

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

**CADDO SYSTEMS, INC. and 511  
TECHNOLOGIES, INC.,**

**Plaintiffs,**

**v.**

**PROGRESS SOFTWARE CORPORATION**

**Defendant.**

**Civil Action No.**

**DEMAND FOR JURY TRIAL**

**COMPLAINT FOR PATENT INFRINGEMENT**

In this action for patent infringement Plaintiffs Caddo Systems, Inc. and 511 Technologies, Inc. (“Plaintiffs or Caddo”) hereby make the following allegations against Defendant Progress Software Corporation (“Defendant” or “Progress”)

**NATURE OF THE ACTION**

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

**THE PARTIES**

2. Plaintiff Caddo Systems, Inc. (“Caddo”) is a Texas corporation with its principal place of business in the 511 Technology Center at 511 N. Washington Avenue, Marshall, Texas 75670.

3. Plaintiff 511 Technologies, Inc. (“511 Tech”) is a Texas corporation with its principal place of business at 511 N. Washington Avenue, Marshall, Texas 75670. Since 2010, 511 Tech has operated the 511 Technology Center, including the provision of invention, patent and product development support services in diverse fields including color measurement, flash

storage devices, communication protocols, electronic circuitry, software development, energy storage and control, cloud-connected industrial and consumer products, medical diagnostic device, and art instruction from its headquarters in the former Coca-Cola bottling plant located in the Ginocchi Historic District in Marshall, Texas.

4. In collaboration with 511 Tech and others working in the 511 Technology Center, Caddo researches, designs, and develops information systems, including systems based on the Asserted Patents. The Caddo and 511 Tech collaboration includes software products based on inventions described and claimed in the Asserted Patents.

5. Caddo is the owner by assignment of 100% interest in the Asserted Patents. 511 Tech has the exclusive license to practice and develop the inventions of the Asserted Patents.

6. On information and belief, Defendant Progress is a Delaware corporation with its principal place of business located at 15 Wayside Rd, Suite 400 Burlington, MA 01803. Upon information and belief, Progress is authorized to do business in the Commonwealth of Massachusetts and may be served through its registered agent Corporation Service Company, 251 Little Falls Drive, Wilmington DE 19808.

### **JURISDICTION AND VENUE**

7. This action for patent infringement arises under the patent laws of the United States, Title 35 of the United States Code.

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

9. This Court has personal jurisdiction over Progress because it has sufficient minimum contacts with this forum as a result of business conducted within the Commonwealth of Massachusetts and in this District. For example, Progress has a principal place of business in this District at 15 Wayside Road, Suite 400 Burlington, MA 01803. Personal jurisdiction also exists specifically over Progress because Progress, directly or through subsidiaries or

intermediaries, makes, uses, offers for sale, or sells products or services within the Commonwealth of Massachusetts and in this District through accused instrumentalities that directly or indirectly infringe the Asserted Patents (as discussed further below).

10. On information and belief, Defendant Progress designs, develops, manufactures, sells, offers to sell, and/or imports products, devices, systems, and/or components of systems through certain accused instrumentalities that either infringe or support the infringement of the patents asserted in this action.

11. On information and belief, Progress sells and offers to sell products and services throughout the United States and in Massachusetts, including in this District, through the accused instrumentalities, through major electronics retailers in the United States, and in concert and partnership with third parties.

12. Furthermore, personal jurisdiction over Progress in this action comports with due process. Progress has conducted and regularly conducts business within the United States and this District. Progress has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in the Commonwealth of Massachusetts and in this District. Progress has sought protection and benefit from the laws of the Commonwealth of Massachusetts by making available products and services, including websites and associated web pages, that infringe the Asserted Patents with the awareness and/or intent that they will be used (or visited) by consumers in this District. Having purposefully availed itself of the privilege of conducting business within this District, Progress should reasonably and fairly anticipate being brought into court here.

13. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b) at least because Progress is subject to personal jurisdiction in this District and has regularly conducted

business in this District, and because certain of the acts complained of herein occurred in this District. On information and belief, Progress makes, uses, sells, offers to sell, and/or imports, within the Commonwealth of Massachusetts and in this District, products and services through the accused instrumentalities that infringe the Asserted Patents.

14. Additionally, Progress—directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents—ships, distributes, offers for sale, and/or sells its products and services in the United States and this District. Progress has purposefully and voluntarily placed one or more of its products into the stream of commerce through the accused instrumentalities that infringe the Asserted Patents with the awareness and/or intent that they will be purchased by consumers in this District. Progress knowingly and purposefully ships infringing products into, and within, this District. These infringing products have been, and continue to be, purchased by consumers and businesses in this District.

#### **THE ASSERTED PATENTS**

15. On March 13, 2007, the United States Patent and Trademark Office (“USPTO”) duly and legally issued U.S. Patent No. 7,191,411 (“the ’411 Patent”), entitled “Active Path Menu Navigation System.” A copy of the ’411 Patent is attached hereto as Exhibit 1.

16. Plaintiffs own all substantial right, title, and interest in the ’411 Patent, and hold the right to sue and recover damages for infringement thereof, including past infringement.

17. On May 8, 2007, the USPTO duly and legally issued U.S. Patent No. 7,216,301 (“the ’301 Patent”), entitled “Active Path Menu Navigation System.” A copy of the ’301 Patent is attached hereto as Exhibit 2.

18. Plaintiffs own all substantial right, title, and interest in the ’301 Patent, and hold the right to sue and recover damages for infringement thereof, including past infringement.

19. On December 29, 2009, the USPTO duly and legally issued U.S. Patent No. 7,640,517 (“the ’517 Patent”), entitled “Active Path Menu Navigation System.” A copy of the ’517 Patent is attached hereto as Exhibit 3.

20. Plaintiffs own all substantial right, title, and interest in the ’517 Patent, and hold the right to sue and recover damages for infringement thereof, including past infringement.

21. On May 25, 2010, the USPTO duly and legally issued U.S. Patent No. 7,725,836 (“the ’836 Patent”), entitled “Active Path Menu Navigation System.” A copy of the ’836 Patent is attached hereto as Exhibit 4.

22. Plaintiffs own all substantial right, title, and interest in the ’836 Patent, and hold the right to sue and recover damages for infringement thereof, including past infringement.

23. On January 8, 2013, the USPTO duly and legally issued U.S. Patent No. 8,352,880 (“the ’880 Patent”), entitled “Active Path Menu Navigation System.” A copy of the ’880 Patent is attached hereto as Exhibit 5.

24. Plaintiffs own all substantial right, title, and interest in the ’880 Patent, and hold the right to sue and recover damages for infringement thereof, including past infringement.

25. On July 31, 2018, the USPTO duly and legally issued U.S. Patent No. 10,037,127 (“the ’127 Patent”), entitled “Active Path Menu Navigation System.” A copy of the ’127 Patent is attached hereto as Exhibit 6.

26. Plaintiffs own all substantial right, title, and interest in the ’127 Patent, and hold the right to sue and recover damages for infringement thereof, including past infringement.

27. On November 23, 2021, the USPTO duly and legally issued U.S. Patent No. 11,182,053 (“the ’053 Patent”), entitled “Active Path Menu Navigation System.” A copy of the ’053 Patent is attached hereto as Exhibit 7.

28. Plaintiffs own all substantial right, title, and interest in the '053 Patent, and hold the right to sue and recover damages for infringement thereof, including past infringement.

**COUNT I - INFRINGEMENT OF U.S. PATENT NO. 7,191,411**

29. Plaintiffs incorporate and reallege the preceding paragraphs as if fully set forth herein.

30. The '411 Patent is directed to systems and methods for navigating within a multi-level hierarchical collapsing menu structure, as described and claimed in the '411 Patent.

31. Defendant has and continues to directly infringe at least Claim 1 of the '411 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by, among other things, by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) software and content to be interactively presented in browsers, including, without limitation, the web navigation software available for subscription, download, and/or purchase via [www.progress.com](http://www.progress.com) and <https://www.telerik.com/>, including, without limitation, software that allows content to be interactively presented in and/or served to web browsers, folders, and/or databases, including but not limited to Progress' SiteFinity CMS offering breadcrumb widgets (e.g., <https://www.progress.com/documentation/sitefinity-cms/breadcrumb-widget-mvc>), and Telerik's UI for Blazor, and features and functions with similar breadcrumb functionalities, and; (ii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing or that allows navigating within a multi-level hierarchical information structure where each level in the menu contains plural items, each said item being at least one of a function, a pointer to a location, and a pointer to another level (hereinafter, the "411 Accused Instrumentalities").

32. On information and belief, the '411 Accused Instrumentalities provide a method for navigating within a multi-level hierarchical collapsing menu structure where each level in the menu contains plural items, each said item being at least one of a function, a pointer to a location, and a pointer to another level. Upon information and belief, the '411 Accused Instrumentalities provide a method for navigating a multi-level hierarchical collapsing menu structure that includes a multi-level hierarchy where each level in the menu contains plural items, each said item being at least one of a function, a pointer to a location, and a pointer to another level (e.g., “The Blazor Breadcrumb component allows navigation within a folder structure or web page. It provides an easy way to navigate backwards by one or multiple steps. In addition to built-in navigation capabilities, you can browse through the items, define templates for the individual nodes, render text and icons/images, and respond to events”) (*see, e.g.*, [https://docs.telerik.com/blazor-ui/components/breadcrumb/overview?\\_ga=2.223276635.1128083525.1653557842-1024976134.1651179118](https://docs.telerik.com/blazor-ui/components/breadcrumb/overview?_ga=2.223276635.1128083525.1653557842-1024976134.1651179118) (last visited May 25, 2022)). As another example, the '411 Accused Instrumentalities provide a method for navigating a multi-level hierarchical collapsing menu structure that includes a multi-level hierarchy where each level in the menu contains plural items, each said item being at least one of a function, a pointer to a location, and a pointer to another level (e.g., which are created through the collapsible “Horizontal Navigation”) (*see, e.g.*, <https://www.progress.com/documentation/sitefinity-cms/121/horizontal-navigation>) (last visited May 25, 2022); *see also* <https://www.progress.com/documentation/sitefinity-cms/breadcrumb-widget-mvc> (last visited May 25, 2022) (“You use the Breadcrumb widget to display the path to the current page. This helps your users to navigate the website and to understand where the page they are looking at is located.”)

33. More specifically, upon information and belief, the '411 Accused Instrumentalities provide a graphical user menu system displaying the items of a given level and enabling selection thereof (e.g., the graphical user menu system labeled "Components" displayed on the left in UI for Blazor or the graphical user menu system labeled "Site Components" displayed on the left in "Built-in Widget"), wherein access of said given level requires sequential access of each of the levels preceding said given level in the hierarchy (e.g., to access "Overview," "Breadcrumb" is accessed first, or to access "Built-in Widgets," "Widgets" is accessed first) (*see, e.g.*, <https://demos.telerik.com/blazor-ui/breadcrumb/overview> and <https://www.progress.com/documentation/sitefinity-cms/built-in-widgets-mvc>). As another example, the '411 Accused Instrumentalities provide a graphical user menu system displaying the items of a given level and enabling selection thereof in the horizontal navigation ("Horizontal with dropdown menus" in SiteFinity):

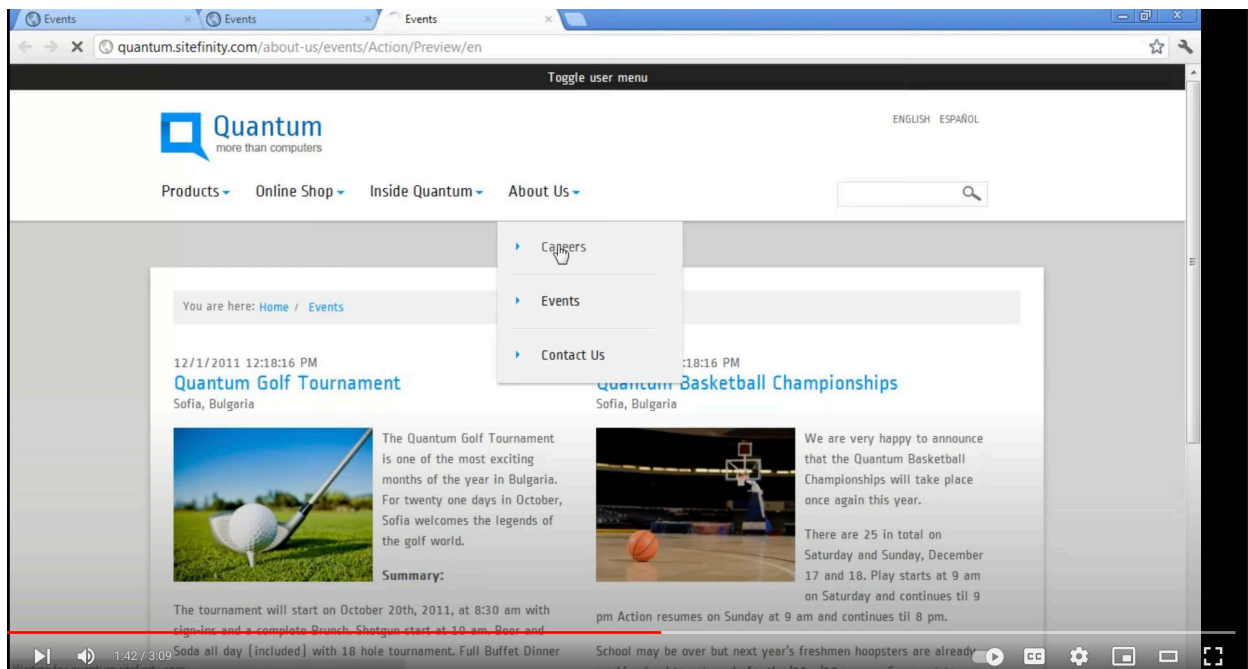
3. Select the template used for the navigation.

In *Template* dropdown box, choose one of the following:

- *Horizontal (one-level)*  
The system displays links to the pages horizontally (one next to the other). There is no hierarchy (no links to children pages).
- *Horizontal with dropdown menus*  
The system displays links to the pages horizontally. If you select a parent page or a group page, the system displays all children pages in a dropdown menu.
- *Horizontal with tabs (up to 2 levers)*  
The system displays links to the pages horizontally. If you select a parent page or a group page, the system displays all children pages in a tabstrip.
- *Vertical (one-level)*  
The system displays links to the pages vertically. There is no hierarchy.
- *Tree (vertical with sub-pages)*  
The system displays links to the pages in a vertical tree with all its nodes expanded. The Tree navigation type enables you to view the hierarchy of the website.
- *Sitemaps in columns*  
The system displays links to top level pages horizontally. If a top level page is a parent page or a group page, containing other pages, they are displayed in a column below their parent page. Only the first two levels of hierarchy are displayed.
- *Sitemaps in rows*  
The system displays links to top level pages vertically. If a top level page is a parent page or a group page, containing other pages, they are displayed in a row below their parent page. Only the first two levels of hierarchy are displayed.

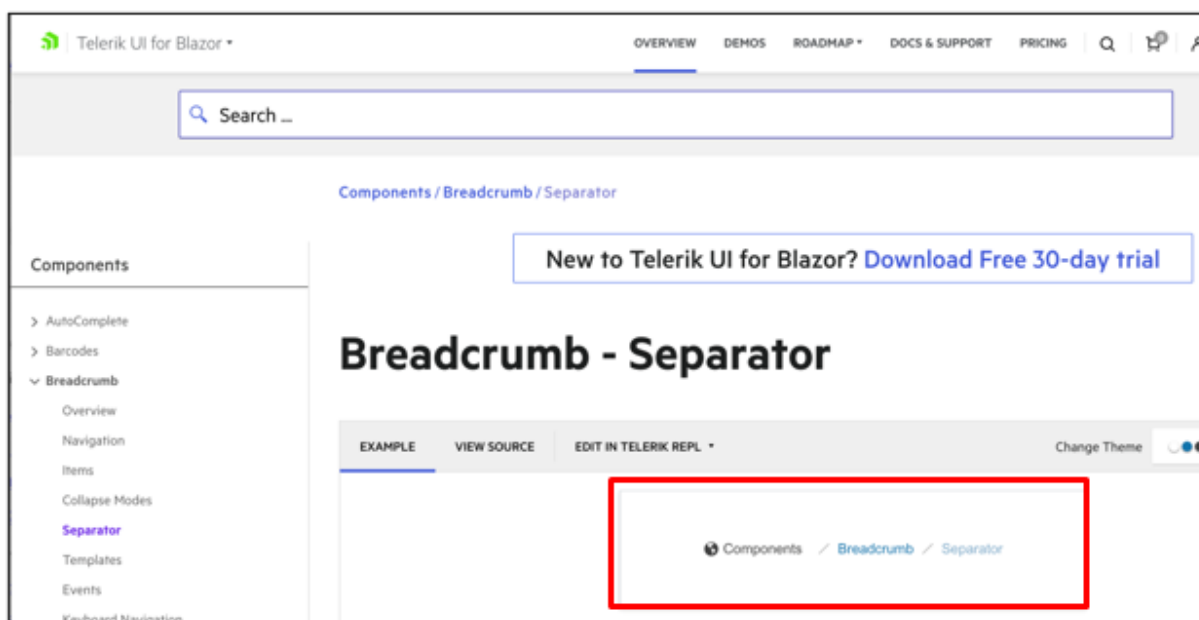


<https://www.progress.com/documentation/sitefinity-cms/121/navigation-widget-webforms> (last visited May 25, 2022); *see also* <https://www.progress.com/documentation/sitefinity-cms/121/horizontal-navigation-with-dropdown-menus> (last visited May 25, 2022); *see also* the top navigation collapsible menu “Products / Online Shop / Inside Quantum / About Us” in SiteFinity, *available at* <https://www.youtube.com/watch?v=0LH3YVD67Ls> (last visited May 25, 2022):



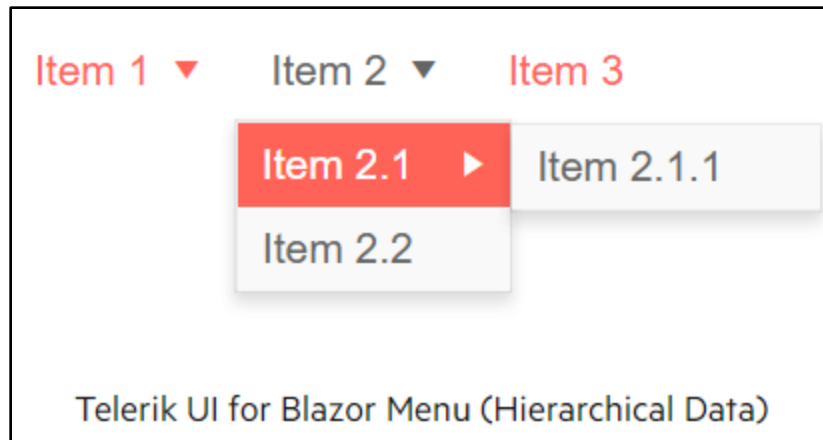
34. Also, the '411 Accused Instrumentalities automatically construct an Active Path as a sequence of hierarchical active links as items are selected using the graphical user menu system without the need for any additional interaction with the graphical user system (e.g., the '411 Accused Instrumentalities automatically construct an active path (e.g., “Components / Breadcrumb / Separator”) as a sequence of hierarchical active links as items are selected (e.g., “Components,” “ Breadcrumb” and “Separator” are selected without the need for any additional interaction with the graphical user system); as another example, the '411 Accused Instrumentalities automatically construct an active path “Item 1 / Item 2 / Item 3” as a sequence

of hierarchical active links as items are selected without the need for any additional interaction with the graphical user system (e.g., as “Item 1,” “Item 2” and “Item 3” are selected)), with one said active link corresponding to each of the items selected (e.g., the ’411 Accused Instrumentalities’ active path “Components / Breadcrumb / Separator ” corresponds to each of the items selected, including “Components,” “Breadcrumb” and “Separator”; as another example, the ’411 Accused Instrumentalities’ active path “Item 1 / Item 2 / Item 3” corresponds to each of the items selected, including “Item 1,” “Item 2” and “Item 3”) as shown below:



See, e.g., <https://demos.telerik.com/blazor-ui/breadcrumb/separator> (last visited May 19, 2022);

see also <https://www.telerik.com/blogs/telerik-ui-for-blazor-1-6-0-menu-timepicker-grid-enhancements> (last visited May 19, 2022);



35. As another example, the '411 Accused Instrumentalities automatically construct an Active Path as a sequence of hierarchical active links as items are selected (e.g., as items in the “horizontal navigation” are selected; as another example, as “Home,” “Widgets,” “Built-in Widgets,” “Navigation Widgets,” and “Breadcrumb widget” are selected) using the graphical user menu system without the need for any additional interaction with the graphical user system (either in the horizontal navigation or left navigation menu), as shown below:

Progress Sitefinity DOCUMENTATION    Version Sitefinity 14.1    Tutorials    Best Practices    Troubleshooting    Knowledge base    Sitefinity Insight docs    Sitefinity Cloud doc

