IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WALKME LTD., Plaintiff, v. WHATFIX INC., Defendant.	C.A. No. 1:23-cv-00227-MN **JURY TRIAL DEMANDED**

PLAINTIFF WALKME LTD.'S FIRST AMENDED COMPLAINT

Plaintiff WalkMe Ltd. ("Plaintiff" or "WalkMe"), for its first amended complaint against Defendant Whatfix Inc. ("Defendant" or "Whatfix"), by its undersigned counsel, hereby alleges as follows:

PARTIES

1. Plaintiff WalkMe Ltd. is a company organized under the laws of Israel with its principal place of business at 3 Kremenetski Street, 2nd Floor, Tel Aviv, 6789903 Israel.

2. Upon information and belief, Defendant Whatfix is a corporation organized under the laws of Delaware, having its principal place of business in this District at 2107 N. 1st Street, Suite 450, San Jose, California 95131.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this patent infringement action under 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, Title 35 United States Code, including 35 U.S.C. § 1, et seq. This complaint includes claims for patent infringement arising under the patent laws of the United States, including 35 U.S.C. § 271, et seq.

4. Defendant is subject to personal jurisdiction in this District because, based on information and belief, it is deemed to reside in this judicial district by virtue of being incorporated in the State of Delaware. Accordingly, this Court may properly exercise personal jurisdiction over Defendant

5. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1338(a), and Title 35 of the United States Code.

6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c), and/or 1400(b), at least because Defendant is deemed to reside in this judicial district by virtue of being incorporated in the State of Delaware.

WALKME'S BUSINESS

7. WalkMe was founded in 2011 as a company developing a computer system guidance and navigation tool. WalkMe is the pioneer of its signature Digital Adoption Platform which simplifies the user experience by using, for example, system guidance capabilities designed to drive users to adopt digital systems.

8. WalkMe has further developed technology in the field of automation of computer programs and processes. For example, WalkMe's innovative ActionBot™ product understands what users want to do and automates tasks for them. The ActionBot™ uses a natural language chat interface making process automation as simple as holding a conversation. The ActionBot™ enhances the customer and employee experience by eliminating confusion, errors, and frustration while helping users complete tasks.

9. As explained in the accompanying Declaration of Inventor Nir Nahum (Exhibit J) ("Nahum Declaration"), ActionBots™ can be defined by WalkMe's customers without using any code, and without relying on an Application Programming Interface (or "API"). Instead, users can

define automation processes by clicking on elements of a Graphical User Interface ("GUI") of the relevant system and defining relevant actions regarding those elements. Simply put, WalkMe's ActionBots™ define and utilize the GUI of the system as a replacement of an API, enabling a no-code paradigm and without relying on third-party systems to expose their functionality with APIs. *See* Nahum Declaration, Ex. J at ¶¶ 6-12, 16.

10. By using ActionBot™'s intuitive chat-interface, users are able to complete tasks without any training, even as they move across different software tools. With the ActionBot™, employees of WalkMe's corporate customers no longer need to navigate sophisticated enterprise management systems, fill in complex forms, or struggle through difficult processes.

THE PATENTS-IN-SUIT

11. Plaintiff WalkMe Ltd. is the assignee of United States Patent Nos. 10,819,664 ("the '664 Patent," Exhibit A), 11,258,732 ("the '732 Patent," Exhibit B), and 11,558,317 ("the '317 Patent," Exhibit C) (collectively, the "Patents-in-Suit").

12. The Patents-in-Suit are directed generally to innovative technical improvements to the design and execution of "Chatbot" computer programs. Chatbots can function as a service that simplifies a computer program or application user's experience by collecting certain data from the user and executing a predefined automation flow on a "target system." *See, e.g.,* '664 patent, Ex. A at 8:4-6. The Chatbot can implement a natural language interface with the user, such as a text-based or oral (audio) conversation. *See id.* at 8:6-8. The target system, which the Patents-in-Suit also refer to as "the computer program," can be a website, a web-based system, or a mobile or desktop computer application. *See id.* at 8:9-13. As the Patents-in-Suit explain, the target system (or computer program) may have a user interface feature – for example, a Graphical User Interface

(or "GUI") – that the user can utilize and interact with to activate the target system's various functionalities. *Id.* at 8:13-15; *see* Nahum Declaration, Ex. J at ¶ 7.

13. Before the inventors conceived of the inventions disclosed and claimed in the Patents-in-Suit, Chatbot computer programs suffered from technical limitations that made them difficult to design, maintain and adapt. *See* Nahum Declaration, Ex. J at ¶¶ 5-10. Most notably, prior computer programs typically required Chatbots to be designed using coding or a designated API. An API generally acts as a software intermediary that enables different computer applications to communicate with each other. *See id.* at ¶ 6. The API intermediary layer will process data transfers between systems, which can allow a company to open its application data and functionality to external third-party developers. *Id.* As explained in the accompanying Nahum Declaration, in certain contexts, APIs may serve as an effective means for extracting and sharing data across organizations. *Id.* However, as detailed in the Patents-in-Suit (*see, e.g.*. '664 patent, Col. 11, ll. 4-13), there can be significant problems associated with utilizing computer program APIs to execute Chatbot functionality. Nahum Declaration, Ex. J at ¶ 6.

14. For example, if the Chatbot design process requires use of a designated API, one problem is that the target system must expose an API for each functionality of the program. *See* Nahum Declaration, Ex. J at ¶ 98. As noted in the Patents-in-Suit, and explained in the accompanying Nahum Declaration, exposing an API can be a time-consuming task, and potentially impossible if the target system is owned by a third-party that does not want to expose an API or allow external automation processes. *See, e.g.,* '664 patent, Ex. A, at 11:4-12; Nahum Declaration, Ex. J at ¶ 8.

15. Additionally, a software vendor may decide to provide an API for certain system functionalities. This means that the vendor provides third-parties with access to functions that

perform the desired functionalities, thereby enabling such third-parties to invoke the desired functionalities as part of their own code. *See* Nahum Declaration, Ex. J at ¶ 9. But, as Mr. Nahum explains in his accompanying Declaration, in practice, most vendors do not provide an API for every potential functionality of their system; rather, they tend to provide an API for only a sub-set of the functionalities, if anything. *See id.* at ¶ 9. Exposing an API requires developing software modules, providing proper documentation of it, and supporting the users of the API, for each different functionality that is supported by the API. *Id.* Thus, exposing an API typically requires an investment of research and development and support resources. Software vendors may choose to avoid such investment altogether, or otherwise limit such investment to only support what the vendor views as core functionalities. *Id.*

16. In addition, industry consumers of Chatbot computer programs, like WalkMe's customers, may be operating on highly customized software. For example, a CRM system allows customers to create new types of objects. However, the target system's API may not support such custom objects, making it difficult, if not impossible, to execute Chatbot automation flows that rely upon API. *See* Nahum Declaration, Ex. J at ¶ 10.

17. The inventors of the Patents-in-Suit conceived and developed a way to improve upon, and simplify, the Chatbot design and execution process by bypassing the cumbersome requirement of having the target system expose an API for each potential functionality. *See, e.g., id.* at ¶ 11; '664 patent, Ex. A at 5:55—6:7, 8:33-36.

18. Under the approach described and claimed in the Patents-in-Suit, the user interface (such as a GUI) itself – which already exists in the target system – is used as a substitute for API. *See* Nahum Declaration, Ex. J at ¶ 12. This improved method enables non-programmers to define the automations that are invoked by the Chatbot in response to user interactions. *See* '664 patent,

Ex. A at 8:32-36. Defining the Chatbot automation process based on the user's actions performed on a GUI enables the Chatbot to perform any functionality the user can perform, without relying on dedicated APIs and without requiring any coding. *See* Nahum Declaration, Ex. J at ¶ 12. The parameters and requests of the conversation between the user and the Chatbot can be defined more simply by using a point-and-click editor or another user interface that can be utilized by non-programming users. *See* '664 patent, Ex. A at 9:6-14; Nahum Declaration, Ex. J at ¶ 12.

19. As Mr. Nahum explains in his accompanying Declaration, enabling non-programmers to create automation flows represented a substantial technical and commercial improvement over prior Chatbot systems that relied upon API. *See* Nahum Declaration, Ex. J at ¶¶ 13-16. For instance, even if an API exists on the target system, a software developer or a technically savvy person is needed to use it. But, with the inventions described and claimed in the Patents-in-Suit, non-technical users can simply point-and-click to create the automation flows. *See id.* at ¶ 13. This innovation has led to substantial commercial adoption of WalkMe's patented ActionBot product, because it allows many more people to create the Chatbot automation flows (and more cheaply). *See id*.

