

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

WEB 2.0 TECHNOLOGIES, INC.,

Plaintiff,

v.

WORKFRONT INC.,

Defendant.

Civil Action No. _____

DEMAND FOR JURY TRIAL

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Web 2.0 Technologies, LLC (“Web 2.0 Technologies” or “Plaintiff”) files this Complaint against Defendant Workfront Inc. (“Defendant” or “Workfront”), 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, 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.

4. On information and belief, Defendant Workfront Inc. (“Workfront”) is a corporation organized and existing under the laws of Delaware, with its principal place of business at 3301 North Thanksgiving Way, #500, Lehi, UT 84043. Workfront 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 Workfront is subject to this Court’s general personal jurisdiction at least because Workfront is a Delaware corporation.

8. Defendant Workfront is additionally subject to this Court’s general and specific personal jurisdiction because Workfront 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 Workfront 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; Workfront committed the tort of patent infringement in the State of Delaware and this District; Workfront purposefully availed itself of the privileges of conducting business in the State of Delaware and in this District; Workfront regularly conducts and solicits business within the State of Delaware and within this District; Plaintiff’s causes of action arise directly from Workfront’ business contacts and other activities in the State of Delaware and this District; and Workfront 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 Workfront 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, Workfront 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 Workfront in this action comports with due process. Workfront has conducted and regularly conducts business within the United States and this District. Workfront 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. Workfront 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, Workfront 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, Workfront is a Delaware corporation. On information and belief, Workfront's acts of infringement have taken place within this District.

13. Additionally, Workfront—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. Workfront 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. Workfront 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.

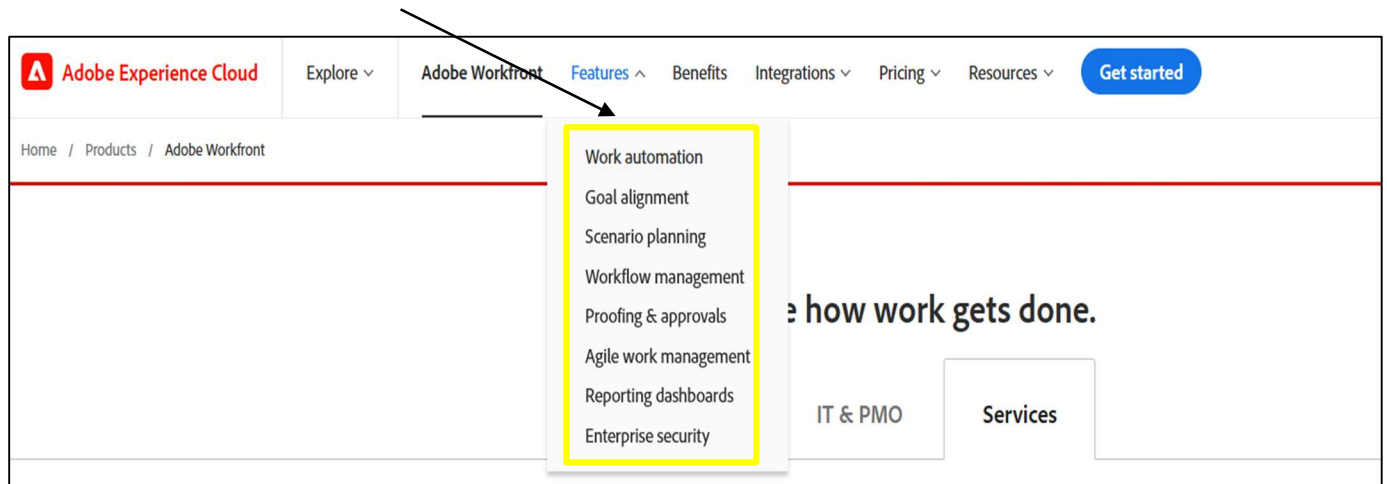
17. Plaintiff owns all substantial right, title, and interest in the ’644 Patent, and holds the right to sue and recover damages for infringement thereof, including past infringement.

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 iusers members via products offered by Workfront, such as work automation project management, scenario planning and other workflow applications, on its website (hereinafter, the "'448 Accused Instrumentalities'") as shown below, for example:



See e.g., <https://business.adobe.com/products/workfront/main.html> (last visited Jan. 24, 2023)(annotated)(Workfront products offered for sale, such as work automation, goal alignment, scenario planning, workflow management and other Workfront products).

