WYSIWYG" environment, so that, as the page or app is created or edited, it can be viewed in the same manner it will appear on different types of screens when later accessed. The invention can also include an authoring tool that can create an Application, where the Application is device-independent code, and a Player, where the Player is device- and platform-dependent code. The Player enables the Application to function on a

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variety of devices or platforms, with differing functionality. This enables users of the authoring tool to create and distribute device-independent Applications for different device types, without individually tailoring the device-independent Applications for each device type.

116.   The claims of the '287 patent do not merely recite the performance of some business practice known from the pre-Internet world along with the requirement to perform it on the Internet. Instead, the claims of the '287 patent recite one or more inventive concepts that are rooted in the computerized generation of content on a device display, such as a mobile device, and overcome problems specifically arising in the realm of computerized display content generation technologies.

117.   The claims of the '287 patent recite an invention that is not merely the routine or conventional use of systems and methods for the computerized generation of content on a device display. Instead, the invention features systems that can be used with devices and methods of using the systems with authoring tools or Players specific to each device and Applications that are independent of the device.

118.   The invention claimed in the '287 patent offers substantial improvements in device performance and web or application design. For example, the invention allows for faster loading speeds, more efficient storage of webpage or application data, and the ability to change a webpage or application more efficiently by editing user settings rather than multiple versions of code. The invention also permits scaling of webpages and elements within the webpage, or applications and elements within the application, to most efficiently use the screen space. Taken separately or together, the claim elements of the invention significantly improve the operation of a computer and the process of web design.

119.   The invention claimed in the '287 patent neither preempts all ways for the computerized generation of content on a device display, such as a mobile device, nor preempts the use of all authoring tools or Players for the computerized generation of content on a device display, such as a mobile device, or any other well-known or prior-art technology.

120.   Accordingly, each claim of the '287 patent recites a combination of elements sufficient to ensure that the claim in practice amounts to significantly more than a patent on an ineligible concept.

121.   Express Mobile is the assignee and owner of the right, title, and interest in and to the '287 patent, including the right to assert all causes of action arising under the patent and the right to any remedies for infringement of it.

122.   Yahoo! has manufactured, used, offered for sale, or sold browser-based website building tools that infringe, either literally or under the doctrine of equivalents, one or more claims of the '287 patent in violation of 35 U.S.C. § 271(a).

123.   Upon information and belief, My Yahoo!'s service has infringed and continues to infringe at least claim 15 of the '287 patent.

124.   Claim 15 of the '287 patent recites a method of displaying content on a display of a device having a Player, where said Player is a device- and platform-dependent code, said method comprising: defining a UI object for presentation on the display, where said UI object corresponds to a web component included in a registry of one or more web components selected from a group consisting of an input of a web service and an output of the web service where each web component includes a plurality of symbolic names of inputs and outputs associated with each web service, and where the registry includes: (a) symbolic names required for evoking one or more web components each related to a set of inputs and outputs of the web service obtainable over a network, where the symbolic names are character strings that do not contain either a persistent address or pointer to an output value accessible to the web service, and (b) an address of the web service, and where each defined UI object is either: (1) selected by a user of an authoring tool; or (2) automatically selected by a system as a preferred UI object corresponding to a symbolic name of the web component selected by the user of the authoring tool; selecting the symbolic name from said web component corresponding to the defined UI object, where the selected symbolic name has an associated data format class type corresponding to a subclass of UI objects that support the data format type of the symbolic name, and has the preferred UI object; associating the selected symbolic name with the defined UI object; and producing an Application including the selected symbolic name of the defined UI object, where said Application is a device-independent code, wherein, when the Application and Player are provided to the device and executed on the device, and when a user of the device provides one or more input values associated with an input symbolic name to an input of defined UI object, (1) the device provides the user provided one or more

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input values and corresponding input symbolic name to the web service, (2) the web service uses the input symbolic name and the user provided one or more input values for generating one or more output values having an associated output symbolic name, and (3) said Player receives the output symbolic name and corresponding one or more output values and provides instructions for a display of the device to present an output value in the defined UI object.

125.   My Yahoo! infringes claim 15 of the '287 patent through a combination of features that collectively practice each limitation of claim 15. My Yahoo! practices a method for displaying content on a display of a computer device having a Player – HTML, CSS, and JavaScript code written for a particular device platform, such as browsers, laptops, tablets, and smartphones.