20. Additionally, as Mr. Nahum further explains in his accompanying Declaration, integrating APIs generally requires IT work and a security process. *See id.* at ¶ 14. For a customer of a third-party system to use the system's API, administrative support from the IT department is generally required before performing the integration. *Id.* Furthermore, this process will typically require a prior security review. *Id.* These processes are not required when using the GUI instead of the API. The automation is performed on top of the end user's GUI. This means that no integration is needed, and the automation is working on behalf of the user using his or her session, based on his or her access permissions. *Id.* Thus, another benefit of using the inventions described

and claimed in the Patents-in-Suit is that no security review is required – the automation can do whatever the end user can do using the GUI. *See id.*

21. As Mr. Nahum further explains in his accompanying Declaration, the inventions of the Patents-in-Suit have also contributed to improved user experience and trust compared to prior Chatbot programs. Nahum Declaration, Ex. J at ¶ 15. Relying on API requires users to trust their machines to understand and perform their actions. In contrast, when performing the automation on the GUI, according to claimed inventions of the Patents-in-Suit, the user visually sees what the automation is doing and can optionally approve it before the action is actually completed. *Id.*

22. Although user interfaces, including GUIs, were known computer system components at the time of the Patents-in-Suit, using a GUI as an API-substitute to define and execute Chatbot functionality was a novel concept and a significant technical improvement over prior computer program technology. *See* Nahum Declaration, Ex. J at ¶ 16. Upon information and belief, no prior Chatbot program utilized the target system's user interface elements, such as a GUI, to define and execute the Chatbot automation process. *See id.* This represented a paradigm change. By making use of the GUI (the interface normally reserved for the human user to interact with the system) as a substitute to an API (the interface that is designated to be used by other computer programs to interact with the system), the claimed inventions of the Patents-in-Suit: (a) allow non-developers to "develop" Chatbot automations, (b) simplify issues relating to security and credentials (as these are solved inherently by the GUI), and (c) allow the automation to be defined without the assistance of the vendor of the program. *Id.*

23. On October 27, 2020, the United States Patent and Trademark Office duly and legally issued the '664 Patent, entitled "Chat-Based Application Interface for Automation." The

'664 Patent is valid, enforceable, and all required maintenance fees have been paid. A true and correct copy of the '664 Patent is attached as Exhibit A.

24. WalkMe filed the application that resulted in the '664 patent on or about March 19, 2019, approximately five years after the United States Supreme Court's seminal decision directed to patent eligibility in *Alice Corp. v. CLS Bank International*, 573 U.S. 208 (2014) ("*Alice*"). Despite being prosecuted in the post-*Alice* patent regime, the United States Patent and Trademark Office ("USPTO") Examiner never rejected any of the applied-for claims as directed to patent ineligible subject matter under 35 U.S.C. § 101 ("Section 101").

25. The '664 Patent provides methods and systems for the automation of computer programs and processes based on user input through chat-based application interfaces. Prior to the inventions disclosed by the '664 Patent, a user could interact with a Chatbot, or a conversation-based computer program, to perform an automated task through the use of APIs. *See* Ex. A at 1:21-23; 1:37-40. For example, the Chatbots could scan for keywords input by a user to conduct a task or provide specific functionality based on the APIs used to perform specific actions. *See* Ex. A at 1:21-23; 1:37-40. However, the use of Chatbots proved inefficient and problematic, requiring continuous addition and creation of dedicated APIs to perform specific tasks, as explained by the Specification of the '664 Patent and the accompanying Nahum Declaration:

> Another technical effect may be to provide a chat bot designing process that does not require coding or using designated API. This may allow to bypass the requirement of having the target system expose an API for each potential functionality. Instead, the GUI itself, which already exists in the target system, is used as the API-substitute. Exposing an API may be time-consuming task in some cases, but in many cases it may not be feasible as the target system may be owned by a third-party who may not wish to expose an API and who may not wish to allow external automation.
>
> Yet another technical effect may be to avoid security issues. With API calls, there may be potential security issues, if the API is manipulated. Instead, the disclosed subject matter uses the GUI itself, and the actions may be performed

> behalf of a logged-in user, under her authority. No additional security issues are created due to the use of the disclosed subject matter, as opposed to potential vulnerabilities that may be introduced when an API is published and made available.

Id. at 11:4-22; *see also* Nahum Declaration, Ex. J at ¶¶ 5-12.

26. To overcome this technological shortcoming, the '664 Patent describes and claims the use of a GUI and a natural language interface to receive multiple inputs from a user and select and perform an automated process, or processes, based on the inputs. *See, e.g.,* '664 Patent, at 8:65-9:5, Claims 1-6. Through the combination of the GUI and natural language interface, the '664 Patent inventions were able to enhance and improve upon the previous user experience and functionality of Chatbots not previously exhibited by the prior art. *See* Nahum Declaration, Ex. J at ¶¶ 11-16.

27. The '664 Patent does not describe a simple integration of a GUI or a display, but rather utilizes multiple inputs from a natural language interface utilizing the GUI to perform multiple processes. The prior technology relied upon was unable to determine an automated process, or processes, based on at least a first and second input from a user, in order to perform an automation of a sequence of interactions by utilizing a displayed user interface. Rather, the prior technology was heavily reliant upon APIs that required modification to perform specific tasks and was substantially limited in functionality. By contrast, the integrated functionality disclosed by the '664 Patent was a technical improvement beyond the conventional method of performing a process using a Chatbot through the use of an API. The claimed methods and systems of the '664 Patent transformed a traditionally tedious, inefficient process and increased the capabilities of Chatbot computer programs through interaction with a system's user interface elements. *See* Nahum Declaration, Ex. J at ¶¶ 11-16.

28. For the foregoing reasons, the '664 Patent's claimed inventions are, at the very least, a technical improvement to the computer-specific process of performing automated tasks through the use of Chatbots. The disclosed invention is not merely directed to the idea of integrating a GUI or a displayed user interface with a Chatbot. However, to the extent the claims of the '664 Patent are deemed to be directed to an abstract idea, the claims add substantially more to the integration of a GUI or a displayed user interface with a Chatbot, at least by their ability to determine, based on multiple inputs from a user, an automation process configured to perform an automation of a sequence of interactions with a displayed user interface of a computer program, as described above, by the specification of the '664 Patent, and in the accompanying Nahum Declaration.

29. On February 22, 2022, the United States Patent and Trademark Office duly and legally issued the '732 Patent, entitled "Automation Process Definition for a Natural Language Interface." A true and correct copy of the '732 Patent is attached as Exhibit B.

30. WalkMe filed the application that resulted in the '732 patent on or about September 21, 2020, approximately six years after the Supreme Court's decision in *Alice*. Despite being prosecuted in the post-*Alice* patent regime, the USPTO Examiner never rejected any of the applied-for claims as directed to patent ineligible subject matter under Section 101.

31. The '732 Patent provides methods and systems for defining an automation process to be invoked in response to a conversation of a user with a natural language interface. Prior to the invention disclosed by the '732 Patent, an automated task could be performed through interactions between a user and a Chatbot operating through a dedicated API. The Chatbot could perform different functionalities based on the API and the interactions it had with the user. However, "[i]mplementing a new functionality via a chat bot may be a complicated task" and

require computer developers to modify and create several dedicated APIs to perform said functionalities. *See* Ex. B at 1:40-46; *see also* Nahum Declaration, Ex. J at ¶¶ 6-10.

32. The '732 Patent addressed these issues previously plaguing the technological field by utilizing the GUI of a target system and performing actions without relying on dedicated APIs, thus increasing the user experience by removing the prior need to rely on APIs to perform automated tasks through Chatbots, as explained by the Specification of '732 Patent and the accompanying Nahum Declaration:

> One technical solution provided by the disclosed subject matter may be to use a natural language interface to receive input from the user, and based thereon, select an automation process to be executed. The automation process may be executed in a manner that manipulates the GUI of the target system, in a similar manner to the manner in which the user operates. As a result, definition of the automation process may be defined by non-programmers.
>
> Defining the automation process based on performing actions in the GUI enables the automation process to perform any functionality that the user can perform, without relying on dedicated APIs and without requiring any line of code. The parameters of the conversation, as well as the flow of the automation process, may be defined using a point and click editor, or other user interface that can be used by any non-programmer users.

Id. at 5:62-6:10; *see* Nahum Declaration, Ex. J at ¶¶ 5-12.