Sponsor	Name	Condition Update ↑	Progress	Planned Completion Date	Actual Cost	% Budget Used	Status Icons
Planned Completion Date: Dec, 2017 (2)							\$192,400
[User Icon]	Security Infrastructure Improvement Plan	At Risk This project was executing well, but then my resources got pulled for the Emergency Project. I will be reworking the plan over the weekend to bring it back on line. Oct 30 at 5:29 pm by Jenna Nunez	25.3%	12/12/17	\$138,048	99%	[Icons]
[User Icon]	New Phone System	In Trouble Project is executing according to plan. We are entering the final stages. Oct 30 at 5:37 pm by Juliana Santos	68.29%	12/18/17	\$54,353	136%	[Icons]
Planned Completion Date: Sep, 2017 (2)							\$21,550
[User Icon]	SAS Fraud Management Implementation	At Risk This project is starting to fall behind. I think we might have the wrong resources on this project. Oct 30 at 5:35 pm by Jenna Nunez	79.76%	9/29/17	\$21,550	43%	[Icons]
[User Icon]	New VA Assistance Program	In Trouble	100%	9/28/17	\$0	0%	[Icons]
Planned Completion Date: Feb, 2018 (2)							\$111,613
[User Icon]	Develop and Test Disaster Recovery Plan	At Risk We have been plagued with issues on this project. We are currently waiting on a piece of hardware. Once we get it, we will be able to catch up on the lost ground. Oct 30 at 5:26 pm by Jenna Nunez	19.75%	2/7/18	\$77,318	14%	[Icons]
[User Icon]	Upgrade SSO to SAML 2.0	On Target This project is on track, but I wanted to talk to you about some of my ideas for rolling out the new software to help with the chance management.	30.32%	2/15/18	\$34,295	20%	[Icons]

See, e.g., <https://www.pcmag.com/reviews/workfront> (last visited Jan. 24, 2023)(showing a Workfront project management summary page with user personal information available).

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 Workfront 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 Workfront project. This is shown below, for example:

See what Adobe Workfront can do for you.
Let us know who you are and what challenges we can help you solve or opportunities we can help you seize.

First name*

Last name*

Business phone*

Organization name*

Company Size*

Business email*

Country/Region*

State/province*

By supplying my contact information, I authorize the [Adobe family of companies](#) to contact me with [personalized](#) communications about Adobe's products and services. See our [Privacy Policy](#) for more details or to [opt-out](#) at any time.

See, e.g., <https://business.adobe.com/products/workfront/get-demo.html> (last visited Jan. 23, 2023)(annotated)(illustrating that Workfront allows a user to sign up for Workfront with personal information provided to the server computers hosting Workfront).

Prerequisites

Before you add a user, gather the information about the user listed below and determine which information you want to associate with that user:

- What is the user's personal information? At a minimum you need the following:
 - Full name
 - A user name
 - Default password
 - Email address

NOTE
You can determine whether users can view other users' contact information by fine-tuning the Users View setting when specifying access levels for Workfront objects. For more information, see [Create or modify custom access levels](#).

What is the position of the new user within the company? Does this person have any direct reports? Who does this person report to?

What job role does the person fill? Does this job role exist in Workfront? Is there a limit to the number of people who can fill this job role? For information about creating job roles, see [Create and manage job roles](#).

