

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

DIGI PORTAL LLC,

Plaintiff,

v.

AVEDA CORPORATION,

Defendant.

C.A. NO. _____

JURY TRIAL DEMANDED

PATENT CASE

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

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

I. THE PARTIES

1. Plaintiff Digi Portal LLC (“Digi Portal” or “Plaintiff”) is a Texas limited liability company with a place of business at 2108 Dallas Parkway, Suite 214-1003, Plano, Texas 75093.

2. On information and belief, Defendant Aveda Corporation (“Defendant”) is a limited liability company organized and existing under the laws of Delaware, with a place of business at 4000 Pheasant Ridge Drive, Blaine, MN 55449. Defendant has a registered agent at Corporation Service Company, 251 Little Falls Drive, Wilmington, DE, 19808.

II. JURISDICTION AND VENUE

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

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

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

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

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

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

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

8. Plaintiff incorporates the above paragraphs herein by reference.

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

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

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

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

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

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

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

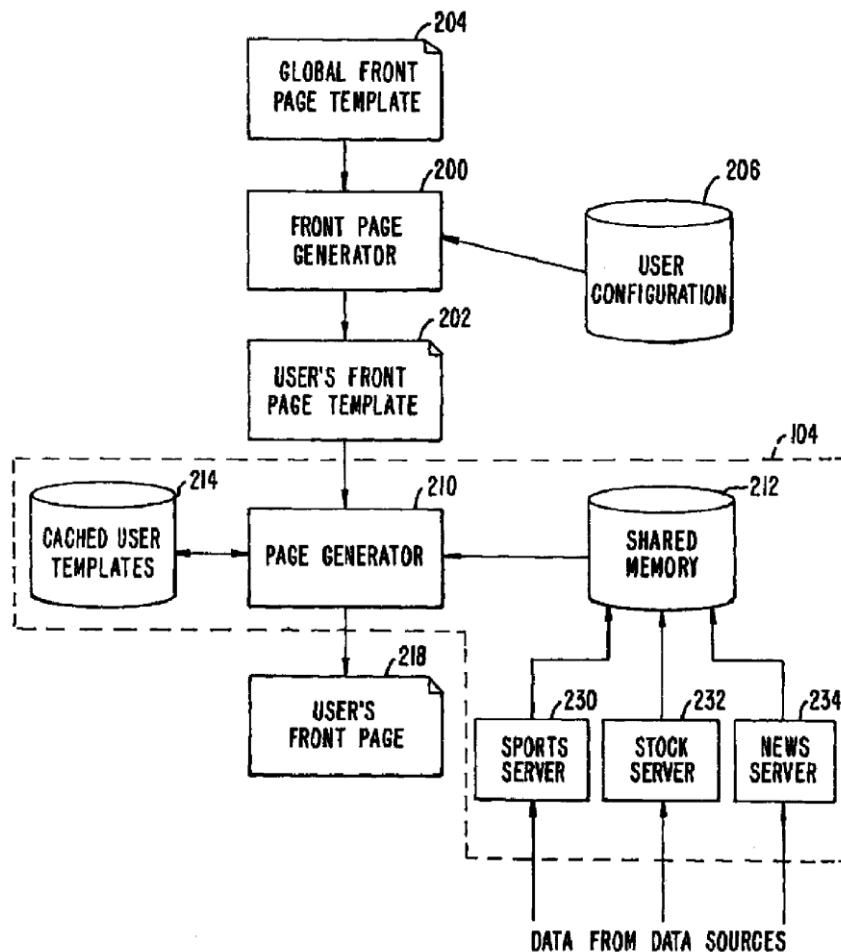
14. Customizing a server response based on the requester is known; however, known systems do not scale well. (*Id.* at col. 1:42-43). One method of serving custom pages is to execute a script, such as a Common Gateway Interface (CGI) script or other program to collect the information necessary to generate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

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

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

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

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



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

```

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

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

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

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

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

<!-- copyright:sum -->

</body>
</html>

```

204

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

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

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

202

```

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

    ...

    </body>
    </html>

```

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

Listing of a User Template

```

<!-- timezone: -8PT 0 -->
<!-- ad:M,85,95035,T,* 792 -->
<!--
portfolio:Quotes,pf_1,1,DJI,NYA,IXIC,SPX,XAX,YHOO,NSCP,IOM,NSCP,YHOO
2836 -->
<!--
scoreboard:NCAAFSSC,NHLSAN,MILSSAN,NCAAFSSS,ALOAK,NBAGSW,NFLOAK,NCAAFCCD,NFL
LSFO,NLSFO 3803 -->
<!-- weather:f,30901,uk_londo,94601,95101 4368 - - >
<!--
mode__bar:"FRONT_PAGE1",hier=News+Summary%3aEdit&.done=http://my.yahoo.com/news/summary.html?v 4538 -->
<!-- summary2:3,rt,rw,z0000,mlb,re,vf 4597 -->
<!-- motd:us_motn.html 4696 -->
<html>
<head>
<title>My Yahoo!news summary for ash802</title>
</head>
<body>

<center>
<map name="top"><area shape=rect coords="0,0,45,66"
href="/news/summary.html?v"><area shape=rect coords="45,0,90,66"
href="/internet/directory.html?v"><area shape=rect coords="90,0,135,66"
href="/contacts/white_pages.html?v"><area shape=rect coords="135,0,346,66"
href="/myHome"><area shape=rect coords="346,0,389,66"
href="/help/news/summary.html"><area shape=rect coords="389,0,431,66"
href="http://edit.my.yahoo.com/config/eval_profile"><area shape=rect
coords="431,0,477,66" href="http://edit.my.yahoo.com/config/toflly">
</map>
<center><a href="/bin/top_menu"></a></center>

<p>
<center><form action="http://search.my.yahoo.com/search/my"> <font
size="-2"> <a
href="http://edit.my.yahoo.com/config/set_attr?attr=sloc&value=b&.done=http://my.yahoo.com/news/summary.html?v">move to bottom</a> ] </font><input
size=25 name=p> <font size="-1">&nbsp;  <input type=submit
value=Search><input type=hidden name=n value="25"> &nbsp;  <a
href="http://search.my.yahoo.com/search/my/options">Options</a></font></fo
rm></center><p>
<center>
<table border=0 cellpadding=0 cellspacing=2>
<tr>
<td align=center><font
color="#000000"><b>Sections:</b>&nbsp;  &nbsp; </font></td>
<td align=center bgcolor="#dcdcdc"><font
color="#000000"><b>Front&nbsp;  &nbsp; Page</b></font></td>
<td>&nbsp;  &nbsp; &nbsp;&nbsp;&nbsp;</td>
<td align=center><a href="/news/business/summary.html?v">Business</a></td>
<td>&nbsp;  &nbsp; &nbsp;&nbsp;&nbsp;</td>
<td align=center><a
href="/news/portfolio_summary.html?v">Portfolios</a></td>
<td>&nbsp;  &nbsp; &nbsp;&nbsp;&nbsp;</td>
<td align=center><a
href="/news/entertainment/summary.html?v">Entertainment</a></td>
<td>&nbsp;  &nbsp; &nbsp;&nbsp;&nbsp;</td>
<td align=center><a href="/news/sports/summary.html?v">Sports</a></td>
<td>&nbsp;  &nbsp; &nbsp;&nbsp;&nbsp;</td>
<td align=center><a
href="/news/technology/summary.html?v">Technology</a></td>
</tr>
</table>
</center>
<table border=1 cellpadding=4 cellspacing=0 width="100%">
<tr><td align=center valign=top width="1%">
<a
href="http://edit.my.yahoo.com/config/eval_left?mode=left_nsum&.done=http%
3a%2f%2fmny%2eyahoo%2ecom%2fnews%2fsummary%2ehtl%3fv"></a>
<table border=0 cellpadding=1 cellspacing=0 width="100%">
<tr bgcolor="#dcdcdc"><td colspan=4 width="100%"><table border=0
cellpadding=2 cellspacing=0 width="100%"><tr><td width="100%"><b><font
size="+1">P<font size="+0">ORITOLIOS</font></td></tr></table><b>

```



```
align=right"><a href="http://edit.my.yahoo.com/config/eval_quotes?.done=http://my.yahoo.com/news/summary.html?v"></a></td></tr></table></td></tr><tr><td align=center colspan=4><form method=get action="http://quote.yahoo.com/quotes"><font size="-1"><input type=text size=10 name=symbols><input type=submit value="Get Quotes"><br><font size="0">quotes delayed 20 minutes - <a href="/fin_disclaimer.html">disclaimer</a><br>click on symbol for detailed quote + news<br><b>* </b> indicates new news during last 24hrs<font></form></td></tr></table><br><tr size=0><table border=0 cellpadding=1 cellspacing=0 width="100%"><tr bgcolor="#dcdcdc"><td colspan=5 width="100%"><table border=0 cellpadding=2 cellspacing=0 width="100%"><tr><td width="100%"><a href="/sum/?http://sports.yahoo.com/"><b><font size="+1">S<font size="+0">COREBOARD</font></font></b></a></td><td align=right><a href="http://edit.my.yahoo9.com/config/set_sports?.done=http://my.yahoo.com/news/summary.html?v"></a></td></tr></table></td></tr></table><br><tr size=0><table border=0 cellpadding=2 cellspacing=0 width="100%"><tr bgcolor="#dcdcdc"><td colspan=3 width="100%"><table border=0 cellpadding=2 cellspacing=0 width="100%"><tr><td width="100%"><a href="/my/?http://weather.yahoo.com/"><b><font size="+1">W<font size="+0">EATHER</font></font></b></a></td><td align=right><a href="http://edit.my.yahoo.com/config/set_wni?.done=http://my.yahoo.com/news/summary.html?v"></a></td></tr></table></td></tr><tr><td align=center colspan=3><font size=0>click on city for extended forecast</font></td></tr></table><br><tr size=0><td align=center colspan=3><font size=0><br></td></tr></table><br><tr size=0><table border=1 cellpadding=2 cellspacing=0 width="100%"><tr><td align=left colspan=3><a href="/my/?http://www.yahoo.com/"></a></td><td align=left colspan=3><font size="-1"><i>Copyright &copy; 1994-1997 Yahoo! Inc. All rights reserved.</i><br>Portions copyright &copy; 1997 Reuters Ltd. All rights reserved.<br>Portions copyright &copy; 1997 SportsTicker Enterprises LP. All rights reserved.<br>Portions copyright &copy; 1997 Weathernews Inc. All rights reserved.<br>Portions copyright &copy; 1997 Business Wire. All rights reserved.<br>Portions copyright &copy; 1997 PR Newswire. All rights reserved.<br>Questions, comments, or suggestions? Send us <a href="http://my.yahoo.com/feedback.html">feedback</a></td></tr></table></tr></table><br><tr><td align=right><a href="/bin/logout_menu"></a></td>
</tr>
</table>
</center>
<map name=logout>
<area coords="0,0,50,68" href="/my/?http://www.yahoo.com/">
<area coords="51,0,100,68"
href="http://edit.my.yahoo.com/config/login?logout=1">
</map>

</body>
</html>

```

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

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

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

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

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

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

the user customized template. (*E.g.*, *id.* at col. 3:37-39, col. 4:1-11, 49-62). The storage of a user customized template program in at least two locations and the location determined from the frequency of the user request for the customized page was an unconventional and non-generic method for storing such templates and was not disclosed in the prior art. (Ex. C (Oct. 28, 2010 Resp. to Office Action) at 9).

25. Furthermore, the invention provides for more personalized web pages because the user provides user configuration information on which the user customized template is generated. (Ex. C (Oct. 28, 2010 Resp. to Office Action) at 9; Ex. D (Apr. 18, 2011 Resp. to Office Action) at 6). This was an unconventional way for generating a user customized template unique to the user that was not found in the prior art. (Ex. D (Apr. 18, 2011 Resp. to Office Action) at 6).

26. The patents related to the ‘854 patent and sharing the same specification were cited during the prosecution history of over 700 patents, including patents and applications owned by companies including Google, Inc., Microsoft Corporation, Amazon Technologies, Inc., Facebook, Inc., Ebay, Inc., Salesforce.com, Inc., IBM Corporation, Oracle International Corporation, Comcast Cable Communications, LLC, SAP AG, Citrix Systems, Inc., BEA Systems, Inc., Sprint Communications Company L.P., Siemens AG, AT&T Intellectual Property I, L.P., Hewlett-Packard Development Company, L.P., Fujitsu Limited, AOL LLC, General Electric Company, Accenture LLP, Adobe Systems Inc., Sony Computer Entertainment Inc., and Akamai Technologies, Inc. (See <http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO2&Sect2=HITOFF&p=1&u=%2Fnetacgi%2FPTO%2Fsearch-bool.html&r=0&f=S&l=50&TERM1=5983227&FIELD1=UREF&co1=AND&TERM2=&FIELD2=&d=PTXT>).

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

28. The Accused Instrumentality performs the step of receiving a user request for a customized page. For example, [aveda.com](https://www.aveda.com/) receives a user request for a user customized page:

NEW CUSTOMER

ALREADY AN AVEDA.COM MEMBER? [SIGN IN](#)

* First Name * Last Name

* Email

* Password

☐ Show password

☐

By clicking submit I agree to be bound by the [Terms and Conditions](#) and [Privacy Policy](#) for this website.

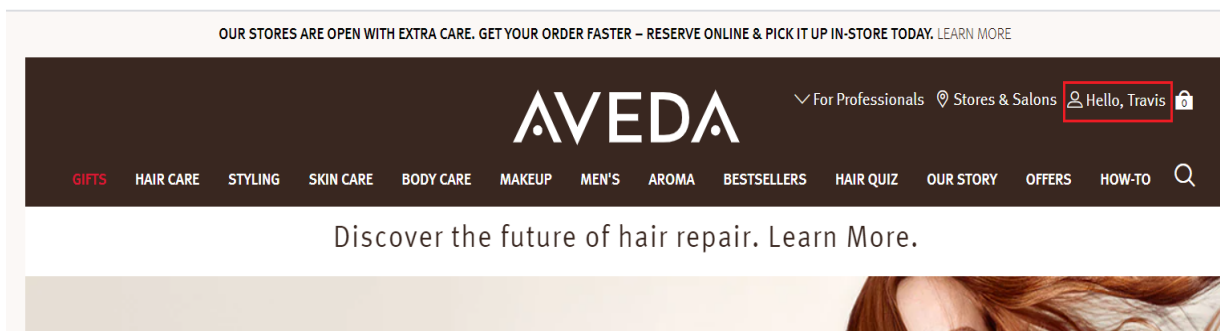
☒ I'd like to receive recurring advertising text messages (SMS and MMS) from AVEDA Online. I understand these text messages may be sent via an autodialer and I do not need to provide consent to text messaging to purchase from AVEDA Online. I agree with the [Mobile Terms and Conditions](#). Text STOP to AVEDA (28332) to cancel. Msg & data rates may apply

☐ Yes! I am a Pure Privilege loyalty program member. [Learn More](#)

(E.g., <https://web.archive.org/web/20161021115219/http://www.aveda.com/>).

29. The Accused Instrumentality performs the step of receiving a template program (e.g., software instructions and data used for rendering a particular user's [aveda.com](https://www.aveda.com/) page such as a JavaScript page) that is unique to the user (e.g., after a user logs in, pages shown to the user will be based upon a user specific template which dictates that customized information is displayed, such as the display of the user's name on the page), and based on user configuration

information (*e.g.*, a user can customize the content of their templates and what will be rendered and displayed using said templates by using preferences tied to their account by logging in and by entering information such as search preferences) the user configuration information being supplied by the user (*e.g.*, a user will have inputted account preferences, such as their name, and will input search preferences) and used to build the template program that is unique to the user (*e.g.*, a template program will be unique to a user because it is composed of instruction, code, and data that is processed/executed to create a webpage customized to a user (*e.g.*, after a user logs in, the pages displayed to the user will show the user's name; *aveda.com* server provides at least a portion of the unique template program, such as a generic template and unique JavaScript and other code that executes at a user's computer to create a customized webpage)



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

```
▼<form class="locator-js-form" action="/web/20160321020540/http://www.aveda.com/locator/index.tmpl" method="post">
  ▼<div class="domestic_form_landing">
    <span class="search-header">u.s. locations</span>
    ▼<div class="zipLanding_container">
      <label>Zip Code:</label>
      <input type="text" class="zip cleardefault" id="zipLanding" name="zip" defaultvalue="Enter Your Zip Code" value="Enter Your Zip Code">
    </div>
```

User input stored in variable

(<https://web.archive.org/web/20160321020540/http://www.aveda.com/locator/index.tmpl> (for a particular user)).

```
{this.tail=this.tail.substring(B[0].length);this.pos+=B[0].length;return B[0]}return""};y.pr
-1:B=this.tail;this.pos+=this.tail.length;this.tail="";break;case 0:B="";break;default:B=thi
{this.view=B;this.parent=C;this.clearCache()}w.make=function(B){return(B instanceof w)?B:nev
w(B,this)};w.prototype.lookup=function(B){var E=this._cache[B];if(!E){if(B=="")E=this.vie
{E=E[F[C++]]}}else{E=D.view[B]}if(E!=null){break}D=D.parent}}this._cache[B]=E;if(typeof E===
{this._cache={};this._partialCache={};u.prototype.compile=function(D,B){var C=this._cache[L
C];u.prototype.compilePartial=function(C,E,B){var D=this.compile(E,B);this._partialCache[C]=
H=="function"){B._loadPartial=H}else{for(var G in H){B.compilePartial(G,H[G])}}return C(B,
{var H=C.lookup(B);switch(typeof H){case"object":if(o(H)){var D="";for(var E=0,G=H.length;E<
{return K.render(M,C)};var L=H.call(C.view,J,F);return L!=null?L:"";default:if(H){return I(t
```

(https://web.archive.org/web/20160601210542js_/http://www.aveda.com/magicjs/js/1458757627

[/local_pc_super_conditional_home_home_files.js](#) (for a particular user)).

```
n=0;n<=a.n[namespace].e;n++){arr.push(a.n[namespace].v.pop())}a.n[namespace
Obj"))}else{tempStr=tempObj[0];eval("params."+namespace+"=tempStr")}}retu
:=generic||{};generic.cookie=function(b,p,o){var m=document.cookie;if(arg
{return jQuery.parseJSON(h)}catch(k){return h}}else{return undefined}}els
24*60*60*1000);g=o.expires=1;if(g&&g.toUTCString){o.expires=g.toUTCString
="+f"}document.cookie=a}};var generic=generic||{};generic.jsonrpc=(functi
of the request parameters is not supported.",103:"Your request did not re
'post";if(h.onBoth){p.onSuccess=h.onBoth;p.onFailure=h.onBoth}else{p.onS
(function(q){if(!q||!q.responseText){g(o.createErrorResponse(103));return
pcResponse(r);if(r.error){g(s);return false}else{if(r.result){return s}}
```

(https://web.archive.org/web/20160601210542js_/http://www.aveda.com/magicjs/js/1458757627

[/local_pc_super_conditional_home_home_files.js](#) (for a particular user)).

```
{P=new Boolean(P);P.ogg=R.canPlayType('video/ogg; codecs="theora"');var Q='video/mp4; co
codecs="vp8, vorbis"')}}catch(S){}return P};m.audio=function(){var Q=c.createElement("a
codecs="vorbis"');P.mp3=Q.canPlayType("audio/mpeg;");P.wav=Q.canPlayType('audio/wav; co
{try{return !!localStorage.getItem}catch(P){return false}};m.sessionstorage=function(){
!!D.Worker};m.applicationcache=function(){return !!D.applicationCache};m.svg=function()
P=c.createElement("div");P.innerHTML="<svg/>";return(P.firstChild&&P.firstChild.namespa
!!c.createElementNS&&/SVG/.test(b.call(c.createElementNS(J.svg,"animate"))));m.svgclipp
(function(R){for(var Q=0,P=R.length;Q<P;Q++){g[R[Q]]=!!(R[Q] in N)}return g})("autocomp
R=0,Q,U,T,P=S.length;R<P;R++){N.setAttribute("type",U=S[R]);Q=N.type!="text";if(Q){N.v
{O.appendChild(N);T=c.defaultView;Q=T.getComputedStyle&&T.getComputedStyle(N,null).Webk
}else{if(/^(url|email)$/.test(U)){Q=N.checkValidity&&N.checkValidity()===false}else{if
```

(https://web.archive.org/web/20160601210542js_/http://www.aveda.com/magicjs/js/1458757627

[/local_pc_super_conditional_home_home_files.js](#) (for a particular user)).


```
l.addClass("ppoverlay"));var generic=generic||{};var brx=brx||{};brx.globalnav=
.Signup:function(){$("#email_signup .email-signup-intro").after('<ul id="email-errors">
ntainerNode){return
.ProgressNode=emailContainerNode.find("span.progress");emailOptStatusNode=$("#address-info-
node.bind("submit",function(c){var r=$(this).attr("name");var g=$(this).find("input.email-
$(this).find("input.email-signup-postalcode");var u=$(this).find("input.email-signup-
d=$(this).find("input.email-signup-sex:checked");var b=(d.val())?d.val():"";var
.nd("input.email-signup-lastsource");var
reClass("hidden");var q=$(this).serialize();var m=q.split("&"),f="";$.each(m,function(y)
```

(https://web.archive.org/web/20160601210542js_/http://www.aveda.com/magicjs/js/1458757627

[/local_pc_super_conditional_home_home_files.js](#) (for a particular user)).

```
,0,0,0).getTime();var g=location.href.match("forcedate");var c=(k<=d&&d<=b)||g;var
(h.indexOf("item_count:")+11).substring(0,1);a=parseInt(a)||0;a=typeof h!="undefi
opup_default+"", "i");if(a&&!f.exec(location.href)&&!generic.cookie("abandonedcar
ires:7));generic.template.get({path:"/templates/popup/abandoned_cart.tmpl", callba
",height:"327px",},lockPosition:false,includeBackground:false,close:true});Analyt
find("a.close-btn").bind("click",function(m){m.preventDefault();generic.overlay.h
ecTagsbyType({type:"element",elementID:"Popup Clicked",elementCategory:"Abandon C
on").after('<div class="emailecho" style="color:#f96037">For <strong>StumbleUpon<
LE</strong></div>')}}return;var d=new Date().getTime();var h=new Date(2014,1,24,0,
inter_v2)", "i");if(g.exec(location.href)){generic.cookie("FROM_CHEETAH",1,{path:"
kout)", "i");if(b&&a&&!f.exec(location.href)){$(".navigation").after('<div class="
quired.</div>')}};brx.popoverEcoCert=function(){generic.template.get({path:"/temp
:'<div id="ecocert-overlay">'+a+'</div>',lockPosition:false,includeBackground:tru
```

(https://web.archive.org/web/20160601210542js_/http://www.aveda.com/magicjs/js/1458757627

[/local_pc_super_conditional_home_home_files.js](#) (for a particular user)).

