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7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 SOFTWARE RESEARCH, INC.,
13 Plaintiff,
14 v.
15 ZHO CORPORATION AND DOES 1
THROUGH 10,
16 Defendants.
17

CASE NO. 3:22-CV-5859

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

1 Plaintiff Software Research, Inc. (“SRI”), for its Complaint against Zoho Corporation
2 (“Zoho”) and Does 1 through 10 (collectively, “Defendants”), upon information and belief, state and
3 allege as follows:

4 **NATURE OF THE ACTION**

5 1. This is a civil action for patent infringement arising under the patent laws of the
6 United States, Title 35 of the United States Code.

7 2. As set forth in more detail below, Defendants have been infringing United States
8 Patent Nos. 7,757,175 (the “’175 Patent”); 8,327,271 (the “’271 Patent”); 8,392,890 (the “’890
9 Patent”); 8,495,585 (the “’585 Patent”); 8,650,493 (the “’493 Patent”), 8,984,491 (the “’491 Patent”)
10 and 10,489,286 (the “’286 Patent”) (collectively, the “Patents-in-Suit”), and continue to do so
11 through the present date.

12 **THE PARTIES**

13 3. SRI is a corporation organized and existing under the laws of the State of California
14 with its principal place of business in this District.

15 4. Upon information and belief, Zoho is a California corporation with its principal place
16 of business at 4141 Hacienda Drive, Pleasanton, CA 94588.

17 5. Upon information and belief, Defendants Does 1 through 10 are directors, officers,
18 employees, representatives, and/or agents of Zoho who participated and/or are currently participating
19 in the use, development, sale, offer for sale, import, offer for import, and/or other commercialization
20 of software offerings that infringe one or more of the Patents-in-Suit. The true identities of
21 Defendants Does 1 through 10 are presently unknown to SRI; SRI will amend its complaint to state
22 such names when they become known to SRI through discovery and/or continued investigation.

23 6. Unless specifically stated otherwise, the acts complained of herein were committed by,
24 on behalf of, and/or for the benefit of Defendants.

25 **JURISDICTION AND VENUE**

26 7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

27 8. This Court has personal jurisdiction over Defendants because (a) they reside in this
28 State and this District, (b) they transact business in this State and this District, (c) they have

1 committed the acts of patent infringement complained of herein, including but not limited to offering
2 for sale or selling infringing products embodying SRI's patented invention, in this State and this
3 District, and/or (d) they have directed their acts of infringement and the other unlawful acts
4 complained of herein at this State and this District.

5 9. This Court has personal jurisdiction over Defendants for the additional reason that
6 they have engaged in systematic and continuous contacts with this State and this District by, *inter*
7 *alia*, regularly conducting and soliciting business in this State and this District, and deriving
8 substantial revenue from products and/or services provided to persons in this State and this District.

9 10. Venue is proper in this District under 28 U.S.C. § 1391(b) because a substantial part of
10 the acts complained of herein occurred in this District, Zoho transacts business in this District, Zoho
11 resides in this District for purposes of venue, and/or the property that is the subject of this action is
12 situated in this District.

13 11. With respect to Zoho, venue is proper in this District under 28 U.S.C. §§ 1391(c)-(d)
14 and 1400(b) because (i) Zoho resides in this District for purposes of venue; (ii) Zoho has committed
15 acts of infringement in this District; and (iii) Zoho has a regular and established place of business in
16 this District.

17 **DIVISIONAL ASSIGNMENT**

18 12. Under Northern District of California Local Rule 3-2(d), this case is properly assigned
19 to the San Francisco or Oakland Divisions because a substantial part of the events or omissions
20 giving rise to the claims occurred in Alameda County.

21 **BACKGROUND**

22 13. As the global economy has moved away from traditional brick and mortar business
23 and into the digital age, a company's fortunes can rise and fall with the functionality and performance
24 of its websites. An enterprise can lose millions in revenue if its website is down even briefly, its
25 shopping cart or checkout processes are malfunctioning, or its pages fall victim to any of a number of
26 other glitches arising from anything from simple mistake to sophisticated malware. As internet
27 infrastructure, programming languages, and other website technology have grown by leaps and
28

1 bounds at an ever-increasing pace, the process of identifying website functionality and performance
2 issues—a tricky exercise to begin with—has become more complicated by the day.

3 14. SRI was founded by Edward Miller, PhD in 1979 and has been located in San
4 Francisco ever since. Dr. Miller founded SRI to develop, refine, and commercialize website
5 performance and functionality testing solutions that can keep up with the relentless advance of
6 internet technology.

7 15. Dr. Miller has been a leader in the software testing community for over 30 years,
8 beginning his career in the 1970s by verifying the quality of missile-borne software for anti-ICBM
9 defense. He organized the original Florida Software Testing Workshop in 1978. More recently in
10 San Francisco he organized and chaired fifteen QualityWeek conferences, the long-acknowledged top
11 technical conferences on software testing. These QualityWeek conferences were held annually from
12 1987 through 2002 with a total attendance over 25,000. Dr. Miller is also widely published in
13 conferences and publications of the Association for Computing Machinery and the Institute of
14 Electrical and Electronics Engineers.

15 16. In the decades since founding SRI, Dr. Miller has personally conceived of, developed,
16 and patented a number of revolutionary innovations that dramatically advanced the start of the art of
17 website performance testing. He has been granted nine patents for these innovations, including the
18 Patents-in-Suit. The foundational nature of these patents is reflected in their forward citations
19 (i.e., subsequent patents that cite them as prior art), which currently number over 400. These patents
20 have been licensed for many years by SRI's competitors in the software testing industry.

21 17. SRI has commercially exploited the Patents-in-Suit by making, marketing, selling, and
22 using products covered by the patents, including its popular eValid™ software testing products.
23 eValid™ is a tool suite for client-side testing and performance analysis of web applications and
24 websites. eValid™ has been a commercial success, generating millions of dollars in revenue, and
25 continues to generate revenue for SRI today. Thousands of customers—including Google, American
26 Express, Intel, Microsoft, Cisco, IBM, Lockheed Martin, Princeton University, and Verizon—have
27 purchased and employed SRI's offerings embodying one or more of the Patents-in-Suit, including but
28

1 not limited to eValid™, in order to ensure their websites function properly and continue to generate
2 revenue.

3 18. At its peak, SRI generated millions of dollars in annual revenues. But since that time,
4 rampant infringement has decimated SRI's business, leaving SRI with no choice but to enforce its
5 right to keep others from using Dr. Miller's inventions to compete against SRI.

6 19. Defendants develop software for, *inter alia*, testing websites and web applications
7 known as, upon information and belief, Site24x7 and Applications Manager. *See*
8 <https://www.site24x7.com/>; https://www.manageengine.com/products/applications_manager/.

9 20. Defendants offer for sale and sell Site24x7 and Applications Manager to the public.

10 21. Defendants use Site24x7 and Applications Manager, including at least in order to test
11 Site24x7 and Applications Manager as part of their development efforts.

12 22. Site24x7 and Applications Manager consist of software used to automate testing of
13 websites and web-based software applications.

14 23. Defendants offer Site24x7 as an "All-in-One Monitoring Solution" that includes
15 "Website Monitoring". *See* <https://www.site24x7.com/>.

16 24. Defendants claim by "Using Site24x7's synthetic monitoring tool, you can
17 continuously test the availability, performance, and functionality for all critical components that help
18 deliver your digital business to guarantee site reliability and a better end-user experience." *See*
19 <https://www.site24x7.com/synthetic-monitoring.html>.

20 25. Site24x7 includes functionality for creating, storing, and executing tests for websites
21 and web-based software applications. *See* <https://www.site24x7.com/> ("Record and simulate multi-
22 step user interactions in a real browser and optimize login forms, shopping carts and other
23 applications."); <https://www.site24x7.com/synthetic-monitoring.html> ("Record typical user paths or
24 actions like a form submission, add to shopping cart, or import Selenium IDE test scripts, and play
25 them back at regular intervals on a real browser like Chrome or Firefox to ensure an error-free
26 experience for your users.").

1 26. Defendants offer Applications Manager as creating “better customer experiences by
2 testing the performance of critical user paths on your website 24x7.” *See*
3 https://www.manageengine.com/products/applications_manager/.

4 27. Defendants claim Applications Manager can “Test the performance of critical user
5 paths on your website ... Among our website monitoring tools is the synthetic transaction monitor
6 that can help you accurately simulate user interactions with your website and ensure the correctness
7 and performance of critical user paths.” *See*
8 https://www.manageengine.com/products/applications_manager/website-monitoring-tools.html.

9 28. Applications Manager includes functionality for creating, storing, and executing tests
10 for websites and web-based software applications. *See*
11 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
12 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“For Real Browser Monitoring we use the Web Transaction
13 Recorder to record all user online transactions in their exact sequence. The Recorder is used to record
14 the transactions which get stored as webscripts. These transactions will then be replayed at regular
15 intervals of time and notifications will be sent when error is detected.”).

16 **COUNT I – INFRINGEMENT OF THE ’175 PATENT BY SITE24X7**

17 29. SRI re-alleges and incorporates the allegations of the preceding paragraphs of this
18 Complaint as if fully set forth herein.

19 30. SRI is the assignee and owner of all right, title, and interest in and to the ’175 Patent,
20 which was issued on July 13, 2010. A true and correct copy of the ’175 Patent is attached hereto as
21 Exhibit A.

22 31. The ’175 Patent addresses an invention for testing websites. This disclosed innovation
23 tests many facets of the website’s experience and operation, including by providing novel approaches
24 to creating, storing, and executing test scripts using website elements as opposed to the previously
25 disclosed use of recording test scripts based upon user actions only.

26 32. SRI has the exclusive right to make, use, sell, and offer to sell any product embodying
27 the ’175 Patent throughout the United States, and to import any product embodying the ’175 Patent
28 into the United States.

1 33. SRI has commercially exploited the '175 Patent by making, marketing, selling, and
2 using products covered by the '175 Patent, including its popular eValid™ software products. SRI
3 continues to commercially exploit the '175 Patent through the present, at least by continuing to
4 provide maintenance and support to users of its popular eValid™ software products.

5 34. Defendants have had knowledge of the '175 Patent, SRI, and SRI's products
6 embodying the inventions claimed in the Patents-in-Suit since at least as early as the filing of this
7 Complaint.

8 35. At all relevant times, SRI provided public notice of the '175 Patent at least by properly
9 marking its products and its website pursuant to 35 U.S.C. § 287(a).