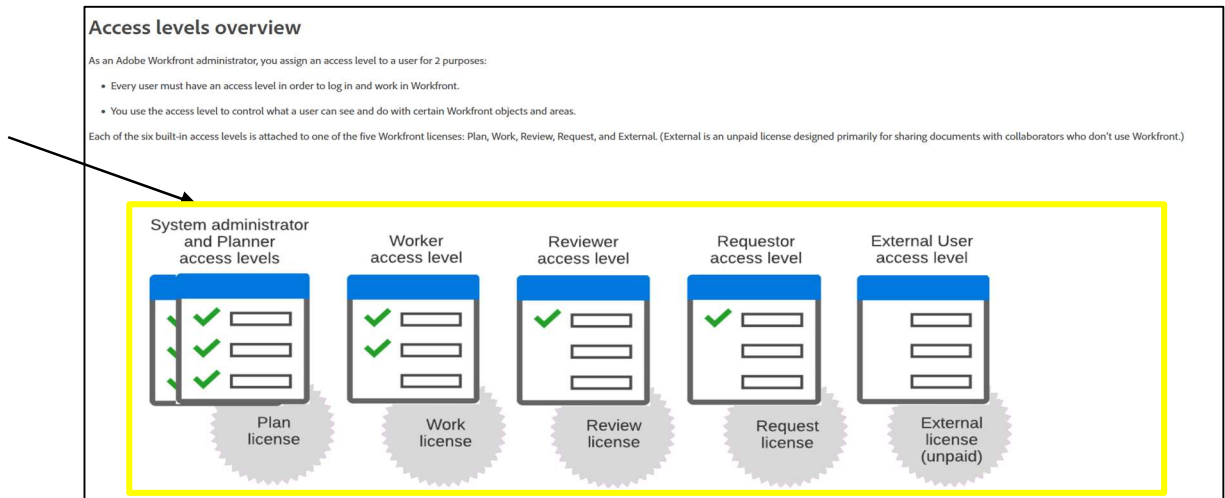
What access level should the user have? Does it already exist or do you need to create a new one? For more information, see [Create or modify custom access levels](#).

- What home group should this user be in? Should the person be in more than one group? For information about groups, see [Groups overview](#).
- What home team should this user be in? Should the person be on more than one team? For information about teams, see [Teams overview](#).
- What custom information do you need to associate with this user?

If information about users is captured in custom fields that you created, you must have a custom form ready when creating a user. For information about custom forms, see [Create or edit a custom form](#).

See, e.g., <https://experienceleague.adobe.com/docs/workfront/using/administration-and-setup/add-users/create-manage-users/add-users.html?lang=en> (last visited Jan. 18, 2023)(annotated)(showing “access levels” may assigned to users which specify what actions the user may access in the Workfront project).

22. In addition, the '448 Accused Instrumentalities allow an administrator to set up “access levels” (e.g., Planner, Worker, Reviewer, Requestor and External User) with permissions that allow or prevents team members (second users) to access personal information about other parties within project management and workflow applications, as shown below:



See e.g., <https://experienceleague.adobe.com/docs/workfront/using/administration-and-setup/add-users/access-levels/access-levels-overview.html?lang=en> (last visited Jan. 23, 2022)(annotated).

Built-in access levels in Adobe Workfront

Each of the six built-in access levels are designed for a particular type of user:

- System Administrator
- Planner
- Worker
- Reviewer
- Requestor
- External User

Depending on the access level, up to 3 settings are available for most of the Workfront object types:

Edit	Users can create, edit, delete, and share the Workfront object
View	Users can review and share the Workfront object
No Access	Users cannot access the Workfront object

See e.g., <https://experienceleague.adobe.com/docs/workfront/using/administration-and-setup/add-users/access-levels/default-access-levels-in-workfront.html?lang=en> (last visited Jan. 23, 2022)(annotated).

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

The following are the highest access settings available for objects in the Worker access level:

Workfront object type	No access	View access	Edit access
Projects			✓ (Limited: users can only share the project, create tasks and issues in it, and edit data in custom forms that are already attached to it.)
Tasks			✓
Issues			✓
Portfolios		✓ (The default setting is No Access.)	
Programs		✓ (The default setting is No Access.)	
Reports (including dashboards and calendar reports)		✓	
Filters, views, and groupings			✓
Documents			✓
Users			✓
Templates	✓		
Financial data		✓ (The default setting is No Access. The View setting allows the user to view only the Finance area in Project Details.)	
Resource Management		✓	
Scenario Planner			✓ (The default setting is No Access.)
Workfront Goals			✓ (The default setting is No Access.)

See e.g., <https://experienceleague.adobe.com/docs/workfront/using/administration-and-setup/add-users/access-levels/default-access-levels-in-workfront.html?lang=en> (last visited Jan. 23, 2022)(annotated)(setting Workflow access levels for a “Worker” gives that user some access to information, such as “View access” and “Edit access”).

The following are the highest access settings available for objects in the External User access level.