33. Through the use of a GUI, a displayed user interface, and a natural language interface, an automation process can be configured in response to a conversation of a user with the natural language interface. While the prior art systems were limited by the functionalities of the dedicated APIs, "there may be no limit to what the chat bot can invoke" through the use of the inventions of the '732 Patent. *Id*. at 6:18-19. The inventions further enable defining complicated conversations for the Chatbot, by users that do not have any coding capabilities. *Id.* at 18:52-58. "A novice user may define in a simple manner the parameters of the conversation that the chat bot implements, and the automation process that would be executed based thereon. Using this

seemingly simple technique[], a fast and efficient manner of providing chat bot functionalities is enabled." *Id*. at 6:20-25. This represented a significant technical and commercial improvement over prior Chatbot computer programs that relied upon the target system to expose an API. *See* Nahum Declaration, Ex. J at ¶¶ 11-16.

34. This was previously not achievable through the prior art systems as they were heavily reliant on dedicated APIs and failed to utilize conversation elements and parameters associated with parameterized automation processes, as is disclosed by the '732 Patent and described in the Nahum Declaration.

35. The'732 Patent's claimed inventions are not limited to simple integration of a GUI. To the contrary, the '732 Patent claims a significant improvement upon the prior art, as evidenced by the disclosed capabilities of performing specific tasks based on values extracted from a conversation of a user with a natural language interface, wherein the automation process is configured to utilize a displayed user interface of a computer program to simulate a sequence of interactions. By collecting specific conversation elements from the conversation of a user with a natural language element and pairing said conversation elements with parameters associated with an automation process, the abilities of a previously inadequate Chatbot are unlocked and limited only by the underlying target system's functionalities.

36. For the above reasons, the '732 Patent's claimed invention is, at the very least, a technical improvement to the computer-specific process of performing automated tasks through the use of Chatbots, and is not merely directed to the idea of integrating a GUI or a displayed user interface with a Chatbot. However, to the extent the claims of the '732 Patent are deemed to be directed to an abstract idea, the claims add substantially more to the integration of a GUI or a displayed user interface with a Chatbot, at least by their ability to perform automated tasks in

response to a conversation of a user with a natural language interface, wherein the conversation is configured to obtain values for parameters ultimately used in the parameterized automation process.

37. On January 17, 2023, the United States Patent and Trademark Office duly and legally issued the '317 Patent, entitled "Invoking an Automatic Process in a Web-Based Target System using a Chat-Bot." A true and correct copy of the '317 Patent is attached as Exhibit C.

38. WalkMe filed the application that resulted in the '317 patent on or about January 18, 2022, approximately eight years after the Supreme Court's decision in *Alice*. Despite being prosecuted in the post-*Alice* patent regime, the USPTO Examiner never rejected any of the applied-for claims as directed to patent ineligible subject matter under Section 101.

39. The '317 Patent describes and claims methods and systems that utilize user instruction from a user interacting with a natural language interface to determine and implement an automation process by interacting with a GUI. Prior to the '317 Patent inventions, an automated task could be performed through interactions between a user and a Chatbot operating through a dedicated API. The Chatbot could perform different functionalities based on the API and the interactions it had with the user. However, "[i]mplementing a new functionality via a chat bot may be a complicated task" and require computer developers to modify and create several dedicated APIs to perform said functionalities. *See* Ex. C at 1:43-49; *see also* Nahum Declaration, Ex. J at ¶¶ 6-10.

40. The '317 Patent's claimed invention addresses the technical shortcomings of prior Chatbot programs that required dedicated APIs, as explained by the Specification of the '317 Patent and the accompanying Nahum Declaration:

> One technical solution provided by the disclosed subject matter may be to use a natural language interface to receive input from the user, and based thereon,

> select an automation process to be executed. The automation process may be executed in a manner that manipulates the GUI of the target system, in a similar manner to the manner in which the user operates. As a result, definition of the automation process may be defined by non-programmers.
>
> Defining the automation process based on performing actions in the GUI enables the automation process to perform any functionality that the user can perform, without relying on dedicated APIs and without requiring any line of code. The parameters of the conversation, as well as the flow of the automation process, may be defined using a point and click editor, or other user interface that can be used by any non-programmer users.

Ex. C at 9:3-19; *see* Nahum Declaration, Ex. J at ¶¶ 5-12.

41. The '317 Patent's claimed inventions enable implementation of an automation process by interacting with a GUI of a web-based target system based on information collected from a conversation or instruction of a user utilizing a natural language interface of a Chatbot. Such capabilities were not found in the prior art as the prior art systems utilized conventional means such as depending on dedicated APIs. However, the invention of the '317 Patent removes the need for dedicated APIs and utilizes interactions with the GUI of the web-based target system to automatically perform processes such as filling in a text input field or interacting with a widget in the GUI to cause the web-based target system to perform a predefined functionality. *See* Nahum Declaration, Ex. J at ¶¶ 11, 12, 16.

42. By interacting with the GUIs of web-based target systems to perform tasks ultimately based on user instruction or user conversation with a natural language interface of a Chatbot, the '317 Patent's claimed inventions revolutionized the field of automated processes performed by Chatbots and removed the prior roadblocks hindering prior art computers systems. *See* Nahum Declaration, Ex. J at ¶¶ 11-16. Such improvements converted a previously traditional and inefficient method and system into a dynamic product and method limited only by the capabilities of the target system rather than the functionalities of the dedicated APIs. Thus, the

invention of the ’317 Patent is able to provide new capabilities and functions without the need for constant modification and adjustment by the user. *Id.* at ¶¶ 12-15.

43. For the above reasons, the ’317 Patent is a technical improvement to the process of performing automated tasks through the use of Chatbots and is not merely directed to the idea of integrating a GUI or a displayed user interface with a Chatbot. However, to the extent the claims of the ’317 Patent are deemed to be directed to an abstract idea, the claims add substantially more to the integration of a GUI or a displayed user interface with a Chatbot, at least by their ability to implement an automated process by interacting with a GUI of a web-based target system based on user instruction or user conversation with a natural language interface. *See* Nahum Declaration at ¶¶ 12-16.

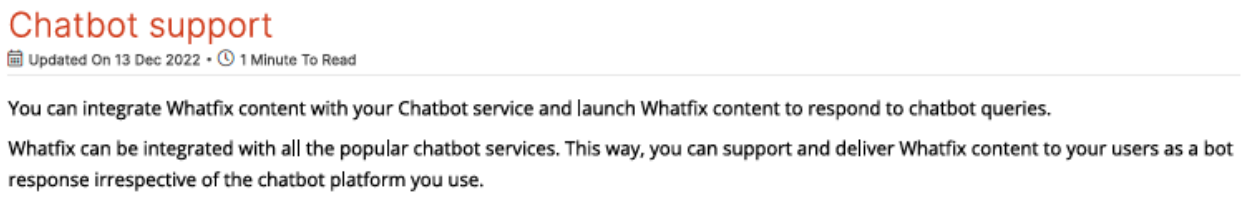
44. The inventions described and claimed in the Patents-in-Suit were developed and have been marketed by WalkMe as a natural language Chatbot interface known as ActionBot™, which allows users to perform entire tasks from a central conversational interface. WalkMe’s innovative ActionBot™ streamlines the user experience by reducing the need to search, operate and navigate through sophisticated systems and processes, thereby reducing user error and increasing efficiency.

45. Through the use of WalkMe’s patented ActionBot™ product, information provided by a user through a Chatbot interface can be pulled and utilized to automate processes and perform tasks without being reliant solely on dedicated APIs.

WHATFIX’S ACCUSED PRODUCTS AND METHODS

46. Whatfix uses, sells, offers, and makes WalkMe’s patented Chatbot technology. *See* Exhibit D (screenshot of Whatfix Chatbot support page). For example, Whatfix describes and

offers "Chatbot service" for users to "integrate Whatfix content…and launch Whatfix content to respond to chatbot queries." *Id*.



Chatbot support

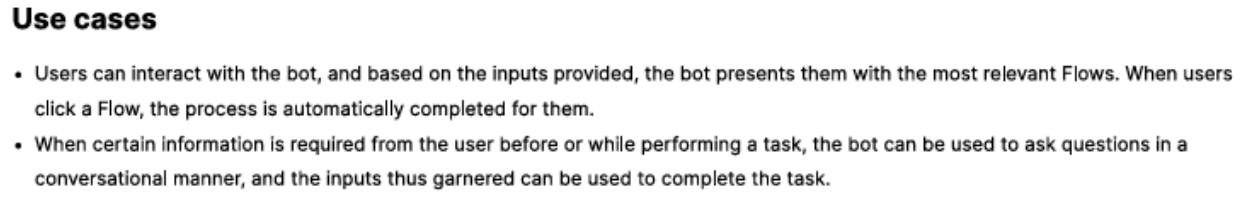
Updated On 13 Dec 2022 • 1 Minute To Read

You can integrate Whatfix content with your Chatbot service and launch Whatfix content to respond to chatbot queries.