10 36. Defendants have been, and are currently, directly infringing at least claim 11 of the
11 '175 Patent in violation of 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by
12 making, using, selling, offering for sale, and/or importing into the United States certain software,
13 including without limitation Defendants' cloud-based platform for testing websites and web-based
14 software applications titled, upon information and belief, Site24x7 and/or other related software
15 products and services offered by Defendants (Defendants' "Site24x7 Infringing Products"), which, as
16 set forth in documentation available on Defendants' websites, comprise the non-transitory computer
17 readable media disclosed in the '175 Patent—both as maintained in Defendants' files and as made
18 accessible to its users to whom Defendants offer and sell the Site24x7 Infringing Products—including
19 at least computer program code stored therein for providing a test-enabled web browser for operation
20 on a computing device to test a website hosted by a remote server, the website having at least one
21 webpage (for example, "Using Site24x7's synthetic monitoring tool, you can continuously test the
22 availability, performance, and functionality for all critical components that help deliver your digital
23 business to guarantee site reliability and a better end-user experience."

24 (<https://www.site24x7.com/synthetic-monitoring.html>); "Web Transaction (Browser) allows you to
25 monitor the availability and performance of your web transactions using an actual web browser. To
26 check the end-user experience—a robust recorder tool is used, which records the web transactions and
27 then plays them back via a real browser like Firefox or Chrome."

28 (<https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring->

1 [realbrowser.html](#))); “Use our browser extension to record critical business transactions, and check
2 them from multiple locations by simulating traffic. Record typical user paths or actions like a form
3 submission, add to shopping cart, or import Selenium IDE test scripts, and play them back at regular
4 intervals on a real browser like Chrome or Firefox to ensure an error-free experience for your users.”
5 (<https://www.site24x7.com/synthetic-monitoring.html>); “With Web Transaction (Browser) Monitor,
6 you can measure the actual availability and performance of multi-step web interactions, such as e-
7 payment gateways or online shopping carts using a real browser like Firefox/Chrome.”
8 ([https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-
9 realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html))); the website, necessarily including at least one webpage, necessarily resides on a
10 remote server and Site24x7 as used with a web browser, such as Firefox or Chrome, is a “test-enabled
11 web browser” (for example, “Simulate navigation paths—common actions like sign up or a complex
12 user journey from login to the payment gateway—on a real browser to identify and resolve potential
13 issues before they affect your customers.” ([https://www.site24x7.com/website-
14 monitoring.html?utm_source=redirect](https://www.site24x7.com/website-monitoring.html?utm_source=redirect)); “Web Transaction (Browser) allows you to monitor the
15 availability and performance of your web transactions using an actual web browser. To check the
16 end-user experience—a robust recorder tool is used, which records the web transactions and then plays
17 them back via a real browser like Firefox or Chrome.”
18 ([https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-
19 realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)); “Monitor availability and performance of your web application by periodically
20 simulating the scripted actions from geographically dispersed web traffic via a real browser like
21 Chrome or Firefox.” <https://www.site24x7.com/selenium-monitoring.html>;
22 <https://www.site24x7.com/synthetic-monitoring.html>); web browsing components (for example,
23 Site24x7 allows a user to browse the web via common web browsing activities, such as mouse clicks,
24 validations, and navigating to a web page ([https://www.site24x7.com/help/admin/adding-a-
25 monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html); [https://www.site24x7.com/help/admin/adding-a-
26 monitor/webapplication-monitoring-transaction-recorder.html#record-new-transaction](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-transaction-recorder.html#record-new-transaction)); Site24x7
27 allows for creation of test scripts to test websites by recording a user’s interactions with the web page
28 in question and allowing the user to play back those test scripts

1 (<https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html>
2 (“Install the Web Transaction (Browser) Recorder add-on, which records all the user interaction in
3 your web application in their exact sequence and notifies when any error is detected. This monitoring
4 feature will use an actual browser Firefox or Chrome to play-back the captured web transaction.”);
5 [https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html)
6 [monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html); [https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
7 [editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)) (“The Web Transaction (Browser) monitor records and saves the user actions in a web
8 script. These powerful scripts act as a means to measure the web performance via a real browser
9 simulation.”); a page evaluation component that operates to read, extract, and analyze and confirm
10 the contents of page components, including Document Object Model (DOM) elements with their
11 associated at least one index and their values (for example, Site24x7 allows for the creation of test
12 scripts to test websites by recording a user’s interactions with the web page in question and allowing
13 the user to play back those test scripts ([https://app.site24x7.com/help/admin/adding-a-](https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)
14 [monitor/webapplication-monitoring-realbrowser.html](https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html) (“Install the Web Transaction (Browser)
15 Recorder add-on, which records all the user interaction in your web application in their exact
16 sequence and notifies when any error is detected. This monitoring feature will use an actual browser
17 Firefox or Chrome to play-back the captured web transaction.”);
18 <https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html>) (“The
19 Web Transaction (Browser) monitor records and saves the user actions in a web script. These
20 powerful scripts act as a means to measure the web performance via a real browser simulation.”);
21 <https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html>
22 (“Web Transaction (Browser) allows you to monitor the availability and performance of your web
23 transactions using an actual web browser. To check the end-user experience—a robust recorder tool is
24 used, which records the web transactions and then plays them back via a real browser like Firefox or
25 Chrome.”)); Site24x7 interrogates the DOM to identify and extract relevant information regarding at
26 least the page elements germane to the script, including each such element’s index and value, and
27 stores those details in the test script ([https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
28 [monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html); [https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)

1 [monitor/website-defacement-monitoring.html](#) (“A document object model (DOM) for a webpage lists
2 each element that appears on the webpage, including content, links, style specifications, scripts and
3 more. The Website defacement monitor fetches this document object model (DOM) for your website
4 during the initial monitor setup process.”); [https://www.site24x7.com/website-monitoring-
5 comparison.html](https://www.site24x7.com/website-monitoring-comparison.html); (“During poll the current Document Object Model (DOM) of the website is
6 compared with a baseline DOM to detect and update the content modified threshold automatically.”);
7 <https://www.site24x7.com/monitor-webpage-defacement.html> (“Site24x7 compares the current DOM
8 to previously recorded DOM.”)); to locate page elements based on their DOM indexes, Site24x7
9 must necessarily use the DOM access methods included in Dynamic Linked Libraries associated with
10 a browser code library ([https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-
11 randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-
12 the-value-changes](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes) (“The Site24x7 Web Transaction (Browser) Recorder will capture all the attributes
13 of a particular HTML element (the text link in this case) such as ID, name, CSS, and XPath during
14 the initial recording itself. During monitoring, Site24x7 will use any one of the attributes to identify
15 the element.”); [https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-
16 supported-in-real-browser-monitor](https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-in-real-browser-monitor); [https://www.site24x7.com/help/admin/adding-a-
17 monitor/webapplication-monitoring-realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html) (“The Intelligent Capture functionality in Web
18 Transaction (Browser) learns about changes made to any user interactive element in a web page and
19 updates the scripts accordingly.”)); a test data component that operates to store facts about the at least
20 one webpage (for example, Site24x7 uses explicit wait commands, such as a command to “Wait for
21 an element to load” or “Wait for an element to be visible”, and in order to perform such a validation,
22 Site24x7 must necessarily store facts about the webpage being rendered, i.e., the expected condition
23 to be checked for during validation ([https://www.site24x7.com/help/admin/adding-a-
24 monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)); and a graphical user interface to provide user access to at
25 least said web browsing components and at least one of said page evaluation components and said
26 test data component (for example, Site24x7 has a graphical user interface to provide user access to
27 test details including logs, videos, and screenshots, logs ([https://www.site24x7.com/help/internet-
28 service-metrics/web-application-real-browser.html](https://www.site24x7.com/help/internet-service-metrics/web-application-real-browser.html) (“Metrics like availability and performance are

1 presented in an easy to understand graphical and tabular layout.”);

2 <https://app.site24x7.com/help/getting-started/custom-dashboard.html> (“Custom Dashboard enables
3 you to bring together various key metrics from every tier of your Infrastructure, all in one place. It
4 helps you portray data differently than Site24x7's default dashboards that are offered out-of-the-
5 box.”)) as disclosed in the '175 Patent.

6 37. Defendants will, on information and belief, continue to directly infringe the '175
7 Patent unless enjoined.

8 38. To the extent Defendants' Site24x7 Infringing Products, without more, do not directly
9 infringe at least claim 11 of the '175 Patent, at least as of the filing of this Complaint, Defendants
10 contribute to infringement of the same under 35 U.S.C. § 271(c) inasmuch as the Site24x7 Infringing
11 Products offered for sale and sold by Defendants are each a component of a patented machine or an
12 apparatus used in practicing a patented process, constituting a material part of SRI's invention,
13 knowing the same to be especially made or especially adapted for use in infringement of the '175
14 Patent. For example, as set forth above, Site24x7, when used in its normal and intended usage
15 (pursuant to the instructions set forth on Defendants' websites), infringes claim 11 of the '175 Patent.
16 *See supra*, ¶ 35.

17 39. Defendants will, on information and belief, continue to contribute to infringement the
18 '175 Patent unless enjoined.

19 40. Defendants actively encourage their customers to use Defendants' Site24x7 Infringing
20 Products in an infringing manner. For example, Defendants' website is replete with written
21 directions, screenshots, and videos instructing users on how to use the Site24x7 Infringing Products
22 in an infringing manner. For example, as set forth above, Defendants' website regarding Site24x7
23 specifically instructs users of the Site24x7 Infringing Products how to infringe claim 11 of the '175

Over 12,000 Customers use Site24x7



JUNIPER
NETWORKS



ENDURANCE
International Group



GoDaddy



vmware

gettyimages

GROUPON

RELIANCE
Anil Dhirubhai Ambani Group

1 patent. *See supra*, ¶ 35. Defendants’ website also touts the identities of customers who use the
2 Site24x7 Infringing Products, each of whom is a direct infringer inasmuch as they use the Site24x7
3 Infringing Products in the infringing manner as instructed by Defendants:

4 41. Upon information and belief, and particularly by way of the detailed documentation
5 instructing users on how to use the Site24x7 Infringing Products in an infringing manner (*see supra*,
6 ¶¶ 35, 39), Defendants have encouraged this infringement with knowledge of the ’175 Patent and
7 with a specific intent to cause their customers and distributors to infringe.

8 42. Defendants’ acts thus constitute active inducement of patent infringement in violation
9 of 35 U.S.C. § 271(b).

10 43. Defendants will, on information and belief, continue to induce infringement of the
11 ’175 Patent unless enjoined.

12 44. Defendants’ direct infringement, contributory infringement, and inducement of
13 infringement have irreparably harmed SRI.

14 45. Defendants will, on information and belief, continue to irreparably harm SRI unless
15 enjoined.

16 46. Pursuant to 35 U.S.C. § 284, SRI is entitled to damages adequate to compensate for
17 the infringement but in no event less than a reasonable royalty.

18 47. This case is “exceptional” within the meaning of 35 U.S.C. § 285, and SRI is entitled
19 to an award of attorneys’ fees.

20 **COUNT II – INFRINGEMENT OF THE ’271 PATENT BY SITE24X7**

21 48. SRI re-alleges and incorporates the allegations of the preceding paragraphs of this
22 Complaint as if fully set forth herein.

