

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

<b>LINFO IP, LLC,</b>	)	
<b>Plaintiff,</b>	)	
	)	<b>Civil Action No. 6:21-cv-01076-ADA</b>
<b>v.</b>	)	
	)	
<b>LOWE’S COMPANIES, INC.,</b>	)	
<b>Defendant.</b>	)	<b>JURY TRIAL DEMANDED</b>

**PLAINTIFF’S FIRST AMENDED COMPLAINT**

Linfo IP, LLC (“Linfo”) files this First Amended Complaint and demand for jury trial seeking relief from patent infringement of the claims of 9,092,428 (“the ‘428 patent”) (referred to as the “Patent-in-Suit”) by Lowe’s Home Centers, LLC (“Lowe’s Home Centers”) (collectively, “Defendant” or “Lowe’s”).<sup>1</sup>

**I. THE PARTIES**

1. Plaintiff Linfo is a Texas Limited Liability Company with its principal place of business located in Travis County, Texas.

2. On information and belief, Lowe’s Home Centers, LLC is a corporation existing under the laws of the State of Delaware, with a regular and established place of business located at 201 N New Rd, Waco, TX 76710. On information and belief, Lowe’s Home Centers, LLC sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing methods or

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<sup>1</sup> The Parties have agreed to extend the deadline to respond this pleading until April 22, 2022 and will be filing a corresponding Notice of Extension. Further, the parties have agreed to that Plaintiff can file this amended complaint.

processes into the stream of commerce knowing that they would be sold in Texas and this judicial district. Lowe's Home Centers, LLC may be served through its registered agent or anywhere they may be found.

## **II. JURISDICTION AND VENUE**

3. This Court has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an Act of Congress relating to patents, namely, 35 U.S.C. § 271.

4. This Court has personal jurisdiction over Defendant because: (i) Defendant is present within or has minimum contacts within the State of Texas and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in this judicial district.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendant have committed acts of infringement and has a regular and established place of business in this District. Further, venue is proper because Defendants conduct substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Texas and this District.

## **III. INFRINGEMENT**

### **A. Infringement of the '428 Patent**

6. On September 20, 2016, U.S. Patent No. 9,092,428 (“the ‘428 patent”, attached as Exhibit A) entitled “System, methods and user interface for discovering and presenting information in text content” was duly and legally issued by the U.S. Patent and Trademark Office. Linfo IP, LLC owns the ‘428 patent by assignment.

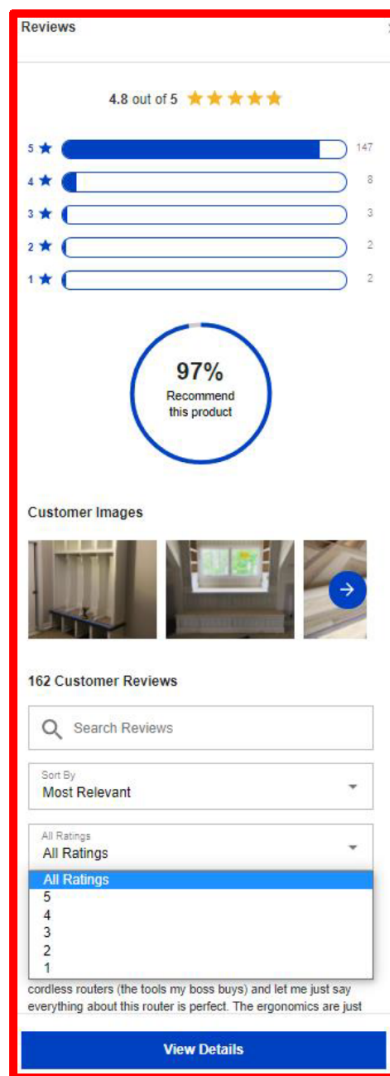
7. The ‘428 patent relates to a novel and improved methods and apparatuses for conducting electronic commerce.

8. Defendant maintain, operate, and administer systems that facilitate discovering and presenting information in text content with different view formats that infringes one or more claims of the ‘428 patent, including one or more of claims 1-20, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the ‘428 Patent into service (i.e., used them); but for Defendant’ actions, the claimed-inventions embodiments involving Defendant’ products and services would never have been put into service. Defendant’ acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant’ procurement of monetary and commercial benefit from it.

