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

WEB 2.0 TECHNOLOGIES, LLC,	
Plaintiff,	**Civil Action No. _____**
v.	
TRELLO, INC.,	**DEMAND FOR JURY TRIAL**
Defendant.	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Web 2.0 Technologies, LLC ("Web 2.0 Technologies" or "Plaintiff") files this Complaint against Defendant Trello, Inc. ("Defendant" or "Trello"), seeking damages and other relief for patent infringement, and alleges with knowledge to its own acts, and on information and belief as to other matters, 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 Web 2.0 Technologies, LLC ("Web 2.0 Technologies") is a Texas limited liability corporation with its principal place of business at 5900 Balcones Dr., Ste. 100, Austin, TX 78731-4298.

3.   Plaintiff Web 2.0 Technologies is the owner by assignment of 100% interest in the Asserted Patents.

4.   On information and belief, Defendant Trello Inc. ("Trello") is a corporation organized and existing under the laws of Delaware, with its principal place of business at 55 Broadway 25th Floor, New York, NY 10006. Trello is registered with the State of Delaware and may be served with process through its registered agent, Corporation Service Company, 251 Little Falls Drive, Wilmington, DE 19808.

JURISDICTION AND VENUE

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

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

7.   Defendant Trello is subject to this Court's general personal jurisdiction at least because Trello is a Delaware corporation.

8.   Defendant Trello is additionally subject to this Court's general and specific personal jurisdiction because Trello has sufficient minimum contacts within the State of Delaware and this District, pursuant to due process and/or the Delaware Long Arm Statute, Del. Code. Ann. Tit. 3, § 3104.   On information and belief, Defendant Trello contracted with one or more Delaware residents in this District and one or both parties performed the contract at least in part in the State of Delaware and this District; Trello committed the tort of patent infringement in the State of Delaware and this District; Trello purposefully availed itself of the privileges of conducting business in the State of Delaware and in this District; Trello regularly conducts and solicits business within the State of Delaware and within this District; Plaintiff's causes of action arise directly from Trello' business contacts and other activities in the State of Delaware and this District; and Trello distributes, makes available, imports, sells and offers to sell products and services throughout the United States, including in this judicial District, and introduces

infringing products and services that into the stream of commerce knowing that they would be used and sold in this judicial district and elsewhere in the United States.

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

10.   On information and belief, Trello sells and offers 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.

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

12.   Venue is proper in this judicial district under 28 U.S.C. § 1391 and 28 U.S.C. § 1400(b). On information and belief, Trello is a Delaware corporation. On information and belief, Trello's acts of infringement have taken place within this District.

13.   Additionally, Trello—directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents—ships, distributes, offers for sale, and/or sells its products and services in the United States and this District. Trello 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 and/or intent that they will be purchased by consumers in this District. Trello knowingly and purposefully ships infringing products into, and within, this District. These infringing products have been, and continue to be, purchased by consumers and businesses in this District.

THE ASSERTED PATENTS

14.   On March 13, 2007, the United States Patent and Trademark Office ("USPTO") duly and legally issued U.S. Patent No. 6.845,448 ("the '448 Patent"), entitled "Online Repository for Personal Information." A copy of the '448 Patent is attached hereto as Exhibit 1.

15.   Plaintiff owns all substantial right, title, and interest in the '448 Patent, and holds the right to sue and recover damages for infringement thereof, including past infringement.

16.   On February 14, 2012, the USPTO duly and legally issued U.S. Patent No. 8,117,644 ("the '644 Patent"), entitled "Method and System for Online Document Collaboration." A copy of the '644 Patent is attached hereto as Exhibit 2.

17.   Plaintiff owns all substantial right, title, and interest in the '644 Patent, and holds the right to sue and recover damages for infringement thereof, including past infringement.

COUNT I - INFRINGEMENT OF U.S. PATENT NO. 6,845,448

18.   Plaintiff incorporates and realleges the preceding paragraphs as if fully set forth herein.

19.   The '448 Patent is directed to a method and system for gathering, storing personal information on a server computer and releasing such information to authorized requesters, as described and claimed in the '448 Patent.

