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

20  
21 EXPRESS MOBILE, INC.,

22 Plaintiff,

23 v.

24 AMAZON.COM, 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 Amazon.com, Inc. (“Amazon” 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. Amazon is a corporation organized under the laws of the State of Delaware with a place  
10 of business at 188 Spear Street, San Francisco, CA 94105. It can be served through its registered agent,  
11 Corporation Service Company, 251 Little Falls Drive, Wilmington, DE 19808.

12 4. Amazon 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 Amazon because it has purposefully availed  
18 itself of the rights and benefits of the laws of this State and this District. Amazon resides in the  
19 Northern District of California by maintaining a regular and established place of business at 188 Spear  
20 St, San Francisco, CA 94105. This Court also has personal jurisdiction over Amazon because it has  
21 done and is doing substantial business in this District, both generally and, on information and belief,  
22 with respect to the allegations in this complaint, including Amazon’s one or more acts of infringement  
23 in this District.

24 7. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).  
25 Amazon has committed acts of infringement through provision of its website builder in the Northern  
26 District of California and has at least one regular and established place of business in this District,  
27 specifically 188 Spear St, San Francisco, CA 94105. Amazon’s office in San Francisco is a physical  
28

1 place in the District, it is an established location where Amazon's business has been carried out for  
2 years, and Amazon publicly advertises its presence in the District. *See In re Cray, Inc.*, 871 F.3d 1355,  
3 1360-61 (Fed. Cir. 2017).

#### 4 **Background**

5 8. Plaintiff Express Mobile is an innovator and leader in the business of developing mobile  
6 application and website design and creation platforms. Express Mobile is managed by individuals with  
7 many years of technology and business experience. The CEO of Express Mobile, Steve Rempell, is the  
8 inventor of the breakthrough technology held in Express Mobile's patent portfolio. Mr. Rempell has  
9 over 50 years' experience working in technology companies, with much of that experience focused on  
10 web-based technologies and applications.

11 9. Before the Express Mobile invention at issue, webpages were created, stored, and  
12 rendered using code files that defined all the fixed parameters of the webpage, including, for example,  
13 the formatting and location of text, or the location, size, and aspect ratio of images. Typically,  
14 webpages could not be viewed during the creation process as they would later appear in the various  
15 available browsers or on different devices, and each individual webpage of a website needed to be  
16 stored as a separate file. The size and formatting of the stored files led to slow download times to the  
17 user's computer, increasing the wait time for a page to load.

18 10. Express Mobile developed groundbreaking improvements in the process for creating,  
19 storing, and building webpages and websites. Express Mobile's invention enables defining the  
20 webpage as a collection of user settings, storing information related to those settings in a database, and  
21 then later using that information to render a webpage. The page can be viewed, as it is created or  
22 edited, in the same manner that it would appear on different types of screens when later accessed. The  
23 result is not a collection of computer code, but instead a group of user-selected objects and settings  
24 describing the final webpage. These objects and settings can be saved in a database for ease of access  
25 and efficient storage. The invention allows faster loading speeds and permits more efficient storage of  
26 the data used to later build the webpages. It also makes changing the webpage more efficient through  
27 editing user settings rather than editing multiple lines or versions of code.

1 11. Defendant Amazon is the largest e-commerce company in the world. Amazon sells  
2 products from its own supply chain – where Amazon acts as the retailer – and also allows third-party  
3 retailers to sell products through Amazon’s website. More than half of Amazon’s sales are products  
4 sold by third parties.

5 12. Amazon offers third-party retailers several options for customizing their Amazon  
6 presence. For example, it offers Amazon Stores, which allows merchants to create custom “digital  
7 storefronts” showcasing their products. Customers can browse products and make purchases directly  
8 through the storefronts. Many companies, including large companies such as Samsung  
9 (<https://www.amazon.com/samsung>), Apple (<https://amazon.com/apple>), and Microsoft  
10 (<https://www.amazon.com/microsoft>) sell products on Amazon through customized storefronts.

11 13. Amazon Stores features a “store builder” tool that allows retailers to create custom  
12 Amazon storefronts by selecting certain settings from menus. The tool presents a menu with user-  
13 selectable settings that control the formatting and positioning of “tiles” that display the store’s available  
14 products. The tool then generates a real-time display reflecting the selected settings – *i.e.*, a real-time  
15 preview of the finished site. Settings controlling the appearance of the final website are stored in a  
16 database. When a customer accesses the storefront, the settings are retrieved from the database and are  
17 used in conjunction with JavaScript “run time files” to render the final webpage for the storefront.

