

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

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**Innovaport LLC**

**Plaintiff,**

**v.**

**Case No. 3:23-cv-00016**

**Best Buy Co. Inc.,  
BestBuy.com, LLC, and  
Best Buy Stores, L.P.**

**Defendants,**

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**FIRST AMENDED COMPLAINT**

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Plaintiff Innovaport LLC (“Innovaport”), for its complaint against defendants Best Buy Co., Inc. (“Best Buy”), BestBuy.com, LLC (“BestBuy.com”), and Best Buy Stores, L.P. (Best Buy Stores) (collectively, “Defendants”), alleges as follows:

**Parties**

1. Plaintiff Innovaport is a Wisconsin company with its principal place of business at 10019 N. Miller Ct., Mequon, WI 53092. Among other things, Innovaport has developed technology to assist customers with locating products with respect to particular retail locations.

2. Defendant Best Buy is a Minnesota corporation with a principal place of business at 7601 Penn Avenue S., Richfield, MN 55423. Best Buy is the parent of both BestBuy.com LLC and Best Buy Stores, L.P.

3. Defendant BestBuy.com is a Virginia company headquartered in Minnesota. BestBuy.com operates Best Buy’s website and mobile application.

4. Defendant Best Buy Stores is a Virginia company headquartered in Minnesota. Best Buy Stores operates retail stores throughout the United States.

#### **Nature of Action**

5. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 100 *et seq.*

6. Innovaport is the owner of all right, title and interest in U.S. Patent 8,775,260 (“the ‘260 patent”) entitled *Apparatus and method for providing product location information to customers in a store*, issued on July 8, 2014, a copy of which is attached as Exhibit A.

7. Innovaport is the owner of all right, title and interest in U.S. Patent 8,787,933 (“the ‘933 patent”) entitled *Apparatus and method for providing product location information to customers in a store*, issued on July 22, 2014, a copy of which is attached as Exhibit B.

8. Innovaport is the owner of all right, title and interest in U.S. Patent 9,489,690 (“the ‘690 patent”) entitled *Apparatus and method for providing product location information to customers in a store*, issued on November 8, 2016, a copy of which is attached as Exhibit C.

9. Innovaport is the owner of all right, title and interest in U.S. Patent 9,990,670 (“the ‘670 patent”) entitled *Apparatus and method for providing product location information to customers in a store*, issued on June 5, 2018, a copy of which is attached as Exhibit D.

10. Innovaport is the owner of all right, title and interest in U.S. Patent 7,231,380 (“the ‘380 patent”) entitled *Apparatus and method for providing products location information to customers in a store*, issued on June 12, 2007, a copy of which is attached as Exhibit E.

11. Innovaport is the owner of all right, title and interest in U.S. Patent 7,819,315 (“the ‘315 patent”) entitled *Apparatus and method for providing product location information to customers in a store*, issued on October 12, 2010, a copy of which is attached Exhibit F.

12. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1332(a)(1), and 1338(a).

13. Upon information and belief, Best Buy is the parent of BestBuy.com and Best Buy Stores. Upon information and belief, Best Buy uses the website and mobile application to generate revenue that is reported in various publicly available filings. For example, in its most recent quarterly report, for the quarter ending on April 29, 2023, Best Buy states the following: “Unless the context otherwise requires, the use of the terms ‘Best Buy,’ ‘we,’ ‘us’ and ‘our’ in these Notes to Condensed Consolidated Financial Statements refers to Best Buy Co., Inc. and, as applicable, its consolidated subsidiaries.” In another section of the report, Best Buy states that “[w]e generate substantially all of our revenue from contracts with customers from the sale of products and services.” Upon information and belief, Best Buy does not maintain corporate separateness sufficient to delineate operations at the physical Best Buy store locations among the various Best Buy corporate entities. Accordingly, upon information and belief, the activities of Best Buy’s subsidiaries in this District, including BestBuy.com and/or Best Buy Stores, can be attributed to Best Buy.

14. Upon information and belief, Best Buy Stores regularly conducts business in this District at its retail stores in this District (e.g., at 2452 E Springs Dr in Madison, WI), and has made and/or used systems that infringe the ‘260, ‘933, ‘690, ‘670, ‘380, and ‘315 patents in this District. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b).

15. Upon information and belief, BestBuy.com uses Best Buy Stores’ retail locations as physical locations for transacting business. BestBuy.com had kiosks located in retail stores through the United States while the patents were in force. BestBuy.com’s kiosks allowed customers to access its website while customers were in retail stores. Additionally, customers

purchase products from BestBuy.com (at home, through the mobile application, or at an in-store kiosk). Best Buy Stores' employees locate and pull the purchased product from the shelf of the retail store and prepare those products for pick-up. Moreover, for items that are ordered via the website or mobile application for delivery, those orders are fulfilled by a store rather than a central warehouse. Best Buy Stores configure their retail locations to create areas where customers can pick up their online orders. Customers can also return their online orders in-store. *See Exhibit G.* Moreover, for items that are ordered via the website or mobile application for delivery, those orders are fulfilled by a store rather than a central warehouse. Thus, upon information and belief, BestBuy.com uses the retail stores and their employees to transact business and fulfill orders, including in this District.

16. Upon information and belief, BestBuy.com regularly conducts business in this District at a Best Buy Store retail stores (e.g., at 2452 E Springs Dr in Madison, WI), and has made and/or used systems that infringe the '260, '933, '690, '670, '380, and '315 patents in this District. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b).

## **17. BACKGROUND**

18. In and around 1998, John Pienkos, the named inventor of the '260, '933, '690, '670, '380, and '315 patents, developed a new and novel method of providing product location information to customers. Generally speaking, the novel method of providing product location information to customers involves a user interface (e.g., a kiosk, website, or mobile phone application) which informs customers whether a specified product is located in a specific store and further links the specified product with other product information that a customer may be interested in.

19. Stated another way, a customer may open Defendants' website or mobile phone application and search for a specific product within Defendants' database of products. The search query returns relevant "hits" that informs customers if the searched for product is located within a specific store, as well as additional product related information. The searched for product is further linked with at least one additional product that a customer may also want to buy.

