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18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**
20 **SAN FRANCISCO DIVISION**

21 EXPRESS MOBILE, INC.,
22 Plaintiff,
23 v.
24 PINTEREST, INC.,
25 Defendant.
26
27
28

Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

1 Plaintiff Express Mobile, Inc. (“Express Mobile” or “Plaintiff”), for its complaint against
2 Defendant Pinterest, Inc. (“Pinterest” or “Defendant”), alleges the following:

3 **NATURE OF THE ACTION**

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

6 **THE PARTIES**

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

9 3. Pinterest is a corporation organized under the laws of the State of Delaware with a place
10 of business at 808 Brannan Street, San Francisco, CA 94013. It can be served through its registered
11 agent in California, Anthony T. Falzone, at 808 Brannan Street, San Francisco, CA 94013.

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

15 **JURISDICTION AND VENUE**

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

17 6. This Court has personal jurisdiction over Pinterest because it has purposefully availed
18 itself of the rights and benefits of the laws of this State and this District. Pinterest resides in the
19 Northern District of California by maintaining a regular and established place of business at 808
20 Brannan Street, San Francisco, CA 94013. This Court also has personal jurisdiction over Pinterest
21 because it has done and is doing substantial business in this District, both generally and with respect to
22 the allegations in this complaint, including Pinterest’s one or more acts of infringement in this District.

23 7. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).
24 Pinterest has committed acts of infringement through provision of its website builder in the Northern
25 District of California and has at least one regular and established place of business in this District,
26 specifically 808 Brannan Street, San Francisco, CA 94013. Pinterest’s office in San Francisco is a
27 physical place in the District, it is an established location where Pinterest’s business has been carried
28

1 out for years, and Pinterest publicly advertises its presence in the District. *See In re Cray, Inc.*, 871
2 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 Pinterest is a consumer-products social media and branding company. Its
28 eponymous service, Pinterest, is an image-centric social media and marketing site. Pinterest allows

1 users to create webpages (“pin boards” or “boards”) comprised of images (“pins”) and links. The site
2 offers search functionality that allows users to find preexisting pins to include on their boards.
3 Pinterest boards are often home or fashion oriented, and pins are therefore often items like furniture or
4 home decor. Once created, boards can be shared publicly or with friends.

5 12. Although Pinterest boards are conceptually simple (a matrix of images), the site contains
6 menus for uploading images, creating section headings, and reorganizing images. The site reacts in real
7 time to changes made via the menus.

8 13. Settings describing the content of the pin board and controlling the appearance of the
9 pins are stored in a database. When another user accesses a pin board, the settings are retrieved from
10 the database and are used in conjunction with JavaScript “run time files” to render the pin board on the
11 other user’s browser, reflecting the pinned content and all associated settings (such as labels and
12 organization).

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

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

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

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

25
26
27 ¹ CSS, or “Cascading Style Sheets,” is a programming language designed to interoperate with HTML
28 to specify the appearance and placement of web elements.

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

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

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

25 20. The invention claimed in the '397 patent is not merely the routine or conventional use of
26 website creation systems and methods. Rather, the invention enables the creation of websites through
27 browser-based visual editing tools such as selectable settings panels that describe website elements,
28 with one or more settings corresponding to commands. The invention also enables retrieving that

1 information to generate a website. Those features are implemented exclusively using computer
2 technology, including using virtual machines.

3 21. The invention claimed in the '397 patent offers substantial improvements in computer
4 performance and web design. For example, the invention allows for faster loading speeds, more
5 efficient storage of webpage data, and the ability to change the webpage more efficiently by editing
6 user settings rather than multiple versions of code. The invention also permits scaling of webpages and
7 elements within the webpage to most efficiently use the screen space. Taken separately or together, the
8 claim elements of the invention significantly improve the operation of a computer and the process of
9 web design.

10 22. The claims of the '397 patent do not merely recite the performance of some business
11 practice known from the pre-Internet world along with the requirement to perform it on the Internet.
12 Instead, the claims of the '397 patent recite one or more inventive concepts that are rooted in
13 computerized website creation technology, and overcome problems specifically arising in the realm of
14 computerized website creation technologies.