< All topics

Site components

- > Modules
- > Custom fields
- > Pages
- ▼ Widgets
  - ▼ Built-in widgets
    - > Content widgets
    - ▼ Navigation widgets
      - Navigation widget
      - Breadcrumb widget**
      - Site selector widget
      - Language selector widget
    - > Scripts and styles widgets
    - > Login widgets
    - > Search widgets
    - > User account widgets
    - > Classifications widgets
    - > Email campaigns widgets
    - Filter expressions for content items
    - NativeChat widget
    - Dynamic content widgets
    - Add widgets on pages and templates
    - Translate MVC widgets
    - Widget samples in GitHub

Home > Widgets > Built-in widgets > Navigation widgets > Breadcrumb widget

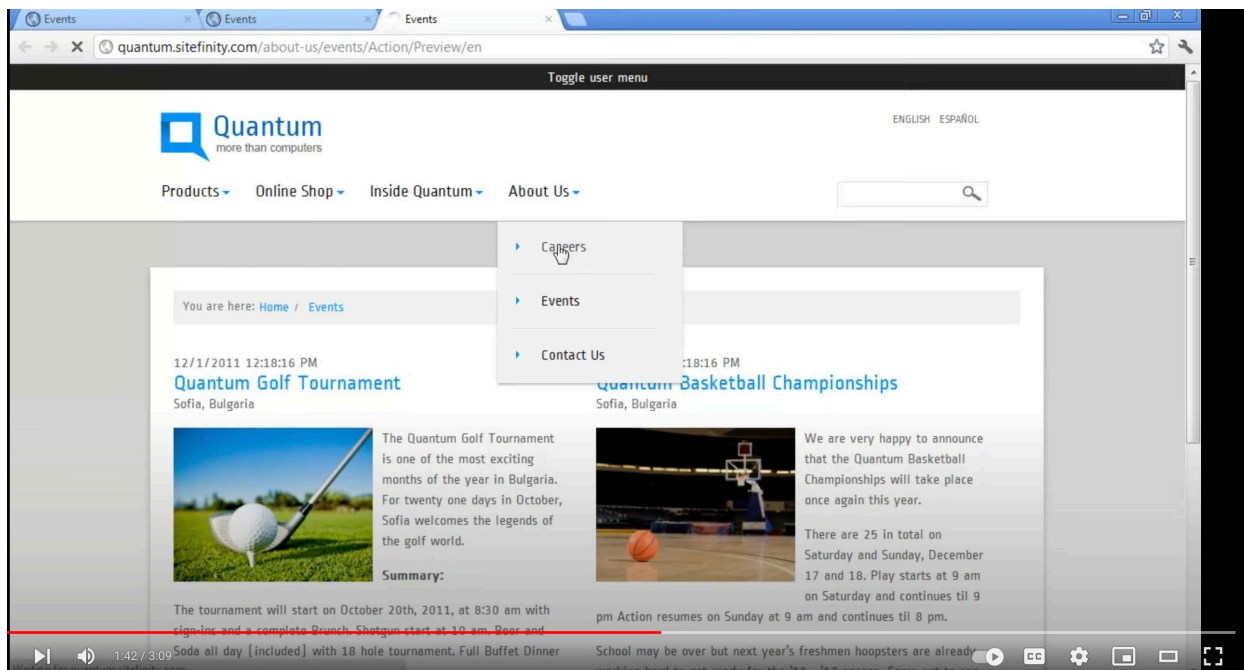
## Breadcrumb widget

You use the *Breadcrumb* widget to display the path to the current page. This helps your users to navigate the website and to understand where the page they are looking at is located.

**Configure the breadcrumb view**  
To configure the *Breadcrumb* widget:

- Click the *Edit* button in the upper-right corner of the widget.  
The *Edit* window is displayed.
- Under *What to include in the breadcrumb*, choose one of the following radio buttons:
  - **Full path to the current page**  
The system displays the full path to the current page, starting from the homepage.
  - **Path starting from a specific page...**  
The system displays the path from a selected page to the current page.
    - Click the *Select a page* button.
    - Select a page from the selector and click *Done selecting*.  
You must select a page that is a parent of the current page.
- Choose whether you want to:
  - **Show Home page link**  
Displays the home page at the beginning of the breadcrumb.
  - **Show Current page in the end of the breadcrumb**  
This displays the current page as a link at the end of the breadcrumb.
  - **Show Group pages in the breadcrumb**

See also <https://www.progress.com/documentation/sitefinity-cms/breadcrumb-widget-mvc> (last visited May 19, 2022); see also the active path “Home / Careers” in SiteFinity, available at <https://www.youtube.com/watch?v=0LH3YVD67Ls> (last visited May 25, 2022):



36. Also, each active link in the '411 Accused Instrumentalities is independently selectable thereby providing direct access to the hierarchical level from which the corresponding item was selected without the need to navigate using said graphical user menu system (e.g., in the example above, the active link “Breadcrumb” is independently selectable to thereby providing direct access to the hierarchical level from which “Breadcrumb” was selected without the need to navigate using graphical user menu system; as another example, the active link “Item 2” is independently selectable to thereby providing direct access to the hierarchical level from which “Item 2” was selected without the need to navigate using graphical user menu system). As another example, in SiteFinity, each active link in the '411 Accused Instrumentalities is independently selectable thereby providing direct access to the hierarchical level from which the corresponding item was selected without the need to navigate using said

graphical user menu system (e.g., each link in “Home / Widgets / Built-in Widgets / Navigation Widgets / Breadcrumb widget” and in “Home / Careers”) is independently selectable thereby providing direct access to the hierarchical level from which the corresponding item was selected without the need to navigate using the graphical user menu system in the horizontal navigation or in the left navigation menu):

37. The '411 Accused Instrumentalities' active path is displayed as an alternative to the graphical user menu system for navigating the multi-level hierarchical collapsing menu structure after the user has finished selecting items using the graphical user system (e.g., the '411 Accused Instrumentalities display the Active Path as an alternative to Defendant's graphical user menu system for navigating the multi-level hierarchical collapsing menu structure after the user has finished selecting items, such as Components,” “ Breadcrumb” and “Separator,” or “Item 1,” “ Item 2” and “Item 3,” or “Home,” “Widgets,” “Built-in Widgets,” “Navigation Widgets,” and “Breadcrumb widget” using graphical user menu system such that Active Path is displayed after the multi-level hierarchical collapsing menu structure has collapsed) such that the Active Path is displayed after the multi-level hierarchical collapsing menu structure has collapsed. As another example, in Sitefinity, the '411 Accused Instrumentalities' active path is displayed as an alternative to the graphical user menu system (either the horizontal navigation or left navigation, which is collapsible) for navigating the multi-level hierarchical collapsing menu structure after the user has finished selecting items using the graphical user system (e.g., after the horizontal navigation or left navigation is collapsed (e.g., after the item “About Us” in top navigation menu “Products / Online Shop / Inside Quantum / About Us” is collapsed). *See also* <https://www.progress.com/documentation/sitefinity-cms/120/customize-the-navigation-widget-webforms>; *see also* <https://community-archive.progress.com/forums/00297/44850.html>.

38. On information and belief, in the '411 Accused Instrumentalities, pre-selecting a given active link triggers the display of sibling menu items on the level associated with said given active link without disturbing the displayed Active Path (e.g., in UI for Blazor, pre-selecting "Item 2" triggers the display of sibling menu items "Item 2.1" and "Item 2.2" on the level associated with "Item 2" without disturbing the displayed Active Path). As another example, in the '411 Accused Instrumentalities, pre-selecting a given active link triggers the display of sibling menu items on the level associated with said given active link without disturbing the displayed Active Path (e.g., in SiteFinity, pre-selecting an active link triggers the display of "all children pages" where these pages are sibling items).

39. Discovery is expected to uncover the full extent of Defendant's infringement of the '411 Patent beyond the '411 Accused Instrumentalities already identified through public information.

40. Upon information and belief, Defendant has induced and continue to induce others to infringe at least Claim 1 of the '411 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendant's new, current, and prospective users, partners, customers and other third parties, whose use of the '411 Accused Instrumentalities constitutes direct infringement of at least Claim 1 of the '411 Patent.

41. In particular, Defendant's actions that aid and abet others such as its new, current, and prospective users, partners, customers and third parties to infringe include advertising the '411 Accused Instrumentalities. On information and belief, Defendant has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendant has had actual knowledge of the '411 Patent and knowledge

that its acts were inducing infringement of the '411 Patent because Defendant has had actual knowledge of the '411 patent and knowledge that its acts were inducing infringement of the '411 patent since at least December 2, 2021 (the date which Defendant received Plaintiffs' notice letter) that such activities infringed the '411 patent.

42. Defendant's acts of inducement include, without limitation: providing the '411 Accused Instrumentalities to its new, current, and prospective users, partners, and customers, and other third parties and intending them to use the '411 Accused Instrumentalities that enable and/or make use of content published therein; encouraging customers and other third parties to communicate directly with Defendant's representatives about the '411 Accused Instrumentalities and content published therein for purposes of technical assistance as well as sales and marketing (see, e.g., <https://www.telerik.com/contact> (providing consumers with a technical support portal through which technical issues and concerns regarding the '411 Accused Instrumentalities can be addressed); see, e.g., [https://twitter.com/Telerik?ref\\_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor](https://twitter.com/Telerik?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor) and <https://www.youtube.com/watch?v=jAOZY9TZi78> (Defendant's social media accounts promoting the use of the '411 Accused Instrumentalities through which various media content can be accessed); instructing third parties on how to infringe and code the '411 Accused Instrumentalities through various media content (<https://www.telerik.com/forums/breadcrumbs-with-dropdown>; [https://www.youtube.com/watch?v=zOgM\\_V4t1Ik](https://www.youtube.com/watch?v=zOgM_V4t1Ik) , [https://www.youtube.com/watch?v=0LH3YVD67Ls&ab\\_channel=ProgressSitefinity](https://www.youtube.com/watch?v=0LH3YVD67Ls&ab_channel=ProgressSitefinity), and <https://www.youtube.com/watch?v=lzS99vtRxOI>); see, e.g., [https://learn.telerik.com/learn/course/external/view/elearning/27/telerik-ui-for-blazor?\\_ga=2.193365869.1128083525.1653557842-1024976134.1651179118](https://learn.telerik.com/learn/course/external/view/elearning/27/telerik-ui-for-blazor?_ga=2.193365869.1128083525.1653557842-1024976134.1651179118) (providing a free

download and tutorial of the '411 Accused Instrumentalities); *see*

[https://blazorrepl.telerik.com/mGYdYlks32yPNE9v39?\\_ga=2.268756913.1128083525.1653557](https://blazorrepl.telerik.com/mGYdYlks32yPNE9v39?_ga=2.268756913.1128083525.1653557)

[842-1024976134.1651179118](https://blazorrepl.telerik.com/mGYdYlks32yPNE9v39?_ga=2.268756913.1128083525.1653557) (providing a demo for configuring the '411 Accused

Instrumentalities); *see, e.g.*, <https://www.telerik.com/purchase.aspx?filter=web> (providing a

payment portal for the '411 Accused Instrumentalities); <https://community->

[archive.progress.com/forums/00296/53466.html](https://community-archive.progress.com/forums/00296/53466.html) (providing tutorial on how to create “horizontal navigation”).

43. Defendant performed acts of inducement despite its actual knowledge since at least December 2, 2021 (the date on which Defendant received Plaintiffs’ notice letter) and its knowledge that the specific actions it actively induced and continue to actively induce on the part of its users, partners, and customers, and other third parties constitute infringement of the '411 Patent. At the very least, because Defendant has been, and remains, on notice of the '411 Patent and the accused infringement, it has been, and remains, willfully blind regarding the infringement that it has induced and continue to induce.

44. On information and belief, Defendant has contributed to, continues to contribute to, and jointly infringes at least Claim 1 of the '411 Patent pursuant to 35 U.S.C. § 271(c) by providing the '411 Accused Instrumentalities that have jointly contributed to, contributed to, and continue to contribute to the direct infringement of new, current, and prospective users, partners, customers and other third parties with the knowledge at least as of the December 2, 2021 (the date on which Defendant received Plaintiffs’ notice letter) that the '411 Accused Instrumentalities are especially made or adapted for use in an infringement of the '411 Patent. For example, by providing the web pages, software, and computer equipment identified above, Defendant contributes to the direct infringement of users and jointly infringes through said web



pages, software, and computer equipment. The '411 Accused Instrumentalities are material components or apparatuses for use in practicing the '411 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

45. For example, the '411 Accused Instrumentalities provide a graphical user menu system through which a user can navigate within a multi-level hierarchical collapsing system according to the claimed invention(s). Defendant supplied, and continues to supply, the '411 Accused Instrumentalities, or components or apparatuses thereof, with the knowledge of the '411 Patent and with the knowledge that these components or apparatuses constitute critical and material parts of the claimed inventions of the '411 Patent. Moreover, Defendant knows at least by virtue of its knowledge of its own products and services and the '411 Patent that the '411 Accused Instrumentalities are especially made and/or especially adapted for use as claimed in the '411 Patent and there is no substantial non-infringing use of these components or apparatuses.

46. Additionally or alternatively, to the extent any third parties or end-users perform are required to perform one or more steps recited in claim 1 of the '411 patent, any such action by third parties and/or end-users is attributable to Defendant, such that Defendant is liable for jointly infringing such claims in a multiple actor or joint infringement situation, because Defendant directs or controls the other actor(s). In this regard, Defendant conditions participation in activities, as well as the receipt of benefits, upon performance of any such step by any such third party or end user. Defendant exercises and/or directs control over the one or more steps performed by the '411 Accused Instrumentalities, by exercising sole direction over the entire infringing process (e.g., by conditioning participation by such third parties and/or end-users through the use of the '411 Accused Instrumentalities as the primary means of navigating products implementing the accused functionalities)—and benefits from third parties' and/or end-

users' use, including, without limitation, creating and receiving ongoing revenue streams from its goods and/or services sold through the use of the '411 Accused Instrumentalities, improving, enhancing, promoting, or advertising its or their products and services, through the use of the '411 Accused Instrumentalities, including its website and navigation structures, improving user experience and engagement, improving web page performance, and/or increasing cross-sell conversion opportunities. End-users and third parties receive a benefit from fiscal gains (e.g., customers, partners, visitors, and/or users increasing the value of their own products and/or services through the use of the '411 Accused Instrumentalities) and enhanced navigation (e.g., end-users and third parties are able to navigate Defendant's website to find, locate, and/or discover existing and/or new products and services offered by Defendant), including receiving clear orientation cues to help third parties and/or end-users identify their exact location within products implementing the '411 Accused Instrumentalities, and/or finding existing products/services, learning about new ones, and/or discovering other products or services not previously known to those third parties and/or end-users (and/or their customers and/or users), and doing so with greater ease and control. Defendant also establishes the manner and timing of that performance by such third-parties and/or end-users, as dictated by the claimed method—by deploying the accused functionalities as the primary means of navigation for browsing and reviewing content for websites, databases, and/or folder structures implementing the '411 Accused Instrumentalities. All third-party and end-user involvement, if any, is incidental, ancillary, or contractual.

47. Defendant has directly, indirectly and/or jointly infringed the '411 Patent and are thus liable for the direct, indirect, and/or joint infringement of the '411 Patent pursuant to 35 U.S.C. § 271.

48. Plaintiffs have suffered, and continue to suffer, damages as a result of Defendant's infringement of the '411 Patent.

49. Defendant has continued to infringe the '411 Patent since at least the December 2, 2021 (the date on which Defendant received Plaintiffs' notice letter) despite being on notice of the '411 Patent and its infringement. Defendant has therefore infringed the '411 Patent knowingly, willfully, deliberately, and in disregard of Plaintiffs' patent rights since at least the December 2, 2021 (the date on which Defendant received Plaintiffs' notice letter) at least by infringing with actual knowledge of its direct and indirect infringement or while remaining willfully blind to the fact of its direct and indirect infringement. As a result of at least this conduct, Plaintiffs are entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35 U.S.C. § 285.

50. Plaintiffs reserve the right to modify its infringement theories as discovery progresses in this case. Plaintiffs shall not be estopped for purposes of its infringement contentions or its claim constructions by the foregoing discussions on how the '411 Accused Instrumentalities infringe the '411 Patent. Plaintiffs intend only that the foregoing discussions satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure, and that they should not be construed as Plaintiffs' preliminary or final infringement contentions or preliminary or final claim construction positions.

**COUNT II - INFRINGEMENT OF U.S. PATENT NO. 7,216,301**

51. Plaintiffs incorporate and reallege the preceding paragraphs as if fully set forth herein.

52. The '301 Patent is directed to systems and methods for navigating within a multi-level hierarchical information structure, as described and claimed in the '301 Patent.

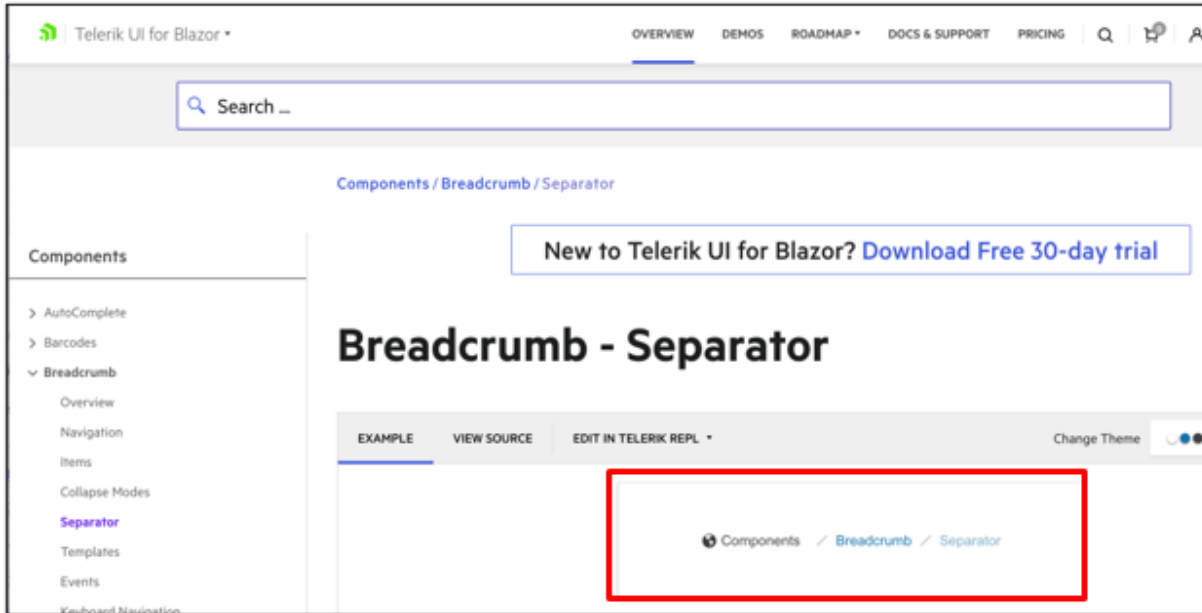
53. Defendant has and continues to directly infringe at least Claim 1 of the '301 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by, among other things, by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: without authority: (i) software and content to be interactively presented in browsers, including, without limitation, the web navigation software available for subscription, download, and/or purchase via [www.progress.com](http://www.progress.com) and <https://www.telerik.com/>, including, without limitation, software that allows content to be interactively presented in and/or served to web browsers, folders, and/or databases, including but not limited to Progress' SiteFinity CMS offering breadcrumb widgets (e.g., <https://www.progress.com/documentation/sitefinity-cms/breadcrumb-widget-mvc>), and Telerik's UI for Blazor, and features and functions with similar breadcrumb functionalities, and; (ii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing or that allows navigating within a multi-level hierarchical information structure where each level in the menu contains plural items, each said item being at least one of a function, a pointer to a location, and a pointer to another level (hereinafter, the "'301 Accused Instrumentalities").

54. On information and belief, the '301 Accused Instrumentalities provide a method for navigating within a multi-level hierarchical information structure where each level in the information structure contains plural items, each said item being at least one of a function, a pointer to a location, and a pointer to another level (e.g., "The Blazor Breadcrumb component allows navigation within a folder structure or web page. It provides an easy way to navigate backwards by one or multiple steps. In addition to built-in navigation capabilities, you can browse through the items, define templates for the individual nodes, render text and

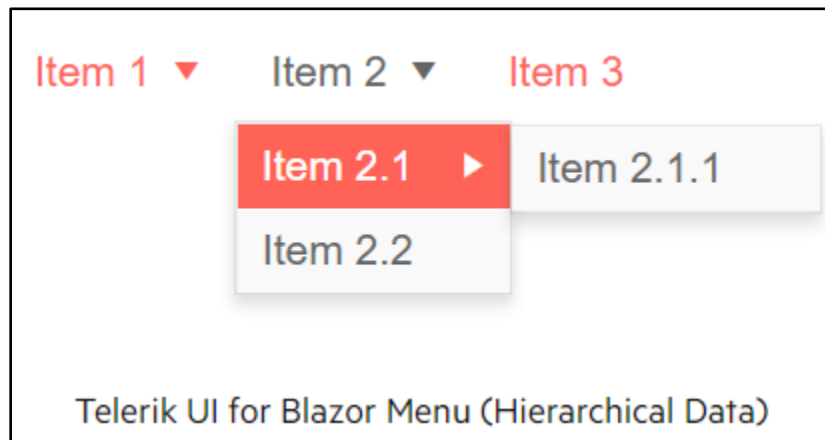
icons/images, and respond to events”) (*see, e.g.*, [https://docs.telerik.com/blazor-ui/components/breadcrumb/overview?\\_ga=2.223276635.1128083525.1653557842-1024976134.1651179118](https://docs.telerik.com/blazor-ui/components/breadcrumb/overview?_ga=2.223276635.1128083525.1653557842-1024976134.1651179118) (last visited May 25, 2022)). As another example, the ’301 Accused Instrumentalities provide a method for navigating within a multi-level hierarchical information structure where each level in the information structure contains plural items, each said item being at least one of a function, a pointer to a location, and a pointer to another level (e.g., which are created through the collapsible “Horizontal Navigation”) (*see, e.g.*, <https://www.progress.com/documentation/sitefinity-cms/121/horizontal-navigation>) (last visited May 25, 2022); *see also* <https://www.progress.com/documentation/sitefinity-cms/breadcrumb-widget-mvc> (last visited May 25, 2022) (“You use the Breadcrumb widget to display the path to the current page. This helps your users to navigate the website and to understand where the page they are looking at is located.”)