20. Innovaport owns all right and title to the '260, '933, '690, '670, '380, and '315 patents.

### **COUNT I – PATENT INFRINGEMENT OF THE '260 PATENT**

21. Defendants' mobile phone application and website infringe the '260 patent.

#### **Exemplary claim for Defendants' Mobile Phone Application and Website for the '260 patent**

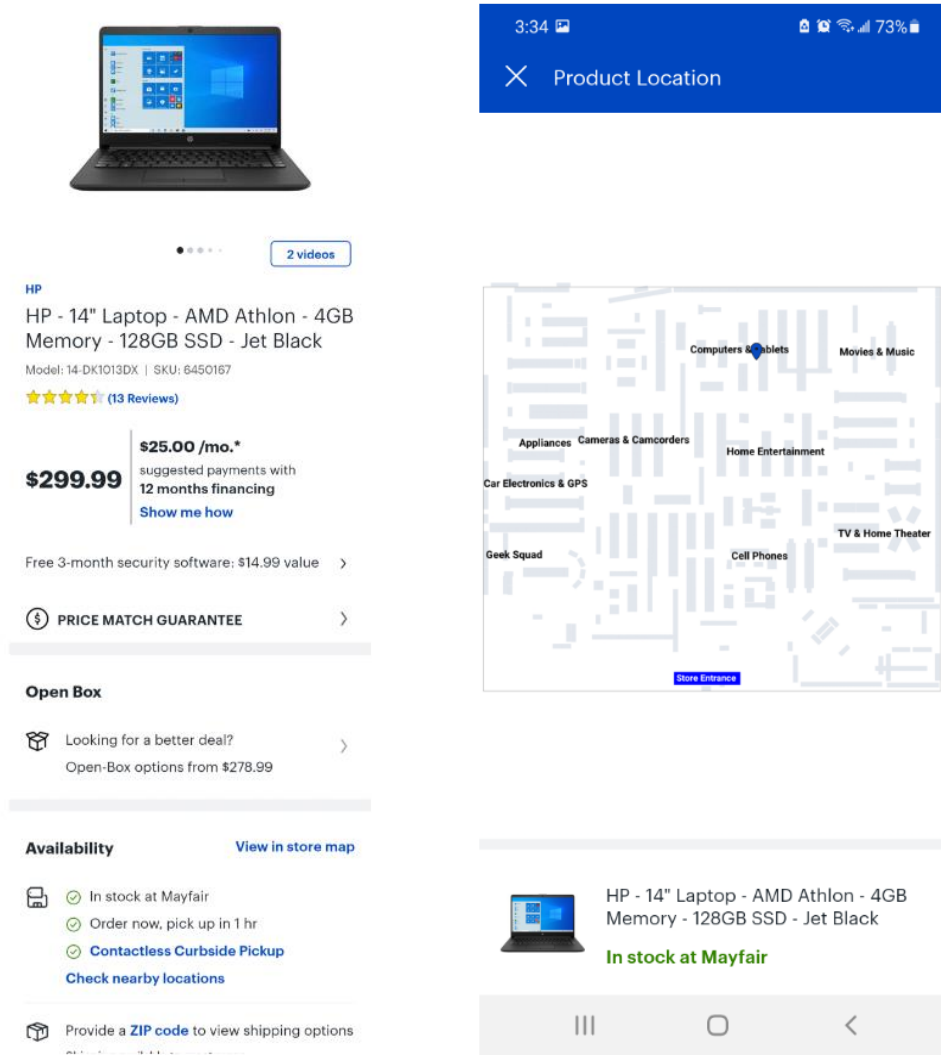
22. Upon information and belief, prior to the expiration of the '260 patent, Defendants created, tested, updated, and maintained their mobile phone application, and provided their mobile phone application to customers, which constitutes direct infringement of at least claim 15 of the '260 patent, either literally or under the doctrine of equivalents. Below is an exemplary comparison of claim 15 of the '260 patent (the fourth independent claim).

23. Claim 15 of the '260 is a method of providing product location information within a first store.

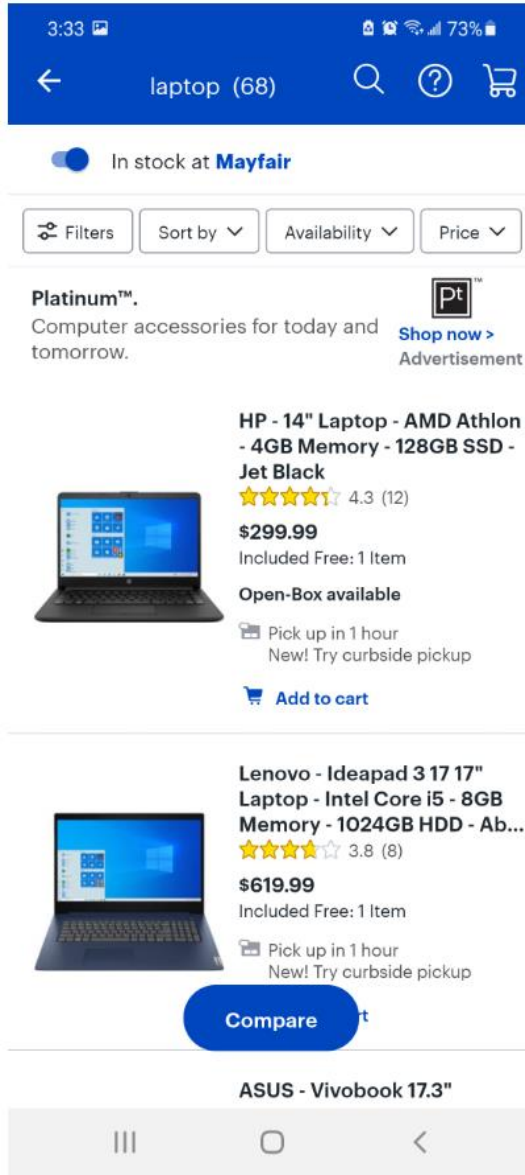
24. The mobile phone application provides product location information within a store.

25. Claim 15 requires a hub that is at least indirectly in communication with a plurality of user interfaces. The hub further is capable of accessing at least one database which includes both product location information and additional product-related information. As shown

below, the mobile phone application provides a map along with a pin indicating the location of the product within the store.

