

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

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

Plaintiffs,

v.

**JETBRAINS AMERICAS, INC.,
JETBRAINS INCORPORATED, and
JETBRAINS S.R.O.**

Defendants.

Civil Action No. 1:22-cv-01033-JLH

DEMAND FOR JURY TRIAL

SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Pursuant to Fed. R. Civ. P. 15(a)(2), Plaintiffs Caddo Systems, Inc. and 511 Technologies, Inc. (“Plaintiffs” or “Caddo”) hereby amend their First Amended Complaint against Defendant Jetbrains Americas, Inc. (“JBA”), Defendant Jetbrains, Inc. (“JBI”), and Defendant Jetbrains s.r.o. (“JBSRO”) (collectively, “Defendants” or “Jetbrains”) as follows:

NATURE OF THE ACTION

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

THE PARTIES

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

3. Plaintiff 511 Technologies, Inc. (“511 Tech”) is a Texas corporation with its principal place of business at 511 N. Washington Avenue, Marshall, Texas 75670. Since 2010,

511 Tech has operated the 511 Technology Center, including the provision of invention, patent and product development support services in diverse fields including color measurement, flash storage devices, communication protocols, electronic circuitry, software development, energy storage and control, cloud-connected industrial and consumer products, medical diagnostic device, and art instruction from its headquarters in the former Coca-Cola bottling plant located in the Ginocchi Historic District in Marshall, Texas.

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

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

6. On information and belief, Defendant Jetbrains Americas, Inc. (“JBA”) is a corporation organized and existing under the laws of Delaware. JBA is registered with the District of Delaware and may be served with process through its registered agent 838 Walker Road Suite 21-2, Dover, DE 19904.

7. On information and belief, Defendant JBI is a corporation organized and existing under the laws of Massachusetts, with its principal place of business at 2 Seaport Lane, Suite 8C, 8th Floor, Seaport East, Boston, MA 02210.

8. On information and belief, Defendant JBSRO is a company registered to do business in Prague, Czech Republic, with a place of business at Kavčí Hory Office Park, Na Hřebenech II 1718/8 Praha 4 - Nusle, 140 00 Czech Republic.

JURISDICTION AND VENUE

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

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

11. Defendants JBSRO, JBA, and JBI are subject to this Court's general and specific personal jurisdiction because they have sufficient minimum contacts within the Commonwealth of Delaware and this District, due at least to their substantial business in Delaware and in this judicial district, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and deriving substantial revenue from goods and services provided to individuals in the State of Delaware. Further, this Court has personal jurisdiction and proper authority to exercise venue over Defendant JBA because Defendant JBA is incorporated in Delaware and by doing so has purposely availed itself of the privileges and benefits of the laws of the State of Delaware.

12. Additionally, upon information and belief, Defendant JBI has sufficient minimum contacts within the Commonwealth of Delaware and this District, due at least to its substantial business in Delaware and in this judicial district, directly or through intermediaries, including providing technical support, marketing materials, and product documentations on how to activate and use the accused functionalities (namely, the Navigation Bar (or "NavBar") and the Project Tree/Tool/View window (or "Project Tree/Tool")) to end-users and customers within this District. Specifically, Defendant JBSRO markets and uses the Accused Instrumentalities in the United States, including in this District, knowing that they would be sold, offered for sale, marketed, and used in, and imported into, this District and elsewhere in the United States.

13. Further, upon information and belief, Defendant JBSRO has committed acts of infringement in this District and regularly contracts with end-users and customers located within and incorporated in this District, including for the sale, offering for sale, marketing, use and importation of the Accused Instrumentalities. Specifically, Defendant JBSRO sells, offers to sell, markets, and uses the Accused Instrumentalities in the United States, and imports the Accused Instrumentalities into the United States including in this District, knowing that they would be sold, offered for sale, marketed, and used in, and imported into, this District and elsewhere in the United States.

14. On information and belief, Defendant JBSRO at least designs, develops, manufactures, uses, sells, offers to sell, and imports the Accused Instrumentalities incorporating the NavBar and the Project Tree/Tool to, for or on behalf of U.S. customers that either infringe or support the infringement of the patents asserted in this action. Similarly, Defendant JBA at least sells, offers to sell, and imports the Accused Instrumentalities incorporating the NavBar and the Project Tree/Tool, to, for or on behalf of U.S. customers that either infringe or support the infringement of the patents asserted in this action; and Defendant JBI at least uses and markets the Accused Instrumentalities incorporating the NavBar and the Project Tree/Tool to U.S. customers that either infringe or support the infringement of the patents asserted in this action.

15. On information and belief, Defendants JBSRO and JBI sell and offer to sell products and services throughout the United States and in Delaware, including in this District, through the accused instrumentalities, through its website accessible in the United States, and in concert and partnership with third parties.

16. Furthermore, personal jurisdiction over Defendants JBSRO, JBA, and JBI in this action comports with due process. All three defendants have conducted and regularly conduct

business within the United States, including in this District. All three defendants have purposefully availed themselves of the privileges of conducting business in the United States, including in the Commonwealth of Delaware and this District. All three defendants have sought protection and benefit from the laws of the Commonwealth of Delaware by making available products and services, including the Accused Instrumentalities via their websites and associated web pages, that infringe the Asserted Patents with the awareness or intent or both that they will be used (or visited) by consumers, including customers and end users in this District. Upon information and belief, all three defendants entered into subscription and purchase agreements and contracts with end users and customers located or incorporated within this District, and elsewhere in the United States, for the sale, importation, provision, marketing, and use of the Accused Instrumentalities within this District and elsewhere in the United States. Having purposefully availed themselves of the privilege of conducting business within this District and elsewhere in the United States, Defendants JBSRO, JBA, and JBI should reasonably and fairly anticipate being brought into court here.

17. Also, under Delaware's long-arm statute and this District's legal precedent regarding stream of commerce, this Court has personal jurisdiction over Defendant JBSRO because Defendant JBSRO had an intent or purpose to serve the U.S. market, including the Delaware market; and that intent or purpose resulted (and continues to result) in introducing the Accused Products (to be discussed in greater detail below) into Delaware. *See e.g.*, Del Code Ann. tit. 10, § 3104(c); *see also 3G Licensing, S.A. v. Lenovo Grp. Ltd.*, 2019 U.S. Dist. LEXIS 143453, at *4 (D. Del. Aug. 22, 2019), *report and recommendation adopted*, No. CV 17-84-LPS, 2019 U.S. Dist. LEXIS 225793 (D. Del. Sept. 19, 2019); *see also Godo Kaisha IP Bridge 1 v. TCL Commc'n Tech. Holdings Ltd.*, No. CV 15-634-SLRSRF, 2016 U.S. Dist. LEXIS 109010,

2016 WL 4413140, at *6 (D. Del. Aug. 17, 2016), *report and recommendation adopted*, No. CV 15-634-SLR/SRF, 2016 U.S. Dist. LEXIS 134003 (D. Del. Sept. 29, 2016). To the extent the Accused Products were made abroad, they were so made with the intent that JetBrains JBA import and sell such products in the U.S., and therefore Delaware. Accordingly, personal jurisdiction over Defendant JBSRO based on the stream of commerce theory is proper.

18. This Court also has personal jurisdiction over Defendant JBSRO under the agency theory because Defendant JBSRO asserts more than just ownership over Defendant JBA. In particular, Defendant JBA was created by Defendant JBSRO for the sole purpose of conducting the infringing activities within the U.S. and are compensated by Defendant JBSRO for doing so. In addition, Defendant JBSRO also made (and continues to make) concerted effort to target the U.S. market through Defendant JBA, including entering into various subscription and purchase agreements with U.S. customers, including those incorporated in Delaware. Further, Defendants JBSRO and JBA are referred to as a single entity in various business transactions involving U.S. customers, and that Defendant JBSRO warrants the Accused Products and provides technical support to Defendant JBA's U.S. customers. Accordingly, personal jurisdiction over Defendant JBSRO based on the agency theory is also proper.

19. Venue is proper in this judicial district under 28 U.S.C. § 1400(b).

20. Additionally, JetBrains—directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, or agents—ships, distributes, offers for sale, and sells its products and services in the United States and this District. JetBrains has purposefully and voluntarily placed one or more of its products into the stream of commerce through the accused instrumentalities that infringe the patents asserted in this action with the awareness or intent or both that they will be purchased by consumers in this District. Upon information and

belief, Defendants JBSRO, JBA, and JBI contract with end users and customers located or incorporated within this District for the sale, importation, provision, marketing, and use of the Accused Instrumentalities within this District. For example, Defendants JBSRO and JBA knowingly and purposefully ship the Accused Instrumentalities into, and within, this District via their websites and associated web pages and via servers located in, or accessible from, the United States. These Accused Instrumentalities have been, and continue to be, purchased by consumers and businesses in this District and elsewhere in the United States.

THE ASSERTED PATENTS

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

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

23. On December 29, 2009, the USPTO duly and legally issued U.S. Patent No. 7,640,517 (“the ’517 Patent”), entitled “Active Path Menu Navigation System.” A copy of the ’517 Patent is attached hereto as Exhibit 2.

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

25. On January 8, 2013, the USPTO duly and legally issued U.S. Patent No. 8,352,880 (“the ’880 Patent”), entitled “Active Path Menu Navigation System.” A copy of the ’880 Patent is attached hereto as Exhibit 3.

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

27. On July 31, 2018, the USPTO duly and legally issued U.S. Patent No. 10,037,127 (“the ’127 Patent”), entitled “Active Path Menu Navigation System.” A copy of the ’127 Patent is attached hereto as Exhibit 4.

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

29. On November 23, 2021, the USPTO duly and legally issued U.S. Patent No. 11,182,053 (“the ’053 patent”), entitled “Active Path Menu Navigation System.” A copy of the ’053 Patent is attached hereto as Exhibit 5.

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

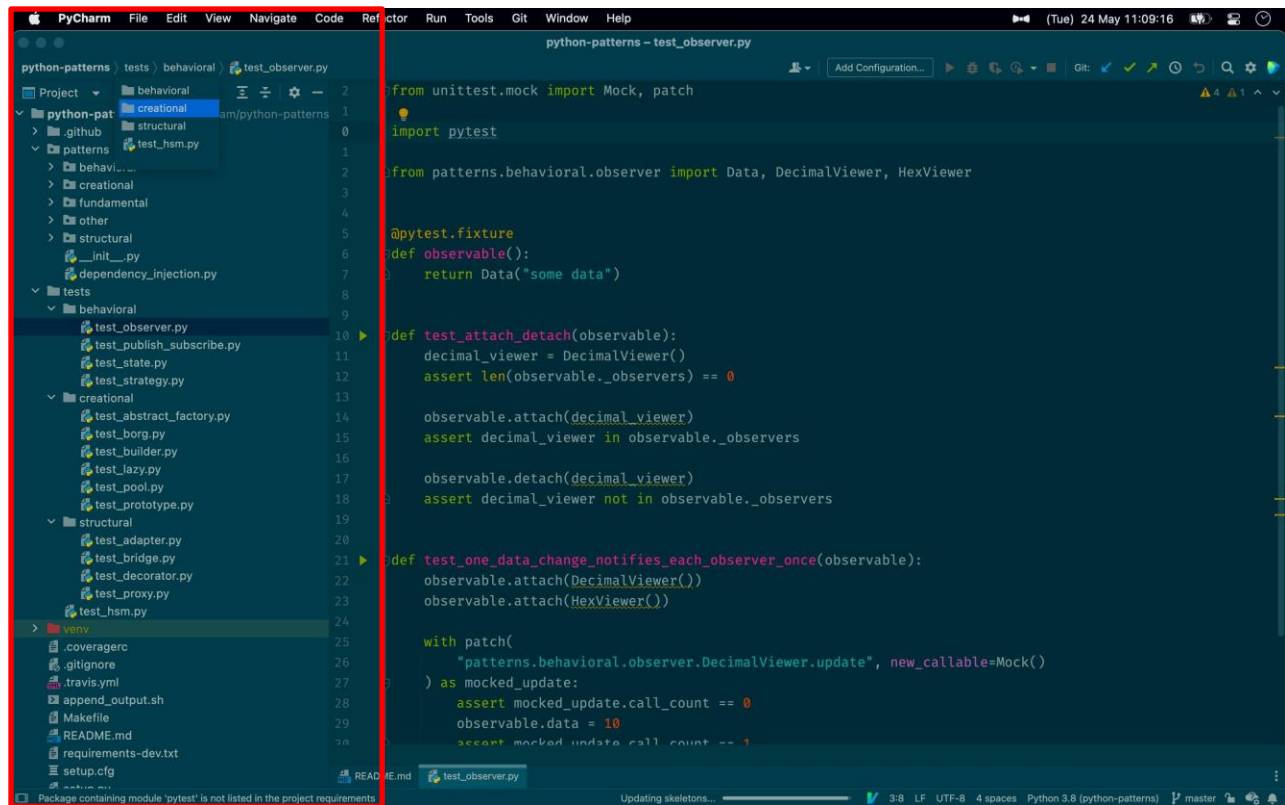
COUNT I - INFRINGEMENT OF U.S. PATENT NO. 7,191,411

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

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

33. Defendants JBA, JBSRO, and JBI, individually or in concert with each other, directly infringed at least Claims 1-4 and 6 of the ’411 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by, among other things, using in the United States products that incorporate the accused breadcrumb and navigational functionality, including NavBar and Project Tree/Tool as demonstrated below, without authority, in: (i) applications designed to assist in and enhance the writing, editing, and debugging of code, including, without limitation, Integrated Development Environments (“IDEs”) and content offered for sale and use via <https://www.Jetbrains.com/>

(including all sub-web pages) and maintained on servers located in, or accessible from, the United States under the control of Defendants; (ii) software, including, without limitation, software that allows content to be interactively presented in or served to users through a desktop, in-cloud, or standalone application, including, but not limited to, JetBrains' integrated development environmental applications, in-cloud and on-premises solutions, team-based tools, and associated plug-ins, including IntelliJ IDEA (Ultimate, Community, and Education), AppCode, Aqua, Clion, DataSpell, DataGrip, Fleet, GoLand, Pycharm (Professional, Community, and Education), PhpStorm, Rider, Resharper/Resharper C++, RubyMine, Webstorm, UpSource, JetBrains Academy, Space (in-cloud and on-premise), TeamCity (in-cloud and on-premise), YouTrack (in-cloud and on-premise), and support plugins that integrate with the foregoing IDEs and Tools, such as the Neos, Scala, and XQuery support plugins, that use these IDEs' and Tool's NavBar and the Project Tree/Tool; (iii) services including, without limitation, services that store, serve, and run any of the foregoing or that allow navigating within a multi-level hierarchical collapsing menu structure, where each level in the menu structure contains plural items, each item being at least one of a function, a pointer to a location, and a pointer to another level (hereinafter, the "'411 Accused Instrumentalities'"), including by use of the NavBar and Project Tree/Tool in the Accused Instrumentalities during one or more of product development, product testing, marketing, and providing customer support and training, as illustrated, for example, in the screen shot below created by Defendants JBSRO, JBA and JBI using the NavBar and the Project Tree/Tool and published by Defendants JBSRO, JBA, and JBI on their website:



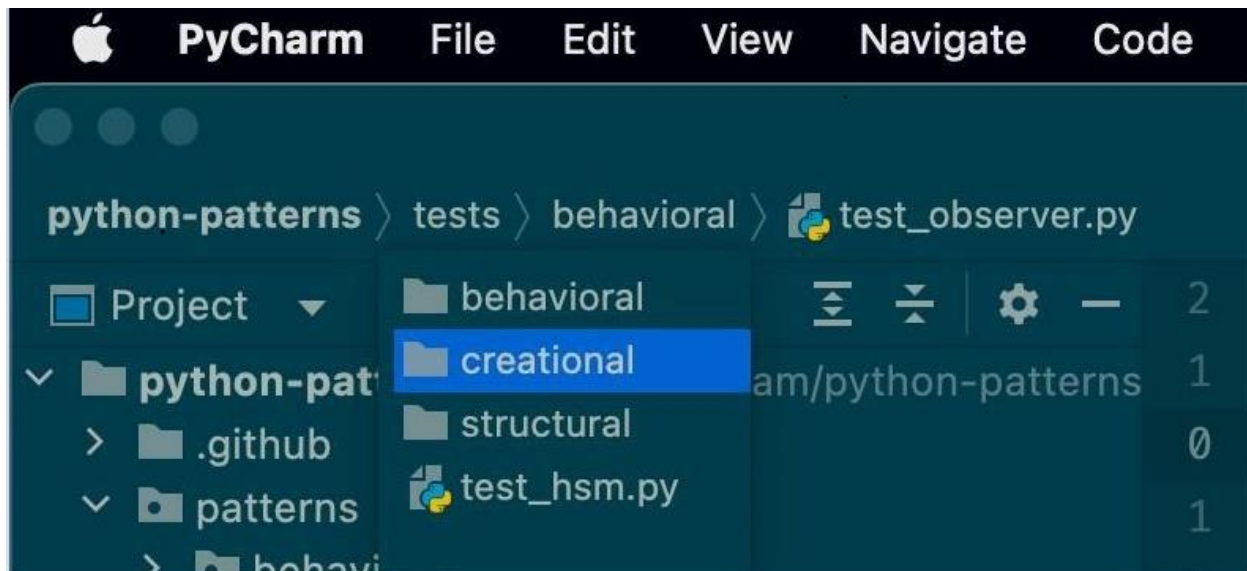
See, e.g., PyCharm Integrated Development Environment (“IDE”), available for download at <https://www.jetbrains.com/pycharm/> (last visited May 25, 2022) (annotated; showing a test file “python-patterns – test_observer.py” created by Defendants JBSRO, JBA and JBI and using the NavBar and Project Tree/Tool by Defendants JBSRO, JBA and JBI to navigate within the test file).

34. PyCharm (e.g., Pycharm Professional) is an emblematic example of the software and navigation features provided by JetBrains in their IDE software applications, in-cloud and on-premises solutions, team-based tools, and associated plug-ins. It utilizes the same hierarchical menu structure found in the remaining JetBrains’s IDEs, in-cloud and on-premises solutions, team-based tools, and associated plug-ins, including without limitation, IntelliJ IDEA (Ultimate, Community, and Education), WebStorm, GoLand, Clion, PhpStorm, Rider, Resharper, ReSharper C++, Rubymine, Upsource, Pycharm (Community and Education), Clion,

DataSpell, DataGrip, Fleet, GoLabd, Aqua, Appcode, JetBrains Academy, Space (in-cloud and on-premise), TeamCity (in-cloud and on-premise), YouTrack (in-cloud and on-premise), and support plugins that integrate with the foregoing IDEs and Tools, such as the Neos, Scala, and XQuery support plugins, all of which are used by JetBrains in the same manner as use of PyCharm because they provide the same accused functionalities; namely, the NavBar and the Project Tree/Tool.¹ PyCharm is used as a representative example for all of Defendants' infringing products and the Accused Instrumentalities mentioned above.