Whatfix can be integrated with all the popular chatbot services. This way, you can support and deliver Whatfix content to your users as a bot response irrespective of the chatbot platform you use.

Id.

47. Whatfix states its "[u]sers can interact with the bot, and based on the inputs provided, the bot presents them with the most relevant Flows." *Id*. Whatfix's Chatbot service also "can be used to ask questions in a conversational manner." *Id*.



Use cases

- Users can interact with the bot, and based on the inputs provided, the bot presents them with the most relevant Flows. When users click a Flow, the process is automatically completed for them.
- When certain information is required from the user before or while performing a task, the bot can be used to ask questions in a conversational manner, and the inputs thus garnered can be used to complete the task.

Id.

48. Upon information and belief, Whatfix knows that its web-based platform and Chatbot feature infringe the Patents-in-Suit.

49. Whatfix has been given actual notice of its infringement of the '664 Patent, '732 Patent, and the allowed claims of U.S. Patent Pub. No. 2022/0150251 that issued as the '317 Patent, through a letter from WalkMe's counsel addressed to Whatfix's Legal Department, dated December 15, 2022, sent by overnight mail to Whatfix's headquarters and by email to Whatfix's Legal Department. *See* Exhibit E. The letter notified Whatfix of the Patents-in-Suit and WalkMe's belief that Whatfix's platform and Chatbot offering infringe the Patents-in-Suit.

50. WalkMe has suffered, and will suffer, irreparable injury unless Whatfix is enjoined from willfully infringing, willfully inducing infringement of, and/or willfully contributing to the infringement of the Patents-in-Suit.

51. WalkMe has suffered, and will suffer, damages from Whatfix's willful infringement, willful inducement of infringement, and/or willful contributory infringement.

FIRST CAUSE OF ACTION
(Infringement of the '664 Patent)

52. WalkMe incorporates and re-alleges Paragraphs 1 through 37 above as if fully set forth and stated herein.

53. The '664 Patent is valid and enforceable.

54. WalkMe owns the entire right, title, and interest in and to the '664 Patent, including the right to sue and recover damages, including damages for past infringement.

55. In violation of 35 U.S.C. § 271, Whatfix has infringed and continues to infringe the '664 Patent, literally and/or under the doctrine of equivalents, by making, using, offering for sale, and/or selling in this judicial district and elsewhere in the United States, its web-based platform and Chatbot feature.

56. Whatfix offers a web-based platform and Chatbot feature that fall within the scope, and practice each and every limitation, of at least claims 1-9, 14, 18, 20-23, 28, 29, and 33 of the '664 Patent. Attached as Exhibit F is an exemplary claim chart demonstrating Whatfix's infringement of at least claim 29 of the '664 patent.

57. For example, Whatfix supports the use of a Chatbot using a natural language interface. (*See* Exs. D, F). The Chatbot receives natural language input from a user through natural

language conversation between the natural language interface and the user, as shown below, for example:

Chatbot support

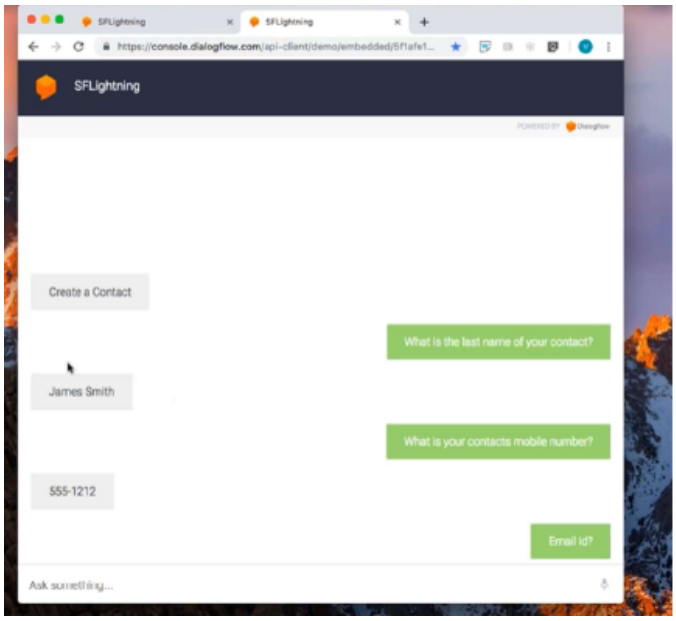
Updated On 13 Dec 2022 • 1 Minute To Read

You can integrate Whatfix content with your Chatbot service and launch Whatfix content to respond to chatbot queries.

Whatfix can be integrated with all the popular chatbot services. This way, you can support and deliver Whatfix content to your users as a bot response irrespective of the chatbot platform you use.

Ex. D.

58. Whatfix offers a web-based platform and Chatbot feature that further comprise natural language conversation with first natural language input from a user, natural language feedback, and second natural language input:

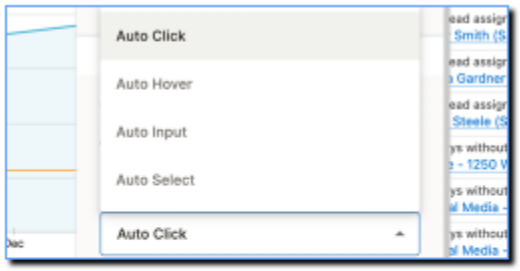


Ex. F.

59. Whatfix selects an automation process based on the natural language input in the conversation with a user, performing a sequence of interactions with the displayed user interface. *See* Ex. F. Whatfix further offers Flows that simulate user interactions with the displayed interface,

including by inputting data and executing functionalities of the target application. Such examples include clicking, hovering, and selecting, as shown below, for example:

8. Select from one of the following options.



- **Auto Click** - Use this option when the step completion rule involves a click. When this option is selected, the element is clicked and proceeds to the next step in the Flow.
- **Auto Hover** - Use this option when the step completion rule involves a mouse hover. When this option is selected, a mouse hover action is performed, and the Flow proceeds to the next step.
- **Auto Input** - Use this option to auto-populate an input field with a predetermined value.

Id.

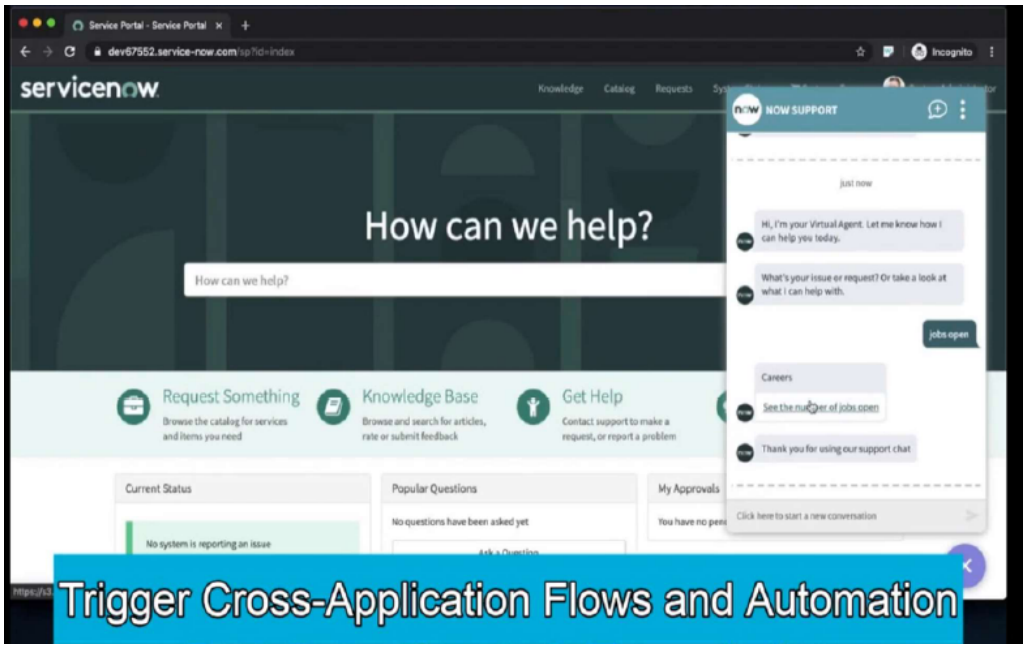
60. In addition, Whatfix states it is useful to receive inputs from the user to decide on the flow and to get input that is utilized to complete the automated task, as shown below, for example:

Use cases

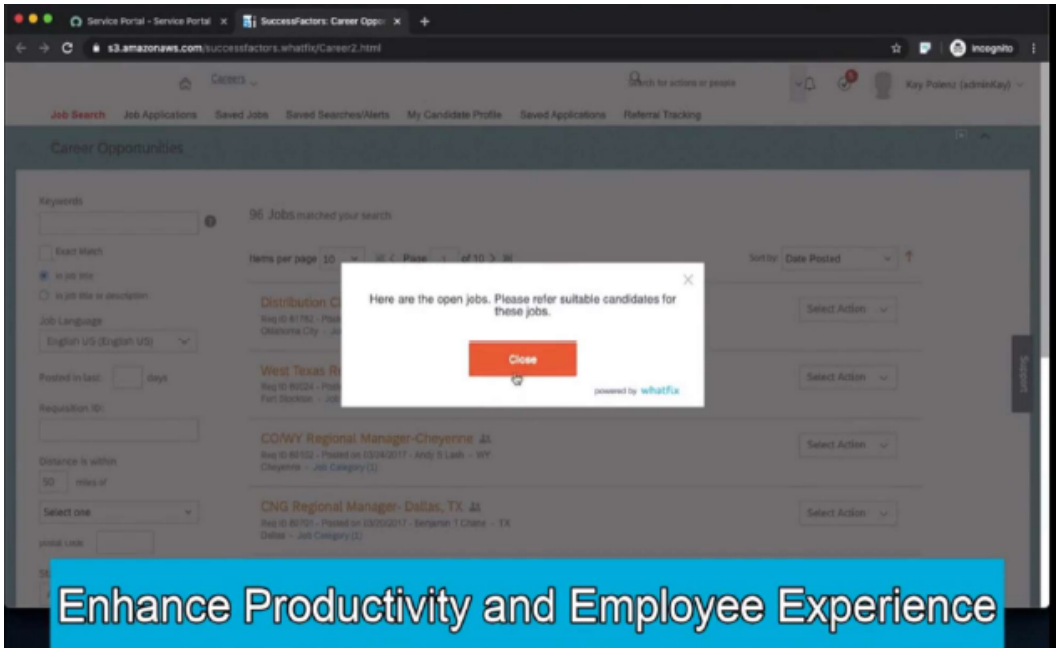
- Users can interact with the bot, and based on the inputs provided, the bot presents them with the most relevant Flows. When users click a Flow, the process is automatically completed for them.
- When certain information is required from the user before or while performing a task, the bot can be used to ask questions in a conversational manner, and the inputs thus garnered can be used to complete the task.

Ex. D.

61. Whatfix further automates processes that are triggered and implemented to perform the sequence of interactions, as shown below, for example:



Ex. F.



Id.

62. On information and belief, Whatfix, without authority, has actively induced and continues to actively induce infringement of at least claims 1-9, 14, 18, 20-23, 28, 29, and 33 of the '664 Patent under 35 U.S.C. § 271(b). Whatfix has, among other things, instructed others to

use its web-based platform and Chatbot feature within the United States that infringe at least claims 1-9, 14, 18, 20-23, 28, 29, and 33 of the ’664 Patent.

63. On information and belief, at least as early as December 15, 2022, Whatfix is aware of its infringement of the ’664 Patent and has had a specific intent to infringe and encourage others to infringe the ’664 Patent.

64. On information and belief, Whatfix has contacted and solicited potential customers regarding its web-based platform and Chatbot feature on its website, with an intent to encourage those potential customers to purchase or use the product and services. On information and belief, Whatfix’s customers have purchased and used the infringing product and services.

65. On information and belief, Whatfix directly communicates with consumers with the intent to have them use the infringing web-based platform and Chatbot feature. Whatfix was aware of and knew about WalkMe’s ’664 Patent no later than December 15, 2022, the date WalkMe’s counsel caused correspondence to be delivered to Whatfix’s Legal Department, notifying Whatfix of its infringement of the ’664 Patent. Whatfix therefore knowingly induced infringement and possessed specific intent to encourage another’s infringement of WalkMe’s ’664 Patent.

66. On information and belief, Whatfix, without authority, has contributorily infringed and continues to contributorily infringe, at least claims 1-9, 14, 18, 20-23, 28, 29, and 33 of the ’664 Patent under 35 U.S.C. § 271(c), by making, offering to sell and/or selling within the United States, and/or importing into the United States, one or more components of its web-based platform and Chatbot feature covered by the ’664 Patent. Such components constitute a material part of WalkMe’s invention. Whatfix was aware of and knew about WalkMe’s patented invention no

later than December 15, 2022, the date WalkMe's counsel caused correspondence to be delivered to Whatfix regarding Whatfix's infringement of the '664 Patent.

67. Whatfix's web-based platform, Chatbot feature, and its constituent components have no substantial non-infringing use. Whatfix knows that its web-based platform and Chatbot feature, and any associated components, are made or especially adapted for use in connection with the creation of infringing automated processes, and are not a staple article or commodity of commerce suitable for substantial noninfringing use.

68. On information and belief, Whatfix had actual notice of the '664 Patent before the filing of this complaint, but no later than December 15, 2022. On information and belief, Whatfix has nevertheless directly and indirectly infringed the '664 Patent, despite a high likelihood that its actions constitute infringement of the '664 Patent. Further, Whatfix's actions were egregious in that it acted deliberately, in bad-faith, and was consciously wrongful in its actions. Accordingly, upon information and belief, Whatfix's infringement has been and continues to be willful.

SECOND CAUSE OF ACTION
(Infringement of the '732 Patent)

69. WalkMe incorporates and re-alleges Paragraphs 1 through 54 as if fully set forth and stated herein.

70. The '732 Patent is valid and enforceable.

71. WalkMe owns the entire right, title, and interest in and to the '732 Patent, including the right to sue and recover damages, including damages for past infringement.

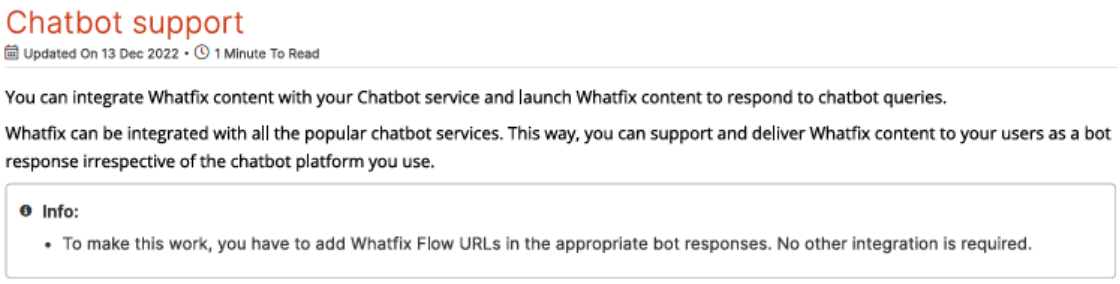
72. In violation of 35 U.S.C. § 271, Whatfix has infringed and continues to infringe the '732 Patent, literally and/or under the doctrine of equivalents, by making, using, offering for sale,

and/or selling in this judicial district and elsewhere in the United States, its web-based platform and Chatbot feature.

73. Whatfix offers a web-based platform and Chatbot feature that fall within the scope, and practice each and every limitation, of at least claims 1 and 9-11 of the ’732 Patent. Attached

as Exhibit G is an exemplary claim chart demonstrating Whatfix's infringement of at least claim 11 of the '732 patent.

74. For example, Whatfix enables invocation of Whatfix content, including Whatfix flow, in response to Chatbot queries. (*See* Exs. D, G). The Chatbots implement a natural language interface, as shown below, for example:



Chatbot support

Updated On 13 Dec 2022 • 1 Minute To Read

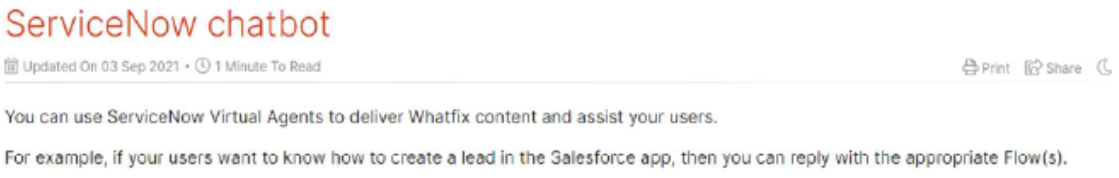
You can integrate Whatfix content with your Chatbot service and launch Whatfix content to respond to chatbot queries.