15 23. The invention claimed in the '397 patent neither preempts all ways of using website or
16 webpage authoring tools nor preempts the use of all website or webpage authoring tools or any other
17 well-known or prior-art technology. Accordingly, each claim of the '397 patent recites a combination
18 of elements sufficient to ensure that the claim in practice amounts to significantly more than a patent on
19 an ineligible concept.

20 24. Express Mobile is the assignee and owner of the right, title, and interest in and to the
21 '397 patent, including the right to assert all causes of action arising under that patent and the right to
22 any remedies for infringement of it.

23 25. Pinterest has manufactured, used, offered for sale, or sold browser-based website
24 building tools that infringed, either literally or under the doctrine of equivalents, the '397 patent in
25 violation of 35 U.S.C. § 271(a).

26 26. Upon information and belief, Pinterest has infringed at least claim 1 of the '397 patent.

27 27. Claim 1 of the '397 patent recites a method to allow users to produce Internet websites
28 on and for computers having a browser and a virtual machine capable of generating displays, said

1 method comprising: (a) presenting a viewable menu having a user-selectable panel of settings
2 describing elements on a website, said panel of settings being presented through a browser on a
3 computer adapted to accept one or more of said selectable settings in said panel as inputs therefrom,
4 and where at least one of said user-selectable settings in said panel corresponds to commands to said
5 virtual machine; (b) generating a display in accordance with one or more user-selected settings
6 substantially contemporaneously with the selection thereof; (c) storing information representative of
7 said one or more user-selected settings in a database; (d) generating a website at least in part by
8 retrieving said information representative of said one or more user-selected settings stored in said
9 database; (e) building one or more webpages to generate said website from at least a portion of said
10 database and at least one run time file, where said at least one run time file uses information stored in
11 said database to generate virtual machine commands for the display of at least a portion of said one or
12 more webpages.

13 28. Pinterest has infringed claim 1 of the '397 patent. During the relevant time periods,
14 Pinterest practiced a method to allow users to produce Internet websites called "Pinboards" on and for
15 computers having a browser and a virtual machine capable of generating displays. Pinboards
16 comprised "Pins" – widgets that include an image, text, and a hyperlink to another website.

17 29. By way of example, Pinterest presented a viewable menu displaying user-selectable
18 settings that allowed users to specify which Pins they wanted to appear on their Pinboards. By way of
19 further example, Pinterest presented a viewable menu displaying user-selectable settings that allowed
20 users to specify the design of Pinboards, including settings that corresponded to headings on Pinboards,
21 as well as the number of sections the Pins on the Pinboard were organized into.

22 30. By way of further example, Pinterest presented a viewable menu of buttons to create or
23 delete additional Pinboards. By way of further example, Pinterest allowed users to click and drag Pins
24 on the Pinboards, placing them in their desired locations. Pins could also be moved between Pinboards.

25 31. Once a user selected any of these settings, Pinterest updated the Pinboards in accordance
26 with the selected settings substantially contemporaneously with the selection thereof. A user could
27 continue changing settings, and Pinterest would update accordingly.

28 32. On information and belief, Pinterest stored all user-selected settings in a database.

1 33. Those user-selectable settings corresponded to commands to a virtual machine. When a
2 setting was selected, Pinterest used it to generate JSON code. One or more run time files containing
3 HTML and JavaScript code communicated with the Pinterest web server to send and retrieve the
4 encoded user-selected settings and thus generated Pinboards.

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

11 35. Pinterest's infringement has damaged and injured Express Mobile.

12 **COUNT II – INFRINGEMENT OF U.S. PATENT NO. 9,063,755**

13 36. The allegations set forth in the foregoing paragraphs 1 through 35 are incorporated into
14 this Second Claim for Relief.

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

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

26 39. The invention of the '755 patent resolves technical problems related to generating and
27 distributing dynamic content on a device display. The invention features a computer memory and an
28 authoring tool or Player configured to define a User Interface ("UI") object for display on the device,

1 where the defined UI object corresponds to a web component and where each UI object is either: (1)
2 selected by a user or (2) automatically selected by the system as a preferred UI object corresponding to
3 a symbolic name of the web component. Additionally, the computer memory and the authoring tool or
4 Player are configured to build an Application consisting of one or more webpage views to provide for
5 the display of at least a portion of one or more of the webpages. These features are exclusively
6 implemented using computer technology.