35. By way of example, the '411 Accused Instrumentalities provide a method, used by Defendants JBSRO, JBA, and JBI in the United States, for navigating within a multi-level hierarchical collapsing menu structure where each level in the menu contains plural items, each said item being at least one of a function, a pointer to a location, and a pointer to another level (e.g., the '411 Accused Instrumentalities provide a method for navigating a multi-level hierarchical collapsing menu structure that includes a multi-level hierarchy where each level in the menu contains plural items, each said item being at least one of a function, a pointer to a location, and a pointer to another level (e.g., "Tests" includes "Behavioral," which includes "test_observer.py," "test_publish_subscribe.py," "test_state.py" and "test_strategy.py") as shown below:

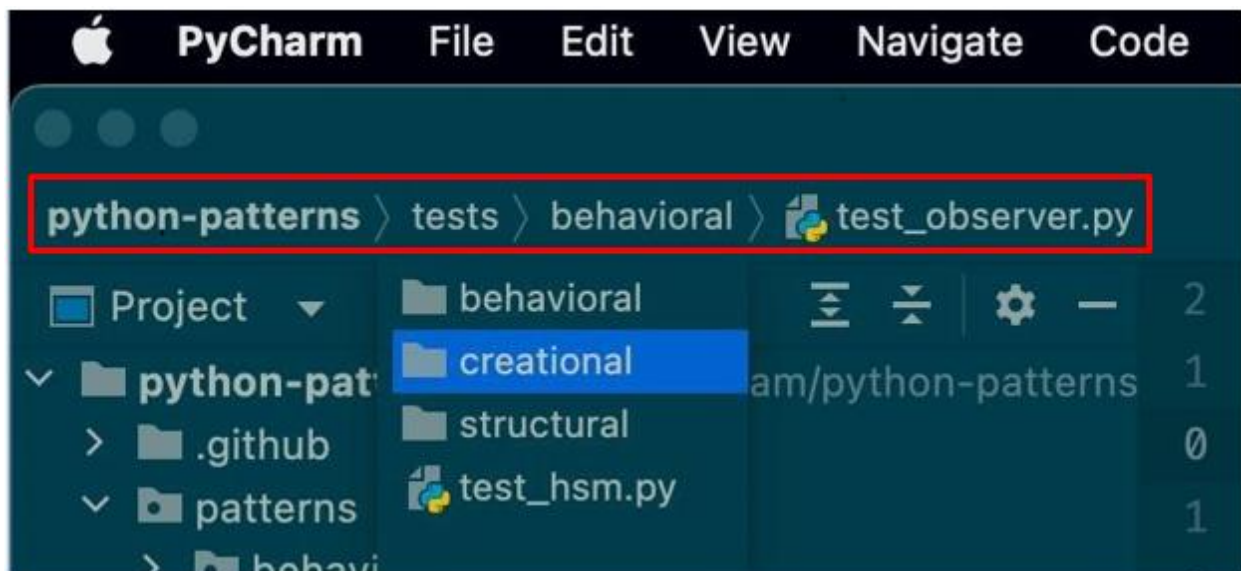
¹ The '411 Accused Instrumentalities are Defendants' products, while the core accused functionality (as further outlined in this First Amended Complaint) includes the NavBar and the Project Tree/Tool used to implement, execute, or otherwise perform, for example, a method of navigation included in and provided by the Accused Instrumentalities. Specifically, and as a representative example, the accused functionality includes a method of navigating within PyCharm through the navigation bar or "NavBar," and the Project Tree/Tool as demonstrated in the representative screenshots below from Defendants' website (e.g., "python-patterns—Tests—Behavioral").



See, e.g., PyCharm Integrated Development Environment (“IDE”), available for download at <https://www.jetbrains.com/pycharm/> (last visited May 25, 2022) (annotated; showing a test file “python-patterns – test_observer.py” created by Defendants JBSRO, JBA, and JBI and how Defendants JBSRO, JBA, and JBI used the Project Tree/Tool to construct the NavBar (e.g., “python-patterns > tests > behavioral > test_observer.py”) and used the NavBar to navigate certain menus and items (e.g., “behavioral,” “creational,” “structural,” and “test_hsm.py”) under the active link “tests”).

36. More specifically, the ‘411 Accused Instrumentalities provide a graphical user menu system, used by Defendants JBSRO, JBA, and JBI in the United States, that displays the items of a given level and enabling selection thereof (e.g., “python-patterns” displays and enables selection of items of a given level, such as “Tests” and items within that same level), wherein access of said given level requires sequential access of each of the levels preceding said given level in the hierarchy (e.g., to access “Tests” “python-patterns” is accessed first; similarly, to access “Behavioral,” “python-patterns” is accessed first, followed by accessing “Tests”); automatically constructing an Active Path as a sequence of hierarchical active links as items are

selected using the graphical user menu system without the need for any additional interaction with the graphical user system (e.g., the '411 Accused Instrumentalities automatically construct an active path (e.g., “python-patterns—Tests—Behavioral”) as a sequence of hierarchical active links as items are selected (e.g., as “Tests” and “Behavioral” are selected)), with one said active link corresponding to each of the items selected (e.g., the '411 Accused Instrumentalities' active path “python-patterns—Tests—Behavioral—test_observer.py” corresponds to each of the items selected, including “Tests” and “Behavioral”) as shown below in a screen shot from Defendants' website illustrating such use:



See, e.g., PyCharm Integrated Development Environment (“IDE”), available for download at <https://www.jetbrains.com/pycharm/> (last visited May 25, 2022) (annotated; showing a test file “python-patterns – test_observer.py” created by Defendants JBSRO, JBA, and JBI and how Defendants JBSRO, JBA, and JBI used the Project Tree/Tool to construct the NavBar (e.g., “python-patterns > tests > behavioral > test_observer.py”) and used the NavBar to navigate certain menus and items (e.g., “behavioral,” “creational,” “structural,” and “test_hsm.py”) under the active link “tests”).

37. Also, each active link used by Defendants JBSRO, JBA, and JBI in the United States in the '411 Accused Instrumentalities is independently selectable thereby providing direct access to the hierarchical level from which the corresponding item was selected without the need to navigate using said graphical user menu system (e.g., in the example above, the active link "Behavioral" is independently selectable, thereby providing direct access to the hierarchical level from which "Behavioral" was selected without the need to navigate using JetBrains' graphical user menu system; as another example, the active link "Tests" is independently selectable to thereby providing direct access to the hierarchical level from which "Tests" was selected without the need to navigate using JetBrains' graphical user menu system).

38. The '411 Accused Instrumentalities' active path used by Defendants JBSRO, JBA, and JBI in the United States is displayed as an alternative to the graphical user menu system for navigating the multi-level hierarchical collapsing menu structure after the user has finished selecting items using the graphical user system (e.g., the '411 Accused Instrumentalities display the Active Path as an alternative to JetBrains's graphical user menu system for navigating the multi-level hierarchical collapsing menu structure after the user has finished selecting items, such as "Tests" and "Behavioral" using JetBrains' graphical user menu system such that JetBrains' Active Path is displayed after the multi-level hierarchical collapsing menu structure has collapsed) such that the Active Path is displayed after the multi-level hierarchical collapsing menu structure has collapsed (e.g., the Active Path is displayed after the multi-level hierarchical collapsing menu structure showing "Project" has collapsed) as shown below:



See, e.g., PyCharm Integrated Development Environment (“IDE”), available for download at <https://www.jetbrains.com/pycharm/> (last visited May 25, 2022) (annotated; showing a test file “python-patterns – test_observer.py” created by Defendants JBSRO, JBA, and JBI and how Defendants JBSRO, JBA, and JBI used the Project Tree/Tool to construct the NavBar (e.g., “python-patterns > tests > behavioral > test_observer.py”) and used the NavBar to navigate certain menus and items (e.g., “behavioral,” “creational,” “structural,” and “test_hsm.py”) under the active link “tests”).

39. On information and belief, Defendants’ use of the ’411 Accused Instrumentalities included pre-selecting a given active link that triggers the display of sibling menu items on the level associated with said given active link without disturbing the displayed Active Path (e.g., pre-selecting the “Tests” active link triggers the display of sibling menu items, such as “.github,” “Patterns” and “Venv,” without disturbing the displayed Active Path).

40. Discovery is expected to uncover the full extent of Defendants’ infringement of the ’411 Patent beyond use of the ’411 Accused Instrumentalities already identified through public information, including evidence and claim charts presented in Plaintiffs’ Preliminary Infringement Contentions served on March 31, 2023 and Supplemental Infringement Contentions served on August 6, 2023 and Second Supplemental Infringement Contentions served on October 10, 2023, all of which are incorporated herein by reference.

41. Upon information and belief, Defendants JBSRO, JBA, and JBI, either individually or in concert with each other, induced others to infringe at least Claims 1-4 and 6 of the ’411 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to their new, current, and prospective users, partners, customers and other third parties, whose use of the

accused breadcrumb and navigational functionality of the '411 Accused Instrumentalities constitutes direct infringement of at least Claims 1-4 and 6 of the '411 Patent.

42. In particular, Defendants' actions that aid and abet others such as their new, current, and prospective users, partners, customers and third parties to infringe include advertising the '411 Accused Instrumentalities. On information and belief, Defendants have engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because at least Defendants JBSRO, JBA and JBI through Defendant JBSRO or its counsel, have had actual knowledge of the '411 Patent and knowledge that their acts were inducing infringement of the '411 Patent since on or about June 28, 2021, the date on which Defendant JBSRO received notice from Plaintiffs that such activities infringed the '411 Patent.

43. Defendants' acts of inducement include, without limitation: providing the '411 Accused Instrumentalities to their new, current, and prospective users, partners, and customers, and other third parties and intending them to use the accused breadcrumb and navigational functionality of the '411 Accused Instrumentalities that enable and make use of content published therein; encouraging customers and other third parties to communicate directly with JetBrains' representatives about the '411 Accused Instrumentalities and content published therein for purposes of technical assistance as well as sales and marketing (*see, e.g.*, <https://www.jetbrains.com/help/pycharm/settings-editor-breadcrumbs.html> (providing consumers with a technical support portal through which technical issues and concerns regarding the '411 Accused Instrumentalities can be addressed); *see, e.g.*, <https://www.jetbrains.com/help/pycharm/getting-help.html> (providing contact information for technical support regarding the '411 Accused Instrumentalities); *see also id.* (providing a

community platform for discussing the '411 Accused Instrumentalities or content published therein); *see also* <https://www.facebook.com/PyCharm> (encouraging customers and other third parties to use the '411 Accused Instrumentalities to develop); *see also* <https://www.youtube.com/watch?v=NoDx0MEESDw> (recommending potential customers and other third parties use the '411 Accused Instrumentalities to program and write code); *see also* providing press releases encouraging customers and other third parties to use the '411 Accused Instrumentalities to develop software (for example, providing an URL (www.jetbrains.com) to the “Jetbrains” main webpage that offers the '411 Accused Instrumentalities for sale.

44. Defendants performed acts of inducement despite their actual knowledge since at least Plaintiffs' June 28, 2021 notice letter and their knowledge that the specific actions they actively induced on the part of their users, partners, and customers, and other third parties constitute infringement of the '411 Patent. At the very least, because Defendants were on notice of the '411 Patent and the accused infringement, they were willfully blind regarding the infringement that they induced.

45. Additionally or alternatively, to the extent any third parties or end-users perform or are required to perform one or more steps recited in Claims 1-4 and 6 of the '411 patent, any such action by such third parties and end-users is attributable to Defendants JBSRO, JBA, and JBI such that Defendants are liable for jointly infringing such claims in a multiple actor or joint infringement situation, because Defendants, individually or in concert with each other, direct or control the other actor(s). In this regard, Defendants, individually or in concert with each other, condition participation in activities, as well as the receipt of benefits, upon performance of any such step by any such third party or end user. Defendants, individually or in concert with each other, exercise and direct control over the one or more steps performed by the '411 Accused

Instrumentalities, by exercising sole direction over the entire infringing process (e.g., by conditioning participation by such third parties and end-users through the use of the '411 Accused Instrumentalities as the primary means of navigation)—and benefits from such third parties' and end-users' use, including, without limitation, creating and receiving ongoing revenue streams from their sales of the '411 Accused Instrumentalities, improving, enhancing, promoting, or advertising their products and services, through the use of the '411 Accused Instrumentalities, including their website and navigation structures, improving user experience and engagement, improving web page performance, and increasing cross-sell conversion opportunities. End-users and third parties receive a benefit from fiscal gains (e.g., customers, partners, visitors, and users increasing the value of their own products and services through the use of the '411 Accused Instrumentalities) and enhanced navigation (e.g., end-users and third parties are able to navigate to find, locate, and discover existing and new products and services), including receiving clear orientation cues to help third parties and end-users identify their exact location within products implementing the '411 Accused Instrumentalities, and finding existing products/services, learning about new ones, and discovering other products or services not previously known to those third parties and end-users (as well as their customers and users), and doing so with greater ease and control. Defendants, individually or in concert with each other, also establish the manner and timing of that performance by such third-parties and end-users, as dictated by the claimed method—by deploying the accused functionalities (e.g., the navigation bar or “NavBar” functionality and Project Tree/Tool utilized by the Accused Instrumentalities) as the primary means of navigation for browsing and reviewing content including but not limited to source code, websites, databases, and folder structures using the '411 Accused

Instrumentalities. All third-party and end-user involvement, if any, is incidental, ancillary, or contractual.

46. Additionally or alternatively, Defendants JBSRO, JBA, and JBI, either individually or in concert with the other, directly infringed at least Claims 1-4 and 6 of the '411 Patent literally or under the doctrine of equivalents, by importing into the United States, or using, selling, or offering for sale in the United States, the Accused Instrumentalities, which are made using the patented methods of the '411 Patent (e.g., the Accused Instrumentalities are made using the accused NavBar and Project Tree/Tool), without authority or license, in violation of 35 U.S.C. § 271(g). On information and belief, the '411 Accused Instrumentalities are made with an integrated development environment comprising a breadcrumb and navigation functionality (e.g., NavBar and Project Tree/Tool) that infringed at least Claims 1-4 and 6 of the '411 Patent. Defendants JBSRO, JBA, and JBI import the '411 Accused Instrumentalities into the United States for sales and distribution to customers located in the United States in violation of 35 U.S.C. § 271(g). On information and belief, Defendants JBSRO, JBA, and JBI offer for sale and sell the '411 Accused Instrumentalities in the United States in violation of 35 U.S.C. § 271(g). For example, Defendants JBSRO, JBA, and JBI provide direct sales through their own sales channels and through their distributors or contract manufacturers and sell the '411 Accused Instrumentalities to businesses and individual customers, including software developers and teams. On information and belief, these direct sales include sales of the '411 Accused Instrumentalities in the United States. On information and belief, these direct sales include sales of the '411 Accused Instrumentalities to customers who reside in the United States and through servers located in or accessed from the United States. On information and belief, Defendants JBSRO, JBA, and JBI offer the '411 Accused Instrumentalities for sale in the United States. For

example, Defendants JBSRO, JBA, and JBI engage in sales, marketing, and contracting activity in the United States. As another example, Defendants JBSRO, JBA, and JBI engage in sales, marketing, and contracting activity with the United States offices or residences of their customers.

47. Defendants' infringement of Claims 1-4 and 6 of the '411 Patent under Section 271(g) is further supported by their own representation that JBSRO "makes software, and Jetbrains Americas, Inc. is a U.S. sales support organization that sells the software in the United States to customers in the United States." *See* Jul. 6, 2023 Hr. Tr. at 3:18-24.

48. For at least the foregoing reasons, Defendants JBSRO, JBA, and JBI directly, indirectly and jointly infringed the '411 Patent and are thus liable for infringement of the '411 Patent pursuant to 35 U.S.C. § 271(a), (b) and (g).

49. Plaintiffs have suffered damages as a result of Defendants' infringement of the '411 Patent.

50. Defendants continued to infringe the '411 Patent since at least June 28, 2021 (the date on which Defendants received Plaintiffs' June 28, 2021, notice letter) and until the expiration of the '411 patent despite being on notice of the '411 Patent and its infringement. Defendants therefore infringed the '411 Patent knowingly, willfully, deliberately, and in disregard of Plaintiffs' patent rights since at least June 28, 2021 (the date on which Defendants received Plaintiffs' June 28, 2021, notice letter), at least by infringing with actual knowledge of their direct and indirect infringement or while remaining willfully blind to the fact of their direct and indirect infringement. As a result of at least this conduct, Plaintiffs are entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35 U.S.C. § 285.