126.   The method includes computer memory that stores a registry of symbolic names associated with web components – including widgets, columns into which widgets are organized, and "tabs" dividing up portal pages. These components are related to inputs and outputs of a web service – the My Yahoo! web server – obtainable over a network, such as the Internet.

127.   The names stored in the registry are character strings that do not contain either a persistent address or pointer to an output value accessible to the web service. Each symbolic name has an associated data format class type corresponding to specific user interface objects that support that data format type, and are associated with preferred user interface objects. My Yahoo!'s code, including its HTML, JavaScript, and CSS code, associates these symbolic names – represented as element types, classes, and IDs in the browser's Document Object Model – with specific user interface objects.

128.   The My Yahoo! registry also includes the address of the My Yahoo! web server, a web service.

129.   My Yahoo! also includes an authoring tool that lets users define user interface objects for presentation on the web browser. These user interface objects correspond to the web components stored in the registry. The authoring tool accesses the computer memory to select the appropriate symbolic name corresponding to the web component and associates it with the defined user interface object. A particular symbolic name is only available for particular types of user interface objects, and the defined user interface object is automatically selected by the system as the preferred object

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corresponding to the symbolic name of the web component selected by the user of the authoring tool. For example, a CSS stylesheet may associate all symbolic names with a given type of object.

130.   The authoring tool then produces an "Application" in the form of device-independent code, including HTML, CSS, and JavaScript code that includes the selected symbolic name. It also produces a Player in the form of device- and platform-dependent code, also including HTML, CSS, and JavaScript code. Unlike the Application code, the Player code is written for specific devices, such as laptops, tablets, or smartphones, or device platforms, such as browsers. When the Application and Player code are executed by the web browser, input provided by the user is sent to the web service, which generates output and sends it to be displayed in a user interface object on the device. The Player interprets the response and updates the user interface objects based on the output it received from the web service.

131.   Yahoo! was made aware of the '287 patent and its infringement thereof at least as early as November 24, 2020, when Express Mobile provided notice of Yahoo!'s infringement of the '287 patent.

132.   Upon information and belief, since at least the time Yahoo! received notice, Yahoo! has induced and continues to induce others to infringe at least claim 15 of the '287 patent under 35 U.S.C. §271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Yahoo!'s partners, clients, customers, and end users, whose use of My Yahoo! constitutes direct infringement of at least one claim of the '287 patent. In particular, Yahoo!'s actions that aid and abet others such as customers, clients, partners, developers, and end users to infringe include advertising My Yahoo! as a way for users to have a single place to access their most important information on the Web. On information and belief, Yahoo! has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Yahoo! has had actual knowledge of the '287 patent and knowledge that its acts were inducing infringement of the '287 patent since at least the date Yahoo! received notice that such activities infringed the '287 patent.

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133.   By way of example, a page on Yahoo!'s website described My Yahoo! as a "customizable," "personalized page," on which users "can choose how the format is laid out and what types of content [they would] like to see."

134.   Since November 24, 2020, Yahoo!'s infringement of the '287 patent has been willful.

135.   Yahoo!'s infringement has damaged and continues to damage and injure Express Mobile.

COUNT VII – INFRINGEMENT OF U.S. PATENT NO. 9,471,287
(Yahoo! Small Business)

136.   The allegations set forth in the foregoing paragraphs 1 through 135 are incorporated into this Seventh Claim for Relief.

137.   Yahoo! has manufactured, used, offered for sale, or sold browser-based website building tools that infringe, either literally or under the doctrine of equivalents, one or more claims of the '287 patent in violation of 35 U.S.C. § 271(a).

138.   Upon information and belief, Yahoo!'s Small Business service has infringed and continues to infringe at least claim 15 of the '287 patent.

139.   Yahoo! Small Business infringes claim 15 of the '287 patent through a combination of features that collectively practice each limitation of claim 15. Yahoo! Small Business practices a method for displaying content on a display of a computer device having a Player – HTML, CSS, and JavaScript code written for a particular device platform, such as browsers, laptops, tablets, and smartphones.

140.   The method includes computer memory that stores a registry of symbolic names associated with web components – including buttons, images, text blocks, and other web components. These components are related to inputs and outputs of a web service – the Yahoo! Small Business web server – obtainable over a network, such as the Internet.

141.   The names stored in the registry are character strings that do not contain either a persistent address or pointer to an output value accessible to the web service. Each symbolic name has an associated data format class type corresponding to specific user interface objects that support that data format type, and are associated with preferred user interface objects. Yahoo! Small Business's code, including its HTML, JavaScript, and CSS code, associates these symbolic names – represented as

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element types, classes, and IDs in the browser's Document Object Model – with specific user interface objects.