55. More specifically, the ’301 Accused Instrumentalities provide a graphical user menu system displaying the items of a given level of the hierarchical information structure and enabling selection thereof (e.g., “the graphical user menu system labeled “Components” displayed on the left in UI for Blazor or the graphical user menu system labeled “Site Components” displayed on the left in “Built-in Widget”), and dynamically constructing an Active Path as a sequence of active links as items are selected using the graphical user menu system (e.g., Components / Breadcrumb / Separator”) as a sequence of hierarchical active links as items are selected (e.g., as “Components,” “ Breadcrumb” and “Separator” are selected); as another example, the ’301 Accused Instrumentalities dynamically construct an active path “Item 1 / Item 2 / Item 3” as a sequence of active links as items are selected using the graphical user menu system (e.g., as “Item 1,” “ Item 2” and “Item 3” are selected)), with one said active link

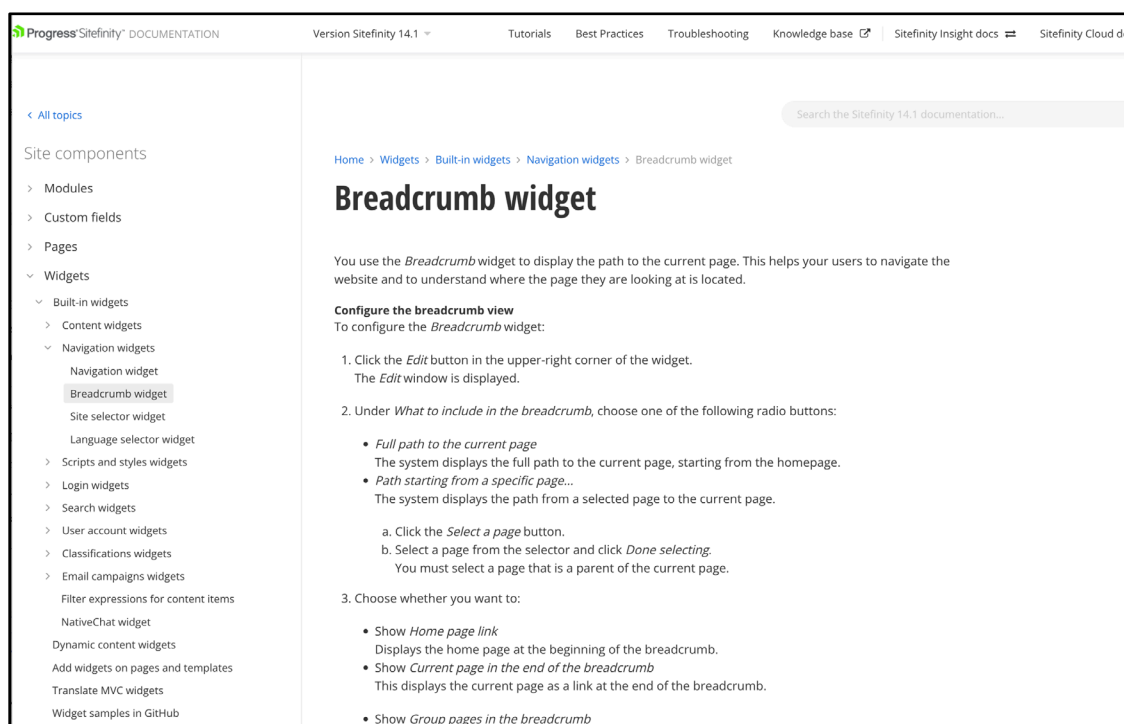
corresponding to each of the items selected (e.g., the '301 Accused Instrumentalities' active path "Components / Breadcrumb / Separator" corresponds to each of the items selected, including "Components," "Breadcrumb" and "Separator"; as another example, the '301 Accused Instrumentalities' active path "Item 1 / Item 2 / Item 3" corresponds to each of the items selected, including "Item 1," "Item 2" and "Item 3") as shown below:



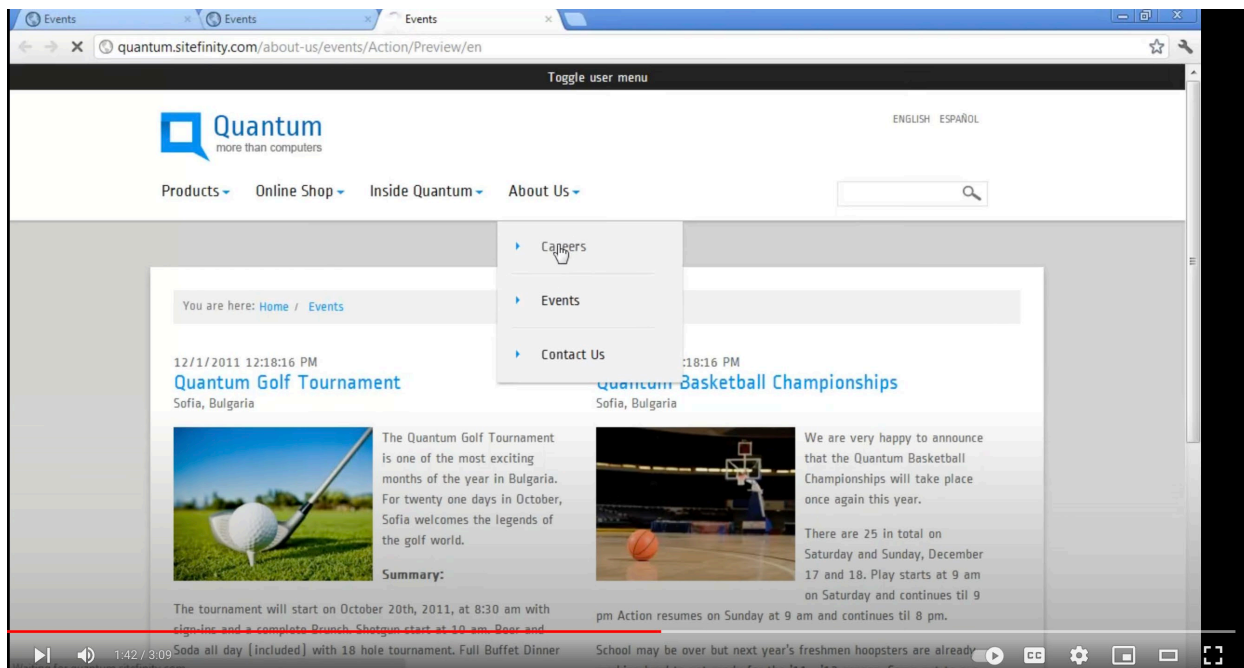
See, e.g., <https://demos.telerik.com/blazor-ui/breadcrumb/separator> (last visited May 19, 2022) (annotated); see also <https://www.telerik.com/blogs/telerik-ui-for-blazor-1-6-0-menu-timepicker-grid-enhancements> (last visited May 19, 2022);



56. As another example, '301 Accused Instrumentalities dynamically constructing an Active Path as a sequence of active links as items are selected using the graphical user menu system (e.g., as items in the “horizontal navigation” are selected; as another example, as “Home,” “Widgets,” “Built-in Widgets,” “Navigation Widgets,” and “Breadcrumb widget” are selected) using the graphical user menu system without the need for any additional interaction with the graphical user system (either in the horizontal navigation or left navigation menu), as shown below:



See also <https://www.progress.com/documentation/sitefinity-cms/breadcrumb-widget-mvc> (last visited May 19, 2022); see also the active path “Home / Careers” in Sitefinity, available at <https://www.youtube.com/watch?v=0LH3YVD67Ls> (last visited May 25, 2022):



57. Also, each active link in the '301 Accused Instrumentalities enables the user to directly browse all items on any given level of the hierarchical information structure including all hierarchically subordinate items without affecting the Active Path (e.g., in UI for Blazor, browsing “Item 2” including subordinate items “Item 2.1” and “Item 2.2” without affecting the Active Path). As another example, the '301 Accused Instrumentalities enables the user to directly browse all items on any given level of the hierarchical information structure including all hierarchically subordinate items without affecting the Active Path (e.g., in SiteFinity, you can directly browse items on any given level of the hierarchical information structure including all hierarchically subordinate items, such as “all children pages” where these pages are subordinate items).

58. Discovery is expected to uncover the full extent of Defendant’s infringement of the '301 Patent beyond the '301 Accused Instrumentalities already identified through public information.



59. Upon information and belief, Defendant has induced and continues to induce others to infringe at least Claim 1 of the '301 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendant's new, current, and prospective users, partners, customers and other third parties, whose use of the '301 Accused Instrumentalities constitutes direct infringement of at least Claim 1 of the '301 Patent.

60. In particular, Defendant's actions that aid and abet others such as its new, current, and prospective users, partners, customers and third parties to infringe include advertising the '301 Accused Instrumentality. On information and belief, Defendant has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendant has had actual knowledge of the '301 Patent and knowledge that its acts were inducing infringement of the '301 Patent since at least the date December 2, 2021 (the date on which Defendant received Plaintiffs' notice letter) when the Defendant received notice that such activities infringed the '301 Patent.

61. Defendant's acts of inducement include, without limitation: providing the '301 Accused Instrumentalities to its new, current, and prospective users, partners, and customers, and other third parties and intending them to use the '301 Accused Instrumentalities that enable and/or make use of content published therein; encouraging customers and other third parties to communicate directly with Defendant's representatives about the '301 Accused Instrumentalities and content published therein for purposes of technical assistance as well as sales and marketing (*see, e.g.*, <https://www.telerik.com/contact> (providing consumers with a technical support portal through which technical issues and concerns regarding the '301 Accused Instrumentalities can be addressed); *see, e.g.*,

[https://twitter.com/Telerik?ref\\_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor](https://twitter.com/Telerik?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor) and <https://www.youtube.com/watch?v=jAOZY9TZi78> (Defendant’s social media accounts promoting the use of the ’301 Accused Instrumentalities through which various media content can be accessed); instructing third parties on how to infringe and code the ’301 Accused Instrumentalities through various media content (<https://www.telerik.com/forums/breadcrumbs-with-dropdown>; [https://www.youtube.com/watch?v=zOgM\\_V4t1Ik](https://www.youtube.com/watch?v=zOgM_V4t1Ik) , [https://www.youtube.com/watch?v=0LH3YVD67Ls&ab\\_channel=ProgressSitefinity](https://www.youtube.com/watch?v=0LH3YVD67Ls&ab_channel=ProgressSitefinity), and <https://www.youtube.com/watch?v=lzS99vtRxOI>); *see, e.g.*, [https://learn.telerik.com/learn/course/external/view/elearning/27/telerik-ui-for-blazor?\\_ga=2.193365869.1128083525.1653557842-1024976134.1651179118](https://learn.telerik.com/learn/course/external/view/elearning/27/telerik-ui-for-blazor?_ga=2.193365869.1128083525.1653557842-1024976134.1651179118) (providing a free download and tutorial of the ’301 Accused Instrumentalities); *see* [https://blazorrepl.telerik.com/mGYdYlks32yPNE9v39?\\_ga=2.268756913.1128083525.1653557842-1024976134.1651179118](https://blazorrepl.telerik.com/mGYdYlks32yPNE9v39?_ga=2.268756913.1128083525.1653557842-1024976134.1651179118) (providing a demo for configuring the ’301 Accused Instrumentalities); *see, e.g.*, <https://www.telerik.com/purchase.aspx?filter=web> (providing a payment portal for the ’301 Accused Instrumentalities); <https://community-archive.progress.com/forums/00296/53466.html> (providing tutorial on how to create “horizontal navigation”).

62. Defendant performed acts of inducement despite its actual knowledge since at least the December 2, 2021 (the date on which Defendant received Plaintiffs’ notice letter) and its knowledge that the specific actions it actively induced and continue to actively induce on the part of its users, partners, and customers, and other third parties constitute infringement of the ’301 Patent. At the very least, because Defendant has been, and remains, on notice of the ’301

Patent and the accused infringement, they have been, and remains, willfully blind regarding the infringement that it has induced and continue to induce.

63. On information and belief, Defendant has contributed to, continues to contribute to, and jointly infringes of at least Claim 1 of the '301 Patent pursuant to 35 U.S.C. § 271(c) by providing the '301 Accused Instrumentalities that have jointly contributed to, contributed to, and continue to contribute to the direct infringement of new, current, and prospective users, partners, customers and other third parties with the knowledge at least as of the December 2, 2021 (the date on which Defendant received Plaintiffs' notice letter) that the '301 Accused Instrumentalities are especially made or adapted for use in an infringement of the '301 Patent. For example, by providing the web pages, software, and computer equipment identified above, the Defendant contributes to the direct infringement of users of said web pages, software, and computer equipment. The '301 Accused Instrumentalities are material components or apparatuses for use in practicing the '301 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

64. For example, the '301 Accused Instrumentalities provide a graphical user menu system through which a user can navigate within a multi-level hierarchical information structure according to the claimed invention(s). Defendant supplied, and continues to supply, the '301 Accused Instrumentalities, or components or apparatuses thereof, with the knowledge of the '301 Patent and with the knowledge that these components or apparatuses constitute critical and material parts of the claimed inventions of the '301 Patent. Moreover, Defendant knows at least by virtue of its knowledge of its own products and services and the '301 Patent that the '301 Accused Instrumentalities are especially made and/or especially adapted for use as claimed in the '301 Patent and there is no substantial non-infringing use of these components or apparatuses.

65. Additionally or alternatively, to the extent any third parties or end-users perform are required to perform one or more steps recited in claim 1 of the '301 patent, any such action by third parties and/or end-users is attributable to Defendant, such that Defendant is liable for jointly infringing such claims in a multiple actor or joint infringement situation, because Defendant directs or controls the other actor(s). In this regard, Defendant conditions participation in activities, as well as the receipt of benefits, upon performance of any such step by any such third party or end user. Defendant exercises and/or directs control over the one or more steps performed by the '301 Accused Instrumentalities, by exercising sole direction over the entire infringing process (e.g., by conditioning participation by such third parties and/or end-users through the use of the '301 Accused Instrumentalities as the primary means of navigating products implementing the accused functionalities)—and benefits from third parties' and/or end-users' use, including, without limitation, creating and receiving ongoing revenue streams from its goods and/or services sold through the use of the '301 Accused Instrumentalities, improving, enhancing, promoting, or advertising its or theirs products and services, through the use of the '301 Accused Instrumentalities, including its website and navigation structures, improving user experience and engagement, improving web page performance, and/or increasing cross-sell conversion opportunities. End-users and third parties receive a benefit from fiscal gains (e.g., customers, partners, visitors, and/or users increasing the value of their own products and/or services through the use of the '301 Accused Instrumentalities) and enhanced navigation (e.g., end-users and third parties are able to navigate Defendant's website to find, locate, and/or discover existing and/or new products and services offered by Defendant), including receiving clear orientation cues to help third parties and/or end-users identify their exact location within products implementing the '301 Accused Instrumentalities, and/or finding existing

products/services, learning about new ones, and/or discovering other products or services not previously known to those third parties and/or end-users (and/or their customers and/or users), and doing so with greater ease and control. Defendant also establishes the manner and timing of that performance by such third-parties and/or end-users, as dictated by the claimed method—by deploying the accused functionalities as the primary means of navigation for browsing and reviewing content for websites, databases, and/or folder structures implementing the '301 Accused Instrumentalities. All third-party and end-user involvement, if any, is incidental, ancillary, or contractual.

66. Defendant has directly, indirectly and/or jointly infringed the '301 Patent and are thus liable for the direct, indirect, and/or joint infringement infringed the '301 Patent and are thus liable for infringement of the '301 Patent pursuant to 35 U.S.C. § 271.

67. Plaintiffs have suffered, and continue to suffer, damages as a result of Defendant's infringement of the '301 Patent.

68. Defendant had continued to infringe the '301 Patent since at least the December 2, 2021 (the date on which Defendant received Plaintiffs' notice letter) despite being on notice of the '301 Patent and its infringement. Defendant has therefore infringed the '301 Patent knowingly, willfully, deliberately, and in disregard of Plaintiffs' patent rights since at least the December 2, 2021 (the date on which Defendant received Plaintiffs' notice letter) at least by infringing with actual knowledge of its direct and indirect infringement or while remaining willfully blind to the fact of its direct and indirect infringement. As a result of at least this conduct, Plaintiffs are entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35 U.S.C. § 285.

69. Plaintiffs reserve the right to modify its infringement theories as discovery progresses in this case. Plaintiffs shall not be estopped for purposes of its infringement contentions or its claim constructions by the foregoing discussions on how the '301 Accused Instrumentalities infringe the '301 Patent. Plaintiffs intend only that the foregoing discussions satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure, and that they should not be construed as Plaintiffs' preliminary or final infringement contentions or preliminary or final claim construction positions.

**COUNT III - INFRINGEMENT OF U.S. PATENT NO. 7,640,517**

70. Plaintiffs incorporate and reallege the preceding paragraphs as if fully set forth herein.

71. The '517 Patent is directed to systems and methods for navigating within a hierarchical menu structure, as described and claimed in the '517 Patent.

72. Defendant has and continues to directly infringe at least Claim 1 of the '517 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by, among other things, by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) software and content to be interactively presented in browsers, including, without limitation, the web navigation software available for subscription, download, and/or purchase via [www.progress.com](http://www.progress.com) and <https://www.telerik.com/>, including, without limitation, software that allows content to be interactively presented in and/or served to web browsers, folders, and/or databases, including but not limited to Progress' SiteFinity CMS offering breadcrumb widgets (e.g., <https://www.progress.com/documentation/sitefinity-cms/breadcrumb-widget-mvc>), and Telerik's UI for Blazor, and features and functions with similar breadcrumb functionalities, and;

(ii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing or that allows navigating within a hierarchical menu structure where each level in the menu contains plural items (hereinafter, the “’517 Accused Instrumentalities”).

73. By way of example, the ’517 Accused Instrumentalities provide a method for navigating within a hierarchical menu structure where each level in the menu contains plural items (e.g., “The Blazor Breadcrumb component allows navigation within a folder structure or web page. It provides an easy way to navigate backwards by one or multiple steps. In addition to built-in navigation capabilities, you can browse through plural items, define templates for the individual nodes, render text and icons/images, and respond to events”); (*see, e.g.*, [https://docs.telerik.com/blazor-ui/components/breadcrumb/overview?\\_ga=2.223276635.1128083525.1653557842-1024976134.1651179118](https://docs.telerik.com/blazor-ui/components/breadcrumb/overview?_ga=2.223276635.1128083525.1653557842-1024976134.1651179118) (last visited May 25, 2022)). As another example, the ’517 Accused Instrumentalities provide a method for navigating within a hierarchical menu structure where each level in the menu contains plural items (e.g., which are created through the collapsible “Horizontal Navigation”) (*see, e.g.*, <https://www.progress.com/documentation/sitefinity-cms/121/horizontal-navigation>) (last visited May 25, 2022); *see also* <https://www.progress.com/documentation/sitefinity-cms/breadcrumb-widget-mvc> (last visited May 25, 2022) (“You use the Breadcrumb widget to display the path to the current page. This helps your users to navigate the website and to understand where the page they are looking at is located.”)