20.   Defendant has and continues to directly and jointly (e.g., with its users and customers) infringe at least Claim 1 of the '448 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by, among other things, by making, using, selling, offering to sell, and/or importing in or into the United States, without authority, applications to provide a method for automatically sharing portions of personal information with authorized invited members via products offered by Trello on its website (hereinafter, the "'448 Accused Instrumentalities") as shown below, for example:
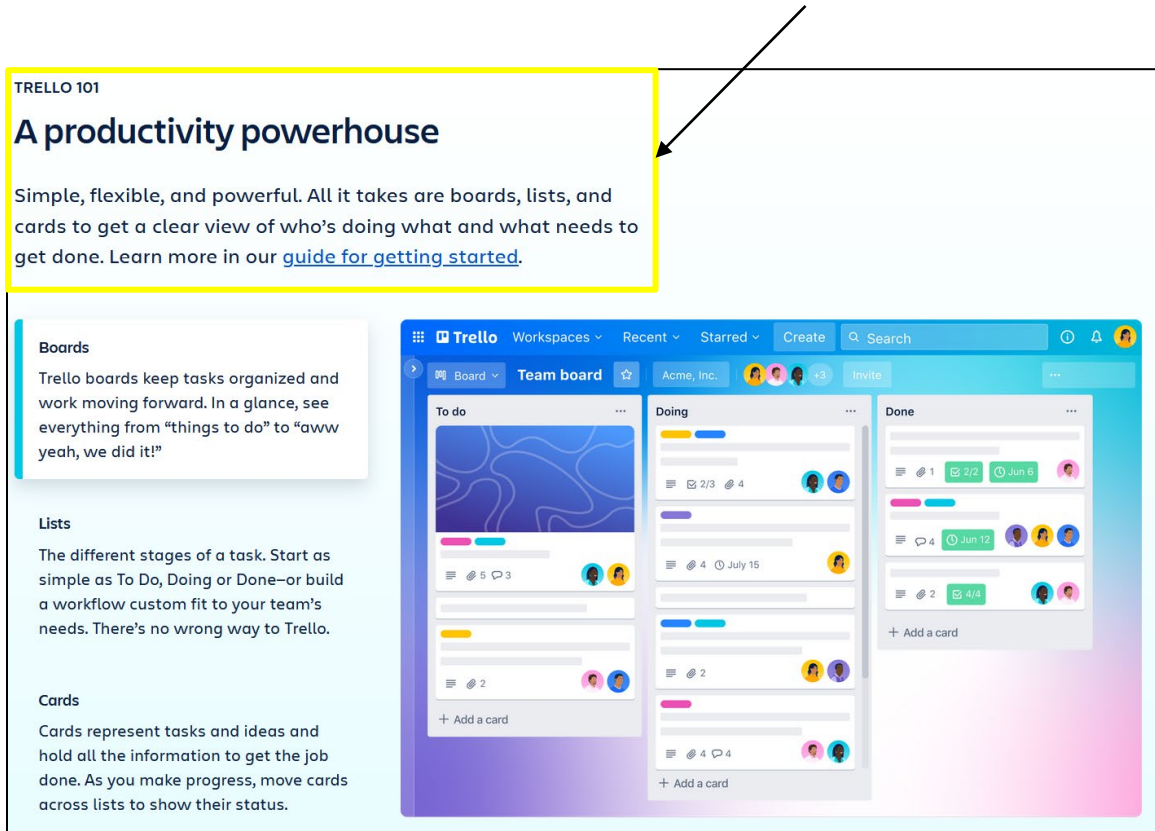
See e.g., https://trello.com (last visited Jan. 12, 2023)(annotated)(Trello products offered for sale, such as project management visual applications and other Trello products).