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

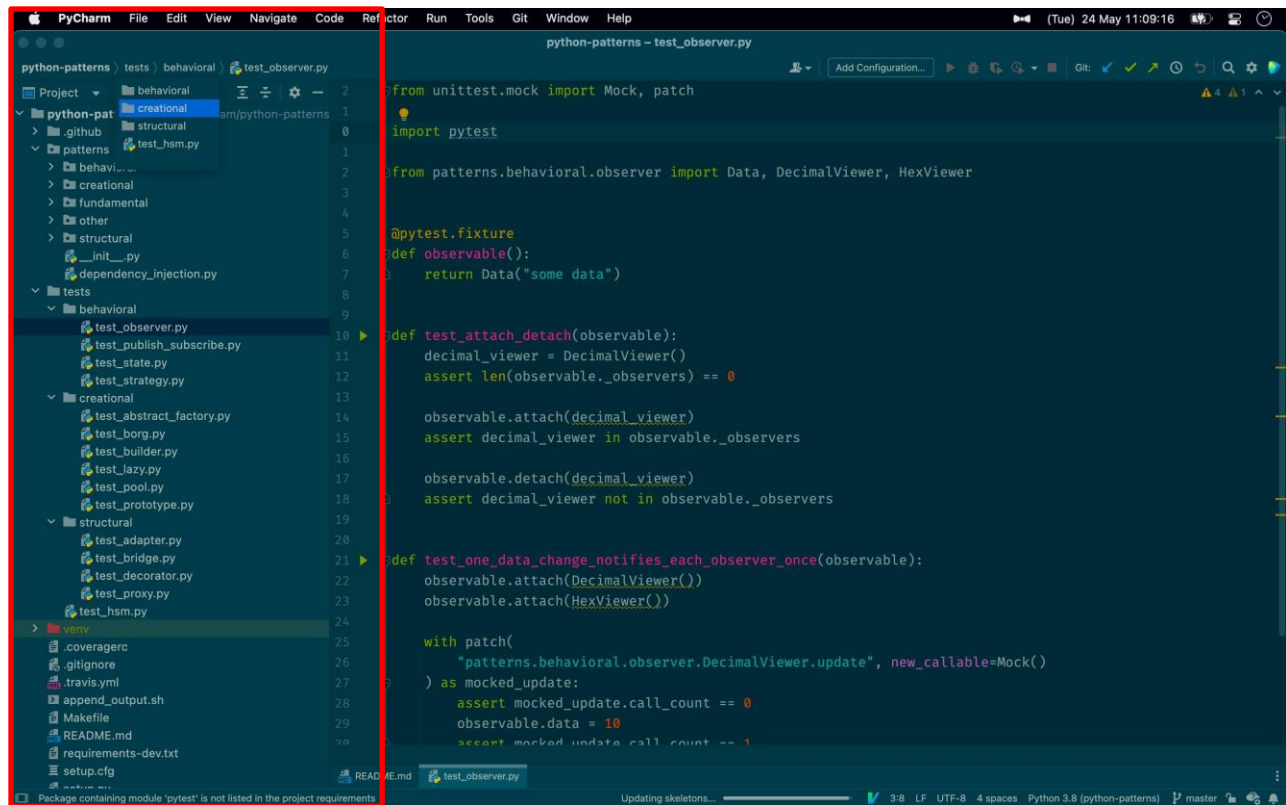
COUNT II-- INFRINGEMENT OF U.S. PATENT NO. 7,640,517

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

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

54. Defendants JBA, JBSRO, and JBI, individually or in concert with each other, directly infringed at least Claims 1-6 of the '517 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by, among other things, using, in the United States, the accused breadcrumb and navigational functionality, including NavBar and Project Tree/Tool demonstrated below, without authority, in: (i) applications designed to assist in and enhance the writing, editing, and debugging of code, including, without limitation, Integrated Development Environments ("IDEs") and content offered for sale and use via <https://www.Jetbrains.com/> (including all sub-web pages) and maintained on servers located in or accessible from the United States under the control of Defendants; (ii) software, including, without limitation, software that allows content to be interactively presented in or served to users through a desktop, in-cloud, or standalone

application, including, but not limited to, JetBrains' integrated development environmental applications, in-cloud and on-premises solutions, team-based tools, and associated plug-ins, including IntelliJ IDEA (Ultimate, Community, and Education), AppCode, Aqua, Clion, DataSpell, DataGrip, Fleet, GoLand, Pycharm (Professional, Community, and Education), PhpStorm, Rider, Resharper/Resharper C++, RubyMine, Webstorm, UpSource, JetBrains Academy, Space (in-cloud and on-premise), TeamCity (in-cloud and on-premise), YouTrack (in-cloud and on-premise), and support plugins that integrate with the foregoing IDEs and Tools, such as the Neos, Scala, and xQuery support plugins, that use these IDEs' and Tool's NavBar and the Project Tree/Tool; (iii) services including, without limitation, services that store, serve, and run any of the foregoing or that allow navigating within a multi-level hierarchical collapsing menu structure, where each level in the menu structure contains plural items, each item being at least one of a function, a pointer to a location, and a pointer to another level (hereinafter, the "517 Accused Instrumentalities"), including by use of the NavBar and Project Tree/Tool in the Accused Instrumentalities during one or more of product development, product testing, marketing, and providing customer support and training, as illustrated, for example, in the screen shot below by Defendants JBSRO, JBA, and JBI and created by Defendants JBSRO, JBA, and JBI using the NavBar and the Project Tree/Tool and published by Defendants JBSRO, JBA, and JBI on their website:



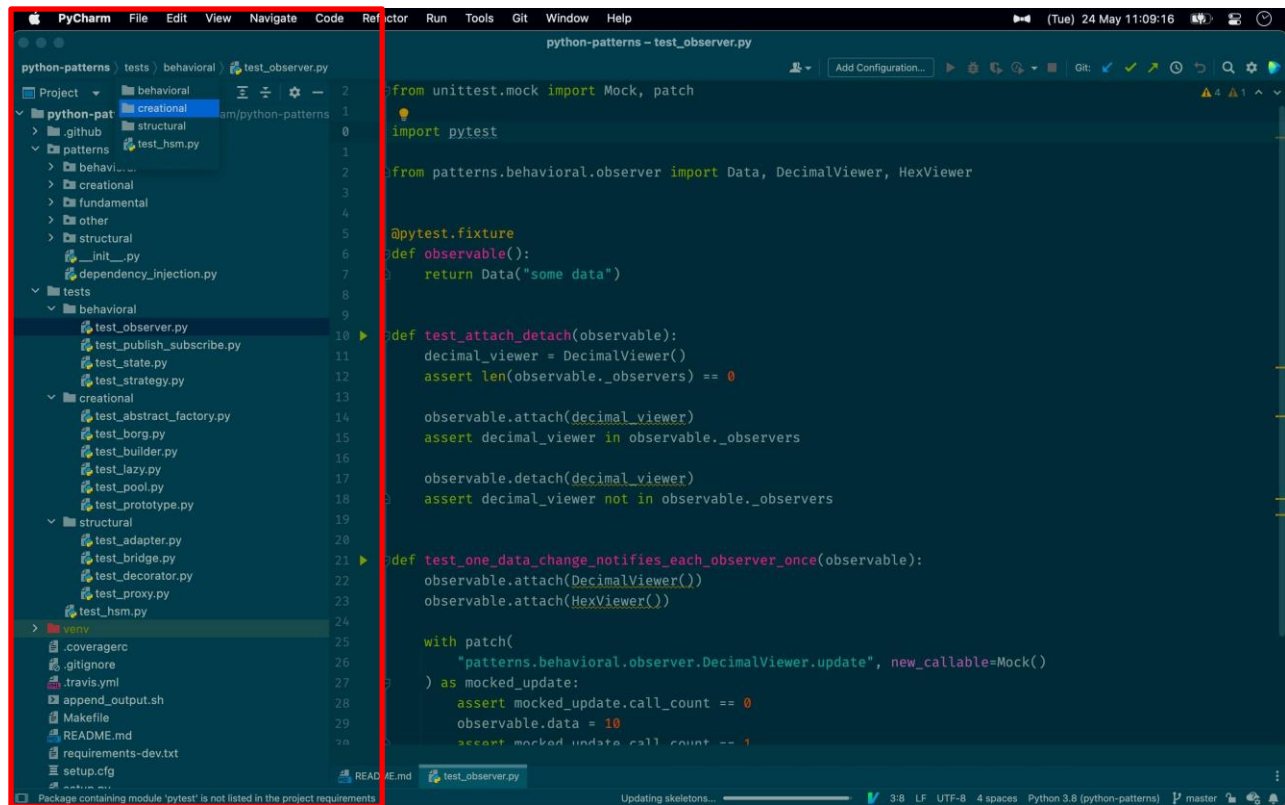
See, e.g., PyCharm Integrated Development Environment (“IDE”), available for download at <https://www.jetbrains.com/pycharm/> (last visited May 25, 2022) (annotated; showing a test file “python-patterns – test_observer.py” by Defendants JBSRO, JBA, and JBI created by Defendants JBSRO, JBA, and JBI and using the NavBar and Project Tree/Tool by Defendants JBSRO, JBA, and JBI to navigate within the test file).

55. PyCharm (e.g., Pycharm Professional) is an emblematic example of the software and navigation features provided by JetBrains in their IDE software applications, in-cloud and on-premises solutions, team-based tools, and associated plug-ins. It utilizes the same hierarchical menu structure found in the remaining JetBrains’s IDEs, in-cloud and on-premises solutions, team-based tools, and associated plug-ins, including without limitation, IntelliJ IDEA (Ultimate, Community, and Education), WebStorm, GoLand, Clion, PhpStorm, Rider, Resharper, ReSharper C++, Rubymine, Upsource, Pycharm (Community and Education), Clion,

DataSpell, DataGrip, Fleet, GoLabd, Aqua, Appcode, JetBrains Academy, Space (in-cloud and on-premise), TeamCity (in-cloud and on-premise), YouTrack (in-cloud and on-premise), and support plugins that integrate with the foregoing IDEs and Tools, such as the Neos, Scala, and xQuery Support plugins, all of which are used by JetBrains in the same manner as use of PyCharm because they provide the same accused functionalities; namely, the NavBar and the Project Tree/Tool.² PyCharm is used as a representative example for all of Defendants' infringing products and the Accused Instrumentalities mentioned above.

56. By way of example, the '517 Accused Instrumentalities provide a method, used by Defendants JBSRO, JBA, and JBI in the United States, for navigating within a hierarchical menu structure where each level in the menu contains plural items, as shown below:

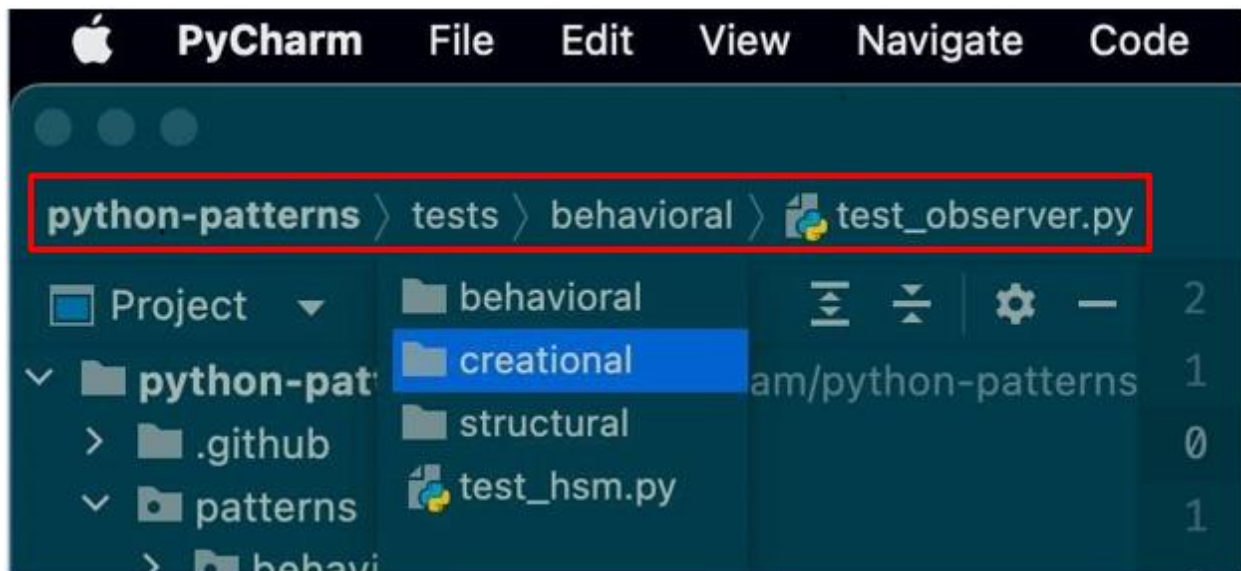
² The '517 Accused Instrumentalities are Defendants' products, while the core accused functionality (as further outlined in this First Amended Complaint) includes the NavBar and the Project Tree/Tool used to implement, execute, or otherwise perform, for example, a method of navigation included in and provided by the Accused Instrumentalities. Specifically, and as a representative example, the accused functionality includes a method of navigating within PyCharm through the navigation bar or "NavBar," and the Project Tree/Tool as demonstrated in the representative screenshots below from Defendants' website (e.g., "python-patterns—Tests—Behavioral").



See, e.g., PyCharm Integrated Development Environment (“IDE”), available for download at <https://www.jetbrains.com/pycharm/> (last visited May 25, 2022) (annotated; showing a test file “python-patterns – test_observer.py” by Defendants JBSRO, JBA, and JBI created by Defendants JBSRO, JBA, and JBI and using the NavBar and Project Tree/Tool by Defendants JBSRO, JBA, and JBI to navigate within the test file).

57. More specifically, the ’517 Accused Instrumentalities provide a graphical user menu system used by Defendants JBSRO, JBA, and JBI in the United States, that displays the items of a given level and enabling selection thereof (e.g., “Python-Patterns” displays and enables selection of items of a given level, such as “Tests” and items within that same level), wherein access of said given level requires sequential access of each of the levels preceding said given level in the hierarchy (e.g., to access “Tests,” “Python-Patterns” is accessed first; similarly, to access “Behavioral” “Tests” is accessed first); and constructing an Active Path as a sequence

of hierarchical active links as items are selected using the graphical user menu system (e.g., the '517 Accused Instrumentalities construct an active path (e.g., "Python-Patterns—Tests—Behavioral") as a sequence of hierarchical active links as items are selected (e.g., as "Tests" and "Behavioral" are selected)), with one said active link corresponding to each of the items selected, each said active link providing direct access to the hierarchical level from which the corresponding item was selected without using said graphical user menu system (e.g., the '517 Accused Instrumentalities' active path "Python-Patterns—Tests—Behavioral" corresponds to each of the items selected, including "Tests" and "Behavioral," each link providing direct access to the hierarchical level from which "Tests" or "Behavioral" was selected without using Defendants' graphical user menu system) as shown below in a screen shot from Defendants' website illustrating such use:



See, e.g., PyCharm Integrated Development Environment ("IDE"), available for download at <https://www.jetbrains.com/pycharm/> (last visited May 25, 2022) (annotated; showing a test file "python-patterns – test_observer.py" by Defendants JBSRO, JBA, and JBI created by Defendants JBSRO, JBA, and JBI and how Defendants JBSRO, JBA, and JBI used the Project

Tree/Tool to construct the NavBar (e.g., “python-patterns > tests > behavioral > test_observer.py”) and used the NavBar to navigate certain menus and items (e.g., “behavioral,” “creational,” “structural,” and “test_hsm.py”) under the active link “tests”).

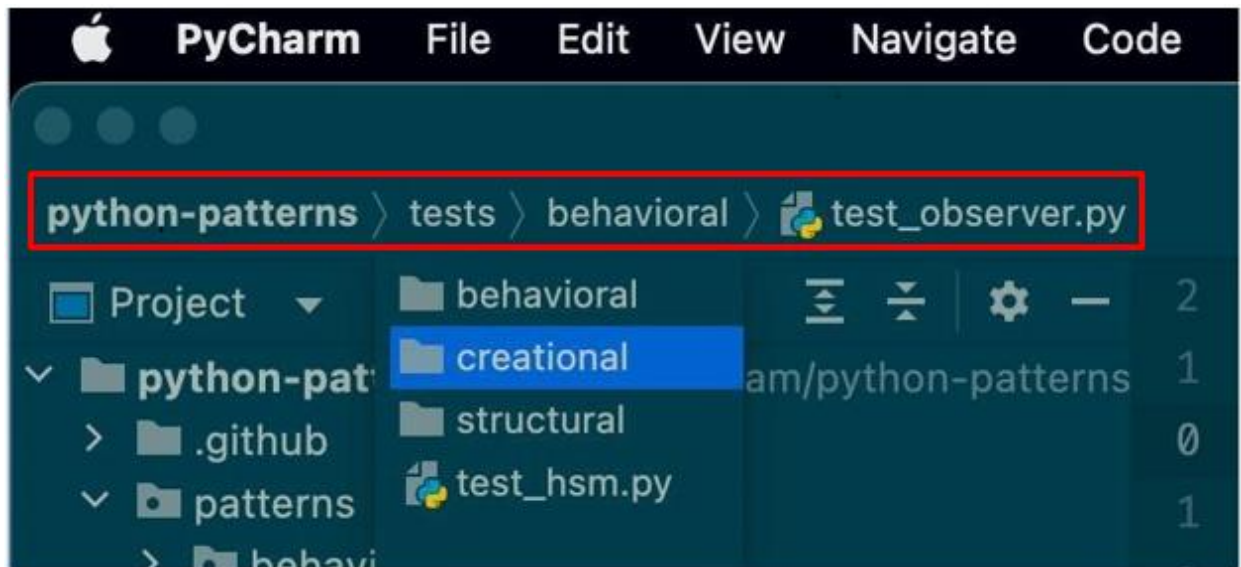
58. Also, the ’517 Accused Instrumentalities display the Active Path as an alternative to the graphical user menu system for navigating the menu structure after the user has finished selecting items using the graphical user system such that the Active Path is displayed (e.g., the ’517 Accused Instrumentalities display the Active Path as an alternative to Defendants’ graphical user menu system for navigating the menu structure after the user has finished selecting items, such as “Tests” and “Behavioral,” using JetBrains’ graphical user menu system such that JetBrains’ Active Path is displayed), which Defendants use in the United States, as shown below:



See, e.g., PyCharm Integrated Development Environment (“IDE”), available for download at <https://www.jetbrains.com/pycharm/> (last visited May 25, 2022) (annotated; showing a test file “python-patterns – test_observer.py” by Defendants JBSRO, JBA, and JBI created by Defendants JBSRO, JBA, and JBI and how Defendants JBSRO, JBA, and JBI used the Project Tree/Tool to construct the NavBar (e.g., “python-patterns > tests > behavioral > test_observer.py”) and used the NavBar to navigate certain menus and items (e.g., “behavioral,” “creational,” “structural,” and “test_hsm.py”) under the active link “tests”).

59. On information and belief, Defendants’ use of the ’517 Accused Instrumentalities included pre-selecting a given active link with the pointer of a pointing device that triggers the display of menu items on the hierarchical level associated with said given active link without

disturbing the displayed Active Path (e.g., the '517 Accused Instrumentalities allow pre-selecting the link “Behavioral” with a mouse to trigger the display of menu items on the hierarchical level associated with “Tests” such as “Behavioral,” “Creational,” “Structural,” and “test_hsm.py” without disturbing the displayed Active Path “Python Patterns–Tests”), as shown below:



See, e.g., PyCharm Integrated Development Environment (“IDE”), available for download at <https://www.jetbrains.com/pycharm/> (last visited May 25, 2022) (annotated; showing a test file “python-patterns – test_observer.py” by Defendants JBSRO, JBA, and JBI created by Defendants JBSRO, JBA, and JBI and how Defendants JBSRO, JBA, and JBI used the Project Tree/Tool to construct the NavBar (e.g., “python-patterns > tests > behavioral > test_observer.py”) and used the NavBar to navigate certain menus and items (e.g., “behavioral,” “creational,” “structural,” and “test_hsm.py”) under the active link “tests”).

60. Discovery is expected to uncover the full extent of Defendants’ infringement of the ’517 Patent beyond use of the ’517 Accused Instrumentalities already identified through public information, including evidence and claim charts presented in Plaintiffs’ Preliminary Infringement Contentions served on March 31, 2023 and Supplemental Infringement

Contentions served on August 6, 2023 and Second Supplemental Infringement Contentions served on October 10, 2023, all of which are incorporated herein by reference.

61. Upon information and belief, Defendants JBSRO, JBA, and JBI, either individually or in concert with each other, induced others to infringe at least Claims 1-6 of the '517 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to their new, current, and prospective users, partners, customers and other third parties, whose use of the accused breadcrumb and navigational functionality of the '517 Accused Instrumentalities constitutes direct infringement of at least Claims 1-6 of the '517 Patent.

62. In particular, Defendants' actions that aid and abet others such as their new, current, and prospective users, partners, customers and third parties to infringe include advertising the '517 Accused Instrumentality. On information and belief, Defendants have engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because at least Defendants JBSRO, JBA and JBI through Defendant JBSRO or its counsel, have had actual knowledge of the '517 Patent and knowledge that their acts were inducing infringement of the '517 Patent since at least June 28, 2021 (the date on which Defendant JBSRO received Plaintiffs' June 28, 2021, notice letter) that such activities infringed the '517 Patent.