Workfront object type	No access	View access	Edit access
Project	✓		
Task	✓	✓	
Issue	✓		
Portfolios	✓		
Programs	✓		
Reports (including dashboards and calendar reports)		✓ (Only for calendar reports; no ability to share reports)	
Filters, views, and groupings	✓		
Document		✓ (without the ability to share documents)	
User		✓	
Template	✓		
Financial data	✓		
Resource Management	✓		
Scenario Planner	✓		
Workfront Goals	✓		

See e.g., <https://experienceleague.adobe.com/docs/workfront/using/administration-and-setup/add-users/access-levels/default-access-levels-in-workfront.html?lang=en> (last visited Jan. 23, 2022)(annotated)(setting Workflow access levels for an “External User”

gives that user some access to limited information, excluding personal information to be viewed).

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.

The following are the highest access settings available for objects in the External User access level.

Workfront object type	No access	View access	Edit access
Project	✓		
Task	✓	✓	
Issue	✓		
Portfolios	✓		
Programs	✓		
Reports (including dashboards and calendar reports)		✓ (Only for calendar reports; no ability to share reports)	
Filters, views, and groupings	✓		
Document		✓ (without the ability to share documents)	
User		✓	
Template	✓		
Financial data	✓		
Resource Management	✓		
Scenario Planner	✓		
Workfront Goals	✓		

See e.g., <https://experienceleague.adobe.com/docs/workfront/using/administration-and-setup/add-users/access-levels/default-access-levels-in-workfront.html?lang=en> (last visited Jan. 23, 2022)(annotated)(setting Workflow access levels for an “External User” gives that user some access to limited information, excluding personal information to be viewed).

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.

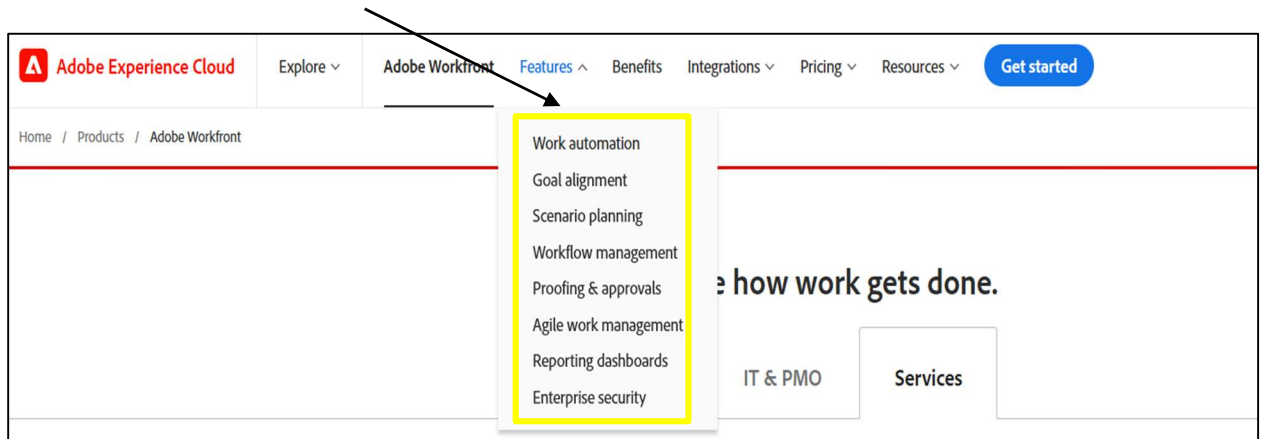
30. Plaintiff reserves the right to modify its infringement theories as discovery progresses in this case. Plaintiff shall not be estopped for purposes of its infringement contentions or its claim constructions by the foregoing discussions on how the '448 Accused Instrumentalities infringe the '448 Patent.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