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

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

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

27 43. The invention claimed in the '755 patent offers substantial improvements in device
28 performance and web or application design. For example, the invention allows for faster loading

1 speeds, more efficient storage of webpage or application data, and the ability to change a webpage or
2 application more efficiently by editing user settings rather than multiple versions of code. The
3 invention also permits scaling of webpages and elements within the webpage, or applications and
4 elements within the application, to most efficiently use the screen space. Taken separately or together,
5 the claim elements of the invention significantly improve the operation of a computer and the process
6 of web design.

7 44. The invention claimed in the '755 patent neither preempts all ways for the computerized
8 generation of content on a device display, such as a mobile device, nor preempts the use of all
9 authoring tools or Players for the computerized generation of content on a device display, such as a
10 mobile device, or any other well-known or prior-art technology.

11 45. Accordingly, each claim of the '755 patent recites a combination of elements sufficient
12 to ensure that the claim in practice amounts to significantly more than a patent on an ineligible concept.

13 46. Express Mobile is the assignee and owner of the right, title, and interest in and to the
14 '755 patent, including the right to assert all causes of action arising under the patent and the right to any
15 remedies for infringement of it.

16 47. Pinterest has manufactured, used, offered for sale, or sold browser-based website
17 building tools that infringe, either literally or under the doctrine of equivalents, one or more claims of
18 the '755 patent in violation of 35 U.S.C. § 271(a).

19 48. Upon information and belief, Pinterest has infringed and continues to infringe at least
20 claim 23 of the '755 patent.

21 49. Claim 23 of the '755 patent recites a method of providing information to a device having
22 a display from a web component of a web service to a device on a network, said method comprising:
23 accepting, on the device, a first code over the network, where said first code is device-platform-
24 dependent; accepting, on the device, a second code over the network, where said second code is device-
25 independent and includes a plurality of symbolic names of inputs and outputs associated with the web
26 service; and executing said first code on the device, where the symbolic names are provided from a
27 registry of one or more web components related to inputs and outputs of a web service obtainable over
28 a network, where the web service requires both an input symbolic name and one or more associated

1 input values and returns one or more output values having an associated output symbolic name, and
2 where the registry includes (a) symbolic names required for evoking one or more web components each
3 related to a set of inputs and outputs of a web service obtainable over a network, where the symbolic
4 names are character strings that do not contain either a persistent address or pointer to an output value
5 accessible to the web service, and (b) the address of the web service; where said executing includes:
6 processing said symbolic names of the second code on the device, transmitting processed instructions
7 from the device to the web service, and accepting a third code on the device over the network, where
8 said third code is a device-independent third code including the output of the web component provided
9 by the web service over the network and in response to the second code.

10 50. Pinterest infringes claim 23 of the '755 patent through a combination of features that
11 collectively practice each limitation of claim 23. Pinterest practices a method for providing information
12 to a device having a display, including a web browser. The information comes from a web service, the
13 Pinterest web server.

14 51. Pinterest accepts and executes device- and platform-dependent code from the Pinterest
15 web server, including HTML, CSS, and JavaScript. It also accepts device-independent code from the
16 Pinterest web server, which includes symbolic names of inputs and outputs. Unlike the device-
17 platform-independent code, the device-dependent code is written for specific device platforms and
18 devices, such as browsers, laptops, tablets, or smartphones.

19 52. The symbolic names are provided from a registry of web components related to inputs
20 and outputs obtainable over a network. The web components include images, text blocks, hyperlinks,
21 and other common web components.

22 53. The registry that Pinterest uses contains the address of a web service available over a
23 network (the Pinterest web server) and symbolic names related to inputs and outputs of the web service.
24 The symbolic names are character strings that do not contain either a persistent address or pointer to an
25 output value. The Pinterest web server accepts both an input symbolic name and one or more
26 associated input values from a user and returns one or more outputs having an associated symbolic
27 name.
28

1 54. When the browser executes the code provided to it, it processes the symbolic names and
2 transmits instructions back to the web service. In response, it accepts new, device-independent code
3 from the web service.

4 55. Pinterest was made aware of the '755 patent and its infringement thereof at least as early
5 as February 6, 2020, when Express Mobile provided notice to Pinterest of the '755 patent.

