

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

**WEB 2.0 TECHNOLOGIES, LLC,**

**Plaintiff,**

**v.**

**HIVE TECHNOLOGY, INC.,**

**Defendant.**

**Civil Action No. \_\_\_\_\_**

**DEMAND FOR JURY TRIAL**

**COMPLAINT FOR PATENT INFRINGEMENT**

In this action for patent infringement Plaintiff Web 2.0 Technologies, LLC. (“Plaintiff”) hereby makes the following allegations against Defendant Hive Technology, Inc. (“Defendant” or “Hive”):

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

4. On information and belief, Defendant Hive Technology, Inc. (“Hive”) is a corporation organized and existing under the laws of Delaware, with its principal place of business at 285 Fulton Street, One World Trade Center, Suite 461, New York, NY 10007. Hive

is registered with the State of Delaware and may be served with process through its registered agent, Incorp Services, Inc., 919 North Market Street, Suite 950, 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 Hive is subject to this Court's general personal jurisdiction at least because Hive is a Delaware corporation.

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

13. Additionally, Hive—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. Hive 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. Hive 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 B1 (“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.

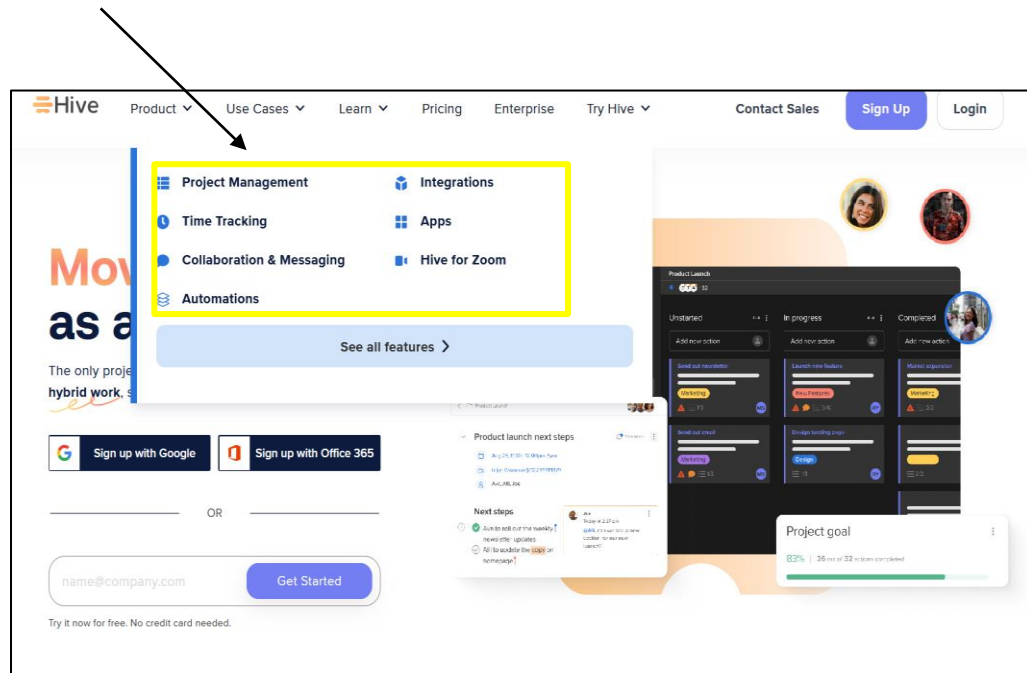
**COUNT I - INFRINGEMENT OF U.S. PATENT NO. 6,845,448**