23 49. SRI is the assignee and owner of all right, title, and interest in and to the ’271 Patent,
24 which was issued on December 4, 2012. A true and correct copy of the ’271 Patent is attached hereto
25 as Exhibit B.

26 50. The ’271 Patent addresses an invention for testing websites. This disclosed innovation
27 tests many facets of the website’s experience and operation, including by providing novel approaches
28

1 to creating, storing, and executing test scripts using website elements as opposed to the previously
2 disclosed use of recording test scripts based upon user actions only.

3 51. SRI has the exclusive right to make, use, sell, and offer to sell any product embodying
4 the '271 Patent throughout the United States, and to import any product embodying the '271 Patent
5 into the United States.

6 52. SRI has commercially exploited the '271 Patent by making, marketing, selling, and
7 using products covered by the '271 Patent, including its popular eValid™ software products. SRI
8 continues to commercially exploit the '271 Patent through the present, at least by continuing to
9 provide maintenance and support to users of its popular eValid™ software products.

10 53. Defendants have had knowledge of the '271 Patent, SRI, and SRI's products
11 embodying the inventions claimed in the Patents-in-Suit since at least as early as the filing of this
12 Complaint.

13 54. At all relevant times, SRI provided public notice of the '271 Patent at least by properly
14 marking its products and its website pursuant to 35 U.S.C. § 287(a).

15 55. Defendants have been, and are currently, directly infringing at least claim 1 of the
16 '271 Patent in violation of 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by
17 making, using, selling, offering for sale, and/or importing into the United States Defendants'
18 Site24x7 Infringing Products, which, as set forth in documentation available on Defendants' website,
19 comprise the non-transitory computer readable media disclosed in the '271 Patent—both as
20 maintained in Defendants' files and as made accessible to its users to whom Defendants offer and sell
21 the Site24x7 Infringing Products—including at least computer program code stored therein for
22 providing a test-enabled web browser for testing a website residing on a network (for example,
23 “Using Site24x7's synthetic monitoring tool, you can continuously test the availability, performance,
24 and functionality for all critical components that help deliver your digital business to guarantee site
25 reliability and a better end-user experience.” (<https://www.site24x7.com/synthetic-monitoring.html>);
26 “Web Transaction (Browser) allows you to monitor the availability and performance of your web
27 transactions using an actual web browser. To check the end-user experience—a robust recorder tool is
28 used, which records the web transactions and then plays them back via a real browser like Firefox or

1 Chrome.” ([https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-](https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)
2 [realbrowser.html](https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html))); “Use our browser extension to record critical business transactions, and check
3 them from multiple locations by simulating traffic. Record typical user paths or actions like a form
4 submission, add to shopping cart, or import Selenium IDE test scripts, and play them back at regular
5 intervals on a real browser like Chrome or Firefox to ensure an error-free experience for your users.”
6 (<https://www.site24x7.com/synthetic-monitoring.html>); “With Web Transaction (Browser) Monitor,
7 you can measure the actual availability and performance of multi-step web interactions, such as e-
8 payment gateways or online shopping carts using a real browser like Firefox/Chrome.”
9 ([https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)
10 [realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html))); the website, necessarily including at least one webpage, necessarily resides on a
11 remote server and Site24x7 as used with a web browser, such as Firefox or Chrome, is a “test-enabled
12 web browser” (for example, “Simulate navigation paths—common actions like sign up or a complex
13 user journey from login to the payment gateway—on a real browser to identify and resolve potential
14 issues before they affect your customers.” ([https://www.site24x7.com/website-](https://www.site24x7.com/website-monitoring.html?utm_source=redirect)
15 [monitoring.html?utm_source=redirect](https://www.site24x7.com/website-monitoring.html?utm_source=redirect)); “Web Transaction (Browser) allows you to monitor the
16 availability and performance of your web transactions using an actual web browser. To check the
17 end-user experience—a robust recorder tool is used, which records the web transactions and then plays
18 them back via a real browser like Firefox or Chrome.”
19 ([https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)
20 [realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)); “Monitor availability and performance of your web application by periodically
21 simulating the scripted actions from geographically dispersed web traffic via a real browser like
22 Chrome or Firefox.” <https://www.site24x7.com/selenium-monitoring.html>;
23 <https://www.site24x7.com/synthetic-monitoring.html>); computer program code for interfacing with
24 web browsing components, the web browsing components including DOM access methods of the
25 web browsing components (for example, Site24x7 allows a user to browse the web via common web
26 browsing activities, such as mouse clicks, validations, and navigating to a web page
27 (<https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html>;
28 <https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-transaction->

1 [recorder.html#record-new-transaction](#))); Site24x7 interrogates the DOM to identify and extract
2 relevant information regarding at least the page elements germane to the script, including each such
3 element's index and value, and stores those details in the test script
4 (<https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html>;
5 <https://www.site24x7.com/help/admin/adding-a-monitor/website-defacement-monitoring.html> (“A
6 document object model (DOM) for a webpage lists each element that appears on the webpage,
7 including content, links, style specifications, scripts and more. The Website defacement monitor
8 fetches this document object model (DOM) for your website during the initial monitor setup
9 process.”); <https://www.site24x7.com/website-monitoring-comparison.html>; (“During poll the current
10 Document Object Model (DOM) of the website is compared with a baseline DOM to detect and
11 update the content modified threshold automatically.”); [https://www.site24x7.com/monitor-webpage-](https://www.site24x7.com/monitor-webpage-defacement.html)
12 [defacement.html](#) (“Site24x7 compares the current DOM to previously recorded DOM.”)); Site24x7
13 locates these page elements based on their DOM indexes, which necessarily requires it to use the
14 DOM access methods included in Dynamic Linked Libraries associated with a browser code library
15 ([https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes)
16 [elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes](#)
17 (“The Site24x7 Web Transaction (Browser) Recorder will capture all the attributes of a particular
18 HTML element (the text link in this case) such as ID, name, CSS, and XPath during the initial
19 recording itself. During monitoring, Site24x7 will use any one of the attributes to identify the
20 element.”); [https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-](https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-in-real-browser-monitor)
21 [in-real-browser-monitor](#); [https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)
22 [monitoring-realbrowser.html](#) (“The Intelligent Capture functionality in Web Transaction (Browser)
23 learns about changes made to any user interactive element in a web page and updates the scripts
24 accordingly.”)); computer program code for rendering and examining at least one webpage of the
25 website so as to at least extract details of organization and structure of elements of the webpage, and
26 store such details of the webpage in a recorded script, such as recorded scripts generated through the
27 testing component of Defendants’ Site24x7 Infringing Products (for example, Site24x7 allows a user
28 to create or record a test script and then play it back by running it; to achieve such functionality,

1 Site24x7 necessarily renders and examines the web page for the creation of tests by recording a
2 user's interactions with the web page in question and allowing the user to play back those test scripts
3 (<https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html>
4 (“Install the Web Transaction (Browser) Recorder add-on, which records all the user interaction in
5 your web application in their exact sequence and notifies when any error is detected. This monitoring
6 feature will use an actual browser Firefox or Chrome to play-back the captured web transaction.”);
7 [https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html)
8 [monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html); [https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
9 [editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)) (“The Web Transaction (Browser) monitor records and saves the user actions in a web
10 script. These powerful scripts act as a means to measure the web performance via a real browser
11 simulation.”)); Site24x7 interrogates the DOM to identify and extract relevant information regarding
12 at least the page elements germane to the script, including each such element's index and value, and
13 stores those details in the test script ([https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
14 [monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html); [https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/website-defacement-monitoring.html)
15 [monitor/website-defacement-monitoring.html](https://www.site24x7.com/help/admin/adding-a-monitor/website-defacement-monitoring.html)) (“A document object model (DOM) for a webpage lists
16 each element that appears on the webpage, including content, links, style specifications, scripts and
17 more. The Website defacement monitor fetches this document object model (DOM) for your website
18 during the initial monitor setup process.”); [https://www.site24x7.com/website-monitoring-](https://www.site24x7.com/website-monitoring-comparison.html)
19 [comparison.html](https://www.site24x7.com/website-monitoring-comparison.html); (“During poll the current Document Object Model (DOM) of the website is
20 compared with a baseline DOM to detect and update the content modified threshold automatically.”);
21 <https://www.site24x7.com/monitor-webpage-defacement.html>) (“Site24x7 compares the current DOM
22 to previously recorded DOM.”)); Site24x7 uses explicit wait commands, such as a command to “Wait
23 for an element to load” or “Wait for an element to be visible”, and in order to perform such a
24 validation, Site24x7 must necessarily store facts about the webpage being rendered, i.e., the expected
25 condition to be checked for during validation ([https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
26 [monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)); Site24x7 locates these page elements based on their
27 DOM indexes, which necessarily requires it to use the DOM access methods included in Dynamic
28 Linked Libraries associated with a browser code library

1 ([https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes)
2 [elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes)
3 (“The Site24x7 Web Transaction (Browser) Recorder will capture all the attributes of a particular
4 HTML element (the text link in this case) such as ID, name, CSS, and XPath during the initial
5 recording itself. During monitoring, Site24x7 will use any one of the attributes to identify the
6 element.”); [https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-](https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-in-real-browser-monitor)
7 [in-real-browser-monitor](https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-in-real-browser-monitor); [https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)
8 [monitoring-realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html) (“The Intelligent Capture functionality in Web Transaction (Browser)
9 learns about changes made to any user interactive element in a web page and updates the scripts
10 accordingly.”)); computer program code for selecting a validation test to be performed (for example,
11 Site24x7 allows for the creation of test scripts to test websites by recording a user’s interactions with
12 the web page in question and allowing the user to play back those test scripts
13 (<https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html>
14 (“Install the Web Transaction (Browser) Recorder add-on, which records all the user interaction in
15 your web application in their exact sequence and notifies when any error is detected. This monitoring
16 feature will use an actual browser Firefox or Chrome to play-back the captured web transaction.”);
17 <https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html>) (“The
18 Web Transaction (Browser) monitor records and saves the user actions in a web script. These
19 powerful scripts act as a means to measure the web performance via a real browser simulation.”);
20 <https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html>
21 (“Web Transaction (Browser) allows you to monitor the availability and performance of your web
22 transactions using an actual web browser. To check the end-user experience—a robust recorder tool is
23 used, which records the web transactions and then plays them back via a real browser like Firefox or
24 Chrome.”)); Site24x7 uses explicit wait commands, such as a command to “Wait for an element to
25 load” or “Wait for an element to be visible”, and in order to perform such a validation, Site24x7 must
26 necessarily store facts about the webpage being rendered, i.e., the expected condition to be checked
27 for during validation ([https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
28 [editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)); and computer program code for performing the validation test using at least one of the