74. More specifically, the ’517 Accused Instrumentalities provide a graphical user menu system displaying the items of a given level and enabling selection thereof (e.g., the

graphical user menu system labeled “Components” displayed on the left in UI for Blazor or the graphical user menu system labeled “Site Components” displayed on the left in “Built-in Widget”), wherein access of said given level requires sequential access of each of the levels preceding said given level in the hierarchy (e.g., to access “Overview,” “Breadcrumb” is accessed first, or to access “Built-in Widgets,” “Widgets” is accessed first) (*see, e.g.,* <https://demos.telerik.com/blazor-ui/breadcrumb/overview> and <https://www.progress.com/documentation/sitefinity-cms/built-in-widgets-mvc>). As another example, the ’517 Accused Instrumentalities provide a graphical user menu system displaying the items of a given level and enabling selection thereof in the horizontal navigation (“Horizontal with dropdown menus” in SiteFinity), as shown below:

3. Select the template used for the navigation.

In *Template* dropdown box, choose one of the following:

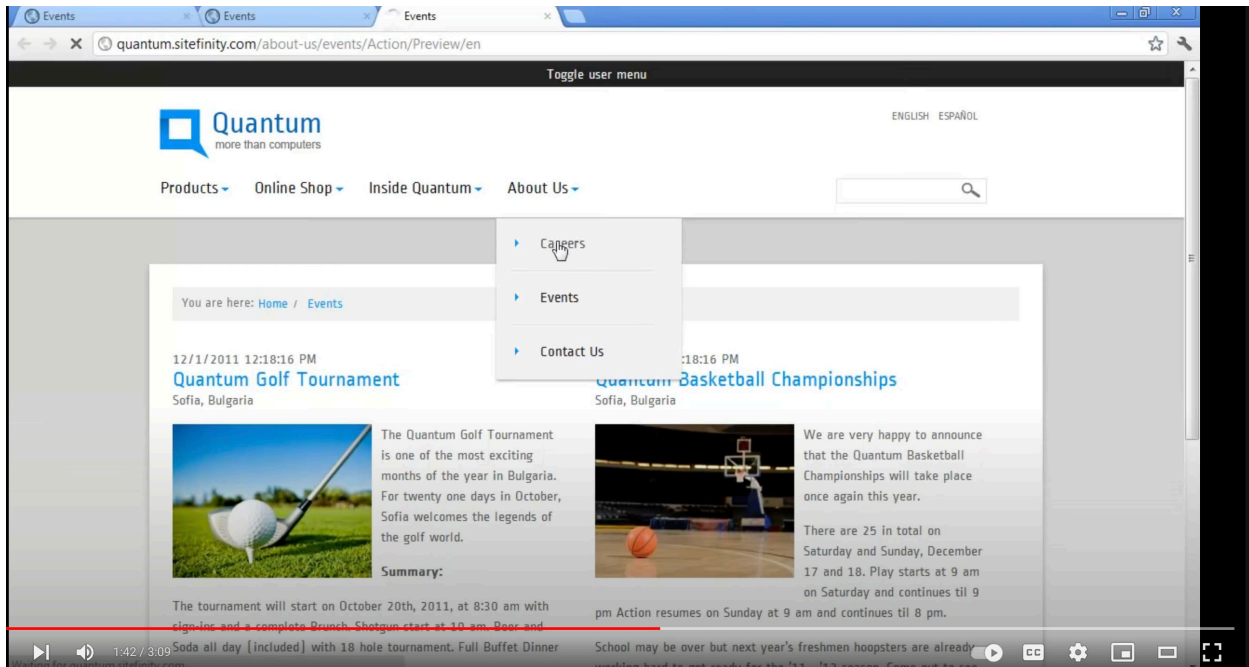
- *Horizontal (one-level)*  
The system displays links to the pages horizontally (one next to the other). There is no hierarchy (no links to children pages).
- *Horizontal with dropdown menus*  
The system displays links to the pages horizontally. If you select a parent page or a group page, the system displays all children pages in a dropdown menu.
- *Horizontal with tabs (up to 2 levers)*  
The system displays links to the pages horizontally. If you select a parent page or a group page, the system displays all children pages in a tabstrip.
- *Vertical (one-level)*  
The system displays links to the pages vertically. There is no hierarchy.
- *Tree (vertical with sub-pages)*  
The system displays links to the pages in a vertical tree with all its nodes expanded. The Tree navigation type enables you to view the hierarchy of the website.
- *Sitemaps in columns*  
The system displays links to top level pages horizontally. If a top level page is a parent page or a group page, containing other pages, they are displayed in a column below their parent page. Only the first two levels of hierarchy are displayed.
- *Sitemaps in rows*  
The system displays links to top level pages vertically. If a top level page is a parent page or a group page, containing other pages, they are displayed in a row below their parent page. Only the first two levels of hierarchy are displayed.

<https://www.progress.com/documentation/sitefinity-cms/121/navigation-widget-webforms> (last

visited May 25, 2022); *see also* <https://www.progress.com/documentation/sitefinity->



[cms/121/horizontal-navigation-with-dropdown-menus](https://www.quantum.com/cms/121/horizontal-navigation-with-dropdown-menus) (last visited May 25, 2022); *see also* the top navigation collapsible menu “Products / Online Shop / Inside Quantum / About Us” in SiteFinity, available at <https://www.youtube.com/watch?v=0LH3YVD67Ls> (last visited May 25, 2022):

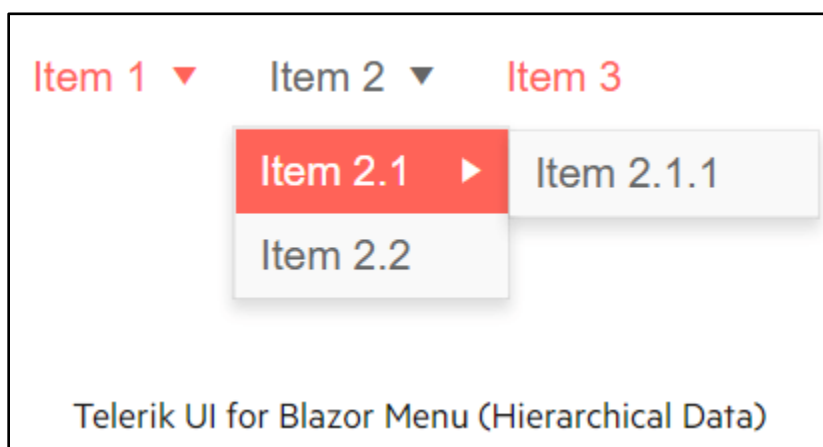


75. Also, the '517 Accused Instrumentalities display the Active Path as an alternative to the graphical user menu system for navigating the menu structure after the user has finished selecting items using the graphical user system such that the Active Path is displayed (e.g., the '517 Accused Instrumentalities display the Active Path as an alternative to Defendant's graphical user menu system for navigating the menu structure after the user has finished selecting items, such as Components," "Breadcrumbs" and "Separator," or "Item 1," "Item 2" and "Item 3," or "Home," "Widgets," "Built-in Widgets," "Navigation Widgets," and "Breadcrumb Widget"). As another example, in Sitefinity, the '517 Accused Instrumentalities display the Active Path as an alternative to the graphical user menu system (either the horizontal navigation or left navigation, which is collapsible) for navigating the menu structure after the user has finished selecting items

using the graphical user system such that the Active Path is displayed (e.g., after the horizontal navigation or left navigation is collapsed (e.g., after the item “About Us” in top navigation menu “Products / Online Shop / Inside Quantum / About Us” is collapsed). *See also*

<https://www.progress.com/documentation/sitefinity-cms/120/customize-the-navigation-widget-webforms>; *see also* <https://community-archive.progress.com/forums/00297/44850.html>; *see also* <https://www.telerik.com/blogs/telerik-ui-for-blazor-1-6-0-menu-timepicker-grid-enhancements>

(last visited May 19, 2022):



76. On information and belief, in the '517 Accused Instrumentalities, rolling over a given active link with the pointer of a pointing device triggers the display of menu items on the hierarchical level associated with said given active link without disturbing the displayed Active Path (e.g., in UI for Blazor, rolling over “Item 2” with the pointer of a pointing device triggers the display of menu items “Item 2.1” and “Item 2.2” on the hierarchical level associated with “Item 2” without disturbing the displayed Active Path). As another example, in the '411 Accused Instrumentalities, rolling over a given active link with the pointer of a pointing device triggers the display of menu items on the hierarchical level associated with said given active link without disturbing the displayed Active Path (e.g., in SiteFinity, rolling over an active link

triggers the display of “all children pages” where these pages are menu items on the hierarchical level).

77. Discovery is expected to uncover the full extent of Defendant’s infringement of the ’517 Patent beyond the ’517 Accused Instrumentalities already identified through public information.

78. Upon information and belief, Defendant has induced and continues to induce others to infringe at least Claim 1 of the ’517 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendant’s new, current, and prospective users, partners, customers and other third parties, whose use of the ’517 Accused Instrumentalities constitutes direct infringement of at least Claim 1 of the ’517 Patent.

79. In particular, Defendant’s actions that aid and abet others such as its new, current, and prospective users, partners, customers and third parties to infringe include advertising the ’517 Accused Instrumentality. On information and belief, Defendant has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendant has had actual knowledge of the ’517 Patent and knowledge that its acts were inducing infringement of the ’517 Patent since at least the date December 2, 2021 (the date on which Defendant received Plaintiffs’ notice letter) when Defendant received notice that such activities infringed the ’517 Patent.

80. Defendant’s acts of inducement include, without limitation: providing the ’517 Accused Instrumentalities to its new, current, and prospective users, partners, and customers, and other third parties and intending them to use the ’517 Accused Instrumentalities that enable and/or make use of content published therein; encouraging customers and other third parties to

communicate directly with Defendant's representatives about the '517 Accused Instrumentalities and content published therein for purposes of technical assistance as well as sales and marketing (see, e.g., <https://www.telerik.com/contact> (providing consumers with a technical support portal through which technical issues and concerns regarding the '517 Accused Instrumentalities can be addressed); see, e.g.,

[https://twitter.com/Telerik?ref\\_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor](https://twitter.com/Telerik?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor)

and <https://www.youtube.com/watch?v=jAOZY9TZi78> (Defendant's social media accounts promoting the use of the '517 Accused Instrumentalities through which various media content can be accessed); instructing third parties on how to infringe and code the '517 Accused

Instrumentalities through various media content (<https://www.telerik.com/forums/breadcrumbs-with-dropdown>; [https://www.youtube.com/watch?v=zOgM\\_V4t1Ik](https://www.youtube.com/watch?v=zOgM_V4t1Ik) ,

[https://www.youtube.com/watch?v=0LH3YVD67Ls&ab\\_channel=ProgressSitefinity](https://www.youtube.com/watch?v=0LH3YVD67Ls&ab_channel=ProgressSitefinity), and

<https://www.youtube.com/watch?v=lzS99vtRxOI>); see, e.g.,

[https://learn.telerik.com/learn/course/external/view/elearning/27/telerik-ui-for-](https://learn.telerik.com/learn/course/external/view/elearning/27/telerik-ui-for-blazor?_ga=2.193365869.1128083525.1653557842-1024976134.1651179118)

[blazor?\\_ga=2.193365869.1128083525.1653557842-1024976134.1651179118](blazor?_ga=2.193365869.1128083525.1653557842-1024976134.1651179118) (providing a free download and tutorial of the '517 Accused Instrumentalities); see

[https://blazorrepl.telerik.com/mGYdYlks32yPNE9v39?\\_ga=2.268756913.1128083525.1653557](https://blazorrepl.telerik.com/mGYdYlks32yPNE9v39?_ga=2.268756913.1128083525.1653557842-1024976134.1651179118)

<842-1024976134.1651179118> (providing a demo for configuring the '517 Accused

Instrumentalities); see, e.g., <https://www.telerik.com/purchase.aspx?filter=web> (providing a

payment portal for the '517 Accused Instrumentalities); [https://community-](https://community-archive.progress.com/forums/00296/53466.html)

<archive.progress.com/forums/00296/53466.html> (providing tutorial on how to create "horizontal navigation").

81. Defendant performed acts of inducement despite its actual knowledge since at least the December 2, 2021 (the date on which Defendant received Plaintiffs' notice letter) and its knowledge that the specific actions it actively induced and continue to actively induce on the part of its users, partners, and customers, and other third parties constitute infringement of the '517 Patent. At the very least, because Defendant has been, and remains, on notice of the '517 Patent and the accused infringement, they have been, and remains, willfully blind regarding the infringement that it has induced and continue to induce.

82. On information and belief, Defendant has contributed to, continues to contribute to, and jointly infringes of at least Claim 1 of the '517 Patent pursuant to 35 U.S.C. § 271(c) by providing the '517 Accused Instrumentalities that have jointly contributed to, contributed to, and continue to contribute to the direct infringement of new, current, and prospective users, partners, customers and other third parties with the knowledge at least as of the December 2, 2021 (the date on which Defendant received Plaintiffs' notice letter) that the '517 Accused Instrumentalities are especially made or adapted for use in an infringement of the '517 Patent. For example, by providing the web pages, software, and computer equipment identified above, Defendant contributes to the direct infringement of users of said web pages, software, and computer equipment. The '517 Accused Instrumentalities are material components or apparatuses for use in practicing the '517 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

83. For example, the '517 Accused Instrumentalities provide a graphical user menu system through which a user can navigate within a multi-level hierarchical information structure according to the claimed invention(s). The Defendant supplied, and continue to supply, the '517 Accused Instrumentalities, or components or apparatuses thereof, with the knowledge of the '517

Patent and with the knowledge that these components or apparatuses constitute critical and material parts of the claimed inventions of the '517 Patent. Moreover, Defendant knows at least by virtue of its knowledge of its own products and services and the '517 Patent that the '517 Accused Instrumentalities are especially made and/or especially adapted for use as claimed in the '517 Patent and there is no substantial non-infringing use of the '517 Accused Instrumentalities, or components or apparatuses thereof.

84. Additionally or alternatively, to the extent any third parties or end-users perform are required to perform one or more steps recited in claim 1 of the '517 patent, any such action by third parties and/or end-users is attributable to Defendant, such that Defendant is liable for jointly infringing such claims in a multiple actor or joint infringement situation, because Defendant directs or controls the other actor(s). In this regard, Defendant conditions participation in activities, as well as the receipt of benefits, upon performance of any such step by any such third party or end user. Defendant exercises and/or directs control over the one or more steps performed by the '517 Accused Instrumentalities, by exercising sole direction over the entire infringing process (e.g., by conditioning participation by such third parties and/or end-users through the use of the '517 Accused Instrumentalities as the primary means of navigating products implementing the accused functionalities)—and benefits from third parties' and/or end-users' use, including, without limitation, creating and receiving ongoing revenue streams from its goods and/or services sold through the use of the '517 Accused Instrumentalities, improving, enhancing, promoting, or advertising its or theirs products and services, through the use of the '517 Accused Instrumentalities, including its website and navigation structures, improving user experience and engagement, improving web page performance, and/or increasing cross-sell conversion opportunities. End-users and third parties receive a benefit from fiscal gains (e.g.,

customers, partners, visitors, and/or users increasing the value of their own products and/or services through the use of the '517 Accused Instrumentalities) and enhanced navigation (e.g., end-users and third parties are able to navigate Defendant's website to find, locate, and/or discover existing and/or new products and services offered by Defendant), including receiving clear orientation cues to help third parties and/or end-users identify their exact location within products implementing the '517 Accused Instrumentalities, and/or finding existing products/services, learning about new ones, and/or discovering other products or services not previously known to those third parties and/or end-users (and/or their customers and/or users), and doing so with greater ease and control. Defendant also establishes the manner and timing of that performance by such third-parties and/or end-users, as dictated by the claimed method—by deploying the accused functionalities as the primary means of navigation for browsing and reviewing content for websites, databases, and/or folder structures implementing the '517 Accused Instrumentalities. All third-party and end-user involvement, if any, is incidental, ancillary, or contractual.

85. Defendant has directly, indirectly and/or jointly infringed the '517 Patent and are thus liable for infringement of the '517 Patent pursuant to 35 U.S.C. § 271.

86. Plaintiffs have suffered, and continue to suffer, damages as a result of Defendant's infringement of the '517 Patent.

87. Defendant has continued to infringe the '517 Patent since at least the December 2, 2021 (the date on which Defendant received Plaintiffs' notice letter) despite being on notice of the '517 Patent and its infringement. Defendant has therefore infringed the '517 Patent knowingly, willfully, deliberately, and in disregard of Plaintiffs' patent rights since at least the December 2, 2021 (the date on which Defendant received Plaintiffs' notice letter) at least by

infringing with actual knowledge of its direct and indirect infringement or while remaining willfully blind to the fact of its direct and indirect infringement. As a result of at least this conduct, Plaintiffs are entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35 U.S.C. § 285.

88. Plaintiffs reserve the right to modify its infringement theories as discovery progresses in this case. Plaintiffs shall not be estopped for purposes of its infringement contentions or its claim constructions by the foregoing discussions on how the '517 Accused Instrumentalities infringe the '517 Patent. Plaintiffs intend only that the foregoing discussions satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure, and that they should not be construed as Plaintiffs' preliminary or final infringement contentions or preliminary or final claim construction positions.

**COUNT IV - INFRINGEMENT OF U.S. PATENT NO. 7,725,836**

89. Plaintiffs incorporate and reallege the preceding paragraphs as if fully set forth herein.

90. The '836 Patent is directed to systems and methods for navigating within a multi-level hierarchical information structure, as described and claimed in the '836 Patent. Defendant has and continues to directly infringe at least Claim 1 of the '836 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by, among other things, by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) software and content to be interactively presented in browsers, including, without limitation, the web navigation software available for subscription, download, and/or purchase via [www.progress.com](http://www.progress.com) and <https://www.telerik.com/>, including, without limitation, software that allows content to be



interactively presented in and/or served to web browsers, folders, and/or databases, including but not limited to Progress' SiteFinity CMS offering breadcrumb widgets (e.g., <https://www.progress.com/documentation/sitefinity-cms/breadcrumb-widget-mvc>), and Telerik's UI for Blazor, and features and functions with similar breadcrumb functionalities, and; (ii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing or that allows navigating within a multi-level hierarchical information structure where each level in the menu contains plural items (hereinafter, the "'836 Accused Instrumentalities").

91. Upon information and belief, the '836 Accused Instrumentalities provide a method for navigating within a multi-level hierarchical information structure where each level in the menu contains plural items (e.g., "The Blazor Breadcrumb component allows navigation within a folder structure or web page. It provides an easy way to navigate backwards by one or multiple steps. In addition to built-in navigation capabilities, you can browse through the items, define templates for the individual nodes, render text and icons/images, and respond to events); (see, e.g., [https://docs.telerik.com/blazor-ui/components/breadcrumb/overview?\\_ga=2.223276635.1128083525.1653557842-1024976134.1651179118](https://docs.telerik.com/blazor-ui/components/breadcrumb/overview?_ga=2.223276635.1128083525.1653557842-1024976134.1651179118) (last visited May 25, 2022)). As another example, the '836 Accused Instrumentalities provide a method for navigating within a multi-level hierarchical information structure where each level in the menu contains plural items (e.g., which are created through the collapsible "Horizontal Navigation") (see, e.g., <https://www.progress.com/documentation/sitefinity-cms/121/horizontal-navigation>) (last visited May 25, 2022); see also <https://www.progress.com/documentation/sitefinity-cms/breadcrumb-widget-mvc> (last visited May 25, 2022) ("You use the Breadcrumb widget to display the path to

the current page. This helps your users to navigate the website and to understand where the page they are looking at is located.”)