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

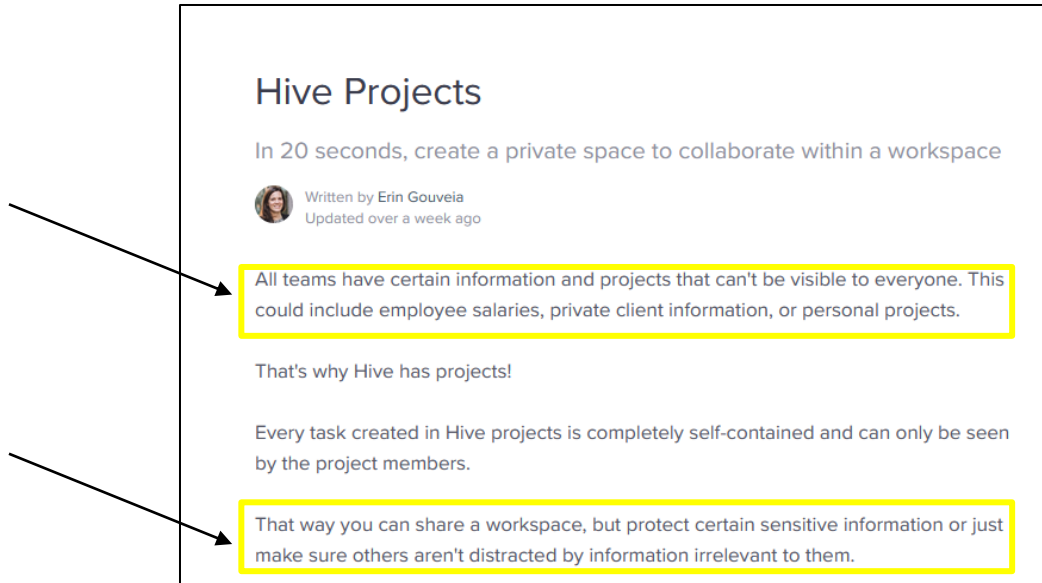
19. The ’448 Patent is directed to a method and system for gathering, storing personal information on a server computer and releasing such information to authorized requesters, as described and claimed in the ’448 Patent.

20. Defendant has and continues to directly 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 Hive on its website (hereinafter, the “448 Accused Instrumentalities”) as shown below, for example:



See e.g., <https://hive.com/> (Hive products offered for sale, such as Project Management, Apps and other Hive products) (last visited Dec. 28, 2022) (annotated).



See, e.g., <https://help.hive.com/en/articles/457193-hive-projects> (last visited Dec. 8, 2022) (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. The '448 Accused Instrumentalities allow a project to be set as "public" or "private," and users can be project members" or "non-project member," which sets limits on what personal information can be requested and viewed by other (second party). The as shown below, for example:

**What happens when a project is 'Public' and anyone can view it?**

When a project is viewable to everyone (i.e., has the 'Public' project setting enabled), the project becomes public and is visible in [Project Navigator](#) to all members of the workspace and shows as 'Public.' Actions in public projects will be visible in summary views for non-project members, making it easy for managers to see all work of their direct reports without having to be in all of the same projects.

All users in the workspace have the ability to open the project, see and edit actions, and interact with the project.

There are two primary types of project access and visibility:

1. Only project members can view this project
2. Anyone can view this project (i.e., 'Public' project setting)

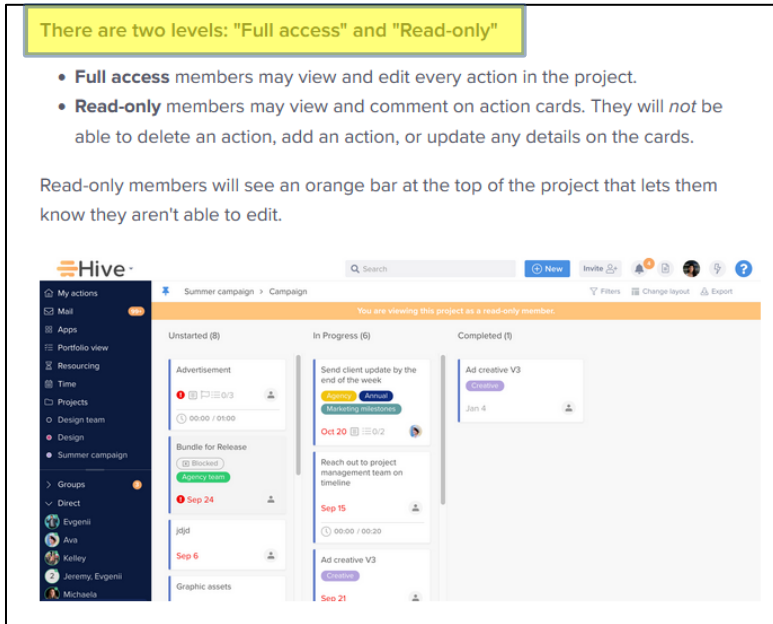
Hive projects can only be viewed and accessed by those that are members of the project. However, the 'Public' project setting allows the project to be made visible and to be accessed by all users in the workspace.