63. Defendants' acts of inducement include, without limitation: providing the '517 Accused Instrumentalities to their new, current, and prospective users, partners, and customers, and other third parties and intending them to use the accused breadcrumb and navigational functionality of the '517 Accused Instrumentalities that enable and make use of content published therein; encouraging customers and other third parties to communicate directly with

Jetbrains’ representatives about the ’517 Accused Instrumentalities and content published therein for purposes of technical assistance as well as sales and marketing (*see, e.g.*, <https://www.jetbrains.com/help/pycharm/settings-editor-breadcrumbs.html> (providing consumers with a technical support portal through which technical issues and concerns regarding the ’517 Accused Instrumentalities can be addressed); *see, e.g.*, <https://www.jetbrains.com/help/pycharm/getting-help.html> (providing contact information for technical support regarding the ’517 Accused Instrumentalities); *see also id.* (providing a community platform for discussing the ’517 Accused Instrumentalities or content published therein); *see also* <https://www.facebook.com/PyCharm> (encouraging customers and other third parties to use the ’517 Accused Instrumentalities to develop); *see also* <https://www.youtube.com/watch?v=NoDx0MEESDw> (recommending potential customers and other third parties use the ’517 Accused Instrumentalities to program and write code); *see also* providing press releases encouraging customers and other third parties to use the ’517 Accused Instrumentalities to develop software (for example, providing an URL (www.jetbrains.com) to the “Jetbrains” main webpage that offers the ’517 Accused Instrumentalities for sale.

64. Defendants performed acts of inducement despite their actual knowledge since at least June 28, 2021 (the date on which Defendants received Plaintiffs’ June 28, 2021, notice letter) and their knowledge that the specific actions they actively induced on the part of their users, partners, and customers, and other third parties constitute infringement of the ’517 Patent. At the very least, because Defendants were on notice of the ’517 Patent and the accused infringement, they were willfully blind regarding the infringement that they induced.

65. Additionally, or alternatively, to the extent any third parties or end-users perform or are required to perform one or more steps recited in Claims 1-6 of the ’517 patent, any such

action by such third parties and end-users is attributable to Defendants JBSRO, JBA, and JBI such that Defendants are liable for jointly infringing such claims in a multiple actor or joint infringement situation, because Defendants, individually or in concert with each other, direct or control the other actor(s). In this regard, Defendants, individually or in concert with each other, condition participation in activities, as well as the receipt of benefits, upon performance of any such step by any such third party or end user. Defendants, individually or in concert with each other, exercise and direct control over the one or more steps performed by the '517 Accused Instrumentalities, by exercising sole direction over the entire infringing process (e.g., by conditioning participation by such third parties and end-users through the use of the '517 Accused Instrumentalities as the primary means of navigation)—and benefits from third parties' and end-users' use, including, without limitation, creating and receiving ongoing revenue streams from their sales of the '517 Accused Instrumentalities, improving, enhancing, promoting, or advertising their products and services, through the use of the '517 Accused Instrumentalities, including their website and navigation structures, improving user experience and engagement, improving web page performance, and increasing cross-sell conversion opportunities. End-users and third parties receive a benefit from fiscal gains (e.g., customers, partners, visitors, and users increasing the value of their own products and services through the use of the '517 Accused Instrumentalities) and enhanced navigation (e.g., end-users and third parties are able to navigate to find, locate, and discover existing and new products and services), including receiving clear orientation cues to help third parties and end-users identify their exact location within products implementing the '517 Accused Instrumentalities, and finding existing products/services, learning about new ones, and discovering other products or services not previously known to those third parties and, or alternatively, end-users (as well as their

customers and users), and doing so with greater ease and control. Defendants, individually or in concert with each other, also establish the manner and timing of that performance by such third-parties and end-users, as dictated by the claimed method—by deploying the accused functionalities (e.g., the navigation bar or “NavBar” functionality and Project Tree/Tool utilized by the Accused Instrumentalities) as the primary means of navigation for browsing and reviewing content including but not limited to source code, websites, databases, and folder structures implementing the ’517 Accused Instrumentalities. All third-party and end-user involvement, if any, is incidental, ancillary, or contractual.

66. Additionally or alternatively, Defendants JBSRO, JBA, and JBI, either individually or in concert with each other, directly infringed at least Claims 1-6 of the ’517 Patent literally or under the doctrine of equivalents, by importing into the United States, or using, selling, or offering for sale in the United States, the Accused Instrumentalities, which are made using the patented methods of the ’517 Patent, without authority or license, in violation of 35 U.S.C. § 271(g). On information and belief, the Accused Instrumentalities are made with an integrated development environment comprising a breadcrumb and navigation functionality that infringed at least Claims 1-6 of the ’517 Patent. Defendants JBSRO, JBA, and JBI import the ’517 Accused Instrumentalities into the United States for sales and distribution to customers located in the United States in violation of 35 U.S.C. § 271(g). On information and belief, Defendants JBSRO, JBA, and JBI offer for sale and sell the ’517 Accused Instrumentalities in the United States in violation of 35 U.S.C. § 271(g). For example, Defendants JBSRO, JBA, and JBI provide direct sales through their own sales channels and through their distributors or contract manufacturers and sell the ’517 Accused Instrumentalities to businesses and individual customers, including software developers and teams. On information and belief, these direct

sales include sales of the '517 Accused Instrumentalities in the United States. On information and belief, these direct sales include sales of the '517 Accused Instrumentalities to customers who reside in the United States and through servers located in or accessed from the United States. On information and belief, Defendants JBSRO, JBA, and JBI offer the '517 Accused Instrumentalities for sale in the United States. For example, Defendants JBSRO, JBA, and JBI engage in sales, marketing, and contracting activity in the United States. As another example, Defendants JBSRO, JBA, and JBI engage in sales, marketing, and contracting activity with the United States offices or residences of its customers.

67. Defendants' infringement of Claims 1-6 of the '517 Patent under Section 271(g) is further supported by their own representation that JBSRO "makes software, and Jetbrains Americas, Inc. is a U.S. sales support organization that sells the software in the United States to customers in the United States." *See* Jul. 6, 2023 Hr. Tr. at 3:18-24.

68. For at least the foregoing reasons, Defendants JBSRO, JBA, and JBI directly, indirectly, and jointly infringed the '517 Patent and are thus liable for infringement of the '517 Patent pursuant to 35 U.S.C. § 271(a), (b) and (g).

69. Plaintiffs have suffered damages as a result of Defendants' infringement of the '517 Patent.

70. Defendants continued to infringe the '517 Patent since at least June 28, 2021 (the date on which Defendants received Plaintiffs' June 28, 2021, notice letter) and until the expiration of the '517 patent despite being on notice of the '517 Patent and its infringement. Defendants therefore infringed the '517 Patent knowingly, willfully, deliberately, and in disregard of Plaintiffs' patent rights since at least June 28, 2021 (the date on which Defendants received Plaintiffs' June 28, 2021, notice letter), at least by infringing with actual knowledge of

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

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

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

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

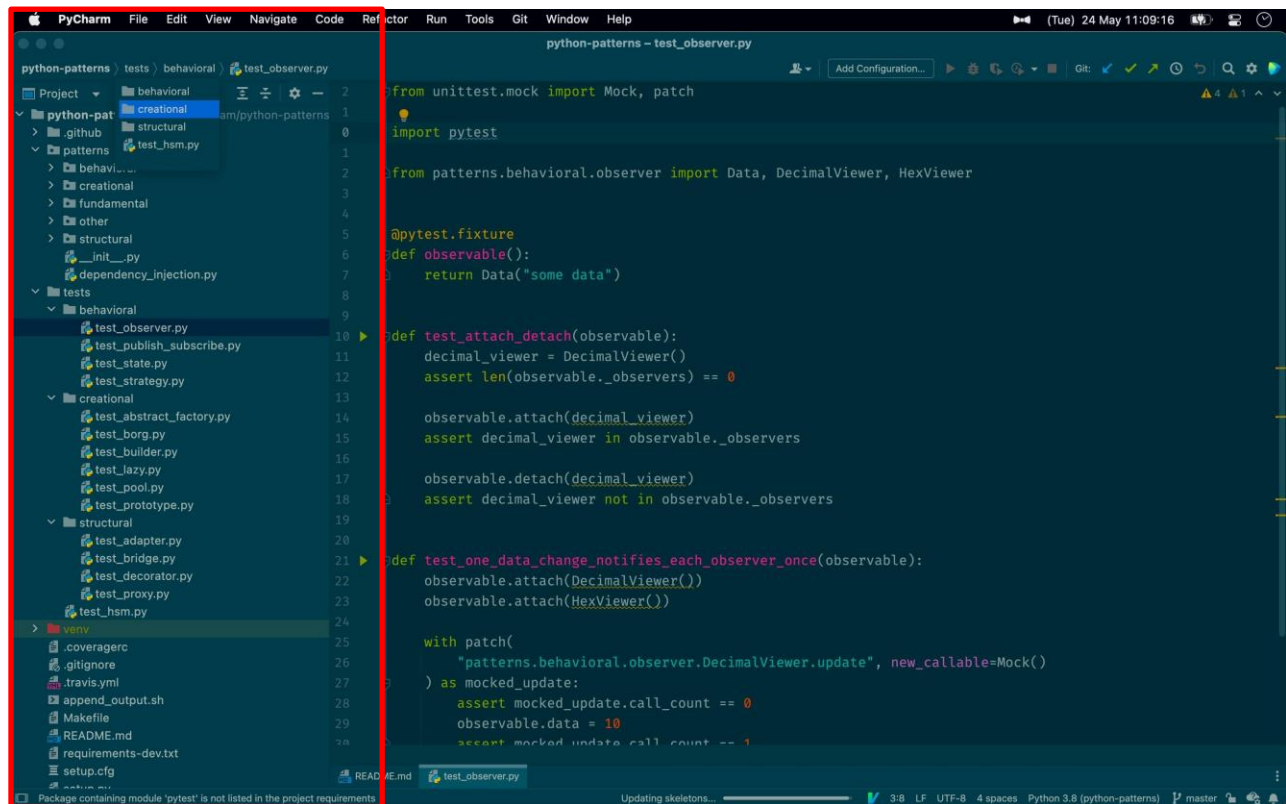
73. The '880 Patent is directed to systems and methods for navigating an information structure, as described and claimed in the '880 Patent.

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

75. Defendants JBA, JBSRO, and JBI, individually or in concert with each other, directly infringed at least Claims 1-10 and 12-22 of the '880 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by, among other things, using, selling, offering to sell, and importing into the United States the accused breadcrumb and navigational functionality, including NavBar and Project

Tree/Tool as demonstrated below, without authority, in: (i) applications designed to assist in and enhance the writing, editing, and debugging of code, including, without limitation, Integrated Development Environments (“IDEs”) and content offered for sale and use via <https://www.jetbrains.com/> (including all sub-web pages) and maintained on servers located in or accessible from the United States under the control of Defendants; (ii) software, including, without limitation, software that allows content to be interactively presented in or served to users through a desktop, in-cloud, or standalone application, including, but not limited to, JetBrains’ integrated development environmental applications, in-cloud and on-premises solutions, team-based tools, and associated plug-ins, including IntelliJ IDEA (Ultimate, Community, and Education), AppCode, Aqua, Clion, DataSpell, DataGrip, Fleet, GoLand, Pycharm (Professional, Community, and Education), PhpStorm, Rider, Resharper/Resharper C++, RubyMine, Webstorm, UpSource, JetBrains Academy, Space (in-cloud and on-premise), TeamCity (in-cloud and on-premise), YouTrack (in-cloud and on-premise), and support plugins that integrate with the foregoing IDEs and Tools, such as the Neos, Scala, and XQuery support plugins, that use these IDEs’ and Tool’s NavBar and the Project Tree/Tool; (iii) services including, without limitation, services that store, serve, and run any of the foregoing or that allow navigating within a multi-level hierarchical collapsing menu structure, where each level in the menu structure contains plural items, each item being at least one of a function, a pointer to a location, and a pointer to another level (hereinafter, the “880 Accused Instrumentalities”), including by use of the NavBar and Project Tree/Tool in the Accused Instrumentalities during one or more of product development, product testing, marketing, and providing customer support and training, as illustrated, for example, in the screen shot below by Defendants JBSRO, JBA, and JBI and

created by Defendants JBSRO, JBA, and JBI using the NavBar and the Project Tree/Tool and published by Defendants JBSRO, JBA, and JBI on their website:



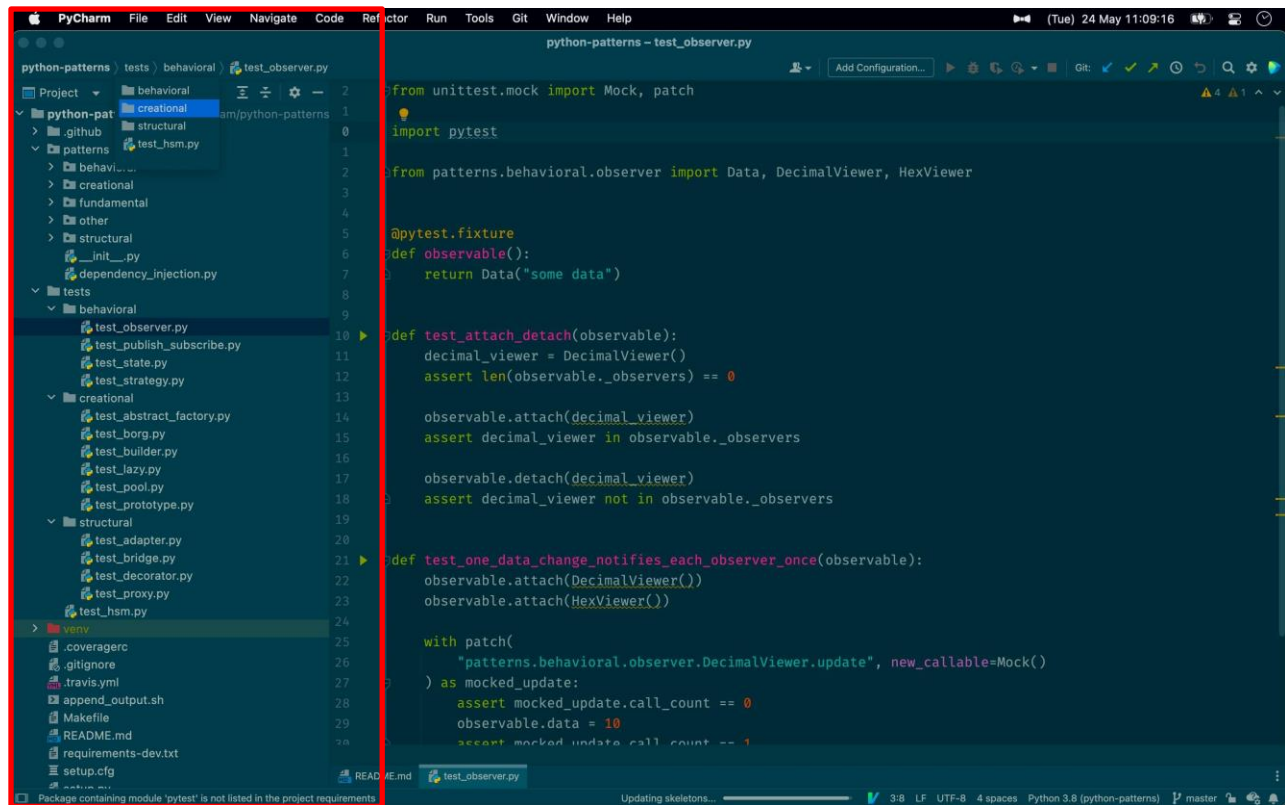
See, e.g., PyCharm Integrated Development Environment (“IDE”), available for download at <https://www.jetbrains.com/pycharm/> (last visited May 25, 2022) (annotated; showing a test file “python-patterns – test_observer.py” by Defendants JBSRO, JBA, and JBI created by Defendants JBSRO, JBA, and JBI and using the NavBar and Project Tree/Tool by Defendants JBSRO, JBA, and JBI to navigate within the test file).

76. Additionally, Defendant JBA directly infringed at least Claims 10 and 12-22 of the ’880 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, selling, or offering to sell in the United States, or importing into the United States, the Accused Instrumentalities (e.g., in-cloud applications) that comprise the NavBar and Project Tree/Tool functionality.

77. PyCharm (e.g., Pycharm Professional) is an emblematic example of the software and navigation features provided by JetBrains in their IDE software applications, in-cloud and on-premises solutions, team-based tools, and associated plug-ins. It utilizes the same hierarchical menu structure found in the remaining JetBrains's IDEs, in-cloud and on-premises solutions, team-based tools, and associated plug-ins, including without limitation, IntelliJ IDEA (Ultimate, Community, and Education), WebStorm, GoLand, Clion, PhpStorm, Rider, ReSharper, ReSharper C++, Rubymine, Upsource, Pycharm (Community and Education), Clion, DataSpell, DataGrip, Fleet, GoLabd, Aqua, Appcode, JetBrains Academy, Space (in-cloud and on-premise), TeamCity (in-cloud and on-premise), YouTrack (in-cloud and on-premise), and support plugins that integrate with the foregoing IDEs and Tools, such as the Neos, Scala, and XQuery support plugins, all of which are used by JetBrains in the same manner as use of PyCharm because they provide the same accused functionalities; namely, the NavBar and the Project Tree/Tool.³ PyCharm is used as a representative example for all of Defendants' infringing products and the Accused Instrumentalities mentioned above.