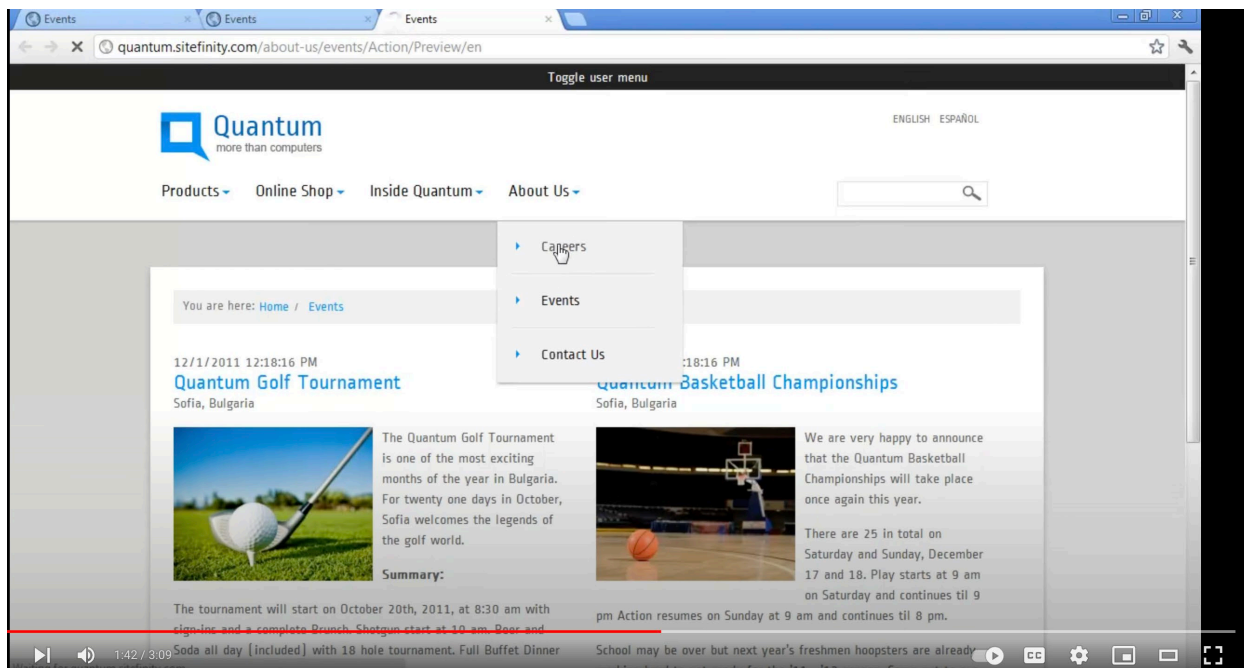
92. More specifically, upon information and belief, the '836 Accused Instrumentalities provide a graphical user menu system displaying the items of a given level of the hierarchical information structure and enabling selection thereof (e.g., “the graphical user menu system labeled “Components” displayed on the left in UI for Blazor or the graphical user menu system labeled “Site Components” displayed on the left in “Built-in Widget”), wherein access of said given level requires sequential access of each of the levels preceding said given level in the hierarchy (e.g., to access “Overview,” “Breadcrumb” is accessed first, or to access “Built-in Widgets,” “Widgets” is accessed first) (*see, e.g.,* <https://demos.telerik.com/blazor-ui/breadcrumb/overview> and <https://www.progress.com/documentation/sitefinity-cms/built-in-widgets-mvc>). As another example, the '836 Accused Instrumentalities provide a graphical user menu system displaying the items of a given level and enabling selection thereof in the horizontal navigation (“Horizontal with dropdown menus” in SiteFinity), as shown below:

3. Select the template used for the navigation.

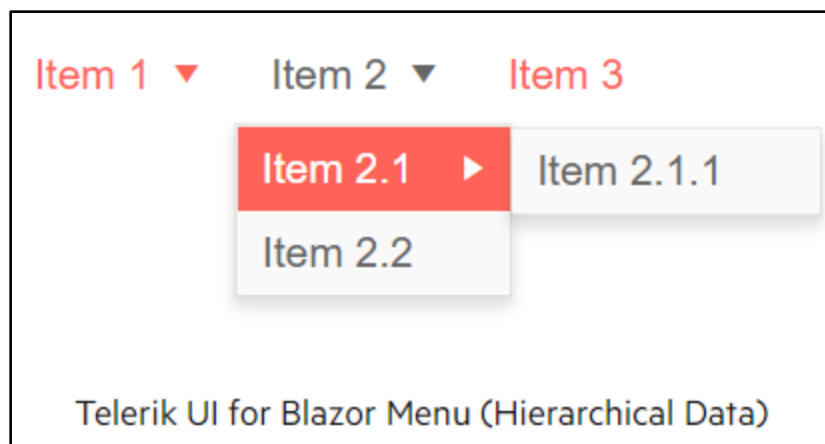
In *Template* dropdown box, choose one of the following:

- *Horizontal (one-level)*  
The system displays links to the pages horizontally (one next to the other). There is no hierarchy (no links to children pages).
- *Horizontal with dropdown menus*  
The system displays links to the pages horizontally. If you select a parent page or a group page, the system displays all children pages in a dropdown menu.
- *Horizontal with tabs (up to 2 levers)*  
The system displays links to the pages horizontally. If you select a parent page or a group page, the system displays all children pages in a tabstrip.
- *Vertical (one-level)*  
The system displays links to the pages vertically. There is no hierarchy.
- *Tree (vertical with sub-pages)*  
The system displays links to the pages in a vertical tree with all its nodes expanded. The Tree navigation type enables you to view the hierarchy of the website.
- *Sitemaps in columns*  
The system displays links to top level pages horizontally. If a top level page is a parent page or a group page, containing other pages, they are displayed in a column below their parent page. Only the first two levels of hierarchy are displayed.
- *Sitemaps in rows*  
The system displays links to top level pages vertically. If a top level page is a parent page or a group page, containing other pages, they are displayed in a row below their parent page. Only the first two levels of hierarchy are displayed.

<https://www.progress.com/documentation/sitefinity-cms/121/navigation-widget-webforms> (last visited May 25, 2022); *see also* <https://www.progress.com/documentation/sitefinity-cms/121/horizontal-navigation-with-dropdown-menus> (last visited May 25, 2022); *see also* the top navigation collapsible menu “Products / Online Shop / Inside Quantum / About Us” in SiteFinity, *available at* <https://www.youtube.com/watch?v=0LH3YVD67Ls> (last visited May 25, 2022):



93. Also, in the '836 Accused Instrumentalities, a given said active link enables the user to browse items of the hierarchical information structure starting from the level corresponding with the given active link and items on hierarchically subordinate levels without affecting the Active Path (e.g., in UI for Blazor, browsing “Item 2” including subordinate items “Item 2.1” and “Item 2.2” without affecting the Active Path). As another example, the '301 Accused Instrumentalities enables the user to directly browse all items on any given level of the hierarchical information structure including all hierarchically subordinate items without affecting the Active Path (e.g., in SiteFinity, you can directly browse items on any given level of the hierarchical information structure including all hierarchically subordinate items, such as “all children pages” where these pages are subordinate items), as shown below:



See <https://www.telerik.com/blogs/telerik-ui-for-blazor-1-6-0-menu-timepicker-grid-enhancements> (last visited May 19, 2022).

94. Discovery is expected to uncover the full extent of Defendant's infringement of the '836 Patent beyond the '836 Accused Instrumentalities already identified through public information.

95. Upon information and belief, Defendant has induced and continues to induce others to infringe at least Claim 1 of the '836 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendant's new, current, and prospective users, partners, customers and other third parties, whose use of the '836 Accused Instrumentalities constitutes direct infringement of at least Claim 1 of the '836 Patent.

96. In particular, Defendant's actions that aid and abet others such as its new, current, and prospective users, partners, customers and third parties to infringe include advertising the '836 Accused Instrumentality. On information and belief, Defendant has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendant has had actual knowledge of the '836 Patent and knowledge that its acts were inducing infringement of the '836 Patent since at least the date December 2,

2021 (the date on which Defendant received Plaintiffs' notice letter) when Defendant received notice that such activities infringed the '836 Patent.

97. Defendant's acts of inducement include, without limitation: providing the '836 Accused Instrumentalities to its new, current, and prospective users, partners, and customers, and other third parties and intending them to use the '836 Accused Instrumentalities that enable and/or make use of content published therein; encouraging customers and other third parties to communicate directly with Defendant's representatives about the '836 Accused Instrumentalities and content published therein for purposes of technical assistance as well as sales and marketing (*see, e.g.*, <https://www.telerik.com/contact> (providing consumers with a technical support portal through which technical issues and concerns regarding the '836 Accused Instrumentalities can be addressed); *see, e.g.*,

[https://twitter.com/Telerik?ref\\_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor](https://twitter.com/Telerik?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor)

and <https://www.youtube.com/watch?v=jAOZY9TZi78> (Defendant's social media accounts promoting the use of the '836 Accused Instrumentalities through which various media content can be accessed); instructing third parties on how to infringe and code the '836 Accused

Instrumentalities through various media content (<https://www.telerik.com/forums/breadcrumbs-with-dropdown>; [https://www.youtube.com/watch?v=zOgM\\_V4t1Ik](https://www.youtube.com/watch?v=zOgM_V4t1Ik) ,

[https://www.youtube.com/watch?v=0LH3YVD67Ls&ab\\_channel=ProgressSitefinity](https://www.youtube.com/watch?v=0LH3YVD67Ls&ab_channel=ProgressSitefinity), and

<https://www.youtube.com/watch?v=lzS99vtRxOI>); *see, e.g.*,

[https://learn.telerik.com/learn/course/external/view/elearning/27/telerik-ui-for-](https://learn.telerik.com/learn/course/external/view/elearning/27/telerik-ui-for-blazor?_ga=2.193365869.1128083525.1653557842-1024976134.1651179118)

[blazor?\\_ga=2.193365869.1128083525.1653557842-1024976134.1651179118](https://learn.telerik.com/learn/course/external/view/elearning/27/telerik-ui-for-blazor?_ga=2.193365869.1128083525.1653557842-1024976134.1651179118) (providing a free download and tutorial of the '836 Accused Instrumentalities); *see*

[https://blazorrepl.telerik.com/mGYdYlks32yPNE9v39?\\_ga=2.268756913.1128083525.1653557](https://blazorrepl.telerik.com/mGYdYlks32yPNE9v39?_ga=2.268756913.1128083525.1653557)

[842-1024976134.1651179118](https://www.telerik.com/purchase.aspx?filter=web) (providing a demo for configuring the '836 Accused Instrumentalities); *see, e.g.*, <https://www.telerik.com/purchase.aspx?filter=web> (providing a payment portal for the '836 Accused Instrumentalities); <https://community-archive.progress.com/forums/00296/53466.html> (providing tutorial on how to create “horizontal navigation”).

98. Defendant performed acts of inducement despite its actual knowledge since at least the December 2, 2021 (the date on which Defendant received Plaintiffs’ notice letter) and its knowledge that the specific actions it actively induced and continue to actively induce on the part of its users, partners, and customers, and other third parties constitute infringement of the '836 Patent. At the very least, because Defendant has been, and remains, on notice of the '836 Patent and the accused infringement, they have been, and remains, willfully blind regarding the infringement that it has induced and continue to induce.

99. On information and belief, Defendant has contributed to, continues to contribute to, and jointly infringes of at least Claim 1 of the '836 Patent pursuant to 35 U.S.C. § 271(c) by providing the '836 Accused Instrumentalities that have jointly contributed to, contributed to, and continue to contribute to the direct infringement of new, current, and prospective users, partners, customers and other third parties with the knowledge at least as of the December 2, 2021 (the date on which Defendant received Plaintiffs’ notice letter) that the '836 Accused Instrumentalities are especially made or adapted for use in an infringement of the '836 Patent. For example, by providing the web pages, software, and computer equipment identified above, Defendant contributes to the direct infringement of users of said web pages, software, and computer equipment. The '836 Accused Instrumentalities are material components or

apparatuses for use in practicing the '836 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

100. For example, the '836 Accused Instrumentalities provide a graphical user menu system through which a user can navigate within a multi-level hierarchical information structure according to the claimed invention(s). Defendant supplied, and continue to supply, the '836 Accused Instrumentalities, or components or apparatuses thereof, with the knowledge of the '836 Patent and with the knowledge that these components or apparatuses constitute critical and material parts of the claimed inventions of the '836 Patent. Moreover, Defendant knows at least by virtue of its knowledge of its own products and services and the '836 Patent that the '836 Accused Instrumentalities are especially made and/or especially adapted for use as claimed in the '836 Patent and there is no substantial non-infringing use of these components or apparatuses.

101. Additionally or alternatively, to the extent any third parties or end-users perform are required to perform one or more steps recited in claim 1 of the '836 patent, any such action by third parties and/or end-users is attributable to Defendant, such that Defendant is liable for jointly infringing such claims in a multiple actor or joint infringement situation, because Defendant directs or controls the other actor(s). In this regard, Defendant conditions participation in activities, as well as the receipt of benefits, upon performance of any such step by any such third party or end user. Defendant exercises and/or directs control over the one or more steps performed by the '836 Accused Instrumentalities, by exercising sole direction over the entire infringing process (e.g., by conditioning participation by such third parties and/or end-users through the use of the '836 Accused Instrumentalities as the primary means of navigating products implementing the accused functionalities)—and benefits from third parties' and/or end-users' use, including, without limitation, creating and receiving ongoing revenue streams from its



goods and/or services sold through the use of the '836 Accused Instrumentalities, improving, enhancing, promoting, or advertising its or their products and services, through the use of the '836 Accused Instrumentalities, including its website and navigation structures, improving user experience and engagement, improving web page performance, and/or increasing cross-sell conversion opportunities. End-users and third parties receive a benefit from fiscal gains (e.g., customers, partners, visitors, and/or users increasing the value of their own products and/or services through the use of the '836 Accused Instrumentalities) and enhanced navigation (e.g., end-users and third parties are able to navigate Defendant's website to find, locate, and/or discover existing and/or new products and services offered by Defendant), including receiving clear orientation cues to help third parties and/or end-users identify their exact location within products implementing the '836 Accused Instrumentalities, and/or finding existing products/services, learning about new ones, and/or discovering other products or services not previously known to those third parties and/or end-users (and/or their customers and/or users), and doing so with greater ease and control. Defendant also establishes the manner and timing of that performance by such third-parties and/or end-users, as dictated by the claimed method—by deploying the accused functionalities as the primary means of navigation for browsing and reviewing content for websites, databases, and/or folder structures implementing the '517 Accused Instrumentalities. All third-party and end-user involvement, if any, is incidental, ancillary, or contractual.

102. Defendant has directly, indirectly and/or jointly infringed the '836 Patent infringed the '836 Patent and are thus liable for infringement of the '836 Patent pursuant to 35 U.S.C. § 271.

103. Plaintiffs have suffered, and continue to suffer, damages as a result of Defendant's infringement of the '836 Patent.

104. Defendant has continued to infringe the '836 Patent since at least the December 2, 2021 (the date on which Defendant received Plaintiffs' notice letter) despite being on notice of the '836 Patent and its infringement. Defendant has therefore infringed the '836 Patent knowingly, willfully, deliberately, and in disregard of Plaintiffs' patent rights since at least the December 2, 2021 (the date on which Defendant received Plaintiffs' notice letter) at least by infringing with actual knowledge of its direct and indirect infringement or while remaining willfully blind to the fact of its direct and indirect infringement. As a result of at least this conduct, Plaintiffs are entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35 U.S.C. § 285.

105. Plaintiffs reserve the right to modify its infringement theories as discovery progresses in this case. Plaintiffs shall not be estopped for purposes of its infringement contentions or its claim constructions by the foregoing discussions on how the '836 Accused Instrumentalities infringe the '836 Patent. Plaintiffs intend only that the foregoing discussions satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure, and that they should not be construed as Plaintiffs' preliminary or final infringement contentions or preliminary or final claim construction positions.

**COUNT V - INFRINGEMENT OF U.S. PATENT NO. 8,352,880**

106. Plaintiffs incorporate and reallege the preceding paragraphs as if fully set forth herein.

107. The '880 Patent is directed to systems and methods for navigating an information structure, as described and claimed in the '880 Patent.

108. The '880 Patent is directed to systems and methods for navigating within a hierarchical menu structure where each level in the menu contains plural items, as described and claimed in the '880 Patent.

109. Defendant has and continues to directly infringe at least Claim 1 of the '880 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by, among other things, by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) software and content to be interactively presented in browsers, including, without limitation, the web navigation software available for subscription, download, and/or purchase via [www.progress.com](http://www.progress.com) and <https://www.telerik.com/>, including, without limitation, software that allows content to be interactively presented in and/or served to web browsers, folders, and/or databases, including but not limited to Progress' Sitefinity CMS offering breadcrumb widgets (e.g., <https://www.progress.com/documentation/sitefinity-cms/breadcrumb-widget-mvc>), and Telerik's UI for Blazor, and features and functions with similar breadcrumb functionalities, and; (ii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing or that allows navigating an information structure (hereinafter, the "'880 Accused Instrumentalities").

110. By way of example, the '880 Accused Instrumentalities provide a method for navigating an information structure (e.g., "The Blazor Breadcrumb component allows navigation within a folder structure or web page. It provides an easy way to navigate backwards by one or multiple steps. In addition to built-in navigation capabilities, you can browse through the items, define templates for the individual nodes, render text and icons/images, and respond to events); (see, e.g., [- 51 -](https://docs.telerik.com/blazor-</a></p></div><div data-bbox=)

[ui/components/breadcrumb/overview?\\_ga=2.223276635.1128083525.1653557842-1024976134.1651179118](https://www.progress.com/documentation/sitefinity-cms/121/horizontal-navigation) (last visited May 25, 2022)). As another example, the '880 Accused Instrumentalities provide a method for navigating an information structure (e.g., which are created through the collapsible “Horizontal Navigation”) (*see, e.g.*, <https://www.progress.com/documentation/sitefinity-cms/121/horizontal-navigation>) (last visited May 25, 2022); *see also* <https://www.progress.com/documentation/sitefinity-cms/breadcrumb-widget-mvc> (last visited May 25, 2022) (“You use the Breadcrumb widget to display the path to the current page. This helps your users to navigate the website and to understand where the page they are looking at is located.”)

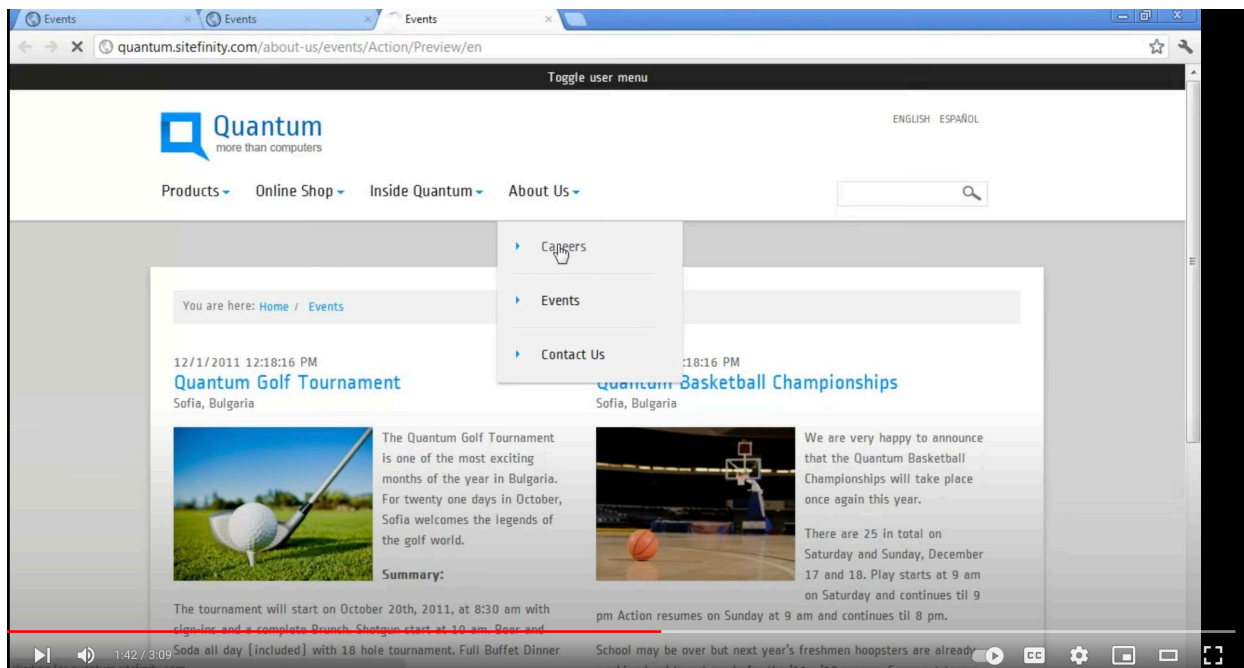
111. More specifically, the '880 Accused Instrumentalities provide a graphical menu interface displaying the items of a given level of the information structure and enabling selection thereof (e.g., the graphical user menu system labeled “Components” displayed on the left in UI for Blazor or the graphical user menu system labeled “Site Components” displayed on the left in “Built-in Widget”), wherein access of said given level requires sequential access of each of the levels preceding said given level in the hierarchy (e.g., to access “Overview,” “Breadcrumb” is accessed first, or to access “Built-in Widgets,” “Widgets” is accessed first) (*see, e.g.*, <https://demos.telerik.com/blazor-ui/breadcrumb/overview> and <https://www.progress.com/documentation/sitefinity-cms/built-in-widgets-mvc>). As another example, the '880 Accused Instrumentalities provide a graphical menu interface displaying the items of a given level of the information structure and enabling selection thereof (“Horizontal with dropdown menus” in SiteFinity), as shown below:

3. Select the template used for the navigation.

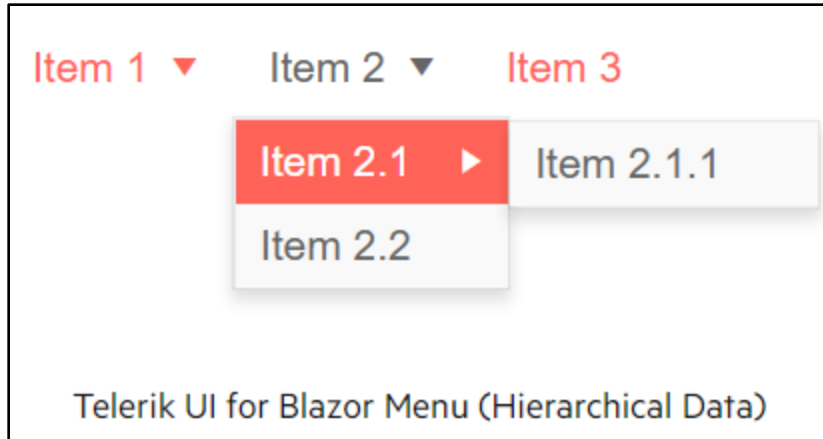
In *Template* dropdown box, choose one of the following:

- *Horizontal (one-level)*  
The system displays links to the pages horizontally (one next to the other). There is no hierarchy (no links to children pages).
- *Horizontal with dropdown menus*  
The system displays links to the pages horizontally. If you select a parent page or a group page, the system displays all children pages in a dropdown menu.
- *Horizontal with tabs (up to 2 levers)*  
The system displays links to the pages horizontally. If you select a parent page or a group page, the system displays all children pages in a tabstrip.
- *Vertical (one-level)*  
The system displays links to the pages vertically. There is no hierarchy.
- *Tree (vertical with sub-pages)*  
The system displays links to the pages in a vertical tree with all its nodes expanded. The Tree navigation type enables you to view the hierarchy of the website.
- *Sitemaps in columns*  
The system displays links to top level pages horizontally. If a top level page is a parent page or a group page, containing other pages, they are displayed in a column below their parent page. Only the first two levels of hierarchy are displayed.
- *Sitemaps in rows*  
The system displays links to top level pages vertically. If a top level page is a parent page or a group page, containing other pages, they are displayed in a row below their parent page. Only the first two levels of hierarchy are displayed.