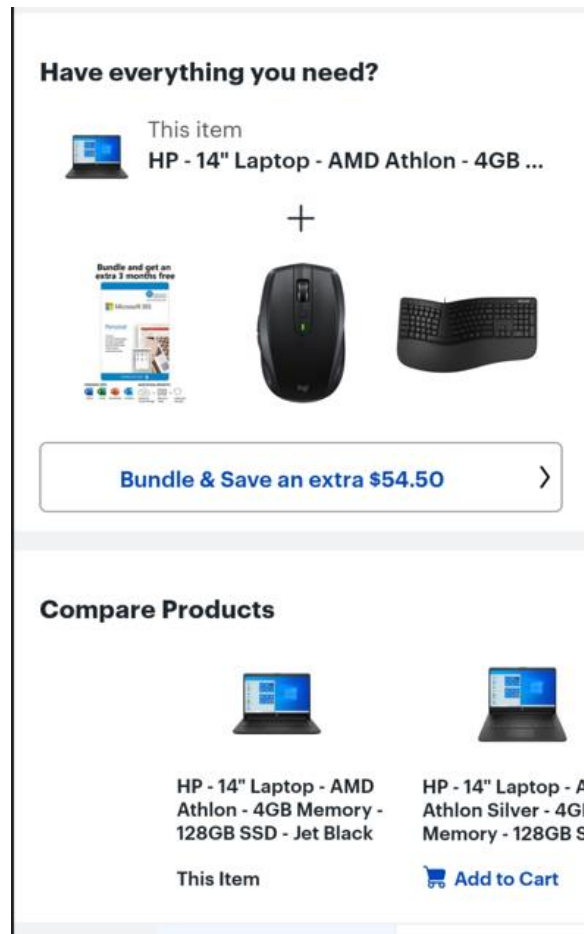
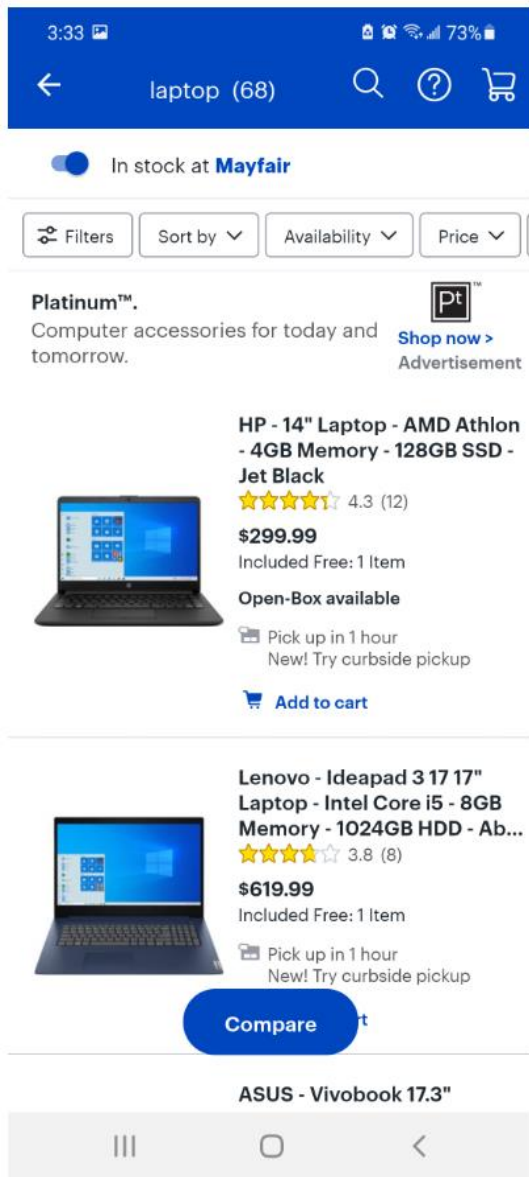


26. As shown in the image below, the mobile phone application is capable of at least indirectly communicating with a hub which accesses at least one database which includes both product location information and additional product-related information. Customers are able to search for a product on the mobile phone application and receive relevant results. Those results include whether a product is located in the store and the price of the product.



27. Claim 15 requires the additional product-related information include information concerning a quantity of a first product within the store, information concerning a price of the product, information concerning an availability or unavailability of the product within the store, and information linking the product with another product in a cross-referential manner.

28. As shown below, Defendants' mobile phone application informs customers the price of a product, whether the product is available within a selected store, and further links the product with another product (e.g., Have everything you need?). Further, Defendants' mobile phone application informs customers of the price of the product within a certain store, and therefore the database includes such information regarding the price of the product within a certain store.





29. Claim 15 requires that the hub communicates at least indirectly with each of a plurality of the user interfaces. The hub is capable of accessing at least one database, which includes both product location information and additional product-related information. The additional product-related information includes information concerning a quantity of a first product within the store, information concerning a price of the product, information concerning an availability or unavailability of the product within the store, and information linking the product with another product in a cross-referential manner. The hub periodically communicates with each of the user interfaces by receiving inquiry signals from the user interfaces, querying the database to obtain portions of the product location information in response to the inquiry signals, and providing information signals in response to the inquiry signals for receipt by the user interfaces, where the information signals include portions of both the product location information and the additional product-related information. The user interfaces are able to provide output signals based on the information signals.

30. Defendants' mobile phone application communicates with a hub. The communication includes receiving search requests for specific products (i.e., inquiry signals from a user interface). A query is sent to the database to obtain product location information in response to the search. Information regarding the product, including its price and location, is provided to the customer on his mobile phone application.

31. Claim 15 requires that at least some of the communication between the user interface and the hub be wireless.

32. Defendants' mobile phone application communicates with the hub wirelessly to obtain search results, product location, and other product information (e.g., price).

33. Defendants' mobile phone application and related system infringes claim 15 of the '260 patent either literally or under the doctrine of equivalents.

34. Upon information and belief, Defendants' website functions the same as their mobile phone application and also infringes at least claim 15 of the '260 patent.

### **COUNT II – PATENT INFRINGEMENT OF THE '933 PATENT**

35. Defendants' mobile phone application and website infringe the '933 patent.

#### **Exemplary claim for Defendants' Mobile Phone Application and Website for the '933 patent**

36. Upon information and belief, prior to the expiration of the '933 patent, Defendants created, tested, updated, and maintained their mobile phone application, and provided their mobile phone application to customers, which constitutes direct infringement of at least claim 1 of the '933 patent either literally or under the doctrine of equivalents. Below is an exemplary comparison of claim 1 of the '933 patent (the first independent claim) with the mobile phone application, demonstrating infringement.

37. Claim 1 of the '933 patent is a method of providing product location information within a first store. The mobile phone application provides product location information within a store.

38. Claim 1 requires a plurality of devices including a mobile device that are in communication with each other. At least one of the devices includes at least one user interface. At least one of the devices includes at least one information storage device.

39. Customers download Defendants' mobile phone application, which serves as a user interface on their mobile device. The mobile phone communicates with an information storage device that includes a database with information about a store's inventory. The mobile

phone and information storage device, or a plurality of devices, therefore communicate with each other.

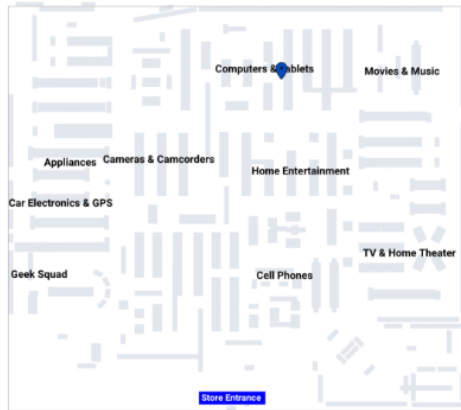
40. Claim 1 requires the at least one information storage device includes both product location information and additional product-related information that includes information regarding at least one of information concerning a quantity of a first product within the store, information concerning a price of the product, information concerning a presence or absence of the product within the store, information concerning a time at which the product should be available at the store if the product is currently absent from the store, and information linking the product with another product in a cross-referential manner, and further information concerning at least one past location inquiry of a customer.

41. As shown below, Defendants' mobile phone application informs customers of both product location information and additional product-related information. The mobile phone application shows the price of the product, whether the product is located in the store, and links the selected product with another product (e.g., Have everything you need?). The mobile phone application also includes information concerning at least one past location inquiry of a customer by "remembering" the customer's selected or local store. As shown below, the mobile phone application also provides a map along with a pin indicating the location of the product within the store.