142.   The Yahoo! Small Business registry also includes the address of the Yahoo! Small Business web server, a web service.

143.   Yahoo! Small Business also includes an authoring tool that lets users define user interface objects for presentation on the web browser. These user interface objects correspond to the web components stored in the registry. The authoring tool accesses the computer memory to select the appropriate symbolic name corresponding to the web component and associates it with the defined user interface object. A particular symbolic name is only available for particular types of user interface objects, and the defined user interface object is automatically selected by the system as the preferred object corresponding to the symbolic name of the web component selected by the user of the authoring tool. For example, a CSS stylesheet may associate all symbolic names with a given type of object.

144.   The authoring tool then produces an "Application" in the form of device-independent code, including HTML, CSS, and JavaScript code that includes the selected symbolic name. It also produces a Player in the form of device- and platform-dependent code, also including HTML, CSS, and JavaScript code. Unlike the Application code, the Player code is written for specific devices, such as laptops, tablets, or smartphones, or device platforms, such as browsers. When the Application and Player code are executed by the web browser, input provided by the user is sent to the web service, which generates output and sends it to be displayed in a user interface object on the device. The Player interprets the response and updates the user interface objects based on the output it received from the web service.

145.   Yahoo! was made aware of the '287 patent and its infringement thereof at least as early as November 24, 2020, when Express Mobile provided notice of Yahoo!'s infringement of the '287 patent.

146.   Upon information and belief, since at least the time Yahoo! received notice, Yahoo! has induced and continues to induce others to infringe at least claim 15 of the '287 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Yahoo!'s partners, clients, customers, and end

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users, whose use of Yahoo! Small Business constitutes direct infringement of at least one claim of the '287 patent. In particular, Yahoo!'s actions that aid and abet others such as customers, clients, partners, developers, and end users to infringe include advertising Yahoo! Small Business as a site-building tool for small businesses. On information and belief, Yahoo! has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Yahoo! has had actual knowledge of the '287 patent and knowledge that its acts were inducing infringement of the '287 patent since at least the date Yahoo! received notice that such activities infringed the '287 patent.

147.   By way of example, Yahoo! ran graphic advertisements on its website featuring infringing features of Small Business. For example, Yahoo! advertised its service as a way to "[c]reate a wow-worthy website in minutes," adding "[j]ust pick your theme, personalize it and go live." The advertisement promised that "[i]t's easy and there's no coding required."

148.   In a "Frequently Asked Questions" section on its website, Yahoo! explained that its authoring tool "is an easy-to-use, drag-and-drop, website building tool." It added that the tool features "mobile-friendly" templates, and that a "website will be ready to go live in just minutes."

149.   Another Yahoo! Small Business advertisement explained that users can "[m]ake a website that looks great on any device," adding that all of the available themes "look[] amazing on desktop and mobile." The advertisement showed an example of the same website on both a desktop and mobile web browser.

150.   Since November 24, 2020, Yahoo!'s infringement of the '287 patent has been willful.

151.   Yahoo!'s infringement has damaged and continues to damage and injure Express Mobile.

COUNT VIII – INFRINGEMENT OF U.S. PATENT NO. 9,928,044
(My Yahoo!)

152.   The allegations set forth in the foregoing paragraphs 1 through 151 are incorporated into this Eighth Claim for Relief.

153.   On March 27, 2018, U.S. Patent No. 9,928,044 ("the '044 patent"), entitled *Systems and Methods for Programming Mobile Devices*, was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '044 patent is attached as Exhibit E.

COMPLAINT FOR PATENT INFRINGEMENT

154.   The invention claimed in the '044 patent resolves technical problems related to generating and distributing dynamic content on a device display, such as the display of a mobile device. Before the patents-in-suit, content and applications for device displays were generally created using code written for each individual type of device. As device types proliferated, programming content and applications for each device became increasingly expensive and time-consuming. Doing so also limited the ability of providers to update the capabilities of, and increase the available content for, many devices.

155.   The invention of the '044 patent resolves technical problems related to generating and distributing dynamic content on a device display, such as the display of a mobile device. The invention features a computer memory and an authoring tool or Player configured to define a UI object for display on the device, where the defined UI object corresponds to a web component and where each UI object is either: (1) selected by a user or (2) automatically selected by the system as a preferred UI object corresponding to a symbolic name of the web component. Additionally, the computer memory and the authoring tool or Player are configured to build an Application consisting of one or more webpage views to provide for the display of at least a portion of one or more of the webpages. These features are exclusively implemented using computer technology.

