

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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POPTOP CORP.,

Plaintiff,

v.

ECTACO, INC.,

Defendant.

COMPLAINT

JURY TRIAL DEMANDED

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Pop Top Corporation (“Pop Top”) brings this patent-infringement action against Ectaco, Inc.

Parties

1. Pop Top is a California corporation with its principal place of business in Sunnyvale, California.

2. Ectaco is a New York corporation, having a principal place of business in Long Island City, New York.

Jurisdiction and Venue

3. This action arises under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.*

4. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court may exercise personal jurisdiction over Ectaco, which conducts

continuous and systematic business in New York and in this District. Ectaco maintains corporate offices in the Eastern District. This patent-infringement case arises directly from Ectaco's continuous and systematic activity in this District. In short, this Court's exercise of jurisdiction over Ectaco would be consistent with traditional notions of fair play and substantial justice.

6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)(1) and 1400(b).

Background

7. The inventor of the patents-in-suit is Rohit Chandra. Mr. Chandra built companies which broadly stated, *inter alia*, offered widgets, superior search results, tools for curating web documents, highlighting, social networks etc. Mr. Chandra devoted 15 years in reducing to practice and the commercialization of his inventions.

8. This case involves Mr. Chandra's patents that protect the highlighting services that Mr. Chandra developed and brought to market and were crushed by misappropriation of his inventions by Ectaco.

Count 1: Infringement of U.S. Patent No. 7,966,623

9. Pop Top hereby realleges and incorporates by reference, as if fully set forth herein, the allegations of paragraphs 1-8 above.

10. Pop Top is the exclusive owner of U.S. Patent No. 7,966,623 (the "'623 patent").

11. The '623 patent is valid and enforceable.

12. The '623 patent includes one claim, which is "A computer-implemented method, comprising: at a content server, receiving a request for an internet document from a client web browser; serving the internet document from the content server to the client web browser, wherein the internet document includes code for invoking a highlighting service to operate with

the internet document, the highlighting service hosted at a highlighting service server which is different than the content server hosting the internet document and the code causing a user interface object for invoking the highlighting service to be displayed by the client web browser in connection with the internet document”

13. Ectaco owns and operates the Boox application (the “App”). The App runs on a user’s Boox device. The App is a process that includes software and interfaces to communicate with servers on a backend owned and controlled by Ectaco. The App facilitates the download of a book to the user device, *Onyx User Manual*. The book running on the App is an internet document. The book is served to the Boox device with code to invoke a highlighting service. The App includes a highlighting service hosted by a highlighting server. The App includes a web portal or tool, which allows the reader of *Onyx User Manual* to highlight portions of the text and add notes.

14. Claim 1 continues, “responsive to a user selecting the user interface object in the client web browser, the client web browser communicating a request to the highlighting service server to invoke the highlighting service” Once a user highlights a section of the book running on the App, the App sends a request to the highlighting server.

15. Claim 1: “responsive to the request to invoke the highlighting service, the highlighting service server enabling the highlighting service for the internet document; responsive to the highlighting service being enabled for the internet document, displaying in the client web browser tools for highlighting text and objects of the internet document, said tools represented in a highlighter tool panel in the client web browser and said tools configured to provide the user with a selection of controls enabling various features and functions of the

highlighting service; and responsive to the user highlighting an object in the internet document, communicating the highlighted object or portions thereof to the highlighting service server for storage in such a manner as to be associated with the user who generated the highlight.” The user taps the first word of the selection that he or she wants to highlight and moves the cursor over each word that the user wishes to highlight. A pop up menu will appear and the user taps the highlight button. The highlighting and notes of this user are stored and associated with this user’s account.

Count 2: Infringement of U.S. Patent No. 10,866,713

16. Pop Top hereby realleges and incorporates by reference, as if fully set forth herein, the allegations of paragraphs 1-8 above.