**What *can't* non-project members do in a public project?**

- Be assigned actions or subactions (non-members will not appear in the assignee picker or in team view)
- Edit project members
- Edit project settings
- View the associated project chat group

See e.g., <https://help.hive.com/en/articles/2605726-project-access> (last visited Dec. 28, 2022) (annotated).

22. The ‘448 Accused Instrumentalities limit what personal information requesting parties may access or edit based on their assigned security and access level, and access level permissions thereto. A party may have “full access” or “read-only” access, as shown below:



See e.g., <https://help.hive.com/en/articles/4790052-project-member-permissions> (last visited Dec. 8, 2022) (annotated).

23. 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 (“Full access” or “project member”), the requesting second party’s request for such information is rejected.

24. 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.



25. 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.

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

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

28. 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.

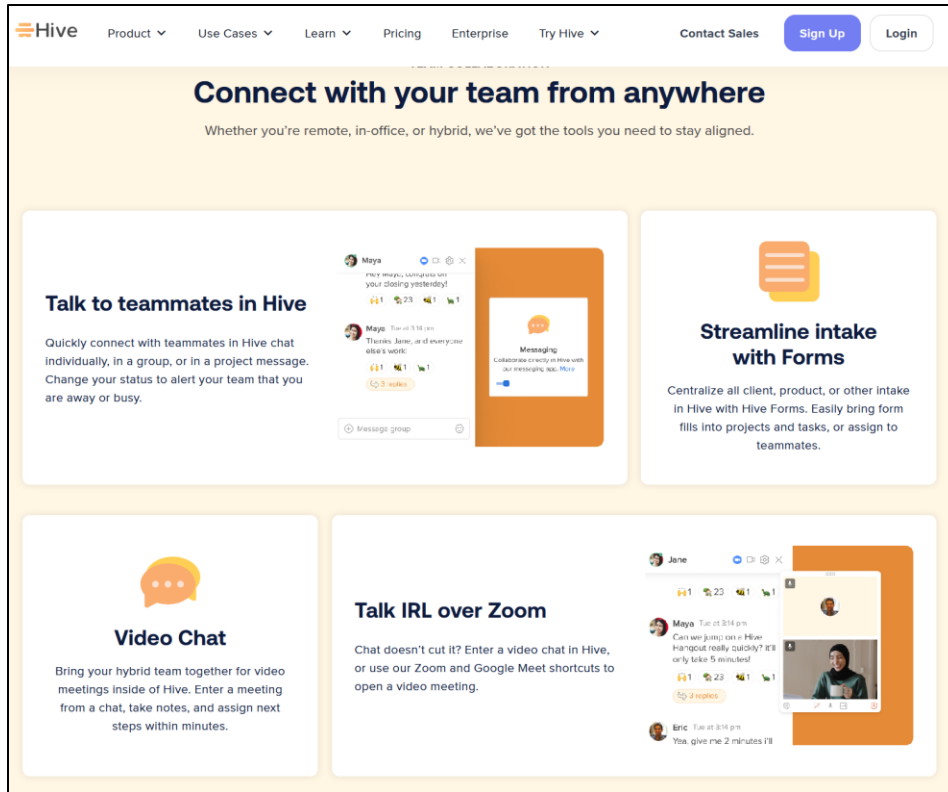
29. Plaintiff reserves the right to modify its infringement theories as discovery progresses in this case. Plaintiff shall not be estopped for purposes of its infringement contentions or its claim constructions by the foregoing discussions on how the '448 Accused Instrumentalities infringe the '448 Patent.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

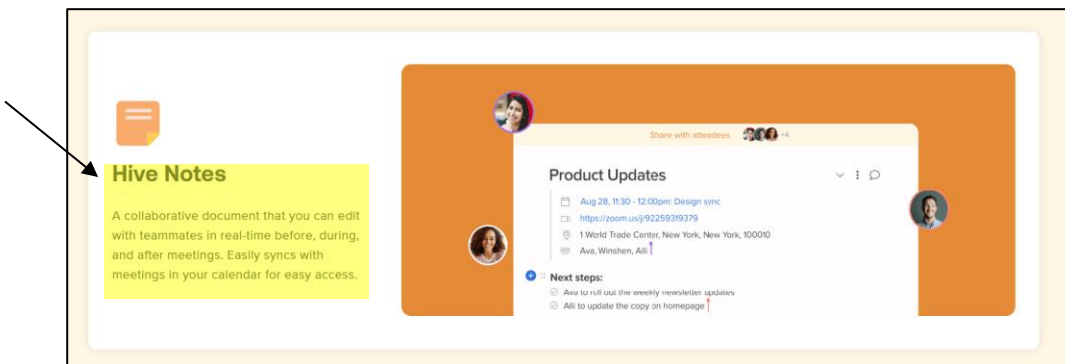
30. Plaintiff incorporates and realleges the preceding paragraphs as if fully set forth herein.