9. Support for the allegations of infringement may be found in the following preliminary table:

1. A computer-assisted method for discovering information in a text content and extracting and presenting the information, comprising:

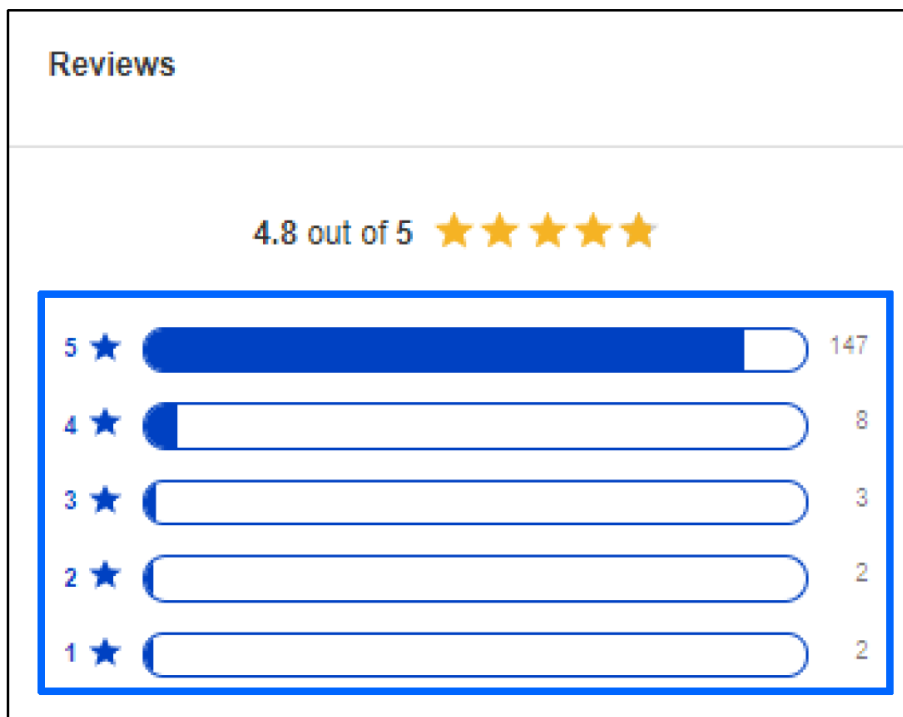
For Example: Lowes's web site has an interactive product review section that allows customers to filter reviews from high to low.



<https://www.lowes.com/pl/Routers-Routers-accessories-Power-tools-Tools/4047623125>

obtaining, by a computer system, a text content comprising one or more words or phrases or sentences, each being a term or an instance of a term;

For Example: The customer [clicks on the review for DEWALT 1/4-in-Amp Variable Speed Brushless Fixed Cordless Router on the Lowes web site and 5-star, 4-star, 3-star 2-star and 1-star text reviews pop up.](#)



<https://www.lowes.com/pl/Routers-Routers-accessories-Power-tools-Tools/4047623125>

selecting a **first semantic attribute** and a **second semantic attribute** for users to select from, wherein the first semantic attribute or the second semantic attribute includes an attribute type or attribute value;

For Example: The customer can select a first semantic attribute (high rating which is a 5-star attribute value) and a second semantic attribute (low rating which is a 1-star attribute value).

Sort By  
Most Relevant

All Ratings  
All Ratings

All Ratings

5

4

3

2

1

cordless routers (the tools my boss buys) and let me just say everything about this router is perfect. The ergonomics are just

**View Details**

<http://www.lowes.com/pl/Routers-Routers-accessories/Power-tools/Tools/4047623125>

wherein the first semantic attribute is associated with a first name or description, and the second semantic attribute is associated with a second name or description;

For Example: The customer can select a first semantic attribute (high rating which is a 5-star attribute value) and a second semantic attribute (low rating which is a 1-star attribute value).

DEWALT 1/4-in-Amp Variable Speed Brushless Fixed Cordless Router with No Case Included (No Bare Tool) \$199.00 [Add to Cart](#)

Overview Specifications Reviews Questions & Answers Compare Product Features

5 out of 5 5 ★ 147

Write a Review

100% Recommend this product

Customer Images

Pros

Satisfaction Compact Powerful Ease Of Use Weight

Showing 147 of 162 Customer Reviews

Search Reviews

Sort By: Most Relevant

All Ratings: 5

Trim guy January From dev

Best trim router ever made!