6 56. Upon information and belief, since at least the time Pinterest received notice, Pinterest
7 has induced and continues to induce others to infringe at least claim 23 of the '755 patent under 35
8 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding
9 and abetting others to infringe, including but not limited to Pinterest's partners, clients, customers, and
10 end users, whose use of Pinterest constitutes direct infringement of at least one claim of the '755 patent.
11 In particular, Pinterest's actions that aid and abet others such as customers, clients, partners,
12 developers, and end users to infringe include advertising Pinterest as a way for users to organize ideas,
13 links, and media they find online. On information and belief, Pinterest has engaged in such actions
14 with specific intent to cause infringement or with willful blindness to the resulting infringement
15 because Pinterest has had actual knowledge of the '755 patent and knowledge that its acts were
16 inducing infringement of the '755 patent since at least the date Pinterest received notice that such
17 activities infringed the '755 patent.

18 57. Since February 6, 2020, Pinterest's infringement of the '755 patent has been willful.

19 58. Pinterest's infringement has damaged and continues to damage and injure Express
20 Mobile.

21 **COUNT III – INFRINGEMENT OF U.S. PATENT NO. 9,471,287**

22 59. The allegations set forth in the foregoing paragraphs 1 through 58 are incorporated into
23 this Third Claim for Relief.

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

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

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

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

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

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

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

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

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

26 68. Accordingly, each claim of the '287 patent recites a combination of elements sufficient
27 to ensure that the claim in practice amounts to significantly more than a patent on an ineligible concept.
28

1 69. Express Mobile is the assignee and owner of the right, title, and interest in and to the
2 '287 patent, including the right to assert all causes of action arising under the patent and the right to any
3 remedies for infringement of it.

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

7 71. Upon information and belief, Pinterest has infringed and continues to infringe at least
8 claim 15 of the '287 patent.

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

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

6 73. Pinterest infringes claim 15 of the '287 patent through a combination of features that
7 collectively practice each limitation of claim 15. Pinterest practices a method for displaying content on
8 a display of a computer device having a Player – HTML, CSS, and JavaScript code written for a
9 particular device platform, such as browsers, laptops, tablets, and smartphones. The content is
10 provided to the user through a web browser on webpages called Pinboards. Pinboards comprise Pins –
11 widgets that include an image, text, and a hyperlink to another website.

12 74. The method includes computer memory that stores a registry of symbolic names
13 associated with web components – including images, text blocks, tables, and other web components.
14 These components are related to inputs and outputs of a web service – the Pinterest web server –
15 obtainable over a network, such as the Internet.

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

22 76. The Pinterest registry also includes the address of the Pinterest web server, a web
23 service.

24 77. Pinterest also includes an authoring tool that lets users define user interface objects for
25 presentation on the web browser. These user interface objects correspond to the web components
26 stored in the registry. The authoring tool accesses the computer memory to select the appropriate
27 symbolic name corresponding to the web component and associates it with the defined user interface
28 object. A particular symbolic name is only available for particular types of user interface objects, and

1 the defined user interface object is automatically selected by the system as the preferred object
2 corresponding to the symbolic name of the web component selected by the user of the authoring tool.
3 For example, a CSS stylesheet may associate all symbolic names with a given type of object.

4 78. The authoring tool then produces an “Application” in the form of device-independent
5 code, including HTML, CSS, and JavaScript code that includes the selected symbolic name. It also
6 produces a Player in the form of device- and platform-dependent code, also including HTML, CSS, and
7 JavaScript code. Unlike the Application code, the Player code is written for specific devices, such as
8 laptops, tablets, or smartphones, or device platforms, such as browsers. The Player and Application
9 Code collaborate to provide the Pinboards and the Pins they contain to the user.

10 79. When the Application and Player code are executed by the web browser, input provided
11 by the user is sent to the web service, which generates output and sends it to be displayed in a user
12 interface object on the device. The Player interprets the response and updates the user interface objects
13 based on the output it received from the web service.

14 80. Pinterest was made aware of the ’287 patent and its infringement thereof at least as early
15 as February 6, 2020, when Express Mobile provided notice to Pinterest of the ’287 patent.