See, e.g., https://trello.com(last visited Jan. 12, 2023)(annotated).
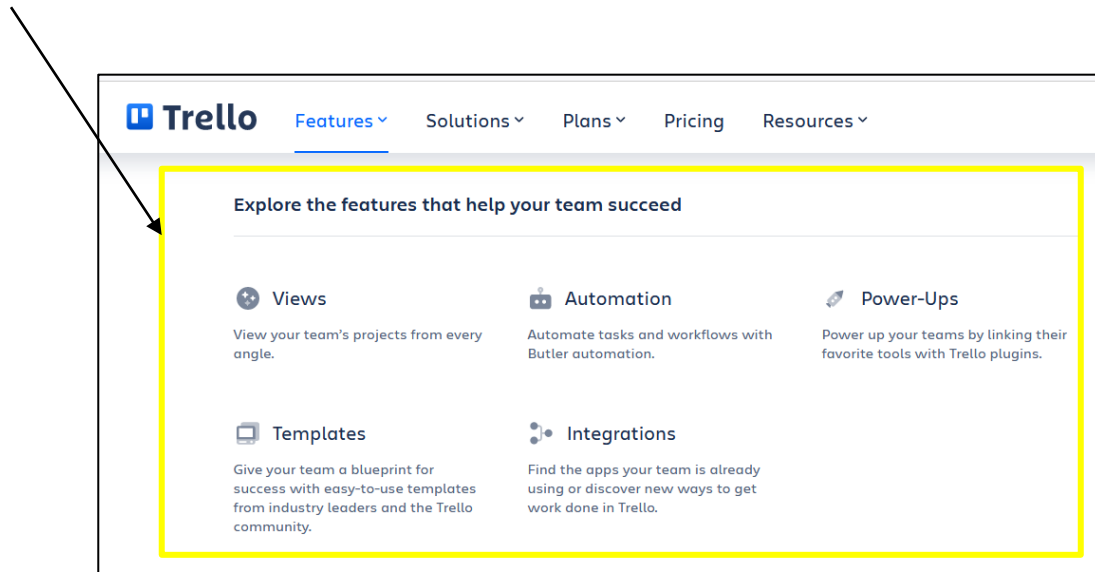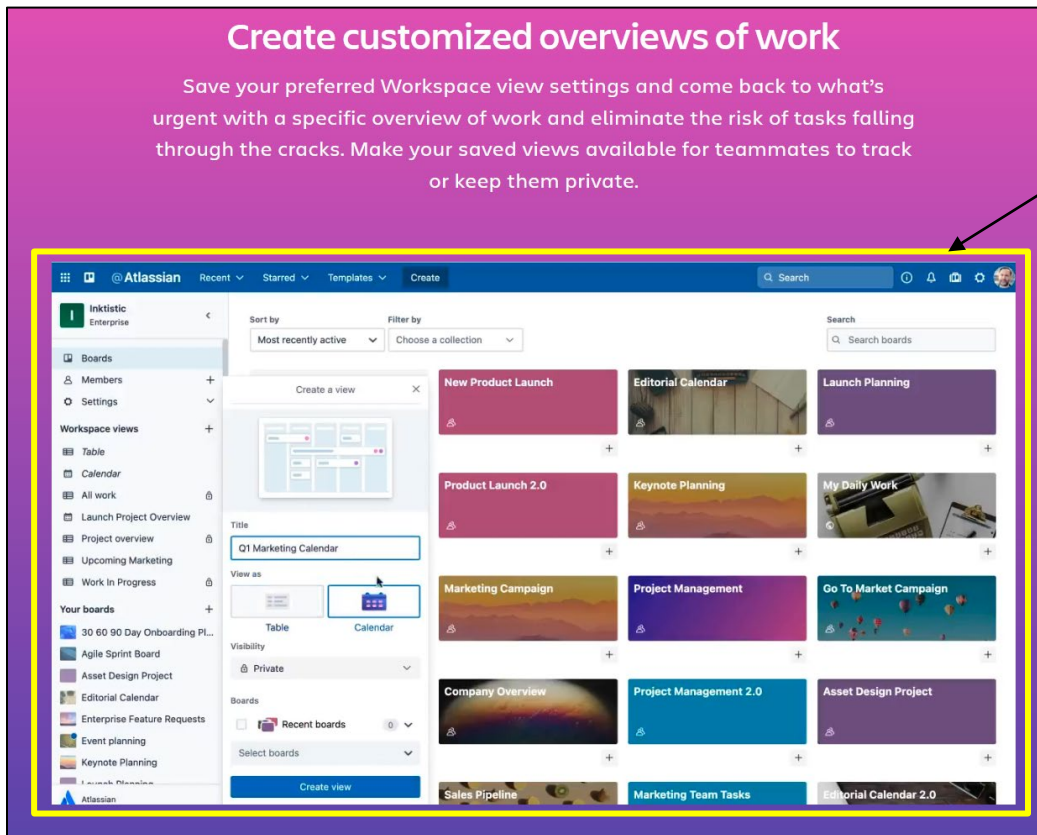
See, e.g., https:// trello.com/views/workspace (last visited Jan. 12, 2023)(annotated).

21.   By way of example, the '448 Accused Instrumentalities provide a method for automatically disbursing a first party's personal information to a second party upon request and authorized by the first party by transmitting said first party's personal information from a server computer operated by a service provider, said server computer coupled to a database. For example, the '448 Accused Instrumentalities allow a first party using the '448 Instrumentalities to include any information, including personal information, on the selected Trello project management board, which can then be shared with or transmitted to the authorized second party if the second party is authorized as a member of a Trello Workspace Board. The is shown below, for example:

Admin privileges

Workspace administrators can view, manage, and close all Workspace boards, even if they are not the original creator of the board. This is helpful when a board admin leaves a Workspace and a new admin needs to be assigned. If you are a Workspace admin, you can see all Workspace boards on the **boards page** of your Workspace, even private Workspace boards.

Jane
@janetrail   Activity   Admin ⊙   × Leave

Control Workspace and board permissions

Premium lets you control your Workspace in several ways. You can control the visibility of boards created in your Workspace, restrict Workspace invites by domain or email address, as well as tweak board invitation permissions. You can read more about those permissions here.

