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

## WEB 2.0 TECHNOLOGIES, INC.,

Plaintiff,

Civil Action No.

v.

ZENDESK, 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 Zendesk, Inc. ("Defendant" or "Zendesk"), 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

 Plaintiff Web 2.0 Technologies, Inc. ("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.

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4. On information and belief, Defendant Zendesk, Inc. ("Zendesk") is a corporation organized and existing under the laws of Delaware, with its principal place of business at 1019 Market Street, San Francisco, CA 94103. Zendesk is registered with the State of Delaware and may be served with process through its registered agent, RL&F Service Corp., 920 N King Street, FL 2, Wilmington, DE 19801.

### 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 Zendesk is subject to this Court's general personal jurisdiction at least because Zendesk is a Delaware corporation.

8. Defendant Zendesk is additionally subject to this Court's general and specific personal jurisdiction because Zendesk 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 Zendesk 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; Zendesk committed the tort of patent infringement in the State of Delaware and this District; Zendesk purposefully availed itself of the privileges of conducting business in the State of Delaware and in this District; Plaintiff's causes of action arise directly from Zendesk' business contacts and other activities in the State of Delaware and this Distributes, makes available, imports, sells and offers to sell products and services throughout the United States, including in this judicial District, and

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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 Zendesk 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, Zendesk 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 Zendesk in this action comports with due process. Zendesk has conducted and regularly conducts business within the United States and this District. Zendesk 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. Zendesk 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, Zendesk 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, Zendesk is a Delaware corporation. On information and belief, Zendesk's acts of infringement have taken place within this District.

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13. Additionally, Zendesk—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. Zendesk 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. Zendesk 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 "OnlineRepository 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 DocumentCollaboration." 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.

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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 Zendesk , such as Zendesk Chat, on its website (hereinafter, the "'448 Accused Instrumentalities") as shown below, for example:

zendesk	Products	Pricing	Solutions	Demo	Resources	Free trip
Chan of cus	Zendesk for ser The complete serv Zendesk for sale The modern sales	ice solution	Sunshine Platform Fast, open, and flexible Marketplace Apps, integrations, and partner	s softwo	akes customer ser are to meet custor up for success, and sync.	ner needs, set
servic	e			Free trial	View demo	

*See e.g.*, <u>https://www.zendesk.com</u> (last visited Jan. 18, 2023)(annotated)(Zendesk products offered for sale, such as sales, CRM, apps and other Zendesk products).

	een New Ticket #1234		
Requester		Conversation with Riley Green  Chat active	70:
🚯 Riley Green			
Select assignee	take it	Riley Green via WhatsApp	Today at 9:00 AM
Support/Alex S	mith ×	<ul> <li>Hi, I think something is wrong with m help me fix it?</li> </ul>	y product, can you
Followers	follow	Alex Smith via WhatsApp	Today at 9:00 Al
		Let me look into this, do you mind tel the issue?	ling me more about
Tags			
vip order delive	ery		
Туре	Priority		
Problem	High		
Problem Business impact	High		
		🖓 Chat 🗸	End chat
About*			

*See, e.g.*, https://www.zendesk.com/agent-workspace-tour/?ref=392&demoStep=personal (last visited Jan. 18, 2023)(showing a Zendesk CRM customer support Chat app).

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 Zendesk app, which can then be shared with or transmitted to the authorized second party if the second party is authorized with sufficient permissions in a role in a Zendesk customer support app. This is shown below, for example:

••		3
o Online 💦 🗸	Hello, Megan!	See what's new
Home Veitors History	Weiget     Tribed and outomize the chat widget on your website     In the chats you have with outomers     In the chats you have with outomers     Interview of the chats you have with outomers     Interview of the chats you have with outomers	Latest Zendesk Chat Updates Aug 08 - Zendesk Message - Schedule Juli 17 - Nev features, plans, and pack Juli 17 - Announcing Zandesk Mag Juli 17 - Announcing Zandesk Mag
l Analytics 5 Monitor 3 Settings -	Website Analytics Newly Daily Weekly Munitity	Diganize your Organize your Organize your Organize your Organize your Organize your Organize your Organize your
Agents Departments Rooting		Customers are facing Learn more Recent Website Activity
Shorioula Banned Triggens Goals	500 900 100 500 920 100	<ul> <li>You are now Online</li> <li>You are now Invisible</li> </ul>
Widget Personal Account	2.00 100 100 100 100 100 100 100 100 100	

*See, e.g.*, https://www.zendesk.com/blog/roles-zendesk-chat/ (last visited Jan. 18, 2023)(annotated).