156.   Unlike methods in the prior art, the '044 patent brings together disparate ideas and concepts for generating and distributing content on different device displays. This can include building a webpage or application using a "What You See Is What You Get" or "WYSIWYG" environment, so that, as the page or app is created or edited, it can be viewed in the same manner it will appear on different types of screens when later accessed. The invention can also include an authoring tool that can create an Application, where the Application is device-independent code, and a Player, where the Player is device- and platform-dependent code. The Player enables the Application to function on a variety of devices or platforms, with differing functionality. This enables users of the authoring tool to create and distribute device-independent Applications for different device types, without individually tailoring the device-independent Applications for each device type.

157.   The claims of the '044 patent do not merely recite the performance of some business practice known from the pre-Internet world along with the requirement to perform it on the Internet.

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Instead, the claims of the '044 patent recite one or more inventive concepts that are rooted in the computerized generation of content on a device display, such as a mobile device, and overcome problems specifically arising in the realm of computerized display content generation technologies.

158. The claims of the '044 patent recite an invention that is not merely the routine or conventional use of systems and methods for the computerized generation of content on a device display. Instead, the invention describes systems for use with devices with authoring tools or Players specific to each device and Applications that are independent of the device.

159. The invention claimed in the '044 patent offers substantial improvements in device performance and web or application design. For example, the invention allows for faster loading speeds, more efficient storage of webpage or application data, and the ability to change a webpage or application more efficiently by editing user settings rather than multiple versions of code. The invention also permits scaling of webpages and elements within the webpage, or applications and elements within the application, to most efficiently use the screen space. Taken separately or together, the claim elements of the invention significantly improve the operation of a computer and the process of web design.

160. The invention claimed in the '044 patent neither preempts all ways for the computerized generation of content on a device display, such as a mobile device, nor preempts the use of all authoring tools or Players for the computerized generation of content on a device display, such as a mobile device, or any other well-known or prior-art technology.

161. Accordingly, each claim of the '044 patent recites a combination of elements sufficient to ensure that the claim in practice amounts to significantly more than a patent on an ineligible concept.

162. Express Mobile is the assignee and owner of the right, title, and interest in and to the '044 patent, including the right to assert all causes of action arising under the patent and the right to any remedies for infringement of it.

163. Yahoo! has manufactured, used, offered for sale, or sold browser-based website building tools that infringe, either literally or under the doctrine of equivalents, one or more claims of the '044 patent in violation of 35 U.S.C. § 271(a).

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164.   Upon information and belief, My Yahoo!'s service has infringed and continues to infringe at least claim 15 of the '044 patent.

165.   Claim 15 of the '044 patent recites a method of displaying content on a display of a device having a Player and non-volatile computer memory storing symbolic names required for evoking one or more web components, each related to a set of inputs and outputs of a web service obtainable over a network, where the symbolic names are character strings that do not contain either a persistent address or pointer to an output value accessible to the web service, where each symbolic name has an associated data format class type corresponding to a subclass of UI objects that support the data format type of the symbolic name, and where each symbolic name has a preferred UI object, and an address of the web service, said method comprising: defining a UI object for presentation on the display, where said UI object corresponds to a web component included in the computer memory, where said web component is selected from a group consisting of an input of a web service and an output of the web service where each defined UI object is either: (1) selected by a user of the authoring tool; or (2) automatically selected by the system as the preferred UI object corresponding to a symbolic name of the web component selected by the user of the authoring tool; and selecting the symbolic name from said web component corresponding to the defined UI object, associating the selected symbolic name with the defined UI object, where the selected symbolic name is only available to UI objects that support the defined data format associated with that symbolic name; storing information representative of said defined UI object and related settings in a database; retrieving said information representative of said one or more UI object settings stored in said database; and building an Application consisting of one or more webpage views from at least a portion of said database using the Player, where said Player uses information stored in said database to generate for the display of at least a portion of said one or more webpages, wherein, when the Application and Player are provided to the device and executed on the device, and when the user of the device provides one or more input values associated with an input symbolic name to an input of defined UI object, (1) the device provides the user provided one or more input values and corresponding input symbolic name to the web service, (2) the web service uses the input symbolic name and the user provided one or more input values for generating one or more output values having an associated output symbolic name, (3) the Player receives the output symbolic name

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1 and corresponding one or more output values and provides instructions for a display of the device to
2 present an output value in the defined UI object.