78. By way of example, the '880 Accused Instrumentalities provide a method, used by Defendants in the United States, for navigating an information structure, as shown below:

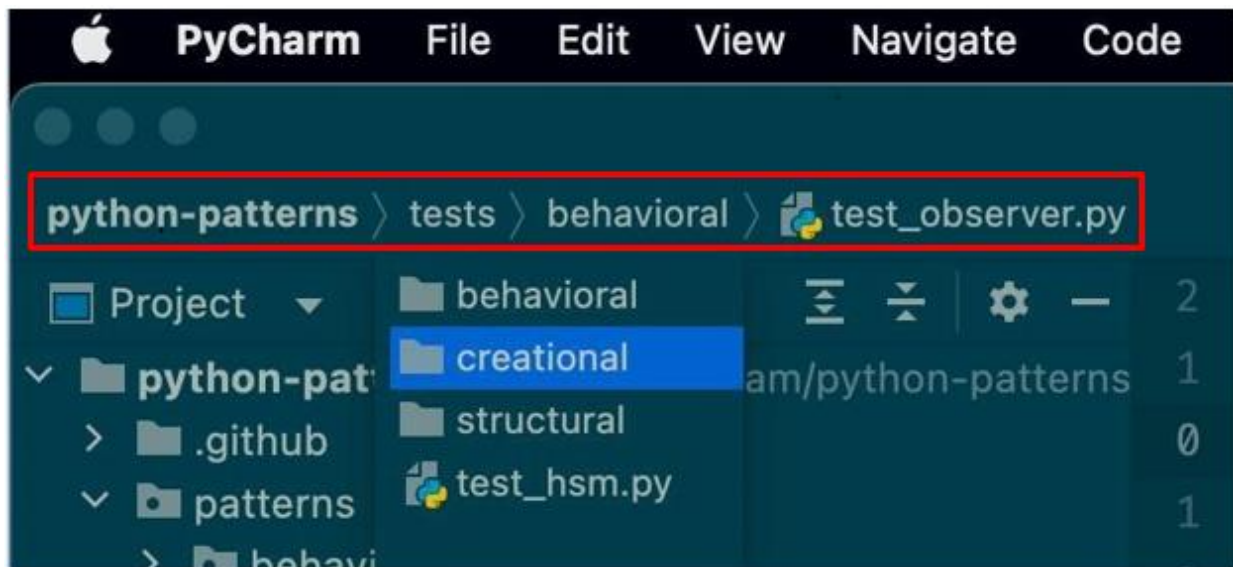
³ The '880 Accused Instrumentalities are Defendants' products, while the core accused functionality (as further outlined in this First Amended Complaint) includes the NavBar and the Project Tree/Tool used to implement, execute, or otherwise perform, for example, a method of navigation included in and provided by the Accused Instrumentalities. Specifically, and as a representative example, the accused functionality includes a method of navigating within PyCharm through the navigation bar or "NavBar," and the Project Tree/Tool as demonstrated in the representative screenshots below from Defendants' website (e.g., "python-patterns—Tests—Behavioral").



See, e.g., PyCharm Integrated Development Environment (“IDE”), available for download at <https://www.jetbrains.com/pycharm/> (last visited May 25, 2022) (annotated; showing a test file “python-patterns – test_observer.py” by Defendants JBSRO, JBA, and JBI created by Defendants JBSRO, JBA, and JBI and using the NavBar and Project Tree/Tool by Defendants JBSRO, JBA, and JBI to navigate within the test file).

79. More specifically, the ’880 Accused Instrumentalities provide a graphical menu interface used by Defendants in the United States, that displays the items of a given level of the information structure and enabling selection thereof (e.g., “Python-Patterns” displays and enables selection of items of a given level, such as “Tests” and items within that same level); and dynamically constructing an Active Path as a sequence of active links as items are selected using the graphical user menu system (e.g., the ’880 Accused Instrumentalities dynamically construct an active path (e.g., “Python-Patterns—Tests—Behavioral”) as a sequence of active links as

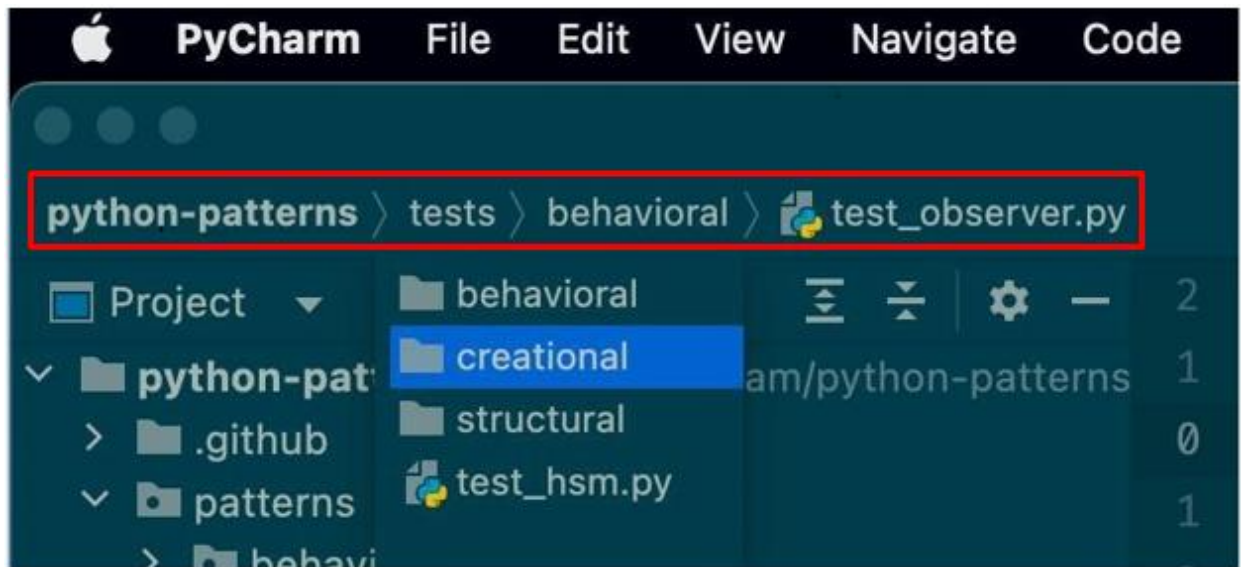
items are selected (e.g., as “Tests” and “Behavioral” are selected)), with one said active link corresponding to each of the items selected, said active links providing direct access to one of a function, corresponding level and menu item without the need to navigate using said graphical user menu system (e.g., the ‘880 Accused Instrumentalities’ active path “Python-Patterns—Tests—Behavioral” corresponds to each of the items selected, including “Tests” and “Behavioral”) as shown below in a screen shot from Defendants’ website illustrating such use:



See, e.g., PyCharm Integrated Development Environment (“IDE”), available for download at <https://www.jetbrains.com/pycharm/> (last visited May 25, 2022) (annotated; showing a test file “python-patterns – test_observer.py” by Defendants JBSRO, JBA, and JBI created by Defendants JBSRO, JBA, and JBI and how Defendants JBSRO, JBA, and JBI used the Project Tree/Tool to construct the NavBar (e.g., “python-patterns > tests > behavioral > test_observer.py”) and used the NavBar to navigate certain menus and items (e.g., “behavioral,” “creational,” “structural,” and “test_hsm.py”) under the active link “tests”).

80. Also, the active links allow a user to access an item in the information structure by selecting from the one or more items displayed by one of the active links on the active path

(e.g., the link “Behavioral” in the active path “Tests—Behavioral” allows a user to access an item in the information structure such as “Behavioral,” “Creational,” “Structural,” and “test_hsm.py”), which Defendant JBA uses and sells, or Defendants JBSRO and JBI use, through the ’880 Accused Instrumentalities, as shown below:



See, e.g., PyCharm Integrated Development Environment (“IDE”), available for download at <https://www.jetbrains.com/pycharm/> (last visited May 25, 2022) (annotated; showing a test file “python-patterns – test_observer.py” by Defendants JBSRO, JBA, and JBI created by Defendants JBSRO, JBA, and JBI and how Defendants JBSRO, JBA, and JBI used the Project Tree/Tool to construct the NavBar (e.g., “python-patterns > tests > behavioral > test_observer.py”) and used the NavBar to navigate certain menus and items (e.g., “behavioral,” “creational,” “structural,” and “test_hsm.py”) under the active link “tests”).

81. Discovery is expected to uncover the full extent of Defendants’ infringement of the ’880 Patent beyond use of the ’880 Accused Instrumentalities already identified THROUGH public information, including evidence and claim charts presented in Plaintiffs’ Preliminary Infringement Contentions served on March 31, 2023 and Supplemental Infringement

Contentions served on August 6, 2023 and Second Supplemental Infringement Contentions served on October 10, 2023, all of which are incorporated herein by reference.

82. Upon information and belief, Defendants JBSRO, JBA, and JBI, either individually or in concert with each other, induced others to infringe at least Claims 1-10 and 12-22 of the '880 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to their new, current, and prospective users, partners, customers and other third parties, whose use of the accused breadcrumb and navigational functionality of the '880 Accused Instrumentalities constitutes direct infringement of at least Claims 1-10 and 12-22 of the '880 Patent.

83. In particular, Defendants' actions that aid and abet others such as their new, current, and prospective users, partners, customers and third parties to infringe include advertising the '880 Accused Instrumentality. On information and belief, Defendants have engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because at least Defendants JBSRO, JBA and JBI through Defendant JBSRO or its counsel, have had actual knowledge of the '880 Patent and knowledge that their acts were inducing infringement of the '880 Patent since at least June 28, 2021 (the date on which Defendant JBSRO received Plaintiffs' June 28, 2021, notice letter) that such activities infringed the '880 Patent.

84. Defendants' acts of inducement include, without limitation: providing the '880 Accused Instrumentalities to their new, current, and prospective users, partners, and customers, and other third parties and intending them to use the accused breadcrumb and navigational functionality of the '880 Accused Instrumentalities that enable and make use of content published therein; encouraging customers and other third parties to communicate directly with

Jetbrains’ representatives about the ’880 Accused Instrumentalities and content published therein for purposes of technical assistance as well as sales and marketing (*see, e.g.*, <https://www.jetbrains.com/help/pycharm/settings-editor-breadcrumbs.html> (providing consumers with a technical support portal through which technical issues and concerns regarding the ’411 Accused Instrumentalities can be addressed); *see, e.g.*, <https://www.jetbrains.com/help/pycharm/getting-help.html> (providing contact information for technical support regarding the ’880 Accused Instrumentalities); *see also id.* (providing a community platform for discussing the ’880 Accused Instrumentalities or content published therein); *see also* <https://www.facebook.com/PyCharm> (encouraging customers and other third parties to use the ’411 Accused Instrumentalities to develop); *see also* <https://www.youtube.com/watch?v=NoDx0MEESDw> (recommending potential customers and other third parties use the ’880 Accused Instrumentalities to program and write code); *see also* providing press releases encouraging customers and other third parties to use the ’880 Accused Instrumentalities to develop software (for example, providing an URL (www.jetbrains.com) to the “Jetbrains” main webpage that offers the ’880 Accused Instrumentalities for sale.

85. Defendants performed acts of inducement despite their actual knowledge since at least June 28, 2021 (the date on which Defendants received Plaintiffs’ June 28, 2021, notice letter) and their knowledge that the specific actions they actively induced on the part of their users, partners, and customers, and other third parties constitute infringement of the ’880 Patent. At the very least, because Defendants were on notice of the ’880 Patent and the accused infringement, they were willfully blind regarding the infringement that they induced.

86. Additionally, or alternatively, to the extent any third parties or end-users perform are required to perform one or more steps recited in Claims 1-10 and 12-22 of the ’880 patent,

any such action by such third parties and end-users is attributable to Defendants JBSRO, JBA, and JBI such that Defendants are liable for jointly infringing such claims in a multiple actor or joint infringement situation, because Defendants, individually or in concert with each other, direct or control the other actor(s). In this regard, Defendants, individually or in concert with each other, condition participation in activities, as well as the receipt of benefits, upon performance of any such step by any such third party or end user. Defendants, individually or in concert with each other, exercise and direct control over the one or more steps performed by the '880 Accused Instrumentalities, by exercising sole direction over the entire infringing process (e.g., by conditioning participation by such third parties and end-users through the use of the '880 Accused Instrumentalities as the primary means of navigation)—and benefits from third parties' and end-users' use, including, without limitation, creating and receiving ongoing revenue streams from their sales of the '880 Accused Instrumentalities, improving, enhancing, promoting, or advertising their products and services, through the use of the '880 Accused Instrumentalities, including their website and navigation structures, improving user experience and engagement, improving web page performance, and increasing cross-sell conversion opportunities. End-users and third parties receive a benefit from fiscal gains (e.g., customers, partners, visitors, and users increasing the value of their own products and services through the use of the '880 Accused Instrumentalities) and enhanced navigation (e.g., end-users and third parties are able to navigate to find, locate, and discover existing and new products and services), including receiving clear orientation cues to help third parties and, or alternatively, end-users identify their exact location within products implementing the '880 Accused Instrumentalities, and finding existing products/services, learning about new ones, and discovering other products or services not previously known to those third parties and end-users (as well as their customers

and their users), and doing so with greater ease and control. Defendants, individually or in concert with each other, also establish the manner and timing of that performance by such third-parties and end-users, as dictated by the claimed method—by deploying the accused functionalities (e.g., the navigation bar or “NavBar” functionality and Project Tree/Tool utilized by the Accused Instrumentalities) as the primary means of navigation for browsing and reviewing content including but not limited to source code, websites, databases, and folder structures implementing the ’880 Accused Instrumentalities. All third-party and end-user involvement, if any, is incidental, ancillary, or contractual.

87. Additionally or alternatively, Defendants JBSRO, JBA, and JBI, either individually or in concert with each other, directly infringed at least Claims 1-10 and 12-22 of the ’880 Patent literally or under the doctrine of equivalents, by importing into the United States, or using, selling, or offering for sale in the United States, the Accused Instrumentalities, which are made using the patented methods of the ’880 Patent, without authority or license, in violation of 35 U.S.C. § 271(g). On information and belief, the Accused Instrumentalities are made with an integrated development environment comprising a breadcrumb and navigation functionality that infringed at least Claims 1-10 and 12-22 of the ’880 Patent. Defendants JBSRO, JBA, and JBI import the ’880 Accused Instrumentalities into the United States for sales and distribution to customers located in the United States in violation of 35 U.S.C. § 271(g). On information and belief, Defendants JBSRO, JBA, and JBI offer for sale and sell the ’880 Accused Instrumentalities in the United States in violation of 35 U.S.C. § 271(g). For example, Defendants JBSRO, JBA, and JBI provide direct sales through their own sales channels and their distributors or contract manufacturers and sell the ’880 Accused Instrumentalities to businesses and individual customers, including software developers and teams. On information and belief,

these direct sales include sales of the '880 Accused Instrumentalities in the United States. On information and belief, these direct sales include sales of the '880 Accused Instrumentalities to customers who reside in the United States and through servers located in or accessed from the United States. On information and belief, Defendants JBSRO, JBA, and JBI offer the '880 Accused Instrumentalities for sale in the United States. For example, Defendants JBSRO, JBA, and JBI engage in sales, marketing, and contracting activity in the United States. As another example, Defendants JBSRO, JBA, and JBI engage in sales, marketing, and contracting activity with the United States offices or residences of their customers.

88. Defendants' infringement of Claims 1-10 and 12-22 of the '880 Patent under Section 271(g) is further supported by their own representation that JBSRO "makes software, and Jetbrains Americas, Inc. is a U.S. sales support organization that sells the software in the United States to customers in the United States." *See* Jul. 6, 2023 Hr. Tr. at 3:18-24.

89. For at least the foregoing reasons, Defendants JBSRO, JBA, and JBI directly, indirectly and jointly infringed the '880 Patent and are thus liable for infringement of the '880 Patent pursuant to 35 U.S.C. § 271(a), (b) and (g).

90. Plaintiffs have suffered damages as a result of Defendants' infringement of the '880 Patent.

91. Defendants continued to infringe the '880 Patent since at least June 28, 2021 (the date on which Defendants received Plaintiffs' June 28, 2021, notice letter) and until the expiration of the '880 patent despite being on notice of the '880 Patent and their infringement. Defendants therefore infringed the '880 Patent knowingly, willfully, deliberately, and in disregard of Plaintiffs' patent rights since at least June 28, 2021 (the date on which Defendants received Plaintiffs' June 28, 2021, notice letter), at least by infringing with actual knowledge of

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

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

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

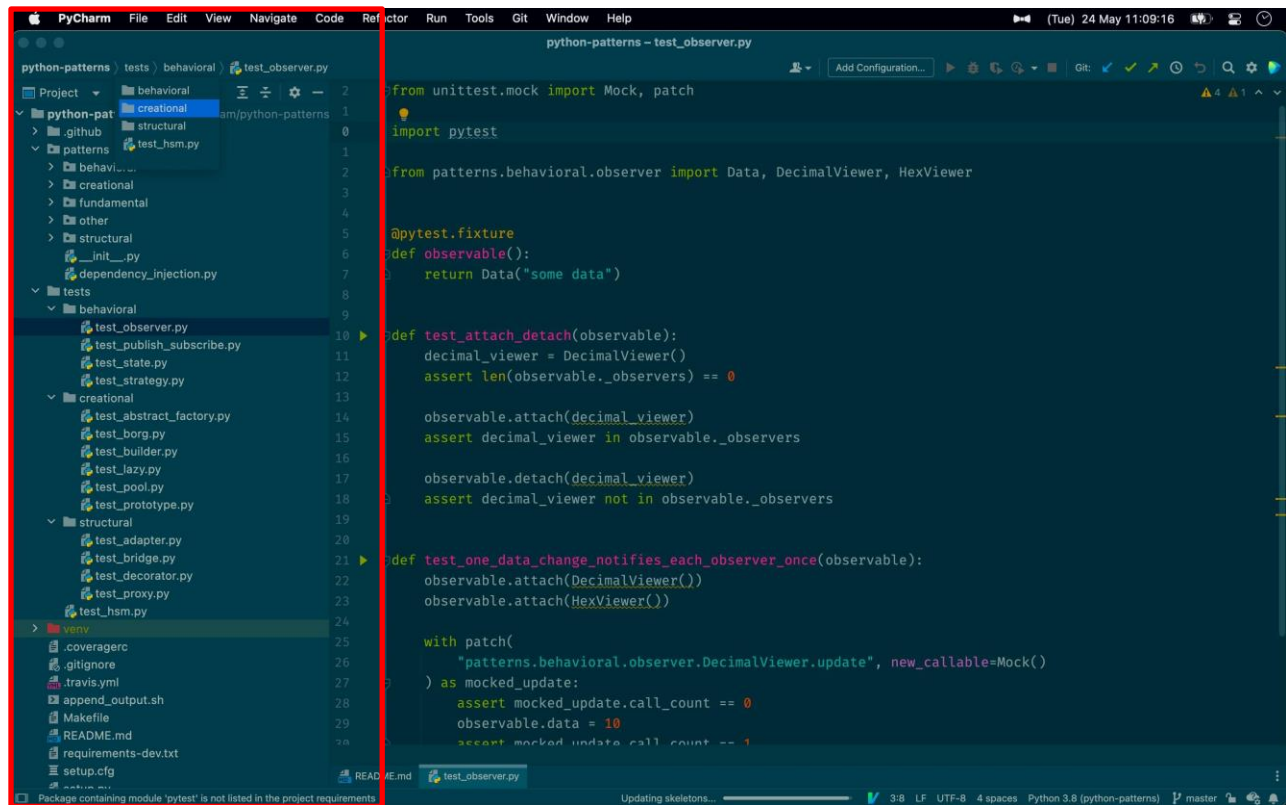
93. Plaintiffs incorporate and reallege the preceding paragraphs as if fully set forth herein.