	Roles		(8
e Online 🗸 🗸	Search	Add Role	6 Enabled / Rol
A Home	Name	Description Agents	Enabled
Li Visitors	Owner	The person who set up the account. In addition to agent and administrator privileges, this 1	÷
<b>0</b> History 🚳	Administrator	In addition to regular agent privileges, administrators can edit widget and accounts settin 4	¥
al Analytics	Agent	Agent is the most basic role in an account, and their primary responsibility is to serve cha 9	×
	Analyst	Analytics 1	×
S Monitor	_ QA	QA 0	~
🗘 Settings 🗠	Team Lead	lead 0	¥
Departments Roles Pouting			
Roles Pouling Shortouts			
Roles Routing Shortouts Banned			
Roles Pouling Shortouts			
Roles Rouling Shortouts Banned Triggers	·		
Roles Rouling Shortouts Banned Titggers Goals			
Robus Pouling Ghortouta Banned Triggens Goals Wodget			

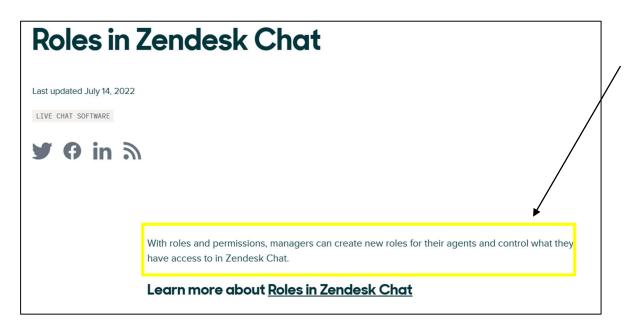
*See, e.g.*, https://www.zendesk.com/blog/roles-zendesk-chat/ (last visited Jan. 18, 2023)(annotated)(showing "roles" assigned to members of the chat support app).

22. In addition, the '448 Accused Instrumentalities allow an administrator to set up

"roles" (e.g., Team Lead, Analyst, Agent) with permissions that allow or prevents team members

(second users) to access personal information about other parties (e.g., other agents), as shown

below:



See e.g., https://www.zendesk.com/blog/roles-zendesk-chat/ (last visited Jan. 12,

2022)(annotated).