★★★★★

bought this back in November 2020 after burning up 2 "Green" cordless routers (the tools my boss buys) and let me just say everything about this router is perfect. The ergonomics are just perfect where your hands just fall into place on the tool and button placement/adjustments are super easy love the way the depth is adjusted. Power is hands down amazing it last quite a while on 6ah batteries and just EATS through material like a corded router. Im a professional trim carpenter so I use it qui...

[+ Read More](#)

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wherein the first semantic attribute is associated with a first name or description, and the second semantic attribute is associated with a second name or description;

For Example: The customer can select a first semantic attribute (high rating which is a 5-star attribute value) and a second semantic attribute (low rating which is a 1-star attribute value).

DEWALT 1/4-In-Amp Variable Speed Brushless Fixed Cordless Router with No Case Included (No Bare Tool) \$199.00 [Add to Cart](#)

Overview Specifications Reviews Questions & Answers Compare Product Features

### REVIEWS

1 out of 5

★☆☆☆☆

[Write a Review](#)

5 ★ 147

4 ★ 8

3 ★ 3

1 ★ 1

[Clear](#)

50% Recommend this product

Customer Images

Pros

[Satisfaction](#) [Compact](#) [Powerful](#) [Ease Of Use](#) [Weight](#)

Showing 2 of 162 Customer Reviews

Sort By: Most Relevant

All Ratings: 1

All Ratings: 5, 4, 3, 1

matty gr August 7 From

**Worked great for 10 minutes** ★☆☆☆☆

Seemed promising. I got through ~5 linear feet of soft material (boral true exterior) and it simply stopped. 6ah battery was fully charged, swapped for another 6ah battery that my drill was running (full charge), the tool's white led light flashes briefly, zero motor movement... I'm in a middle of a project and it's simply not even worth the time/hassle to drive it somewhere for service or pay to have it shipped...junk grade item at this point...

<https://www.lowes.com/pl/Routers-Routers-accessories-Power-tools-Tools/4047623125>



identifying a words or phrases in the text content associated with the first semantic attribute or the second semantic attribute;

For Example: The customer can select a first semantic attribute (high rating which is a 5-star attribute value).

DEWALT 1/4-in-Amp Variable Speed Brushless Fixed Cordless Router with No Case Included (No Bare Tool) \$199.00 [Add to Cart](#)

Overview Specifications Reviews Questions & Answers Compare Product Features

5 out of 5 ★ ★ ★ ★ ★ [Write a Review](#)

5 ★ 147

4 ★ 8

3 ★ 3

2 ★ 2

1 ★ 2

[Clear](#)

100% Recommend this product

Customer Images

Pros

[Satisfaction](#) [Compact](#) [Powerful](#) [Ease Of Use](#) [Weight](#)

Showing 147 of 162 Customer Reviews

Sort By: Most Relevant

All Ratings: 5

All Ratings: 5

4

3

2

1

Trim gus

January

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displaying an actionable user interface object, wherein the actionable user interface object is associated with a label representing the first name or description or the second name or description;

For Example: The customer can select a first semantic attribute (high rating which is a 5-star attribute value) that is displayed on the actionable user interface object.

Sort By  
Most Relevant

All Ratings  
All Ratings

All Ratings

5

4

3

2

1

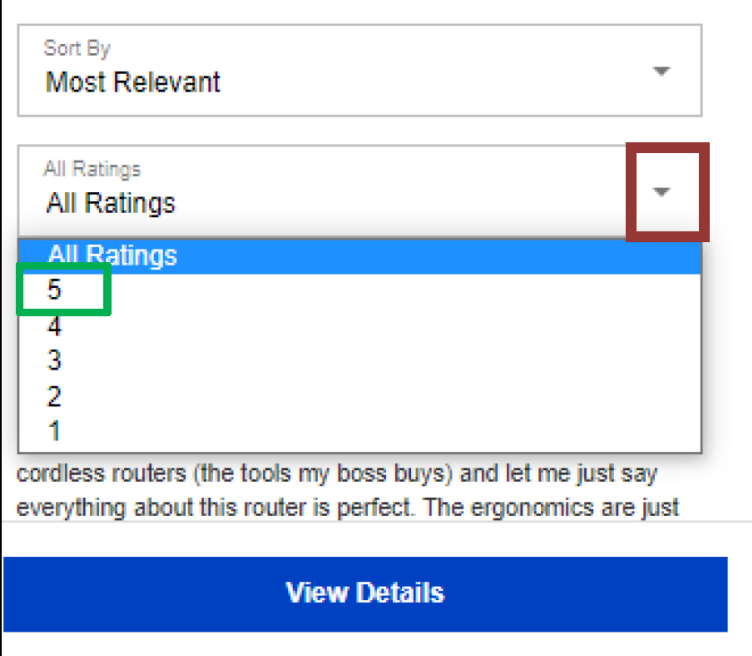
Cordless routers (the tools my boss buys) and let me just say everything about this router is perfect. The ergonomics are just