Whatfix can be integrated with all the popular chatbot services. This way, you can support and deliver Whatfix content to your users as a bot response irrespective of the chatbot platform you use.

Info:

- To make this work, you have to add Whatfix Flow URLs in the appropriate bot responses. No other integration is required.

Ex. D.



ServiceNow chatbot

Updated On 03 Sep 2021 • 1 Minute To Read

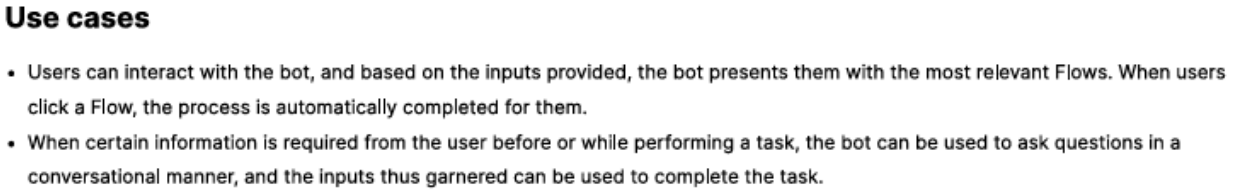
Print Share

You can use ServiceNow Virtual Agents to deliver Whatfix content and assist your users.

For example, if your users want to know how to create a lead in the Salesforce app, then you can reply with the appropriate Flow(s).

Ex. G.

75. Whatfix instructs defining a conversation and states that its Chatbot can "ask questions in a conversational manner" using inputs from a user that can be used to "complete the task" as shown below, for example:



Use cases

- Users can interact with the bot, and based on the inputs provided, the bot presents them with the most relevant Flows. When users click a Flow, the process is automatically completed for them.
- When certain information is required from the user before or while performing a task, the bot can be used to ask questions in a conversational manner, and the inputs thus garnered can be used to complete the task.

Ex. D; *see also* Ex. G.

76. Whatfix associates a conversation with the automation process by providing a Flow URL to the conversation to cause the execution of the automation process, as shown below, for example:

Field	Description
Name	Name that describes what the block is
Header	The header displayed at the top of the bot response bubble that contains the URL. This info is visible to the users.
URL	The URL link to the location displayed to the user in a bot response. We will add the Flow URL here.

Id.

> **Info:**
> - To make this work, you have to add Whatfix Flow URLs in the appropriate bot responses. No other integration is required.

Id.

77. Whatfix provides flows that simulate user interactions with the displayed user interface, including by inputting data and executing functionalities of the target application (e.g., by clicking, hovering, or selecting), as shown below, for example:

8. Select from one of the following options.

- **Auto Click** - Use this option when the step completion rule involves a click. When this option is selected, the element is clicked and proceeds to the next step in the Flow.
- **Auto Hover** - Use this option when the step completion rule involves a mouse hover. When this option is selected, a mouse hover action is performed, and the Flow proceeds to the next step.
- **Auto Input** - Use this option to auto-populate an input field with a predetermined value.

Id.

78. Whatfix touts the usefulness of receiving input from the user to decide on the flow and to get input that is utilized to compete an automated task or a parameterized automation process, as shown below, for example:

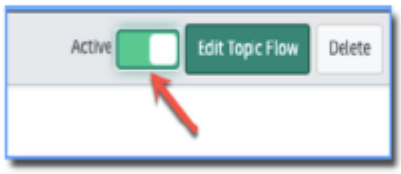
Use cases

- Users can interact with the bot, and based on the inputs provided, the bot presents them with the most relevant Flows. When users click a Flow, the process is automatically completed for them.
- When certain information is required from the user before or while performing a task, the bot can be used to ask questions in a conversational manner, and the inputs thus garnered can be used to complete the task.

Ex. D; *see also* Ex. G.

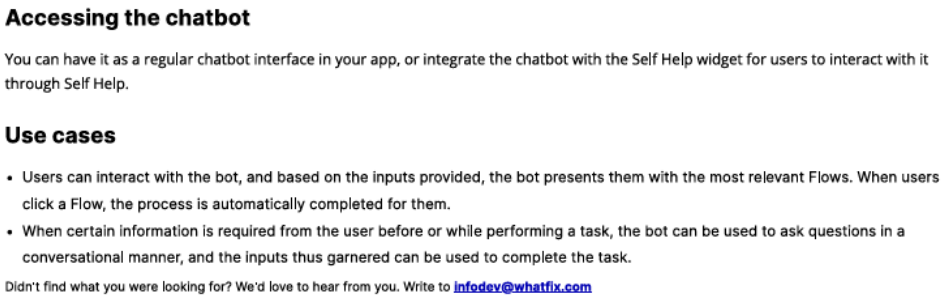
79. Whatfix allows its users that define the conversation to activate the topic flow, thereby publishing the conversation to be accessible to a user via a natural language interface, as shown below, for example:

11. Activate the topic using the **Active** toggle button.



Id.; *see also* Exhibit I (screenshot of Whatfix Support for Chatbots).

80. Whatfix's web-based platform and Chatbot features are further configured to get values from the user to perform automated tasks with user-provided inputs, as shown below, for example:



Accessing the chatbot

You can have it as a regular chatbot interface in your app, or integrate the chatbot with the Self Help widget for users to interact with it through Self Help.

Use cases

- Users can interact with the bot, and based on the inputs provided, the bot presents them with the most relevant Flows. When users click a Flow, the process is automatically completed for them.
- When certain information is required from the user before or while performing a task, the bot can be used to ask questions in a conversational manner, and the inputs thus garnered can be used to complete the task.

Didn't find what you were looking for? We'd love to hear from you. Write to infodev@whatfix.com

Ex. D.

81. On information and belief, Whatfix, without authority, has actively induced and continues to actively induce infringement of at least claims 1 and 9-11of the '732 Patent under 35 U.S.C. § 271(b). Whatfix has, among other things, instructed others to use its web-based platform and Chatbot feature within the United States that infringe at least claims 1 and 11 of the '732 Patent.

82. On information and belief, Whatfix is aware of its infringement of the '732 Patent and has had a specific intent to infringe and encourage others to infringe the '732 Patent.

83. On information and belief, Whatfix has contacted and solicited potential customers regarding its web-based platform and Chatbot feature on its website, with an intent to encourage those potential customers to purchase or use the product and services. On information and belief, Whatfix's customers have purchased and used the infringing product and services.

84. On information and belief, Whatfix directly communicates with consumers with the intent to have them use the infringing web-based platform and Chatbot feature. Whatfix was aware of and knew about WalkMe's '732 Patent no later than December 15, 2022, the date WalkMe's counsel caused correspondence to be delivered to Whatfix's Legal Department,

notifying Whatfix of its infringement of the '732 Patent. Whatfix therefore knowingly induced infringement and possessed specific intent to encourage another's infringement of WalkMe's '732 Patent.

85. On information and belief, Whatfix, without authority, has contributorily infringed and continues to contributorily infringe, at least claims 1 and 9-11 of the '732 Patent under 35 U.S.C. § 271(c), by making, offering to sell and/or selling within the United States, and/or importing into the United States, one or more components of its web-based platform and Chatbot feature covered by the '732 Patent. Such components constitute a material part of WalkMe's invention. Whatfix was aware of and knew about WalkMe's patented invention no later than December 15, 2022, the date WalkMe's counsel caused correspondence to be delivered to Whatfix regarding Whatfix's infringement of the '732 Patent.

86. Whatfix's web-based platform, Chatbot feature, and its constituent components have no substantial non-infringing use. Whatfix knows that its web-based platform and Chatbot feature, and any associated components, are made or especially adapted for use in connection with the creation of infringing automated processes and are not a staple article or commodity of commerce suitable for substantial noninfringing use.

87. On information and belief, Whatfix had actual notice of the '732 Patent before the filing of this complaint, but no later than December 15, 2022. On information and belief, Whatfix has nevertheless directly and indirectly infringed the '732 Patent, despite a high likelihood that its actions constitute infringement of the '732 Patent. Further, Whatfix's actions were egregious in

that it acted deliberately, in bad-faith, and was consciously wrongful in its actions. Accordingly, upon information and belief, Whatfix's infringement has been and continues to be willful.