30. The user configuration information supplied by the user to build the template program includes user demographic information (e.g., a user's profile information and/or configuration information may contain their location and age, amongst other information). (E.g.,

https://web.archive.org/web/20160317030729/https://www.aveda.com/cms/customer_service/pri

[vacy.tmpl#infoWeCollect](#);

<https://www.aveda.com/customer-service-privacy>;

https://web.archive.org/web/20160407201718/http://www.aveda.com:80/cms/customer_service/

[privacy.tmpl#targeted](#)).

31. The template program is received from one of at least two locations (e.g., the data and templates comprising a user's page may be retrieved from a main server/disk storage, or

from other sources such as a CDN server, cookies, or local cache), the location determined from the frequency of the user request for the customized page (*e.g.*, based on the frequency at which a user logs in or accesses their page, the data comprising the users page may be stored at a main server or at a CDN server, cookies, or local cache). On information and belief, template information, that is part of a template program which corresponds to less frequently accessed webpages, will need to be pulled from a main server, wherein for more frequently accessed pages, template information will be stored in local storage on the user's computer. Running the template program (page generation code, tiles, containers, and user data) creates the customized webpage. When a user signs-up or performs a login, the code takes the user template information and stores it in a site JavaScript object that is used in logic to display site logic-based conditions. The user information is stored in multiple locations: (1) at runtime, in a JavaScript object with the data structure called Context Data; (2) within browser local storage; and (3) Browser Cookies.

```
{this.tail=this.tail.substring(B[0].length);this.pos+=B[0].length;return B[0]}return""};y.pr
-1:B=this.tail;this.pos+=this.tail.length;this.tail="";break;case 0:B="";break;default:B=thi
{this.view=B;this.parent=C;this.clearCache()}w.make=function(B){return(B instanceof w)?B:nev
w(B,this)};w.prototype.lookup=function(B){var E=this._cache[B];if(!E){if(B=="")E=this.vie
{E=E[F[C++]}}else{E=D.view[B]}if(E!=null){break}D=D.parent}}this._cache[B]=E;if(typeof E==
{this._cache={};this._partialCache={}};u.prototype.compile=function(D,B){var C=this._cache[C]
C};u.prototype.compilePartial=function(C,E,B){var D=this.compile(E,B);this._partialCache[C]=
H=="function"){B._loadPartial=H}else{for(var G in H){B.compilePartial(G,H[G])}}return C(B,
{var H=C.lookup(B);switch(typeof H){case"object":if(o(H)){var D="";for(var E=0,G=H.length;E<
{return K.render(M,C)};var L=H.call(C.view,J,F);return L!=null?L:"";default:if(H){return I(t
```

(https://web.archive.org/web/20160601210542js_/http://www.aveda.com/magicjs/js/1458757627/local_pc_super_conditional_home_home_files.js (for a particular user)).

```

n=0;n<=a.n[namespace].e;n++){arr.push(a.n[namespace].v.pop())}a.n[namespace]
Obj"))}else{tempStr=tempObj[0];eval("params."+namespace+"=tempStr")}}return
:=generic||{};generic.cookie=function(b,p,o){var m=document.cookie;if(arg
{return jQuery.parseJSON(h)}catch(k){return h}}else{return undefined}}else
24*60*60*1000);g=o.expires=1;if(g&&g.toUTCString){o.expires=g.toUTCString
="+f"}document.cookie=a}};var generic=generic||{};generic.jsonrpc=(functi
of the request parameters is not supported.",103:"Your request did not re
'post";if(h.onBoth){p.onSuccess=h.onBoth;p.onFailure=h.onBoth}else{p.onS
(function(q){if(!q||!q.responseText){g(o.createErrorResponse(103));return
pcResponse(r);if(r.error){g(s);return false}else{if(r.result){return s}}

```

(<https://web.archive.org/web/20160601210542js/http://www.aveda.com/magicjs/js/1458757627>

[/local_pc_super_conditional_home_home_files.js](#) (for a particular user)).

```

{P=new Boolean(P);P.ogg=R.canPlayType('video/ogg; codecs="theora"');var Q='video/mp4; c
codecs="vp8, vorbis"')}}catch(S){}return P};m.audio=function(){var Q=c.createElement("a
codecs="vorbis"');P.mp3=Q.canPlayType("audio/mpeg;");P.wav=Q.canPlayType('audio/wav; co
{try{return !!localStorage.getItem}catch(P){return false}};m.sessionstorage=function(){
!!D.Worker};m.applicationcache=function(){return !!D.applicationCache};m.svg=function()
P=c.createElement("div");P.innerHTML="<svg/>";return(P.firstChild&&P.firstChild.namespa
!!c.createElementNS&&SVG/.test(b.call(c.createElementNS(J.svg,"animate"))));m.svgclipp
(function(R){for(var Q=0,P=R.length;Q<P;Q++){g[R[Q]]=!!(R[Q] in N)}return g})("autocomp
R=0,Q,U,T,P=S.length;R<P;R++){N.setAttribute("type",U=S[R]);Q=N.type!="text";if(Q){N.v
{O.appendChild(N);T=c.defaultView;Q=T.getComputedStyle&&T.getComputedStyle(N,null).Webk
}else{if(/^(\url|email)$/.test(U)){Q=N.checkValidity&&N.checkValidity()===false}else{if

```

(<https://web.archive.org/web/20160601210542js/http://www.aveda.com/magicjs/js/1458757627>

[/local_pc_super_conditional_home_home_files.js](#) (for a particular user)).

32. The Accused Instrumentality performs the step of receiving an advertisement selected in accordance with the user demographic information (e.g., *aveda.com* provides advertisements to a user based on demographic information such as age, gender, language, interest, activity, etc.). (E.g.,

https://web.archive.org/web/20160317030729/https://www.aveda.com/cms/customer_service/privacy.templ#infoWeCollect;
<https://www.aveda.com/customer-service-privacy>;
https://web.archive.org/web/20160407201718/http://www.aveda.com:80/cms/customer_service/privacy.templ#targeted).

33. The Accused Instrumentality performs the step of executing the template program (*e.g.*, JavaScript templates) using the selected advertisement (*e.g.*, an advertisement selected based on a user's demographic information) to generate the customized page (*e.g.*, a user's *aveda.com* page, with the advertisement integrated).

34. The Accused Instrumentality performs the step of providing the customized page to the user (*e.g.*, a user's *aveda.com* page, with integrated advertisements). (*E.g.*, *www.aveda.com* (for a particular user)).

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

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

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

37. Plaintiff incorporates the above paragraphs herein by reference.

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

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

all relevant times against infringers of the ‘227 Patent. Accordingly, Digi Portal possesses the exclusive right and standing to prosecute the present action for infringement of the ‘227 Patent by Defendant.

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

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

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

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

44. The Accused Instrumentality performs the step of obtaining user preferences (*e.g.*, location, different types of beauty care products for hair, skin, body,), wherein a user's user preferences indicate items of interest to that user (*e.g.*, preferences set by user for beauty care product search).

find a location »

u.s. locations

Zip Code:

- or -

State: City: [Advanced Search »](#)international locations Country: City: [Advanced Search »](#)

We welcome you to shop at any of our locations without an appointment.

Location preference can be set by user

(<https://web.archive.org/web/20160325181336/http://www.aveda.com/locator/index.tmpl> (for a particular user)).

AVEDA For Professionals Stores & Salons Sign in

GIFTS HAIR CARE STYLING SKIN CARE BODY CARE MAKEUP MEN'S AROMA BESTSELLERS HAIR QUIZ OUR STORY OFFERS HOW-TO

Order by Tuesday, Dec 15th at 2PM ET for delivery by 12/25.

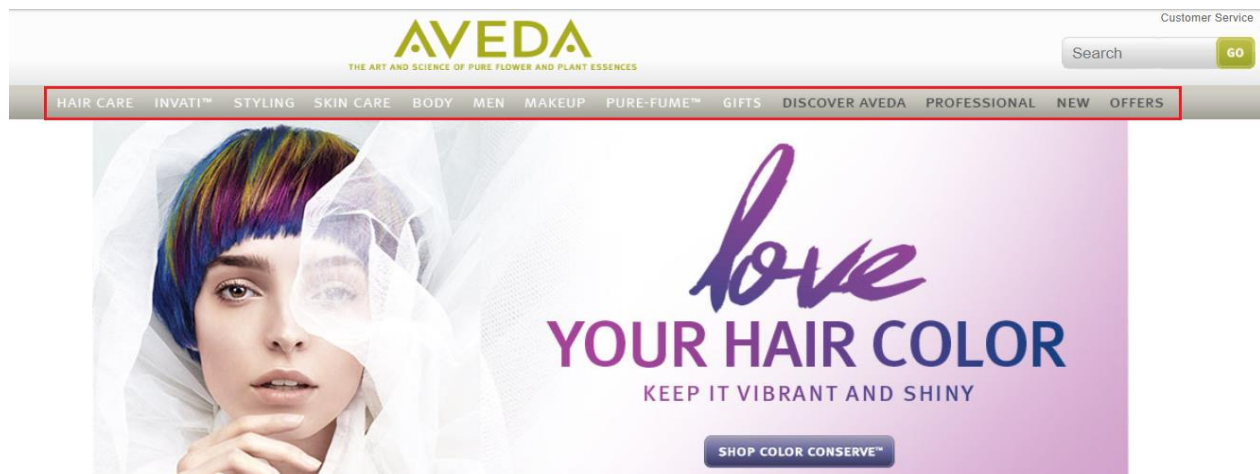
new york **SEARCH**

Store locations upon searching for New York

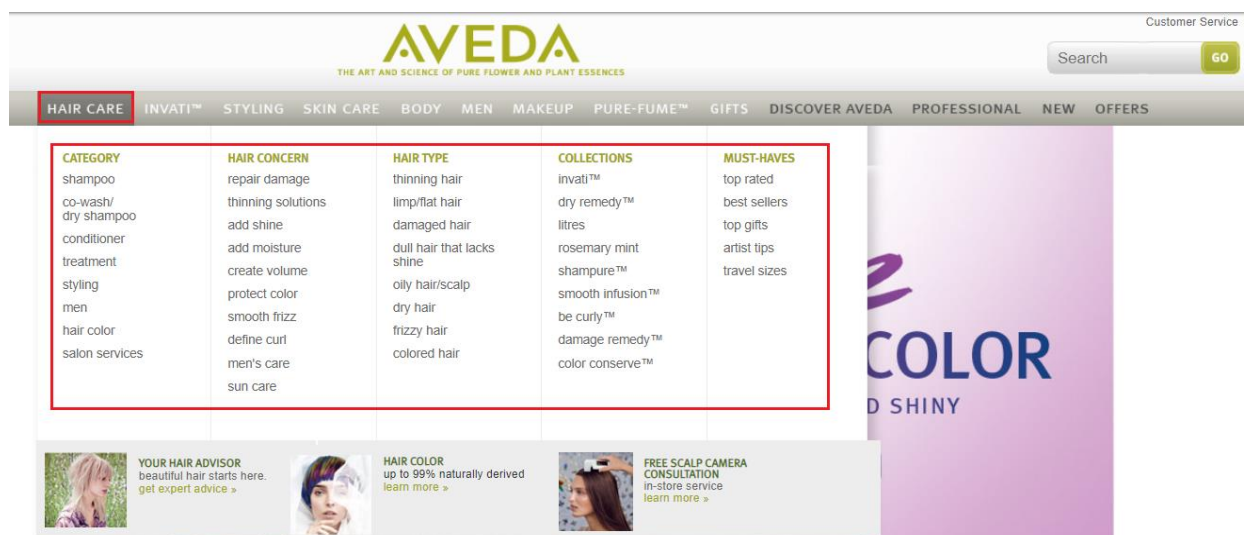
GRAND CENTRAL STATION - AVEDA STORE 10 GRAND CENTRAL TERMINAL NEW YORK, NY 10017-5503 212-682-5397- GET THE FACTS	Experience Center pp em sf 3.15 miles GET DIRECTIONS
IMAGO BEAUTY GROUP 673 BERGEN AVE JERSEY CITY, NJ 07304-2645 201-332-6100-	Exclusive Salon hc pp 3.47 miles GET DIRECTIONS
NORDSTROM-MANHATTAN TOWER 225 W 57TH ST	Specialty Store

FOURTEENJAY
 14 JAY ST
 NEW YORK, NY 10013-2849
 646-869-5970-
[GET DIRECTIONS](#)
[BOOK NOW](#)

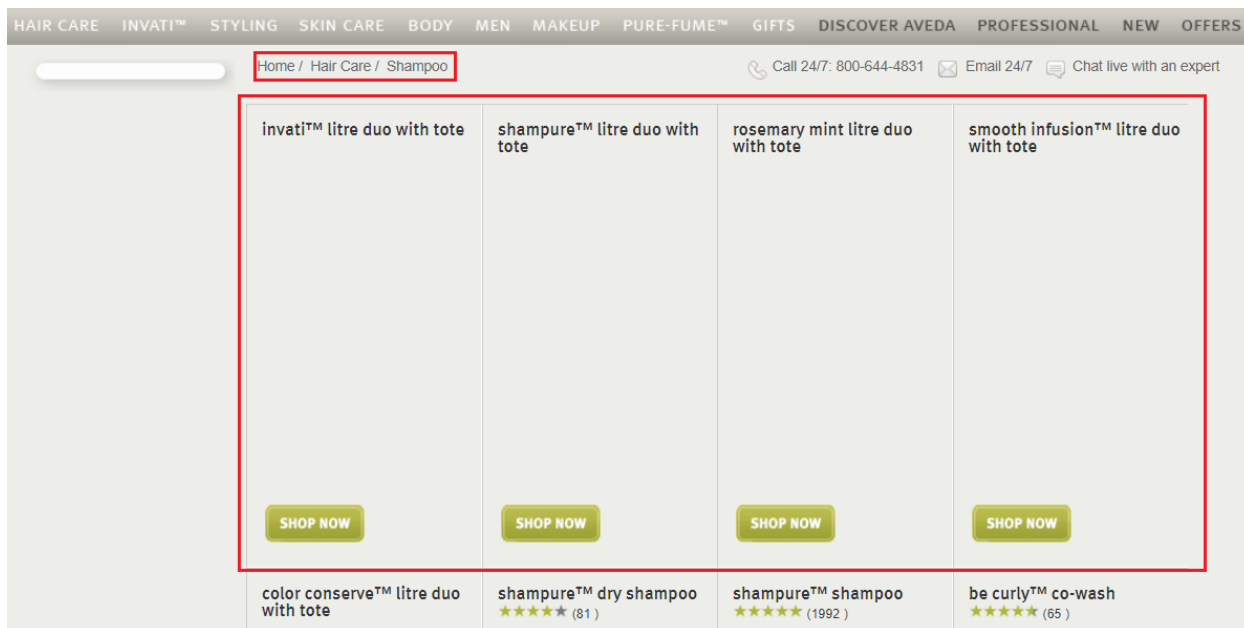
(<https://www.aveda.com/locations> (for a particular user)).



(<https://web.archive.org/web/20160323203948/http://www.aveda.com/index.tmpl> (for a particular user)).



(<https://web.archive.org/web/20160323203948/http://www.aveda.com/index.tmpl> (for a particular user)).




(<https://web.archive.org/web/20160322220538/http://www.aveda.com/products/5311/Hair-Care/Shampoo/index.tmpl> (for a particular user)).

45. On information and belief, the Accused Instrumentality performs obtaining real-time information from information sources (*e.g.*, currently available beauty care products information obtained from various information sources such as a multitude of databases) and storing the real-time information in a storage device (*e.g.*, currently available beauty care products information will be pulled from an information source and stored, at least temporarily, on the [aveda.com](http://www.aveda.com) web/API server and/or user's computer).

Order by Tuesday, Dec 15th at 2PM ET for delivery by 12/25.

HAIR CARE / SHAMPOO



NEW!

botanical repair™ strengthening shampoo

★★★★★ 3.8 35 Reviews
Write A Review | Ask & Answer (10)

Luxuriously cleanses while helping strengthen and repair damaged hair with the power of plants*. Gently removes excess sebum, product build-up and pollution.

*When used with the botanical repair™ strengthening conditioner

FREE FROM: Silicone, Sulfated Cleansers, Parabens, Mineral Oil, Synthetic Fragrances

☒ Purchase One Time ☐ Auto Replenishment (?)
Save 10% on refills + free shipping with Auto Replenishment

6.7 fl oz/200 ml \$35.00 **ADD TO BAG**

Temporarily out of stock

Earn 350 Pure Privilege Points **\$35.00**
or 4 interest-free installments of \$8.75 by **afterpay** ⓘ

SEND AS A GIFT ?

DETAILS +
USAGE +
INGREDIENTS +
RESPONSIBLE PACKAGING +
RESPONSIBLE MANUFACTURING +

♥ f t p ✉

FIND IT IN-STORE 20 mi 5 Store(s) near "11101" CHANGE ZIP

Grand Central Station - Aveda Store 10 GRAND CENTRAL TERMINAL 1.9 mi 212-682-5397	● AVAILABLE
Flatiron/5th Ave - Aveda Store 140 Fifth Ave at 19th St 2.6 mi 212-645-4797	● AVAILABLE
Columbus Circle - Aveda Store 10 Columbus Circle, STE 308	● AVAILABLE

(https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)). The code below shows aveda.com pulling beauty care products information from information sources.


```

    <div class="product-brief_favorites">...</div>
    <a class="js-spp-link product-brief_extras-link" href="/product/5293/80715/hair-care/conditioner/botanica
    l-repair-strengthening-conditioner" tabindex="-1" aria-hidden="true"></a>
    <!-- Core site click -->
    <!-- Core site click -->
    <a href="#" data-test-id="mpp_quickshop" class="
        button
        button--transparent
        mobile-hidden
        product-brief_quickshop-launch
        js-quickshop-launch-inline
        js-access-button" data-product-id="PROD80715" role="dialog" aria-expanded=
        "false" aria-label="QUICK SHOP">
        QUICK SHOP
    </a>
</div>
<a href="/product/5293/80715/hair-care/conditioner/botanical-repair-strengthening-conditioner" class="produc
t_image-link js-spp-link js-non-access-content js-product-image-link-content">...</a>
</div> == $0
<div class="product-brief_footer">...</div>
</div>
::after
</div>
<div class="
    product-grid_item
    js-product-grid-item
    js-grid-item
    js-access-content
    " data-product-id="PROD80716" data-attributes="{ "tags": "" }" role="listitem" tabindex="0" aria-label="botanical r
    epair<span class="trade">&trade;</span> strengthening leave-in treatment" data-benefit="{ "tags": }" data-
    hairtype="{ "tags": }" data-freefrom="{ "tags": }">
    <div class="js-product js-product-brief product-brief product-brief__container focused" data-product-id="PROD807
    16">
    <div class="product-brief_header">
    <div class="product-brief_badge">...</div>
    <div class="product-brief_extras">
    <div class="product-brief_favorites">...</div>
    <a class="js-spp-link product-brief_extras-link" href="/product/5293/80716/hair-care/conditioner/botanica
    l-repair-strengthening-leave-in-treatment" tabindex="-1" aria-hidden="true"></a>
    <!-- Core site click -->

```

**Currently available beauty care product
details obtained from information source**

(https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)).