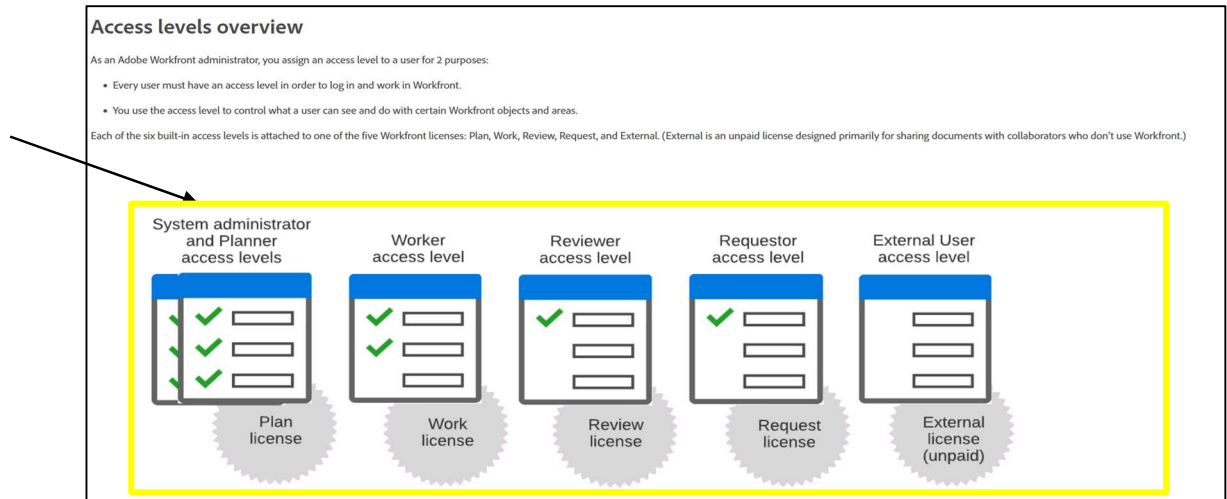
33. Defendant has and continues to directly and jointly infringe at least Claim 1 of the '644 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by, among other things, making, using, selling, offering 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 work automation, goal alignment, workflow management, proofing and approvals and other Workfront products and content offered for sale and use via <https://business.adobe.com/products/workfront/> (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://business.adobe.com/products/workfront/main.html> (last visited Jan. 24, 2023)(annotated)(Workfront products offered for sale, such as work automation, goal alignment, scenario planning, workflow management and other Workfront products).

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

35.



See e.g., <https://experienceleague.adobe.com/docs/workfront/using/administration-and-setup/add-users/access-levels/access-levels-overview.html?lang=en> (last visited Jan. 23, 2022)(annotated).

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Edit	Users can create, edit, delete, and share the Workfront object
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See e.g., <https://experienceleague.adobe.com/docs/workfront/using/administration-and-setup/add-users/access-levels/default-access-levels-in-workfront.html?lang=en> (last visited Jan. 23, 2022)(annotated).

36. More specifically, the '644 Accused Instrumentalities provide a platform of online applications, such as a project management app, that allow a user (administrator) to create documents and objects stored on a server; a first user (administrator) restricting access to the documents or objects so that a second user (planner, worker, reviewer, requestor, external user) may not have access to certain functionality and personal information (e.g., an External User); and allow a second user, who has second user permissions to access and modify documents or objects in the Workfront project, when requesting access to these documents or objects (e.g., a Worker), as shown below:

The following are the highest access settings available for objects in the Worker access level:

Workfront object type	No access	View access	Edit access
Projects			✓ (Limited: users can only share the project, create tasks and issues in it, and edit data in custom forms that are already attached to it.)
Tasks			✓
Issues			✓
Portfolios		✓ (The default setting is No Access.)	
Programs		✓ (The default setting is No Access.)	
Reports (including dashboards and calendar reports)		✓	
Filters, views, and groupings			✓
Documents			✓
Users			✓
Templates	✓		
Financial data		✓ (The default setting is No Access. The View setting allows the user to view only the Finance area in Project Details.)	
Resource Management		✓	
Scenario Planner			✓ (The default setting is No Access.)
Workfront Goals			✓ (The default setting is No Access.)

See e.g., <https://experienceleague.adobe.com/docs/workfront/using/administration-and-setup/add-users/access-levels/default-access-levels-in-workfront.html?lang=en> (last visited Jan. 23, 2022)(annotated)(setting Workflow access levels for a “Worker” gives that user some access to information, such as “View access” and “Edit access”).