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

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

96. Defendants JBA, JBSRO, and JBI, individually or in concert with each other, directly infringed at least Claims 1-25 of the '127 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by, among other things, using, in the United States, the accused breadcrumb and navigational functionality, including NavBar and Project Tree/Tool as demonstrated below, without authority, in: (i) applications designed to assist in and enhance the writing, editing, and debugging of code,

including, without limitation, Integrated Development Environments (“IDEs”) and content offered for sale and use via <https://www.jetbrains.com/> (including all sub-web pages) and maintained on servers located in or accessible from the United States under the control of JetBrains; (ii) software, including, without limitation, software that allows content to be interactively presented in or served to users through a desktop, in-cloud, or standalone application, including, but not limited to, JetBrains’ integrated development environmental applications, in-cloud and on-premises solutions, team-based tools, and associated plug-ins, including IntelliJ IDEA (Ultimate, Community, and Education), AppCode, Aqua, Clion, DataSpell, DataGrip, Fleet, GoLand, Pycharm (Professional, Community, and Education), PhpStorm, Rider, Resharper/Resharper C++, RubyMine, Webstorm, UpSource, JetBrains Academy, Space (in-cloud and on-premise), TeamCity (in-cloud and on-premise), YouTrack (in-cloud and on-premise), and support plugins that integrate with the foregoing IDEs and Tools, such as the Neos, Scala, and XQuery support plugins, that use these IDEs’ and Tool’s NavBar and the Project Tree/Tool; (iii) services including, without limitation, services that store, serve, and run any of the foregoing or that allow navigating within a multi-level hierarchical collapsing menu structure, where each level in the menu structure contains plural items, each item being at least one of a function, a pointer to a location, and a pointer to another level (hereinafter, the “127 Accused Instrumentalities”), including by use of the NavBar and Project Tree/Tool in the Accused Instrumentalities during one or more of product development, product testing, marketing, and providing customer support and training, as illustrated, for example, in the screen shot below by Defendants JBSRO, JBA, and JBI and created by Defendants JBSRO, JBA, and JBI using the NavBar and the Project Tree/Tool and published by Defendants JBSRO, JBA, and JBI on their website:



See, e.g., PyCharm Integrated Development Environment (“IDE”), available for download at <https://www.jetbrains.com/pycharm/> (last visited May 25, 2022) (annotated; showing a test file “python-patterns – test_observer.py” by Defendants JBSRO, JBA, and JBI created by Defendants JBSRO, JBA, and JBI and using the NavBar and Project Tree/Tool by Defendants JBSRO, JBA, and JBI to navigate within the test file).

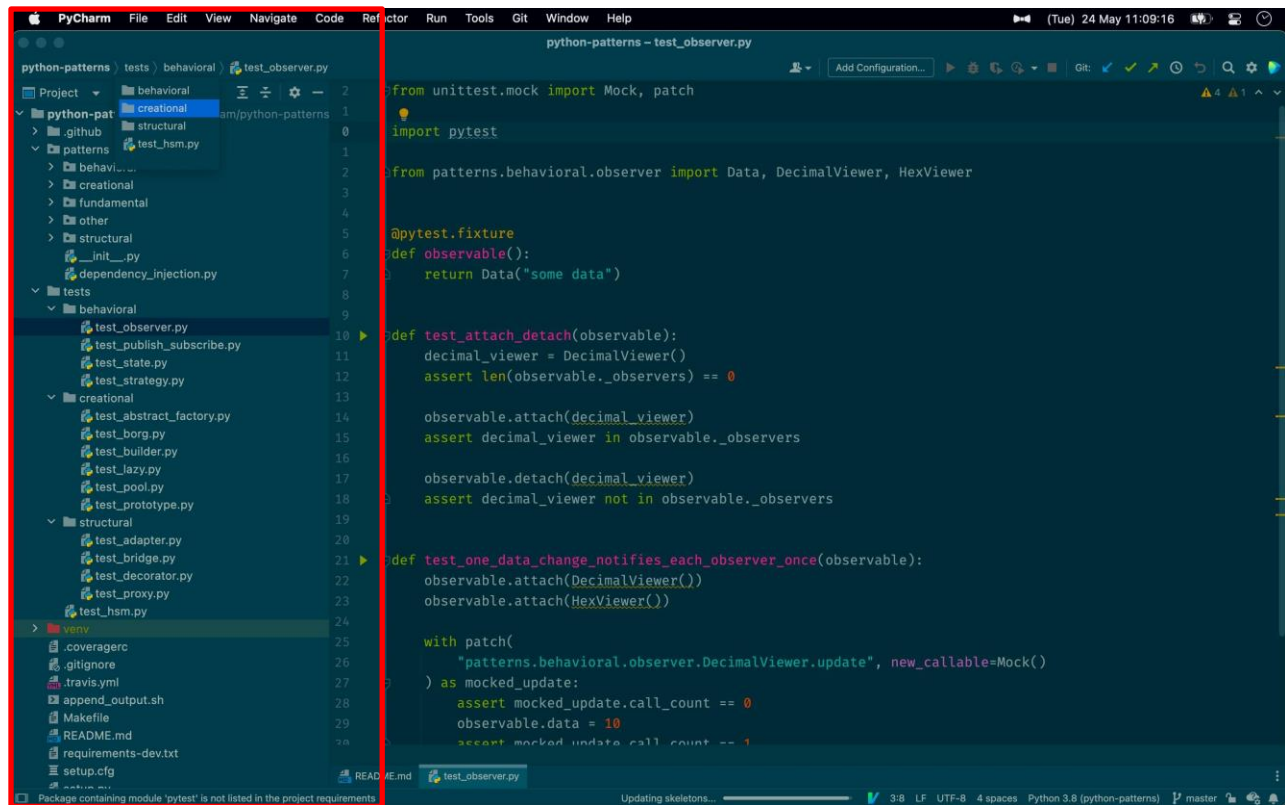
97. Additionally, Defendant JBA directly infringed at least Claims 1-13 of the ’127 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, selling, or offering to sell in the United States, or importing into the United States, the Accused Instrumentalities (e.g., in-cloud applications) that comprise the NavBar and Project Tree/Tool functionality.

98. PyCharm (e.g., Pycharm Professional) is an emblematic example of the software and navigation features provided by JetBrains in their IDE software applications, in-cloud and

on-premises solutions, team-based tools, and associated plug-ins. It utilizes the same hierarchical menu structure found in the remaining JetBrains's IDEs, in-cloud and on-premises solutions, team-based tools, and associated plug-ins, including without limitation, IntelliJ IDEA (Ultimate, Community, and Education), WebStorm, GoLand, Clion, PhpStorm, Rider, ReSharper, ReSharper C++, Rubymine, Upsource, PyCharm (Community and Education), Clion, DataSpell, DataGrip, Fleet, GoLabd, Aqua, Appcode, JetBrains Academy, Space (in-cloud and on-premise), TeamCity (in-cloud and on-premise), YouTrack (in-cloud and on-premise), and support plugins that integrate with the foregoing IDEs and Tools, such as the Neos, Scala, and XQuery support plugins, all of which are used by JetBrains in the same manner as use of PyCharm because they provide the same accused functionalities; namely, the NavBar and the Project Tree/Tool.⁴ PyCharm is used as a representative example for all of Defendants' infringing products and the Accused Instrumentalities mentioned above.

99. By way of example, the '127 Accused Instrumentalities provide a method, used by Defendants in the United States, for navigating an information structure, as shown below:

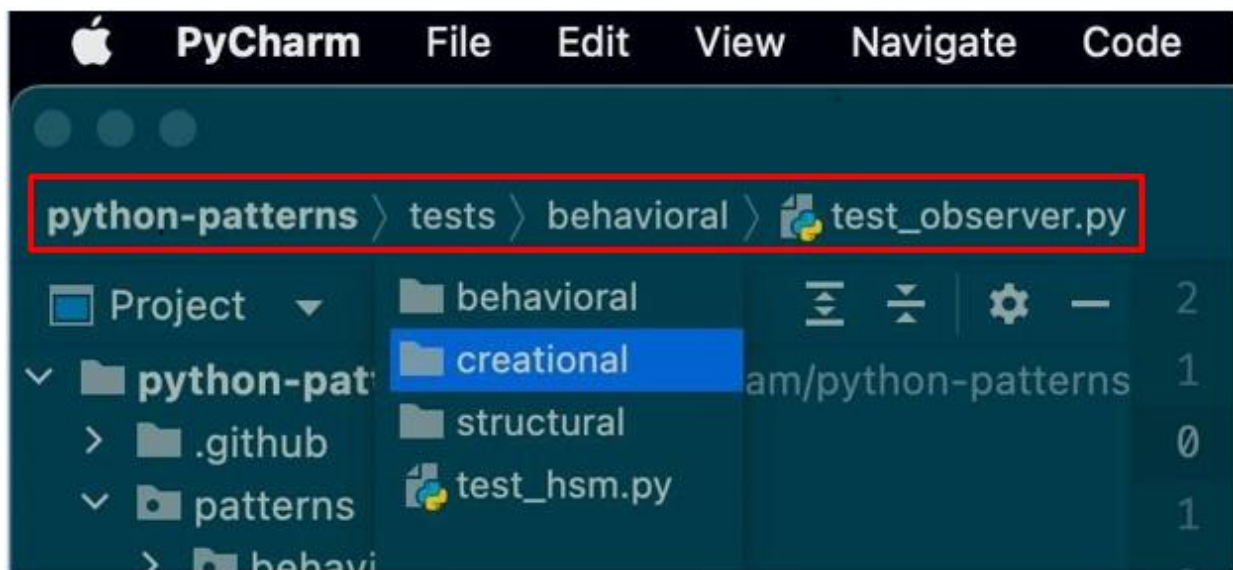
⁴ The '127 Accused Instrumentalities are Defendants' products, while the core accused functionality (as further outlined in this First Amended Complaint) includes the NavBar and the Project Tree/Tool used to implement, execute, or otherwise perform, for example, a method of navigation included in and provided by the Accused Instrumentalities. Specifically, and as a representative example, the accused functionality includes a method of navigating within PyCharm through the navigation bar or "NavBar," and the Project Tree/Tool as demonstrated in the representative screenshots below from Defendants' website (e.g., "python-patterns—Tests—Behavioral").



See, e.g., PyCharm Integrated Development Environment (“IDE”), available for download at <https://www.jetbrains.com/pycharm/> (last visited May 25, 2022) (annotated; showing a test file “python-patterns – test_observer.py” by Defendants JBSRO, JBA, and JBI created by Defendants JBSRO, JBA, and JBI and using the NavBar and Project Tree/Tool by Defendants JBSRO, JBA, and JBI to navigate within the test file).

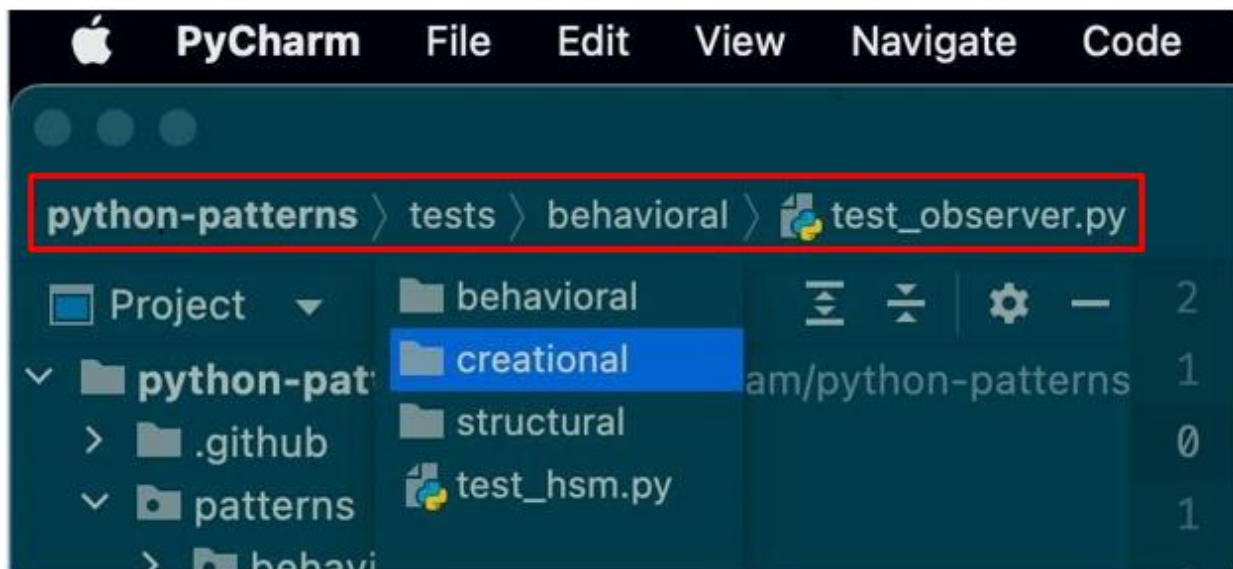
100. More specifically, the ’127 Accused Instrumentalities provide a graphical menu interface used by Defendants in the United States, that displays the items of a given level of the information structure and enabling selection thereof (e.g., “Python-Patterns” displays and enables selection of items of a given level, such as “Tests”); dynamically construct an active path as a sequence of active links after an item of the information structure has been selected (e.g., the ’127 Accused Instrumentalities dynamically construct an active path (e.g., “Python-Patterns—Tests—Behavioral”) as a sequence of active links after an item of the information structure has

been selected (e.g., as “Tests” and “Behavioral” are selected)); upon provisional selection of a given one of said active links, display one or more items on a given level of the information structure associated with said provisionally selected active link without affecting the active path (e.g., the ‘127 Accused Instrumentalities displays one or more items under “Tests” such as “Behavioral,” “Creational,” “Structural,” and “test_hsm.py” without affecting the active path “Python-Patterns—Tests—Behavioral”) as shown below in a screen shot from Defendants’ website illustrating such use:



See, e.g., PyCharm Integrated Development Environment (“IDE”), available for download at <https://www.jetbrains.com/pycharm/> (last visited May 25, 2022) (annotated; showing a test file “python-patterns – test_observer.py” by Defendants JBSRO, JBA, and JBI created by Defendants JBSRO, JBA, and JBI and how Defendants JBSRO, JBA, and JBI used the Project Tree/Tool to construct the NavBar (e.g., “python-patterns > tests > behavioral > test_observer.py”) and used the NavBar to navigate certain menus and items (e.g., “behavioral,” “creational,” “structural,” and “test_hsm.py”) under the active link “tests”).

101. Also, the '127 Accused Instrumentalities allow a user to access an item in the information structure by selecting the item from the one or more items displayed by one of the active links on the active path, wherein a function is associated with at least one of said active links (e.g., the “Tests” link in the active path “Python-Patterns—Tests—Behavioral” allows a user to access an item in the information structure such as “Behavioral,” “Creational,” “Structural,” and “test_hsm.py” by selecting from the one or more items displayed by “Tests” where it is associated with a function such as displaying sibling menus or directing user to certain content), which Defendants use in the United States, as shown below:



See, e.g., PyCharm Integrated Development Environment (“IDE”), available for download at <https://www.jetbrains.com/pycharm/> (last visited May 25, 2022) (annotated; showing a test file “python-patterns – test_observer.py” by Defendants JBSRO, JBA, and JBI created by Defendants JBSRO, JBA, and JBI and how Defendants JBSRO, JBA, and JBI used the Project Tree/Tool to construct the NavBar (e.g., “python-patterns > tests > behavioral > test_observer.py”) and used the NavBar to navigate certain menus and items (e.g., “behavioral,” “creational,” “structural,” and “test_hsm.py”) under the active link “tests”).

102. Discovery is expected to uncover the full extent of Defendants' infringement of the '127 Patent beyond use of the '127 Accused Instrumentalities already identified through public information, including evidence and claim charts presented in Plaintiffs' Preliminary Infringement Contentions served on March 31, 2023 and Supplemental Infringement Contentions served on August 6, 2023 and Second Supplemental Infringement Contentions served on October 10, 2023, all of which are incorporated herein by reference.

103. Upon information and belief, Defendants JBSRO, JBA, and JBI, either individually or in concert with each other, induced others to infringe at least Claims 1-25 of the '127 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to their new, current, and prospective users, partners, customers and other third parties, whose use of the accused breadcrumb and navigational functionality of the '127 Accused Instrumentalities constitutes direct infringement of at least Claims 1-25 of the '127 Patent.

104. In particular, Defendants' actions that aid and abet others such as their new, current, and prospective users, partners, customers and third parties to infringe include advertising the '127 Accused Instrumentality. On information and belief, Defendants have engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because at least Defendants JBSRO, JBA and JBI through Defendant JBSRO or its counsel, have had actual knowledge of the '127 Patent and knowledge that their acts were inducing infringement of the '127 Patent since at least June 28, 2021 (the date on which Defendant JBSRO received Plaintiffs' June 28, 2021, notice letter) that such activities infringed the '127 Patent.

105. Defendants' acts of inducement include, without limitation: providing the '127 Accused Instrumentalities to their new, current, and prospective users, partners, and customers, and other third parties and intending them to use the accused breadcrumb and navigational functionality of the '127 Accused Instrumentalities that enable and make use of content published therein; encouraging customers and other third parties to communicate directly with JetBrains' representatives about the '127 Accused Instrumentalities and content published therein for purposes of technical assistance as well as sales and marketing (*see, e.g.*, <https://www.jetbrains.com/help/pycharm/settings-editor-breadcrumbs.html> (providing consumers with a technical support portal through which technical issues and concerns regarding the '411 Accused Instrumentalities can be addressed); *see, e.g.*, <https://www.jetbrains.com/help/pycharm/getting-help.html> (providing contact information for technical support regarding the '127 Accused Instrumentalities); *see also id.* (providing a community platform for discussing the '127 Accused Instrumentalities or content published therein); *see also* <https://www.facebook.com/PyCharm> (encouraging customers and other third parties to use the '127 Accused Instrumentalities to develop); *see also* <https://www.youtube.com/watch?v=NoDx0MEESDw> (recommending potential customers and other third parties use the '127 Accused Instrumentalities to program and write code); *see also* providing press releases encouraging customers and other third parties to use the '127 Accused Instrumentalities to develop software (for example, providing an URL (www.jetbrains.com) to the "JetBrains" main webpage that offers the '127 Accused Instrumentalities for sale).

106. Defendants performed acts of inducement despite their actual knowledge since at least June 28, 2021 (the date on which Defendants received Plaintiffs' June 28, 2021, notice letter) and their knowledge that the specific actions they actively induced on the part of their

users, partners, and customers, and other third parties constitute infringement of the '127 Patent. At the very least, because Defendants were on notice of the '127 Patent and the accused infringement, they were willfully blind regarding the infringement that they induced.