46. On information and belief, the Accused Instrumentality combines the user preferences (*e.g.*, user preferences include preferences tied to a user's account which are pulled upon user login and the search terms inputted by a user such as preferences set by user for beauty care product search) for the user and a template (*e.g.*, a generic webpage template) to form a template program specific to a user (*e.g.*, following a user's login, a user specific template will be used to create customized pages for user that display user-specific information such as the user's name and search results). As shown below, *aveda.com* uses a generic template to define how the webpage should generally be laid out and displayed. Then *aveda.com* will combine the

generic template with customized information pulled based upon a user's search inputs and user login in order to create a unique user template program executable by a user's browser, so that the customized webpage can be displayed to the user.

```
<!DOCTYPE html>
<!--[if IEMobile 7 ]><html class="no-js iem7" lang="en-US" dir="ltr"><![endif]-->
<!--[if lt IE 7 ]><html class="no-js ie6 oldie" lang="en-US" dir="ltr"><![endif]-->
<!--[if IE 7 ]><html class="no-js ie7 oldie" lang="en-US" dir="ltr"><![endif]-->
<!--[if IE 8 ]><html class="no-js ie8 oldie" lang="en-US" dir="ltr"><![endif]-->
<!--[if (gte IE 9)|(gt IEMobile 7)|!(IEMobile)|!(IE)]><!-->
<html class="js js no-touchevents pointerevents svg placeholder" lang="en-US" dir="ltr">
  <!--<![endif]-->
  <head>...</head>
  <body class="html not-front not-logged-in no-sidebars page-product page-product- page-product-5311 page-product- page-product-80714 page-
  product-hair-care page-product-hair-care-shampoo page-product-hair-care-shampoo-botanical-repair-strengthening-shampoo domain-us i18n-en-e-
  US no-tabs ecommerce section-product top-header device-pc prod no-toolbar elc-user-state-anonymous product-store-check">
    <div id="optanon" class="modern">...</div>
    <a href="#maincontent_focus" class="invisiblefocus visually-hidden aria-label="Press enter to skip navigation and go to main content">
    Skip navigation and go to main content</a>
    <svg class="svg-symbols hidden" aria-hidden="true" xmlns="http://www.w3.org/2000/svg">...</svg>
    <script>...</script>
    <header class="site-header__wrapper js-header">...</header>
    <div class="skiptarget">...</div>
    <!-- Begin site content here -->
    <div class="site-content" style="padding-top: 142px;">...</div>
    <!-- /End site content here -->
    <script>...</script>
    <div class="site-footer clearfix">...</div>
    <div class="block block-nodeblock block-nodeblock-64 block-nodeblock-64">...</div>
    <div class="block block-nodeblock block-nodeblock-62 block-nodeblock-62">...</div>
    <script>...</script>
    <script src="/sites/aveda/themes/aveda_base/js/site/client_detect_redirect.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/site/client_detect.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/site/app_detect.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/lib/mustache/mustache.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/site/adaptive_placeholders.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/lib/matchHeight/jquery.matchHeight-min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/lib/jquery-outside-events/jquery.ba-outside-events.min.js?ql16fb" defer></script>
    <script src="/sites/all/themes/elc_base/js/csr/rpc_csrf_token.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/lib/json2.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/generic/utilities.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/generic/jsonrpc.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/generic/build/bundle.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/site/unison.min.js?ql16fb" defer></script> == $0
```

General template used to generate webpage

(https://www.aveda.com/product/5311/80714/hair-care/shampoo-botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)).

```

<!-- Core site click -->
<a href="#" data-test-id="mpp_quickshop" class="
    button
    button--transparent
    mobile-hidden
    product-brief__quickshop-launch
    js-quickshop-launch-inline
    js-access-button" data-product-id="PROD80715" role="dialog" aria-expanded=
"false" aria-label="QUICK SHOP">
    QUICK SHOP
</a>

</div>
▶<a href="/product/5293/80715/hair-care/conditioner/botanical-repair-strengthening-conditioner" class="produc
t_image-link js-spp-link js-non-access-content js-product-image-link-content">...</a>
</div>
▶<div class="product-brief__footer">...</div>
</div>
::after
</div>
▼<div class="
    product-grid__item
    js-product-grid-item
    js-grid-item
    js-access-content
    " data-product-id="PROD80716" data-attributes="{ "tags": "" }" role="listitem" tabindex="0" aria-label="botanical r
epair<span class="trade">&trade;</span> strengthening leave-in treatment" data-benefit="{ "tags": }" data-
hairtype="{ "tags": }" data-freefrom="{ "tags": }">
    ▼<div class="js-product js-product-brief product-brief product-brief__container focused" data-product-id="PROD807
16">
        ▼<div class="product-brief__header">
            ▶<div class="product-brief__badge">...</div>
            ▼<div class="product-brief__extras">
                ▶<div class="product-brief__favorites">...</div>
                <div class="product-brief__extras-link" href="/product/5293/80716/hair-care/conditioner/botanical-
repair-strengthening-leave-in-treatment" tabindex="-1" aria-hidden="true"></a>
                <!-- Core site click -->
            <!-- Core site click -->

```

**Content obtained from information
source combined within the template**

(https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)).

47. On information and belief, the Accused Instrumentality performs the step of receiving from a user and at the server, a user request for a customized page customized according to the user preferences. (e.g., a user will request a customized page by logging in and by inputting search parameters; this request will be received at the aveda.com web server).

NEW CUSTOMERALREADY AN AVEDA.COM MEMBER? [SIGN IN](#)

<input type="text"/>	<input type="text"/>
* First Name	* Last Name
<input type="text"/>	
* Email	
<input type="text"/>	
* Password	
<input type="checkbox"/> Show password	

☐

By clicking submit I agree to be bound by the [Terms and Conditions](#) and [Privacy Policy](#) for this website.

☒ I'd like to receive recurring advertising text messages (SMS and MMS) from AVEDA Online. I understand these text messages may be sent via an autodialer and I do not need to provide consent to text messaging to purchase from AVEDA Online. I agree with the [Mobile Terms and Conditions](#). Text STOP to AVEDA (28332) to cancel. Msg & data rates may apply

☐ Yes! I am a Pure Privilege loyalty program member. [Learn More](#)

(<https://web.archive.org/web/20161021115219/http://www.aveda.com/> (for a particular user)).

find a location »

u.s. locations

Zip Code:

- or -

State: City: [Advanced Search »](#)international locations Country: City: [Advanced Search »](#)

We welcome you to shop at any of our locations without an appointment.


Location preference can be set by user

(<https://web.archive.org/web/20160325181336/http://www.aveda.com/locator/index.tmpl> (for a particular user)).

(<https://www.aveda.com/locations> (for a particular user)).

Order by Tuesday, Dec 15th at 2PM ET for delivery by 12/25.

HAIR CARE / SHAMPOO



NEW!

botanical repair™ strengthening shampoo

★★★★★ 3.8 35 Reviews
Write A Review | Ask & Answer (10)

Luxuriously cleanses while helping strengthen and repair damaged hair with the power of plants*. Gently removes excess sebum, product build-up and pollution.

*When used with the botanical repair™ strengthening conditioner

FREE FROM: Silicone, Sulfated Cleansers, Parabens, Mineral Oil, Synthetic Fragrances

☒ Purchase One Time ☐ Auto Replenishment (?)

Save 10% on refills + free shipping with Auto Replenishment

6.7 fl oz/200 ml \$35.00 **ADD TO BAG**

Temporarily out of stock

Earn 350 Pure Privilege Points **\$35.00**

or 4 interest-free installments of \$8.75 by **afterpay**

SEND AS A GIFT ?

DETAILS +

USAGE +

INGREDIENTS +

RESPONSIBLE PACKAGING +

RESPONSIBLE MANUFACTURING +

♥ f t p e

FIND IT IN-STORE 20 mi 5 Store(s) near "11101" CHANGE ZIP

Grand Central Station - Aveda Store 10 GRAND CENTRAL TERMINAL 1.9 mi 212-682-5397-	● AVAILABLE
Flatiron/5th Ave - Aveda Store 140 Fifth Ave at 19th St 2.6 mi 212-645-4797-	● AVAILABLE
Columbus Circle - Aveda Store 10 Columbus Circle, STE 308	● AVAILABLE


(https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)).

48. The Accused Instrumentality performs the step of executing the template program (e.g., the code for the website which includes code that defines the general layout of the webpage, and defines customized information to be displayed such as a user's name, and other pieces of real-time information, such as beauty care product availability, gathered from information source using various APIs and scripts) specific to the user (e.g., the webpage is catered towards the user's search queries and displays customized content such as the user's name) using real-time information stored in the storage device (e.g., beauty care product

availability will be gathered from information source using an API and/or scripts, and stored, at least temporarily, on an aveda.com web server and/or user's computer) as input to the template program to generate the customized page (e.g., the beauty care product availability will be gathered and combined with a webpage template to create the entire webpage).

Order by Tuesday, Dec 15th at 2PM ET for delivery by 12/25.

HAIR CARE / SHAMPOO



NEW!

botanical repair™ strengthening shampoo

★★★★★ 3.8 35 Reviews
 Write A Review | Ask & Answer (10)
 Luxuriously cleanses while helping strengthen and repair damaged hair with the power of plants*. Gently removes excess sebum, product build-up and pollution.

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 Save 10% on refills + free shipping with Auto Replenishment

6.7 fl. oz/200 ml \$35.00 **ADD TO BAG**

Temporarily out of stock

Earn 350 Pure Privilege Points \$35.00
 or 4 interest-free installments of \$8.75 by **afterpay** ⓘ

SEND AS A GIFT ?

DETAILS +
 USAGE +
 INGREDIENTS +
 RESPONSIBLE PACKAGING +
 RESPONSIBLE MANUFACTURING +

👤 📱 📧 📧 📧

FIND IT IN-STORE 20 mi 5 Store(s) near "11101" CHANGE <

ZIP

Grand Central Station - Aveda Store	● AVAILABLE
10 GRAND CENTRAL TERMINAL	
1.9 mi	
212-682-5397	
Flatiron/5th Ave - Aveda Store	● AVAILABLE
140 Fifth Ave at 19th St	
2.6 mi	
212-645-4797	
Columbus Circle - Aveda Store	● AVAILABLE
10 Columbus Circle, STE 308	

(https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)). As shown below, aveda.com uses a generic template to define how the webpage should generally be laid out and displayed. Then aveda.com combines the template with customized data pulled based upon a user's search inputs

and user login in order to create a template program executable by a user's browser, so that a customized webpage can be displayed to the user.

```
<!DOCTYPE html>
<!--[if IEMobile 7 ]><html class="no-js iem7" lang="en-US" dir="ltr"><![endif]-->
<!--[if lt IE 7 ]><html class="no-js ie6 oldie" lang="en-US" dir="ltr"><![endif]-->
<!--[if IE 7 ]><html class="no-js ie7 oldie" lang="en-US" dir="ltr"><![endif]-->
<!--[if IE 8 ]><html class="no-js ie8 oldie" lang="en-US" dir="ltr"><![endif]-->
<!--[if (gte IE 9)|(gt IEMobile 7)|!(IEMobile)|!(IE)]><!-->
<html class="js js no-touchevents pointerevents svg placeholder" lang="en-US" dir="ltr">
  <!--<![endif]-->
  <head>...</head>
  <body class="html not-front not-logged-in no-sidebars page-product page-product- page-product-5311 page-product- page-product-80714 page-
  product-hair-care page-product-hair-care-shampoo page-product-hair-care-shampoo-botanical-repair-strengthening-shampoo domain-us i18n-en-e-
  US no-tabs ecommerce section-product top-header device-pc prod no-toolbar elc-user-state-anonymous product-store-check">
    <div id="optanon" class="modern">...</div>
    <a href="#maincontent_focus" class="invisiblefocus visually-hidden" aria-label="Press enter to skip navigation and go to main content">
      Skip navigation and go to main content</a>
    <svg class="svg-symbols hidden" aria-hidden="true" xmlns="http://www.w3.org/2000/svg">...</svg>
    <script>...</script>
    <header class="site-header__wrapper js-header">...</header>
    <div class="skiptarget">...</div>
    <!-- Begin site content here -->
    <div class="site-content" style="padding-top: 142px;">...</div>
    <!-- /End site content here -->
    <script>...</script>
    <div class="site-footer clearfix">...</div>
    <div class="block block-nodeblock block-nodeblock-64 block-nodeblock-64">...</div>
    <div class="block block-nodeblock block-nodeblock-62 block-nodeblock-62">...</div>
    <script>...</script>
    <script src="/sites/aveda/themes/aveda_base/js/site/client_detect_redirect.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/site/client_detect.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/site/app_detect.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/lib/mustache/mustache.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/site/adaptive_placeholders.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/lib/matchHeight/jquery.matchHeight.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/lib/jquery-outside-events/jquery.ba-outside-events.min.js?ql16fb" defer></script>
    <script src="/sites/all/themes/elc_base/js/csrf/rpc_csrf_token.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/lib/json2.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/generic/utilities.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/generic/jsonrpc.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/generic/build/bundle.min.js?ql16fb" defer></script>
    ... <script src="/sites/aveda/themes/aveda_base/js/site/unison.min.js?ql16fb" defer></script> == $0
```

General template used to generate webpage

(https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)).


```

<!-- Core site click -->
<a href="#" data-test-id="mpp_quickshop" class="
    button
    button--transparent
    mobile-hidden
    product-brief__quickshop-launch
    js-quickshop-launch-inline
    js-access-button" data-product-id="PROD80715" role="dialog" aria-expanded=
"false" aria-label="QUICK SHOP">
    QUICK SHOP
</a>

</div>
▶<a href="/product/5293/80715/hair-care/conditioner/botanical-repair-strengthening-conditioner" class="produc
t_image-link js-spp-link js-non-access-content js-product-image-link-content">...</a>
</div>
▶<div class="product-brief__footer">...</div>
</div>
::after
</div>
▼<div class="
    product-grid__item
    js-product-grid-item
    js-grid-item
    js-access-content
    " data-product-id="PROD80716" data-attributes="{ "tags": "" }" role="listitem" tabindex="0" aria-label="botanical r
epair<span class="trade">&trade;</span> strengthening leave-in treatment" data-benefit="{ "tags": }" data-
hairtype="{ "tags": }" data-freefrom="{ "tags": }">
    ▼<div class="js-product js-product-brief product-brief product-brief__container focused" data-product-id="PROD807
16">
        ▼<div class="product-brief__header">
            ▶<div class="product-brief__badge">...</div>
            ▼<div class="product-brief__extras">
                ▶<div class="product-brief__favorites">...</div>
                <div class="product-brief__favorites">...</div>
                <a class="js-spp-link product-brief__extras-link" href="/product/5293/80716/hair-care/conditioner/botanical-
repair-strengthening-leave-in-treatment" tabindex="-1" aria-hidden="true">...</a>
            <!-- Core site click -->
            <!-- Core site click -->

```

Content obtained from information source combined within the template

([https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7 fl oz%2F200 ml](https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml) (for a particular user)).

49. The Accused Instrumentality performs the step of providing the customized page (e.g., a webpage showing beauty care products that meet a user's search requirements and which displays user specific content such as the user's name) wherein the steps of executing and providing are performed in real-time response to the receipt of the user request in the step of receiving (e.g., webpages are created and delivered in real-time as the result of a user login and/or search initiation) wherein the customized page includes at least one item of real-time information (e.g., current beauty care product availability) selected from the storage device.

50. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates

Plaintiff for such Defendant's infringement of the '227 patent, *i.e.*, in an amount that by law cannot be less than would constitute a reasonable royalty for the use of the patented technology, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

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

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

52. Plaintiff incorporates the above paragraphs herein by reference.

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

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

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

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

57. The '414 Patent shares the identical specification as the '854 patent and therefore Digi Portal incorporates the background and discussion of the invention in Paragraphs 13-25. Furthermore, the prosecution history of the '414 patent highlights advantages and unconventional features of the claimed invention including the "storing real-time information in a shared local storage device." An example of this limitation is when live data used to fill templates is stored local to the page server which is handling user requests for custom web pages. (Ex. I at 8; Ex. G at col. 2:11-15). Every piece of information that a person can request on a page is storable in a shared memory closely coupled to a page generator. (Ex. I at 9; Ex. G at col. 4:43-58). Unlike the prior art CGI process that required time consuming calls to other servers, storing real-time information in a shared local storage device, allows for any custom page to be built within the page server thereby eliminating the need to make requests from other servers for portions of the live data. (Ex. I at 9; Ex. G at col. 2:25-31).


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

59. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing at least claims 1 and 3 of the '414 patent in Delaware, and elsewhere in the United States, by performing actions comprising using or performing the claimed method using the <https://www.aveda.com/> website ("Accused Instrumentality"). The Accused Instrumentality uses a page server (*e.g.*, the *aveda.com* server), to provide a customized page to a user (*e.g.*, webpage which displays available beauty care products meeting a user's search parameters), wherein the customized page is customized according to the user's preferences (*e.g.*, user preferences include preferences tied to a user's account which are pulled upon user login and the search terms inputted by a user such as preferences set by user for beauty care product search).

60. On information and belief, the Accused Instrumentality performs the step of obtaining real-time information from information sources (*e.g.*, an API is used to gather beauty care products information for information source) and stores them in a shared local storage device (*e.g.*, beauty care products information will be gathered from information source using an API and/or scripts, and stored, at least temporarily, on a *aveda.com* web server and/or user's computer).

Order by Tuesday, Dec 15th at 2PM ET for delivery by 12/25.

HAIR CARE / SHAMPOO



NEW!

botanical repair™ strengthening shampoo

★★★★★ 3.8 35 Reviews
Write A Review | Ask & Answer (10)

Luxuriously cleanses while helping strengthen and repair damaged hair with the power of plants*. Gently removes excess sebum, product build-up and pollution.

*When used with the botanical repair™ strengthening conditioner

FREE FROM: Silicone, Sulfated Cleansers, Parabens, Mineral Oil, Synthetic Fragrances

☒ Purchase One Time ☐ Auto Replenishment (?)

Save 10% on refills + free shipping with Auto Replenishment

6.7 fl. oz./200 ml \$35.00 **ADD TO BAG**

Temporarily out of stock

Earn 350 Pure Privilege Points \$35.00

or 4 interest-free installments of \$8.75 by **afterpay** ⓘ

SEND AS A GIFT ?

DETAILS +

USAGE +

INGREDIENTS +

RESPONSIBLE PACKAGING +

RESPONSIBLE MANUFACTURING +

♥ f t p e

FIND IT IN-STORE 20 mi 5 Store(s) near "11101" CHANGE ZIP

Grand Central Station - Aveda Store	● AVAILABLE
10 GRAND CENTRAL TERMINAL 1.9 mi 212-682-5397-	
Flatiron/5th Ave - Aveda Store	● AVAILABLE
140 FIFTH AVE at 19th St 2.6 mi 212-645-4797-	
Columbus Circle - Aveda Store	● AVAILABLE
10 Columbus Circle, STE 908	

(https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)).

```

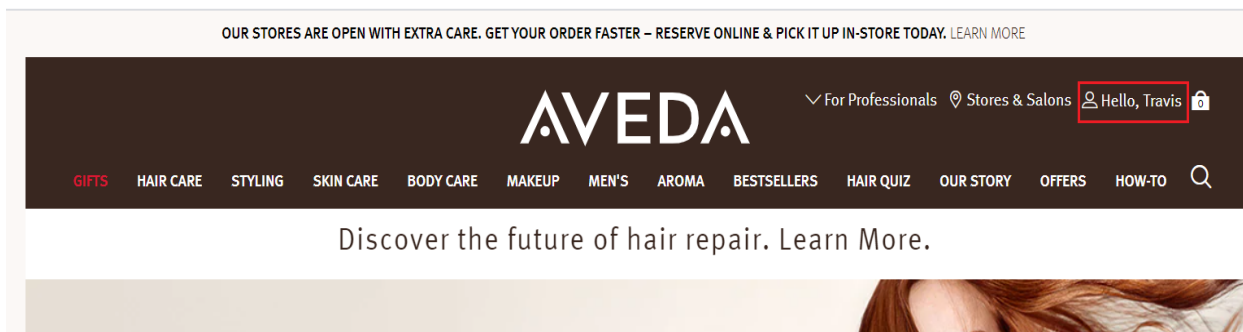
    <div class="product-brief_favorites">...</div>
    <a class="js-spp-link product-brief_extras-link" href="/product/5293/80715/hair-care/conditioner/botanica
    l-repair-strengthening-conditioner" tabindex="-1" aria-hidden="true"></a>
    <!-- Core site click -->
    <!-- Core site click -->
    <a href="#" data-test-id="mpp_quickshop" class="
        button
        button--transparent
        mobile-hidden
        product-brief_quickshop-launch
        js-quickshop-launch-inline
        js-access-button" data-product-id="PROD80715" role="dialog" aria-expanded=
        "false" aria-label="QUICK SHOP">
        QUICK SHOP
    </a>
</div>
<a href="/product/5293/80715/hair-care/conditioner/botanical-repair-strengthening-conditioner" class="produc
t_image-link js-spp-link js-non-access-content js-product-image-link-content">...</a>
</div> == $0
<div class="product-brief_footer">...</div>
</div>
::after
</div>
<div class="
    product-grid_item
    js-product-grid-item
    js-grid-item
    js-access-content
" data-product-id="PROD80716" data-attributes="{ "tags": "" }" role="listitem" tabindex="0" aria-label="botanical r
epair<span class="trade">&trade;</span> strengthening leave-in treatment" data-benefit="{ "tags": }" data-
hairtype="{ "tags": }" data-freefrom="{ "tags": }">
    <div class="js-product js-product-brief product-brief product-brief__container focused" data-product-id="PROD807
    16">
        <div class="product-brief_header">
            <div class="product-brief_badge">...</div>
            <div class="product-brief_extras">
                <div class="product-brief_favorites">...</div>
                <a class="js-spp-link product-brief_extras-link" href="/product/5293/80716/hair-care/conditioner/botanica
                l-repair-strengthening-leave-in-treatment" tabindex="-1" aria-hidden="true"></a>
                <!-- Core site click -->

```

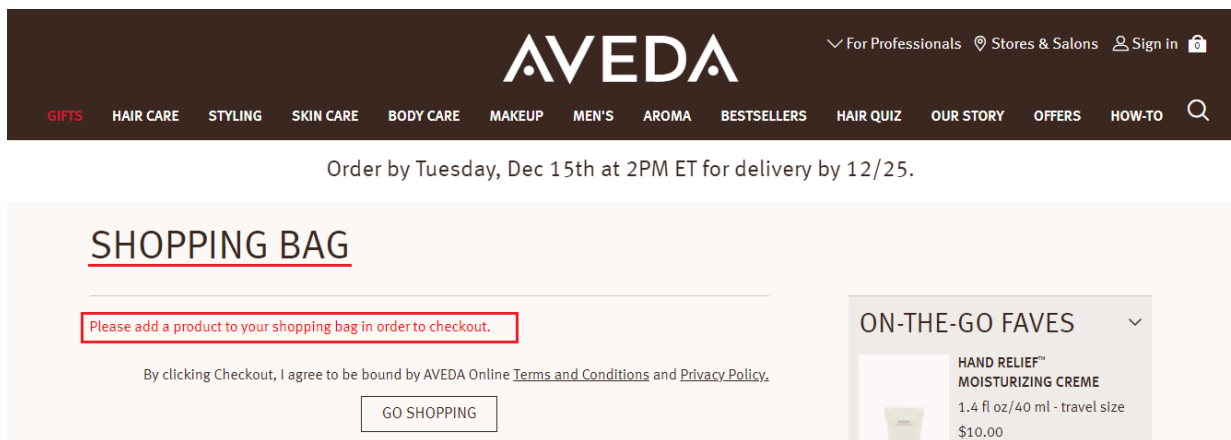
**Currently available beauty care product
details obtained from information source**

(https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)).