Vere Part Chars     In the part chars      Charlon Boanning   None   Manage Valitor Boanning   Name   Charlon the souther valitors or source charls by barning valitor browser cookies or IP addresses   Manage Valitor Boanning   Charlon the monotonic by barning valitor browser cookies or IP addresses   Manage Valitor Boanning   Charlon the monotonic by barning valitor browser cookies while in a charl or manage monotone grammate barns by IP   Manage Valitor Boanning   Charlon the monotonic bin mainty barn valitors via browser cookies while in a charl or manage monotone grammate barns by IP   Manage Valitor Boanning   Charlon the monotonic bin mainty barn valitors via browser cookies while in a charl or manage monotone grammate barns by IP Manage Valitor Boanning Charlon the monotonic bin mainty barn valitors via browser cookies while in a charl or manage monotone grammate barns by IP Manage Valitor Boanning Charlen the monotone bin mainty barn valitors and Email Resports funder Personal Betring(a) Monotone Manage Valitor Boanning Charlen the materice on charl valueme, visitor experience, and agent performance in the Monitor Encode the Monitor Boanning Manage Valitoria Boanning Charlen Boanning<	Better understand visitors by	y viewing past chats in history and the chat panel
Personal         Note         Independence         Indepe	View Past Chats	
Visitor Banning       None         Image shadely wishers or upon chats by benning visitor browser cookies or IP addresses         Image Visitor Bans       Image chat propositive ban visitors via browser cookies while in a chat or manage more genament bans by IP         Definition       Image visitor Bans         Chat propositive bans by IP       Image visitor Bans         Definition       Image visitor Bans         Chat propositive bans by IP       Image visitor Bans         Definition       Image visitor Bans         Chat propositive bans by IP       Image visitor Bans         Definition       Image visitor Bans         Image visitor Bans       Image visitor Bans         I	Edit Chat Tags	
Manage Visitor Bans       Can temporarily ban visitors via browser cookies while in a chat or manage more permanent bans by IP         Analytics         Tack chat metrics and gain actionable insights to improve department and personal performance         Analytics and Email Reports         Image Visitor         Can access Analytics and Email Reports (under Personal Settings)         Reports         Monitor         Assess chat health via read-time metrics on chat volume, visitor experience, and agent performance in the Monitor         Vew Monitor         Can view read-time metrics on Monitor across the whole account         Agent Management         Shift agents across departments or adjust their chal limits to match chat volume	Visitor Banning	
	Manage abusive visitors or s	spam chats by banning visitor browser cookies or IP addresses
Track chat metrics and gain actionable insights to improve department and personal performance Analytics and Email Reports Can access Analytics and Email Reports (under Personal Settings) Reports  Monitor Assess chat health via real-time metrics on chat volume, visitor experience, and agent performance in the Monitor Vew Monitor Can view real-time metrics on Monitor across the whole account  Agent Management Diff agents across departments or adjust their chat limits to match chat volume	Manage Visitor Bans	
Analytics and Email Reports       Image: Can access Analytics and Email Reports (under Personal Settings)         Reports       Monitor         Assess chat health via real-time metrics on chat volume, visitor experience, and agent performance in the Monitor         Vew Monitor       Image: Can view real-time metrics on Monitor across the whole account         Agent Management       Image: Can view real-time metrics on match chat volume         Shift agents across departments or adjust their chat limits to match chat volume       Image: Can view real-time metrics on match chat volume	Analytics	
Reports         Monitor         Assess chat health via red-time metrics on chat volume, visitor experience, and agent performance in the Monitor         Vew Monitor       Can view real-time metrics on Monitor across the whole account         Agent Management       Image: Can view real-time their chat limits to match chat volume         Third agents across departments or adjust their chat limits to match chat volume       Image: Can view real-time their chat limits to match chat volume	Track chat metrics and gain	actionable insights to improve department and personal performance
Assess chat health via real-time metrics on chat volume, viaitor experience, and agent performance in the Monitor Vew Monitor Can view real-time metrics on Monitor across the whole account  Agent Management Dhift agents across departments or adjust their chat limits to match chat volume		Can access Analytics and Email Reports (under Personal Settings)
View Monitor Can view real-time metrics on Monitor across the whole account  Agent Management  Shift agents across departments or adjust their chal limits to match chat volume	Monitor	
Agent Management Drift agents across departments or adjust their chat limits to match chat volume	Assess chat health via real-t	ime metrics on chat volume, visitor experience, and agent performance in the Monitor
Shift agents across departments or adjust their chat limits to match chat volume	View Monitor	Can view real-time metrics on Monitor across the whole account
	Agent Manage	ement
Departments Can add/edit agents in departments	Shift agents across departm	ents or adjust their chat limits to match chat volume
	Departments	Can add/edit agents in departments

See e.g., https://www.zendesk.com/blog/roles-zendesk-chat/ (last visited Jan. 12, 2022)(annotated)(showing permissions that a Team Lead can be given for access to personal information of other team members, such as Agent Management, Analytics and Visitor Banning, for example).