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

32. Defendant has and continues to directly 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 Hive Notes, Hive Forms and Hive Messaging, among other Hive products and content offered for sale and use via <https://hive.com/features/#teamCollab> (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:

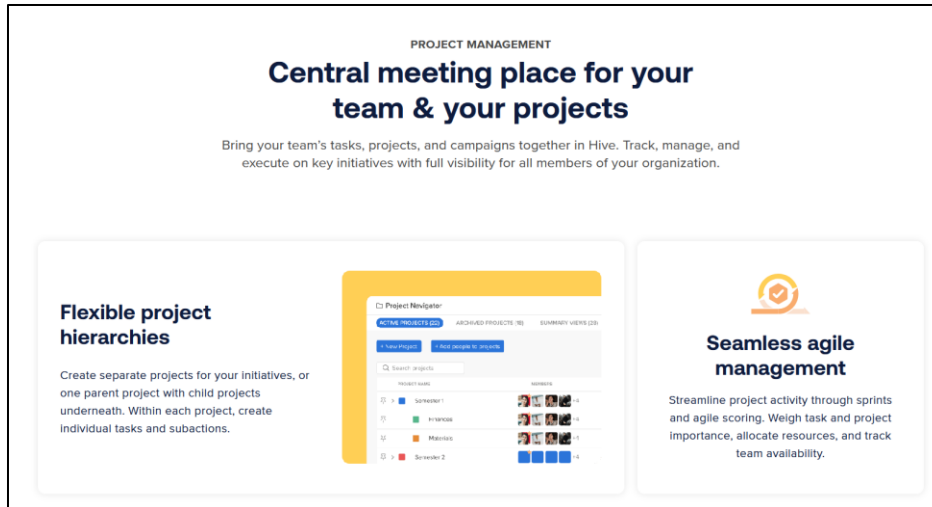


See, e.g., <https://hive.com/features/#teamCollab> (last visited Dec. 8, 2022)



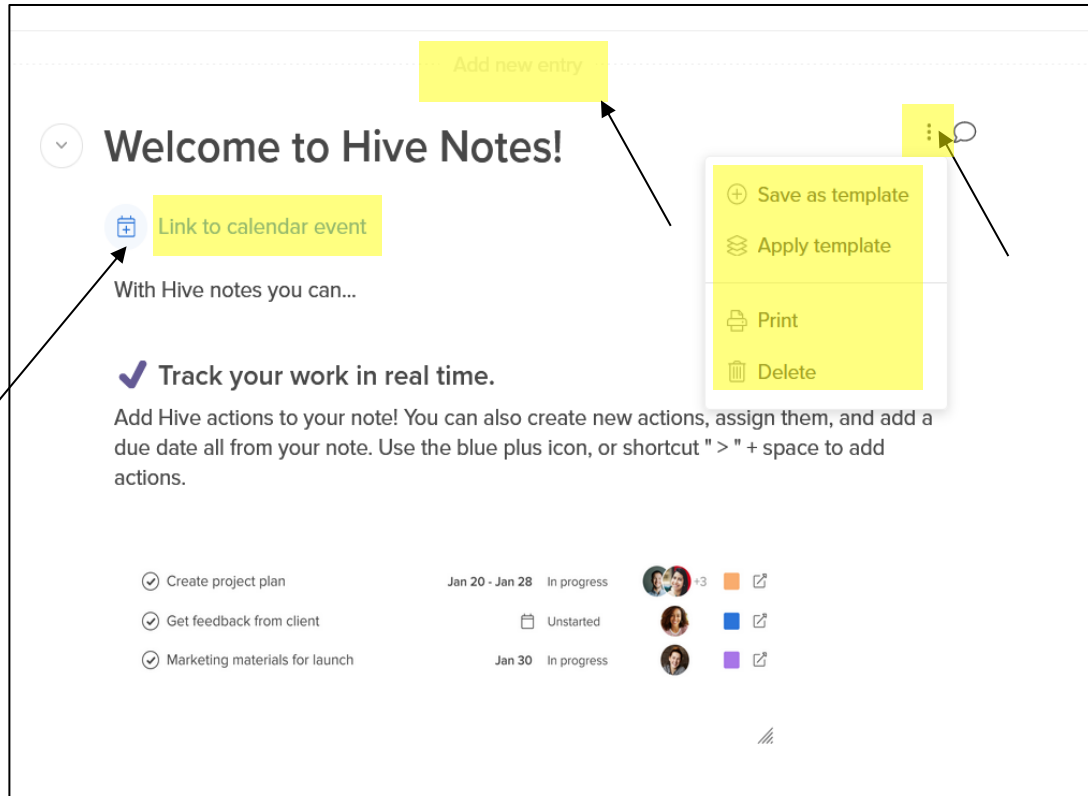
See, e.g., <https://hive.com/features/#teamCollab> (last visited Nov. 18, 2022) (annotated).