18 **COUNT I – Infringement of U.S. Patent No. 6,546,397**

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

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

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

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

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

24 19. Express Mobile’s patents are directed at a revolutionary technological solution to a  
25 technological problem – how to create webpages for the Internet in a manner that permits “what you

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26  
27 <sup>1</sup> 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 see is what you get” editing, and a number of other improvements over the then-existing  
2 methodologies. The claims are not drawn so broadly as to be divorced from the patent-eligible  
3 technological improvements described in the specification.

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

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

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

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

1           24. Express Mobile is the assignee and owner of the right, title, and interest in and to the  
2 '397 patent, including the right to assert all causes of action arising under that patent and the right to  
3 any remedies for infringement of it.

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

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

8           27. Claim 1 of the '397 patent recites a method to allow users to produce Internet websites  
9 on and for computers having a browser and a virtual machine capable of generating displays, said  
10 method comprising: (a) presenting a viewable menu having a user-selectable panel of settings  
11 describing elements on a website, said panel of settings being presented through a browser on a  
12 computer adapted to accept one or more of said selectable settings in said panel as inputs therefrom,  
13 and where at least one of said user-selectable settings in said panel corresponds to commands to said  
14 virtual machine; (b) generating a display in accordance with one or more user-selected settings  
15 substantially contemporaneously with the selection thereof; (c) storing information representative of  
16 said one or more user-selected settings in a database; (d) generating a website at least in part by  
17 retrieving said information representative of said one or more user-selected settings stored in said  
18 database; (e) building one or more webpages to generate said website from at least a portion of said  
19 database and at least one run time file, where said at least one run time file uses information stored in  
20 said database to generate virtual machine commands for the display of at least a portion of said one or  
21 more webpages.

22           28. Amazon infringed claim 1 of the '397 patent. During the relevant time periods, Amazon  
23 Stores practiced a method to allow users to produce Internet websites called "Stores" on and for  
24 computers having a browser and a virtual machine capable of generating displays. The Amazon Stores  
25 Builder allowed vendors to display customized Stores showing their products, including images, text,  
26 and links to other websites.

1           29.     By way of example, Amazon Stores Builder presented a viewable menu displaying user-  
2     selectable settings that allowed users to specify which “content tiles” they wanted to appear on their  
3     Store. Content tiles could include “header tiles,” “text tiles,” “image tiles,” “image with text tiles,”  
4     “video tiles,” and “gallery” tiles. Amazon Stores Builder presented a viewable menu displaying user-  
5     selectable settings that allowed users to specify the design of those tiles, including settings that  
6     corresponded to text in text tiles, images in image tiles, etc. By way of further example, Amazon  
7     Stores presented a viewable menu of buttons to create or delete content tiles. By way of further  
8     example, Amazon Stores Builder allowed users to click on content tiles and edit their settings, locate  
9     tiles in the desired location, etc.

10           30.     After a user selected any of these settings, Amazon Stores Builder updated the Store in  
11     accordance with the selected settings substantially contemporaneously with the selection thereof, in a  
12     preview window. A user could continue changing settings and the Store would update accordingly.

13           31.     On information and belief, Amazon Stores Builder stored user-selected settings in a  
14     database.

15           32.     Those user-selectable settings corresponded to commands to a virtual machine. When a  
16     setting was selected, Amazon Stores used it to generate JSON code. One or more run time files  
17     containing HTML and JavaScript code communicated with the Amazon web server to send and retrieve  
18     the encoded user-selected settings and thus generated Stores pages.

19           33.     By way of example, when a user first loaded Amazon Stores, the Amazon web server  
20     sent the run time files to the user’s web browser. The run time files then communicated with the  
21     Amazon web server to retrieve the user-selectable settings stored in the database, and used them to  
22     generate virtual machine commands in the form of JSON code, which was sent to the web browser.  
23     The web browser’s virtual machine executed the JSON code. That execution, in combination with the  
24     commands in the run time files, generated and displayed the Store’s pages in accordance with the saved  
25     settings.