1 DOM access methods of the web browsing components, wherein during the validation test, the at
2 least one webpage is newly rendered and details of organization and structure of elements for the at
3 least one webpage as newly rendered are accessed via the at least one of the DOM access methods
4 and compared to the stored details in the recorded script (for example, Site24x7 allows a user to
5 create or record a test and then play it back by running it
6 (<https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html>
7 (“Install the Web Transaction (Browser) Recorder add-on, which records all the user interaction in
8 your web application in their exact sequence and notifies when any error is detected. This monitoring
9 feature will use an actual browser Firefox or Chrome to play-back the captured web transaction.”);
10 [https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html)
11 [monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html); [https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
12 [editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)) (“The Web Transaction (Browser) monitor records and saves the user actions in a web
13 script. These powerful scripts act as a means to measure the web performance via a real browser
14 simulation.”); Site24x7 interrogates the DOM to identify and extract relevant information regarding
15 at least the page elements germane to the script, including each such element’s index and value, and
16 stores those details in the test script ([https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
17 [monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html); [https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/website-defacement-monitoring.html)
18 [monitor/website-defacement-monitoring.html](https://www.site24x7.com/help/admin/adding-a-monitor/website-defacement-monitoring.html) (“A document object model (DOM) for a webpage lists
19 each element that appears on the webpage, including content, links, style specifications, scripts and
20 more. The Website defacement monitor fetches this document object model (DOM) for your website
21 during the initial monitor setup process.”); [https://www.site24x7.com/website-monitoring-](https://www.site24x7.com/website-monitoring-comparison.html)
22 [comparison.html](https://www.site24x7.com/website-monitoring-comparison.html); (“During poll the current Document Object Model (DOM) of the website is
23 compared with a baseline DOM to detect and update the content modified threshold automatically.”);
24 <https://www.site24x7.com/monitor-webpage-defacement.html> (“Site24x7 compares the current DOM
25 to previously recorded DOM.”); Site24x7 uses explicit wait commands to search for the expected
26 elements against which it validates the webpage being rendered
27 (<https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html>); and
28 Site24x7 locates these page elements based on their DOM indexes, which necessarily requires it to

1 use the DOM access methods included in Dynamic Linked Libraries associated with a browser code
 2 library (<https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing->
 3 [elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes)
 4 (“The Site24x7 Web Transaction (Browser) Recorder will capture all the attributes of a particular
 5 HTML element (the text link in this case) such as ID, name, CSS, and XPath during the initial
 6 recording itself. During monitoring, Site24x7 will use any one of the attributes to identify the
 7 element.”); [https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-](https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-in-real-browser-monitor)
 8 [in-real-browser-monitor](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html); [https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)
 9 [monitoring-realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html) (“The Intelligent Capture functionality in Web Transaction (Browser)
 10 learns about changes made to any user interactive element in a web page and updates the scripts
 11 accordingly.”)); as disclosed in the ’271 Patent.

12 56. Defendants will, on information and belief, continue to directly infringe the ’271
 13 Patent unless enjoined.

14 57. To the extent Defendants’ Site24x7 Infringing Products, without more, do not directly
 15 infringe at least claim 1 of the ’271 Patent, at least as of the filing of this Complaint, Defendants
 16 contribute to infringement of the same under 35 U.S.C. § 271(c) inasmuch as the Site24x7 Infringing
 17 Products offered for sale and sold by Defendants are each a component of a patented machine or an
 18 apparatus used in practicing a patented process, constituting a material part of SRI’s invention,
 19 knowing the same to be especially made or especially adapted for use in infringement of the ’271
 20 Patent. For example, as set forth above, Site24x7, when used in its normal and intended usage
 21 (pursuant to the instructions set forth on Defendants’ website), infringes claim 1 of the ’271 Patent.
 22 *See supra*, ¶ 55.

23 58. Defendants will, on information and belief, continue to contribute to infringement of
 24 the ’271 Patent unless enjoined.

25 59. Defendants actively encourage their customers to use Defendants’ Site24x7 Infringing
 26 Products in an infringing manner. For example, Defendants’ website is replete with written
 27 directions, screenshots, and videos instructing users on how to use the Site24x7 Infringing Products
 28 in an infringing manner. For example, as set forth above, Defendants’ website regarding Site24x7

1 specifically instructs users of the Site24x7 Infringing Products how to infringe claim 1 of the '271
2 patent. *See supra*, ¶ 55. Defendants' website also touts the identities of customers who use the

3 **Over 12,000 Customers use Site24x7**



6
7 Site24x7 Infringing Products, each of whom is a direct infringer inasmuch as they use the Site24x7
8 Infringing Products in the infringing manner as instructed by Defendants:

9
10 60. Upon information and belief, and particularly by way of the detailed documentation
11 instructing users on how to use the Site24x7 Infringing Products in an infringing manner (*see supra*,
12 ¶¶ 55, 59), Defendants have encouraged this infringement with knowledge of the '271 Patent and
13 with a specific intent to cause their customers and distributors to infringe.

14 61. Defendants' acts thus constitute active inducement of patent infringement in violation
15 of 35 U.S.C. § 271(b).

16 62. Defendants will, on information and belief, continue to induce infringement of the
17 '271 Patent unless enjoined.

18 63. Defendants' direct infringement, contributory infringement, and inducement of
19 infringement have irreparably harmed SRI.

20 64. Defendants will, on information and belief, continue to irreparably harm SRI unless
21 enjoined.

22 65. Pursuant to 35 U.S.C. § 284, SRI is entitled to damages adequate to compensate for
23 the infringement but in no event less than a reasonable royalty.

24 66. This case is "exceptional" within the meaning of 35 U.S.C. § 285, and SRI is entitled
25 to an award of attorneys' fees.

26 **COUNT III – INFRINGEMENT OF THE '890 PATENT BY SITE24X7**

27 67. SRI re-alleges and incorporates the allegations of the preceding paragraphs of this
28 Complaint as if fully set forth herein.

1 68. SRI is the assignee and owner of all right, title, and interest in and to the '890 Patent,
2 which was issued on March 5, 2013. A true and correct copy of the '890 Patent is attached hereto as
3 Exhibit C.

4 69. The '890 Patent addresses an invention for testing websites. The disclosed innovation
5 tests many facets of the website's experience and operation, including by providing novel approaches
6 to creating, storing, and executing test scripts capable of accurately testing Asynchronous Javascript
7 and XML ("AJAX") webpage elements.

8 70. SRI has the exclusive right to make, use, sell, and offer to sell any product embodying
9 the '890 Patent throughout the United States, and to import any product embodying the '890 Patent
10 into the United States.

11 71. SRI has commercially exploited the '890 Patent by making, marketing, selling, and
12 using products covered by the '890 Patent, including its popular eValid™ software products. SRI
13 continues to commercially exploit the '890 Patent through the present, at least by continuing to
14 provide maintenance and support to users of its popular eValid™ software products.

15 72. Defendants have had knowledge of the '890 Patent, SRI, and SRI's products
16 embodying the inventions claimed in the Patents-in-Suit since at least as early as the filing of this
17 Complaint.

18 73. At all relevant times, SRI provided public notice of the '890 Patent by properly
19 marking its products and its website pursuant to 35 U.S.C. § 287(a).

20 74. Defendants have been, and are currently, directly infringing at least claim 1 of the
21 '890 Patent in violation of 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by
22 making, using, selling, offering for sale, and/or importing into the United States Defendants'
23 Site24x7 Infringing Products, which, as set forth in documentation available on Defendants' website,
24 comprise the non-transitory computer readable media disclosed in the '890 Patent—both as
25 maintained in Defendants' files and as made accessible to its users to whom Defendants offer and sell
26 the Site24x7 Infringing Products—including at least computer program code stored therein for
27 providing a test-enabled web browser, said medium comprising computer program code for providing
28 web browsing capabilities (for example, "Using Site24x7's synthetic monitoring tool, you can

1 continuously test the availability, performance, and functionality for all critical components that help
2 deliver your digital business to guarantee site reliability and a better end-user experience.”
3 (<https://www.site24x7.com/synthetic-monitoring.html>); “Web Transaction (Browser) allows you to
4 monitor the availability and performance of your web transactions using an actual web browser. To
5 check the end-user experience—a robust recorder tool is used, which records the web transactions and
6 then plays them back via a real browser like Firefox or Chrome.”
7 ([https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-
8 realbrowser.html](https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html))); “Use our browser extension to record critical business transactions, and check
9 them from multiple locations by simulating traffic. Record typical user paths or actions like a form
10 submission, add to shopping cart, or import Selenium IDE test scripts, and play them back at regular
11 intervals on a real browser like Chrome or Firefox to ensure an error-free experience for your users.”
12 (<https://www.site24x7.com/synthetic-monitoring.html>); “With Web Transaction (Browser) Monitor,
13 you can measure the actual availability and performance of multi-step web interactions, such as e-
14 payment gateways or online shopping carts using a real browser like Firefox/Chrome.”
15 ([https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-
16 realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html))); the website, necessarily including at least one webpage, necessarily resides on a
17 remote server and Site24x7 as used with a web browser, such as Firefox or Chrome, is a “test-enabled
18 web browser” (for example, “Simulate navigation paths—common actions like sign up or a complex
19 user journey from login to the payment gateway—on a real browser to identify and resolve potential
20 issues before they affect your customers.” ([https://www.site24x7.com/website-
21 monitoring.html?utm_source=redirect](https://www.site24x7.com/website-monitoring.html?utm_source=redirect)); “Web Transaction (Browser) allows you to monitor the
22 availability and performance of your web transactions using an actual web browser. To check the
23 end-user experience—a robust recorder tool is used, which records the web transactions and then plays
24 them back via a real browser like Firefox or Chrome.”
25 ([https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-
26 realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)); “Monitor availability and performance of your web application by periodically
27 simulating the scripted actions from geographically dispersed web traffic via a real browser like
28 Chrome or Firefox.” <https://www.site24x7.com/selenium-monitoring.html>;

1 <https://www.site24x7.com/synthetic-monitoring.html>)) and allows a user to browse the web via
2 common web browsing activities, such as mouse clicks, validations, and navigating to a web page
3 (<https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html>;
4 [https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-transaction-
5 recorder.html#record-new-transaction](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-transaction-recorder.html#record-new-transaction)); computer program code for testing capabilities of a website
6 hosted by a server and accessible to the computer via a network wherein the computer program code
7 for testing capabilities of the website includes at least computer program code configured to receive a
8 synchronization check from a user using the test enabled browser, to insert the synchronization check
9 into a test script for testing at least one webpage of the website (for example, Site24x7 allows for the
10 creation of test scripts to test websites by recording a user’s interactions with the web page in
11 question and allowing the user to play back those test scripts
12 (<https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html>
13 (“Install the Web Transaction (Browser) Recorder add-on, which records all the user interaction in
14 your web application in their exact sequence and notifies when any error is detected. This monitoring
15 feature will use an actual browser Firefox or Chrome to play-back the captured web transaction.”);
16 <https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html>) (“The
17 Web Transaction (Browser) monitor records and saves the user actions in a web script. These
18 powerful scripts act as a means to measure the web performance via a real browser simulation.”);
19 <https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html>
20 (“Web Transaction (Browser) allows you to monitor the availability and performance of your web
21 transactions using an actual web browser. To check the end-user experience—a robust recorder tool is
22 used, which records the web transactions and then plays them back via a real browser like Firefox or
23 Chrome.”)); Site24x7 interrogates the DOM to identify and extract relevant information regarding at
24 least the page elements germane to the script, including each such element’s index and value, and
25 stores those details in the test script ([https://www.site24x7.com/help/admin/adding-a-
27 monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-
26 monitor/advanced-web-script-editing.html); [https://www.site24x7.com/help/admin/adding-a-
monitor/website-defacement-monitoring.html](https://www.site24x7.com/help/admin/adding-a-
28 monitor/website-defacement-monitoring.html)) (“A document object model (DOM) for a webpage lists
each element that appears on the webpage, including content, links, style specifications, scripts and