107. Additionally, or alternatively, to the extent any third parties or end-users perform are required to perform one or more steps recited in Claims 1-25 of the '127 patent, any such action by such third parties and end-users is attributable to Defendants JBSRO, JBA, and JBI, such that Defendants are liable for jointly infringing such claims in a multiple actor or joint infringement situation, because Defendants, individually or in concert with each other, direct or control the other actor(s). In this regard, Defendants, individually or in concert with each other, condition participation in activities, as well as the receipt of benefits, upon performance of any such step by any such third party or end user. Defendants, individually or in concert with each other, exercise and direct control over the one or more steps performed by the '127 Accused Instrumentalities, by exercising sole direction over the entire infringing process (e.g., by conditioning participation by such third parties and end-users through the use of the '127 Accused Instrumentalities as the primary means of navigation)—and benefits from third parties' and end-users' use, including, without limitation, creating and receiving ongoing revenue streams from their sales of the '127 Accused Instrumentalities, improving, enhancing, promoting, or advertising their products and services, through the use of the '127 Accused Instrumentalities, including their website and navigation structures, improving user experience and engagement, improving web page performance, and increasing cross-sell conversion opportunities. End-users and third parties receive a benefit from fiscal gains (e.g., customers, partners, visitors, and users increasing the value of their own products and services through the use of the '127 Accused Instrumentalities) and enhanced navigation (e.g., end-users and third

parties are able to navigate to find, locate, and discover existing and new products and services), including receiving clear orientation cues to help third parties and, or alternatively, end-users identify their exact location within products implementing the '127 Accused Instrumentalities, and finding existing products/services, learning about new ones, and discovering other products or services not previously known to those third parties and end-users (as well as their customers and users), and doing so with greater ease and control. Defendants, individually or in concert with each other, also establish the manner and timing of that performance by such third-parties and end-users, as dictated by the claimed method—by deploying the accused functionalities (e.g., the navigation bar or “NavBar” functionality and Project Tool/Tree utilized by the Accused Instrumentalities) as the primary means of navigation for browsing and reviewing content including but not limited to source code, websites, databases, and folder structures implementing the '127 Accused Instrumentalities. All third-party and end-user involvement, if any, is incidental, ancillary, or contractual.

108. Additionally or alternatively, Defendants JBSRO, JBA, and JBI, either individually or in concert with each other, directly infringed at least Claims 14-25 of the '127 Patent literally or under the doctrine of equivalents, by importing into the United States, or using, selling, or offering for sale in the United States, the Accused Instrumentalities, which are made using the patent methods of the '127 Patent, without authority or license, in violation of 35 U.S.C. § 271(g). On information and belief, the Accused Instrumentalities are made with an integrated development environment comprising a breadcrumb and navigation functionality that infringed at least Claims 14-25 of the '127 Patent. Defendants JBSRO, JBA, and JBI import the '127 Accused Instrumentalities into the United States for sales and distribution to customers located in the United States in violation of 35 U.S.C. § 271(g). On information and belief,

Defendants JBSRO, JBA, and JBI offer for sale and sell the '127 Accused Instrumentalities in the United States in violation of 35 U.S.C. § 271(g). For example, Defendants JBSRO, JBA, and JBI provide direct sales through their own sales channels and their distributors or contract manufacturers and sells the '127 Accused Instrumentalities to businesses and individual customers, including software developers and teams. On information and belief, these direct sales include sales of the '127 Accused Instrumentalities in the United States. On information and belief, these direct sales include sales of the '127 Accused Instrumentalities to customers who reside in the United States and through servers located in or accessed from the United States. On information and belief, Defendants JBSRO, JBA, and JBI offer the '127 Accused Instrumentalities for sale in the United States. For example, Defendants JBSRO, JBA, and JBI engage in sales, marketing, and contracting activity in the United States. As another example, Defendants JBSRO, JBA, and JBI engage in sales, marketing, and contracting activity with the United States offices or residences of their customers.

109. Defendants' infringement of Claims 14-25 of the '127 Patent under Section 271(g) is further supported by their own representation that JBSRO "makes software, and JetBrains Americas, Inc. is a U.S. sales support organization that sells the software in the United States to customers in the United States." *See* Jul. 6, 2023 Hr. Tr. at 3:18-24.

110. For at least the foregoing reasons, Defendants JBSRO, JBA, and JBI directly, indirectly and jointly infringed the '127 Patent and are thus liable for infringement of the '127 Patent pursuant to 35 U.S.C. § 271(a), (b) and (g).

111. Plaintiffs have suffered damages as a result of Defendants' infringement of the '127 Patent.

112. Defendants continued to infringe the '127 Patent since at least June 28, 2021 (the date on which Defendants received Plaintiffs' June 28, 2021, notice letter) and until the expiration of the '127 patent despite being on notice of the '127 Patent and its infringement. Defendants therefore infringed the '127 Patent knowingly, willfully, deliberately, and in disregard of Plaintiffs' patent rights since at least June 28, 2021 (the date on which Defendants received Plaintiffs' June 28, 2021, notice letter), at least by infringing with actual knowledge of its direct and indirect infringement or while remaining willfully blind to the fact of its direct and indirect infringement. As a result of at least this conduct, Plaintiffs are entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35 U.S.C. § 285.

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

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

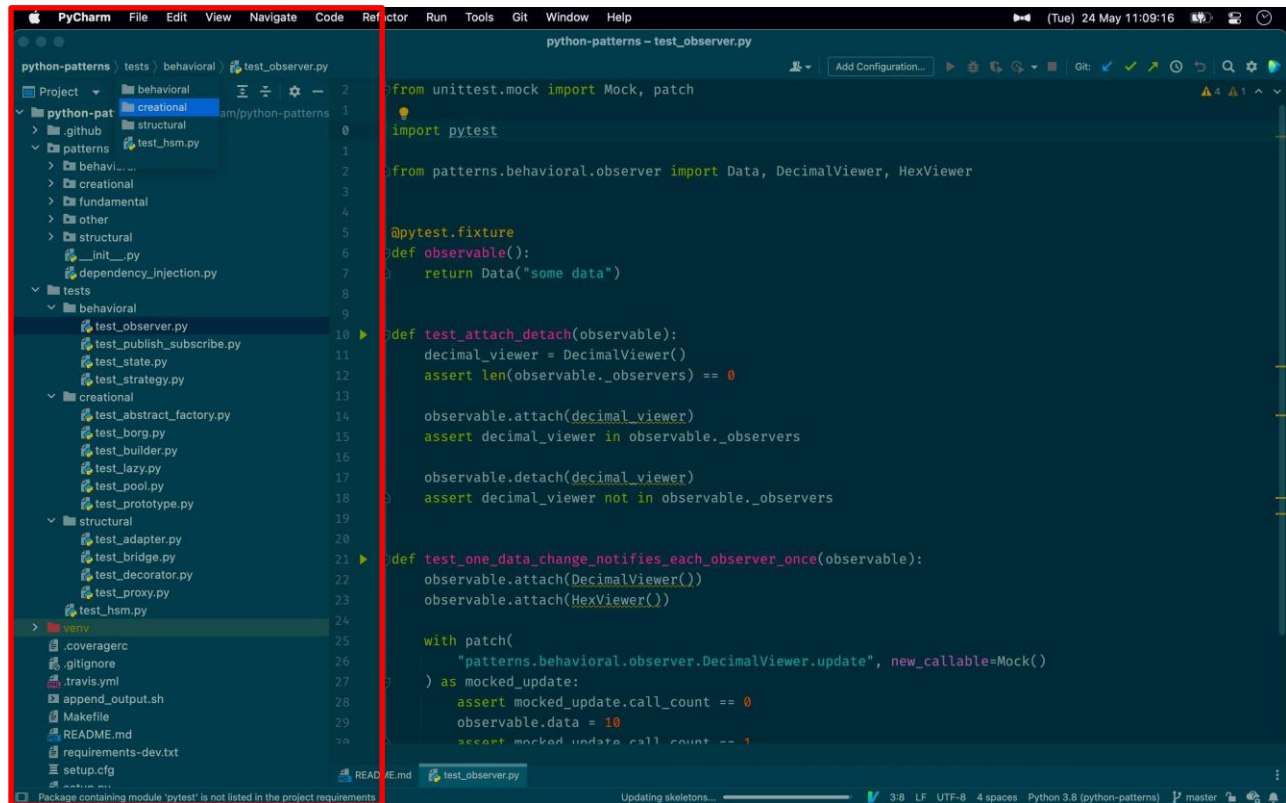
114. Plaintiffs incorporate and reallege the preceding paragraphs as if fully set forth herein.

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

116. Defendants JBA, JBSRO, and JBI, individually or in concert with each other, directly infringed at least Claims 1-6, 8-10, and 12-17 of the '053 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine

of equivalents, by, among other things, using, in the United States, the accused breadcrumb and navigational functionality, including NavBar and Project Tree/Tool as demonstrated below, without authority, in: (i) applications designed to assist in and enhance the writing, editing, and debugging of code, including, without limitation, Integrated Development Environments (“IDEs”) and content offered for sale and use via <https://www.jetbrains.com/> (including all sub-web pages) and maintained on servers located in or accessible from the United States under the control of JetBrains; (ii) software, including, without limitation, software that allows content to be interactively presented in or served to users through a desktop, in-cloud, or standalone application, including, but not limited to, JetBrains’ integrated development environmental applications, in-cloud and on-premises solutions, team-based tools, and associated plug-ins, including IntelliJ IDEA (Ultimate, Community, and Education), AppCode, Aqua, Clion, DataSpell, DataGrip, Fleet, GoLand, Pycharm (Professional, Community, and Education), PhpStorm, Rider, Resharper/Resharper C++, RubyMine, Webstorm, UpSource, JetBrains Academy, Space (in-cloud and on-premise), TeamCity (in-cloud and on-premise), YouTrack (in-cloud and on-premise), and support plugins that integrate with the foregoing IDEs and Tools, such as the Neos, Scala, and XQuery support plugins, that use these IDEs’ and Tool’s NavBar and the Project Tree/Tool; (iii) services including, without limitation, services that store, serve, and run any of the foregoing or that allow navigating within a multi-level hierarchical collapsing menu structure, where each level in the menu structure contains plural items, each item being at least one of a function, a pointer to a location, and a pointer to another level (hereinafter, the “053 Accused Instrumentalities”), including by use of the NavBar and Project Tree/Tool in the Accused Instrumentalities during one or more of product development, product testing, marketing, and providing customer support and training, as illustrated, for example, in the screen

shot below by Defendants JBSRO, JBA, and JBI and created by Defendants JBSRO, JBA, and JBI using the NavBar and the Project Tree/Tool and published by Defendants JBSRO, JBA, and JBI on their website:



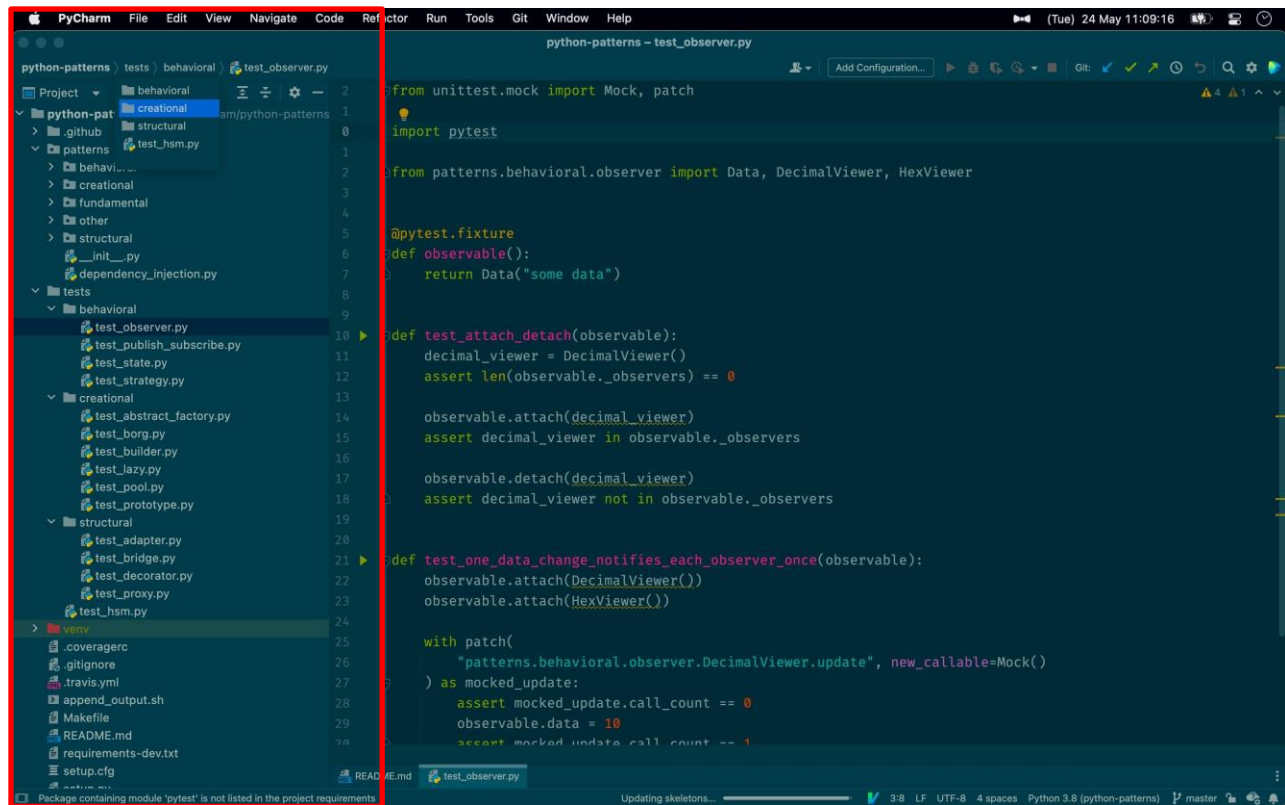
See, e.g., PyCharm Integrated Development Environment (“IDE”), available for download at <https://www.jetbrains.com/pycharm/> (last visited May 25, 2022) (annotated; showing a test file “python-patterns – test_observer.py” by Defendants JBSRO, JBA, and JBI created by Defendants JBSRO, JBA, and JBI and using the NavBar and Project Tree/Tool by Defendants JBSRO, JBA, and JBI to navigate within the test file).

117. PyCharm (e.g., Pycharm Professional) is an emblematic example of the software and navigation features provided by JetBrains in their IDE software applications, in-cloud and on-premises solutions, team-based tools, and associated plug-ins. It utilizes the same hierarchical menu structure found in the remaining JetBrains’s IDEs, in-cloud and on-premises

solutions, team-based tools, and associated plug-ins, including without limitation, IntelliJ IDEA (Ultimate, Community, and Education), WebStorm, GoLand, Clion, PhpStorm, Rider, Resharper, ReSharper C++, Rubymine, Upsource, Pycharm (Community and Education), Clion, DataSpell, DataGrip, Fleet, GoLabd, Aqua, Appcode, JetBrains Academy, Space (in-cloud and on-premise), TeamCity (in-cloud and on-premise), YouTrack (in-cloud and on-premise), and support plugins that integrate with the foregoing IDEs and Tools, such as the Neos, Scala, and XQuery support plugins, all of which are used by JetBrains in the same manner as use of PyCharm because they provide the same accused functionalities; namely, the NavBar and the Project Tree/Tool.⁵ PyCharm is used as a representative example for all of Defendants' infringing products and the Accused Instrumentalities mentioned above.

118. By way of example, the '053 Accused Instrumentalities provide a method, used by Defendants in the United States, for generating a plurality of graphical menu items for user selection with each graphical menu item having one or more sibling menu items (e.g., the '053 Accused Instrumentalities provide a method for generating a plurality of graphical menu items for user selection with each graphical menu item having one or more sibling menu items (e.g., "Python-Patterns" for example includes "Tests," which includes "Behavioral," "Creational," "Structural," and "test_hsm.py"), as shown below:

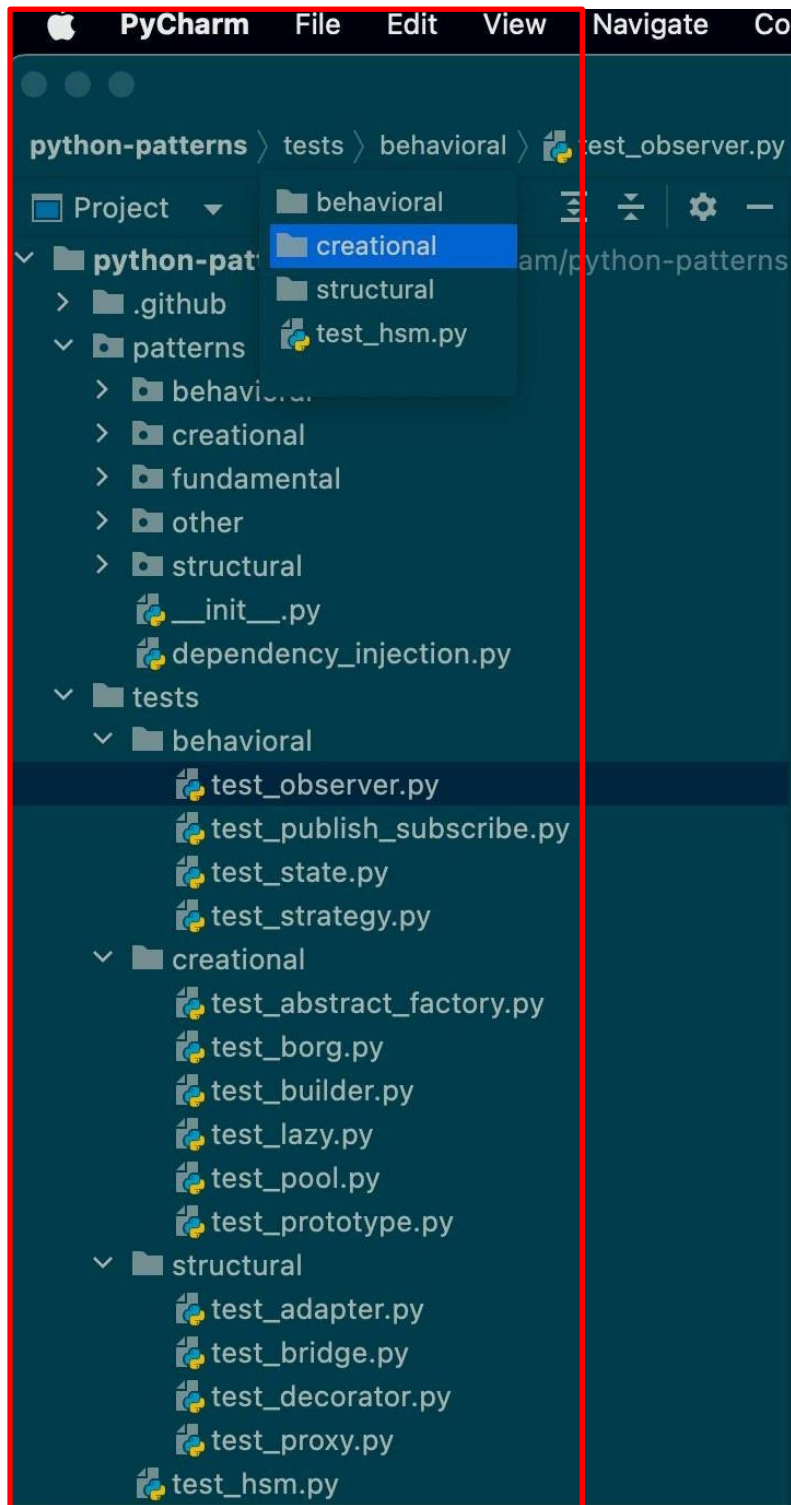
⁵ The '053 Accused Instrumentalities are Defendants' products, while the core accused functionality (as further outlined in this First Amended Complaint) includes the NavBar and the Project Tree/Tool used to implement, execute, or otherwise perform, for example, a method of navigation included in and provided by the Accused Instrumentalities. Specifically, and as a representative example, the accused functionality includes a method of navigating within PyCharm through the navigation bar or "NavBar," and the Project Tree/Tool as demonstrated in the representative screenshots below from Defendants' website (e.g., "python-patterns—Tests—Behavioral").