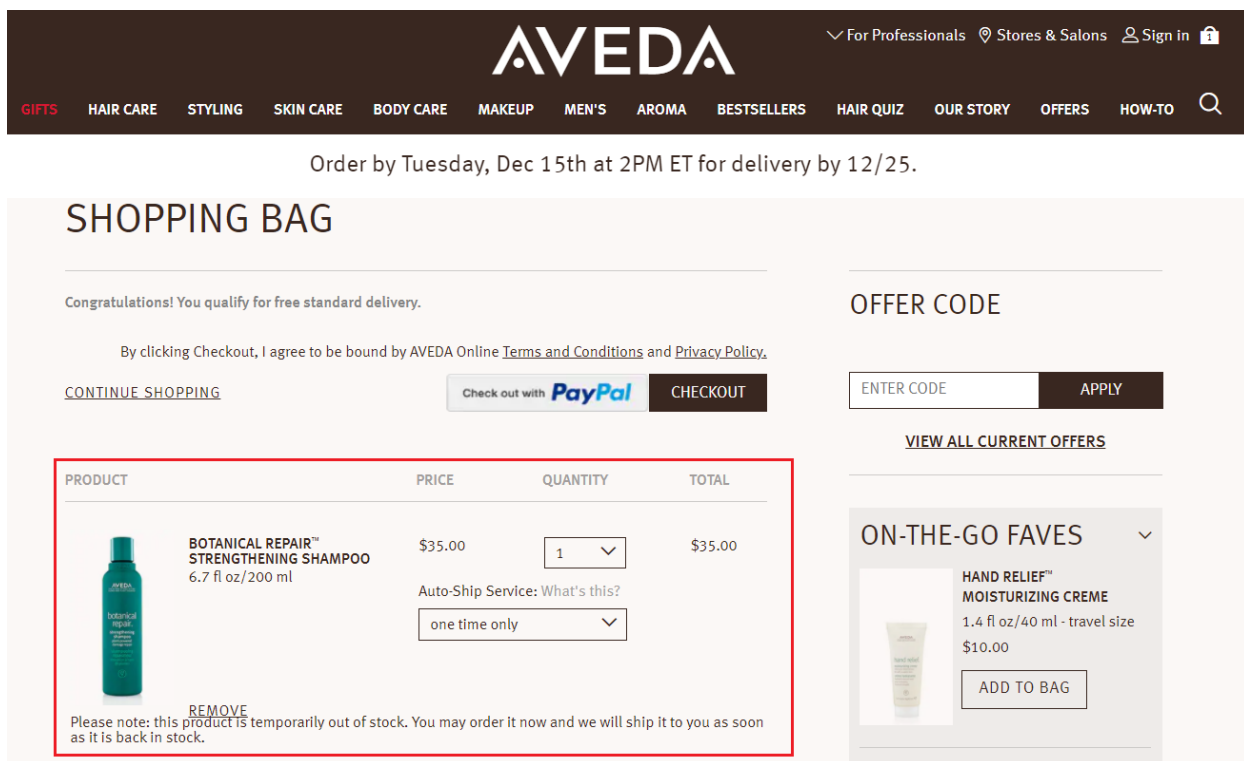
61. On information and belief, the Accused Instrumentality performs the step of storing user-specific template program for the user in a data structure associated with a user identifier unique to the user (*e.g.*, a template program will be created for a user's particular search so that said template program can be executed as to display the user's search results as a webpage; said template program is assigned an identifying number so it can be tied to a particular user's search query; said template program will be stored, at least temporarily on a *aveda.com* server and/or user's computer). The accused instrumentality uses the template program that is unique to the user which is generated using customization information unique to the user and a global template that is generic to a plurality of users. As shown below, after a user logs in, *aveda.com* can display the beauty care products added by user to the bag. As such, a user-specific template program utilized to create the displayed websites that show a user's name and user's selected beauty care product. For showing these, user's shopping information must be stored in a database wherein said template program is tied to a user's log in information/account.



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



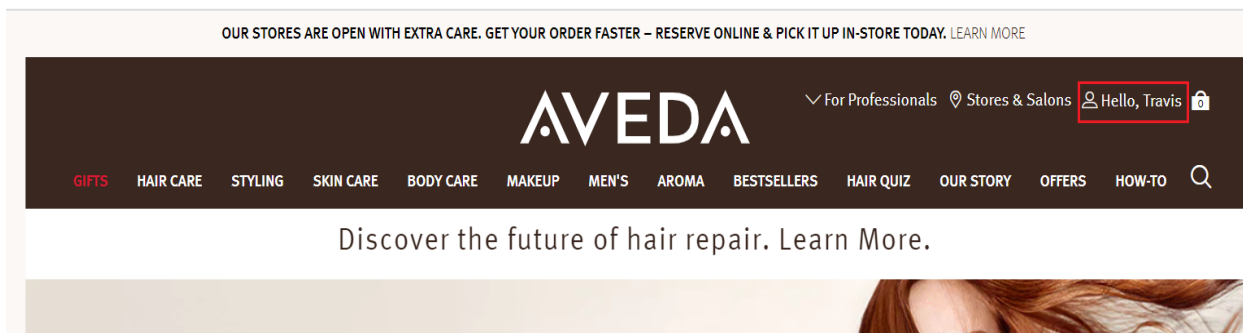
(<https://www.aveda.com/checkout/viewcart.tmpl>) (for a particular user)).



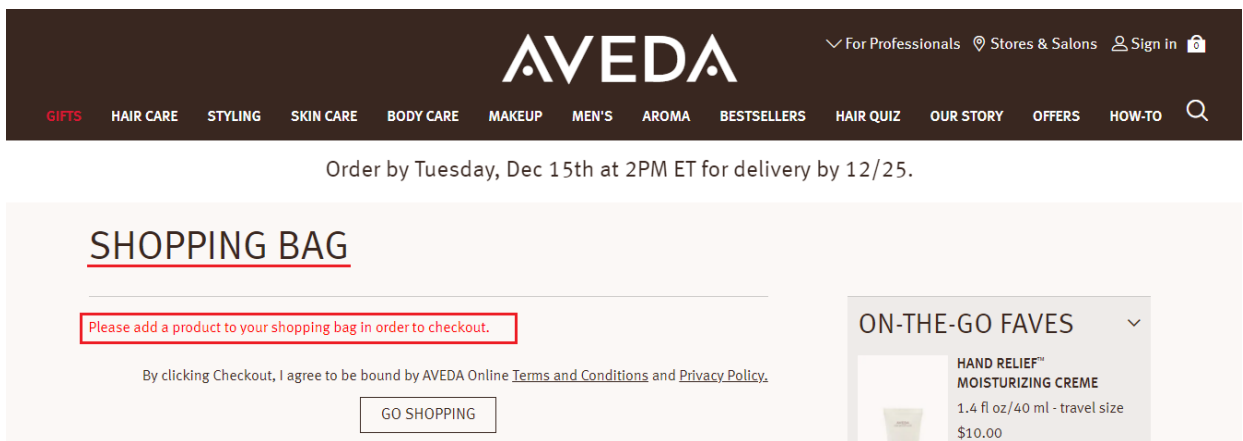
(<https://www.aveda.com/checkout/viewcart.tmpl>) (for a particular user)).

62. Upon information and belief, the Accused Instrumentality performs the step of receiving, from the user and at the page server (e.g., *aveda.com* server), a user request for a customized page (e.g., the *aveda.com* server will receive a user's request for beauty care products information meeting their inputted parameters) and determining a user identifier

associated with the request (e.g., the aveda.com server will assign an identifying number to the user's search). The Accused Instrumentality uses the template program that is unique to the user which is generated using customization information unique to the user and a global template that is generic to a plurality of users. As shown below, after a user logs in, aveda.com can display the beauty care products added by user to the bag. As such, a user-specific template program utilized to create the displayed websites that show a user's name and user's selected beauty care product. For showing these, user's shopping information must be stored in a database wherein said template program is tied to a user's log in information/account.

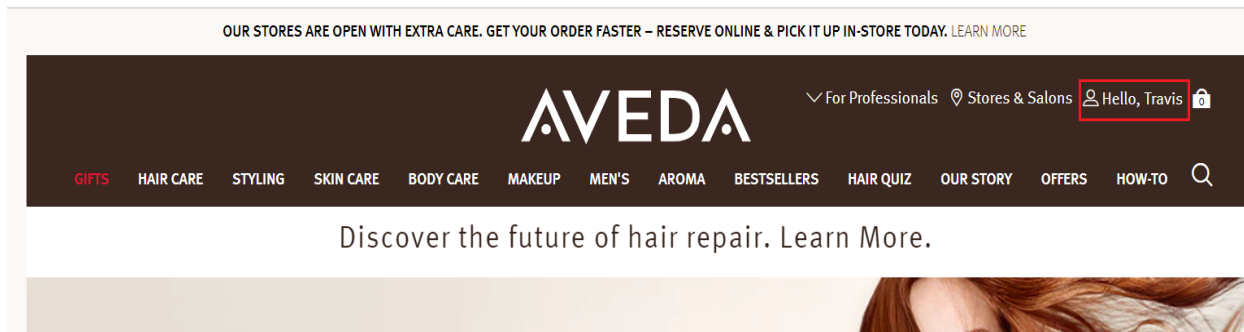


(<https://www.aveda.com/> (for a particular user)).

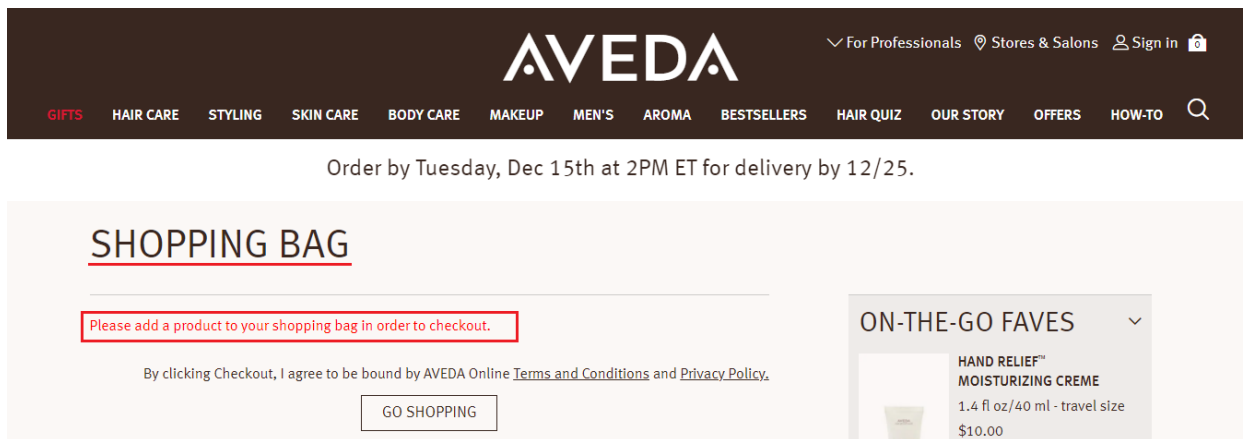


(<https://www.aveda.com/checkout/viewcart.tmpl> (for a particular user)).

63. On information and belief, the Accused Instrumentality performs the step of receiving a template program specific to the user using the determined user identifier associated with the user request (*e.g.*, the *aveda.com* server will receive a template program, which is the code and data that represents the search results webpage to be delivered to a user, that is identified by a number and linked to a user and their search query). The accused instrumentality uses the template program that is unique to the user which is generated using customization information unique to the user and a global template that is generic to a plurality of users. As shown below, after a user logs in, *aveda.com* can display the beauty care products added by user to the bag. As such, a user-specific template program utilized to create the displayed websites that show a user's name and user's selected beauty care product. For showing these, user's shopping information must be stored in a database wherein said template program is tied to a user's log in information/account.



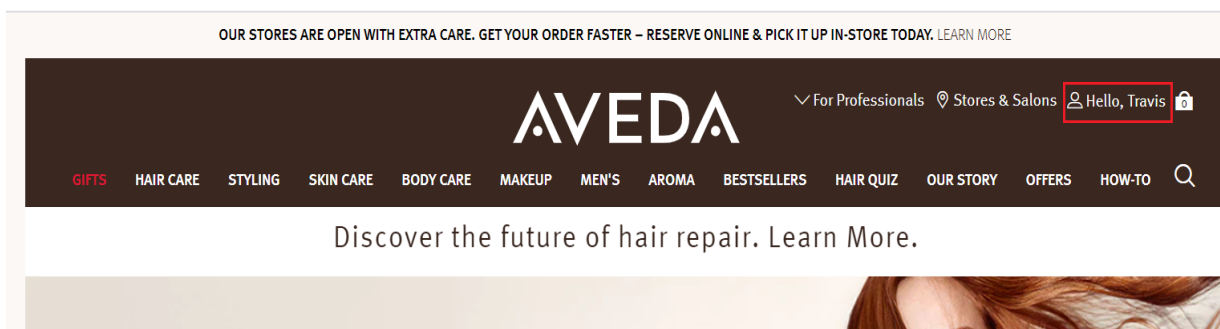
(<https://www.aveda.com/> (for a particular user)).



(<https://www.aveda.com/checkout/viewcart.tmpl> (for a particular user)).

64. On information and belief, the Accused Instrumentality performs the step of receiving a template program from one of at least two locations, the location determined from the frequency of the user request for the customized page (*e.g.*, the code and objects making up a webpage delivered to the user may be fetched from a main server or from a user's local cache depending on how often the user inputs a similar search query). In at least testing and usage, the accused instrumentality practices receiving a template program (*e.g.*, software instructions and data used for rendering a particular user's search results page such as a JavaScript page) that is unique to the user (*e.g.*, JavaScript pages will be specific to a user because the content can be modified by and/or customized for a user (*e.g.* after a user logs in, pages can display customized information such as a user's name, in addition to booking search results tied to a user's inputted preferences)) and based on user configuration information (*e.g.*, a user can customize the content of their templates and what will be rendered and displayed using said templates by entering

information such as their location and by logging in to their account) the user configuration information being supplied by the user (*e.g.*, a user will have supplied their name and any other preferences tied to their account and will have input preferences applicable to a beauty care products search) and used to build the template program that is unique to the user (*e.g.*, user configuration information is used to modify templates, create instructions, and designate appropriate data retrieval for rendering the user's specific page) and wherein the template program is received from one of at least two locations (*e.g.*, the data and templates comprising a user's page may be retrieved from a main server/disk storage or other sources such as local cache, CDN server, and cookies), the location determined from the frequency of the user request for the customized page (*e.g.*, based on the frequency at which a user logs in or accesses the *aveda.com* page, the data comprising the users page may be stored at a main server or at other locations such as local cache, a CDN server, or cookies). Webpage information can be stored in a Javascript object that is used in logic to display various available beauty care products, a user's name and other site logic-based conditions. The template information is stored in multiple locations: (1) At runtime, in a Javascript object with the data structure called Context Data; (2) Within browser local storage; and (3) browser cookies.



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

```

<form class="locator-js-form" action="/web/20160321020540/http://www.aveda.com/locator/index.tmpl" method="post">
  <div class="domestic_form_landing">
    <span class="search-header">u.s. locations</span>
    <div class="zipLanding_container">
      <label>Zip Code:</label>
      <input type="text" class="zip cleardefault" id="zipLanding" name="zip" defaultvalue="Enter Your Zip Code" value="Enter Your Zip Code">
    </div>
  </div>

```

User input stored in variable

(<https://web.archive.org/web/20160321020540/http://www.aveda.com/locator/index.tmpl> (for a particular user)).

```

.addClass("ppoverlay"))});var generic=generic||{};var brx=brx||{};brx.globalnav=
.Signup:function(){$("#email_signup .email-signup-intro").after('<ul id="email-errors">
containerNode){return
.ProgressNode=emailContainerNode.find("span.progress");emailOptStatusNode=$("#address-info-
node.bind("submit",function(c){var r=$(this).attr("name");var g=$(this).find("input.email-
$(this).find("input.email-signup-postalcode");var u=$(this).find("input.email-signup-
d=$(this).find("input.email-signup-sex:checked");var b=(d.val())?d.val():"";var
nd("input.email-signup-lastsource");var
reClass("hidden");var q=$(this).serialize();var m=q.split("&"),f="";$.each(m,function(y)

```

(https://web.archive.org/web/20160601210542js/http://www.aveda.com/magicjs/js/1458757627/local_pc_super_conditional_home_home_files.js (for a particular user)).

```

{this.tail=this.tail.substring(B[0].length);this.pos+=B[0].length;return B[0]}return""};y.pr
-1:B=this.tail;this.pos+=this.tail.length;this.tail="";break;case 0:B="";break;default:B=thi
{this.view=B;this.parent=C;this.clearCache()}w.make=function(B){return(B instanceof w)?B:nev
w(B,this)};w.prototype.lookup=function(B){var E=this._cache[B];if(!E){if(B=="")E=this.vie
{E=E[F[C++]}}else{E=D.view[B]}if(E!=null){break}D=D.parent}}this._cache[B]=E;if(typeof E===
{this._cache={};this._partialCache={};u.prototype.compile=function(D,B){var C=this._cache[C];
C};u.prototype.compilePartial=function(C,E,B){var D=this.compile(E,B);this._partialCache[C]=
H=="function"){B._loadPartial=H}else{for(var G in H){B.compilePartial(G,H[G])}}return C(B,
{var H=C.lookup(B);switch(typeof H){case"object":if(o(H)){var D="";for(var E=0,G=H.length;E<
{return K.render(M,C)};var L=H.call(C.view,J,F);return L!=null?L:"";default:if(H){return I(t

```

(https://web.archive.org/web/20160601210542js/http://www.aveda.com/magicjs/js/1458757627/local_pc_super_conditional_home_home_files.js (for a particular user)).

```

n=0;n<=a.n[namespace].e;n++){arr.push(a.n[namespace].v.pop())}a.n[namespace]
Obj"))}else{tempStr=tempObj[0];eval("params."+namespace+"=tempStr")}}retu
:=generic||{};generic.cookie=function(b,p,o){var m=document.cookie;if(arg
{return jQuery.parseJSON(h)}catch(k){return h}}else{return undefined}}els
24*60*60*1000);g=o.expires=1;if(g&&g.toUTCString){o.expires=g.toUTCString
="+f}}document.cookie=a}};var generic=generic||{};generic.jsonrpc=(functi
of the request parameters is not supported.",103:"Your request did not re
'post";if(h.onBoth){p.onSuccess=h.onBoth;p.onFailure=h.onBoth}else{p.onS
(function(q){if(!q||!q.responseText){g(o.createErrorResponse(103));return
}pcResponse(r);if(r.error){g(s);return false}else{if(r.result){return s}}

```

(https://web.archive.org/web/20160601210542js/http://www.aveda.com/magicjs/js/1458757627/local_pc_super_conditional_home_home_files.js (for a particular user)).

[/local_pc_super_conditional_home_home_files.js](#) (for a particular user)).

65. On information and belief, the Accused Instrumentality performs the step of executing the template program (*e.g.*, code, objects, APIs, scripts, etc.) specific to the user (*e.g.*, the code and other elements composing the webpage are created for a particular user's search query and which displays user specific content such as the user's name) using real-time information stored in the shared local storage device (*e.g.*, beauty care products information pulled from information source and stored at least temporarily on a *aveda.com* server and/or user's computer) to generate the customized webpage (*e.g.*, beauty care products search results webpage created for a particular user's search query and which displays user specific content such as the user's name). As shown below, *aveda.com* uses an API or script to gather beauty care products information from information source in real time..

```

    <div class="product-brief_favorites">...</div>
    <a class="js-spp-link product-brief_extras-link" href="/product/5293/80715/hair-care/conditioner/botanica
    l-repair-strengthening-conditioner" tabindex="-1" aria-hidden="true"></a>
    <!-- Core site click -->
    <!-- Core site click -->
    <a href="#" data-test-id="mpp_quickshop" class="
        button
        button--transparent
        mobile-hidden
        product-brief__quickshop-launch
        js-quickshop-launch-inline
        js-access-button" data-product-id="PROD80715" role="dialog" aria-expanded=
        "false" aria-label="QUICK SHOP">
        QUICK SHOP
    </a>
</div>
<a href="/product/5293/80715/hair-care/conditioner/botanical-repair-strengthening-conditioner" class="produc
t_image-link js-spp-link js-non-access-content js-product-image-link-content">...</a>
</div> == $0
<div class="product-brief__footer">...</div>
</div>
::after
</div>
<div class="
    product-grid_item
    js-product-grid-item
    js-grid-item
    js-access-content
    " data-product-id="PROD80716" data-attributes="{ "tags": "" }" role="listitem" tabindex="0" aria-label="botanical r
epair<span class="trade">&trade;</span> strengthening leave-in treatment" data-benefit="{ "tags": }" data-
hairtype="{ "tags": }" data-freefrom="{ "tags": }">
    <div class="js-product js-product-brief product-brief product-brief__container focused" data-product-id="PROD807
    16">
        <div class="product-brief__header">
            <div class="product-brief__badge">...</div>
            <div class="product-brief__extras">
                <div class="product-brief_favorites">...</div>
                <a class="js-spp-link product-brief_extras-link" href="/product/5293/80716/hair-care/conditioner/botanica
                l-repair-strengthening-leave-in-treatment" tabindex="-1" aria-hidden="true"></a>
                <!-- Core site click -->

```


**Currently available beauty care product
details obtained from information source**

(https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)).