3:34 73%

Product Location



HP - 14" Laptop - AMD Athlon - 4GB Memory - 128GB SSD - Jet Black

**In stock at Mayfair**

2 videos

HP  
 HP - 14" Laptop - AMD Athlon - 4GB Memory - 128GB SSD - Jet Black

Model: 14-DK1013DX | SKU: 6450167

★★★★★ (13 Reviews)

**\$299.99** **\$25.00 /mo.\***  
 suggested payments with 12 months financing  
[Show me how](#)

Free 3-month security software; \$14.99 value >

PRICE MATCH GUARANTEE >

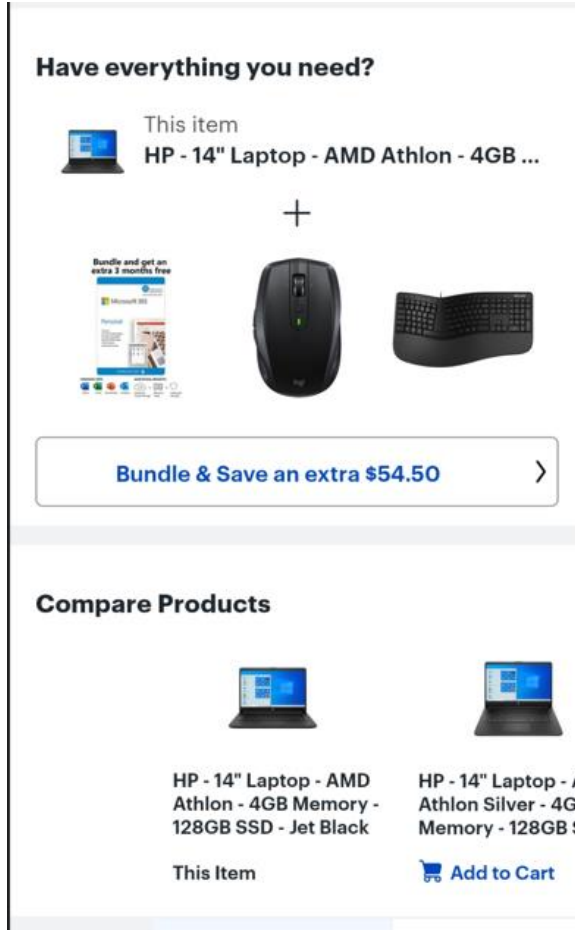
**Open Box**

Looking for a better deal?  
 Open-Box options from \$278.99 >

**Availability** [View in store map](#)

- In stock at Mayfair
- Order now, pick up in 1 hr
- Contactless Curbside Pickup**
- [Check nearby locations](#)

Provide a **ZIP code** to view shipping options



42. Claim 1 requires a user interface to send an input signal, which is received by the information storage device.

43. Defendants' mobile phone application sends an input signal which is received by the information storage device.

44. Claim 1 requires querying the information storage device to obtain portions of the product location information and additional product-related information in response to the input signal.

45. As shown below, upon information and belief, the search inquiry on the mobile phone application queries the information storage device to obtain portions of the product

location information (e.g., whether the product is located in-store) and additional product-related information (e.g., price of the product).



2 videos

HP

HP - 14" Laptop - AMD Athlon - 4GB Memory - 128GB SSD - Jet Black

Model: 14-DK1013DX | SKU: 6450167

★★★★★ (13 Reviews)

**\$299.99**

**\$25.00 /mo.\***

suggested payments with  
12 months financing

[Show me how](#)

Free 3-month security software; \$14.99 value >

**PRICE MATCH GUARANTEE** >

### Open Box

Looking for a better deal? >  
Open-Box options from \$278.99

### Availability

[View in store map](#)

- In stock at Mayfair
  - Order now, pick up in 1 hr
  - [Contactless Curbside Pickup](#)
- [Check nearby locations](#)

Provide a [ZIP code](#) to view shipping options

46. Claim 1 requires that a product location information signal, sent in response to the input signal, to be received by a user interface. The user interface is able to provide an output signal based upon the product location information signal.

47. Defendants' mobile phone application receives a product location information signal in response to its search query. After the product location information signal is received, the user interface displays information about the product (e.g., the product is or is not located within a specific store) based on the product location information signal.

48. Claim 1 further requires that an output signal provide at least one suggestion to the customer in accordance with one or more preferences of the customer, including location information concerning a location of at least one item of interest to the customer, one or more preferences being obtained at least in part based upon the further information.

49. Defendants' mobile phone application suggests other products to the customers. The product information for the suggested product also includes whether the suggested product is located within a store selected by the customer (e.g., the location data of the customer or zip code).

50. Defendants' mobile phone application and related system infringes claim 1 of the '933 patent either literally or under the doctrine of equivalents.

51. Upon information and belief, Defendants' website functions the same as their mobile phone application and also infringes least claim 1 of the '933 patent.

### **COUNT III – PATENT INFRINGEMENT OF THE '690 PATENT**

52. Defendants' mobile phone application and website infringe the '690 patent.

**Exemplary claim for Defendants' Mobile Phone Application and Website for the '690 patent**

53. Upon information and belief, prior to the expiration of the '690 patent, Defendants created, tested, updated, and maintained its mobile phone application, and provided their mobile phone application to customers, which constitutes direct infringement of at least claim 1 of the '690 patent either literally or under the doctrine of equivalents. Below is an exemplary comparison of claim 1 of the '690 patent (the first independent claim) with the mobile phone application, demonstrating infringement.

54. Claim 1 of the '690 is a method of providing product location information within a store.

55. The mobile phone application provides product location information within a store.

56. Claim 1 requires a plurality of devices, including a mobile device. The plurality of devices are in communication with each other. At least one of the devices includes a user interface. At least one device includes at least one information storage device, which includes a database.

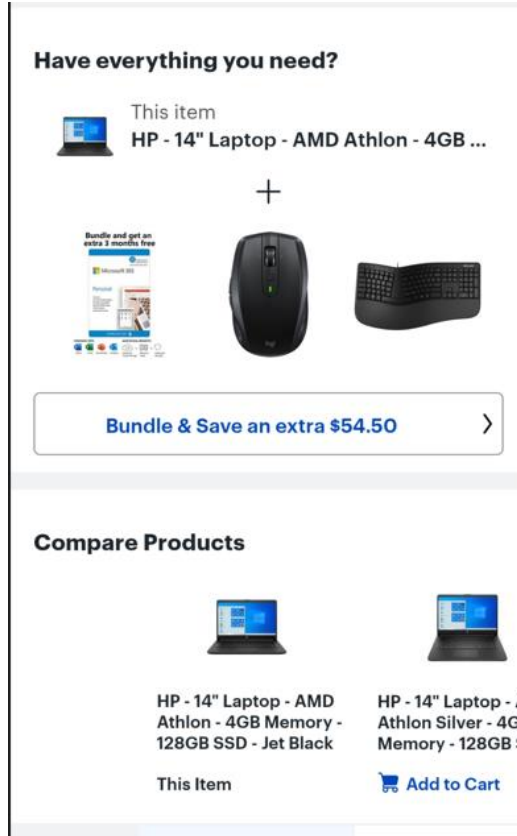
57. The Defendants' mobile phone application uses a plurality of devices – a mobile phone application and an information storage device – to provide product location information within a store to customers. Customers download Defendants' mobile phone application, which serves as a user interface on their mobile device. The mobile phone application communicates with an information storage device that includes a database with information about a store's inventory.