26           34.     Amazon was made aware of the ’397 patent and its infringement thereof at least as early  
27     as November 14, 2012, when Express Mobile provided notice to Amazon of the ’397 patent.  
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1           35.     Upon information and belief, since at least the time Amazon received notice, Amazon  
2 induced others to infringe at least claim 1 of the '397 patent under 35 U.S.C. §271(b) by, among other  
3 things, and with specific intent or willful blindness, actively aiding and abetting others to infringe,  
4 including but not limited to Amazon's partners, clients, customers, and end users, whose use of  
5 Amazon Stores constituted direct infringement of at least one claim of the '397 patent. In particular,  
6 Amazon's actions that aided and abetted others such as customers, clients, partners, developers, and  
7 end users to infringe included advertising Amazon as a way for users to sell products through  
8 Amazon's website. On information and belief, Amazon engaged in such actions with specific intent to  
9 cause infringement or with willful blindness to the resulting infringement because Amazon had actual  
10 knowledge of the '397 patent and knowledge that its acts were inducing infringement of the '397 patent  
11 since at least the date Amazon received notice that such activities infringed the '397 patent.

12           36.     By way of example, Amazon ran graphic advertisements on its website featuring  
13 infringing features of Amazon Stores. For example, Amazon ran an advertisement stating "Design  
14 your Store – no coding necessary," explaining that the store builder allows customers to use "drag-and-  
15 drop tiles or predesigned templates to create a customized, multi-page Store with rich media like  
16 images and video, without writing a line of code."

17           37.     Another Amazon Stores advertisement reiterated the process for creating pages in  
18 Stores, again highlighting the use of "predesigned templates or drag-and-drop tiles," and emphasizing  
19 the ability to "[a]dd videos, text, and images to tell your brand story and show your products in action."

20           38.     Yet another advertisement highlighted the ability to "include multimedia content that  
21 helps bring your brand to life," showing an example of how such images might be arranged on the  
22 page.

23           39.     Since November 14, 2012, and until expiration of the '397 patent, Amazon's  
24 infringement of the '397 patent has been willful.

25           40.     Amazon's infringement has damaged and injured Express Mobile.  
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**COUNT II – Infringement of U.S. Patent No. 9,063,755**

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

4 42. On June 23, 2015, U.S. Patent No. 9,063,755 (“the ’755 patent”), entitled *Systems and*  
5 *Methods for Presenting Information on Mobile Devices*, was duly and legally issued by the United  
6 States Patent and Trademark Office. A true and correct copy of the ’755 patent is attached as Exhibit  
7 B.

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

15 44. The invention of the ’755 patent resolves technical problems related to generating and  
16 distributing content on a device display. The invention features a computer memory and an authoring  
17 tool or Player configured to define a User Interface (“UI”) object for display on the device, where the  
18 defined UI object corresponds to a web component and where each UI object is either: (1) selected by a  
19 user or (2) automatically selected by the system as a preferred UI object corresponding to a symbolic  
20 name of the web component. Additionally, the computer memory and the authoring tool or Player are  
21 configured to build an Application consisting of one or more webpage views to provide for the display  
22 of at least a portion of one or more of the webpages. These features are exclusively implemented using  
23 computer technology.

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

8 46. The claims of the ’755 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 ’755 patent recite one or more inventive concepts that are rooted in the  
11 computerized generation of content on a device display, such as a mobile device, and overcome  
12 problems specifically arising in the realm of computerized display content generation technologies.

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

17 48. The invention claimed in the ’755 patent offers substantial improvements in device  
18 performance and web or application design. For example, the invention allows for faster loading  
19 speeds, more efficient storage of webpage or application data, and the ability to change a webpage or  
20 application more efficiently by editing user settings rather than multiple versions of code. The  
21 invention also permits scaling of webpages and elements within the webpage, or applications and  
22 elements within the application, to most efficiently use the screen space. Taken separately or together,  
23 the claim elements of the invention significantly improve the operation of a computer and the process  
24 of web design.

25 49. The invention claimed in the ’755 patent neither preempts all ways for the computerized  
26 generation of content on a device display, such as a mobile device, nor preempts the use of all  
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1 authoring tools or Players for the computerized generation of content on a device display, such as a  
2 mobile device, or any other well-known or prior-art technology.