See, e.g., https://support.atlassian.com/trello/docs/trello-premium-user-guide/ (last visited Jan. 12, 2023)(annotated).

See, also, e.g., https:// https://support.atlassian.com/trello/docs/setting-up-your-premium-workspace/#3.-Visibility-and-control/ (last visited Jan. 12, 2023)(annotated).

22.   In addition, the '448 Accused Instrumentalities allow a project owner to set up "role based access control" that allows team members (second users) to access information about certain roles assigned by an administrator, as shown below:

Set up role based access control

ℹ **Role based access control** is available to any organization that has a page on a Business, Corporate, Enterprise, or Audience Specific plan. Only Statuspage product admins can grant and manage role permissions.

Please note that any users invited through admin.atlassian.com will be granted all page and role permissions by default.

With role based access control, there are 3 additional roles for each page users can be granted access to:

Manage incidents

- Post, update, and edit incidents and templates

Manage maintenances

- Post, update, and edit maintenances and templates

Configure page

- Add and edit components and subscribers
- Set up app integrations and metrics
- Customize pages and emails
- Edit page information and page type settings

Take these steps to select which roles for pages on your site that team members should have access to.

1. Click your avatar in the top right of the Statuspage management interface.
2. Select **Users** from the menu.
3. Find a team member to set permissions for and select **Edit permissions**.
4. Select at least one page to grant this team member access to.
5. Select the roles listed beneath each page that you want them to have access to.
6. Select **Save**.

The team member will now have access to the pages and roles the account owner selected for them. User permissions can be edited by the account owner at any time, and the changes will take effect immediately.

If a user is granted access to a page, but none of the roles, then they will have read-only permissions for that page. Users are able to see the roles they have for each page under their **Profile** page, but are not able to edit their permissions. Admin users have access to all pages and roles by default.

See e.g., https://support.atlassian.com/trello/docs/setting-up-your-premium-workspace/#3.-Visibility-and-control (last visited Jan. 12, 2022)(annotated).

23.   The '448 Accused Instrumentalities provide that once permitted, the second party can access the first party's personal information on Trello's server computer, which is coupled to a database, automatically, as shown below:
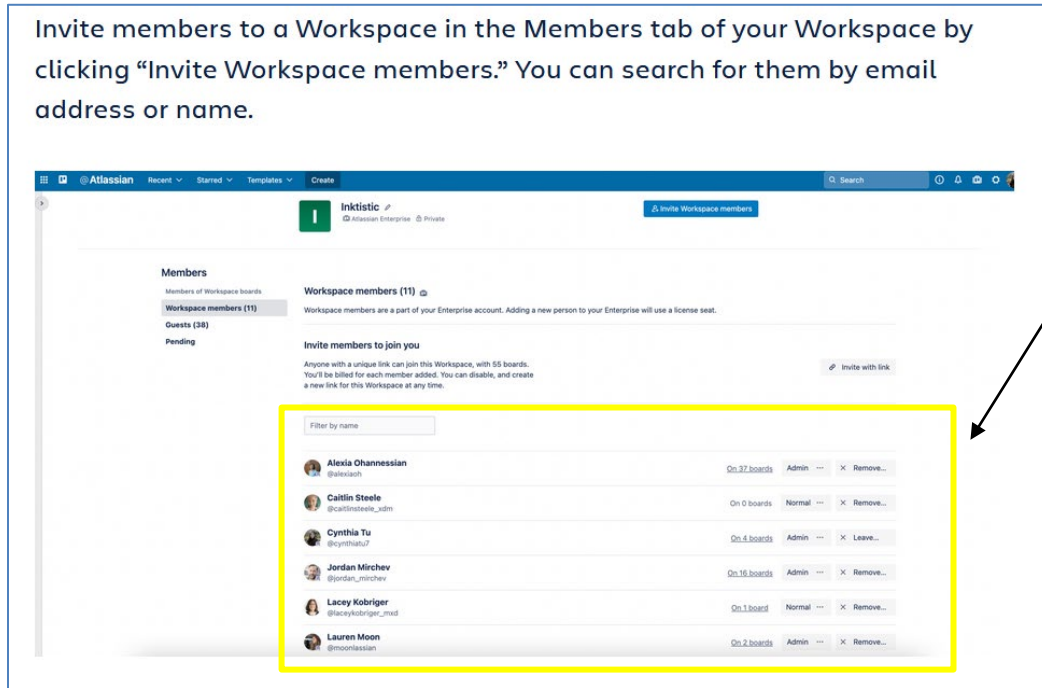
See e.g., https://trello.com/guide/onboard-team#what-is-a-workspace (last visited Jan. 12, 2022)(annotated).