58. Claim 1 requires the at least one information storage device includes both product location information and additional product-related information that links a product with another product in a cross-referential manner.



59. As shown below, Defendants' mobile phone application informs customers of both product location information and additional product-related information. As shown below, the mobile phone application provides a map along with a pin indicating the location of the product within the store. The mobile phone application shows whether the product is located in the store and links the selected product with another product (e.g., Have everything you need?).

The screenshot displays a mobile application interface for an HP laptop. On the left, the product details include the HP logo, the product name "HP - 14" Laptop - AMD Athlon - 4GB Memory - 128GB SSD - Jet Black", model and SKU numbers, a 4.5-star rating from 13 reviews, and a price of \$299.99 with a financing option of \$25.00/mo. for 12 months. Below this, there are sections for "Open Box" options and "Availability" at Mayfair, which is in stock and available for contactless curbside pickup. On the right, a blue header reads "Product Location" with a close button. Below it is a store map with various department labels: Computers & Tablets, Movies & Music, Appliances, Cameras & Camcorders, Home Entertainment, Car Electronics & GPS, Geek Squad, Cell Phones, and TV & Home Theater. A blue pin is placed on the map, and a "Store Entrance" label is at the bottom. At the bottom right, a small product image is shown with the text "HP - 14" Laptop - AMD Athlon - 4GB Memory - 128GB SSD - Jet Black" and "In stock at Mayfair". The bottom of the screen shows a mobile navigation bar with a hamburger menu, a home button, and a back button.



60. Claim 1 requires that a user interface receive a product location inquiry regarding the product.

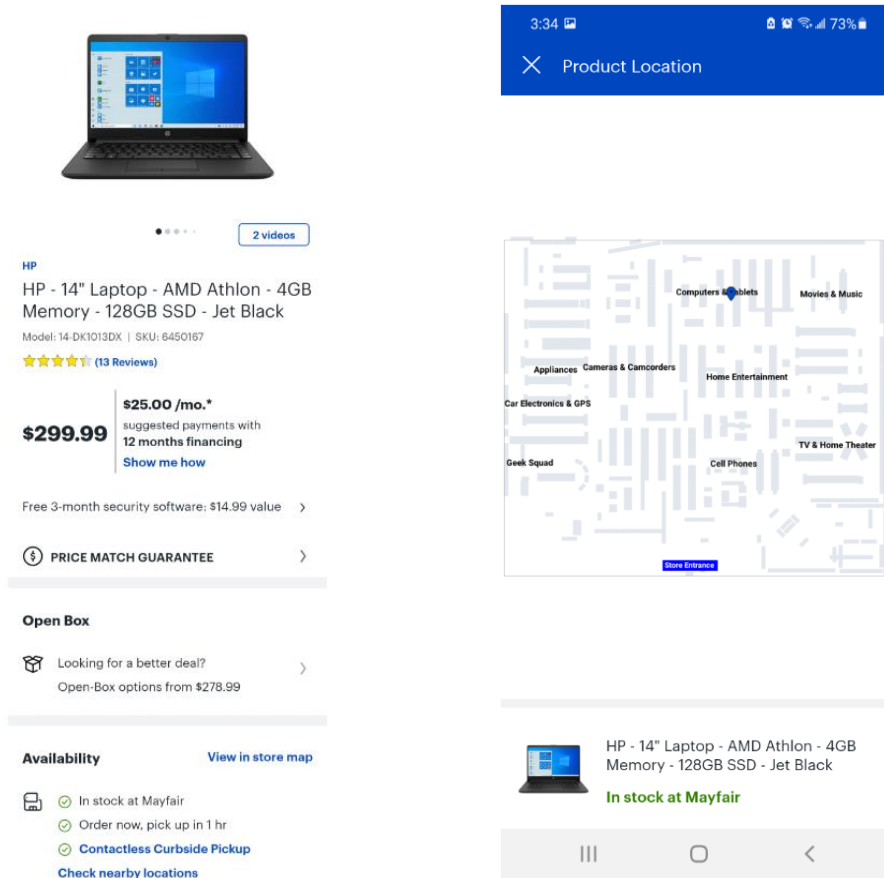
61. Defendants' mobile phone application receives a product location inquiry (e.g., search for a product within a specific store).

62. Claim 1 requires that the product location inquiry be processed at a signal processing device to determine a product location inquiry signal.

63. Once the product location inquiry is sent by the Defendants' mobile phone application, the signal must necessarily be processed by a signal processing device to determine a product location inquiry signal (in order to ultimately receive search results on a user interface).

64. Claim 1 requires that the product location inquiry signal cause a query of the information storage device to obtain portions of the product location and additional product-related information.

65. The product location inquiry signal that is sent by the Defendants' mobile phone application must cause a query of the information storage device to obtain portions of the product location and additional product-related information because, as shown below, the search inquiry on the mobile phone application results in a query of the information storage device to obtain portions of the product location information (e.g., whether the product is located in-store) and additional product-related information (e.g., price of the product) in response to the search query.



66. Claim 1 requires that a product location information signal be sent in response to the product location inquiry signal.

67. The Defendants' mobile phone application receives a product location information signal in response to its search query (i.e., product location inquiry signal). Defendants' mobile phone application displays product location information (e.g., the product is or is not located within a specific store) based on the product location information signal. A product location information signal must therefore have been sent in response to the product location inquiry signal.

68. Claim 1 further requires that an output signal, at an output device, be provided in response to the product location inquiry. The output signal includes location information concerning the product and also provides at least one suggestion related to the other product.

69. After a search query for a product located in a specific store, the Defendants' mobile phone application provides relevant results in response to the search. In order to provide relevant results in response to the search, there must be an output signal, at an output device, that is provided in response to the search query (i.e., product location inquiry). The search results provide product location (e.g., whether the product is located in the store and where the product is located in the store). The search result further provides at least one suggestion related to the other product by recommending additional products (e.g., Have everything you need?).

70. The Defendants' mobile phone application and related system infringes claim 1 of the '690 patent either literally or under the doctrine of equivalents.

71. Upon information and belief, Defendants' website functions the same as their mobile phone application and also infringes least claim 1 of the '690 patent.

**COUNT IV – PATENT INFRINGEMENT OF THE ‘670 PATENT**

72. Defendants’ mobile phone application and website infringe the ‘670 patent.

**Exemplary claim for Best Buy’s Mobile Phone Application and Website for the ‘670 patent**

73. Upon information and belief, prior to the expiration of the ‘670 patent, Defendants created, tested, and maintained their mobile phone application, and provided their mobile phone application to customers, constituting infringement of at least claim 1 of the ‘670 patent either literally or under the doctrine of equivalents. Below is an exemplary comparison of claim 1 of the ‘670 patent (the first independent claim) with the mobile phone application, demonstrating infringement.

74. Claim 1 of the ‘670 patent is a method of providing product location information within a store.

75. The mobile phone application provides product location information within a store.

76. Claim 1 requires at least one information storage device to be provided. The at least one information storage device includes a database. The at least one information storage device is configured to be at least indirectly in communication with at least one other device that includes at least one user interface. At least one of the at least one information storage device and the at least one other device with respect to which the at least one information storage device is configured to be at least indirectly in communication is or includes a mobile device.