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

5 51. Express Mobile is the assignee and owner of the right, title, and interest in and to the  
6 '755 patent, including the right to assert all causes of action arising under the patent and the right to any  
7 remedies for infringement of it.

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

11 53. Upon information and belief, Amazon has infringed and continues to infringe at least  
12 claim 23 of the '755 patent.

13 54. Claim 23 of the '755 patent recites a method of providing information to a device having  
14 a display from a web component of a web service to a device on a network, said method comprising:  
15 accepting, on the device, a first code over the network, where said first code is device-platform-  
16 dependent; accepting, on the device, a second code over the network, where said second code is device-  
17 independent and includes a plurality of symbolic names of inputs and outputs associated with the web  
18 service; and executing said first code on the device, where the symbolic names are provided from a  
19 registry of one or more web components related to inputs and outputs of a web service obtainable over  
20 a network, where the web service requires both an input symbolic name and one or more associated  
21 input values and returns one or more output values having an associated output symbolic name, and  
22 where the registry includes (a) symbolic names required for evoking one or more web components each  
23 related to a set of inputs and outputs of a web service obtainable over a network, where the symbolic  
24 names are character strings that do not contain either a persistent address or pointer to an output value  
25 accessible to the web service, and (b) the address of the web service; where said executing includes:  
26 processing said symbolic names of the second code on the device, transmitting processed instructions  
27 from the device to the web service, and accepting a third code on the device over the network, where  
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1 said third code is a device-independent third code including the output of the web component provided  
2 by the web service over the network and in response to the second code.

3 55. Amazon infringes claim 23 of the '755 patent through a combination of features that  
4 collectively practice each limitation of claim 23. Amazon Stores practices a method for providing  
5 information to a device having a display, including a web browser. The information comes from a web  
6 service operating on the Amazon web server.

7 56. Amazon Stores accepts and executes device- and platform-dependent code from the  
8 Amazon web server, including HTML, CSS, and JavaScript. It also accepts device-independent code  
9 from the Amazon web server, which includes symbolic names of inputs and outputs. Unlike the  
10 device-platform-independent code, the device-dependent code is written for specific device platforms  
11 and devices, such as browsers, laptops, tablets, or smartphones.

12 57. The symbolic names are provided from a registry of web components related to inputs  
13 and outputs obtainable over a network. The web components include text content tiles, image content  
14 tiles, video content tiles, gallery content tiles, hyperlinks, and other web components.

15 58. The Amazon Stores registry contains the address of a web service available over a  
16 network (executing on the Amazon web server) and symbolic names related to inputs and outputs of the  
17 web service. The symbolic names are character strings that do not contain either a persistent address or  
18 pointer to an output value. The Amazon web server accepts both an input symbolic name and one or  
19 more associated input values from a user and returns one or more outputs having an associated  
20 symbolic name.

21 59. When the browser executes the code provided to it, it processes the symbolic names and  
22 transmits instructions back to the web service. In response, it accepts new, device-independent code  
23 from the web service.

24 60. Amazon was made aware of the '755 patent and its infringement thereof at least as early  
25 as November 25, 2020, when Express Mobile provided notice to Amazon of the '755 patent.

26 61. Upon information and belief, since at least the time Amazon received notice, Amazon  
27 has induced and continues to induce others to infringe at least claim 23 of the '755 patent under 35  
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1 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding  
2 and abetting others to infringe, including but not limited to Amazon’s partners, clients, customers, and  
3 end users, whose use of Amazon Stores constitutes direct infringement of at least one claim of the ’755  
4 patent. In particular, Amazon’s actions that aid and abet others such as customers, clients, partners,  
5 developers, and end users to infringe include advertising Amazon as a way for users to sell products  
6 through Amazon’s website. On information and belief, Amazon has engaged in such actions with  
7 specific intent to cause infringement or with willful blindness to the resulting infringement because  
8 Amazon has had actual knowledge of the ’755 patent and knowledge that its acts were inducing  
9 infringement of the ’755 patent since at least the date Amazon received notice that such activities  
10 infringed the ’755 patent.

11 62. By way of example, Amazon ran graphic advertisements on its website featuring  
12 infringing features of Amazon Stores. For example, Amazon ran an advertisement stating “Design  
13 your Store – no coding necessary,” explaining that the store builder allows customers to use “drag-and-  
14 drop tiles or predesigned templates to create a customized, multi-page Store with rich media like  
15 images and video, without writing a line of code.”