See, e.g., PyCharm Integrated Development Environment (“IDE”), available for download at <https://www.jetbrains.com/pycharm/> (last visited May 25, 2022) (annotated; showing a test file “python-patterns – test_observer.py” by Defendants JBSRO, JBA, and JBI created by Defendants JBSRO, JBA, and JBI and using the NavBar and Project Tree/Tool by Defendants JBSRO, JBA, and JBI to navigate within the test file).

119. More specifically, the ’053 Accused Instrumentalities provide one or more sibling menu items being on a first hierarchical level, at least one of the sibling menu items having one or more children menu items, the one or more children menu items being on a second hierarchical level different from the first hierarchical level (e.g., “Patterns” and “.Github” are sibling menu items on a first hierarchical level, with “Tests” menu item having one or more children menu items such as, “Behavioral,” “Creational,” and “Structural”), which Defendants

use in the United States, as shown below in a screen shot from Defendants' website illustrating such use:

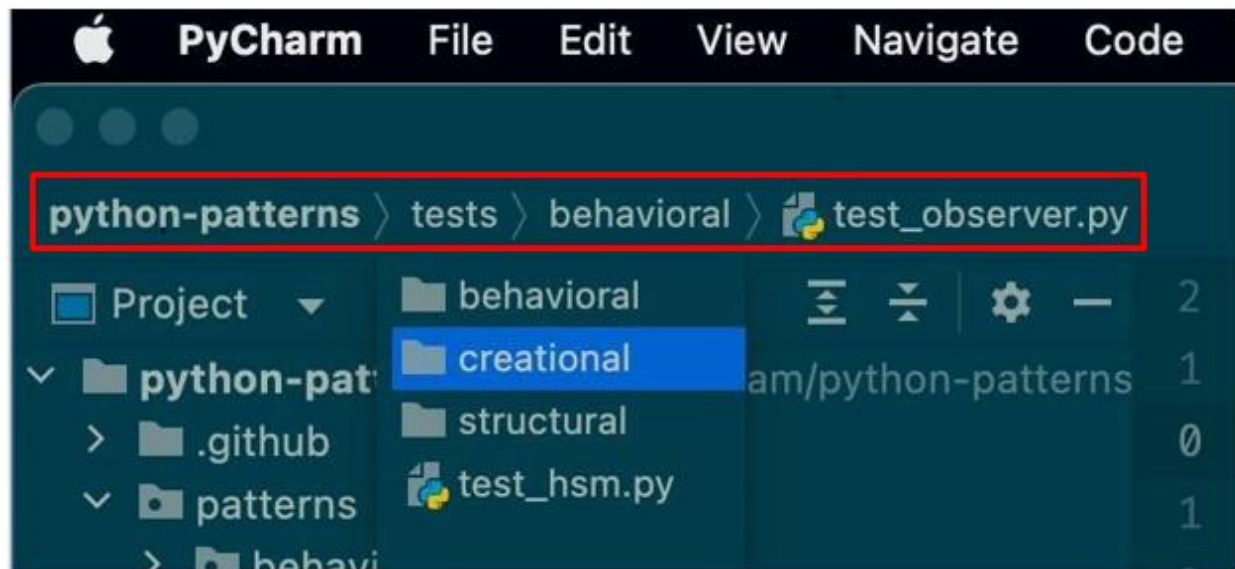


See, e.g., PyCharm Integrated Development Environment (“IDE”), available for download at <https://www.jetbrains.com/pycharm/> (last visited May 25, 2022) (annotated; showing a test file “python-patterns – test_observer.py” by Defendants JBSRO, JBA, and JBI created by Defendants JBSRO, JBA, and JBI and how Defendants JBSRO, JBA, and JBI used the Project Tree/Tool to construct the NavBar (e.g., “python-patterns > tests > behavioral > test_observer.py”) and used the NavBar to navigate certain menus and items (e.g., “behavioral,” “creational,” “structural,” and “test_hsm.py”) under the active link “tests”).

120. Also, the ’053 Accused Instrumentalities provides receiving user input selecting one or more of the graphical, sibling, or children menu items, wherein receiving user input includes receiving user input selecting one or more of the graphical sibling, or children menu items in a sequence (e.g., to access “Tests,” “Python-Patterns” is accessed first; similarly, to access “Behavioral,” “Tests” is accessed first, followed by accessing “Behavioral”); and includes receiving user input selecting a graphical menu item of the one or more graphical menu items followed by a sibling menu item of the one or more sibling menu items and subsequently a children menu item of the one or more sibling menu items; and in response to receiving the user input (e.g., selecting “Tests” menu item is followed by display of subsequent children menu items such as, “Behavioral,” “Structural,” and “Creational” in response to receiving user input), which Defendants use in the United States.

121. Specifically, the ’053 Accused Instrumentalities provides constructing a graphical user interface that includes one or more selectable links arranged in accordance with the sequence, the one or more selectable links including a first, second and third selectable link, wherein constructing the graphical user interface comprises constructing the first selectable link for the selected graphical menu item followed by constructing the second selectable link for the

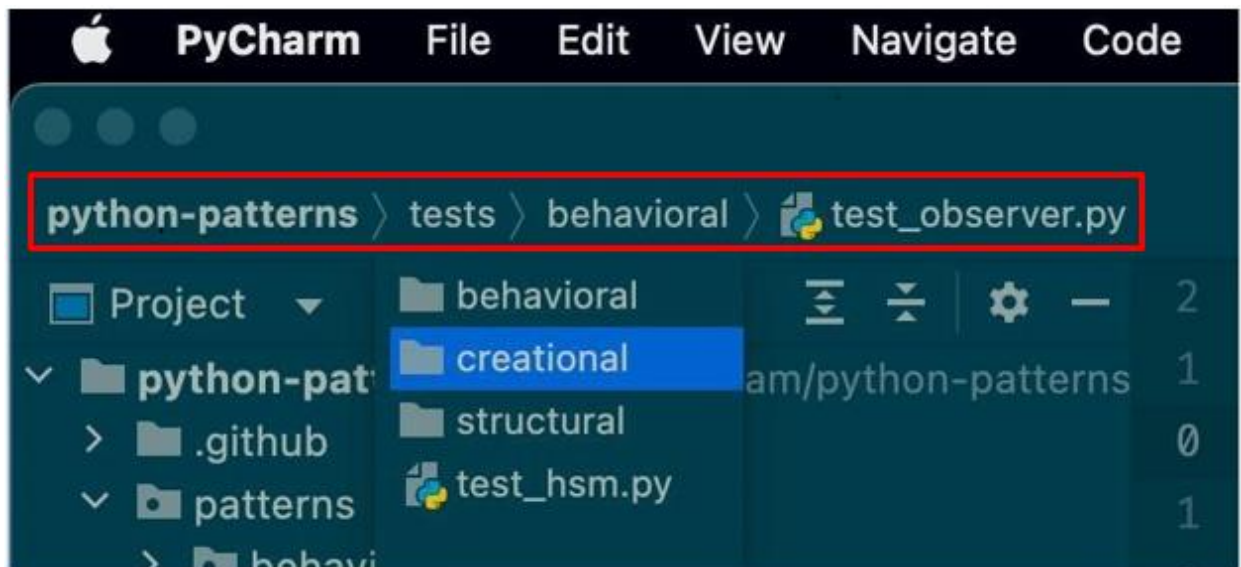
selected sibling menu item and subsequently constructing the third selectable link for the selected children menu item (e.g., “Products” is the first selectable link, “Tests” is the second selectable link, and “Behavioral” is the third selectable link, and the first selectable link for the selected graphical menu item is followed by constructing the second selectable link for the selected sibling menu item and subsequently constructing the third selectable link for the selected children menu item), which Defendants use in the United States, as shown below:



See, e.g., PyCharm Integrated Development Environment (“IDE”), available for download at <https://www.jetbrains.com/pycharm/> (last visited May 25, 2022) (annotated; showing a test file “python-patterns – test_observer.py” by Defendants JBSRO, JBA, and JBI created by Defendants JBSRO, JBA, and JBI and how Defendants JBSRO, JBA, and JBI used the Project Tree/Tool to construct the NavBar (e.g., “python-patterns > tests > behavioral > test_observer.py”) and used the NavBar to navigate certain menus and items (e.g., “behavioral,” “creational,” “structural,” and “test_hsm.py”) under the active link “tests”).

122. Also, the ’053 Accused Instrumentalities provides each of the one or more selectable links representing one of the selected graphical, sibling, or children menu item and

configured to, in response to selection of the selectable link, displaying at least one menu item of the plurality of graphical menu items, the one or more sibling menu items, or the one or more children menu items, wherein the at least one displayed menu item is in the same hierarchical level as the selected graphical, sibling or children menu item represented by the selectable link; provide, in the graphical user interface, the one or more sibling menu items within the first hierarchical level or the one or more children menu items within the second hierarchical level, and enable selection, via the graphical user interface, of the one or more sibling menu items within the first hierarchical level or the one or more children menu items within the second hierarchical level (e.g., selecting “Tests” via the graphical user interface displays one or more children menu items such as “Behavioral,” “Creational,” and “Structural”), which Defendants use in the United States, as shown below:



See, e.g., PyCharm Integrated Development Environment (“IDE”), available for download at <https://www.jetbrains.com/pycharm/> (last visited May 25, 2022) (annotated; showing a test file “python-patterns – test_observer.py” by Defendants JBSRO, JBA, and JBI created by Defendants JBSRO, JBA, and JBI and how Defendants JBSRO, JBA, and JBI used the Project

Tree/Tool to construct the NavBar (e.g., “python-patterns > tests > behavioral > test_observer.py”) and used the NavBar to navigate certain menus and items (e.g., “behavioral,” “creational,” “structural,” and “test_hsm.py”) under the active link “tests”).

123. Discovery is expected to uncover the full extent of Defendants’ infringement of the ’053 Patent beyond use of the ’053 Accused Instrumentalities already identified through public information, including evidence and claim charts presented in Plaintiffs’ Preliminary Infringement Contentions served on March 31, 2023 and Supplemental Infringement Contentions served on August 6, 2023 and Second Supplemental Infringement Contentions served on October 10, 2023, all of which are incorporated herein by reference.

124. Upon information and belief, Defendants JBSRO, JBA, and JBI, either individually or in concert with each other, induced others to infringe at least Claims 1-6, 8-10, and 12-17 of the ’053 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to their new, current, and prospective users, partners, customers and other third parties, whose use of the accused breadcrumb and navigational functionality of the ’053 Accused Instrumentalities constitutes direct infringement of at least Claims 1-6, 8-10, and 12-17 of the ’053 Patent.

125. In particular, Defendants’ actions that aid and abet others such as their new, current, and prospective users, partners, customers and third parties to infringe include advertising the ’053 Accused Instrumentality. On information and belief, Defendants have engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because at least Defendants JBSRO, JBA and JBI through Defendant JBSRO or its counsel, have had actual knowledge of the ’053 Patent and knowledge that their

acts were inducing infringement of the '053 Patent since at least June 28, 2021 (the date on which Defendant JBSRO received Plaintiffs' June 28, 2021, notice letter) that such activities infringed the '053 Patent.

126. Defendants' acts of inducement include, without limitation: providing the '053 Accused Instrumentalities to their new, current, and prospective users, partners, and customers, and other third parties and intending them to use the accused breadcrumb and navigational functionality of the '053 Accused Instrumentalities that enable and make use of content published therein; encouraging customers and other third parties to communicate directly with JetBrains' representatives about the '053 Accused Instrumentalities and content published therein for purposes of technical assistance as well as sales and marketing (*see, e.g.*, <https://www.jetbrains.com/help/pycharm/settings-editor-breadcrumbs.html> (providing consumers with a technical support portal through which technical issues and concerns regarding the '053 Accused Instrumentalities can be addressed); *see, e.g.*, <https://www.jetbrains.com/help/pycharm/getting-help.html> (providing contact information for technical support regarding the '053 Accused Instrumentalities); *see also id.* (providing a community platform for discussing the '053 Accused Instrumentalities or content published therein); *see also* <https://www.facebook.com/PyCharm> (encouraging customers and other third parties to use the '053 Accused Instrumentalities to develop); *see also* <https://www.youtube.com/watch?v=NoDx0MEESDw> (recommending potential customers and other third parties use the '053 Accused Instrumentalities to program and write code); *see also* providing press releases encouraging customers and other third parties to use the '053 Accused Instrumentalities to develop software (for example, providing an URL (www.jetbrains.com) to the "JetBrains" main webpage that offers the '053 Accused Instrumentalities for sale).

127. Defendants performed acts of inducement despite their actual knowledge since at least June 28, 2021 (the date on which Defendants received Plaintiffs' June 28, 2021, notice letter) and their knowledge that the specific actions they actively induced on the part of their users, partners, and customers, and other third parties constitute infringement of the '053 Patent. At the very least, because Defendants were on notice of the '053 Patent and the accused infringement, they were willfully blind regarding the infringement that they induced.

128. Additionally, or alternatively, to the extent any third parties or end-users perform are required to perform one or more steps recited in Claims 1-6, 8-10, and 12-17 of the '053 patent, any such action by such third parties and end-users is attributable to Defendants JBSRO, JBA, and JBI such that Defendants are liable for jointly infringing such claims in a multiple actor or joint infringement situation, because Defendants, individually or in concert with each other, direct or control the other actor(s). In this regard, Defendants, individually or in concert with each other, condition participation in activities, as well as the receipt of benefits, upon performance of any such step by any such third party or end user. Defendants, individually or in concert with each other, exercise and direct control over the one or more steps performed by the '053 Accused Instrumentalities, by exercising sole direction over the entire infringing process (e.g., by conditioning participation by such third parties and end-users through the use of the '053 Accused Instrumentalities as the primary means of navigation)—and benefits from third parties' and end-users' use, including, without limitation, creating and receiving ongoing revenue streams from their sales of the '053 Accused Instrumentalities, improving, enhancing, promoting, or advertising their products and services, through the use of the '053 Accused Instrumentalities, including their website and navigation structures, improving user experience and engagement, improving web page performance, and increasing cross-sell conversion

opportunities. End-users and third parties receive a benefit from fiscal gains (e.g., customers, partners, visitors, and users increasing the value of their own products and services through the use of the '053 Accused Instrumentalities) and enhanced navigation (e.g., end-users and third parties are able to navigate to find, locate, and discover existing and new products and services), including receiving clear orientation cues to help third parties and, or alternatively, end-users identify their exact location within products implementing the '053 Accused Instrumentalities, and finding existing products/services, learning about new ones, and discovering other products or services not previously known to those third parties and end-users (and their customers and their users), and doing so with greater ease and control. Defendants, individually or in concert with each other, also establish the manner and timing of that performance by such third-parties and end-users, as dictated by the claimed method—by deploying the accused functionalities (e.g., the navigation bar or “NavBar” functionality and Project Tree/Tool utilized by the Accused Instrumentalities) as the primary means of navigation for browsing and reviewing content including but not limited to source code, websites, databases, and folder structures implementing the '053 Accused Instrumentalities. All third-party and end-user involvement, if any, is incidental, ancillary, or contractual.

129. Additionally or alternatively, Defendants JBSRO, JBA, and JBI, either individually or in concert with each other, directly infringed at least Claims 1-6, 8-10, and 12-17 of the '053 Patent literally or under the doctrine of equivalents, by importing into the United States, or using, selling, and offering for sale in the United States the Accused Instrumentalities, which are made using the patent methods of the '053 Patent, without authority or license, in violation of 35 U.S.C. § 271(g). On information and belief, the Accused Instrumentalities are made with an integrated development environment comprising a breadcrumb and navigation

functionality that infringed at least Claims 1-6, 8-10, and 12-17 of the '053 Patent. Defendants JBSRO, JBA, and JBI import the '053 Accused Instrumentalities into the United States for sales and distribution to customers located in the United States in violation of 35 U.S.C. § 271(g). On information and belief, Defendants JBSRO, JBA, and JBI offer for sale and sell the '053 Accused Instrumentalities in the United States in violation of 35 U.S.C. § 271(g). For example, Defendants JBSRO, JBA, and JBI provide direct sales through their own sales channels and their distributors or contract manufacturers and sell the '053 Accused Instrumentalities to businesses and individual customers, including software developers and teams. On information and belief, these direct sales include sales of the '053 Accused Instrumentalities in the United States. On information and belief, these direct sales include sales of the '053 Accused Instrumentalities to customers who reside in the United States and through servers located in or accessed from the United States. On information and belief, Defendants JBSRO, JBA, and JBI offer the '053 Accused Instrumentalities for sale in the United States. For example, Defendants JBSRO, JBA, and JBI engage in sales, marketing, and contracting activity in the United States. As another example, Defendants JBSRO, JBA, and JBI engage in sales, marketing, and contracting activity with the United States offices or residences of their customers.

130. Defendants' infringement of Claims 1-6, 8-10, and 12-17 of the '053 Patent under Section 271(g) is further supported by their own representation that JBSRO "makes software, and Jetbrains Americas, Inc. is a U.S. sales support organization that sells the software in the United States to customers in the United States." *See* Jul. 6, 2023 Hr. Tr. at 3:18-24.

131. For at least the foregoing reasons, Defendants JBSRO, JBA, and JBI directly, indirectly, and jointly infringed the '053 Patent and are thus liable for infringement of the '053 Patent pursuant to 35 U.S.C. § 271(a), (b) and (g).

132. Plaintiffs have suffered damages as a result of Defendants' infringement of the '053 Patent.

133. Defendants continued to infringe the '053 Patent since at least June 28, 2021 (the date on which Defendants received Plaintiffs' June 28, 2021, notice letter) and until the expiration of the '053 patent despite being on notice of the '053 Patent and its infringement. Defendants therefore infringed the '053 Patent knowingly, willfully, deliberately, and in disregard of Plaintiffs' patent rights since at least June 28, 2021 (the date on which Defendants received Plaintiffs' June 28, 2021, notice letter), at least by infringing with actual knowledge of their direct and indirect infringement or while remaining willfully blind to the fact of their direct and indirect infringement. As a result of at least this conduct, Plaintiffs are entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35 U.S.C. § 285.

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand judgment for themselves and against Defendants JBSRO, JBA, and JBI as follows:

a. A judgment that Defendants JBSRO, JBA, and JBI, individually or in concert with each other, infringed one or more claims of each of the Asserted Patents;

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

DEMAND FOR JURY TRIAL

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

Dated: March 8, 2024

DEVLIN LAW FIRM LLC

/s/ Timothy Devlin

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