66. On information and belief, the Accused Instrumentality performs the step that the template program indicates items of interest to the user; and providing the user with the customized page (*e.g.*, the code/scripts/etc. will create a webpage that displays beauty care products information related to a user's search query). As shown below, *aveda.com* uses an API and/or script to gather beauty care products information from information source in real time.

Order by Tuesday, Dec 15th at 2PM ET for delivery by 12/25.

HAIR CARE / SHAMPOO



NEW!

botanical repair™ strengthening shampoo

★★★★★ 3.8 35 Reviews
Write A Review | Ask & Answer (10)

Luxuriously cleanses while helping strengthen and repair damaged hair with the power of plants*. Gently removes excess sebum, product build-up and pollution.

*When used with the botanical repair™ strengthening conditioner

FREE FROM: Silicone, Sulfated Cleansers, Parabens, Mineral Oil, Synthetic Fragrances

☒ Purchase One Time ☐ Auto Replenishment (?)
Save 10% on refills + free shipping with Auto Replenishment

6.7 fl oz/200 ml \$35.00 **ADD TO BAG**

Temporarily out of stock

Earn 350 Pure Privilege Points **\$35.00**
or 4 interest-free installments of \$8.75 by **afterpay** ⓘ

SEND AS A GIFT ?

DETAILS +
USAGE +
INGREDIENTS +
RESPONSIBLE PACKAGING +
RESPONSIBLE MANUFACTURING +

♥ f t p e

FIND IT IN-STORE 20 mi 5 Store(s) near "11101" CHANGE ZIP

Grand Central Station - Aveda Store 10 GRAND CENTRAL TERMINAL 1.9 mi 212-682-5397	AVAILABLE
Flatiron/5th Ave - Aveda Store 140 Fifth Ave at 19th St 2.6 mi 212-645-4797	AVAILABLE
Columbus Circle - Aveda Store 10 Columbus Circle, STE 308	AVAILABLE

(https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)). As shown below, aveda.com uses an API and/or script to gather beauty care products information from information source in real time.

```

    <div class="product-brief_favorites">...</div>
    <a class="js-spp-link product-brief_extras-link" href="/product/5293/80715/hair-care/conditioner/botanica
    l-repair-strengthening-conditioner" tabindex="-1" aria-hidden="true"></a>
    <!-- Core site click -->
    <!-- Core site click -->
    <a href="#" data-test-id="mpp_quickshop" class="
        button
        button--transparent
        mobile-hidden
        product-brief_quickshop-launch
        js-quickshop-launch-inline
        js-access-button" data-product-id="PROD80715" role="dialog" aria-expanded=
        "false" aria-label="QUICK SHOP">
        QUICK SHOP
    </a>
</div>
<a href="/product/5293/80715/hair-care/conditioner/botanical-repair-strengthening-conditioner" class="produc
t_image-link js-spp-link js-non-access-content js-product-image-link-content">...</a>
</div> == $0
<div class="product-brief_footer">...</div>
</div>
::after
</div>
<div class="
    product-grid_item
    js-product-grid-item
    js-grid-item
    js-access-content
    " data-product-id="PROD80716" data-attributes="{ "tags": "" }" role="listitem" tabindex="0" aria-label="botanical r
    epair<span class="trade">&trade;</span> strengthening leave-in treatment" data-benefit="{ "tags": }" data-
    hairtype="{ "tags": }" data-freefrom="{ "tags": }">
    <div class="js-product js-product-brief product-brief product-brief__container focused" data-product-id="PROD807
    16">
    <div class="product-brief_header">
    <div class="product-brief_badge">...</div>
    <div class="product-brief_extras">
    <div class="product-brief_favorites">...</div>
    <a class="js-spp-link product-brief_extras-link" href="/product/5293/80716/hair-care/conditioner/botanica
    l-repair-strengthening-leave-in-treatment" tabindex="-1" aria-hidden="true"></a>
    <!-- Core site click -->

```


**Currently available beauty care product
details obtained from information source**

(https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)).

67. On information and belief, the Accused Instrumentality performs the step of receiving user preferences (*e.g.*, user preferences include preferences tied to a user's account which are pulled upon user login and the search terms inputted by a user such as preferences set by user for beauty care product search) for the user and a template (*e.g.*, a generic webpage template) to form a template program specific to a user (*e.g.*, the code for the entire webpage that utilizes a generic template and user's inputted search terms to create a webpage that is customized to display a user's search results).

Order by Tuesday, Dec 15th at 2PM ET for delivery by 12/25.

HAIR CARE / SHAMPOO



NEW!

botanical repair™ strengthening shampoo

★★★★★ 3.8 35 Reviews
 Write A Review | Ask & Answer (10)

Luxuriously cleanses while helping strengthen and repair damaged hair with the power of plants*. Gently removes excess sebum, product build-up and pollution.

*When used with the botanical repair™ strengthening conditioner

FREE FROM: Silicone, Sulfated Cleansers, Parabens, Mineral Oil, Synthetic Fragrances

☒ Purchase One Time ☐ Auto Replenishment (?)
 Save 10% on refills + free shipping with Auto Replenishment

6.7 fl oz/200 ml \$35.00 **ADD TO BAG**

Temporarily out of stock

Earn 350 Pure Privilege Points \$35.00

or 4 interest-free installments of \$8.75 by **afterpay** ⓘ

SEND AS A GIFT ?

DETAILS +
 USAGE +
 INGREDIENTS +
 RESPONSIBLE PACKAGING +
 RESPONSIBLE MANUFACTURING +

♥ f t p e

FIND IT IN-STORE 20 mi 5 Store(s) near "11101" CHANGE ZIP

Grand Central Station - Aveda Store 10 GRAND CENTRAL TERMINAL 1.9 mi 212-682-5397-	● AVAILABLE
Flatiron/5th Ave - Aveda Store 140 Fifth Ave at 19th St 2.6 mi 212-645-4797-	● AVAILABLE
Columbus Circle - Aveda Store 10 Columbus Circle, STE 308	● AVAILABLE

(https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)). As shown below, aveda.com uses a generic template to define how the webpage should generally be laid out and displayed. Then aveda.com will combine the template with customized data pulled based upon a user's search inputs in order to create a template program executable by a user's browser, so that the customized webpage can be displayed to the user.

```

<!DOCTYPE html>
<!--[if IEMobile 7]><html class="no-js iem7" lang="en-US" dir="ltr"><![endif]>-->
<!--[if lt IE 7]><html class="no-js ie6 oldie" lang="en-US" dir="ltr"><![endif]>-->
<!--[if IE 7]><html class="no-js ie7 oldie" lang="en-US" dir="ltr"><![endif]>-->
<!--[if IE 8]><html class="no-js ie8 oldie" lang="en-US" dir="ltr"><![endif]>-->
<!--[if (gte IE 9)|(gt IEMobile 7)|!(IEMobile)|!(IE)]><!-->
<html class="js js no-touchevents pointerevents svg placeholder" lang="en-US" dir="ltr">
  <!--<![endif]>-->
  <head>...</head>
  <body class="html not-front not-logged-in no-sidebars page-product page-product- page-product-5311 page-product- page-product-80714 page-
  product-hair-care page-product-hair-care-shampoo page-product-hair-care-shampoo-botanical-repair-strengthening-shampoo domain-us i18n-en-e-
  US no-tabs ecommerce section-product top-header device-pc prod no-toolbar elc-user-state-anonymous product-store-check">
    <div id="optanon" class="modern">...</div>
    <a href="#maincontent_focus" class="invisiblefocus visually-hidden" aria-label="Press enter to skip navigation and go to main content">
    Skip navigation and go to main content</a>
    <svg class="svg-symbols hidden" aria-hidden="true" xmlns="http://www.w3.org/2000/svg">...</svg>
    <script>...</script>
    <header class="site-header__wrapper js-header">...</header>
    <div class="skiptarget">...</div>
    <!-- Begin site content here -->
    <div class="site-content" style="padding-top: 142px;">...</div>
    <!-- /End site content here -->
    <script>...</script>
    <div class="site-footer clearfix">...</div>
    <div class="block block-nodeblock block-nodeblock-64 block-nodeblock-64">...</div>
    <div class="block block-nodeblock block-nodeblock-62 block-nodeblock-62">...</div>
    <script>...</script>
    <script src="/sites/aveda/themes/aveda_base/js/site/client_detect_redirect.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/site/client_detect.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/site/app_detect.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/lib/mustache/mustache.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/site/adaptive_placeholders.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/lib/matchHeight/jquery.matchHeight-min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/lib/jquery-outside-events/jquery.ba-outside-events.min.js?ql16fb" defer></script>
    <script src="/sites/all/themes/elc_base/js/csr/rpc_csrf_token.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/lib/json2.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/generic/utilities.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/generic/jsonrpc.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/generic/build/bundle.min.js?ql16fb" defer></script>
    ... <script src="/sites/aveda/themes/aveda_base/js/site/unison.min.js?ql16fb" defer></script> == $0

```

General template used to generate webpage

([https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7 fl oz%2F200 ml](https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml) (for a particular user)).

```

<!-- Core site click -->
<a href="#" data-test-id="mpp_quickshop" class="
        button
        button--transparent
        mobile-hidden
        product-brief__quickshop-launch
        js-quickshop-launch-inline
        js-access-button" data-product-id="PROD80715" role="dialog" aria-expanded=
"false" aria-label="QUICK SHOP">
        QUICK SHOP
</a>
</div>
▶ <a href="/product/5293/80715/hair-care/conditioner/botanical-repair-strengthening-conditioner" class="product
t__image-link js-spp-link js-non-access-content js-product-image-link-content">...</a>
</div>
▶ <div class="product-brief__footer">...</div>
</div>
::after
</div>
<div class="
        product-grid_item

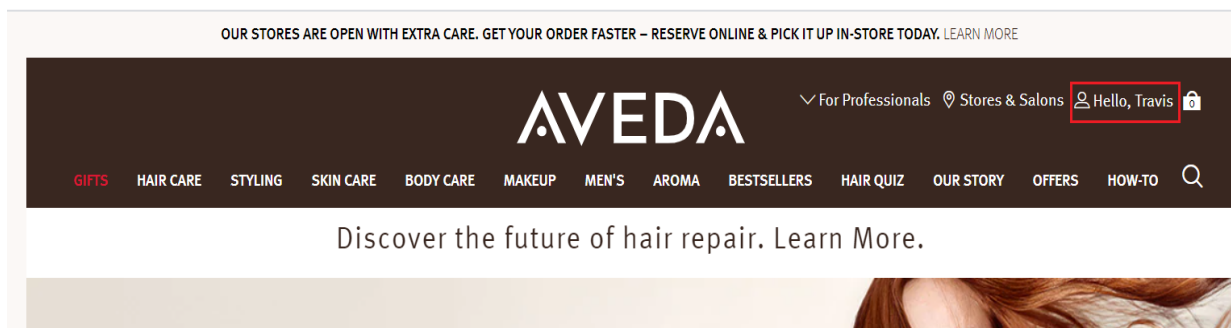
        js-product-grid-item
        js-grid-item
        js-access-content

        Content obtained from information
        source combined within the template

" data-product-id="PROD80716" data-attributes="{ "tags": " " }" role="listitem" tabindex="0" aria-label="botanical r
epair<span class="trade">&trade;</span> strengthening leave-in treatment" data-benefit="{ "tags": " }" data-
hairtype="{ "tags": " }" data-freefrom="{ "tags": " }">
    ▼ <div class="js-product js-product-brief product-brief product-brief__container focused" data-product-id="PROD807
16">
        ▼ <div class="product-brief__header">
            ▶ <div class="product-brief__badge">...</div>
            ▼ <div class="product-brief__extras">
                ▶ <div class="product-brief__favorites">...</div>
                <a class="js-spp-link product-brief__extras-link" href="/product/5293/80716/hair-care/conditioner/botonica
l-repair-strengthening-leave-in-treatment" tabindex="-1" aria-hidden="true"></a>
            <!-- Core site click -->
            <!-- Core site click -->

```


(https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)).



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

Order by Tuesday, Dec 15th at 2PM ET for delivery by 12/25.

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NEW!

botanical repair™ strengthening shampoo

★★★★★ 3.8 35 Reviews
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FREE FROM: Silicone, Sulfated Cleansers, Parabens, Mineral Oil, Synthetic Fragrances

☒ Purchase One Time ☐ Auto Replenishment (?)

Save 10% on refills + free shipping with Auto Replenishment

6.7 fl. oz./200 ml \$35.00 **ADD TO BAG**

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Earn 350 Pure Privilege Points \$35.00

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DETAILS +

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♥ f t p e

FIND IT IN-STORE 20 mi 5 Store(s) near "11101" CHANGE ZIP

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Flatiron/5th Ave - Aveda Store 140 Fifth Ave at 19th St 2.6 mi 212-645-4797-	● AVAILABLE
Columbus Circle - Aveda Store 10 Columbus Circle, STE 908	● AVAILABLE

(https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)).

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

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

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

70. Plaintiff incorporates the above paragraphs herein by reference.

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

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

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

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

75. The '359 Patent shares the identical specification as the '854 patent and therefore Digi Portal incorporates the background and discussion of the invention in Paragraphs 13-25.

Furthermore, the prosecution history of the '359 patent highlights advantages and the unconventional features of the claimed invention. When allowing the claims of the '359 patent, the examiner focused on the last two limitations of the claim stating that executing the template program specific to the user using the real-time information stored in the shared local storage device to generate a customized page; and receiving user preferences for the user, and combining the user preferences with a generic template to form the template specific to the user, wherein the user preferences indicate the items of interest to the user in conjunction with the other limitations was not found in the prior art. (Ex. L at 8).

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

77. On information and belief, the Accused Instrumentality performs the step of storing the real-time information in a shared local storage device (*e.g.*, beauty care products information will be pulled from a storage server/database and sent to a aveda.com local web/API server for processing and display). The Accused Instrumentality also practices storing a user-

specific template program (e.g., instructions and data used to generate a custom user webpage are stored at least temporarily) for a plurality of users, wherein each template program indicates items of interest to a user (e.g., each user's template program will include instructions, code, etc. that dictates the information that should be displayed for a user based on their search query), and is associated with a user identifier (e.g., in order for a user to see information specific to them and their search, aveda.com assigns each user search an identifying number or user id), wherein the user identifier is associated with a user request (e.g., a user search will be linked to an identifying number or user id) for a customized page. As shown below, aveda.com uses an API and/or script to gather beauty care products information from information source in real time.

```

    <div class="product-brief__favorites">...</div>
    <a class="js-spp-link product-brief_extras-link" href="/product/5293/80715/hair-care/conditioner/botanica
    l-repair-strengthening-conditioner" tabindex="-1" aria-hidden="true"></a>
    <!-- Core site click -->
    <!-- Core site click -->
    <a href="#" data-test-id="mpp_quickshop" class="
        button
        button--transparent
        mobile-hidden
        product-brief_quickshop-launch
        js-quickshop-launch-inline
        js-access-button" data-product-id="PROD80715" role="dialog" aria-expanded=
        "false" aria-label="QUICK SHOP">
        QUICK SHOP
    </a>

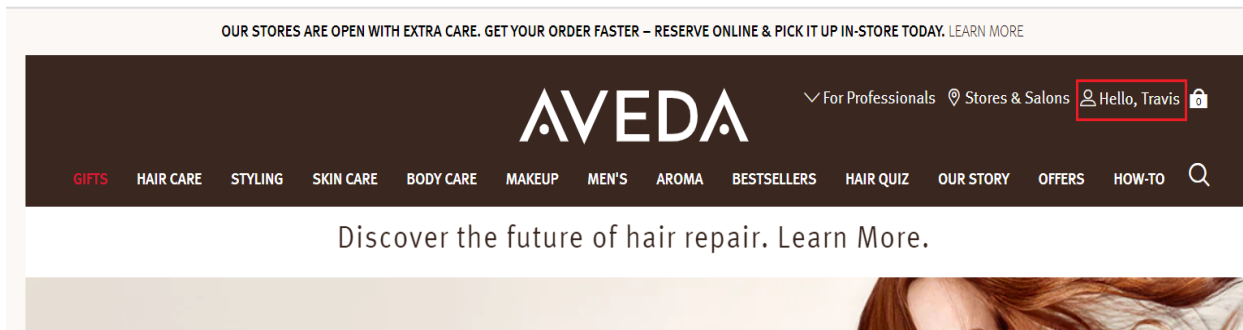
    </div>
    <a href="/product/5293/80715/hair-care/conditioner/botanical-repair-strengthening-conditioner" class="produc
    t_image-link js-spp-link js-non-access-content js-product-image-link-content">...</a>
    </div> == $0
    <div class="product-brief__footer">...</div>
    </div>
    ::after
    </div>
    <div class="
        product-grid_item
        js-product-grid-item
        js-grid-item
        js-access-content
        " data-product-id="PROD80716" data-attributes="{ "tags": "" }" role="listitem" tabindex="0" aria-label="botanical r
        epair<span class="trade">&trade;</span> strengthening leave-in treatment" data-benefit="{ "tags": }" data-
        hairtype="{ "tags": }" data-freefrom="{ "tags": }">
        <div class="js-product js-product-brief product-brief product-brief__container focused" data-product-id="PROD807
        16">
            <div class="product-brief__header">
                <div class="product-brief__badge">...</div>
                <div class="product-brief__extras">
                    <div class="product-brief__favorites">...</div>
                    <a class="js-spp-link product-brief_extras-link" href="/product/5293/80716/hair-care/conditioner/botanica
                    l-repair-strengthening-leave-in-treatment" tabindex="-1" aria-hidden="true"></a>
                    <!-- Core site click -->

```

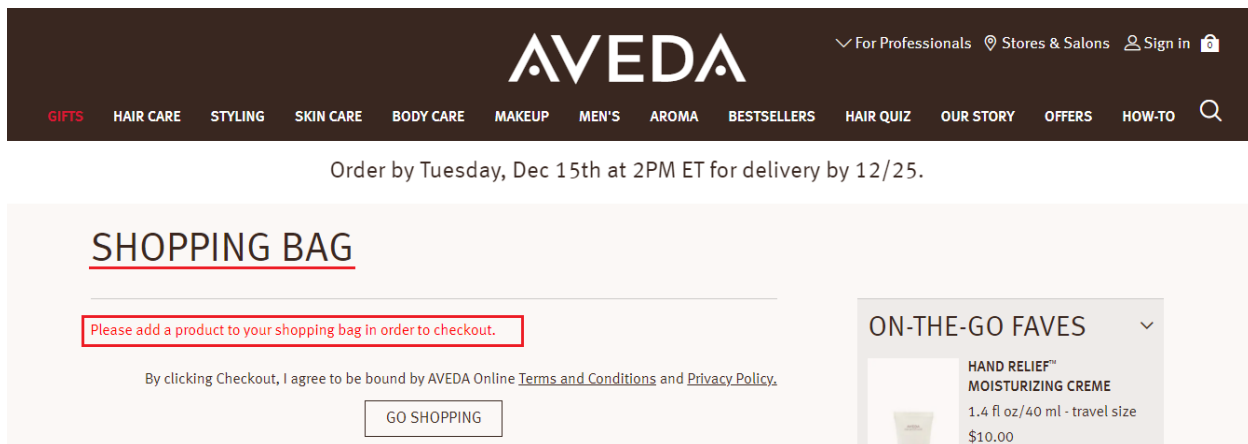
**Currently available beauty care product
details obtained from information source**

(<https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening->

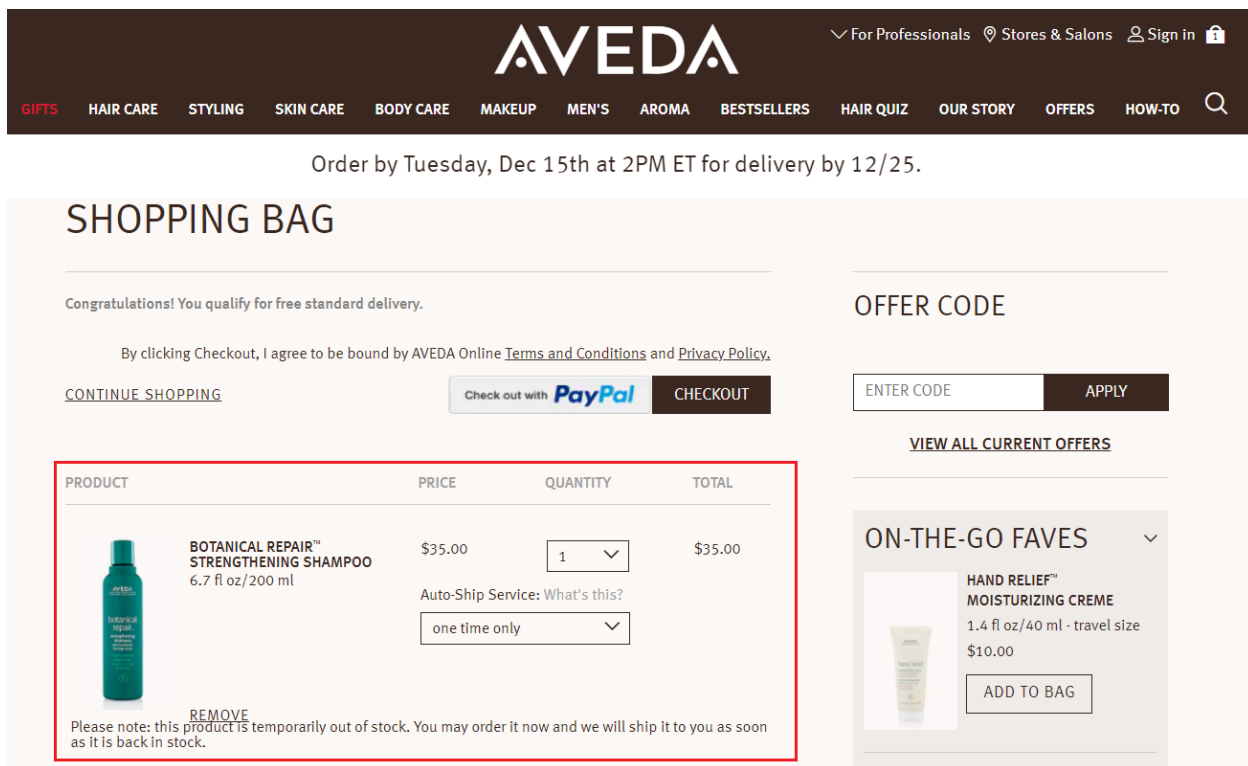
[shampoo#/shade/6.7 fl oz%2F200 ml](#) (for a particular user)). The Accused Instrumentality stores a user-specific template program for the user in a data structure associated with a user identifier unique to the user (*e.g.*, a template program will be created for a user's particular search so that said template program can be executed as to display the user's search results as a webpage; said template program is assigned an identifying number so it can be tied to a particular user's search query; said template program will be stored, at least temporarily on a *aveda.com* server). The Accused Instrumentality uses the template program that is unique to the user which is generated using customization information unique to the user and a global template that is generic to a plurality of users. As shown below, after a user logs in, *aveda.com* can display the beauty care products added by user to the bag. As such, a user-specific template program utilized to create the displayed websites that show a user's name and user's selected beauty care product. For showing these, user's shopping information must be stored in a database wherein said template program is tied to a user's log in information/account.