17. Pop Top is the exclusive owner of U.S. Patent No. 10,866,713 (the “‘713 patent”).

18. The ‘713 patent is valid and enforceable.

19. Claim 1 of the ‘713 patent is “A personal digital device with an in-built memory, the device comprising: executable software stored in the in-built memory of the device, the software operative with a processor of the device, without requiring the user to install any additional software components, the software enabling the portable electronic device to display a document on a screen of the device, wherein the document was retrieved from a content server on the Internet, wherein the document was caused to be displayed on the screen of the device by utilizing at least a portion of the software, wherein the software is configured to provide a highlighting service to enable the user to create a highlight on at least one object of the document, wherein the highlighting service is visually invoked by a user initiated action, wherein the software and/or the highlighting service is further configured to store the highlight, or a

reference to the highlight, or a set of data associated with the highlight, created by the user in a storage connected to the Internet along with a unique reference to the user who created the highlight, and a unique reference to the document that the highlight was created on, and wherein, upon being invoked, the software and/or the highlighting service is furthermore configured to automatically retrieve at least one of a previously stored: (i) a highlight, (ii) a reference to a highlight, or (iii) a set of data associated with a highlight.”

20. Ectaco sells devices called “Boox,” on which the App (defined above) runs. The App enables the Boox device to display *Onyx User Manual*, an eBook retrieved from a content server. When a user wants to highlight a section of the book running on the App, the App sends a request to the highlighting server. The request directed to the highlighting server contains an address of the internet document containing the text to be highlighted. The address indicates the server hosting this internet document. The user taps the first word of the selection that he or she wants to highlight and moves the cursor over each word that the user wishes to highlight. A pop up menu will appear and the user taps the highlight button. The highlighting and notes of this user are stored and associated with this user’s account.

21. Claim 16 of the ‘713 patent provides, “A non-transitory computer-readable medium having stored thereon, a set of computer-executable instructions for causing an eBook to enable highlighting, the instructions executing on a processor of a portable electronic book device, wherein the device has executable software stored in a memory of the device for performing the steps of: enabling a highlighting service on a currently displayed document, wherein the currently displayed document was obtained from a content server connected to the Internet, wherein the highlighting service is visually invoked upon an action initiated by the user,

and enables a user of the currently displayed document to generate at least one new highlight, wherein the highlighting service is configured to store the new highlight, or a reference to the new highlight, in a storage unit, and wherein the highlighting service upon being invoked, is configured to automatically retrieve at least one previously generated highlight.”

22. Ectaco sells devices called “Boox,” on which the App (defined above) runs. A Boox device contains the medium of claim 16. The App enables the Boox device to display *Onyx User Manual*, an eBook retrieved from a content server. When a user wants to highlight a section of the book running on the App, the App sends a request to the highlighting server. The request directed to the highlighting server contains an address of the internet document containing the text to be highlighted. The address indicates the server hosting this internet document. The user taps the first word of the selection that he or she wants to highlight and moves the cursor over each word that the user wishes to highlight. A pop up menu will appear and the user taps the highlight button. The highlighting and notes of this user are stored and associated with this user’s account.

Prayer for Relief

WHEREFORE, Pop Top prays for the following relief against Ectaco:

- (a) Judgment that Ectaco has directly infringed claim 1 of the ‘623 patent and claims of the ‘713 patent;
- (b) A reasonable royalty;
- (c) Pre-judgment interest and post-judgment interest at the maximum rate allowed by law;
- (d) Post-judgment injunction; and

(e) Such other and further relief as the Court may deem just and proper.

Demand for Jury Trial

Pop Top demands a trial by jury on all matters and issues so triable.

Date: January 22, 2021

Respectfully Submitted,

/s/ Matthew M. Wawrzyn

Matthew M. Wawrzyn (*pro hac vice*)

matt@wawrzynlaw.com

WAWRZYN LLC

200 Randolph Street, Suite 5100

Chicago, IL 60601

(312) 235.3120

Counsel for Pop Top Corporation