3 166.   My Yahoo! infringes claim 15 of the '044 patent through a combination of features that
4 collectively practice each limitation of claim 15. My Yahoo! practices a method for displaying content
5 on a display of a computer device, including a web browser.

6 167.   The method includes non-volatile computer memory that stores symbolic names
7 associated with web components – including widgets, columns into which widgets are organized, and
8 "tabs" dividing up portal pages. These components are related to inputs and outputs of a web service –
9 the My Yahoo! web server – obtainable over a network, such as the Internet. The names stored in the
10 computer memory are character strings that do not contain either a persistent address or pointer to an
11 output value accessible to the web service. Each symbolic name has an associated data format class
12 type corresponding to specific user interface objects that support that data format type, and are
13 associated with preferred UI objects. My Yahoo!'s code, including its HTML, JavaScript, and CSS
14 code, associates these symbolic names – represented as element types, classes, and IDs in the browser's
15 Document Object Model – with specific user interface objects.

16 168.   My Yahoo! also stores the address of the My Yahoo! web server, a web service, in
17 memory.

18 169.   My Yahoo! also includes an authoring tool that lets users define user interface objects
19 for presentation on the web browser. These user interface objects correspond to the web components
20 stored in the registry. The authoring tool accesses the computer memory to select the appropriate
21 symbolic name corresponding to the web component and associates it with the defined user interface
22 object. A particular symbolic name is only available for particular types of user interface objects, and
23 the defined user interface object is automatically selected by the system as the preferred object
24 corresponding to the symbolic name of the web component selected by the user of the authoring tool.
25 For example, a CSS stylesheet may associate all symbolic names with a given type of object.

26 170.   The authoring tool then stores the symbolic code with the associated settings for the user
27 defined object in a database. It retrieves that information to produce an "application" in the form of
28 device-independent code, including HTML, CSS, and JavaScript code that includes the selected

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symbolic name. It also produces a player in the form of device- and platform-dependent code, also including HTML, CSS, and JavaScript code. Unlike the application code, the player code is written for specific devices, such as laptops, tablets, or smartphones, or device platforms, such as browsers. When the application and player code are executed by the web browser, input provided by the user is sent to the web service, which generates output and sends it to be displayed in a user interface object on the device. The player interprets the response and updates the user interface objects based on the output it received from the web service.

171.   Yahoo! was made aware of the '044 patent and its infringement thereof at least as early as November 24, 2020, when Express Mobile provided notice of Yahoo!'s infringement of the '044 patent.

172.   Upon information and belief, since at least the time Yahoo! received notice, Yahoo! has induced and continues to induce others to infringe at least claim 15 of the '044 patent under 35 U.S.C. §271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Yahoo!'s partners, clients, customers, and end users, whose use of My Yahoo! constitutes direct infringement of at least one claim of the '044 patent. In particular, Yahoo!'s actions that aid and abet others such as customers, clients, partners, developers, and end users to infringe include advertising My Yahoo! as a way for users to have a single place to access their most important information on the Web. On information and belief, Yahoo! has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Yahoo! has had actual knowledge of the '044 patent and knowledge that its acts were inducing infringement of the '044 patent since at least the date Yahoo! received notice that such activities infringed the '044 patent.

173.   By way of example, a page on Yahoo!'s website described My Yahoo! as a "customizable," "personalized page," on which users "can choose how the format is laid out and what types of content [they would] like to see."

174.   Since November 24, 2020, Yahoo!'s infringement of the '044 patent has been willful.

175.   Yahoo!'s infringement has damaged and continues to damage and injure Express Mobile.

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COUNT IX – INFRINGEMENT OF U.S. PATENT NO. 9,928,044
(Yahoo! Small Business)

176.   The allegations set forth in the foregoing paragraphs 1 through 175 are incorporated into this Ninth Claim for Relief.

177.   Yahoo! has manufactured, used, offered for sale, or sold browser-based website building tools that infringe, either literally or under the doctrine of equivalents, one or more claims of the '044 patent in violation of 35 U.S.C. § 271(a).

178.   Upon information and belief, Yahoo!'s Small Business service has infringed and continues to infringe at least claim 15 of the '044 patent.

179.   Yahoo! Small Business infringes claim 15 of the '044 patent through a combination of features that collectively practice each limitation of claim 15. Yahoo! Small Business practices a method for displaying content on a display of a computer device, including a web browser.