24.   If the requesting second party does not have an access level to allow viewing certain personal information related to a project offered by the '448 Accused Instrumentalities –

having appropriate permissions – the requesting second party's request for such information is rejected.

See, e.g., https://support.atlassian.com/trello/docs/setting-up-your-premium-workspace/#3.-Visibility-and-control (last visited Jan. 12, 2023)(annotated).

25.   Discovery is expected to uncover the full extent of Defendant's infringement of the '448 Patent beyond the '448 Accused Instrumentalities already identified through public information.

26.   Defendant has had actual knowledge of the '448 Patent since on or about June 15, 2021, the date on which Defendant received notice from Plaintiffs that such activities infringed the '448 Patent.

27.   Defendant has directly and jointly infringed the '448 Patent and is thus liable for direct and joint infringement of the '448 Patent pursuant to 35 U.S.C. § 271.

28.   Plaintiff has suffered, and continue to suffer, damages as a result of Defendant's infringement of the '448 Patent.

29.   Defendant has continued to infringe the '448 Patent since at least June 15, 2021 (the date on which Defendant received Plaintiff's June 15, 2021, notice letter) despite being on notice of the '448 Patent and its infringement. Defendant has therefore infringed the '448 Patent knowingly, willfully, deliberately, and in disregard of Plaintiff's patent rights since at least June 15, 2021 (the date on which Defendant received Plaintiff's June 15, 2021, notice letter), at least by infringing with actual knowledge of its direct infringement or while remaining willfully blind to the fact of its direct infringement. As a result of at least this conduct, Plaintiff is entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35 U.S.C. § 285.

30.   Plaintiff reserves the right to modify its infringement theories as discovery progresses in this case. Plaintiff shall not be estopped for purposes of its infringement contentions or its claim constructions by the foregoing discussions on how the '448 Accused Instrumentalities infringe the '448 Patent. Plaintiff intends 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 Plaintiff's preliminary or final infringement contentions or preliminary or final claim construction positions.

COUNT II - INFRINGEMENT OF U.S. PATENT NO. 8,117,644

31.   Plaintiff incorporates and realleges the preceding paragraphs as if fully set forth herein.

32.   The '644 Patent is directed to method and system for online document collaboration, as described and claimed in the '644 Patent.

33.   Defendant has and continues to directly and jointly infringe at least Claim 1 of the '644 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, making, using, selling, offering to sell, and/or importing in or into the United States, without authority, applications that facilitate secure collaboration on editing, viewing and sharing documents online with multiple parties, including, without limitation, collaboration products such as such as project management boards and other Trello products and content offered for sale and use via https://trello.com/ (including all sub-web pages) and maintained on servers located in and/or accessible from the United States under the control of Defendant (hereinafter, the "'644 Accused Instrumentalities"), as shown below:
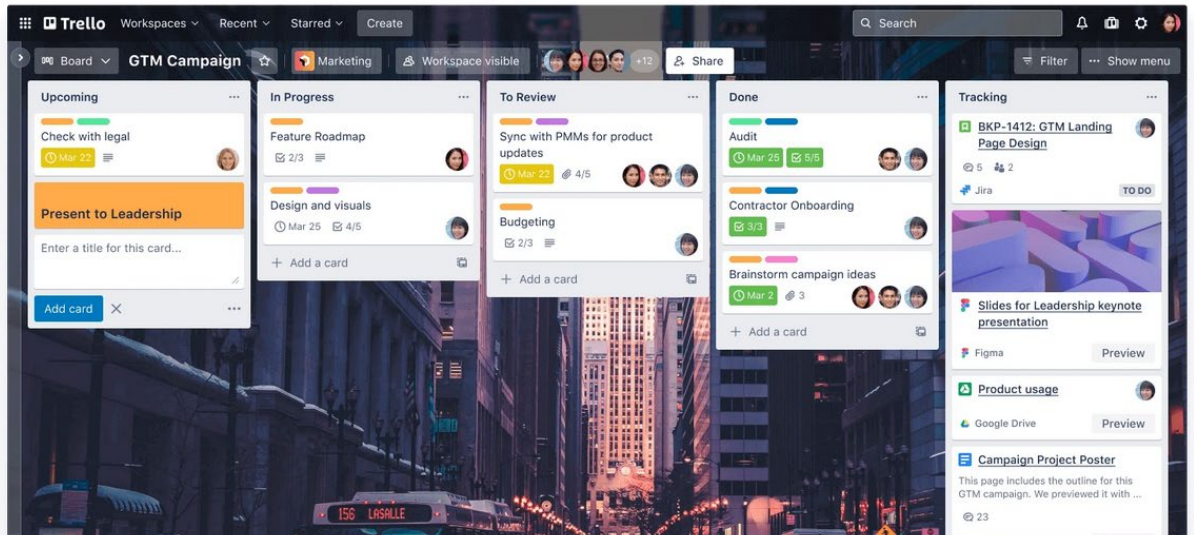
See, e.g., https://trello.com(last visited Jan. 12, 2022)(annotated).