1 more. The Website defacement monitor fetches this document object model (DOM) for your website
2 during the initial monitor setup process.”); [https://www.site24x7.com/website-monitoring-](https://www.site24x7.com/website-monitoring-comparison.html)
3 [comparison.html](https://www.site24x7.com/website-monitoring-comparison.html); (“During poll the current Document Object Model (DOM) of the website is
4 compared with a baseline DOM to detect and update the content modified threshold automatically.”);
5 <https://www.site24x7.com/monitor-webpage-defacement.html> (“Site24x7 compares the current DOM
6 to previously recorded DOM.”)); Site24x7 uses explicit wait commands, such as a command to “Wait
7 for an element to load” or “Wait for an element to be visible”, and in order to perform such a
8 validation, Site24x7 must necessarily store facts about the webpage being rendered, i.e., the expected
9 condition to be checked for during validation ([https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
10 [monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)); Site24x7 locates these page elements based on their
11 DOM indexes, which necessarily requires it to use the DOM access methods included in Dynamic
12 Linked Libraries associated with a browser code library
13 ([https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes)
14 [elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes)
15 (“The Site24x7 Web Transaction (Browser) Recorder will capture all the attributes of a particular
16 HTML element (the text link in this case) such as ID, name, CSS, and XPath during the initial
17 recording itself. During monitoring, Site24x7 will use any one of the attributes to identify the
18 element.”); [https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-](https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-in-real-browser-monitor)
19 [in-real-browser-monitor](https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-in-real-browser-monitor); [https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)
20 [monitoring-realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html) (“The Intelligent Capture functionality in Web Transaction (Browser)
21 learns about changes made to any user interactive element in a web page and updates the scripts
22 accordingly.”)); and Site24x7 allows for the testing of content dynamically generated by AJAX
23 programming including using, upon information and belief, its various wait commands to
24 synchronize playback and allow for testing of content dynamically generated by AJAX programming
25 ([https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html)
26 [monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html) (“Typical user transactions like login checks, form filling, AJAX requests, search in a
27 page etc. can be captured and recorded.”); [https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
28 [monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html) (“Command:

1 wait_for_element_presence("identifier","identifier_value",timeout”);
2 <https://www.site24x7.com/real-user-monitoring.html> (“Identify and resolve Java Script errors,
3 monitor the performance of AJAX calls, and gain insights on user sessions.”)); the test script being
4 separate from the at least one webpage being tested (for example, Site24x7 stores and accesses test
5 scripts separately from the webpage itself ([https://www.site24x7.com/help/admin/adding-a-
6 monitor/import-selenium-script-synthetic-monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html) (“Site24x7 uses a Web Transaction (Browser)
7 Recorder to record all user interactions in the exact sequence and stores them as webscripts. At
8 regular intervals of time, the transactions are mimicked similar to a user's interaction with the website
9 using a real browser such as, Firefox and Chrome”); [https://www.site24x7.com/help/admin/adding-a-
10 monitor/import-selenium-script-synthetic-monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html);
11 <https://www.selenium.dev/documentation/webdriver/waits/>;
12 <https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/> (“To
13 handle cases where an element takes too much time to be visible on the software web page applying
14 implicit wait becomes tricky. In this case, we can write a comment to wait until the element appears
15 on the webpage.”); <https://www.softwaretestingmaterial.com/selenium-fluentwait/>), the at least one
16 webpage being tested including AJAX programming, and to automatically synchronize playback of
17 the test script using at least the synchronization check to maintain the test enabled browser's state
18 with respect to the AJAX programming by means of the synchronization check in the test script to a
19 Document Object Model (DOM) associated with the at least one webpage of the website (for
20 example, Site24x7 allows a user to create or record a test script and then play it back by running it
21 (<https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html>
22 (“Install the Web Transaction (Browser) Recorder add-on, which records all the user interaction in
23 your web application in their exact sequence and notifies when any error is detected. This monitoring
24 feature will use an actual browser Firefox or Chrome to play-back the captured web transaction.”);
25 [https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-
26 monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html); [https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-
27 editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)) (“The Web Transaction (Browser) monitor records and saves the user actions in a web
28 script. These powerful scripts act as a means to measure the web performance via a real browser

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2 at least the page elements germane to the script, including each such element’s index and value, and
3 stores those details in the test script ([https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
4 [monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html); [https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/website-defacement-monitoring.html)
5 [monitor/website-defacement-monitoring.html](https://www.site24x7.com/help/admin/adding-a-monitor/website-defacement-monitoring.html) (“A document object model (DOM) for a webpage lists
6 each element that appears on the webpage, including content, links, style specifications, scripts and
7 more. The Website defacement monitor fetches this document object model (DOM) for your website
8 during the initial monitor setup process.”); [https://www.site24x7.com/website-monitoring-](https://www.site24x7.com/website-monitoring-comparison.html)
9 [comparison.html](https://www.site24x7.com/website-monitoring-comparison.html); (“During poll the current Document Object Model (DOM) of the website is
10 compared with a baseline DOM to detect and update the content modified threshold automatically.”);
11 <https://www.site24x7.com/monitor-webpage-defacement.html> (“Site24x7 compares the current DOM
12 to previously recorded DOM.”)); Site24x7 uses explicit wait commands, such as a command to “Wait
13 for an element to load” or “Wait for an element to be visible”, and in order to perform such a
14 validation, Site24x7 must necessarily store facts about the webpage being rendered, i.e., the expected
15 condition to be checked for during validation ([https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
16 [monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)); Site24x7 locates these page elements based on their
17 DOM indexes, which necessarily requires it to use the DOM access methods included in Dynamic
18 Linked Libraries associated with a browser code library
19 ([https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes)
20 [elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes)
21 (“The Site24x7 Web Transaction (Browser) Recorder will capture all the attributes of a particular
22 HTML element (the text link in this case) such as ID, name, CSS, and XPath during the initial
23 recording itself. During monitoring, Site24x7 will use any one of the attributes to identify the
24 element.”); [https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-](https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-in-real-browser-monitor)
25 [in-real-browser-monitor](https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-in-real-browser-monitor); [https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)
26 [monitoring-realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html) (“The Intelligent Capture functionality in Web Transaction (Browser)
27 learns about changes made to any user interactive element in a web page and updates the scripts
28 accordingly.”)); and Site24x7 allows for the testing of content dynamically generated by AJAX

1 programming including using, upon information and belief, its various wait commands to
2 synchronize playback and allow for testing of content dynamically generated by AJAX programming
3 ([https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html)
4 [monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html) (“Typical user transactions like login checks, form filling, AJAX requests, search in a
5 page etc. can be captured and recorded.”); [https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
6 [monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html) (“Command:
7 `wait_for_element_presence("identifier","identifier_value",timeout)`”);
8 <https://www.site24x7.com/real-user-monitoring.html> (“Identify and resolve Java Script errors,
9 monitor the performance of AJAX calls, and gain insights on user sessions.”)); wherein the
10 synchronization check in the test script and web browsing activities provided by the web browsing
11 capabilities are able to separately access the DOM associated with the at least one webpage of the
12 website (for example, Site24x7 stores and accesses test scripts separately from the webpage itself
13 ([https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html)
14 [monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html) (“Site24x7 uses a Web Transaction (Browser) Recorder to record all user interactions in
15 the exact sequence and stores them as webscripts. At regular intervals of time, the transactions are
16 mimicked similar to a user's interaction with the website using a real browser such as, Firefox and
17 Chrome”); [https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html)
18 [synthetic-monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html); <https://www.selenium.dev/documentation/webdriver/waits/>;
19 <https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/> (“To
20 handle cases where an element takes too much time to be visible on the software web page applying
21 implicit wait becomes tricky. In this case, we can write a comment to wait until the element appears
22 on the webpage.”); <https://www.softwaretestingmaterial.com/selenium-fluentwait/>)), wherein the
23 synchronization check is inserted into the test script as at least one command, and the at least one
24 command operates, when executed, to: find a current index of at least one DOM element of the at
25 least one webpage based on a specified property name and/or property value; and (i) submit a named
26 event to the at least one DOM element of the at least one webpage having the current index, or (ii)
27 insert or verify a value in the at least one DOM element of the at least one webpage having the
28 current index (for example, Site24x7 allows a user to create or record a test script and then play it

1 back by running it ([https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-](https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)
2 [monitoring-realbrowser.html](https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html) (“Install the Web Transaction (Browser) Recorder add-on, which
3 records all the user interaction in your web application in their exact sequence and notifies when any
4 error is detected. This monitoring feature will use an actual browser Firefox or Chrome to play-back
5 the captured web transaction.”); [https://www.site24x7.com/help/admin/adding-a-monitor/import-](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html)
6 [selenium-script-synthetic-monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html); [https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
7 [monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)) (“The Web Transaction (Browser) monitor records and
8 saves the user actions in a web script. These powerful scripts act as a means to measure the web
9 performance via a real browser simulation.”)); Site24x7 interrogates the DOM to identify and extract
10 relevant information regarding at least the page elements germane to the script, including each such
11 element’s index and value, and stores those details in the test script
12 (<https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html>;
13 <https://www.site24x7.com/help/admin/adding-a-monitor/website-defacement-monitoring.html> (“A
14 document object model (DOM) for a webpage lists each element that appears on the webpage,
15 including content, links, style specifications, scripts and more. The Website defacement monitor
16 fetches this document object model (DOM) for your website during the initial monitor setup
17 process.”); <https://www.site24x7.com/website-monitoring-comparison.html>; (“During poll the current
18 Document Object Model (DOM) of the website is compared with a baseline DOM to detect and
19 update the content modified threshold automatically.”); [https://www.site24x7.com/monitor-webpage-](https://www.site24x7.com/monitor-webpage-defacement.html)
20 [defacement.html](https://www.site24x7.com/monitor-webpage-defacement.html) (“Site24x7 compares the current DOM to previously recorded DOM.”)); Site24x7
21 uses explicit wait commands, such as a command to “Wait for an element to load” or “Wait for an
22 element to be visible”, and in order to perform such a validation, Site24x7 must necessarily store
23 facts about the webpage being rendered, i.e., the expected condition to be checked for during
24 validation ([https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
25 [editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)); Site24x7 locates these page elements based on their DOM indexes, which necessarily
26 requires it to use the DOM access methods included in Dynamic Linked Libraries associated with a
27 browser code library ([https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-)
28 [randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-)