16 63. Another Amazon Stores advertisement reiterated the process for creating pages in  
17 Stores, again highlighting the use of “predesigned templates or drag-and-drop tiles,” and emphasizing  
18 the ability to “[a]dd videos, text, and images to tell your brand story and show your products in action.”

19 64. Yet another advertisement highlighted the ability to “include multimedia content that  
20 helps bring your brand to life,” showing an example of how such images might be arranged on the  
21 page.

22 65. Since November 25, 2020, Amazon’s infringement of the ’755 patent has been willful.

23 66. Amazon’s infringement has damaged and continues to damage and injure Express  
24 Mobile.

25 **COUNT III – Infringement of U.S. Patent No. 9,471,287**

26 67. The allegations set forth in the foregoing paragraphs 1 through 66 are incorporated into  
27 this Third Claim for Relief.

1           68.     On October 18, 2016, U.S. Patent No. 9,471,287 (“the ’287 patent”), entitled *Systems*  
2 *and Methods for Integrating Widgets on Mobile Devices*, was duly and legally issued by the United  
3 States Patent and Trademark Office. A true and correct copy of the ’287 patent is attached as Exhibit  
4 C.

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

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

26           71.     Unlike methods in the prior art, the ’287 patent brings together disparate ideas and  
27 concepts for generating and distributing content on different device displays. This can include building  
28

1 a webpage or application using a “What You See Is What You Get” or “WYSIWYG” environment, so  
2 that, as the page or app is created or edited, it can be viewed in the same manner it will appear on  
3 different types of screens when later accessed. The invention can also include an authoring tool that  
4 can create an Application, where the Application is device-independent code, and a Player, where the  
5 Player is device- and platform-dependent code. The Player enables the Application to function on a  
6 variety of devices or platforms, with differing functionality. This enables users of the authoring tool to  
7 create and distribute device-independent Applications for different device types, without individually  
8 tailoring the device-independent Applications for each device type.

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

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

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



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

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

7           77.     Express Mobile is the assignee and owner of the right, title, and interest in and to the  
8 '287 patent, including the right to assert all causes of action arising under the patent and the right to any  
9 remedies for infringement of it.

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

13          79.     Upon information and belief, Amazon has infringed and continues to infringe at least  
14 claim 15 of the '287 patent.

15          80.     Claim 15 of the '287 patent recites a method of displaying content on a display of a  
16 device having a Player, where said Player is a device- and platform-dependent code, said method  
17 comprising: defining a UI object for presentation on the display, where said UI object corresponds to a  
18 web component included in a registry of one or more web components selected from a group consisting  
19 of an input of a web service and an output of the web service where each web component includes a  
20 plurality of symbolic names of inputs and outputs associated with each web service, and where the  
21 registry includes: (a) symbolic names required for evoking one or more web components each related to  
22 a set of inputs and outputs of the web service obtainable over a network, where the symbolic names are  
23 character strings that do not contain either a persistent address or pointer to an output value accessible  
24 to the web service, and (b) an address of the web service, and where each defined UI object is either:  
25 (1) selected by a user of an authoring tool; or (2) automatically selected by a system as a preferred UI  
26 object corresponding to a symbolic name of the web component selected by the user of the authoring  
27 tool; selecting the symbolic name from said web component corresponding to the defined UI object,  
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1 where the selected symbolic name has an associated data format class type corresponding to a subclass  
2 of UI objects that support the data format type of the symbolic name, and has the preferred UI object;  
3 associating the selected symbolic name with the defined UI object; and producing an Application  
4 including the selected symbolic name of the defined UI object, where said Application is a device-  
5 independent code, wherein, when the Application and Player are provided to the device and executed  
6 on the device, and when a user of the device provides one or more input values associated with an input  
7 symbolic name to an input of defined UI object, (1) the device provides the user provided one or more  
8 input values and corresponding input symbolic name to the web service, (2) the web service uses the  
9 input symbolic name and the user provided one or more input values for generating one or more output  
10 values having an associated output symbolic name, and (3) said Player receives the output symbolic  
11 name and corresponding one or more output values and provides instructions for a display of the device  
12 to present an output value in the defined UI object.