16 81. Upon information and belief, since at least the time Pinterest received notice, Pinterest
17 has induced and continues to induce others to infringe at least claim 15 of the ’287 patent under 35
18 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding
19 and abetting others to infringe, including but not limited to Pinterest’s partners, clients, customers, and
20 end users, whose use of Pinterest constitutes direct infringement of at least one claim of the ’287 patent.
21 In particular, Pinterest’s actions that aid and abet others such as customers, clients, partners,
22 developers, and end users to infringe include advertising Pinterest as a way for users to organize ideas,
23 links, and media they find online. On information and belief, Pinterest has engaged in such actions
24 with specific intent to cause infringement or with willful blindness to the resulting infringement
25 because Pinterest has had actual knowledge of the ’287 patent and knowledge that its acts were
26 inducing infringement of the ’287 patent since at least the date Pinterest received notice that such
27 activities infringed the ’287 patent.

28 82. Since February 6, 2020, Pinterest’s infringement of the ’287 patent has been willful.

1 83. Pinterest’s infringement has damaged and continues to damage and injure Express
2 Mobile.

3 **COUNT IV – INFRINGEMENT OF U.S. PATENT NO. 9,928,044**

4 84. The allegations set forth in the foregoing paragraphs 1 through 83 are incorporated into
5 this Fourth Claim for Relief.

6 85. On March 27, 2018, U.S. Patent No. 9,928,044 (“the ’044 patent”), entitled *Systems and*
7 *Methods for Programming Mobile Devices*, was duly and legally issued by the United States Patent and
8 Trademark Office. A true and correct copy of the ’044 patent is attached as Exhibit D.

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

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

25 88. Unlike methods in the prior art, the ’044 patent brings together disparate ideas and
26 concepts for generating and distributing content on different device displays. This can include building
27 a webpage or application using a “What You See Is What You Get” or “WYSIWYG” environment, so
28 that, as the page or app is created or edited, it can be viewed in the same manner it will appear on

1 different types of screens when later accessed. The invention can also include an authoring tool that
2 can create an Application, where the Application is device-independent code, and a Player, where the
3 Player is device- and platform-dependent code. The Player enables the Application to function on a
4 variety of devices or platforms, with differing functionality. This enables users of the authoring tool to
5 create and distribute device-independent Applications for different device types, without individually
6 tailoring the device-independent Applications for each device type.

7 89. The claims of the '044 patent do not merely recite the performance of some business
8 practice known from the pre-Internet world along with the requirement to perform it on the Internet.
9 Instead, the claims of the '044 patent recite one or more inventive concepts that are rooted in the
10 computerized generation of content on a device display, such as a mobile device, and overcome
11 problems specifically arising in the realm of computerized display content generation technologies.

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

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

24 92. The invention claimed in the '044 patent neither preempts all ways for the computerized
25 generation of content on a device display, such as a mobile device, nor preempts the use of all
26 authoring tools or Players for the computerized generation of content on a device display, such as a
27 mobile device, or any other well-known or prior-art technology.
28

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

3 94. Express Mobile is the assignee and owner of the right, title, and interest in and to the
4 '044 patent, including the right to assert all causes of action arising under the patent and the right to any
5 remedies for infringement of it.

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

9 96. Upon information and belief, Pinterest has infringed and continues to infringe at least
10 claim 15 of the '044 patent.

11 97. Claim 15 of the '044 patent recites a method of displaying content on a display of a
12 device having a Player and non-volatile computer memory storing symbolic names required for
13 evoking one or more web components, each related to a set of inputs and outputs of a web service
14 obtainable over a network, where the symbolic names are character strings that do not contain either a
15 persistent address or pointer to an output value accessible to the web service, where each symbolic
16 name has an associated data format class type corresponding to a subclass of UI objects that support the
17 data format type of the symbolic name, and where each symbolic name has a preferred UI object, and
18 an address of the web service, said method comprising: defining a UI object for presentation on the
19 display, where said UI object corresponds to a web component included in the computer memory,
20 where said web component is selected from a group consisting of an input of a web service and an
21 output of the web service where each defined UI object is either: (1) selected by a user of the authoring
22 tool; or (2) automatically selected by the system as the preferred UI object corresponding to a symbolic
23 name of the web component selected by the user of the authoring tool; and selecting the symbolic name
24 from said web component corresponding to the defined UI object, associating the selected symbolic
25 name with the defined UI object, where the selected symbolic name is only available to UI objects that
26 support the defined data format associated with that symbolic name; storing information representative
27 of said defined UI object and related settings in a database; retrieving said information representative of
28 said one or more UI object settings stored in said database; and building an Application consisting of