23. The '448 Accused Instrumentalities provide that once permitted, the second party can access the first party's personal information on Zendesk's server computer, which is coupled to a database, automatically, as shown below:

Better understand visitors by	y viewing past chats in history and the chat panel
View Past Chats	None V Al-chats is entry past chats
Edit Chat Tags	Department move chat tags for past chats in history
Visitor Banning	Personal None
Manage abusive visitors or s	pam chats by banning visitor browser cookies or IP addresses
Manage Visitor Bans	Can temporarily ban visitors via browser cockies while in a chat or manage more permanent bans by IP
Analytics	
Track chat metrics and gain	actionable insights to improve department and personal performance
Analytics and Email Reports	Can access Analytics and Email Reports (under Personal Settings)
Monitor	
Assess chat health via real-t	ime metrics on chat volume, visitor experience, and agent performance in the Monitor
View Monitor	Can view real-time metrics on Monitor across the whole account
Agent Manage	ment
Shift agents across departm	ents or adjust their chat limits to match chat volume
Departments	Can add/edit agents in departments

See e.g., https://www.zendesk.com/blog/roles-zendesk-chat/ (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://www.zendesk.com/blog/roles-zendesk-chat/ (last visited Jan. 12, 2022)(annotated)(showing Agent Management role for Team Lead to be able to add/edit agents in departments, accessing personal information of that first party. If not selected, the Team Lead could not access personal information of other agents in departments if requested).

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.

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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 infringedthe '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.

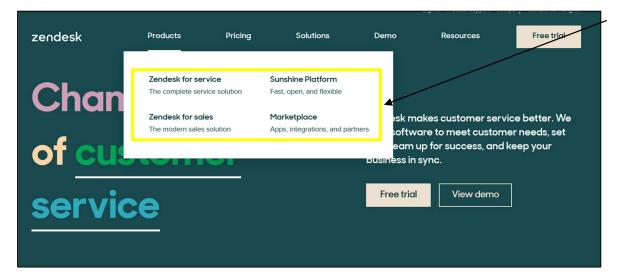
#### COUNT II - INFRINGEMENT OF U.S. PATENT NO. 8,117,644

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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 customer support apps, CRM apps, sales apps and other Zendesk products and content offered for sale and use via https://www.zendesk.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:



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*See e.g.*, <u>https://www.zendesk.com</u> (last visited Jan. 18, 2023)(annotated)(Zendesk products offered for sale, such as sales, CRM, apps and other Zendesk products).

34. By way of example, the '644 Accused Instrumentalities provide an online document collaboration method between a Zendesk team member (e.g., Team Lead, Analyst, Agent) and another Zendesk member, who have been assigned different roles and permissions to access and modify shared resources and documents, as shown below:

Roles in Z	Zendesk Chat
Last updated July 14, 2022 LIVE CHAT SOFTWARE	
	With roles and permissions, managers can create new roles for their agents and control what they have access to in Zendesk Chat.

See e.g., https://www.zendesk.com/blog/roles-zendesk-chat/ (last visited Jan. 12,

2022)(annotated).

Mult	ibrand: Res	stricting ager	nts to specifi	c brands	
	Bob Novak Edited February 10, 2022			Follow	
Suite	Plan Availability	Team Growth	Professional 🗸 Enterg	orise 🗸 Enterprise Plus	
	Plan Availability	Team	Professional	✓ Enterprise	
or all br orands a	ands. This enables yo	ur support team to seam port. However, some tea	lessly move between rec	agents to access tickets quests from all of your the agents that are able	

See, e.g., https://support.zendesk.com/hc/en-us/articles/4408829471898 (last visited Jan.

18, 2023)(annotated).

## Step 1: Limit agents to groups

Your custom roles can be set to restrict agents to only access tickets within their groups. To do this, open the custom role for editing. Then, scroll down to the **Tickets they can access** section and select **All with this agent's group(s)**.

## Step 2: Set up all the necessary groups

You need to add groups, then add your agents to these groups. Possibly just one per brand, or maybe many per brand, depending on how granular you want restrictions to be. For example:

- Simple: BrandA, BrandB, BrandC, etc
- Complex: Support\_BrandA, Returns\_BrandA, Support\_BrandB, Returns\_BrandB, Support\_BrandC Returns\_BrandC, etc

# Step 3: Create routing rules

You can now build triggers to route new tickets to a group for the right brand. It might be beneficial to first route tickets to a triage group, who will then assign them to the appropriate group based on the type of request.

See, e.g., https://support.zendesk.com/hc/en-us/articles/4408829471898 (last visited Jan. 18, 2023)(annotated).