180.   The method includes non-volatile computer memory that stores symbolic names associated with web components – including buttons, images, text blocks, and other web components. These components are related to inputs and outputs of a web service – the Yahoo! Small Business web server – obtainable over a network, such as the Internet.

181.   The names stored in the computer memory are character strings that do not contain either a persistent address or pointer to an output value accessible to the web service. Each symbolic name has an associated data format class type corresponding to specific user interface objects that support that data format type, and are associated with preferred user interface objects. Yahoo! Small Business's code, including its HTML, JavaScript, and CSS code, associates these symbolic names – represented as element types, classes, and IDs in the browser's Document Object Model – with specific user interface objects.

182.   The Yahoo! Small Business computer memory also includes the address of the Yahoo! Small Business web server, a web service.

183.   Yahoo! Small Business also includes an authoring tool that lets users define user interface objects for presentation on the web browser. These user interface objects correspond to the web components stored in the registry. The authoring tool accesses the computer memory to select the appropriate symbolic name corresponding to the web component and associates it with the defined user

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interface object. A particular symbolic name is only available for particular types of user interface objects, and the defined user interface object is automatically selected by the system as the preferred object corresponding to the symbolic name of the web component selected by the user of the authoring tool. For example, a CSS stylesheet may associate all symbolic names with a given type of object.

184.   The authoring tool then stores the symbolic code with the associated settings for the user defined object in a database. It retrieves that information to produce an "application" in the form of device-independent code, including HTML, CSS, and JavaScript code that includes the selected symbolic name. It also produces a player in the form of device- and platform-dependent code, also including HTML, CSS, and JavaScript code. Unlike the application code, the player code is written for specific devices, such as laptops, tablets, or smartphones, or device platforms, such as browsers. When the application and player code are executed by the web browser, input provided by the user is sent to the web service, which generates output and sends it to be displayed in a user interface object on the device. The player interprets the response and updates the user interface objects based on the output it received from the web service.

185.   Yahoo! was made aware of the '044 patent and its infringement thereof at least as early as November 24, 2020, when Express Mobile provided notice of Yahoo!'s infringement of the '044 patent.

186.   Upon information and belief, since at least the time Yahoo! received notice, Yahoo! has induced and continues to induce others to infringe at least claim 15 of the '044 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Yahoo!'s partners, clients, customers, and end users, whose use of Yahoo! Small Business constitutes direct infringement of at least one claim of the '044 patent. In particular, Yahoo!'s actions that aid and abet others such as customers, clients, partners, developers, and end users to infringe include advertising Yahoo! Small Business as a site-building tool for small businesses. On information and belief, Yahoo! has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Yahoo! has had actual knowledge of the '044 patent and knowledge that its acts were inducing infringement of the '044 patent since at least the date Yahoo! received notice that such activities infringed the '044 patent.

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187.   By way of example, Yahoo! ran graphic advertisements on its website featuring infringing features of Small Business. For example, Yahoo! advertised its service as a way to "[c]reate a wow-worthy website in minutes," adding "[j]ust pick your theme, personalize it and go live." The advertisement promised that "[i]t's easy and there's no coding required."

188.   In a "Frequently Asked Questions" section on its website, Yahoo! explained that its authoring tool "is an easy-to-use, drag-and-drop, website building tool." It added that the tool features "mobile-friendly" templates, and that a "website will be ready to go live in just minutes."

189.   Another Yahoo! Small Business advertisement explained that users can "[m]ake a website that looks great on any device," adding that all of the available themes "look[ ] amazing on desktop and mobile." The advertisement showed an example of the same website on both a desktop and mobile web browser.

190.   Since November 24, 2020, Yahoo!'s infringement of the '044 patent has been willful.

191.   Yahoo!'s infringement has damaged and continues to damage and injure Express Mobile.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Express Mobile demands a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, Express Mobile demands judgment for itself and against Yahoo! as follows:

A.   An adjudication that Yahoo! has infringed the '397, '168, '287, '044, and '755 patents;

B.   An award of damages to be paid by Yahoo! adequate to compensate Express Mobile for Yahoo!'s past infringement of the '397, '168, '755, '287, and '044 patents, and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C.   An award of a reasonable ongoing royalty for future infringement of the '755, '287, and '044 patents;

D.   A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Express Mobile's reasonable attorneys' fees; and

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1   E.   An award to Express Mobile of such further relief at law or in equity as the Court deems

2   just and proper.

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Respectfully submitted,

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