1 one or more webpage views from at least a portion of said database using the Player, where said Player
2 uses information stored in said database to generate for the display of at least a portion of said one or
3 more webpages, wherein, when the Application and Player are provided to the device and executed on
4 the device, and when the user of the device provides one or more input values associated with an input
5 symbolic name to an input of defined UI object, (1) the device provides the user provided one or more
6 input values and corresponding input symbolic name to the web service, (2) the web service uses the
7 input symbolic name and the user provided one or more input values for generating one or more output
8 values having an associated output symbolic name, (3) the Player receives the output symbolic name
9 and corresponding one or more output values and provides instructions for a display of the device to
10 present an output value in the defined UI object.

11 98. Pinterest infringes claim 15 of the '044 patent through a combination of features that
12 collectively practice each limitation of claim 15. Pinterest practices a method for displaying content on
13 a display of a computer device. The content is provided to the user through a web browser on
14 webpages called Pinboards. Pinboards comprise Pins – widgets that include an image, text, and a
15 hyperlink to another website.

16 99. The method includes non-volatile computer memory that stores symbolic names
17 associated with web components – including images, text blocks, hyperlinks, and other web
18 components. These components are related to inputs and outputs of a web service – the Pinterest web
19 server – obtainable over a network, such as the Internet.

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

27 101. The Pinterest computer memory also includes the address of the Pinterest web server, a
28 web service.

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

9 103. The authoring tool then stores the symbolic code with the associated settings for the user
10 defined object in a database. It retrieves that information to produce an “application” in the form of
11 device-independent code, including HTML, CSS, and JavaScript code that includes the selected
12 symbolic name. It also produces a Player in the form of device- and platform-dependent code, also
13 including HTML, CSS, and JavaScript code. Unlike the application code, the player code is written for
14 specific devices, such as laptops, tablets, or smartphones. The player code and application code
15 collaborate to provide the Pinboards and the Pins they contain to the user.

16 104. When the application and player code are executed by the web browser, input provided
17 by the user is sent to the web service, which generates output and sends it to be displayed in a user
18 interface object on the device. The player interprets the response and updates the user interface objects
19 based on the output it received from the web service.

20 105. Pinterest was made aware of the ’044 patent and its infringement thereof at least as early
21 as February 6, 2020, when Express Mobile provided notice to Pinterest of the ’044 patent.

22 106. Upon information and belief, since at least the time Pinterest received notice, Pinterest
23 has induced and continues to induce others to infringe at least claim 15 of the ’044 patent under 35
24 U.S.C. §271(b) by, among other things, and with specific intent or willful blindness, actively aiding
25 and abetting others to infringe, including but not limited to Pinterest’s partners, clients, customers, and
26 end users, whose use of Pinterest constitutes direct infringement of at least one claim of the ’044 patent.
27 In particular, Pinterest’s actions that aid and abet others such as customers, clients, partners,
28 developers, and end users to infringe include advertising Pinterest as a way for users to organize ideas,

1 links, and media they find online. On information and belief, Pinterest has engaged in such actions
2 with specific intent to cause infringement or with willful blindness to the resulting infringement
3 because Pinterest has had actual knowledge of the '044 patent and knowledge that its acts were
4 inducing infringement of the '044 patent since at least the date Pinterest received notice that such
5 activities infringed the '044 patent.

6 107. Since February 6, 2020, Pinterest's infringement of the '044 patent has been willful.

7 108. Pinterest's infringement has damaged and continues to damage and injure Express
8 Mobile.

9 **JURY DEMAND**

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

12 **PRAYER FOR RELIEF**

13 WHEREFORE, Express Mobile demands judgment for itself and against Pinterest as follows:

14 A. An adjudication that Defendant has infringed the '397, '755, '287, and '044 patents;

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

19 C. An award of a reasonable ongoing royalty for future infringement of the '755, '287, and
20 '044 patents;

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

23 E. An award to Express Mobile of such further relief at law or in equity as the Court deems
24 just and proper.

1 Dated: November 25, 2020

Respectfully submitted,

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