88. WalkMe has suffered, and will suffer, irreparable injury unless Whatfix is enjoined from infringing, inducing infringement of, and/or contributing to the infringement of the '732 patent.

89. WalkMe has no adequate remedy at law.

90. WalkMe has suffered, and will suffer, damages as a result of Whatfix's infringement, inducing infringement, and/or contributory infringement of the '732 Patent.

THIRD CAUSE OF ACTION
(Infringement of the '317 Patent)

91. WalkMe incorporates and re-alleges Paragraphs 1 through 76 as if fully set forth and stated herein.

92. The '317 Patent is valid and enforceable.

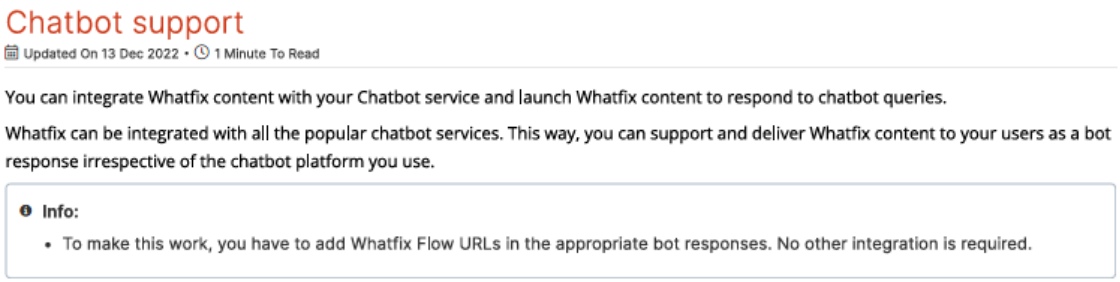
93. WalkMe owns the entire right, title, and interest in and to the '317 Patent, including the right to sue and recover damages, including damages for past infringement.

94. In violation of 35 U.S.C. § 271, Whatfix has infringed and continues to infringe the '317 Patent, literally and/or under the doctrine of equivalents, by making, using, offering for sale, and/or selling in this judicial district and elsewhere in the United States, its web-based platform and Chatbot.

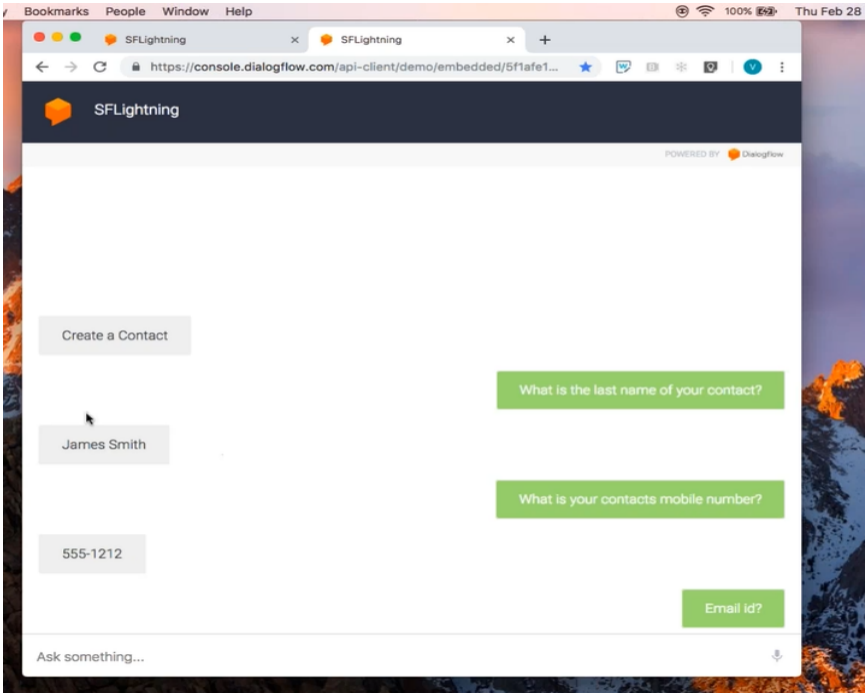
95. Whatfix offers a Chatbot feature that falls within the scope, and practice each and every limitation, of at least claims 1, 2, 8, 10, 15, and 20 of the '317 Patent. Attached as Exhibit

H is an exemplary claim chart demonstrating Whatfix's infringement of at least claim 1 of the '317 patent.

96. For example, Whatfix offers integration of its content with a Chatbot service, capable of receiving user instruction from a natural language interface, as shown below, for example:



Ex. D.



Ex. H.

97. In response to a user's instruction, Whatfix can select and implement an automation process, using information that was collected from the user, as shown below, for example:

Accessing the chatbot

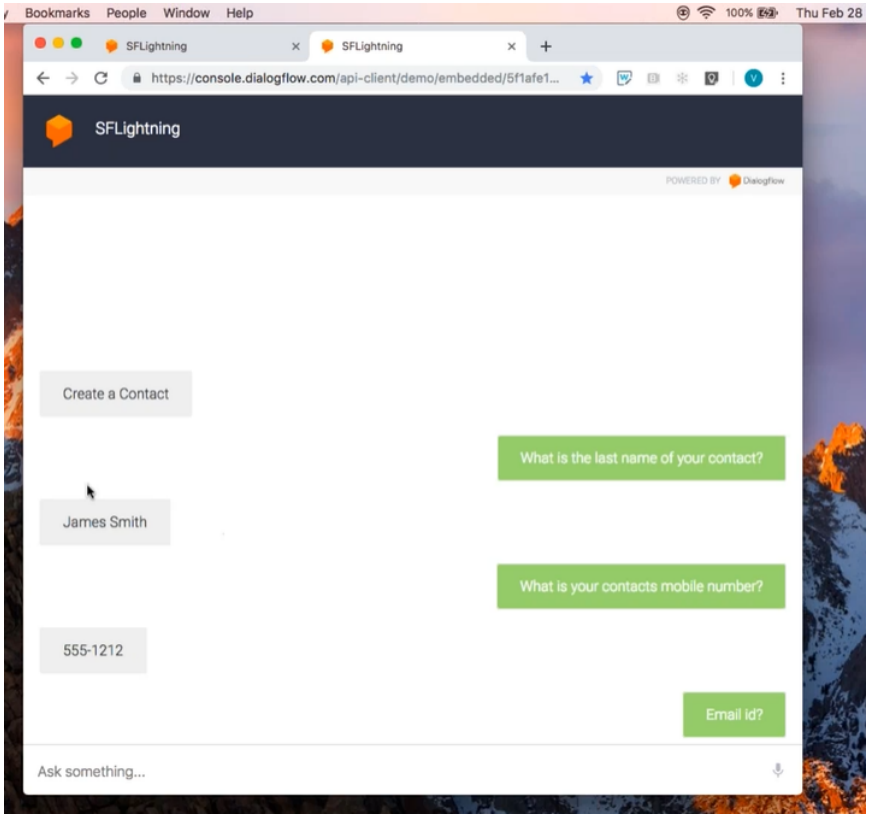
You can have it as a regular chatbot interface in your app, or integrate the chatbot with the Self Help widget for users to interact with it through Self Help.

Use cases

- Users can interact with the bot, and based on the inputs provided, the bot presents them with the most relevant Flows. When users click a Flow, the process is automatically completed for them.
- When certain information is required from the user before or while performing a task, the bot can be used to ask questions in a conversational manner, and the inputs thus garnered can be used to complete the task.

Didn't find what you were looking for? We'd love to hear from you. Write to infodev@whatfix.com

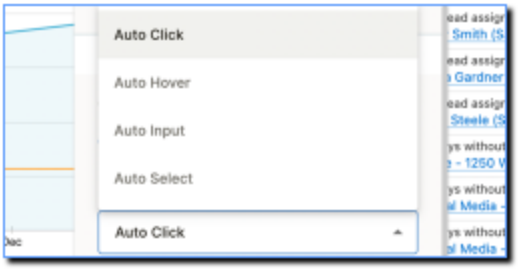
Ex. D; *see also* Ex. H.



Id.