33. By way of example, '644 Accused Instrumentalities provide an online document collaboration method between a Hive member and Hive Product user, such as a Hive Notes user, and other authorized Hive members who have been assigned different levels of security and access to the Hive Product by the creator, as shown below:



See, e.g., <https://hive.com/features/#teamCollab> (last visited Nov. 18, 2022).

34. More specifically, the '644 Accused Instrumentalities provide a platform of online applications, such as Hive Notes, 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 Hive Board for Notes content access/editing; and allow a request from a second party seeking to modify a first user's document. The second user, upon opening a Hive Notes document, may request to modify the document. The second user may request to modify the document, such as "Add new entry", "Link to calendar event", or a list of options such as "Save as template", "Apply template", "Print" or "Delete" (available by clicking on the ellipsis), as shown below:



See e.g., <https://notes.hive.com/?workspaceId=fQkvqcHfvhQkSZN9g> (last visited Dec. 8, 2022) (annotated).

35. If the second user requesting to modify the Hive Notes document, created by the first user, has a sufficient access level, the second user may modify the Hive Notes document, and request approval, as shown below. If the second user does not have sufficient access level, the second user's request for approval will be disapproved, as shown below:

## Proofing and approvals with external approvers

Easily share proofs and request approval from users outside of Hive



Written by Kelley Bunge  
Updated over a week ago

You can request approval on files from Hive and non-Hive users. This can save email back-and-forth and ensure clear responses from individuals outside your organization, such as clients and vendors. All you need is their email address!

When you click "Request approval", external approvers will receive an email notifying them that their approval is requested. The email will include a link to view the proof, where they can annotate, add comments, and approve or require changes.

Adding an email as an external approver will not grant them access to the action card or any of your projects, but you can track the status of their approval in the card and see their comments when you open the proof.

See e.g., <https://help.hive.com/en/articles/3658407-proofing-and-approvals-with-external-approvers> (last visited Dec. 8, 2022) (annotated).

36. The '644 Accused Instrumentalities store identifying information of the one or more users who approved or disapproved the modifications to the document, by providing a "History" of edits and modifications to collaborative Action Cards, which make up projects in Hive, and also provides identification of the first user and second user that makes modification to the collaborative document, as shown below:

### Action Card History

View an audit history of changes to Action Cards

Written by Andrew Naisawald  
Updated over a week ago

Do you ever see the status of an action card change and wonder who on your team made the change and when? Or ask when sub-actions were created and assigned?

With Action Card History, now you can view an audit log of card changes! Wonder no more about the following types of changes:

- Created Date
- Status Changes
- Action Assignments
- Creation of Sub-Actions
- Time Estimates
- Due Dates
- Approval Requests and Decisions
- Labels being added
- Attachment added

View the Action History in the bottom left of the action card, where you'll see "Show history".

Gain a better understanding of action cards progression and changes through Action History!

See e.g., <https://help.hive.com/en/articles/3843678-action-card-history> (annotated) (last visited Nov. 18, 2022).

37. 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.

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

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

40. 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.

41. 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 infringed, and continues to infringe, one or more claims of each of the Asserted Patents;

b. A judgment that Defendant has willfully infringed one or more claims of each of the Asserted Patents;



c. 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;

d. A judgment awarding Plaintiff treble damages pursuant to 35 U.S.C. § 284 as a result of Defendant's willful conduct;

e. 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

f. 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 1, 2023

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/s/ Timothy Devlin

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