<https://www.progress.com/documentation/sitefinity-cms/121/navigation-widget-webforms> (last visited May 25, 2022); *see also* <https://www.progress.com/documentation/sitefinity-cms/121/horizontal-navigation-with-dropdown-menus> (last visited May 25, 2022); *see also* the top navigation collapsible menu “Products / Online Shop / Inside Quantum / About Us” in SiteFinity, *available at* <https://www.youtube.com/watch?v=0LH3YVD67Ls> (last visited May 25, 2022):



112. On information and belief, the active links allow a user to access an item in the information structure by selecting from the one or more items displayed by one of the active links on the active path (e.g., in UI for Blazor, selecting “Item 2 allows a user to access items “Item 2.1” and “Item 2.2” on the level associated with “Item 2”). As another example, in the ’880 Accused Instrumentalities, selecting a given active link allow a user to access an item in the information structure by selecting from the one or more items displayed by one of the active links on the active path (e.g., in SiteFinity, selecting an active link displays of “all children pages” where these pages are item in the information structure).



See <https://www.telerik.com/blogs/telerik-ui-for-blazor-1-6-0-menu-timepicker-grid-enhancements> (last visited May 19, 2022).

113. Discovery is expected to uncover the full extent of Defendant's infringement of the '880 Patent beyond the '880 Accused Instrumentalities already identified through public information.

114. Upon information and belief, Defendant has induced and continues to induce others to infringe at least Claim 1 of the '880 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendant's new, current, and prospective users, partners, customers and other third parties, whose use of the '880 Accused Instrumentalities constitutes direct infringement of at least Claim 1 of the '880 Patent.

115. In particular, Defendant's actions that aid and abet others such as its new, current, and prospective users, partners, customers and third parties to infringe include advertising the '880 Accused Instrumentality. On information and belief, Defendant has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendant has had actual knowledge of the '880 Patent and knowledge that its acts were inducing infringement of the '880 Patent since at least the date December 2,

2021 (the date on which Defendant received Plaintiffs' notice letter) when Defendant received notice that such activities infringed the '880 Patent.

116. Defendant's acts of inducement include, without limitation: providing the '880 Accused Instrumentalities to its new, current, and prospective users, partners, and customers, and other third parties and intending them to use the '880 Accused Instrumentalities that enable and/or make use of content published therein; encouraging customers and other third parties to communicate directly with Defendant's representatives about the '880 Accused Instrumentalities and content published therein for purposes of technical assistance as well as sales and marketing (*see, e.g.*, <https://www.telerik.com/contact> (providing consumers with a technical support portal through which technical issues and concerns regarding the '880 Accused Instrumentalities can be addressed); *see, e.g.*,

[https://twitter.com/Telerik?ref\\_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor](https://twitter.com/Telerik?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor)

and <https://www.youtube.com/watch?v=jAOZY9TZi78> (Defendant's social media accounts promoting the use of the '880 Accused Instrumentalities through which various media content can be accessed); instructing third parties on how to infringe and code the '880 Accused

Instrumentalities through various media content (<https://www.telerik.com/forums/breadcrumbs-with-dropdown>; [https://www.youtube.com/watch?v=zOgM\\_V4t1Ik](https://www.youtube.com/watch?v=zOgM_V4t1Ik) ,

[https://www.youtube.com/watch?v=0LH3YVD67Ls&ab\\_channel=ProgressSitefinity](https://www.youtube.com/watch?v=0LH3YVD67Ls&ab_channel=ProgressSitefinity), and

<https://www.youtube.com/watch?v=lzS99vtRxOI>); *see, e.g.*,

[https://learn.telerik.com/learn/course/external/view/elearning/27/telerik-ui-for-](https://learn.telerik.com/learn/course/external/view/elearning/27/telerik-ui-for-blazor?_ga=2.193365869.1128083525.1653557842-1024976134.1651179118)

[blazor?\\_ga=2.193365869.1128083525.1653557842-1024976134.1651179118](https://learn.telerik.com/learn/course/external/view/elearning/27/telerik-ui-for-blazor?_ga=2.193365869.1128083525.1653557842-1024976134.1651179118) (providing a free download and tutorial of the '880 Accused Instrumentalities); *see*

[https://blazorrepl.telerik.com/mGYdYlks32yPNE9v39?\\_ga=2.268756913.1128083525.1653557](https://blazorrepl.telerik.com/mGYdYlks32yPNE9v39?_ga=2.268756913.1128083525.1653557)



[842-1024976134.1651179118](https://www.telerik.com/purchase.aspx?filter=web) (providing a demo for configuring the '880 Accused Instrumentalities); *see, e.g.*, <https://www.telerik.com/purchase.aspx?filter=web> (providing a payment portal for the '880 Accused Instrumentalities); <https://community-archive.progress.com/forums/00296/53466.html> (providing tutorial on how to create “horizontal navigation”).

117. Defendant performed acts of inducement despite its actual knowledge since at least the December 2, 2021 (the date on which Defendant received Plaintiffs' notice letter) and its knowledge that the specific actions it actively induced and continue to actively induce on the part of its users, partners, and customers, and other third parties constitute infringement of the '880 Patent. At the very least, because Defendant has been, and remains, on notice of the '880 Patent and the accused infringement, they have been, and remains, willfully blind regarding the infringement that it has induced and continue to induce.

118. On information and belief, Defendant has contributed to, continues to contribute to, and jointly infringes of at least Claim 1 of the '880 Patent pursuant to 35 U.S.C. § 271(c) by providing the '880 Accused Instrumentalities that have jointly contributed to, contributed to, and continue to contribute to the direct infringement of new, current, and prospective users, partners, customers and other third parties with the knowledge (at least as of the December 2, 2021 notice letter) that the '880 Accused Instrumentalities are especially made or adapted for use in an infringement of the '880 Patent. For example, by providing the web pages, software, and computer equipment identified above, Defendant contributes to the direct infringement of users of said web pages, software, and computer equipment. The '880 Accused Instrumentalities are material components or apparatuses for use in practicing the '880 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

119. For example, the '880 Accused Instrumentalities provide a graphical user menu system through which a user can navigate an information structure or an apparatus for navigating an information structure according to the claimed invention(s). Defendant supplied, and continue to supply, the '880 Accused Instrumentalities, or components or apparatuses thereof, with the knowledge of the '880 Patent and with the knowledge that these components or apparatuses constitute critical and material parts of the claimed inventions of the '880 Patent. Moreover, Defendant knows at least by virtue of its knowledge of its own products and services and the '880 Patent that the '880 Accused Instrumentalities are especially made and/or especially adapted for use as claimed in the '880 Patent and there is no substantial non-infringing use of these components or apparatuses.

120. Additionally or alternatively, to the extent any third parties or end-users perform are required to perform one or more steps recited in claim 1 of the '880 patent, any such action by third parties and/or end-users is attributable to Defendant, such that Defendant is liable for jointly infringing such claims in a multiple actor or joint infringement situation, because Defendant directs or controls the other actor(s). In this regard, Defendant conditions participation in activities, as well as the receipt of benefits, upon performance of any such step by any such third party or end user. Defendant exercises and/or directs control over the one or more steps performed by the '880 Accused Instrumentalities, by exercising sole direction over the entire infringing process (e.g., by conditioning participation by such third parties and/or end-users through the use of the '880 Accused Instrumentalities as the primary means of navigating products implementing the accused functionalities)—and benefits from third parties' and/or end-users' use, including, without limitation, creating and receiving ongoing revenue streams from its goods and/or services sold through the use of the '880 Accused Instrumentalities, improving,

enhancing, promoting, or advertising its or theirs products and services, through the use of the '880 Accused Instrumentalities, including its website and navigation structures, improving user experience and engagement, improving web page performance, and/or increasing cross-sell conversion opportunities. End-users and third parties receive a benefit from fiscal gains (e.g., customers, partners, visitors, and/or users increasing the value of their own products and/or services through the use of the '880 Accused Instrumentalities) and enhanced navigation (e.g., end-users and third parties are able to navigate Defendant's website to find, locate, and/or discover existing and/or new products and services offered by Defendant), including receiving clear orientation cues to help third parties and/or end-users identify their exact location within products implementing the '880 Accused Instrumentalities, and/or finding existing products/services, learning about new ones, and/or discovering other products or services not previously known to those third parties and/or end-users (and/or their customers and/or users), and doing so with greater ease and control. Defendant also establishes the manner and timing of that performance by such third-parties and/or end-users, as dictated by the claimed method—by deploying the accused functionalities as the primary means of navigation for browsing and reviewing content for websites, databases, and/or folder structures implementing the '880 Accused Instrumentalities. All third-party and end-user involvement, if any, is incidental, ancillary, or contractual.

121. Defendant has directly, indirectly and/or jointly infringed the '880 Patent and are thus liable for infringement of the '880 Patent pursuant to 35 U.S.C. § 271.

122. Plaintiffs have suffered, and continue to suffer, damages as a result of Defendant's infringement of the '880 Patent.

123. Defendant has continued to infringe the '880 Patent since at least the December 2, 2021 (the date on which Defendant received Plaintiffs' notice letter) despite being on notice of the '880 Patent and its infringement. Defendant has therefore infringed the '880 Patent knowingly, willfully, deliberately, and in disregard of Plaintiffs' patent rights since at least the December 2, 2021 (the date on which Defendant received Plaintiffs' notice letter) at least by infringing with actual knowledge of its direct and indirect infringement or while remaining willfully blind to the fact of its direct and indirect infringement. As a result of at least this conduct, Plaintiffs are entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35 U.S.C. § 285.

124. Plaintiffs reserve the right to modify its infringement theories as discovery progresses in this case. Plaintiffs shall not be estopped for purposes of its infringement contentions or its claim constructions by the foregoing discussions on how the '880 Accused Instrumentalities infringe the '880 Patent. Plaintiffs intend only that the foregoing discussions satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure, and that they should not be construed as Plaintiffs' preliminary or final infringement contentions or preliminary or final claim construction positions.

**COUNT VI - INFRINGEMENT OF U.S. PATENT NO. 10,037,127**

125. Plaintiffs incorporate and reallege the preceding paragraphs as if fully set forth herein.

126. The '127 Patent is directed to systems and methods for navigating an information structure, as described and claimed in the '127 Patent.

127. The '127 Patent is directed to systems and methods for navigating an information structure, as described and claimed in the '127 Patent.

128. Defendant has and continues to directly infringe at least Claim 14 of the '127 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by, among other things, by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) software and content to be interactively presented in browsers, including, without limitation, the web navigation software available for subscription, download, and/or purchase via [www.progress.com](http://www.progress.com) and <https://www.telerik.com/>, including, without limitation, software that allows content to be interactively presented in and/or served to web browsers, folders, and/or databases, including but not limited to Progress' Sitefinity CMS offering breadcrumb widgets (e.g., <https://www.progress.com/documentation/sitefinity-cms/breadcrumb-widget-mvc>), and Telerik's UI for Blazor, and features and functions with similar breadcrumb functionalities, and; (ii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing or that allows navigating an information structure, comprising providing a graphical menu interface displaying the items of a given level of the information structure and enabling selection (hereinafter, the "'127 Accused Instrumentalities").

129. On information and belief, the '127 Accused Instrumentalities perform a method for navigating an information structure, comprising providing a graphical menu interface displaying the items of a given level of the information structure and enabling selection thereof (e.g., "The Blazor Breadcrumb component allows navigation within a folder structure or web page. It provides an easy way to navigate backwards by one or multiple steps. In addition to built-in navigation capabilities, you can browse through the items, define templates for the individual nodes, render text and icons/images, and respond to events") (*see, e.g.*, <https://docs.telerik.com/blazor->

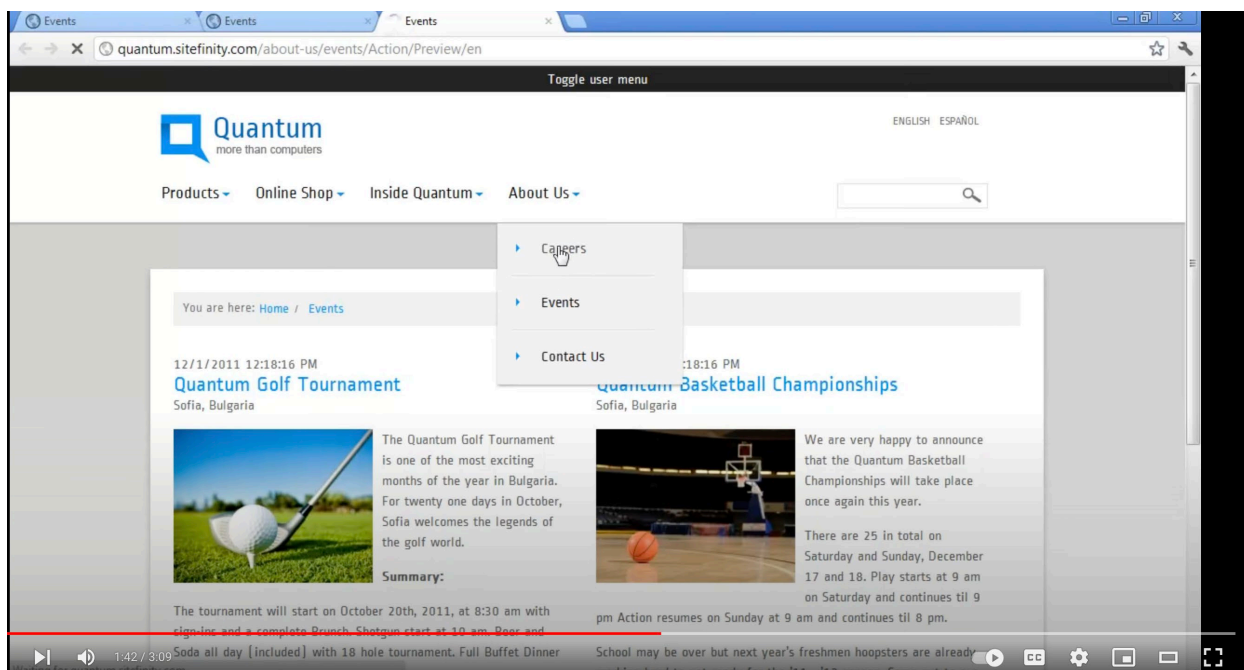
[ui/components/breadcrumb/overview?\\_ga=2.223276635.1128083525.1653557842-1024976134.1651179118](https://www.progress.com/documentation/sitefinity-cms/121/horizontal-navigation) (last visited May 25, 2022)). As another example, the '127 Accused Instrumentalities perform a method for navigating an information structure (e.g., which are created through the collapsible “Horizontal Navigation”) (*see, e.g.*, <https://www.progress.com/documentation/sitefinity-cms/121/horizontal-navigation>) (last visited May 25, 2022); *see also* <https://www.progress.com/documentation/sitefinity-cms/breadcrumb-widget-mvc> (last visited May 25, 2022) (“You use the Breadcrumb widget to display the path to the current page. This helps your users to navigate the website and to understand where the page they are looking at is located.”). As example of providing a graphical menu interface displaying the items of a given level of the information structure and enabling selection thereof (e.g., the graphical user menu system labeled “Components” displayed on the left in UI for Blazor or the graphical user menu system labeled “Site Components” displayed on the left in “Built-in Widget”), wherein access of said given level requires sequential access of each of the levels preceding said given level in the hierarchy (e.g., to access “Overview,” “Breadcrumb” is accessed first, or to access “Built-in Widgets,” “Widgets” is accessed first) (*see, e.g.*, <https://demos.telerik.com/blazor-ui/breadcrumb/overview> and <https://www.progress.com/documentation/sitefinity-cms/built-in-widgets-mvc>). As another example, the '127 Accused Instrumentalities provide a graphical user menu system displaying the items of a given level and enabling selection thereof in the horizontal navigation (“Horizontal with dropdown menus” in SiteFinity), as shown below:

3. Select the template used for the navigation.

In *Template* dropdown box, choose one of the following:

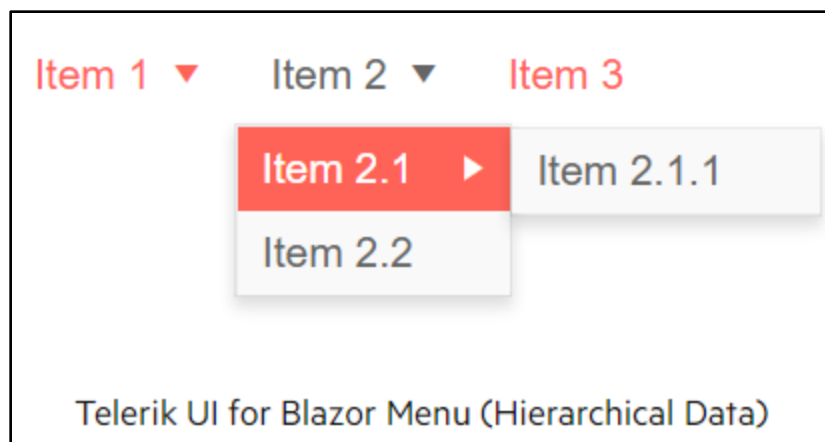
- *Horizontal (one-level)*  
The system displays links to the pages horizontally (one next to the other). There is no hierarchy (no links to children pages).
- *Horizontal with dropdown menus*  
The system displays links to the pages horizontally. If you select a parent page or a group page, the system displays all children pages in a dropdown menu.
- *Horizontal with tabs (up to 2 levers)*  
The system displays links to the pages horizontally. If you select a parent page or a group page, the system displays all children pages in a tabstrip.
- *Vertical (one-level)*  
The system displays links to the pages vertically. There is no hierarchy.
- *Tree (vertical with sub-pages)*  
The system displays links to the pages in a vertical tree with all its nodes expanded. The Tree navigation type enables you to view the hierarchy of the website.
- *Sitemaps in columns*  
The system displays links to top level pages horizontally. If a top level page is a parent page or a group page, containing other pages, they are displayed in a column below their parent page. Only the first two levels of hierarchy are displayed.
- *Sitemaps in rows*  
The system displays links to top level pages vertically. If a top level page is a parent page or a group page, containing other pages, they are displayed in a row below their parent page. Only the first two levels of hierarchy are displayed.

<https://www.progress.com/documentation/sitefinity-cms/121/navigation-widget-webforms> (last visited May 25, 2022); *see also* <https://www.progress.com/documentation/sitefinity-cms/121/horizontal-navigation-with-dropdown-menus> (last visited May 25, 2022); *see also* the top navigation collapsible menu “Products / Online Shop / Inside Quantum / About Us” in SiteFinity, *available at* <https://www.youtube.com/watch?v=0LH3YVD67Ls> (last visited May 25, 2022):



130. On information and belief, in the '127 Accused Instrumentalities allow a user to access an item in the information structure by selecting the item from the one or more items displayed by one of the active links on the active path, wherein a function is associated with at least one of said active links (e.g., in UI for Blazor, selecting “Item 2” displays items “Item 2.1” and “Item 2.2” on the level associated with “Item 2” wherein a function is associated with at least one of said active links). As another example, the '127 Accused Instrumentalities allow a user to access an item in the information structure by selecting the item from the one or more items displayed by one of the active links on the active path, wherein a function is associated with at least one of said active links (e.g., in SiteFinity, selecting an active link displays of “all children pages” where these pages are items), as shown below:





See <https://www.telerik.com/blogs/telerik-ui-for-blazor-1-6-0-menu-timepicker-grid-enhancements> (last visited May 19, 2022).

131. Discovery is expected to uncover the full extent of Defendant's infringement of the '127 Patent beyond the '127 Accused Instrumentalities already identified through public information.

132. Upon information and belief, Defendant has induced and continues to induce others to infringe at least Claim 14 of the '127 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendant's new, current, and prospective users, partners, customers and other third parties, whose use of the '127 Accused Instrumentalities constitutes direct infringement of at least Claim 14 of the '127 Patent.

133. In particular, Defendant's actions that aid and abet others such as its new, current, and prospective users, partners, customers and third parties to infringe include advertising the '127 Accused Instrumentality. On information and belief, Defendant has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendant has had actual knowledge of the '127 Patent and knowledge that its acts were inducing infringement of the '127 Patent since at least the date December 2,

2021 (the date on which Defendant received Plaintiffs' notice letter) when Defendant received notice that such activities infringed the '127 Patent.