98. Whatfix further provides Flows that simulate user interactions with a Graphical User Interface (GUI) by simulating user input to the GUI (e.g., by clicking, hovering, or selecting), as shown below, for example:

8. Select from one of the following options.



- **Auto Click** - Use this option when the step completion rule involves a click. When this option is selected, the element is clicked and proceeds to the next step in the Flow.
- **Auto Hover** - Use this option when the step completion rule involves a mouse hover. When this option is selected, a mouse hover action is performed, and the Flow proceeds to the next step.
- **Auto Input** - Use this option to auto-populate an input field with a predetermined value.

Id.

99. Whatfix's web-based platform and Chatbot feature does not rely on an API. Instead, Whatfix relies on user interface, and simulates interaction therewith. Whatfix's

documentation explains that the user interface can cause broken Flows and require the user to reselect the broken element, as demonstrated below, for example:

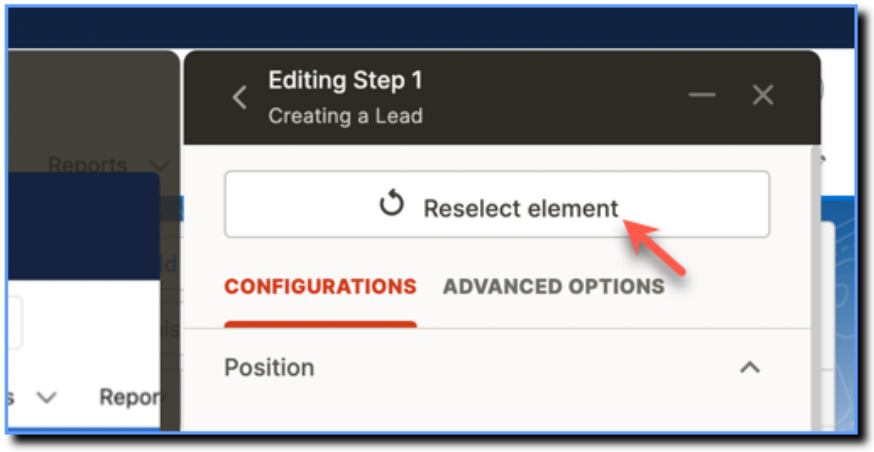
Reselect Elements to manage UI changes

Updated On 23 Feb 2023 • 1 Minute To Read

Print Share Dark PDF

Whatfix enables you to manage changes in your UI so you don't have to recreate the respective Flow every time your application undergoes a change. If your Flow is broken because one of your steps in the Flow has changed, you can quickly make it work again using the following information.

5. Click **Reselect element**.



6. Select the element on your application.

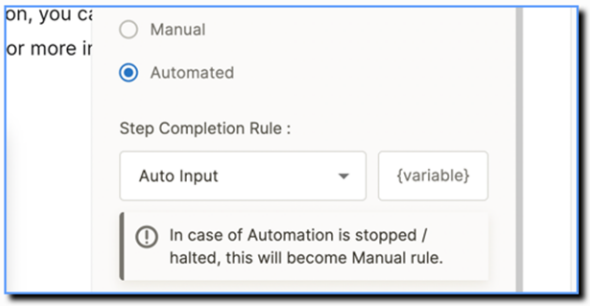
Id.

100. Whatfix's web-based platform and Chatbot features further enable automatic input to populate text fields without user input and can perform a predefined function, such as automatically clicking without user input, as shown below, for example:

- **Auto Input** - Use this option to auto-populate an input field with a predetermined value.

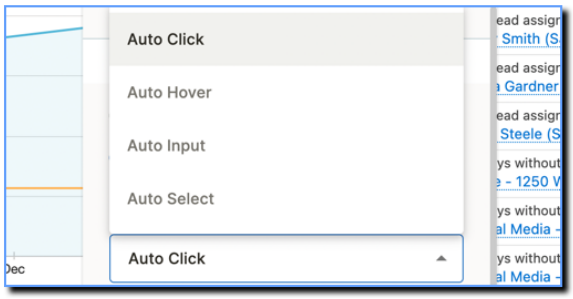
Info:

If you want to use a dynamic input value, like a user name or a designation, you can use any variable that is defined in custom data, as seen in the following image. For more information, contact **support@whatfix.com**



Id.

8. Select from one of the following options.



- **Auto Click** - Use this option when the step completion rule involves a click. When this option is selected, the element is clicked and proceeds to the next step in the Flow.

Id.

101. On information and belief, Whatfix, without authority, has actively induced and continues to actively induce infringement of at least claims 1, 2, 8, 10, 15, and 20 of the '317 Patent under 35 U.S.C. § 271(b). Whatfix has, among other things, instructed others to use its web-based

platform and Chatbot feature within the United States that infringe at least claim 1 of the '317 Patent.

102. On information and belief, Whatfix is aware of its infringement of the '317 Patent and has had a specific intent to infringe and encourage others to infringe the '317 Patent.

103. On information and belief, Whatfix has contacted and solicited potential customers regarding its web-based platform and Chatbot feature on its website, with an intent to encourage those potential customers to purchase or use the product and services. On information and belief, Whatfix's customers have purchased and used the infringing product and services.

104. On information and belief, Whatfix directly communicates with consumers with the intent to have them use the infringing web-based platform and Chatbot feature. Whatfix was aware of and knew about the allowance of the patent application (U.S. Patent Pub. No. 2022/0150251) that issued as WalkMe's '317 Patent no later than December 15, 2022, the date WalkMe's counsel caused correspondence to be delivered to Whatfix's Legal Department, notifying Whatfix of its infringement of the related '664 and '732 patents. Whatfix therefore knowingly induced infringement and possessed specific intent to encourage another's infringement of WalkMe's '317 Patent.

105. On information and belief, Whatfix, without authority, has contributorily infringed and continues to contributorily infringe, at least claims 1, 2, 8, 10, 15, and 20 of the '317 Patent under 35 U.S.C. § 271(c), by making, offering to sell and/or selling within the United States, and/or importing into the United States, one or more components of its web-based platform and Chatbot feature covered by the '317 Patent. Such components constitute a material part of WalkMe's invention. Whatfix was aware of and knew about the allowed claims of WalkMe's patent no later than December 15, 2022, the date WalkMe's counsel caused correspondence to be delivered to

Whatfix regarding Whatfix's infringement of the related '664 and '732 patents, and of the allowance of the application that issued as the '317 Patent.

106. Whatfix's web-based platform, Chatbot feature, and its constituent components have no substantial non-infringing use. Whatfix knows that its web-based platform and Chatbot feature, and any associated components, are made or especially adapted for use in connection with the creation of infringing automated processes and are not a staple article or commodity of commerce suitable for substantial noninfringing use.

107. On information and belief, Whatfix had actual notice of the allowed patent application that issued as the '317 Patent before the filing of this complaint, but no later than December 15, 2022. On information and belief, Whatfix has nevertheless directly and indirectly infringed the '317 Patent, despite a high likelihood that its actions constitute infringement of the '317 Patent. Further, Whatfix's actions were egregious in that it acted deliberately, in bad-faith,

and was consciously wrongful in its actions. Accordingly, upon information and belief, Whatfix's infringement has been and continues to be willful.

108. WalkMe has suffered, and will suffer, irreparable injury unless Whatfix is enjoined from infringing, inducing infringement of, and/or contributing to the infringement of the '317 patent.

109. WalkMe has no adequate remedy at law.

110. WalkMe has suffered, and will suffer, damages as a result of Whatfix's infringement, inducing infringement, and/or contributory infringement of the '317 patent.

JURY TRIAL DEMAND

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

PRAYER FOR RELIEF

WHEREFORE, WalkMe respectfully requests that the Court enter the following relief:

a. A judgment that Whatfix has infringed, directly or indirectly, the '664 Patent, '732 Patent, and '317 Patent;

b. A judgment that Whatfix's infringement of the '664 Patent, '732 Patent, and '317 Patent is willful;

c. A permanent injunction prohibiting Whatfix, its officers, employees, agents, servants, attorneys, successors, and assigns, and all others in active concert or participation with them or under their authority, from making, using, offering for sale, selling, and/or importing into

the United States productds or methods that directly or indirectly infringe the ’664 Patent, ’732 Patent, and ’317 Patent;

d. An award of damages to compensate WalkMe for Whatfix’s infringement of the ’664 Patent, ’732 Patent, and ’317 Patent, including, but not limited to, damages and/or other monetary relief (including enhanced damages) pursuant to 35 U.S.C. § 284;

e. A finding that this case is exceptional pursuant to 35 U.S.C. § 285, and an award of WalkMe’s costs, reasonable attorneys’ fees, expenses, and such other relief as the Court deems just and proper; and

f. Any further relief that this Court deems just and proper.

Dated: May 30, 2023

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