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



(<https://www.aveda.com/checkout/viewcart.tmpl> (for a particular user)).



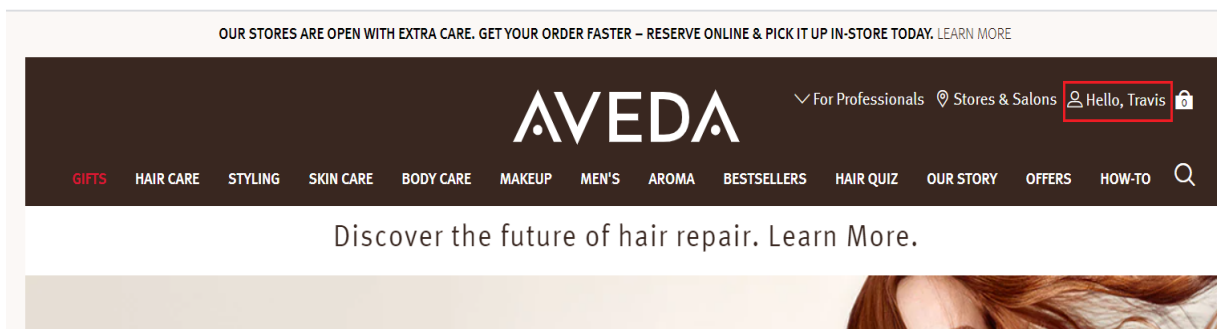
(<https://www.aveda.com/checkout/viewcart.tmpl> (for a particular user)).

78. On information and belief, the Accused Instrumentality performs the step of receiving a template program (e.g., code, instructions, etc. that are executed to create a user page) specific to the user using the user identifier (e.g., as explained above, in order to display pages customized for a user, each search is assigned an identifying number), wherein the

template program is received from one of at least two locations (*e.g.*, main storage at a *aveda.com* server or local device storage), the location based upon a frequency of user requests for the customized page (*e.g.*, certain components of the webpage may be retrieved from local cache, CDN servers, or cookies, as opposed to a main server, if said components were kept in cache due to a user's frequent request for the same or similar page). In at least testing and usage, the Accused Instrumentality practices receiving a template program (*e.g.*, software instructions and data used for rendering a particular user's search results page such as a JavaScript page) that is unique to the user (*e.g.*, JavaScript pages will be specific to a user because the content can be modified by and/or customized for a user (*e.g.*, after a user logs in, pages can display customized information such as a user's name, in addition to booking search results tied to a user's inputted preferences) and based on user configuration information (*e.g.*, a user can customize the content of their templates and what will be rendered and displayed using said templates by entering information such as their location and by logging in to their account t) the user configuration information being supplied by the user (*e.g.*, a user will have supplied their name and any other preferences tied to their account and will have input preferences applicable to a beauty care products search) and used to build the template program that is unique to the user (*e.g.*, user configuration information is used to modify templates, create instructions, and designate appropriate data retrieval for rendering the user's specific page).

79. On information and belief, the template program is received from one of at least two locations (*e.g.*, the data and templates comprising a user's page may be retrieved from a main server/disk storage or other sources such as local cache, CDN server, and cookies), the location determined from the frequency of the user request for the customized page (*e.g.*, based on the frequency at which a user logs in or accesses the *aveda.com* page, the data comprising the


users page may be stored at a main server or at other locations such as local cache, a CDN server, or cookies). Webpage information can be stored in a Javascript object that is used in logic to display various available beauty care products, a user's name and other site logic-based conditions. The template information is stored in multiple locations: (1) at runtime, in a Javascript object with the data structure called Context Data; (2) within browser local storage; and (3) browser cookies.



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

Order by Tuesday, Dec 15th at 2PM ET for delivery by 12/25.

HAIR CARE / SHAMPOO



NEW!

botanical repair™ strengthening shampoo

★★★★★ 3.8 35 Reviews
Write A Review | Ask & Answer (10)

Luxuriously cleanses while helping strengthen and repair damaged hair with the power of plants*. Gently removes excess sebum, product build-up and pollution.

*When used with the botanical repair™ strengthening conditioner

FREE FROM: Silicone, Sulfated Cleansers, Parabens, Mineral Oil, Synthetic Fragrances

☒ Purchase One Time ☐ Auto Replenishment (?)

Save 10% on refills + free shipping with Auto Replenishment

6.7 fl. oz./200 ml \$35.00 **ADD TO BAG**

Temporarily out of stock

Earn 350 Pure Privilege Points \$35.00

or 4 interest-free installments of \$8.75 by **afterpay** ⓘ

SEND AS A GIFT ?

DETAILS +

USAGE +

INGREDIENTS +

RESPONSIBLE PACKAGING +

RESPONSIBLE MANUFACTURING +

♡ f t p e

FIND IT IN-STORE 20 mi 5 Store(s) near "11101" CHANGE ZIP

Grand Central Station - Aveda Store	● AVAILABLE
10 GRAND CENTRAL TERMINAL 1.9 mi 212-682-5397	
Flatiron/5th Ave - Aveda Store	● AVAILABLE
140 Fifth Ave at 19th St 2.6 mi 212-645-4797	
Columbus Circle - Aveda Store	● AVAILABLE
10 Columbus Circle, STE 908	

(https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)).

```

<form class="locator-js-form" action="/web/20160321020540/http://www.aveda.com/locator/index.tmpl" method="post">
  <div class="domestic_form_landing">
    <span class="search-header">u.s. locations</span>
    <div class="zipLanding_container">
      <label>Zip Code:</label>
      <input type="text" class="zip cleardefault" id="zipLanding" name="zip" defaultvalue="Enter Your Zip Code" value="Enter Your Zip Code">
    </div>
  </div>

```

User input stored in variable

(<https://web.archive.org/web/20160321020540/http://www.aveda.com/locator/index.tmpl> (for a particular user)).

```

l.addClass("ppoverlay"));var generic=generic||{};var brx=brx||{};brx.globalnav=
.Signup:function(){$("#email_signup .email-signup-intro").after('<ul id="email-errors">
ntainerNode){return
.ProgressNode=emailContainerNode.find("span.progress");emailOptStatusNode=$("#address-info-
node.bind("submit",function(c){var r=$(this).attr("name");var g=$(this).find("input.email-
$(this).find("input.email-signup-postalcode");var u=$(this).find("input.email-signup-
d=$(this).find("input.email-signup-sex:checked");var b=(d.val())?d.val():"";var
.nd("input.email-signup-lastsource");var
reClass("hidden");var q=$(this).serialize();var m=q.split("&"),f="";$.each(m,function(y)

```

https://web.archive.org/web/20160601210542js_/http://www.aveda.com/magicjs/js/1458757627

[/local_pc_super_conditional_home_home_files.js](#)

```

{this.tail=this.tail.substring(B[0].length);this.pos+=B[0].length;return B[0]}return""};y.pr
-1:B=this.tail;this.pos+=this.tail.length;this.tail="";break;case 0:B="";break;default:B=thi
{this.view=B;this.parent=C;this.clearCache()}w.make=function(B){return(B instanceof w)?B:nev
w(B,this)};w.prototype.lookup=function(B){var E=this._cache[B];if(!E){if(B=="")E=this.vie
{E=E[F[C++]]}else{E=D.view[B]}if(E!=null){break}D=D.parent}}this._cache[B]=E;if(typeof E==
{this._cache={};this._partialCache={}};u.prototype.compile=function(D,B){var C=this._cache[C]
C};u.prototype.compilePartial=function(C,E,B){var D=this.compile(E,B);this._partialCache[C]=
H=="function"){B._loadPartial=H}else{for(var G in H){B.compilePartial(G,H[G])}}return C(B,
{var H=C.lookup(B);switch(typeof H){case"object":if(o(H)){var D="";for(var E=0,G=H.length;E<
{return K.render(M,C)};var L=H.call(C.view,J,F);return L!=null?L:"";default:if(H){return I(t

```

https://web.archive.org/web/20160601210542js_/http://www.aveda.com/magicjs/js/1458757627

[/local_pc_super_conditional_home_home_files.js](#) (for a particular user)).

```

n=0;n<=a.n[namespace].e;n++){arr.push(a.n[namespace].v.pop())}a.n[namespace]
oObj"))else{tempStr=tempObj[0];eval("params."+namespace+"=tempStr")}}retu
:=generic||{};generic.cookie=function(b,p,o){var m=document.cookie;if(arg
[return jQuery.parseJSON(h)}catch(k){return h}}else{return undefined}}els
24*60*60*1000);g=o.expires=1;if(g&&g.toUTCString){o.expires=g.toUTCString
="+f"}document.cookie=a}};var generic=generic||{};generic.jsonrpc=(functi
of the request parameters is not supported.",103:"Your request did not re
'post";if(h.onBoth){p.onSuccess=h.onBoth;p.onFailure=h.onBoth}else{p.onS
function(q){if(!q||!q.responseText){g(o.createErrorResponse(103));return
jsonrpcResponse(r);if(r.error){g(s);return false}else{if(r.result){return s}}

```

https://web.archive.org/web/20160601210542js_/http://www.aveda.com/magicjs/js/1458757627

[/local_pc_super_conditional_home_home_files.js](#) (for a particular user)).

```
{P=new Boolean(P);P.ogg=R.canPlayType('video/ogg; codecs="theora"');var Q='video/mp4; c
codecs="vp8, vorbis"')}}catch(S){}return P};m.audio=function(){var Q=c.createElement("a
codecs="vorbis"');P.mp3=Q.canPlayType("audio/mpeg;");P.wav=Q.canPlayType('audio/wav; co
{try{return !!localStorage.getItem}catch(P){return false}};m.sessionstorage=function(){
!!D.Worker};m.applicationcache=function(){return !!D.applicationCache};m.svg=function()
P=c.createElement("div");P.innerHTML="<svg/>";return(P.firstChild&&P.firstChild.namespa
!!c.createElementNS&&/SVG/.test(b.call(c.createElementNS(J.svg,"animate"))));m.svgclipp
(function(R){for(var Q=0,P=R.length;Q<P;Q++){g[R[Q]]=!!(R[Q] in N)}return g})(("autocomp
R=0,Q,U,T,P=S.length;R<P;R++){N.setAttribute("type",U=S[R]);Q=N.type!="text";if(Q){N.v
{O.appendChild(N);T=c.defaultView;Q=T.getComputedStyle&&T.getComputedStyle(N,null).Webk
{}}else{if(/^(url|email)$/ .test(U)){Q=N.checkValidity&&N.checkValidity()===false}else{if
```

(https://web.archive.org/web/20160601210542js_/http://www.aveda.com/magicjs/js/1458757627/local_pc_super_conditional_home_home_files.js (for a particular user)).

80. On information and belief, the Accused Instrumentality performs that step of executing the template program (*e.g.*, code, objects, APIs, scripts, etc.) specific to the user (*e.g.*, the code and other elements composing the webpage are created for a particular user's search query) using real-time information stored in the shared local storage device (*e.g.*, beauty care products information pulled from information source and stored at least temporarily on a *aveda.com* server and/or user's computer) to generate the customized webpage (*e.g.*, beauty care products search results). As shown below, *aveda.com* uses an API and/or script to gather beauty care products information from information source in real time.


```

    <div class="product-brief_favorites">...</div>
    <a class="js-spp-link product-brief_extras-link" href="/product/5293/80715/hair-care/conditioner/botanica
    l-repair-strengthening-conditioner" tabindex="-1" aria-hidden="true"></a>
    <!-- Core site click -->
    <!-- Core site click -->
    <a href="#" data-test-id="mpp_quickshop" class="
        button
        button--transparent
        mobile-hidden
        product-brief_quickshop-launch
        js-quickshop-launch-inline
        js-access-button" data-product-id="PROD80715" role="dialog" aria-expanded=
        "false" aria-label="QUICK SHOP">
        QUICK SHOP
    </a>
</div>
<a href="/product/5293/80715/hair-care/conditioner/botanical-repair-strengthening-conditioner" class="produc
t_image-link js-spp-link js-non-access-content js-product-image-link-content">...</a>
</div> == $0
<div class="product-brief_footer">...</div>
</div>
::after
</div>
<div class="
    product-grid_item
    js-product-grid-item
    js-grid-item
    js-access-content
" data-product-id="PROD80716" data-attributes="{ "tags": "" }" role="listitem" tabindex="0" aria-label="botanical r
epair<span class="trade">&trade;</span> strengthening leave-in treatment" data-benefit="{ "tags": }" data-
hairtype="{ "tags": }" data-freefrom="{ "tags": }">
    <div class="js-product js-product-brief product-brief product-brief__container focused" data-product-id="PROD807
    16">
        <div class="product-brief_header">
            <div class="product-brief_badge">...</div>
            <div class="product-brief_extras">
                <div class="product-brief_favorites">...</div>
                <a class="js-spp-link product-brief_extras-link" href="/product/5293/80716/hair-care/conditioner/botanica
                l-repair-strengthening-leave-in-treatment" tabindex="-1" aria-hidden="true"></a>
                <!-- Core site click -->

```

**Currently available beauty care product
details obtained from information source**

(https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)).

81. On information and belief, the Accused Instrumentality performs the step of receiving user preferences for the user (*e.g.*, user preferences include preferences tied to a user's account which are pulled upon user login and the search terms inputted by a user such as preferences set by user for beauty care product search), and a template (*e.g.*, a generic webpage template) to form a template program specific to a user (*e.g.*, the code for the entire webpage that utilizes a generic template and user's inputted search terms to create a webpage that is customized to display a user's search results). As shown below, *aveda.com* uses a generic template to define how the webpage should generally be laid out and displayed.

```

<!DOCTYPE html>
<!--[if IEMobile 7 ]><html class="no-js iem7" lang="en-US" dir="ltr"><![endif]-->
<!--[if lt IE 7 ]><html class="no-js ie6 oldie" lang="en-US" dir="ltr"><![endif]-->
<!--[if IE 7 ]><html class="no-js ie7 oldie" lang="en-US" dir="ltr"><![endif]-->
<!--[if IE 8 ]><html class="no-js ie8 oldie" lang="en-US" dir="ltr"><![endif]-->
<!--[if (gte IE 9)|(gt IEMobile 7)|!(IEMobile)|!(IE)]><!-->
<html class="js js no-touchevents pointerevents svg placeholder" lang="en-US" dir="ltr">
  <!--<![endif]-->
  <head>...</head>
  <body class="html not-front not-logged-in no-sidebars page-product page-product- page-product-5311 page-product- page-product-80714 page-
  product-hair-care page-product-hair-care-shampoo page-product-hair-care-shampoo-botanical-repair-strengthening-shampoo domain-us i18n-en-e-
  US no-tabs ecommerce section-product top-header device-pc prod no-toolbar elc-user-state-anonymous product-store-check">
    <div id="optanon" class="modern">...</div>
    <a href="#maincontent_focus" class="invisiblefocus visually-hidden" aria-label="Press enter to skip navigation and go to main content">
    Skip navigation and go to main content</a>
    <svg class="svg-symbols hidden" aria-hidden="true" xmlns="http://www.w3.org/2000/svg">...</svg>
    <script>...</script>
    <header class="site-header__wrapper js-header">...</header>
    <div class="skiptarget">...</div>
    <!-- Begin site content here -->
    <div class="site-content" style="padding-top: 142px;">...</div>
    <!-- /End site content here -->
    <script>...</script>
    <div class="site-footer clearfix">...</div>
    <div class="block block-nodeblock block-nodeblock-64 block-nodeblock-64">...</div>
    <div class="block block-nodeblock block-nodeblock-62 block-nodeblock-62">...</div>
    <script>...</script>
    <script src="/sites/aveda/themes/aveda_base/js/site/client_detect_redirect.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/site/client_detect.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/site/app_detect.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/lib/mustache/mustache.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/site/adaptive_placeholders.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/lib/matchHeight/jquery.matchHeight-min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/lib/jquery-outside-events/jquery.ba-outside-events.min.js?ql16fb" defer></script>
    <script src="/sites/all/themes/elc_base/js/csr/rpc_csrf_token.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/lib/json2.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/generic/utilities.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/generic/jsonrpc.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/generic/build/bundle.min.js?ql16fb" defer></script>
    ... <script src="/sites/aveda/themes/aveda_base/js/site/unison.min.js?ql16fb" defer></script> == $0

```

General template used to generate webpage

([https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7 fl oz%2F200 ml](https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml) (for a particular user)).

```

<!-- Core site click -->
<a href="#" data-test-id="mpp_quickshop" class="
    button
    button--transparent
    mobile-hidden
    product-brief__quickshop-launch
    js-quickshop-launch-inline
    js-access-button" data-product-id="PROD80715" role="dialog" aria-expanded=
"false" aria-label="QUICK SHOP">
    QUICK SHOP
</a>

</div>
▶<a href="/product/5293/80715/hair-care/conditioner/botanical-repair-strengthening-conditioner" class="produc
t__image-link js-spp-link js-non-access-content js-product-image-link-content">...</a>
</div>
▶<div class="product-brief__footer">...</div>
</div>
::after
</div>
▼<div class="
    product-grid__item
    js-product-grid-item
    js-grid-item
    js-access-content
    " data-product-id="PROD80716" data-attributes="{ "tags": "" }" role="listitem" tabindex="0" aria-label="botanical r
epair<span class="trade">&trade;</span> strengthening leave-in treatment" data-benefit="{ "tags": }" data-
hairtype="{ "tags": }" data-freefrom="{ "tags": }">
    ▼<div class="js-product js-product-brief product-brief product-brief__container focused" data-product-id="PROD807
16">
        ▼<div class="product-brief__header">
            ▶<div class="product-brief__badge">...</div>
            ▼<div class="product-brief__extras">
                ▶<div class="product-brief__favorites">...</div>
                <div class="product-brief__extras">
                    <a class="js-spp-link product-brief__extras-link" href="/product/5293/80716/hair-care/conditioner/botanical-
repair-strengthening-leave-in-treatment" tabindex="-1" aria-hidden="true">...</a>
                    <!-- Core site click -->
                </div>
            </div>
        </div>
    </div>
    <!-- Core site click -->

```

**Content obtained from information
source combined within the template**

([https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7 fl oz%2F200 ml](https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml) (for a particular user)).

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

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

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

84. Plaintiff incorporates the above paragraphs herein by reference.

85. On April 18, 2017, United States Patent No. 9,626,342 (“the ‘342 Patent”) was duly and legally issued by the United States Patent and Trademark Office. The ‘342 Patent is titled “Dynamic Page Generator.” The ‘342 patent is not subject to a terminal disclaimer and its term is extended under 35 U.S.C. 154(b) by 891 days. (Ex. M). A true and correct copy of the ‘342 Patent is attached hereto as Exhibit M and incorporated herein by reference.