134. Defendant's acts of inducement include, without limitation: providing the '127 Accused Instrumentalities to its new, current, and prospective users, partners, and customers, and other third parties and intending them to use the '127 Accused Instrumentalities that enable and/or make use of content published therein; encouraging customers and other third parties to communicate directly with Defendant's representatives about the '127 Accused Instrumentalities and content published therein for purposes of technical assistance as well as sales and marketing (*see, e.g.*, <https://www.telerik.com/contact> (providing consumers with a technical support portal through which technical issues and concerns regarding the '127 Accused Instrumentalities can be addressed); *see, e.g.*,

[https://twitter.com/Telerik?ref\\_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor](https://twitter.com/Telerik?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor)

and <https://www.youtube.com/watch?v=jAOZY9TZi78> (Defendant's social media accounts promoting the use of the '127 Accused Instrumentalities through which various media content can be accessed); instructing third parties on how to infringe and code the '127 Accused

Instrumentalities through various media content (<https://www.telerik.com/forums/breadcrumbs-with-dropdown>; [https://www.youtube.com/watch?v=zOgM\\_V4t1Ik](https://www.youtube.com/watch?v=zOgM_V4t1Ik) ,

[https://www.youtube.com/watch?v=0LH3YVD67Ls&ab\\_channel=ProgressSitefinity](https://www.youtube.com/watch?v=0LH3YVD67Ls&ab_channel=ProgressSitefinity), and

<https://www.youtube.com/watch?v=lzS99vtRxOI>); *see, e.g.*,

[https://learn.telerik.com/learn/course/external/view/elearning/27/telerik-ui-for-](https://learn.telerik.com/learn/course/external/view/elearning/27/telerik-ui-for-blazor?_ga=2.193365869.1128083525.1653557842-1024976134.1651179118)

[blazor?\\_ga=2.193365869.1128083525.1653557842-1024976134.1651179118](https://learn.telerik.com/learn/course/external/view/elearning/27/telerik-ui-for-blazor?_ga=2.193365869.1128083525.1653557842-1024976134.1651179118) (providing a free download and tutorial of the '127 Accused Instrumentalities); *see*

[https://blazorrepl.telerik.com/mGYdYlks32yPNE9v39?\\_ga=2.268756913.1128083525.1653557](https://blazorrepl.telerik.com/mGYdYlks32yPNE9v39?_ga=2.268756913.1128083525.1653557)

[842-1024976134.1651179118](https://www.telerik.com/purchase.aspx?filter=web) (providing a demo for configuring the '127 Accused Instrumentalities); *see, e.g.*, <https://www.telerik.com/purchase.aspx?filter=web> (providing a payment portal for the '127 Accused Instrumentalities); <https://community-archive.progress.com/forums/00296/53466.html> (providing tutorial on how to create “horizontal navigation”).

135. Defendant performed acts of inducement despite its actual knowledge since at least the December 2, 2021 (the date on which Defendant received Plaintiffs’ notice letter) and its knowledge that the specific actions it actively induced and continue to actively induce on the part of its users, partners, and customers, and other third parties constitute infringement of the '127 Patent. At the very least, because Defendant has been, and remains, on notice of the '127 Patent and the accused infringement, they have been, and remains, willfully blind regarding the infringement that it has induced and continue to induce.

136. On information and belief, Defendant has contributed to, continues to contribute to, and jointly infringes of at least Claim 14 of the '127 Patent pursuant to 35 U.S.C. § 271(c) by providing the '127 Accused Instrumentalities that have jointly contributed to, contributed to, and continue to contribute to the direct infringement of new, current, and prospective users, partners, customers and other third parties with the knowledge at least as of the December 2, 2021 (the date on which Defendant received Plaintiffs’ notice letter) that the '127 Accused Instrumentalities are especially made or adapted for use in an infringement of the '127 Patent. For example, by providing the web pages, software, and computer equipment identified above, Defendant contributes to the direct infringement of users of said web pages, software, and computer equipment. The '127 Accused Instrumentalities are material components or

apparatuses for use in practicing the '127 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

137. For example, the '127 Accused Instrumentalities provide a graphical user menu system through which a user can navigate an information structure or an apparatus for navigating an information structure according to the claimed invention(s). Defendant supplied, and continue to supply, the '127 Accused Instrumentalities, or components or apparatuses thereof, with the knowledge of the '127 Patent and with the knowledge that these components or apparatuses constitute critical and material parts of the claimed inventions of the '127 Patent. Moreover, Defendant knows at least by virtue of its knowledge of its own products and services and the '127 Patent that the '127 Accused Instrumentalities are especially made and/or especially adapted for use as claimed in the '127 Patent and there is no substantial non-infringing use of these components or apparatuses.

138. Additionally or alternatively, to the extent any third parties or end-users perform are required to perform one or more steps recited in claim 14 of the '127 patent, any such action by third parties and/or end-users is attributable to Defendant, such that Defendant is liable for jointly infringing such claims in a multiple actor or joint infringement situation, because Defendant directs or controls the other actor(s). In this regard, Defendant conditions participation in activities, as well as the receipt of benefits, upon performance of any such step by any such third party or end user. Defendant exercises and/or directs control over the one or more steps performed by the '127 Accused Instrumentalities, by exercising sole direction over the entire infringing process (e.g., by conditioning participation by such third parties and/or end-users through the use of the '127 Accused Instrumentalities as the primary means of navigating products implementing the accused functionalities)—and benefits from third parties' and/or end-

users' use, including, without limitation, creating and receiving ongoing revenue streams from its goods and/or services sold through the use of the '127 Accused Instrumentalities, improving, enhancing, promoting, or advertising its or theirs products and services, through the use of the '127 Accused Instrumentalities, including its website and navigation structures, improving user experience and engagement, improving web page performance, and/or increasing cross-sell conversion opportunities. End-users and third parties receive a benefit from fiscal gains (e.g., customers, partners, visitors, and/or users increasing the value of their own products and/or services through the use of the '127 Accused Instrumentalities) and enhanced navigation (e.g., end-users and third parties are able to navigate Defendant's website to find, locate, and/or discover existing and/or new products and services offered by Defendant), including receiving clear orientation cues to help third parties and/or end-users identify their exact location within products implementing the '127 Accused Instrumentalities, and/or finding existing products/services, learning about new ones, and/or discovering other products or services not previously known to those third parties and/or end-users (and/or their customers and/or users), and doing so with greater ease and control. Defendant also establishes the manner and timing of that performance by such third-parties and/or end-users, as dictated by the claimed method—by deploying the accused functionalities as the primary means of navigation for browsing and reviewing content for websites, databases, and/or folder structures implementing the '127 Accused Instrumentalities. All third-party and end-user involvement, if any, is incidental, ancillary, or contractual.

139. Defendant has directly, indirectly and/or jointly infringed the '127 Patent and are thus liable for infringement of the '127 Patent pursuant to 35 U.S.C. § 271.

140. Plaintiffs have suffered, and continue to suffer, damages as a result of Defendant's infringement of the '127 Patent.

141. Defendant has continued to infringe the '127 Patent since at least the December 2, 2021 (the date on which Defendant received Plaintiffs' notice letter) despite being on notice of the '127 Patent and its infringement. Defendant has therefore infringed the '127 Patent knowingly, willfully, deliberately, and in disregard of Plaintiffs' patent rights since at least the December 2, 2021 (the date on which Defendant received Plaintiffs' notice letter) at least by infringing with actual knowledge of its direct and indirect infringement or while remaining willfully blind to the fact of its direct and indirect infringement. As a result of at least this conduct, Plaintiffs are entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35 U.S.C. § 285.

142. Plaintiffs reserve the right to modify its infringement theories as discovery progresses in this case. Plaintiffs shall not be estopped for purposes of its infringement contentions or its claim constructions by the foregoing discussions on how the '127 Accused Instrumentalities infringe the '127 Patent. Plaintiffs intend only that the foregoing discussions satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure, and that they should not be construed as Plaintiffs' preliminary or final infringement contentions or preliminary or final claim construction positions.

**COUNT VII - INFRINGEMENT OF U.S. PATENT NO. 11,182,053**

143. Plaintiffs incorporate and reallege the preceding paragraphs as if fully set forth herein.

144. The '053 Patent is directed to a method for generating a plurality of graphical menu items for user selection, as described and claimed in the '053 Patent.

Defendant has and continues to directly infringe at least Claim 1 of the '053 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by, among other things, by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) software and content to be interactively presented in browsers, including, without limitation, the web navigation software available for subscription, download, and/or purchase via [www.progress.com](http://www.progress.com) and <https://www.telerik.com/>, including, without limitation, software that allows content to be interactively presented in and/or served to web browsers, folders, and/or databases, including but not limited to Progress' SiteFinity CMS offering breadcrumb widgets (e.g., <https://www.progress.com/documentation/sitefinity-cms/breadcrumb-widget-mvc>), and Telerik's UI for Blazor, and features and functions with similar breadcrumb functionalities, and; (ii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing or that allows method for generating a plurality of graphical menu items for user selection, with each graphical menu item having one or more sibling menu items (hereinafter, the "'053 Accused Instrumentalities").

145. Upon information and belief, the '053 Accused Instrumentalities provide a method for generating a plurality of graphical menu items for user selection, with each graphical menu item having one or more sibling menu items (e.g., "The Blazor Breadcrumb component allows navigation within a folder structure or web page. It provides an easy way to navigate backwards by one or multiple steps. In addition to built-in navigation capabilities, you can browse through the items, define templates for the individual nodes, render text and icons/images, and respond to events") (see, e.g., [https://docs.telerik.com/blazor-ui/components/breadcrumb/overview?\\_ga=2.223276635.1128083525.1653557842-](https://docs.telerik.com/blazor-ui/components/breadcrumb/overview?_ga=2.223276635.1128083525.1653557842-)

[1024976134.1651179118](#) (last visited May 25, 2022)). As another example, the '053 Accused Instrumentalities provide a method for generating a plurality of graphical menu items for user selection, with each graphical menu item having one or more sibling menu items (e.g., which are created through the collapsible “Horizontal Navigation,” including one or more sibling items (as discussed below) (*see, e.g.*, <https://www.progress.com/documentation/sitefinity-cms/121/horizontal-navigation>) (last visited May 25, 2022); *see also* <https://www.progress.com/documentation/sitefinity-cms/breadcrumb-widget-mvc> (last visited May 25, 2022) (“You use the Breadcrumb widget to display the path to the current page. This helps your users to navigate the website and to understand where the page they are looking at is located.”))

146. More specifically, the '053 Accused Instrumentalities provide one or more sibling menu items being on a first hierarchical level, at least one of the sibling menu items having one or more children menu items, the one or more children menu items being on a second hierarchical level different from the first hierarchical level (e.g., “The Blazor Breadcrumb component allows navigation within a folder structure or web page. It provides an easy way to navigate backwards by one or multiple steps. In addition to built-in navigation capabilities, you can browse through the items, define templates for the individual nodes, render text and icons/images, and respond to events”) (*see, e.g.*, [https://docs.telerik.com/blazor-ui/components/breadcrumb/overview?\\_ga=2.223276635.1128083525.1653557842-1024976134.1651179118](https://docs.telerik.com/blazor-ui/components/breadcrumb/overview?_ga=2.223276635.1128083525.1653557842-1024976134.1651179118) (last visited May 25, 2022)). As another example, the '053 Accused Instrumentalities provide a method for navigating a multi-level hierarchical collapsing menu structure that includes a multi-level hierarchy where each level in the menu contains plural items, each said item being at least one of a function, a pointer to a location, and a pointer to another



level (e.g., which are created through the collapsible “Horizontal Navigation”) (*see, e.g.*, <https://www.progress.com/documentation/sitefinity-cms/121/horizontal-navigation>) (last visited May 25, 2022); *see also* <https://www.progress.com/documentation/sitefinity-cms/breadcrumb-widget-mvc> (last visited May 25, 2022) (“You use the Breadcrumb widget to display the path to the current page. This helps your users to navigate the website and to understand where the page they are looking at is located.”)

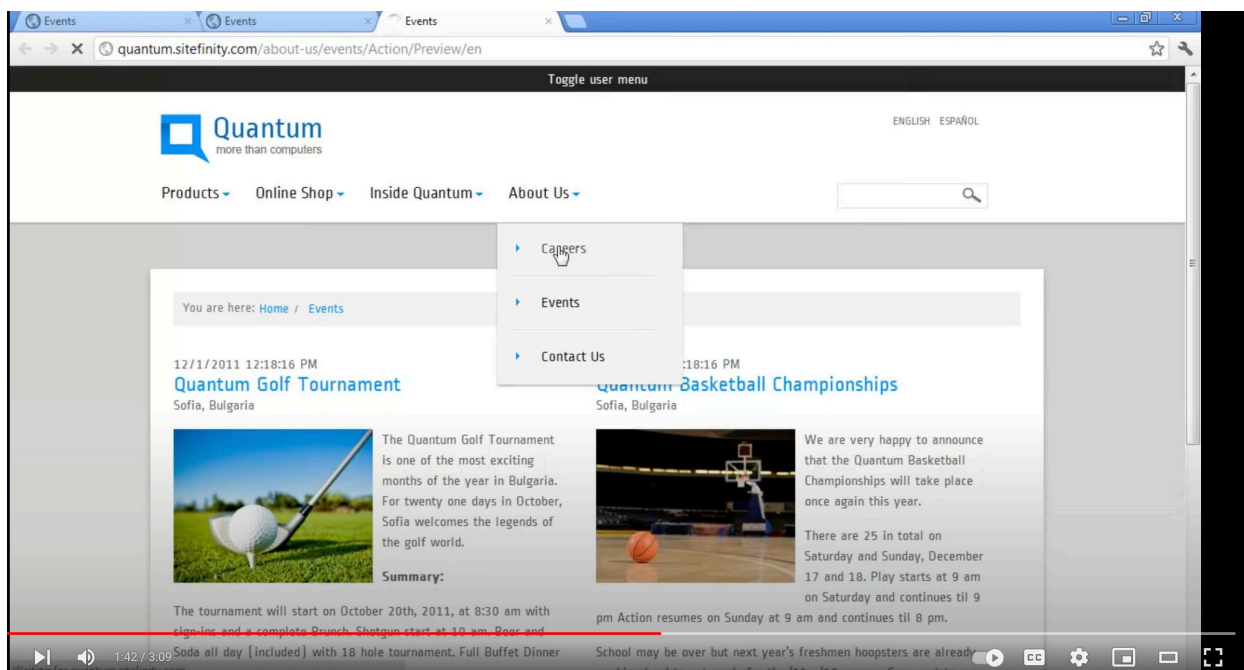
147. Also, the '053 Accused Instrumentalities provide a method for receiving user input selecting one or more of the graphical, sibling, or children menu items, wherein receiving user input includes receiving user input selecting one or more of the graphical, sibling, or children menu items in a sequence (e.g., to access “Overview,” “Breadcrumb” is accessed first, or to access “Built-in Widgets,” “Widgets” is accessed first) (*see, e.g.*, <https://demos.telerik.com/blazor-ui/breadcrumb/overview> and <https://www.progress.com/documentation/sitefinity-cms/built-in-widgets-mvc>). As another example, the '053 Accused Instrumentalities provide a method for receiving user input selecting one or more of the graphical, sibling, or children menu items, wherein receiving user input includes receiving user input selecting one or more of the graphical, sibling, or children menu items in a sequence (“Horizontal with dropdown menus” in SiteFinity):

3. Select the template used for the navigation.

In *Template* dropdown box, choose one of the following:

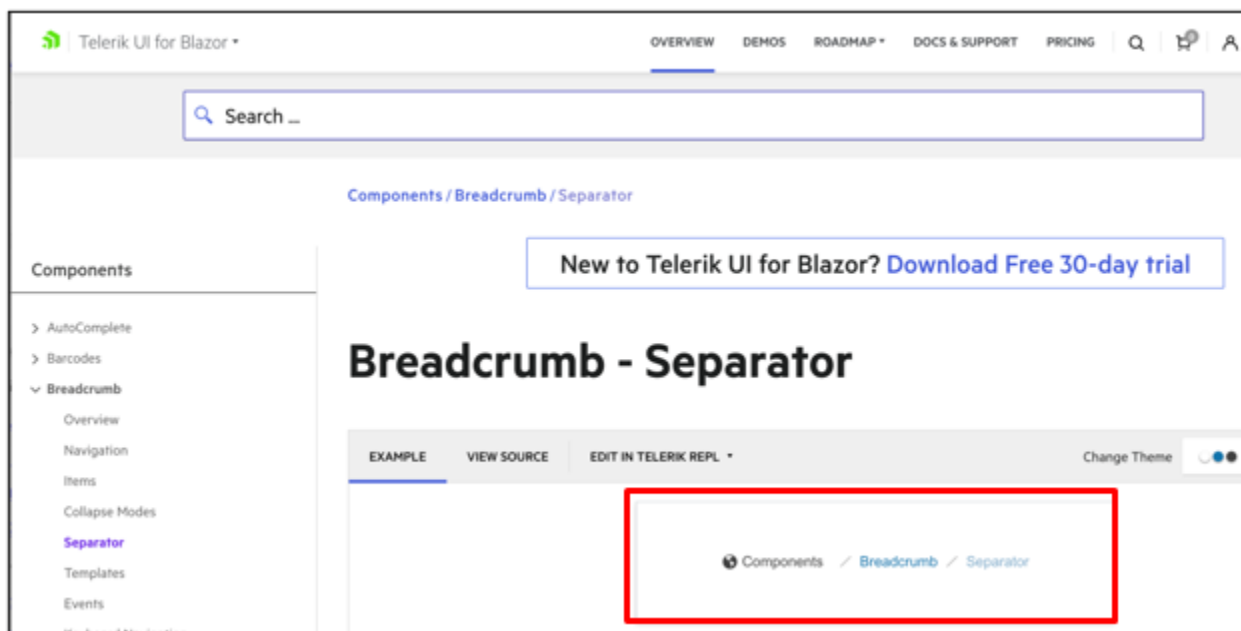
- *Horizontal (one-level)*  
The system displays links to the pages horizontally (one next to the other). There is no hierarchy (no links to children pages).
- *Horizontal with dropdown menus*  
The system displays links to the pages horizontally. If you select a parent page or a group page, the system displays all children pages in a dropdown menu.
- *Horizontal with tabs (up to 2 levers)*  
The system displays links to the pages horizontally. If you select a parent page or a group page, the system displays all children pages in a tabstrip.
- *Vertical (one-level)*  
The system displays links to the pages vertically. There is no hierarchy.
- *Tree (vertical with sub-pages)*  
The system displays links to the pages in a vertical tree with all its nodes expanded. The Tree navigation type enables you to view the hierarchy of the website.
- *Sitemaps in columns*  
The system displays links to top level pages horizontally. If a top level page is a parent page or a group page, containing other pages, they are displayed in a column below their parent page. Only the first two levels of hierarchy are displayed.
- *Sitemaps in rows*  
The system displays links to top level pages vertically. If a top level page is a parent page or a group page, containing other pages, they are displayed in a row below their parent page. Only the first two levels of hierarchy are displayed.

<https://www.progress.com/documentation/sitefinity-cms/121/navigation-widget-webforms> (last visited May 25, 2022); *see also* <https://www.progress.com/documentation/sitefinity-cms/121/horizontal-navigation-with-dropdown-menus> (last visited May 25, 2022); *see also* the top navigation collapsible menu “Products / Online Shop / Inside Quantum / About Us” in SiteFinity, *available at* <https://www.youtube.com/watch?v=0LH3YVD67Ls> (last visited May 25, 2022):



148. Also, the '053 Accused Instrumentalities provide, in response to receiving the user input, constructing a graphical user that includes one or more selectable links arranged in accordance with the sequence, the one or more selectable links including a first, second, and third selectable link, wherein constructing the graphical user interface comprises constructing the first selectable link for the selected graphical menu item followed by constructing the second selectable link for the selected sibling menu item and subsequently constructing the third selectable link for the selected children menu item, each of the one or more selectable links representing one of the selected graphical, sibling, or children menu item (e.g., Components / Breadcrumb / Separator”) as a sequence of hierarchical active links as items are selected (e.g., as “Components,” “Breadcrumb” and “Separator” are selectable links arranged in accordance with the sequence, the one or more selectable links including a first, second, and third selectable link, wherein constructing the graphical user interface comprises constructing the first selectable link for the selected graphical menu item followed by constructing the second selectable link for the selected sibling menu item and subsequently constructing the third selectable link for the

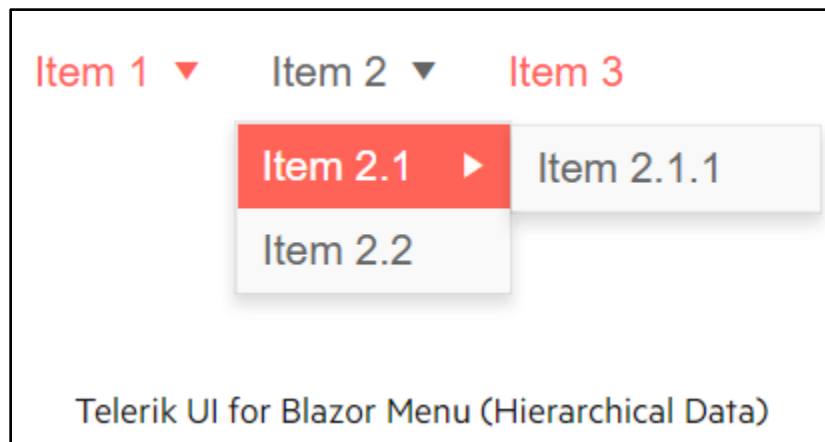
selected children menu item, each of the one or more selectable links representing one of the selected graphical, sibling, or children menu item), as shown below:



See, e.g., <https://demos.telerik.com/blazor-ui/breadcrumb/separator> (last visited May 19, 2022).