1 [the-value-changes](#) (“The Site24x7 Web Transaction (Browser) Recorder will capture all the attributes
 2 of a particular HTML element (the text link in this case) such as ID, name, CSS, and XPath during
 3 the initial recording itself. During monitoring, Site24x7 will use any one of the attributes to identify
 4 the element.”); [https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-](https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-in-real-browser-monitor)
 5 [supported-in-real-browser-monitor](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html); [https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)
 6 [monitor/webapplication-monitoring-realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html) (“The Intelligent Capture functionality in Web
 7 Transaction (Browser) learns about changes made to any user interactive element in a web page and
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 9 generated by AJAX programming including using, upon information and belief, its various wait
 10 commands to synchronize playback and allow for testing of content dynamically generated by AJAX
 11 programming ([https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html)
 12 [synthetic-monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html) (“Typical user transactions like login checks, form filling, AJAX requests,
 13 search in a page etc. can be captured and recorded.”); [https://www.site24x7.com/help/admin/adding-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
 14 [a-monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html) (“Command:
 15 wait_for_element_presence("identifier","identifier_value",timeout)”);
 16 <https://www.site24x7.com/real-user-monitoring.html> (“Identify and resolve Java Script errors,
 17 monitor the performance of AJAX calls, and gain insights on user sessions.”)), as disclosed in the
 18 ‘890 Patent.

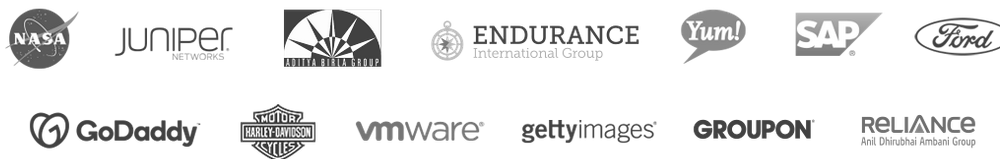
19 75. Defendants will, on information and belief, continue to directly infringe the ‘890
 20 Patent unless enjoined.

21 76. To the extent Defendants’ Site24x7 Infringing Products, without more, do not directly
 22 infringe at least claim 1 of the ‘890 Patent, at least as of the filing of this Complaint, Defendants
 23 contribute to infringement of the same under 35 U.S.C. § 271(c) inasmuch as the Site24x7 Infringing
 24 Products offered for sale and sold by Defendants are each a component of a patented machine or an
 25 apparatus used in practicing a patented process, constituting a material part of SRI’s invention,
 26 knowing the same to be especially made or especially adapted for use in infringement of the ‘890
 27 Patent. For example, Site24x7, when used in its normal and intended usage (pursuant to the
 28 instructions set forth on Defendants’ website) infringes claim 1 of the ‘890 Patent. *See supra*, ¶ 74.

1 77. Defendants will, on information and belief, continue to contribute to infringement of
2 the '890 Patent unless enjoined.

3 78. Defendants actively encourage their customer to use Defendants' Site24x7 Infringing
4 Products in an infringing manner. For example, Defendants' website is replete with written
5 directions, screenshots, and videos instructing users on how to use the Site24x7 Infringing Products
6 in an infringing manner. For example, as set forth above, Defendants' website regarding Site24x7
7 specifically instructs users of the Site24x7 Infringing Products how to infringe claim 1 of the '890
8 patent. *See supra*, ¶ 74. Defendants' website also touts the identities of customers who use the
9 Site24x7 Infringing Products, each of whom is a direct infringer inasmuch as they use the Site24x7
10 Infringing Products in the infringing manner as instructed by Defendants:

11 **Over 12,000 Customers use Site24x7**



16 79. Upon information and belief, and particularly by way of the detailed documentation
17 instructing users on how to use the Site24x7 Infringing Products in an infringing manner (*see supra*,
18 ¶¶ 74, 78), Defendants have encouraged this infringement with knowledge of the '890 Patent and
19 with a specific intent to cause their customers and distributors to infringe.

20 80. Defendants' acts thus constitute active inducement of patent infringement in violation
21 of 35 U.S.C. § 271(b).

22 81. Defendants will, on information and belief, continue to induce infringement of the
23 '890 Patent unless enjoined.

24 82. Defendants' direct infringement, contributory infringement, and inducement of
25 infringement have irreparably harmed SRI.

26 83. Defendants will, on information and belief, continue to irreparably harm SRI unless
27 enjoined.

1 84. Pursuant to 35 U.S.C. § 284, SRI is entitled to damages adequate to compensate for
2 the infringement but in no event less than a reasonable royalty.

3 85. This case is “exceptional” within the meaning of 35 U.S.C. § 285, and SRI is entitled
4 to an award of attorneys’ fees.

5 **COUNT IV – INFRINGEMENT OF THE ’585 PATENT BY SITE24X7**

6 86. SRI re-alleges and incorporates the allegations of the preceding paragraphs of this
7 Complaint as if fully set forth herein.

8 87. SRI is the assignee and owner of all right, title, and interest in and to the ’585 Patent,
9 which was issued on July 23, 2013. A true and correct copy of the ’585 Patent is attached hereto as
10 Exhibit D.

11 88. The ’585 Patent addresses an invention for testing websites. The disclosed innovation
12 tests many facets of the website’s experience and operation, including by providing novel approaches
13 to creating, storing, and executing test scripts capable of accurately testing AJAX webpage elements.

14 89. SRI has the exclusive right to make, use, sell, and offer to sell any product embodying
15 the ’585 Patent throughout the United States, and to import any product embodying the ’585 Patent
16 into the United States.

17 90. SRI has commercially exploited the ’585 Patent by making, marketing, selling, and
18 using products covered by the ’585 Patent, including its popular eValid™ software products. SRI
19 continues to commercially exploit the ’585 Patent through the present, at least by continuing to
20 provide maintenance and support to users of its popular eValid™ software products.

21 91. Defendants have had knowledge of the ’585 Patent, SRI, and SRI’s products
22 embodying the inventions claimed in the Patents-in-Suit since at least as early as the filing of this
23 Complaint.

24 92. At all relevant times, SRI provided public notice of the ’585 Patent by properly
25 marking its products and its website pursuant to 35 U.S.C. § 287(a).

26 93. Defendants have been, and are currently, directly infringing at least claim 1 of the
27 ’585 Patent in violation of 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by
28 making, using, selling, offering for sale, and/or importing into the United States Defendants’

1 Site24x7 Infringing Products, which, as set forth in documentation available on Defendants’ website,
2 comprise the non-transitory computer readable media disclosed in the ’585 Patent—both as
3 maintained in Defendants’ files and as made accessible to its users to whom Defendants offer and sell
4 the Site24x7 Infringing Products—including at least computer program code for providing a test
5 enabled web browser, said medium comprising computer program code for providing web browsing
6 capabilities (for example, “Using Site24x7’s synthetic monitoring tool, you can continuously test the
7 availability, performance, and functionality for all critical components that help deliver your digital
8 business to guarantee site reliability and a better end-user experience.”

9 (<https://www.site24x7.com/synthetic-monitoring.html>); “Web Transaction (Browser) allows you to
10 monitor the availability and performance of your web transactions using an actual web browser. To
11 check the end-user experience—a robust recorder tool is used, which records the web transactions and
12 then plays them back via a real browser like Firefox or Chrome.”

13 ([https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-
14 realbrowser.html](https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html))); “Use our browser extension to record critical business transactions, and check
15 them from multiple locations by simulating traffic. Record typical user paths or actions like a form
16 submission, add to shopping cart, or import Selenium IDE test scripts, and play them back at regular
17 intervals on a real browser like Chrome or Firefox to ensure an error-free experience for your users.”

18 (<https://www.site24x7.com/synthetic-monitoring.html>); “With Web Transaction (Browser) Monitor,
19 you can measure the actual availability and performance of multi-step web interactions, such as e-
20 payment gateways or online shopping carts using a real browser like Firefox/Chrome.”

21 ([https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-
22 realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html))); the website, necessarily including at least one webpage, necessarily resides on a
23 remote server and Site24x7 as used with a web browser, such as Firefox or Chrome, is a “test-enabled
24 web browser” (for example, “Simulate navigation paths—common actions like sign up or a complex
25 user journey from login to the payment gateway—on a real browser to identify and resolve potential
26 issues before they affect your customers.” ([https://www.site24x7.com/website-
27 monitoring.html?utm_source=redirect](https://www.site24x7.com/website-monitoring.html?utm_source=redirect)); “Web Transaction (Browser) allows you to monitor the
28 availability and performance of your web transactions using an actual web browser. To check the

1 end-user experience—a robust recorder tool is used, which records the web transactions and then plays
2 them back via a real browser like Firefox or Chrome.”

3 ([https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-
4 realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)); “Monitor availability and performance of your web application by periodically
5 simulating the scripted actions from geographically dispersed web traffic via a real browser like
6 Chrome or Firefox.” <https://www.site24x7.com/selenium-monitoring.html>;
7 <https://www.site24x7.com/synthetic-monitoring.html>)) and allows a user to browse the web via
8 common web browsing activities, such as mouse clicks, validations, and navigating to a web page
9 (<https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html>;
10 [https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-transaction-
11 recorder.html#record-new-transaction](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-transaction-recorder.html#record-new-transaction)); computer program code for testing capabilities of a website
12 hosted by a server and accessible to a computer via a network wherein the computer program code
13 for testing capabilities of the website includes computer program code configured to receive a
14 synchronization check from a user using the test enabled web browser, to insert the synchronization
15 check into a test script for testing at least one webpage of the website (for example, Site24x7 allows a
16 user to create or record a test script and then play it back by running it

17 (<https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html>
18 (“Install the Web Transaction (Browser) Recorder add-on, which records all the user interaction in
19 your web application in their exact sequence and notifies when any error is detected. This monitoring
20 feature will use an actual browser Firefox or Chrome to play-back the captured web transaction.”);

21 [https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-
22 monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html); [https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-
23 editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)) (“The Web Transaction (Browser) monitor records and saves the user actions in a web
24 script. These powerful scripts act as a means to measure the web performance via a real browser
25 simulation.”)); Site24x7 interrogates the DOM to identify and extract relevant information regarding
26 at least the page elements germane to the script, including each such element’s index and value, and
27 stores those details in the test script ([https://www.site24x7.com/help/admin/adding-a-
monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-
28 monitor/advanced-web-script-editing.html); <https://www.site24x7.com/help/admin/adding-a->