The following are the highest access settings available for objects in the External User access level:

Workfront object type	No access	View access	Edit access
Project	✓		
Task	✓	✓	
Issue	✓		
Portfolios	✓		
Programs	✓		
Reports (including dashboards and calendar reports)		✓ (Only for calendar reports; no ability to share reports)	
Filters, views, and groupings	✓		
Document		✓ (without the ability to share documents)	
User		✓	
Template	✓		
Financial data	✓		
Resource Management	✓		
Scenario Planner	✓		
Workfront Goals	✓		

See e.g., <https://experienceleague.adobe.com/docs/workfront/using/administration-and-setup/add-users/access-levels/default-access-levels-in-workfront.html?lang=en> (last visited Jan. 23, 2022)(annotated)(setting Workflow access levels for an “External User”

gives that user some access to limited information, excluding personal information to be viewed)

37. If the second user requesting to access/modify the Workfront document or object, created by the first user, is approved as a Worker, the second user may modify the Workfront project, as shown below:

The following are the highest access settings available for objects in the Worker access level:

Workfront object type	No access	View access	Edit access
Projects			✓ (Limited: users can only share the project, create tasks and issues in it, and edit data in custom forms that are already attached to it.)
Tasks			✓
Issues			✓
Portfolios		✓ (The default setting is No Access.)	
Programs		✓ (The default setting is No Access.)	
Reports (including dashboards and calendar reports)		✓	
Filters, views, and groupings			✓
Documents			✓
Users			✓
Templates	✓		
Financial data		✓ (The default setting is No Access. The View setting allows the user to view only the Finance area in Project Details.)	
Resource Management		✓	
Scenario Planner			✓ (The default setting is No Access.)
Workfront Goals			✓ (The default setting is No Access.)

See e.g., <https://experienceleague.adobe.com/docs/workfront/using/administration-and-setup/add-users/access-levels/default-access-levels-in-workfront.html?lang=en> (last visited Jan. 23, 2022)(annotated)(setting Workflow access levels for a “Worker” gives that user some access to information, such as “View access” and “Edit access”).

38. 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 approval process that shows acceptance or denial of edits to a document, as shown below:

Approval process overview

You can create an approval process and attach it to an object to make sure that designated users review certain changes before the object progresses.

This is available for the following types of objects in Adobe Workfront:

- Work item (project, task or issue, template, template task)
- Document
- Proof

See, e.g., <https://experienceleague.adobe.com/docs/workfront/using/review-and-approve-work/work-approvals/approval-process-in-workfront.html?lang=en> (last visited Jan. 18, 2023)(annotated).

How a typical workflow uses an approval process

The following scenario illustrates how an approval process helps users approve work as a Workfront object progresses through a workflow of several steps in this order:

1. The Workfront administrator or a user with administrative access to Approval Processes creates an approval process for a project, task, or issue.

NOTE
You can attach project approval processes to a template, and task approval processes to a template task. After you do this, when someone uses the template to create a project, the approval process becomes a project or task approval process respectively. A single-use approval process attached to a template or template task remains a single-use approval process for projects and tasks.

2. A user with Manage permission to the project, task or issue attaches the approval process to the item, or creates a single-use approval for the item.
3. A user assigned to the work item changes its status to the status that initiates the approval process and the approval process begins. (The person who created the approval process defined the relationship between the status and the approval process.)
4. The designated approvers receive a notification about the pending approval process and they review the work item.
5. The approval process ends after the designated approvers approve all steps of the process. Or, if they reject a step, the status is either reset to a predefined status, or an issue is created. (The person who created the approval process defined which of these automated steps happens after a rejection.)

Example: An advertising team has created a status called Ready for Printing and an approval process called Designer/ Copywriter Signoff that they associated with this status. This approval process is configured to:

- Require approval by the team's designer and copywriter
- Initiate whenever someone changes a work item's status to Ready for Printing

brochure project owner attaches the Designer/ Copywriter Signoff approval process to the brochure project.

When someone on the project changes the status to Ready for Printing, the copywriter and designer receive notifications asking them to approve or reject it. During the approval process, when they are deliberating whether to approve or not, the status of the projects displays as Ready for Printing - Pending Approval.

See this link to see the workflow in Workfront that uses status changes to Ready for Printing.

See, e.g., <https://experienceleague.adobe.com/docs/workfront/using/review-and-approve-work/work-approvals/approval-process-in-workfront.html?lang=en> (last visited Jan. 18, 2023)(annotated).

39. 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.

40. 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.

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

42. 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. 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: January 27, 2023

DEVLIN LAW FIRM LLC

/s/ Timothy Devlin

Timothy Devlin

tdevlin@devlinlawfirm.com

1526 Gilpin Ave.

Wilmington, Delaware 19806

Telephone: (302) 449-9010

Facsimile: (302) 353-4251

Attorney for Plaintiff,

Web 2.0 Technologies, Inc.