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

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

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

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

90. **Direct Infringement.** Upon information and belief, Defendant has been directly infringing at least claim 1 of the ‘342 patent in Delaware, and elsewhere in the United States, by

performing actions comprising performing the claimed method steps, including without limitation through the method implemented of providing a user's *aveda.com* page ("Accused Instrumentality"). The Accused Instrumentality practices the method of responding to a user request (*e.g.*, a user login request, search initiation, etc.) for a customized page (*e.g.*, a user's customized home and search pages on the *aveda.com* website). (*E.g.*, <https://www.aveda.com/>).

91. On information and belief, the Accused Instrumentality performs the step of generating, via at least on server computer (*e.g.*, *aveda.com* servers), a template program unique to the user (*e.g.*, a template program will be unique to a user because it is composed of instruction, code, and data that is processed/executed to create a webpage customized to a user (*e.g.*, after a user logs in, the pages displayed to the user will show the user's name); *aveda.com* server provides at least a portion of the unique template program, such as a generic template containing JavaScript and other code that executes at a user's computer to create a customized webpage), the template program being used to form the user's customized web page (*e.g.*, a webpage with customized content such as the display of a user's name, and beauty care products search results), wherein the template program is generated using customization information unique to the user (*e.g.*, user account preferences/data and user search parameters) and a global template that is generic to a plurality of users (*e.g.*, a generic template that dictates web page layout) to form a user specific template program. The Accused Instrumentality combines the user customization information (*e.g.*, preferences tied to a user account that is logged in, and the search terms inputted by a user such as preferences set by user for beauty care products search) for the user and a generic template (*e.g.*, a generic webpage template) to form a template program specific to a user (*e.g.*, the code for the entire webpage that utilizes a generic template in

combination with preferences tied to a logged in user account and a user's inputted search terms to create a customized webpage for display).

NEW CUSTOMER

ALREADY AN AVEDA.COM MEMBER? [SIGN IN](#)

* First Name

* Last Name

* Email

* Password

☐ Show password

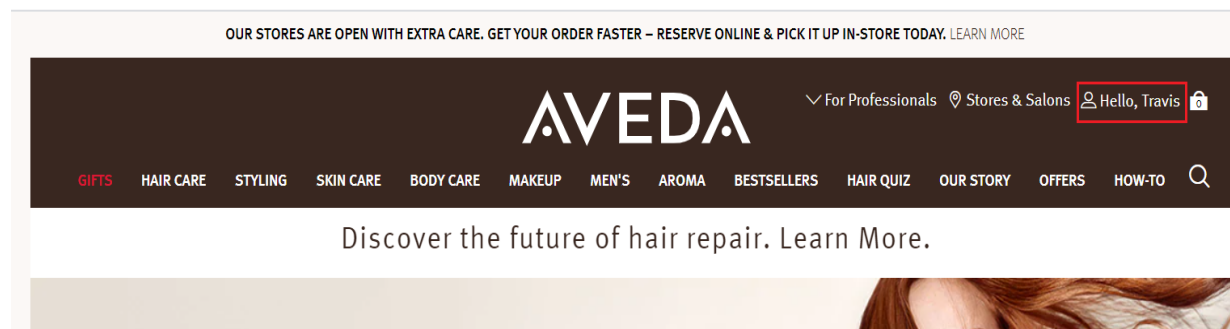
☐

By clicking submit I agree to be bound by the [Terms and Conditions](#) and [Privacy Policy](#) for this website.

☒ I'd like to receive recurring advertising text messages (SMS and MMS) from AVEDA Online. I understand these text messages may be sent via an autodialer and I do not need to provide consent to text messaging to purchase from AVEDA Online. I agree with the [Mobile Terms and Conditions](#). Text STOP to AVEDA (28332) to cancel. Msg & data rates may apply

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(<https://web.archive.org/web/20161021115219/http://www.aveda.com/> (for a particular user)).



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

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Luxuriously cleanses while helping strengthen and repair damaged hair with the power of plants*. Gently removes excess sebum, product build-up and pollution.

*When used with the botanical repair™ strengthening conditioner

FREE FROM: Silicone, Sulfated Cleansers, Parabens, Mineral Oil, Synthetic Fragrances

☒ Purchase One Time ☐ Auto Replenishment (?)
 Save 10% on refills + free shipping with Auto Replenishment

6.7 fl oz/200 ml \$35.00 **ADD TO BAG**

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USAGE +
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FIND IT IN-STORE 20 mi 5 Store(s) near "11101" CHANGE ZIP

Grand Central Station - Aveda Store 10 GRAND CENTRAL TERMINAL 1.9 mi 212-682-5397-	● AVAILABLE
Flatiron/5th Ave - Aveda Store 140 Fifth Ave at 19th St 2.6 mi 212-645-4797-	● AVAILABLE
Columbus Circle - Aveda Store 10 Columbus Circle, STE 308	● AVAILABLE

(https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)).

```

    <div class="product-brief__favorites">...</div>
    <a class="js-spp-link product-brief_extras-link" href="/product/5293/80715/hair-care/conditioner/botanica
    l-repair-strengthening-conditioner" tabindex="-1" aria-hidden="true"></a>
    <!-- Core site click -->
    <!-- Core site click -->
    <a href="#" data-test-id="mpp_quickshop" class="
        button
        button--transparent
        mobile-hidden
        product-brief__quickshop-launch
        js-quickshop-launch-inline
        js-access-button" data-product-id="PROD80715" role="dialog" aria-expanded=
        "false" aria-label="QUICK SHOP">
        QUICK SHOP
    </a>
</div>
<a href="/product/5293/80715/hair-care/conditioner/botanical-repair-strengthening-conditioner" class="produc
t_image-link js-spp-link js-non-access-content js-product-image-link-content">...</a>
</div> == $0
<div class="product-brief__footer">...</div>
</div>
::after
</div>
<div class="
    product-grid_item
    js-product-grid-item
    js-grid-item
    js-access-content
    " data-product-id="PROD80716" data-attributes="{ "tags": "" }" role="listitem" tabindex="0" aria-label="botanical r
    epair<span class="trade">&trade;</span> strengthening leave-in treatment" data-benefit="{ "tags": }" data-
    hairtype="{ "tags": }" data-freefrom="{ "tags": }">
    <div class="js-product js-product-brief product-brief product-brief__container focused" data-product-id="PROD807
    16">
    <div class="product-brief__header">
    <div class="product-brief__badge">...</div>
    <div class="product-brief__extras">
    <div class="product-brief__favorites">...</div>
    <a class="js-spp-link product-brief_extras-link" href="/product/5293/80716/hair-care/conditioner/botanica
    l-repair-strengthening-leave-in-treatment" tabindex="-1" aria-hidden="true"></a>
    <!-- Core site click -->

```

**Currently available beauty care product
details obtained from information source**

(<https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7 fl oz%2F200 ml> (for a particular user)).


```

<!DOCTYPE html>
<!--[if IEMobile 7 ]><html class="no-js iem7" lang="en-US" dir="ltr"><![endif]-->
<!--[if lt IE 7 ]><html class="no-js ie6 oldie" lang="en-US" dir="ltr"><![endif]-->
<!--[if IE 7 ]><html class="no-js ie7 oldie" lang="en-US" dir="ltr"><![endif]-->
<!--[if IE 8 ]><html class="no-js ie8 oldie" lang="en-US" dir="ltr"><![endif]-->
<!--[if (gte IE 9)|(gt IEMobile 7)]!(IEMobile)|!(IE)]><!-->
<html class="js js no-touchevents pointerevents svg placeholder" lang="en-US" dir="ltr">
  <!--<![endif]-->
  <head>...</head>
  <body class="html not-front not-logged-in no-sidebars page-product page-product- page-product-5311 page-product- page-product-80714 page-
  product-hair-care page-product-hair-care-shampoo page-product-hair-care-shampoo-botanical-repair-strengthening-shampoo domain-us i18n-en-e-
  US no-tabs ecommerce section-product top-header device-pc prod no-toolbar elc-user-state-anonymous product-store-check">
    <div id="optanon" class="modern">...</div>
    <a href="#maincontent_focus" class="invisiblefocus visually-hidden" aria-label="Press enter to skip navigation and go to main content">
      Skip navigation and go to main content</a>
    <svg class="svg-symbols hidden" aria-hidden="true" xmlns="http://www.w3.org/2000/svg">...</svg>
    <script>...</script>
    <header class="site-header__wrapper js-header">...</header>
    <div class="skiptarget">...</div>
    <!-- Begin site content here -->
    <div class="site-content" style="padding-top: 142px;">...</div>
    <!-- /End site content here -->
    <script>...</script>
    <div class="site-footer clearfix">...</div>
    <div class="block block-nodeblock block-nodeblock-64 block-nodeblock-64">...</div>
    <div class="block block-nodeblock block-nodeblock-62 block-nodeblock-62">...</div>
    <script>...</script>
    <script src="/sites/aveda/themes/aveda_base/js/site/client_detect_redirect.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/site/client_detect.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/site/app_detect.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/lib/mustache/mustache.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/site/adaptive_placeholders.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/lib/matchHeight/jquery.matchHeight-min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/lib/jquery-outside-events/jquery.ba-outside-events.min.js?ql16fb" defer></script>
    <script src="/sites/all/themes/elc_base/js/csrf/rpc_csrf_token.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/lib/json2.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/generic/utilities.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/generic/jsonrpc.min.js?ql16fb" defer></script>
    <script src="/sites/aveda/themes/aveda_base/js/generic/build/bundle.min.js?ql16fb" defer></script>
    ... <script src="/sites/aveda/themes/aveda_base/js/site/unison.min.js?ql16fb" defer></script> == $0

```

General template used to generate webpage

(https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)).

```

<!-- Core site click -->
<a href="#" data-test-id="mpp_quickshop" class="
    button
    button--transparent
    mobile-hidden
    product-brief__quickshop-launch
    js-quickshop-launch-inline
    js-access-button" data-product-id="PROD80715" role="dialog" aria-expanded=
"false" aria-label="QUICK SHOP">
    QUICK SHOP
</a>

</div>
▶<a href="/product/5293/80715/hair-care/conditioner/botanical-repair-strengthening-conditioner" class="produc
t_image-link js-spp-link js-non-access-content js-product-image-link-content">...</a>
</div>
▶<div class="product-brief__footer">...</div>
</div>
::after
</div>
▼<div class="
    product-grid__item
    js-product-grid-item
    js-grid-item
    js-access-content
    " data-product-id="PROD80716" data-attributes="{ "tags": "" }" role="listitem" tabindex="0" aria-label="botanical r
epair<span class="trade">&trade;</span> strengthening leave-in treatment" data-benefit="{ "tags": }" data-
hairtype="{ "tags": }" data-freefrom="{ "tags": }">
    ▼<div class="js-product js-product-brief product-brief product-brief__container focused" data-product-id="PROD807
16">
        ▼<div class="product-brief__header">
            ▶<div class="product-brief__badge">...</div>
            ▼<div class="product-brief__extras">
                ▶<div class="product-brief__favorites">...</div>
                <div class="product-brief__extras">
                    <a class="js-spp-link product-brief__extras-link" href="/product/5293/80716/hair-care/conditioner/botanical
                    repair-strengthening-leave-in-treatment" tabindex="-1" aria-hidden="true">...</a>
                    <!-- Core site click -->
                </div>
            </div>
        </div>
    </div>
    <!-- Core site click -->

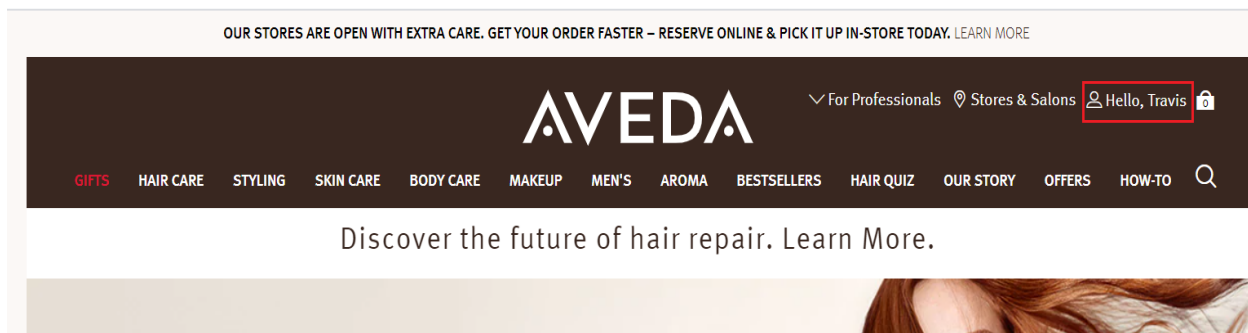
```

Content obtained from information source combined within the template

(https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)).

92. On information and belief, the Accused Instrumentality performs the step of executing, via the at least one server computer (e.g., an aveda.com server or aveda.com controlled server) the user's template program (e.g., a template program is composed of instructions, code and data used to create a user webpage (e.g. after a user logs in, the pages displayed to the user will show the user's name); the aveda.com server provides a generic template that can be customized to a user, additionally, aveda.com servers will provide content that corresponds to a user's request/preferences; thus, although the final webpage may be created on a user's computer via their browser, aveda.com servers are involved in the execution process of the template program used to create said webpage) to generate the user's customized web


page (e.g., beauty care products search results page displayed with other customized info such as a user's name), the user's customized web page including real-time information selected for the user's customized web page based on customization information unique to the user (e.g., beauty care product availability information will be gathered based upon a user's search parameters).



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 1.9 mi
 212-682-5397-

Flatiron/5th Ave - Aveda Store ● AVAILABLE
 140 Fifth Ave at 19th St
 2.6 mi
 212-645-4797-

Columbus Circle - Aveda Store ● AVAILABLE
 10 Columbus Circle, STE 308

(https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)).

```

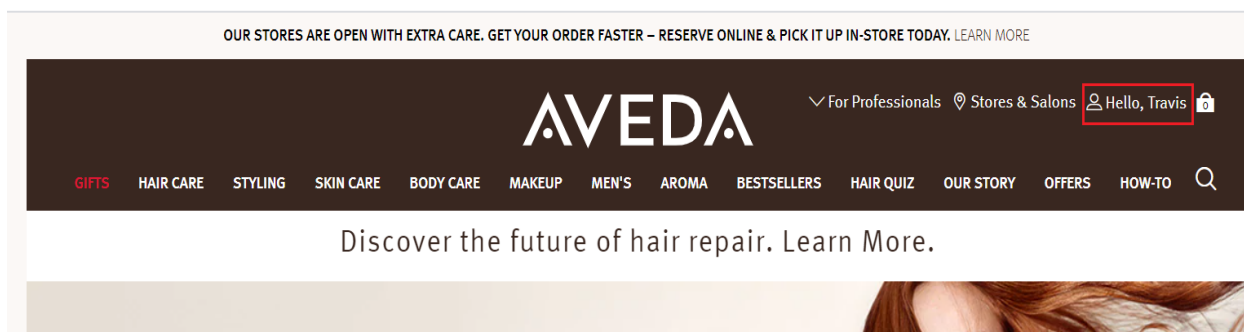
    <div class="product-brief_favorites">...</div>
    <a class="js-spp-link product-brief_extras-link" href="/product/5293/80715/hair-care/conditioner/botanica
    l-repair-strengthening-conditioner" tabindex="-1" aria-hidden="true"></a>
    <!-- Core site click -->
    <!-- Core site click -->
    <a href="#" data-test-id="mpp_quickshop" class="
        button
        button--transparent
        mobile-hidden
        product-brief_quickshop-launch
        js-quickshop-launch-inline
        js-access-button" data-product-id="PROD80715" role="dialog" aria-expanded=
        "false" aria-label="QUICK SHOP">
        QUICK SHOP
    </a>
</div>
<a href="/product/5293/80715/hair-care/conditioner/botanical-repair-strengthening-conditioner" class="produc
t_image-link js-spp-link js-non-access-content js-product-image-link-content">...</a>
</div> == $0
<div class="product-brief__footer">...</div>
</div>
::after
</div>
<div class="
    product-grid_item
    js-product-grid-item
    js-grid-item
    js-access-content
" data-product-id="PROD80716" data-attributes="{ "tags": "" }" role="listitem" tabindex="0" aria-label="botanical r
epair<span class="trade">&trade;</span> strengthening leave-in treatment" data-benefit="{ "tags": }" data-
hairtype="{ "tags": }" data-freefrom="{ "tags": }">
    <div class="js-product js-product-brief product-brief product-brief__container focused" data-product-id="PROD807
    16">
        <div class="product-brief_header">
            <div class="product-brief_badge">...</div>
            <div class="product-brief_extras">
                <div class="product-brief_favorites">...</div>
                <a class="js-spp-link product-brief_extras-link" href="/product/5293/80716/hair-care/conditioner/botanica
                l-repair-strengthening-leave-in-treatment" tabindex="-1" aria-hidden="true"></a>
                <!-- Core site click -->

```

**Currently available beauty care product
details obtained from information source**

(<https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7 fl oz%2F200 ml> (for a particular user)).


93. In at least testing and usage, the Accused Instrumentality practices serving, via the at least one server computer (*e.g.*, an *aveda.com* server will serve a webpage to the user), the user's customized web page (*e.g.*, *aveda.com* servers will be involved in serving a user's customized webpage by providing the generic template program and any content called in response to modifications made to the generic template program based upon a user's search parameters and account preferences).



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

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INGREDIENTS +
RESPONSIBLE PACKAGING +
RESPONSIBLE MANUFACTURING +

♡ f t p e

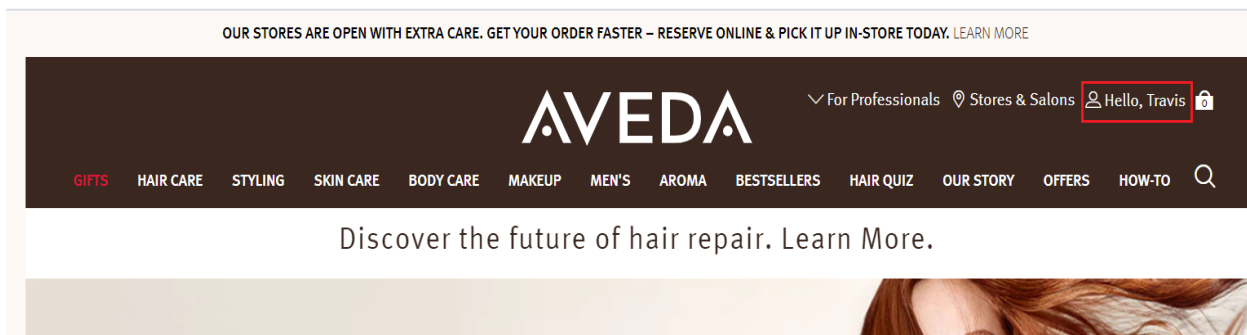
FIND IT IN-STORE 20 mi 5 Store(s) near "11101" CHANGE ZIP

Grand Central Station - Aveda Store 10 GRAND CENTRAL TERMINAL 1.9 mi 212-682-5397-	● AVAILABLE
Flatiron/5th Ave - Aveda Store 140 Fifth Ave at 19th St 2.6 mi 212-645-4797-	● AVAILABLE
Columbus Circle - Aveda Store 10 Columbus Circle, STE 308	● AVAILABLE

(https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)).

94. On information and belief, the Accused Instrumentality, in response to receiving a subsequent request for the user's customized web page (*e.g.*, the receipt of a user's search initiation and login) practices receiving, via the at least one server computer (*e.g.*, an *aveda.com* server) a template program (*e.g.*, code, instructions, etc. that are executed to create a user page) that is unique to the user from one of at least two locations, the location based upon a frequency of user requests for the customized page (*e.g.*, certain components of the webpage may be retrieved from local cache, CDN servers, or cookies, as opposed to a main server, if said components were kept in cache due to a user's frequent request for the same or similar page). In at least testing and usage, the Accused Instrumentality practices receiving a template program (*e.g.*, software instructions and data used for rendering a particular user's search results page such as a JavaScript page) that is unique to the user (*e.g.*, JavaScript pages will be specific to a user because the content can be modified by and/or customized for a user (*e.g.*, after a user logs in, pages can display customized information such as a user's name, in addition to booking search results tied to a user's inputted preferences)) and based on user configuration information (*e.g.*, a user can customize the content of their templates and what will be rendered and displayed using said templates by entering information such as their location and by logging in to their account) the user configuration information being supplied by the user (*e.g.*, a user will have supplied their name and any other preferences tied to their account and will have input preferences applicable to a beauty care products search) and used to build the template program that is unique to the user (*e.g.*, user configuration information is used to modify templates, create instructions, and designate appropriate data retrieval for rendering the user's specific page) and wherein the template program is received from one of at least two locations (*e.g.*, the data and


templates comprising a user's page may be retrieved from a main server/disk storage or other sources such as local cache, CDN server, and cookies), the location determined from the frequency of the user request for the customized page (*e.g.*, based on the frequency at which a user logs in or accesses the aveda.com page, the data comprising the users page may be stored at a main server or at other locations such as local cache, a CDN server, or cookies). Webpage information can be stored in a Javascript object that is used in logic to display various available beauty care products, a user's name and other site logic-based conditions. The template information is stored in multiple locations: (1) at runtime, in a Javascript object with the data structure called Context Data; (2) within browser local storage; and (3) browser cookies.



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

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Earn 350 Pure Privilege Points **\$35.00**
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SEND AS A GIFT ?