13 81. Amazon infringes claim 15 of the '287 patent through a combination of features that  
14 collectively practice each limitation of claim 15. Amazon Stores practices a method for displaying  
15 content on a display of a computer device having a Player – HTML, CSS, and JavaScript code written  
16 for a particular device platform, such as browsers, laptops, tablets, and smartphones. The content is  
17 provided to the user through a web browser on webpages called Stores. Stores comprise content tiles –  
18 widgets that include image content tiles, text content tiles, video content tiles, gallery content tiles, and  
19 others.

20 82. The method includes computer memory that stores a registry of symbolic names  
21 associated with web components – including image content tiles, text content tiles, hyperlinks, and  
22 other web components. These components are related to inputs and outputs of a web service – the  
23 Amazon web server – obtainable over a network, such as the Internet.

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

4 84. The Amazon Stores registry also includes the address of a web service executing on the  
5 Amazon web server.

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

15 86. The authoring tool then produces an “Application” in the form of device-independent  
16 code, including HTML, CSS, and JavaScript code that includes the selected symbolic name. It also  
17 produces a Player in the form of device- and platform-dependent code, also including HTML, CSS, and  
18 JavaScript code. Unlike the Application code, the Player code is written for specific devices, such as  
19 laptops, tablets, or smartphones, or device platforms, such as browsers. The Player and Application  
20 Code operate together to display Stores’ pages and associated content tiles.

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

25 88. Amazon was made aware of the ’287 patent and its infringement thereof at least as early  
26 as November 25, 2020, when Express Mobile provided notice to Amazon of the ’287 patent.

1           89. Upon information and belief, since at least the time Amazon received notice, Amazon  
2 has induced and continues to induce others to infringe at least claim 15 of the '287 patent under 35  
3 U.S.C. §271(b) by, among other things, and with specific intent or willful blindness, actively aiding  
4 and abetting others to infringe, including but not limited to Amazon's partners, clients, customers, and  
5 end users, whose use of Amazon Stores constitutes direct infringement of at least one claim of the '287  
6 patent. In particular, Amazon's actions that aid and abet others such as customers, clients, partners,  
7 developers, and end users to infringe include advertising Amazon as a way for users to sell products  
8 through Amazon's website. On information and belief, Amazon has engaged in such actions with  
9 specific intent to cause infringement or with willful blindness to the resulting infringement because  
10 Amazon has had actual knowledge of the '287 patent and knowledge that its acts were inducing  
11 infringement of the '287 patent since at least the date Amazon received notice that such activities  
12 infringed the '287 patent.

13           90. By way of example, Amazon ran graphic advertisements on its website featuring  
14 infringing features of Amazon Stores. For example, Amazon ran an advertisement stating "Design  
15 your Store – no coding necessary," explaining that the store builder allows customers to use "drag-and-  
16 drop tiles or predesigned templates to create a customized, multi-page Store with rich media like  
17 images and video, without writing a line of code."

18           91. Another Amazon Stores advertisement reiterated the process for creating pages in  
19 Stores, again highlighting the use of "predesigned templates or drag-and-drop tiles," and emphasizing  
20 the ability to "[a]dd videos, text, and images to tell your brand story and show your products in action."

21           92. Yet another advertisement highlighted the ability to "include multimedia content that  
22 helps bring your brand to life," showing an example of how such images might be arranged on the  
23 page.

24           93. Since November 25, 2020, Amazon's infringement of the '287 patent has been willful.

25           94. Amazon's infringement has damaged and continues to damage and injure Express  
26 Mobile.  
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**COUNT IV – Infringement of U.S. Patent No. 9,928,044**

1  
2 95. The allegations set forth in the foregoing paragraphs 1 through 94 are incorporated into  
3 this Fourth Claim for Relief.

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

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

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

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

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

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

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

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

1           104. 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           105. 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           106. Amazon 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           107. Upon information and belief, Amazon has infringed and continues to infringe at least  
10 claim 15 of the '044 patent.

11           108. 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  
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1 said one or more UI object settings stored in said database; and building an Application consisting of  
2 one or more webpage views from at least a portion of said database using the Player, where said Player  
3 uses information stored in said database to generate for the display of at least a portion of said one or  
4 more webpages, wherein, when the Application and Player are provided to the device and executed on  
5 the device, and when the user of the device provides one or more input values associated with an input  
6 symbolic name to an input of defined UI object, (1) the device provides the user provided one or more  
7 input values and corresponding input symbolic name to the web service, (2) the web service uses the  
8 input symbolic name and the user provided one or more input values for generating one or more output  
9 values having an associated output symbolic name, (3) the Player receives the output symbolic name  
10 and corresponding one or more output values and provides instructions for a display of the device to  
11 present an output value in the defined UI object.