1 [monitor/website-defacement-monitoring.html](#) (“A document object model (DOM) for a webpage lists
2 each element that appears on the webpage, including content, links, style specifications, scripts and
3 more. The Website defacement monitor fetches this document object model (DOM) for your website
4 during the initial monitor setup process.”); [https://www.site24x7.com/website-monitoring-
5 comparison.html](https://www.site24x7.com/website-monitoring-comparison.html); (“During poll the current Document Object Model (DOM) of the website is
6 compared with a baseline DOM to detect and update the content modified threshold automatically.”);
7 <https://www.site24x7.com/monitor-webpage-defacement.html> (“Site24x7 compares the current DOM
8 to previously recorded DOM.”)); Site24x7 uses explicit wait commands, such as a command to “Wait
9 for an element to load” or “Wait for an element to be visible”, and in order to perform such a
10 validation, Site24x7 must necessarily store facts about the webpage being rendered, i.e., the expected
11 condition to be checked for during validation ([https://www.site24x7.com/help/admin/adding-a-
12 monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)); Site24x7 locates these page elements based on their
13 DOM indexes, which necessarily requires it to use the DOM access methods included in Dynamic
14 Linked Libraries associated with a browser code library
15 ([https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-
16 elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes)
17 (“The Site24x7 Web Transaction (Browser) Recorder will capture all the attributes of a particular
18 HTML element (the text link in this case) such as ID, name, CSS, and XPath during the initial
19 recording itself. During monitoring, Site24x7 will use any one of the attributes to identify the
20 element.”); [https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-
21 in-real-browser-monitor](https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-in-real-browser-monitor); [https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-
22 monitoring-realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html) (“The Intelligent Capture functionality in Web Transaction (Browser)
23 learns about changes made to any user interactive element in a web page and updates the scripts
24 accordingly.”)); Site24x7 allows for the testing of content dynamically generated by AJAX
25 programming including using, upon information and belief, its various wait commands to
26 synchronize playback and allow for testing of content dynamically generated by AJAX programming
27 ([https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-
28 monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html) (“Typical user transactions like login checks, form filling, AJAX requests, search in a

1 page etc. can be captured and recorded.”); [https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
2 [monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html) (“Command:
3 wait_for_element_presence("identifier","identifier_value",timeout)”);
4 <https://www.site24x7.com/real-user-monitoring.html> (“Identify and resolve Java Script errors,
5 monitor the performance of AJAX calls, and gain insights on user sessions.”)); the test script being
6 separate from the at least one webpage being tested (for example, Site24x7 stores and accesses test
7 scripts separately from the webpage itself ([https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html)
8 [monitor/import-selenium-script-synthetic-monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html) (“Site24x7 uses a Web Transaction (Browser)
9 Recorder to record all user interactions in the exact sequence and stores them as webscripts. At
10 regular intervals of time, the transactions are mimicked similar to a user's interaction with the website
11 using a real browser such as, Firefox and Chrome”); [https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html)
12 [monitor/import-selenium-script-synthetic-monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html);
13 <https://www.selenium.dev/documentation/webdriver/waits/>;
14 <https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/> (“To
15 handle cases where an element takes too much time to be visible on the software web page applying
16 implicit wait becomes tricky. In this case, we can write a comment to wait until the element appears
17 on the webpage.”); <https://www.softwaretestingmaterial.com/selenium-fluentwait/>)); the at least one
18 webpage being tested including AJAX programming, and to automatically synchronize playback of
19 the test script using at least the synchronization check to maintain the test enabled browser’s state
20 with respect to the AJAX programming by means of the synchronization check in the test script to a
21 DOM associated with the website (for example, Site24x7 allows a user to create or record a test script
22 and then play it back by running it; to achieve such functionality, Site24x7 necessarily renders and
23 examines the web page for the creation of tests by recording a user’s interactions with the web page
24 in question and allowing the user to play back those test scripts
25 (<https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html>
26 (“Install the Web Transaction (Browser) Recorder add-on, which records all the user interaction in
27 your web application in their exact sequence and notifies when any error is detected. This monitoring
28 feature will use an actual browser Firefox or Chrome to play-back the captured web transaction.”);

1 [https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html)
2 [monitor.html; https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
3 [editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)) (“The Web Transaction (Browser) monitor records and saves the user actions in a web
4 script. These powerful scripts act as a means to measure the web performance via a real browser
5 simulation.”)); Site24x7 interrogates the DOM to identify and extract relevant information regarding
6 at least the page elements germane to the script, including each such element’s index and value, and
7 stores those details in the test script ([https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
8 [monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html); [https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/website-defacement-monitoring.html)
9 [monitor/website-defacement-monitoring.html](https://www.site24x7.com/help/admin/adding-a-monitor/website-defacement-monitoring.html)) (“A document object model (DOM) for a webpage lists
10 each element that appears on the webpage, including content, links, style specifications, scripts and
11 more. The Website defacement monitor fetches this document object model (DOM) for your website
12 during the initial monitor setup process.”); [https://www.site24x7.com/website-monitoring-](https://www.site24x7.com/website-monitoring-comparison.html)
13 [comparison.html](https://www.site24x7.com/website-monitoring-comparison.html); (“During poll the current Document Object Model (DOM) of the website is
14 compared with a baseline DOM to detect and update the content modified threshold automatically.”);
15 <https://www.site24x7.com/monitor-webpage-defacement.html>) (“Site24x7 compares the current DOM
16 to previously recorded DOM.”)); Site24x7 uses explicit wait commands, such as a command to “Wait
17 for an element to load” or “Wait for an element to be visible”, and in order to perform such a
18 validation, Site24x7 must necessarily store facts about the webpage being rendered, i.e., the expected
19 condition to be checked for during validation ([https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
20 [monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)); Site24x7 locates these page elements based on their
21 DOM indexes, which necessarily requires it to use the DOM access methods included in Dynamic
22 Linked Libraries associated with a browser code library
23 ([https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes)
24 [elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes)
25 (“The Site24x7 Web Transaction (Browser) Recorder will capture all the attributes of a particular
26 HTML element (the text link in this case) such as ID, name, CSS, and XPath during the initial
27 recording itself. During monitoring, Site24x7 will use any one of the attributes to identify the
28 element.”); <https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported->

1 [in-real-browser-monitor; https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)
2 [monitoring-realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html) (“The Intelligent Capture functionality in Web Transaction (Browser)
3 learns about changes made to any user interactive element in a web page and updates the scripts
4 accordingly.”); Site24x7 allows for the testing of content dynamically generated by AJAX
5 programming including using, upon information and belief, its various wait commands to
6 synchronize playback and allow for testing of content dynamically generated by AJAX programming
7 ([https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html)
8 [monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html) (“Typical user transactions like login checks, form filling, AJAX requests, search in a
9 page etc. can be captured and recorded.”); [https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
10 [monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html) (“Command:
11 `wait_for_element_presence("identifier","identifier_value",timeout)`”);
12 <https://www.site24x7.com/real-user-monitoring.html> (“Identify and resolve Java Script errors,
13 monitor the performance of AJAX calls, and gain insights on user sessions.”); wherein the
14 synchronization check in the test script and web browsing activities provided by the web browsing
15 capabilities are able to separately access the DOM associated with the at least one webpage of the
16 website (for example, Site24x7 stores and accesses test scripts separately from the webpage itself
17 ([https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html)
18 [monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html) (“Site24x7 uses a Web Transaction (Browser) Recorder to record all user interactions in
19 the exact sequence and stores them as webscripts. At regular intervals of time, the transactions are
20 mimicked similar to a user's interaction with the website using a real browser such as, Firefox and
21 Chrome”); [https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html)
22 [synthetic-monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html); <https://www.selenium.dev/documentation/webdriver/waits/>;
23 <https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/> (“To
24 handle cases where an element takes too much time to be visible on the software web page applying
25 implicit wait becomes tricky. In this case, we can write a comment to wait until the element appears
26 on the webpage.”); <https://www.softwaretestingmaterial.com/selenium-fluentwait/>)), and wherein the
27 synchronization check is inserted into the test script as at least one command, and the at least one
28 command operates, when executed, to find a current index of at least one DOM element of the at

1 least one webpage based on a specified property name and/or property value, and (i) submit a named
2 event to the at least one DOM element of the at least one webpage having the current index, or (ii)
3 insert or verify a value in the at least one DOM element of the at least one webpage having the
4 current index (for example, Site24x7 allows a user to create or record a test script and then play it
5 back by running it ([https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-](https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)
6 [monitoring-realbrowser.html](https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html) (“Install the Web Transaction (Browser) Recorder add-on, which
7 records all the user interaction in your web application in their exact sequence and notifies when any
8 error is detected. This monitoring feature will use an actual browser Firefox or Chrome to play-back
9 the captured web transaction.”); [https://www.site24x7.com/help/admin/adding-a-monitor/import-](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html)
10 [selenium-script-synthetic-monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html); [https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
11 [monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)) (“The Web Transaction (Browser) monitor records and
12 saves the user actions in a web script. These powerful scripts act as a means to measure the web
13 performance via a real browser simulation.”)); Site24x7 interrogates the DOM to identify and extract
14 relevant information regarding at least the page elements germane to the script, including each such
15 element’s index and value, and stores those details in the test script
16 (<https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html>;
17 <https://www.site24x7.com/help/admin/adding-a-monitor/website-defacement-monitoring.html> (“A
18 document object model (DOM) for a webpage lists each element that appears on the webpage,
19 including content, links, style specifications, scripts and more. The Website defacement monitor
20 fetches this document object model (DOM) for your website during the initial monitor setup
21 process.”); <https://www.site24x7.com/website-monitoring-comparison.html>; (“During poll the current
22 Document Object Model (DOM) of the website is compared with a baseline DOM to detect and
23 update the content modified threshold automatically.”); [https://www.site24x7.com/monitor-webpage-](https://www.site24x7.com/monitor-webpage-defacement.html)
24 [defacement.html](https://www.site24x7.com/monitor-webpage-defacement.html) (“Site24x7 compares the current DOM to previously recorded DOM.”)); Site24x7
25 uses explicit wait commands, such as a command to “Wait for an element to load” or “Wait for an
26 element to be visible”, and in order to perform such a validation, Site24x7 must necessarily store
27 facts about the webpage being rendered, i.e., the expected condition to be checked for during
28 validation ([- 37 -](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-</p></div><div data-bbox=)

1 [editing.html](#)); Site24x7 locates these page elements based on their DOM indexes, which necessarily
2 requires it to use the DOM access methods included in Dynamic Linked Libraries associated with a
3 browser code library ([https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-
4 randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-
5 the-value-changes](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes) (“The Site24x7 Web Transaction (Browser) Recorder will capture all the attributes
6 of a particular HTML element (the text link in this case) such as ID, name, CSS, and XPath during
7 the initial recording itself. During monitoring, Site24x7 will use any one of the attributes to identify
8 the element.”); [https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-
9 supported-in-real-browser-monitor](https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-in-real-browser-monitor); [https://www.site24x7.com/help/admin/adding-a-
10 monitor/webapplication-monitoring-realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html) (“The Intelligent Capture functionality in Web
11 Transaction (Browser) learns about changes made to any user interactive element in a web page and
12 updates the scripts accordingly.”)); and Site24x7 allows for the testing of content dynamically
13 generated by AJAX programming including using, upon information and belief, its various wait
14 commands to synchronize playback and allow for testing of content dynamically generated by AJAX
15 programming ([https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-
16 synthetic-monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html) (“Typical user transactions like login checks, form filling, AJAX requests,
17 search in a page etc. can be captured and recorded.”); [https://www.site24x7.com/help/admin/adding-
18 a-monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html) (“Command:
19 wait_for_element_presence("identifier","identifier_value",timeout)");
20 <https://www.site24x7.com/real-user-monitoring.html> (“Identify and resolve Java Script errors,
21 monitor the performance of AJAX calls, and gain insights on user sessions.”)), as disclosed in the
22 ’585 Patent.