See, e.g., https://trello.com/teams/engineering (last visited Jan. 12, 2022)(annotated).

34.   By way of example, the '644 Accused Instrumentalities provide an online document collaboration method between a Trello member and a Trello product user, such as a project management board user, and other authorized Trello members who have been assigned different levels of security and access to the Trello products by the project creator, including restricted access from certain IP addresses, as shown below:
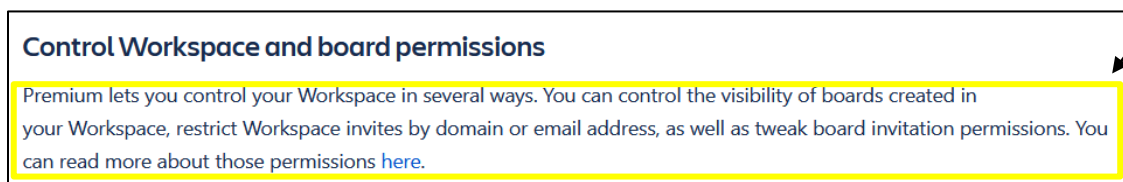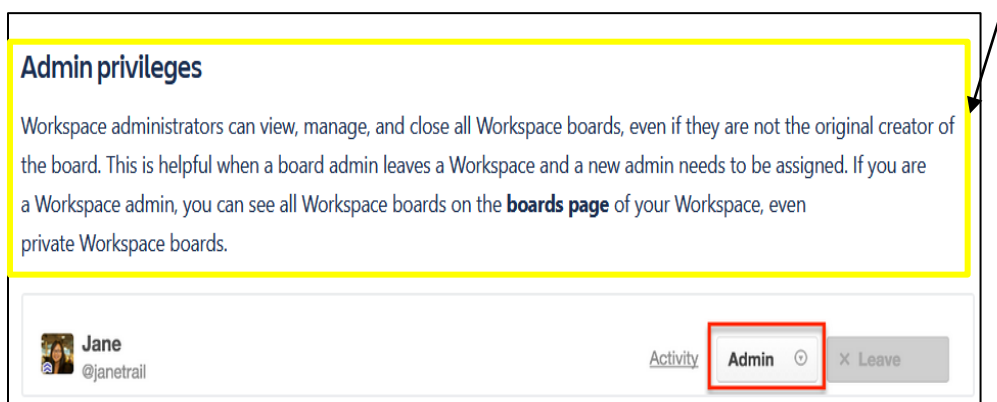
See, e.g., https://support.atlassian.com/trello/docs/trello-premium-user-guide/ (last visited Jan. 12, 2023)(annotated).

35.   More specifically, the '644 Accused Instrumentalities provide a platform of online applications, such as project management, that allow a user to create documents stored on a server; restrict the use of its board by a first group of users so they may only view, comment, edit, or have no access to the project for content access/editing; and allow a second user, who has second user identification information in the form of a name and access level identification (roles) for a project with suitable permissions to attempt to modify an existing Trello workspace by selecting a Trello workspace and requesting access to the Trello workspace, as shown below:

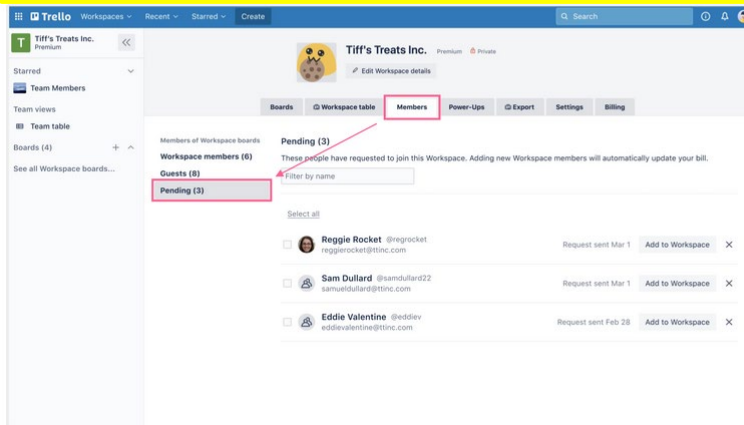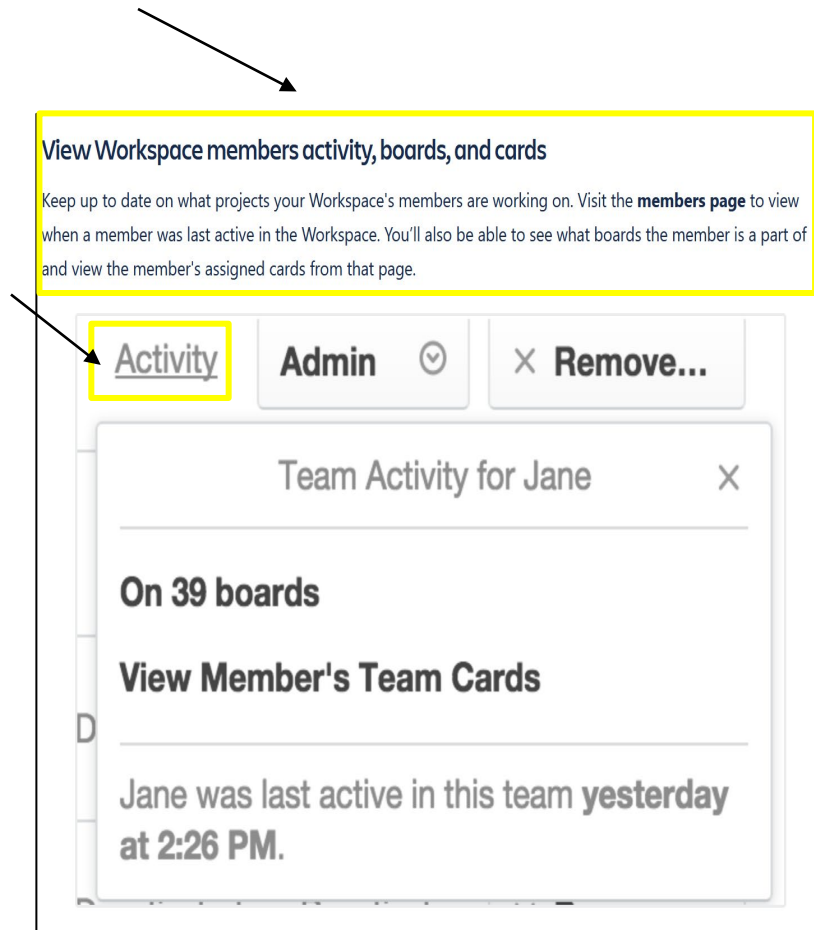*See, e.g.*, https://support.atlassian.com/trello/docs/request-workspace-membership-as-a-guest/

(last visited Jan. 12, 2023)(annotated).

36.   If the second user requesting to modify the Trello Project Management document, created by the first user, is approved as a Member of the workspace, the second user may modify the Trello document, as shown below:
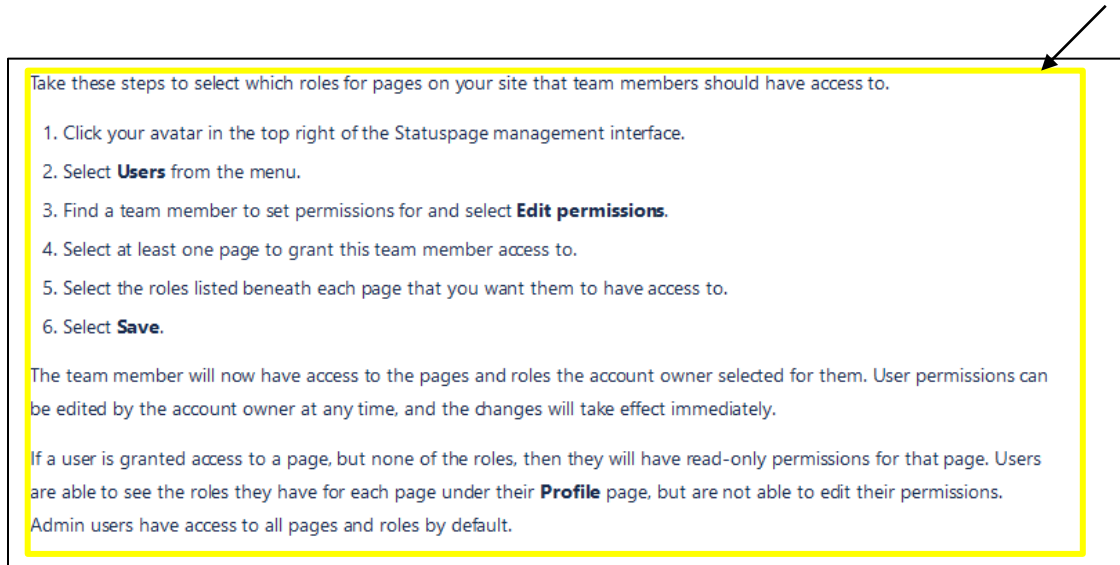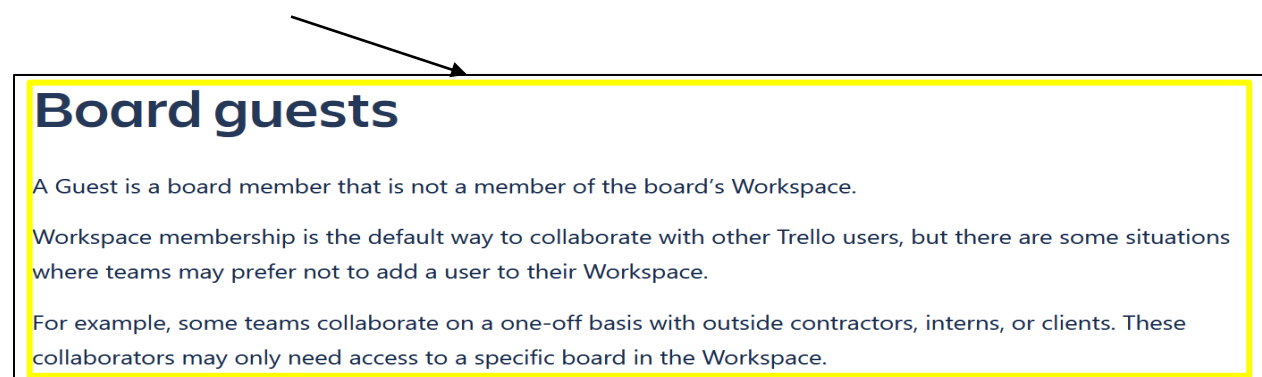