12 109. Amazon infringes claim 15 of the '044 patent through a combination of features that  
13 collectively practice each limitation of claim 15. Amazon Stores practices a method for displaying  
14 content on a display of a computer device. The content is provided to the user through a web browser  
15 on webpages called Stores. The Amazon Stores Builder allows vendors to display customized Stores  
16 showing their products, including images, text, and links to other websites.

17 110. The method includes non-volatile computer memory that stores symbolic names  
18 associated with web components – including image content tiles, text content tiles, video content tiles,  
19 hyperlinks, and other web components. These components are related to inputs and outputs of a web  
20 service – executing on the Amazon web server – obtainable over a network, such as the Internet.

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

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

12 114. The authoring tool then stores the symbolic code with the associated settings for the user  
13 defined object in a database. It retrieves that information to produce an “application” in the form of  
14 device-independent code, including HTML, CSS, and JavaScript code that includes the selected  
15 symbolic name. It also produces a player in the form of device- and platform-dependent code, also  
16 including HTML, CSS, and JavaScript code. Unlike the application code, the player code is written for  
17 specific devices, such as laptops, tablets, or smartphones, or device platforms, such as browsers. The  
18 player code and application code operate in conjunction to display the Stores’ pages and associated  
19 content tiles.

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

24 116. Amazon was made aware of the ’044 patent and its infringement thereof at least as early  
25 as November 25, 2020, when Express Mobile provided notice to Amazon of the ’044 patent.

26 117. Amazon was notified that it was infringing the ’044 patent at least as early as the filing  
27 of this Complaint.  
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1           118. Upon information and belief, since at least the time Amazon received notice, Amazon  
2 has induced and continues to induce others to infringe at least claim 15 of the '044 patent under 35  
3 U.S.C. §271(b) by, among other things, and with specific intent or willful blindness, actively aiding  
4 and abetting others to infringe, including but not limited to Amazon's partners, clients, customers, and  
5 end users, whose use of Amazon Stores constitutes direct infringement of at least one claim of the '044  
6 patent. In particular, Amazon's actions that aid and abet others such as customers, clients, partners,  
7 developers, and end users to infringe include advertising Amazon as a way for users to sell products  
8 through Amazon's website. On information and belief, Amazon has engaged in such actions with  
9 specific intent to cause infringement or with willful blindness to the resulting infringement because  
10 Amazon has had actual knowledge of the '044 patent and knowledge that its acts were inducing  
11 infringement of the '044 patent since at least the date Amazon received notice that such activities  
12 infringed the '044 patent.

13           119. By way of example, Amazon ran graphic advertisements on its website featuring  
14 infringing features of Amazon Stores. For example, Amazon ran an advertisement stating "Design  
15 your Store – no coding necessary," explaining that the store builder allows customers to use "drag-and-  
16 drop tiles or predesigned templates to create a customized, multi-page Store with rich media like  
17 images and video, without writing a line of code."

18           120. Another Amazon Stores advertisement reiterated the process for creating pages in  
19 Stores, again highlighting the use of "predesigned templates or drag-and-drop tiles," and emphasizing  
20 the ability to "[a]dd videos, text, and images to tell your brand story and show your products in action."

21           121. Yet another advertisement highlighted the ability to "include multimedia content that  
22 helps bring your brand to life," showing an example of how such images might be arranged on the  
23 page.

24           122. Since November 25, 2020, Amazon's infringement of the '044 patent has been willful.

25           123. Amazon's infringement has damaged and continues to damage and injure Express  
26 Mobile.  
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**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 Amazon as follows:

- A. An adjudication that Defendant has infringed the '397, '755, '287, and '044 patents;
- B. An award of damages to be paid by Amazon adequate to compensate Express Mobile for Amazon's past infringement of the '397, '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
- E. An award to Express Mobile of such further relief at law or in equity as the Court deems just and proper.

1 Dated: November 25, 2020

Respectfully submitted,

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