77. Defendants must have an information storage device that includes a database because Defendants must have some method of organizing its inventory. The information storage device must be at least indirectly in communication with a mobile device with a user interface because customers use the mobile phone application to search for products. As seen below, the

search results state whether a product is located in a store. The mobile phone therefore must be in communication with a database of an information storage device because the number of products left in the inventory must be readily ascertainable in order to determine whether a product is still located within a store.

3:33 [notifications] [signal] [wifi] [battery 73%]

← laptop (68) [search] [help] [cart]

In stock at **Mayfair**

Filters | Sort by ▾ | Availability ▾ | Price ▾

**Platinum™.**  
Computer accessories for today and tomorrow. [Shop now >](#)  
Advertisement

**HP - 14" Laptop - AMD Athlon - 4GB Memory - 128GB SSD - Jet Black**  
★★★★☆ 4.3 (12)  
**\$299.99**  
Included Free: 1 Item  
Open-Box available  
Pick up in 1 hour  
New! Try curbside pickup  
[Add to cart](#)

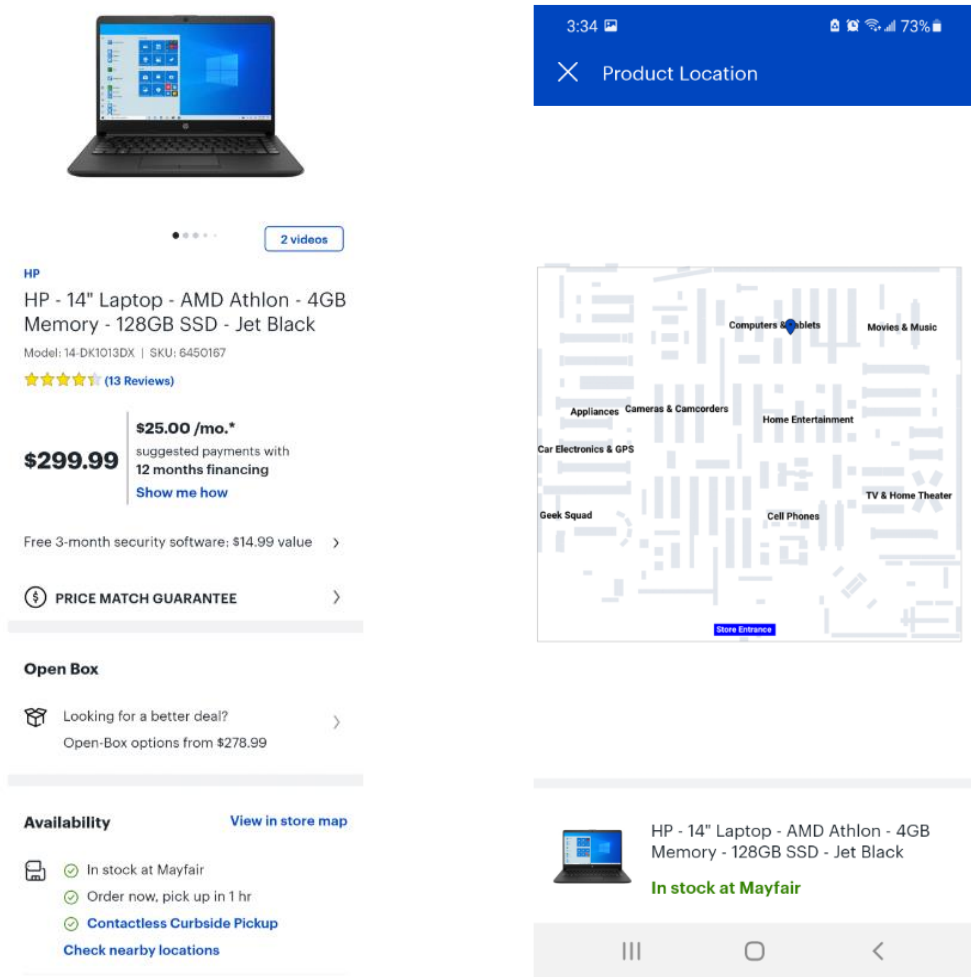
**Lenovo - Ideapad 3 17.3" Laptop - Intel Core i5 - 8GB Memory - 1024GB HDD - Ab...**  
★★★★☆ 3.8 (8)  
**\$619.99**  
Included Free: 1 Item  
Pick up in 1 hour  
New! Try curbside pickup  
[Compare](#)

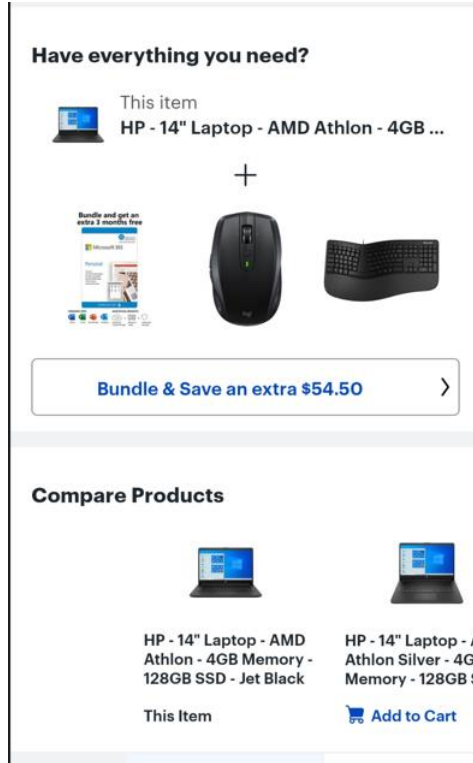
**ASUS - Vivobook 17.3"**

**HP**  
HP - 14" Laptop - AMD Athlon - 4GB Memory - 128GB SSD - Jet Black  
Model: 14-DK1013DX | SKU: 6450167  
★★★★☆ (13 Reviews)  
**\$299.99** **\$25.00 /mo.\***  
suggested payments with 12 months financing  
[Show me how](#)  
Free 3-month security software; \$14.99 value >  
**PRICE MATCH GUARANTEE** >  
**Open Box**  
Looking for a better deal? >  
Open-Box options from \$278.99  
**Availability** [View in store map](#)  
In stock at Mayfair  
Order now, pick up in 1 hr  
[Contactless Curbside Pickup](#)  
[Check nearby locations](#)  
Provide a **ZIP code** to view shipping options

78. Claim 1 requires that the information storage device include both product location information and additional product-related information linking a product with another product in a cross-referential manner.

79. As shown below, Defendants' mobile phone application informs customers of the whether the product is available within a selected store and further links the product with another product (e.g., Have everything you need?). The mobile phone application also provides a map along with a pin indicating the location of the product within the store.





80. Claim 1 requires that a product location inquiry signal regarding the product be received. The product location inquiry signal is at least indirectly based upon a product location inquiry received by way of the at least one user interface.