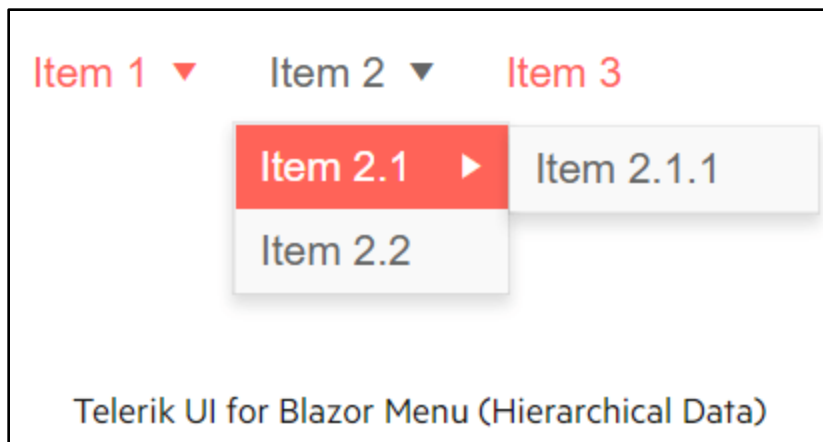
149. As another example, the '053 Accused Instrumentalities provide, in response to receiving the user input, constructing a graphical user that includes one or more selectable links arranged in accordance with the sequence, the one or more selectable links including a first, second, and third selectable link, wherein constructing the graphical user interface comprises constructing the first selectable link for the selected graphical menu item followed by constructing the second selectable link for the selected sibling menu item and subsequently constructing the third selectable link for the selected children menu item, each of the one or more selectable links representing one of the selected graphical, sibling, or children menu item (e.g., "Item 1 / Item 2 / Item 3") as a sequence of hierarchical active links as items are selected (e.g., as "Item 1," "Item 2" and "Item 3" are selectable links arranged in accordance with the sequence, the one or more selectable links including a first, second, and third selectable link, wherein

constructing the graphical user interface comprises constructing the first selectable link for the selected graphical menu item followed by constructing the second selectable link for the selected sibling menu item and subsequently constructing the third selectable link for the selected children menu item, each of the one or more selectable links representing one of the selected graphical, sibling, or children menu item), as shown below:



See <https://www.telerik.com/blogs/telerik-ui-for-blazor-1-6-0-menu-timepicker-grid-enhancements> (last visited May 19, 2022).

150. On information and belief, the '053 Accused Instrumentalities provide, in response to selection of the selectable link, displaying at least one menu item of the plurality of graphical menu items, the one or more sibling menu items, or the one or more children menu items, wherein the at least one displayed menu item is in the same hierarchical level as the selected graphical, sibling, or children menu item represented by the selectable link (e.g., the selection of the graphical menu item "Item 2" will result in the display the menu items "2.1" and "2.2" on the same hierarchical level), as shown below:



See <https://www.telerik.com/blogs/telerik-ui-for-blazor-1-6-0-menu-timepicker-grid-enhancements> (last visited May 19, 2022).

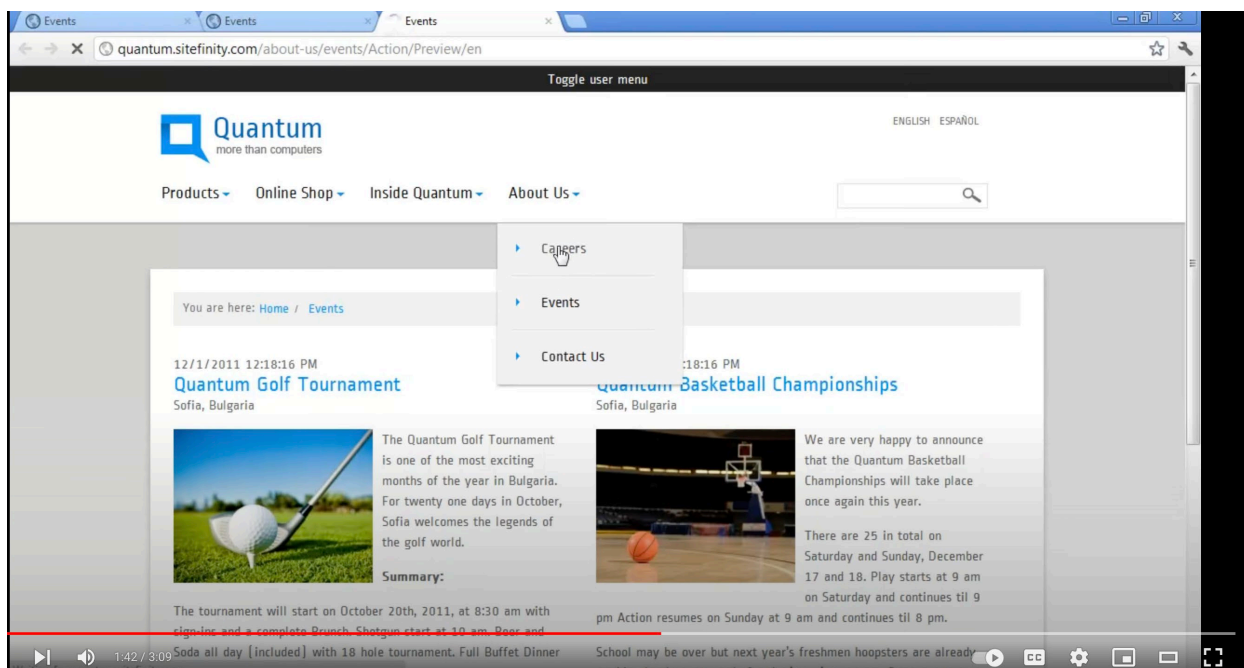
151. As another example, the '053 Accused Instrumentalities provide, in response to selection of the selectable link, displaying at least one menu item of the plurality of graphical menu items, the one or more sibling menu items, or the one or more children menu items, wherein the at least one displayed menu item is in the same hierarchical level as the selected graphical, sibling, or children menu item represented by the selectable link (e.g., “Horizontal with dropdown menus . . . if you select a parent page or group page, the system displays all children pages in the dropdown menu.” in SiteFinity):

3. Select the template used for the navigation.

In *Template* dropdown box, choose one of the following:

- *Horizontal (one-level)*  
The system displays links to the pages horizontally (one next to the other). There is no hierarchy (no links to children pages).
- *Horizontal with dropdown menus*  
The system displays links to the pages horizontally. If you select a parent page or a group page, the system displays all children pages in a dropdown menu.
- *Horizontal with tabs (up to 2 levers)*  
The system displays links to the pages horizontally. If you select a parent page or a group page, the system displays all children pages in a tabstrip.
- *Vertical (one-level)*  
The system displays links to the pages vertically. There is no hierarchy.
- *Tree (vertical with sub-pages)*  
The system displays links to the pages in a vertical tree with all its nodes expanded. The Tree navigation type enables you to view the hierarchy of the website.
- *Sitemaps in columns*  
The system displays links to top level pages horizontally. If a top level page is a parent page or a group page, containing other pages, they are displayed in a column below their parent page. Only the first two levels of hierarchy are displayed.
- *Sitemaps in rows*  
The system displays links to top level pages vertically. If a top level page is a parent page or a group page, containing other pages, they are displayed in a row below their parent page. Only the first two levels of hierarchy are displayed.

<https://www.progress.com/documentation/sitefinity-cms/121/navigation-widget-webforms> (last visited May 25, 2022); *see also* <https://www.progress.com/documentation/sitefinity-cms/121/horizontal-navigation-with-dropdown-menus> (last visited May 25, 2022); *see also* the selection of the graphical menu item “About Us” will result in the display of menu items “Careers,” “Events, or “Contact Us” on the same hierarchical level in SiteFinity, *available at* <https://www.youtube.com/watch?v=0LH3YVD67Ls> (last visited May 25, 2022):



152. Also, the '053 Accused Instrumentalities provide, in the graphical user interface, the one or more sibling items within the first hierarchical level or the one or more children menu items within the second hierarchical level (e.g., the graphical user interface provides one or more sibling items “Item 2.1” and Item “2.2” or the children item “Item 3” on the second hierarchical level) (<https://www.telerik.com/blogs/telerik-ui-for-blazor-1-6-0-menu-timepicker-grid-enhancements> (last visited May 19, 2022)); as another example, in the graphical user interface, the one or more sibling items within the first hierarchical level or the one or more children menu items within the second hierarchical level (e.g., “Horizontal with dropdown menus . . . if you select a parent page or group page, the system displays all children pages in the dropdown menu.” in SiteFinity) (see <https://www.progress.com/documentation/sitefinity-cms/121/navigation-widget-webforms> (last visited May 25, 2022)).

153. Also, the '053 Accused Instrumentalities enable selection, via the graphical user interface, of the one or more sibling menu items within the first hierarchical level or the one or more children menu items within the second hierarchical level (e.g., selection of one or more



sibling items within the first hierarchical level of “Item 2.1” and Item “2.2” or the children item “Item 3” within the second hierarchical level is enabled) (<https://www.telerik.com/blogs/telerik-ui-for-blazor-1-6-0-menu-timepicker-grid-enhancements> (last visited May 19, 2022)); as another example, the ’053 Accused Instrumentalities enable selection, via the graphical user interface, of the one or more sibling menu items within the first hierarchical level or the one or more children menu items within the second hierarchical level (e.g., “Horizontal with dropdown menus . . . if you select a parent page or group page, the system displays all children pages in the dropdown menu.” in SiteFinity) (see <https://www.progress.com/documentation/sitefinity-cms/121/navigation-widget-webforms> (last visited May 25, 2022)).

154. Discovery is expected to uncover the full extent of Defendant’s infringement of the ’053 Patent beyond the ’053 Accused Instrumentalities already identified through public information.

155. Upon information and belief, Defendant has induced and continue to induce others to infringe at least Claim 1 of the ’053 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendant’s new, current, and prospective users, partners, customers and other third parties, whose use of the ’053 Accused Instrumentalities constitutes direct infringement of at least Claim 1 of the ’053 Patent.

156. In particular, Defendant’s actions that aid and abet others such as its new, current, and prospective users, partners, customers and third parties to infringe include advertising the ’053 Accused Instrumentality. On information and belief, Defendant has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendant has had actual knowledge of the ’053 Patent and knowledge

that its acts were inducing infringement of the '053 Patent since at least the date December 2, 2021 (the date on which Defendant received Plaintiffs' notice letter) when Defendant received notice that such activities infringed the '053 Patent.

Defendant's acts of inducement include, without limitation: providing the '053 Accused Instrumentalities to its new, current, and prospective users, partners, and customers, and other third parties and intending them to use the '053 Accused Instrumentalities that enable and/or make use of content published therein; encouraging customers and other third parties to communicate directly with Defendant's representatives about the '053 Accused Instrumentalities and content published therein for purposes of technical assistance as well as sales and marketing (*see, e.g.*, <https://www.telerik.com/contact> (providing consumers with a technical support portal through which technical issues and concerns regarding the '053 Accused Instrumentalities can be addressed); *see, e.g.*,

[https://twitter.com/Telerik?ref\\_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor](https://twitter.com/Telerik?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor)

and <https://www.youtube.com/watch?v=jAOZY9TZi78> (Defendant's social media accounts promoting the use of the '053 Accused Instrumentalities through which various media content can be accessed); instructing third parties on how to infringe and code the '053 Accused

Instrumentalities through various media content ([https://www.telerik.com/forums/breadcrumbs-](https://www.telerik.com/forums/breadcrumbs-with-dropdown)

[with-dropdown](https://www.telerik.com/forums/breadcrumbs-with-dropdown); [https://www.youtube.com/watch?v=zOgM\\_V4t1Ik](https://www.youtube.com/watch?v=zOgM_V4t1Ik) ,

[https://www.youtube.com/watch?v=0LH3YVD67Ls&ab\\_channel=ProgressSitefinity](https://www.youtube.com/watch?v=0LH3YVD67Ls&ab_channel=ProgressSitefinity), and

<https://www.youtube.com/watch?v=lzS99vtRxOI>); *see, e.g.*,

<https://learn.telerik.com/learn/course/external/view/elearning/27/telerik-ui-for->

[blazor?\\_ga=2.193365869.1128083525.1653557842-1024976134.1651179118](https://learn.telerik.com/learn/course/external/view/elearning/27/telerik-ui-for-blazor?_ga=2.193365869.1128083525.1653557842-1024976134.1651179118) (providing a free

download and tutorial of the '053 Accused Instrumentalities); *see*

[https://blazorrepl.telerik.com/mGYdYlks32yPNE9v39?\\_ga=2.268756913.1128083525.1653557842-1024976134.1651179118](https://blazorrepl.telerik.com/mGYdYlks32yPNE9v39?_ga=2.268756913.1128083525.1653557842-1024976134.1651179118) (providing a demo for configuring the '053 Accused Instrumentalities); *see, e.g.*, <https://www.telerik.com/purchase.aspx?filter=web> (providing a payment portal for the '053 Accused Instrumentalities); <https://community-archive.progress.com/forums/00296/53466.html> (providing tutorial on how to create “horizontal navigation”).

157. Defendant performed acts of inducement despite its actual knowledge since at least the December 2, 2021 (the date on which Defendant received Plaintiffs’ notice letter) and its knowledge that the specific actions it actively induced and continue to actively induce on the part of its users, partners, and customers, and other third parties constitute infringement of the '053 Patent. At the very least, because Defendant has been, and remains, on notice of the '053 Patent and the accused infringement, they have been, and remains, willfully blind regarding the infringement that it has induced and continue to induce.

158. On information and belief, Defendant has contributed to, and continues to contribute to, infringement of at least Claim 1 of the '053 Patent pursuant to 35 U.S.C. § 271(c) by providing the '053 Accused Instrumentalities that have contributed, and continue to contribute, to the direct infringement of new, current, and prospective users, partners, customers and other third parties with the knowledge at least as of the December 2, 2021 (the date on which Defendant received Plaintiffs’ notice letter) that the '053 Accused Instrumentalities are especially made or adapted for use in an infringement of the '053 Patent. For example, by providing the web pages, software, and computer equipment identified above, Defendant contributes to the direct infringement of users of said web pages, software, and computer equipment. The '053 Accused Instrumentalities are material components or apparatuses for use

in practicing the '053 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

159. For example, the '053 Accused Instrumentalities provide a graphical user menu system through which a user can navigate an information structure or an apparatus for navigating an information structure according to the claimed invention(s). Defendant supplied, and continue to supply, the '053 Accused Instrumentalities, or components or apparatuses thereof, with the knowledge of the '053 Patent and with the knowledge that these components or apparatuses constitute critical and material parts of the claimed inventions of the '053 Patent. Moreover, Defendant knows at least by virtue of its knowledge of its own products and services and the '053 Patent that the '053 Accused Instrumentalities are especially made and/or especially adapted for use as claimed in the '053 Patent and there is no substantial non-infringing use of these components or apparatuses.

160. Additionally or alternatively, to the extent any third parties or end-users perform are required to perform one or more steps recited in claim 1 of the '053 patent, any such action by third parties and/or end-users is attributable to Defendant, such that Defendant is liable for jointly infringing such claims in a multiple actor or joint infringement situation, because Defendant directs or controls the other actor(s). In this regard, Defendant conditions participation in activities, as well as the receipt of benefits, upon performance of any such step by any such third party or end user. Defendant exercises and/or directs control over the one or more steps performed by the '053 Accused Instrumentalities, by exercising sole direction over the entire infringing process (e.g., by conditioning participation by such third parties and/or end-users through the use of the '053 Accused Instrumentalities as the primary means of navigating products implementing the accused functionalities)—and benefits from third parties' and/or end-

users' use, including, without limitation, creating and receiving ongoing revenue streams from its goods and/or services sold through the use of the '053 Accused Instrumentalities, improving, enhancing, promoting, or advertising its or their products and services, through the use of the '053 Accused Instrumentalities, including its website and navigation structures, improving user experience and engagement, improving web page performance, and/or increasing cross-sell conversion opportunities. End-users and third parties receive a benefit from fiscal gains (e.g., customers, partners, visitors, and/or users increasing the value of their own products and/or services through the use of the '053 Accused Instrumentalities) and enhanced navigation (e.g., end-users and third parties are able to navigate Defendant's website to find, locate, and/or discover existing and/or new products and services offered by Defendant), including receiving clear orientation cues to help third parties and/or end-users identify their exact location within products implementing the '053 Accused Instrumentalities, and/or finding existing products/services, learning about new ones, and/or discovering other products or services not previously known to those third parties and/or end-users (and/or their customers and/or users), and doing so with greater ease and control. Defendant also establishes the manner and timing of that performance by such third-parties and/or end-users, as dictated by the claimed method—by deploying the accused functionalities as the primary means of navigation for browsing and reviewing content for websites, databases, and/or folder structures implementing the '053 Accused Instrumentalities. All third-party and end-user involvement, if any, is incidental, ancillary, or contractual.

161. Defendant has directly, indirectly and/or jointly infringed the '053 Patent and are thus liable for infringement of the '053 Patent pursuant to 35 U.S.C. § 271.

162. Plaintiffs have suffered, and continue to suffer, damages as a result of Defendant's infringement of the '053 Patent.

163. Defendant has continued to infringe the '053 Patent since at least the December 2, 2021 (the date on which Defendant received Plaintiffs' notice letter) despite being on notice of the '053 Patent and its infringement. Defendant has therefore infringed the '053 Patent knowingly, willfully, deliberately, and in disregard of Plaintiffs' patent rights since at least the December 2, 2021 (the date on which Defendant received Plaintiffs' notice letter) at least by infringing with actual knowledge of its direct and indirect infringement or while remaining willfully blind to the fact of its direct and indirect infringement. As a result of at least this conduct, Plaintiffs are entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35 U.S.C. § 285.

164. Plaintiffs reserve the right to modify its infringement theories as discovery progresses in this case. Plaintiffs shall not be estopped for purposes of its infringement contentions or its claim constructions by the foregoing discussions on how the '053 Accused Instrumentalities infringe the '053 Patent. Plaintiffs intend only that the foregoing discussions satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure, and that they should not be construed as Plaintiffs' preliminary or final infringement contentions or preliminary or final claim construction positions.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs demand judgment for itself and against Defendant as follows:

- a. A judgment that Defendant has infringed, and continues to infringe, one or more claims of each of the Asserted Patents;
- b. A judgment that Defendant has induced infringement, and continue to induce infringement, of one or more claims of each of the Asserted Patents;

- c. A judgment that Defendant has contributed to, and continues to contribute, to the infringement of one or more claims of each of the Asserted Patents;
- d. A judgment that Defendant has jointly infringed one or more claims of each of the Asserted Patents;
- e. A judgment that Defendant has willfully infringed one or more claims of each of the Asserted Patents;
- f. A judgment awarding Plaintiffs all damages adequate to compensate for Defendant's infringement, and in no event less than a reasonable royalty for Defendant's acts of infringement, including all pre-judgment and post-judgment interest at the maximum rate allowed by law;
- g. A judgment awarding Plaintiffs treble damages pursuant to 35 U.S.C. § 284 as a result of Defendant's willful conduct;
- h. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding Plaintiffs their reasonable attorneys' fees; and
- i. A judgment awarding Plaintiffs such other relief as the Court may deem just and equitable.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs demand a trial by jury of this action.

Dated: May 27, 2022

By:  
/s/ William F. McGonigle  
Raymond P. Ausrotas, Esq. (BBO #640315)  
[RAusrotas@arrowoodllp.com](mailto:RAusrotas@arrowoodllp.com)  
William F. McGonigle, Esq. (BBO #569490)  
[wmcgonigle@arrowoodllp.com](mailto:wmcgonigle@arrowoodllp.com)  
ARROWOOD LLP  
10 Post Office Square, 7th Floor South  
Boston, MA 02109  
T: 617-849-6200

Timothy Devlin  
(*pro hac vice* application forthcoming)  
[tdevlin@devlinlawfirm.com](mailto:tdevlin@devlinlawfirm.com)  
Alex Chan  
(*pro hac vice* application forthcoming)  
Texas State Bar No. 24108051  
[achan@devlinlawfirm.com](mailto:achan@devlinlawfirm.com)  
DEVLIN LAW FIRM LLC  
1526 Gilpin Ave.  
Wilmington, Delaware 19806  
Telephone: (302) 449-9010  
Facsimile: (302) 353-4251

*Attorneys for Plaintiffs,  
Caddo Systems, Inc. and 511 Technologies, Inc.*