**View Details**

<http://www.lowes.com/pl/Routers-Routers-accessories/Power-tools/Tools/4047623125>

allowing the user to select the first name or description or the second name or description as a user-specified or user-desired attribute;

For Example: The customer can select a first semantic attribute (high rating which is a 5-star attribute value) with the drop-down arrow, as a user-specified or user-desired attribute.



The screenshot shows a product page interface. At the top, there is a 'Sort By' dropdown menu set to 'Most Relevant'. Below it, there is a section for ratings. The 'All Ratings' dropdown menu is open, showing a list of ratings from 1 to 5. The rating '5' is highlighted with a green box. Below the ratings, there is a text snippet: 'cordless routers (the tools my boss buys) and let me just say everything about this router is perfect. The ergonomics are just'. At the bottom of the section, there is a blue button labeled 'View Details'.

<https://www.lowes.com/pl/Routers-Routers-accessories-Power-tools-Tools/4047623125>

and performing, by the computer system, an action on the word or phrase associated with the user-specified or user-desired semantic attribute, wherein the action includes at least extracting, displaying, storing, showing or hiding, or highlighting or un-highlighting the word or phrase.

For Example: The customer can perform an action on the word "High Rating" which is a user specified semantic attribute (high rating or 5-star attribute value), with the drop-down arrow. as a user-specified or user-desired attribute; and the 5-Star reviews will be extracted and will pop up on the display.

Pros

Satisfaction Compact Powerful Ease Of Use Weight

Showing 147 of 162 Customer Reviews

Search Reviews

Sort By Most Relevant

All Ratings 5

All Ratings

5

Trim guy 3

January 2

From de 1

**Best trim router ever made!**

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[+ Read More](#)

<https://www.lowes.com/pl/Routers-Routers-accessories-Power-tools-Tools/4047623125>

These allegations of infringement are preliminary and are therefore subject to change.

10. Defendant have and continue to induce infringement. Defendant have actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., discovering and presenting information in text content with different view formats) such as to cause infringement of one or more of claims 1–20 of the ‘428 patent, literally or under the doctrine of equivalents. Moreover, Defendant have known of the ‘428 patent and the technology underlying it from at least the date of issuance of the patent and from the date of the filing of the lawsuit.

11. Defendant have and continue to contributorily infringe. Defendant have actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., discovering and presenting information in text content with different view formats) and related services such as to cause infringement of one or more of claims 1–20 of the ‘428 patent, literally or under the doctrine of equivalents. Moreover, Defendant have known of the ‘428 patent and the technology underlying it from at least the date of issuance of the patent and from the date of the filing of the lawsuit.

12. Defendant have caused and will continue to cause LINFO damage by direct and indirect infringement of (including inducing infringement of) the claims of the ‘428 patent.

#### **IV. JURY DEMAND**

LINFO hereby requests a trial by jury on issues so triable by right.

#### **V. PRAYER FOR RELIEF**

WHEREFORE, LINFO prays for relief as follows:

- a. enter judgment that Defendant have infringed the claims of the '428 patent;
- b. award LINFO damages in an amount sufficient to compensate it for Defendant' infringement of the '428 patent in an amount no less than a reasonable royalty or lost profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;
- c. award LINFO an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;
- d. declare this case to be "exceptional" under 35 U.S.C. § 285 and award LINFO its attorneys' fees, expenses, and costs incurred in this action;
- e. declare Defendant' infringement to be willful and treble the damages, including attorneys' fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;
- f. a decree addressing future infringement that either (i) awards a permanent injunction enjoining Defendant and its agents, servants, employees, affiliates, divisions, and subsidiaries, and those in association with Defendant from infringing the claims of the Patents-in-Suit, or (ii) awards damages for future infringement in lieu of an injunction in an amount consistent with the fact that for future infringement the Defendant will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and
- g. award LINFO such other and further relief as this Court deems just and proper.

Respectfully submitted,

**Ramey & Schwaller, LLP**



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*Attorneys for LINFO IP, LLC*

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the above and foregoing document has been served on March 30, 2022, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.