81. The Defendants' mobile phone application at least indirectly sends a product location inquiry signal, which must be received because the customer receives relevant search results.

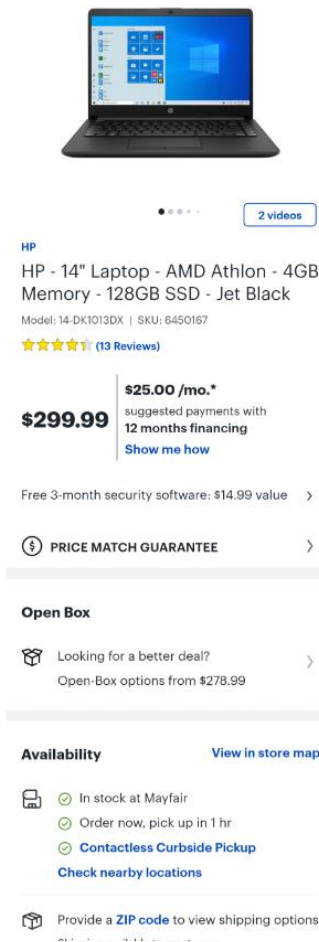
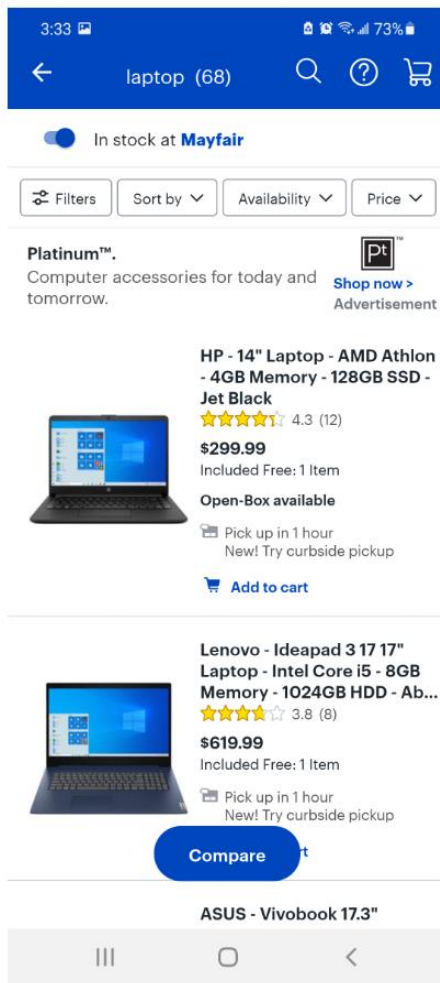
82. Claim 1 requires that the product location inquiry signal to be processed, at a signal processing device, to determine a processed product location inquiry signal.

83. The product location signal sent from the mobile phone application must be processed at a signal processing device to determine a processed product location inquiry signal because customers receive relevant search results after searching on Defendants' mobile phone application.



84. Claim 1 requires querying the at least one information storage device to obtain portions of the product location information and additional product-related information in response to the processed product location inquiry signal.

85. In order to obtain relevant search results when searching for a product, Defendants' information storage device must be queried to obtain product location information and additional product-related information. As seen below, product location information and additional product-related information are obtained in response to the processed product location inquiry signal (i.e., search query).



86. Claim 1 requires that a product location information signal be provided that is at least indirectly responsive to the processed product location inquiry signal.

87. A product location information signal must be provided that is at least indirectly responsive to the processed product location inquiry signal because a search query on Defendants' mobile phone application results in relevant search results.

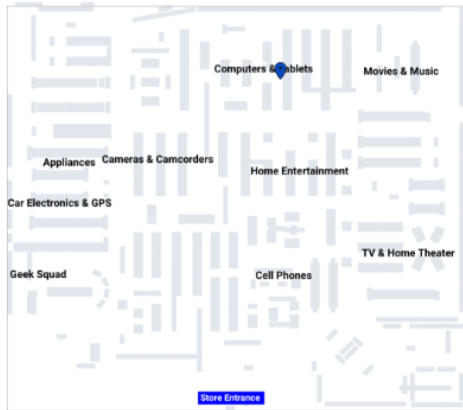
88. Claim 1 requires that the product location signal be configured to enable, at least indirectly, an output signal at an output device to be provided in response to the product location inquiry. The output signal includes location information concerning the product and also provides at least one suggestion related to the other product.

89. After sending out a product location information signal from the mobile phone application, an output signal, at an output device, must be provided in order for a customer to receive relevant search results on the mobile phone application. As shown below, the mobile phone application also provides a map along with a pin indicating the location of the product within the store. Further, the search results on a mobile phone application include whether a product is located within a store and also provides at least one suggestion related to the other product. The output signal therefore must necessarily include location information about the product and at least one additional suggestion related to the product (e.g., Have everything you need?).



3:34 73%

Product Location



HP - 14" Laptop - AMD Athlon - 4GB Memory - 128GB SSD - Jet Black  
**In stock at Mayfair**

2 videos

HP  
 HP - 14" Laptop - AMD Athlon - 4GB Memory - 128GB SSD - Jet Black  
 Model: 14-DK1013DX | SKU: 6450167  
 ★★★★★ (13 Reviews)

**\$299.99** **\$25.00 /mo.\***  
 suggested payments with 12 months financing  
[Show me how](#)

Free 3-month security software; \$14.99 value >

**PRICE MATCH GUARANTEE** >

**Open Box**

Looking for a better deal? >  
 Open-Box options from \$278.99

**Availability** [View in store map](#)

- In stock at Mayfair
- Order now, pick up in 1 hr
- Contactless Curbside Pickup**
- [Check nearby locations](#)

Provide a **ZIP code** to view shipping options  
 Enter ZIP code

The screenshot displays a promotional banner for a laptop bundle. At the top, it asks "Have everything you need?". Below this, it lists "This item" as an "HP - 14" Laptop - AMD Athlon - 4GB ...". A plus sign indicates a bundle that includes a mouse and a keyboard. A call to action button says "Bundle & Save an extra \$54.50". Below the banner is a "Compare Products" section with two laptop options: "HP - 14" Laptop - AMD Athlon - 4GB Memory - 128GB SSD - Jet Black" (labeled "This Item") and "HP - 14" Laptop - Athlon Silver - 4GB Memory - 128GB S" (with an "Add to Cart" button).

90. Defendants’ mobile phone application and related system infringes claim 1 of the ‘670 patent either literally or under the doctrine of equivalents.

91. Upon information and belief, Defendants’ website functions the same as their mobile phone application and also infringes least claim 1 of the ‘670 patent.

**COUNT V – PATENT INFRINGEMENT OF THE ‘380 PATENT**

86. Upon information and belief, Defendants have been and are infringing the '380 patent through their in-store kiosks.

87. Upon information and belief, Defendants’ kiosks allow customers to access Defendants’ website.

**Exemplary claim for Best Buy's kiosk for the '380 patent**

88. Upon information and belief, Defendants' has created, tested, updated, and maintained their kiosks, and provided their kiosks to customers, which constitutes direct infringement of at least claim 1 of the '380 patent while the '380 patent was in force, either literally or under the doctrine of equivalents. Below is an exemplary comparison of claim 1 of the '380 patent (the first independent claim).