See, e.g., https://support.atlassian.com/trello/docs/setting-up-your-premium-workspace/#3.-Visibility-and-control (last visited Jan. 12, 2023)(annotated).

37.   The '644 Accused Instrumentalities store identifying information of the one or more users who approved or disapproved the modifications to the document, by providing an "Activity" tab on a member's page showing changes to project documents, as shown below:

See, e.g., https://support.atlassian.com/trello/docs/trello-premium-user-guide/ (last visited Feb. 17, 2023)(annotated).

> **What can a guest do?**
>
> A guest is a normal board member by default and can make changes to the board just like other normal board members. Premium and Enterprise Workspaces can also turn a guest into a read-only observer for more granular control over a guest's ability to edit the board.

See, e.g., https://support.atlassian.com/trello/docs/board-guests/ (last visited Feb. 17, 2023)(annotated).

38.   Defendant has had actual knowledge of the '644 Patent since at least June 15, 2021 (the date on which Defendant received Plaintiff's June 15, 2021, notice letter) that such activities infringed the '644 Patent.

39.   Defendant has directly and jointly infringed the '644 Patent and is thus liable for direct and joint infringement of the '644 Patent pursuant to 35 U.S.C. § 271.

40.   Plaintiff has suffered, and continues to suffer, damages as a result of Defendant's infringement of the '644 Patent.

41.   Defendant has continued to infringe the '644 Patent since at least June 15, 2021 (the date on which Defendant received Plaintiff's June 15, 2021, notice letter), despite being on notice of the '644 Patent and its infringement. Defendant has therefore infringed the '644 Patent knowingly, willfully, deliberately, and in disregard of Plaintiff's patent rights since at least June 15, 2021 (the date on which Defendant received Plaintiff's June 15, 2021, notice letter), at least by infringing with actual knowledge of its direct infringement or while remaining willfully blind to the fact of its direct 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.

42.   Plaintiff reserves the right to modify its infringement theories as discovery progresses in this case. Plaintiff shall not be estopped for purposes of its infringement contentions or its claim constructions by the foregoing discussions on how the '644 Accused Instrumentalities infringe the '644 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 Plaintiff's preliminary or final infringement contentions or preliminary or final claim construction positions.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment for itself and against Defendant as follows:

a.   A judgment that Defendant has directly and jointly infringed, and continues to infringe, one or more claims of each of the Asserted Patents;

b.   A judgment awarding Plaintiff all damages adequate to compensate for Defendant's infringement, and in no event less than a reasonable royalty for Defendant's acts of infringement, including all pre-judgment and post-judgment interest at the maximum rate allowed by law;

c.   A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding Plaintiff its reasonable attorneys' fees; and

d.   A judgment awarding Plaintiff 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, Plaintiff demands a trial by jury of this action.

Dated: March 27, 2023   DEVLIN LAW FIRM LLC

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