35. More specifically, the '644 Accused Instrumentalities provide a platform of online applications, such as a customer support app, that allow a user (agent or manager) to create documents, such as help tickets stored on a server; a first user (manager) restricting access to the tickets so that a second user (another agent) may not have access to the tickets for content access/editing; and allow a second user, who has second user permissions (group membership) to access and modify tickets in the Zendesk customer support app, when requesting access to these tickets, as shown below:

### Step 1: Limit agents to groups

Your custom roles can be set to restrict agents to only access tickets within their groups. To do this, open the custom role for editing. Then, scroll down to the **Tickets they can access** section and select **All with this agent's group(s)**.

### Step 2: Set up all the necessary groups

You need to add groups, then add your agents to these groups. Possibly just one per brand, or maybe many per brand, depending on how granular you want restrictions to be. For example:

- Simple: BrandA, BrandB, BrandC, etc
- Complex: Support\_BrandA, Returns\_BrandA, Support\_BrandB, Returns\_BrandB, Support\_BrandC Returns\_BrandC, etc

### Step 3: Create routing rules

You can now build triggers to route new tickets to a group for the right brand. It might be beneficial to first route tickets to a triage group, who will then assign them to the appropriate group based on the type of request.

See, e.g., https://support.zendesk.com/hc/en-us/articles/4408829471898 (last visited Jan.

18, 2023)(annotated).

36. If the second user requesting to access/modify the Zendesk ticket, created by the first user, is approved as a group member, the second user may modify the Zendesk ticket, as shown below:

Mult	ibrand: Res	tricting ager	nts to specif	ic brands	
	Bob Novak Edited February 10, 2022			Follow	
Suite	Plan Availability	Team Growth	Professional 🗸 Ente	rprise 🗸 Enterprise Plus	
1.	Plan Availability	Team	Professional	✓ Enterprise	
The Mul	tibrand feature in Zende	esk Support is configure	ad by default to allow a	II agents to access tickets	
	ands. This enables you			-	1
	,		· · · · · · · · · · · · · · · · · · ·	ct the agents that are able	1
	on tickets for specific b		ine might mant to result		

See, e.g., https://support.zendesk.com/hc/en-us/articles/4408829471898 (last visited Jan.

18, 2023)(annotated).

# Question

Does selecting **Only tickets in agent's groups** prevent agents from searching for other tickets?

### Answer

Yes, when agents can only access tickets in their groups, search only returns tickets they have access to.

All other tickets are hidden. If agents search for a specific ticket number they do not have access to, Support doesn't search the ticket number. For example, if agents go to the URL (https://subdomain.zendesk.com/agent/tickets/###) of a ticket they do not have access to, Support shows access denied.

Although restricting an agent's access to see only tickets in their group restricts what tickets they can see in the search results, this does not affect the visibility of other search results, such as users or organizations. To learn more about further restricting an agent's permission see the article: Creating custom roles and assigning agents (Enterprise).

See, e.g., support.zendesk.com/hc/en-us/articles/4408885821978-Agent-group-

permissions-and-searching-tickets (last visited Jan. 18, 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

Support information that shows denial of access, as shown below:

# Question

Does selecting Only tickets in agent's groups prevent agents from searching for other tickets?

### Answer

Yes, when agents can only access tickets in their groups, search only returns tickets they have access to.

All other tickets are hidden. If agents search for a specific ticket number they do not have access to, Support doesn't search the ticket number. For example, if agents go to the URL (https://subdomain.zendesk.com/agent/tickets/###) of a ticket they do not have access to, Support shows access denied.

Although restricting an agent's access to see only tickets in their group restricts what tickets they can see in the search results, this does not affect the visibility of other search results, such as users or organizations. To learn more about further restricting an agent's permission see the article: Creating custom roles and assigning agents (Enterprise).

See, e.g., support.zendesk.com/hc/en-us/articles/4408885821978-Agent-group-

permissions-and-searching-tickets (last visited Jan. 18, 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

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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. 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 construct 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.

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# **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: January 27, 2023

## DEVLIN LAW FIRM LLC

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