89. Defendants' customers may access in-store kiosks to purchase items from their website. Defendants' customers are therefore able to use its kiosks to find item location, availability, and price. Customers are thereby able to search for stock locations, availability, and price.

90. Claim 1 of the '315 patent is a system claim for providing product location information within a store.

91. The kiosk provides product location within a store.

92. Claim 1 requires a first user interface positioned within the store in a substantially stationary manner. The first user interface is configured to receive an input signal from a user related to a product that may be available within the store, to process the input signal and to provide a product inquiry signal in response to the input signal, the first user interface further configured to receive an information signal, and to provide an output signal in response to the information signal.

93. The kiosk may be a user interface through which customers are able to access the Defendants' system. Upon information and belief, the kiosks are substantially stationary. The Defendants' System includes a server which processes the inquiry when the user inputs a search term. A search term constitutes an "input signal." The server provides a product inquiry signal in

response to the search and accesses various databases that include product location information and additional product-related information. The kiosk receives an information signal regarding the information from the various databases. An output signal is then generated in response to the information signal and is visually displayed on the kiosk for the user.

94. Claim 1 requires an inventory information unit coupled to the first user interface and comprising a database containing product location information and additional product-related information including product availability information. The inventory information unit is configured to provide the information signal to the first user interface after receiving the product inquiry signal from the first user interface.

95. The Defendants' System includes an inventory information unit that contains at least one database to obtain product location information and additional information. The server then provides the information signal to the kiosk after receiving the product inquiry signal from the kiosk.

96. Claim 1 requires that the information signal provided by the inventory information unit at least sometimes include a first portion of the product location information.

97. The information signal provided by the server obtains a first portion of the product location information at least some of the time (e.g., the product is available within the store).

98. Claim 1 requires that the information signal provided by the inventory information unit to depend at least sometimes upon a first portion of the product availability information.

99. The information signal provided by the server depends on whether a product is available.

100. Claim 1 requires that when the input signal indicates that a product location inquiry and the inventory information unit determines, based upon the product availability information, that the product is unavailable at a location, the inventory information unit configures the information signal so that the output signal provided by the user interface does not provide an indication that the product is available at the location.

101. If the product is not available in-store, then the server configures the information signal so that the output signal provides a visual display on the kiosk indicating that the searched for product is not available at the location.

102. The Defendants' kiosk and related system infringes claim 1 of the '380 patent either literally or under the doctrine of equivalents.

#### **COUNT VI – PATENT INFRINGEMENT OF THE '315 PATENT**

103. Upon information and belief, Defendants' have been and are infringing the '315 patent through its in-store kiosks.

104. Upon information and belief, Defendants' kiosks allow customers to access Defendants' website.

105. **Exemplary claim for Defendants' kiosk for the '315 patent**

106. Upon information and belief, Defendants have created, tested, updated, and maintained their kiosks, and provided their kiosks to customers, which constitutes direct infringement of at least claim 1 of the '315 patent while the '315 patent was in force, either literally or under the doctrine of equivalents. Below is an exemplary comparison of claim 1 of the '315 patent (the first independent claim).

107. Defendants' customers may access in-store kiosks to purchase items from its website. Customers are therefore able to use its kiosks to find item location, availability, and price. Customers are thereby able to search for stock locations, availability, and price.

108. Claim 1 of the '315 patent is a system claim for providing product location information within a store.

109. The kiosk provides product location within a store.

110. Claim 1 requires a plurality of user interfaces positioned at respective positions within the store in a substantially stationary manner. The user interfaces are configured to receive input signals from the customers and provide output signals to the customers in the store. Each of the user interfaces includes a memory unit.

111. The kiosk may be a user interface through which customers are able to access the Defendants' system. Upon information and belief, Defendants' store includes at least two kiosks which are substantially stationary. The Defendants' System includes a kiosk which is configured to receive input signals. A search term constitutes an "input signal." An output signal is generated in response to the input signal and is visually displayed on the kiosk for the user. Each kiosk includes a memory unit that stores information (e.g., product location or price).

112. Claim 1 requires a hub that is at least indirectly in communication with each of the user interfaces. The hub is capable of accessing at least one database, where the database includes both product location information and additional store-related information.

113. The Defendants' System is capable of at least indirectly communicating with a hub which accesses at least one database which includes both product location information and additional product-related information. Customers are able to search for a product on the kiosk



and receive relevant results. Those results include whether a product is located in the store and the price of the product.

114. Claim 1 requires the hub to be in periodically in communication with each of the user interfaces. The hub provides portions of the product location information to the user interfaces.

115. The kiosk communicates with a hub. The communication includes receiving search requests for specific products (i.e., input signals from a user interface). A query is sent to obtain product location information in response to the search. Information regarding the product, including its price and quantity in the store, and its location, is provided to the customer on the kiosk.

116. Claim 1 requires that the when the first of the user interfaces receives a first of the input signals representative of a product location inquiry from a first of the customers, the first user interface obtains relevant product location information from the respective memory unit of the first user interface. The first user interface then provides a first of the output signals as a response to the first input signal based upon the relevant product location information.

117. The customer inputs a search request (i.e., an input signal) to search for a product location. The kiosk then obtains relevant product information from the memory unit of the kiosk. The kiosk then provides an output signal (i.e., search results) as a response to the search request.

118. Defendants' kiosk and related system infringes claim 1 of the '315 patent either literally or under the doctrine of equivalents.

## **SUMMARY**

92. Defendants have directly infringed the ‘260, ‘933, ‘690, ‘670, ‘380, and ‘315 patents by making, using, maintaining, and updating its mobile phone application and website (collectively the “Accused Products”), and by providing the Accused Products to customers. Upon information and belief, Defendants have been making, using, maintaining, and updating the Accused Products, and providing the Accused Products to customers, since at least as early as 2016.

93. Defendants’ conduct shows a lack of the required duty to avoid infringement of the ‘260, ‘933, ‘690, ‘670, ‘380, and ‘315 patents such that this is an exceptional case; therefore, Innovaport should be awarded its reasonable attorneys’ fees pursuant to 35 U.S.C. § 285.

94. Pursuant to 35 U.S.C. § 284, Innovaport is entitled to enhanced damages for infringement of the ‘260, ‘933, ‘690, ‘670, ‘380, and ‘315 patents by Defendants, up to treble damages.

### **Request for Relief**

WHEREFORE, Plaintiff Innovaport LLC demands that judgment be entered in its favor and against Defendants as follows:

- A. Adjudging that Defendants have infringed the ‘260, ‘933, ‘690, ‘670, ‘380, and ‘315 patents;
- B. Awarding Innovaport its damages, together with prejudgment interest, caused by Defendants’ infringement; and
- C. Granting such other and further relief as the Court may deem appropriate.

### **Jury Demand**

Plaintiff Innovaport LLC hereby demands a jury trial of all issues of fact not admitted by the Defendants.

Dated: June 30, 2023

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