DETAILS +
USAGE +
INGREDIENTS +
RESPONSIBLE PACKAGING +
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♡ f t p e

FIND IT IN-STORE 20 mi 5 Store(s) near "11101" CHANGE ZIP

Grand Central Station - Aveda Store ● AVAILABLE
10 GRAND CENTRAL TERMINAL
1.9 mi
212-682-5397-

Flatiron/5th Ave - Aveda Store ● AVAILABLE
140 Fifth Ave at 19th St
2.6 mi
212-645-4797-

Columbus Circle - Aveda Store ● AVAILABLE
10 Columbus Circle, STE 308

(https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)).

```

<form class="locator-js-form" action="/web/20160321020540/http://www.aveda.com/locator/index.tpl" method="post">
  <div class="domestic_form_landing">
    <span class="search-header">u.s. locations</span>
    <div class="zipLanding_container">
      <label>Zip Code:</label>
      <input type="text" class="zip cleardefault" id="zipLanding" name="zip" defaultvalue="Enter Your Zip Code" value="Enter Your Zip Code">
    </div>
  </div>

```

User input stored in variable

(<https://web.archive.org/web/20160321020540/http://www.aveda.com/locator/index.tpl> (for a particular user)).

```

l.addClass("ppoverlay"));var generic=generic||{};var brx=brx||{};brx.globalnav=
.Signup:function(){$("#email_signup .email-signup-intro").after('<ul id="email-errors">
ntainerNode){return
.ProgressNode=emailContainerNode.find("span.progress");emailOptStatusNode=$("#address-info-
node.bind("submit",function(c){var r=$(this).attr("name");var g=$(this).find("input.email-
$(this).find("input.email-signup-postalcode");var u=$(this).find("input.email-signup-
d=$(this).find("input.email-signup-sex:checked");var b=(d.val())?d.val():"";var
.nd("input.email-signup-lastsource");var
reClass("hidden");var q=$(this).serialize();var m=q.split("&"),f="";$.each(m,function(y)

```

(https://web.archive.org/web/20160601210542js_/http://www.aveda.com/magicjs/js/1458757627

[/local_pc_super_conditional_home_home_files.js](#) (for a particular user)).

```

{this.tail=this.tail.substring(B[0].length);this.pos+=B[0].length;return B[0]}return""};y.pr
-1:B=this.tail;this.pos+=this.tail.length;this.tail="";break;case 0:B="";break;default:B=thi
{this.view=B;this.parent=C;this.clearCache()}w.make=function(B){return(B instanceof w)?B:nev
w(B,this)};w.prototype.lookup=function(B){var E=this._cache[B];if(!E){if(B==="."){E=this.vie
{E=E[F[C++]]}}else{E=D.view[B]}if(E!=null){break}D=D.parent}}this._cache[B]=E;if(typeof E==
{this._cache={};this._partialCache={}};u.prototype.compile=function(D,B){var C=this._cache[C]
C};u.prototype.compilePartial=function(C,E,B){var D=this.compile(E,B);this._partialCache[C]=
H=="function"){B._loadPartial=H}else{for(var G in H){B.compilePartial(G,H[G])}}return C(B,
{var H=C.lookup(B);switch(typeof H){case"object":if(o(H)){var D="";for(var E=0,G=H.length;E<
{return K.render(M,C)};var L=H.call(C.view,J,F);return L!=null?L:"";default:if(H){return I(t

```

(https://web.archive.org/web/20160601210542js_/http://www.aveda.com/magicjs/js/1458757627

[/local_pc_super_conditional_home_home_files.js](#) (for a particular user)).

```

n=0;n<=a.n[namespace].e;n++){arr.push(a.n[namespace].v.pop())}a.n[namespace]
oObj"))else{tempStr=tempObj[0];eval("params."+namespace+"=tempStr")}}retu
:=generic||{};generic.cookie=function(b,p,o){var m=document.cookie;if(arg
[return jQuery.parseJSON(h)}catch(k){return h}}else{return undefined}}els
24*60*60*1000);g=o.expires=1;if(g&&g.toUTCString){o.expires=g.toUTCString
="+f"}document.cookie=a}};var generic=generic||{};generic.jsonrpc=(functi
of the request parameters is not supported.",103:"Your request did not re
'post";if(h.onBoth){p.onSuccess=h.onBoth;p.onFailure=h.onBoth}else{p.onS
function(q){if(!q||!q.responseText){g(o.createErrorResponse(103));return
jsonrpcResponse(r);if(r.error){g(s);return false}else{if(r.result){return s}}

```

(https://web.archive.org/web/20160601210542js_/http://www.aveda.com/magicjs/js/1458757627

[/local_pc_super_conditional_home_home_files.js](#) (for a particular user)).

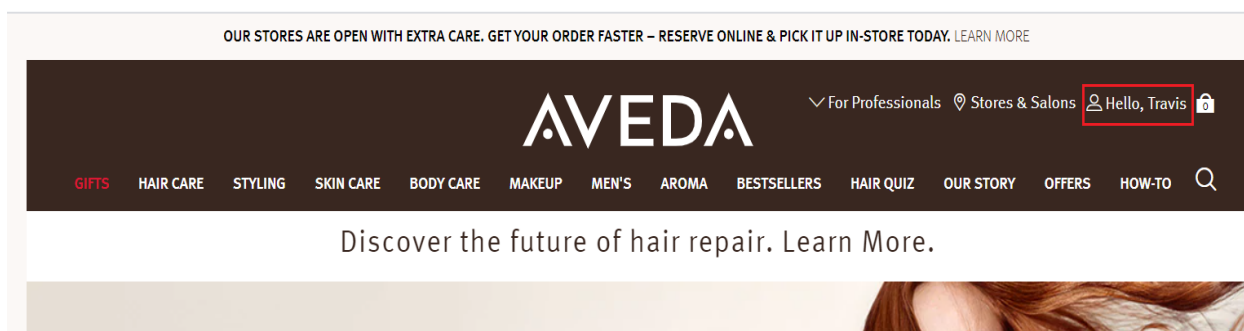
```
{P=new Boolean(P);P.ogg=R.canPlayType('video/ogg; codecs="theora"');var Q='video/mp4; codecs="vp8, vorbis"')}}catch(S){}return P};m.audio=function(){var Q=c.createElement("audio");P.mp3=Q.canPlayType("audio/mpeg;");P.wav=Q.canPlayType('audio/wav; codecs="vorbis"');P.ogg=R.canPlayType('video/ogg; codecs="theora"');var Q='video/mp4; codecs="vp8, vorbis"')}}catch(S){}return P};m.audio=function(){var Q=c.createElement("audio");P.mp3=Q.canPlayType("audio/mpeg;");P.wav=Q.canPlayType('audio/wav; codecs="vorbis"');P.ogg=R.canPlayType('video/ogg; codecs="theora"');var Q='video/mp4; codecs="vp8, vorbis"')}}catch(S){}return P};m.sessionstorage=function(){return !!D.Worker};m.applicationcache=function(){return !!D.applicationCache};m.svg=function(){P=c.createElement("div");P.innerHTML="<svg/>";return(P.firstChild&&P.firstChild.namespaceURI=="http://www.w3.org/2000/svg")?P.firstChild:!!c.createElementNS(J.svg,"animate")));m.svgclip=function(R){for(var Q=0,P=R.length;Q<P;Q++){g[R[Q]]=!!(R[Q] in N)}return g})(("autocompR=0,Q,U,T,P=S.length;R<P;R++){N.setAttribute("type",U=S[R]);Q=N.type!="text";if(Q){N.appendChild(N);T=c.defaultView;Q=T.getComputedStyle&&T.getComputedStyle(N,null).WebkitTransform;if(/^(url|email)$/.test(U)){Q=N.checkValidity&&N.checkValidity()===false}else{if
```

(https://web.archive.org/web/20160601210542js_/http://www.aveda.com/magicjs/js/1458757627

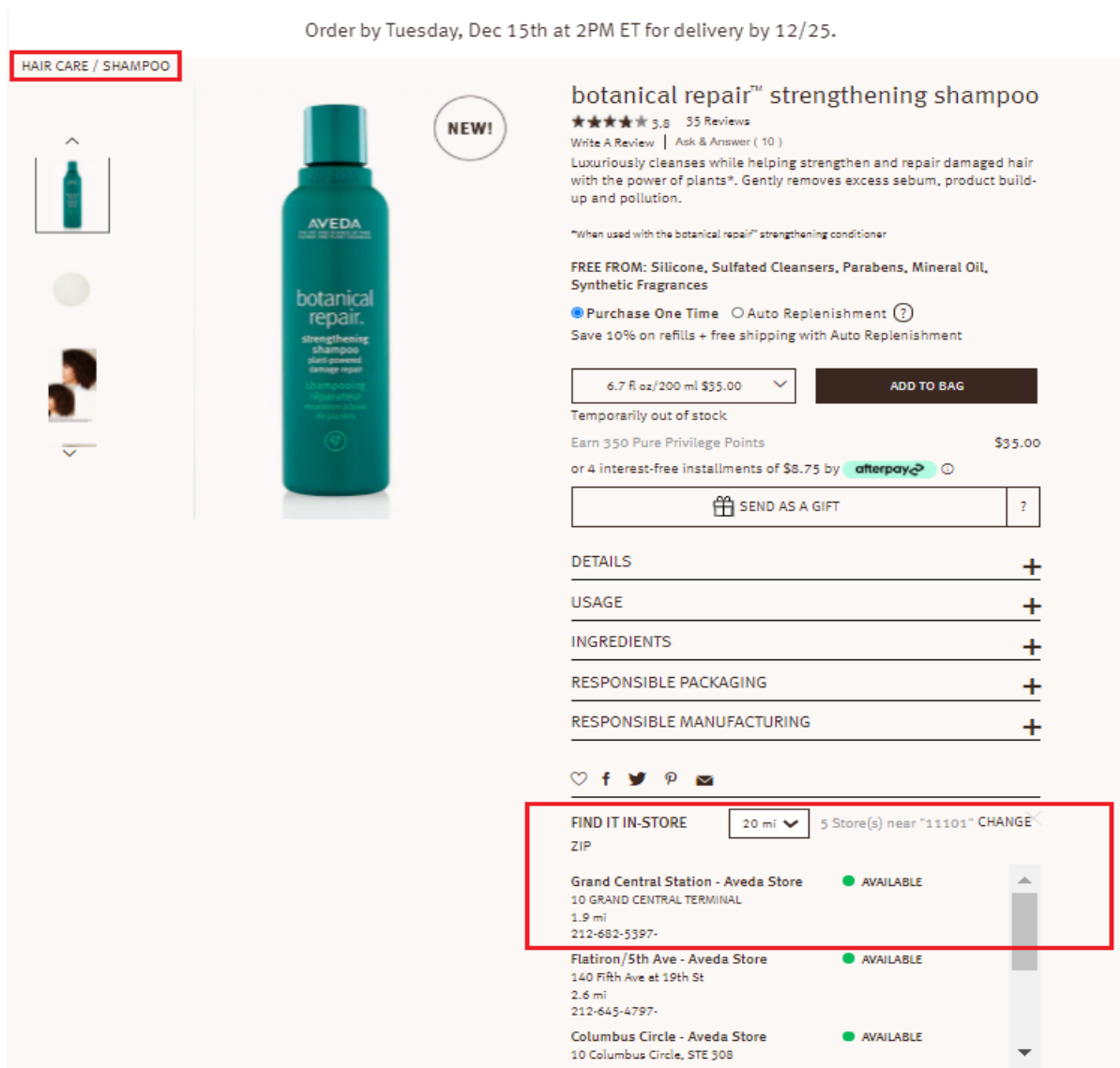
[/local_pc_super_conditional_home_home_files.js](#) (for a particular user)).

95. On information and belief, the Accused Instrumentality performs the step of executing, via the at least one server computer (e.g., an *aveda.com* server) the user's template program (e.g., a template program is composed of instructions, code and data used to create a user webpage (e.g., after a user logs in, the pages displayed to the user will show the user's name);); the *aveda.com* server provides a generic template that can be customized to a user, additionally, *aveda.com* servers will provide content that corresponds to a user's request/preferences; thus, although the final webpage may be created on a user's computer via their browser, *aveda.com* servers are involved in the execution process of the template program used to create said webpage) to generate the user's customized web page (e.g., beauty care products search results page displayed with other customized info such as a user's name), the user's customized web page including real-time information selected for the user's customized web page based on customization information unique to the user (e.g., beauty care product availability information will be gathered based upon a user's search parameters) in response to the subsequent request based on the customization information unique to the user (e.g., a web page displaying beauty care products results will be created and displayed based upon a user's

inputted search parameters and can be further customized based on account preferences (e.g. displaying a user's name based on their account login)).



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



(https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)). As shown below, aveda.com uses an API and/or scripts to gather beauty care products information from information sources in real time.

```

    <div class="product-brief__favorites">...</div>
    <a class="js-spp-link product-brief__extras-link" href="/product/5293/80715/hair-care/conditioner/botanical-repair-strengthening-conditioner" tabindex="-1" aria-hidden="true"></a>
    <!-- Core site click -->
    <!-- Core site click -->
    <a href="#" data-test-id="mpp_quickshop" class="
        button
        button--transparent
        mobile-hidden
        product-brief__quickshop-launch
        js-quickshop-launch-inline
        js-access-button" data-product-id="PROD80715" role="dialog" aria-expanded=
        "false" aria-label="QUICK SHOP">
        QUICK SHOP
    </a>
</div>
<a href="/product/5293/80715/hair-care/conditioner/botanical-repair-strengthening-conditioner" class="product__image-link js-spp-link js-non-access-content js-product-image-link-content">...</a>
</div> == $0
<div class="product-brief__footer">...</div>
</div>
::after
</div>
<div class="
    product-grid__item
    js-product-grid-item
    js-grid-item
    js-access-content
    " data-product-id="PROD80716" data-attributes="{ "tags": "" }" role="listitem" tabindex="0" aria-label="botanical repair<span class="trade">&trade;</span> strengthening leave-in treatment" data-benefit="{ "tags": }" data-hairtype="{ "tags": }" data-freefrom="{ "tags": }">
    <div class="js-product js-product-brief product-brief product-brief__container focused" data-product-id="PROD80716">
        <div class="product-brief__header">
            <div class="product-brief__badge">...</div>
            <div class="product-brief__extras">
                <div class="product-brief__favorites">...</div>
                <a class="js-spp-link product-brief__extras-link" href="/product/5293/80716/hair-care/conditioner/botanical-repair-strengthening-leave-in-treatment" tabindex="-1" aria-hidden="true"></a>
                <!-- Core site click -->

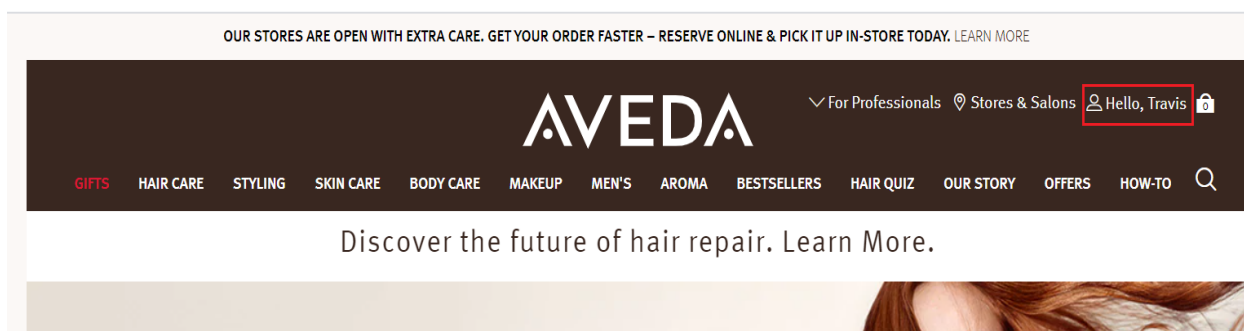
```

Currently available beauty care product details obtained from information source

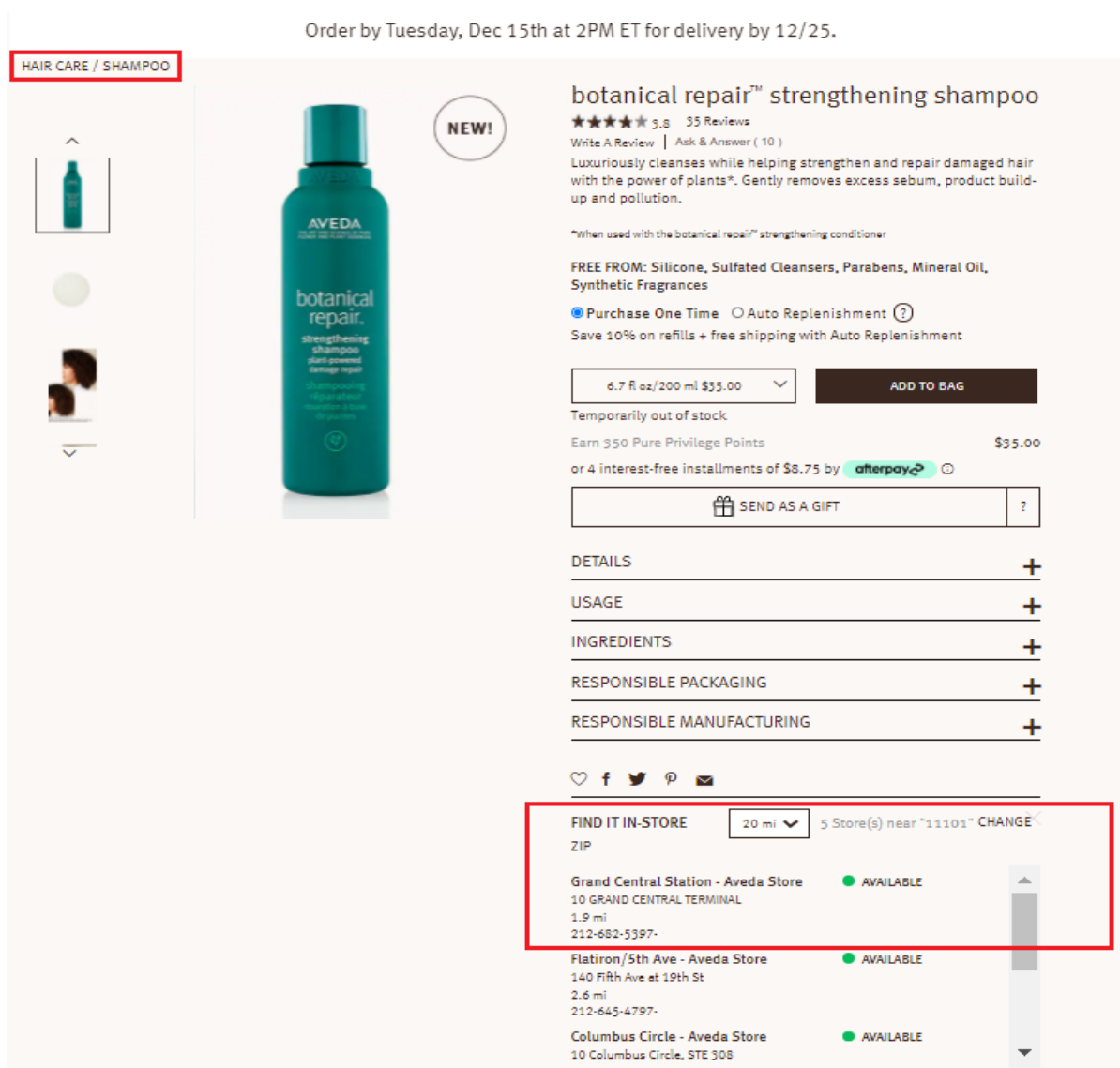
(https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)).

96. On information and belief, the Accused Instrumentality performs the step of serving, via the at least one server computer (e.g., an aveda.com server), the user's customized web page (e.g., aveda.com servers will be involved in serving a user's customized webpage by

providing the generic template program and any content called in response to modifications made to the generic template program based upon a user's preferences and account details).



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



(https://www.aveda.com/product/5311/80714/hair-care/shampoo/botanical-repair-strengthening-shampoo#/shade/6.7_fl_oz%2F200_ml (for a particular user)).

97. On information and belief, the Accused Instrumentality utilizes a template that further includes providing a customized page to the user wherein the user template comprises advertisement selection information for use in selecting one or more advertisements for inclusion in the user's customized web page in addition to real-time information selected for the user's web page (e.g., <https://www.aveda.com/customer-service-privacy>; https://web.archive.org/web/20160317030729/https://www.aveda.com/cms/customer_service/privacy.tmpl#infoWeCollect; https://web.archive.org/web/20160407201718/http://www.aveda.com:80/cms/customer_service/privacy.tmpl#targeted).

98. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates Plaintiff for such Defendant's infringement of the '342 patent, *i.e.*, in an amount that by law cannot be less than would constitute a reasonable royalty for the use of the patented technology, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

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

X. JURY DEMAND

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

XII. PRAYER FOR RELIEF

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

- a. Judgment that one or more claims of United States Patent No. 8,352,854 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- b. Judgment that one or more claims of United States Patent No. 5,983,227 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- c. Judgment that one or more claims of United States Patent No. 7,171,414 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- d. Judgment that one or more claims of United States Patent No. 7,565,359 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- e. Judgment that one or more claims of United States Patent No. 9,626,342 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- f. Judgment that Defendant account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of Defendant's infringing activities and other conduct complained of herein, and an accounting of all infringements and damages not presented at trial;
- g. Judgment that damages should be trebled as a result of Defendant's willful infringement;
- j. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein; and
- k. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

December 18, 2020

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