23 94. Defendants will, on information and belief, continue to directly infringe the ’585
24 Patent unless enjoined.

25 95. To the extent Defendants’ Site24x7 Infringing Products, without more, do not directly
26 infringe at least claim 1 of the ’585 Patent, at least as of the filing of this Complaint, Defendants
27 contribute to infringement of the same under 35 U.S.C. § 271(c) inasmuch as the Site24x7 Infringing
28 Products offered for sale and sold by Defendants are each a component of a patented machine or an

1 apparatus used in practicing a patented process, constituting a material part of SRI’s invention,
 2 knowing the same to be especially made or especially adapted for use in infringement of the ’585
 3 Patent. For example, as set forth above, Site24x7, when used in its normal and intended usage
 4 (pursuant to the instructions set forth on Defendants’ website) infringes claim 1 of the ’585 Patent.
 5 *See supra*, ¶ 93.

6 96. Defendants will, on information and belief, continue to contribute to infringement of
 7 the ’585 Patent unless enjoined.

8 97. Defendants actively encourage their customer to use Defendants’ Site24x7 Infringing
 9 Products in an infringing manner. For example, Defendants’ website is replete with written
 10 directions, screenshots, and videos instructing users on how to use the Site24x7 Infringing Products
 11 in an infringing manner. For example, as set forth above, Defendants’ website regarding Site24x7
 12 specifically instructs users of the Site24x7 Infringing Products how to infringe claim 1 of the ’585
 13 patent. *See supra*, ¶ 93. Defendants’ website also touts the identities of customers who use the
 14 Site24x7 Infringing Products, each of whom is a direct infringer inasmuch as they use the Site24x7
 15 Infringing Products in the infringing manner as instructed by Defendants:

16 **Over 12,000 Customers use Site24x7**



21 98. Upon information and belief, and particularly by way of the detailed documentation
 22 instructing users on how to use the Site24x7 Infringing Products in an infringing manner (*see supra*,
 23 ¶¶ 93, 97), Defendants have encouraged this infringement with knowledge of the ’585 Patent and
 24 with a specific intent to cause their customers and distributors to infringe.

25 99. Defendants’ acts thus constitute active inducement of patent infringement in violation
 26 of 35 U.S.C. § 271(b).

27 100. Defendants will, on information and belief, continue to induce infringement of the
 28 ’585 Patent unless enjoined.

1 101. Defendants’ direct infringement, contributory infringement, and inducement of
2 infringement have irreparably harmed SRI.

3 102. Defendants will, on information and belief, continue to irreparably harm SRI unless
4 enjoined.

5 103. Pursuant to 35 U.S.C. § 284, SRI is entitled to damages adequate to compensate for
6 the infringement but in no event less than a reasonable royalty.

7 104. This case is “exceptional” within the meaning of 35 U.S.C. § 285, and SRI is entitled
8 to an award of attorneys’ fees.

9 **COUNT V – INFRINGEMENT OF THE ’493 PATENT BY SITE24X7**

10 105. SRI re-alleges and incorporates the allegations of the preceding paragraphs of this
11 Complaint as if fully set forth herein.

12 106. SRI is the assignee and owner of all right, title, and interest in and to the ’493 Patent,
13 which was issued on February 11, 2014. A true and correct copy of the ’493 Patent is attached hereto
14 as Exhibit E.

15 107. The ’493 Patent addresses an invention for testing websites. The disclosed innovation
16 tests many facets of the website’s experience and operation, including by providing novel approaches
17 to creating, storing, and executing test scripts using website elements as opposed to the previously
18 disclosed use of recording test scripts based upon user actions only.

19 108. SRI has the exclusive right to make, use, sell, and offer to sell any product embodying
20 the ’493 Patent throughout the United States, and to import any product embodying the ’493 Patent
21 into the United States.

22 109. SRI has commercially exploited the ’493 Patent by making, marketing, selling, and
23 using products covered by the ’493 Patent, including its popular eValid™ software products. SRI
24 continues to commercially exploit the ’493 Patent through the present, at least by continuing to
25 provide maintenance and support to users of its popular eValid™ software products.

26 110. Defendants have had knowledge of the ’493 Patent, SRI, and SRI’s products
27 embodying the inventions claimed in the Patents-in-Suit since at least as early as the filing of this
28 Complaint.

1 111. At all relevant times, SRI provided public notice of the '493 Patent by properly
2 marking its products and its website under 35 U.S.C. § 287(a).

3 112. Defendants have been, and are currently, directly infringing at least claim 1 of the
4 '493 Patent in violation of 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by
5 making, using, selling, offering for sale, and/or importing into the United States Defendants'
6 Site24x7 Infringing Products, which, as set forth in documentation available on Defendants' website,
7 comprise the non-transitory computer readable media disclosed in the '493 Patent—both as
8 maintained in Defendants' files and as made accessible to its users to whom Defendants offer and sell
9 the Site24x7 Infringing Products—including at least computer program code stored therein for
10 providing a test-enabled browser for testing a website residing on a network (for example, “Using
11 Site24x7's synthetic monitoring tool, you can continuously test the availability, performance, and
12 functionality for all critical components that help deliver your digital business to guarantee site
13 reliability and a better end-user experience.” (<https://www.site24x7.com/synthetic-monitoring.html>);
14 “Web Transaction (Browser) allows you to monitor the availability and performance of your web
15 transactions using an actual web browser. To check the end-user experience—a robust recorder tool is
16 used, which records the web transactions and then plays them back via a real browser like Firefox or
17 Chrome.” ([https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-
18 realbrowser.html](https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html))); “Use our browser extension to record critical business transactions, and check
19 them from multiple locations by simulating traffic. Record typical user paths or actions like a form
20 submission, add to shopping cart, or import Selenium IDE test scripts, and play them back at regular
21 intervals on a real browser like Chrome or Firefox to ensure an error-free experience for your users.”
22 (<https://www.site24x7.com/synthetic-monitoring.html>); “With Web Transaction (Browser) Monitor,
23 you can measure the actual availability and performance of multi-step web interactions, such as e-
24 payment gateways or online shopping carts using a real browser like Firefox/Chrome.”
25 ([https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-
26 realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html))); the website, necessarily including at least one webpage, necessarily resides on a
27 remote server and Site24x7 as used with a web browser, such as Firefox or Chrome, is a “test-enabled
28 web browser” (for example, “Simulate navigation paths—common actions like sign up or a complex

1 user journey from login to the payment gateway—on a real browser to identify and resolve potential
2 issues before they affect your customers.” ([https://www.site24x7.com/website-](https://www.site24x7.com/website-monitoring.html?utm_source=redirect)
3 [monitoring.html?utm_source=redirect](https://www.site24x7.com/website-monitoring.html?utm_source=redirect)); “Web Transaction (Browser) allows you to monitor the
4 availability and performance of your web transactions using an actual web browser. To check the
5 end-user experience—a robust recorder tool is used, which records the web transactions and then plays
6 them back via a real browser like Firefox or Chrome.”
7 ([https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)
8 [realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)); “Monitor availability and performance of your web application by periodically
9 simulating the scripted actions from geographically dispersed web traffic via a real browser like
10 Chrome or Firefox.” <https://www.site24x7.com/selenium-monitoring.html>;
11 <https://www.site24x7.com/synthetic-monitoring.html>)); said medium comprising computer program
12 code for interfacing with web browsing components, the web browsing components including DOM
13 access methods, computer program code for accessing a website to be tested (for example, Site24x7
14 allows a user to browse the web via common web browsing activities, such as mouse clicks,
15 validations, and navigating to a web page ([https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
16 [monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html); [https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-transaction-recorder.html#record-new-transaction)
17 [monitor/webapplication-monitoring-transaction-recorder.html#record-new-transaction](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-transaction-recorder.html#record-new-transaction))); Site24x7
18 interrogates the DOM to identify and extract relevant information regarding at least the page
19 elements germane to the script, including each such element’s index and value, and stores those
20 details in the test script ([https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
21 [script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html); [https://www.site24x7.com/help/admin/adding-a-monitor/website-defacement-](https://www.site24x7.com/help/admin/adding-a-monitor/website-defacement-monitoring.html)
22 [monitoring.html](https://www.site24x7.com/help/admin/adding-a-monitor/website-defacement-monitoring.html) (“A document object model (DOM) for a webpage lists each element that appears on
23 the webpage, including content, links, style specifications, scripts and more. The Website defacement
24 monitor fetches this document object model (DOM) for your website during the initial monitor setup
25 process.”); <https://www.site24x7.com/website-monitoring-comparison.html>; (“During poll the current
26 Document Object Model (DOM) of the website is compared with a baseline DOM to detect and
27 update the content modified threshold automatically.”); [https://www.site24x7.com/monitor-webpage-](https://www.site24x7.com/monitor-webpage-defacement.html)
28 [defacement.html](https://www.site24x7.com/monitor-webpage-defacement.html) (“Site24x7 compares the current DOM to previously recorded DOM.”)); Site24x7

1 locates these page elements based on their DOM indexes, which necessarily requires it to use the
2 DOM access methods included in Dynamic Linked Libraries associated with a browser code library
3 ([https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes)
4 [elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes)
5 (“The Site24x7 Web Transaction (Browser) Recorder will capture all the attributes of a particular
6 HTML element (the text link in this case) such as ID, name, CSS, and XPath during the initial
7 recording itself. During monitoring, Site24x7 will use any one of the attributes to identify the
8 element.”); [https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-](https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-in-real-browser-monitor)
9 [in-real-browser-monitor](https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-in-real-browser-monitor); [https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)
10 [monitoring-realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html) (“The Intelligent Capture functionality in Web Transaction (Browser)
11 learns about changes made to any user interactive element in a web page and updates the scripts
12 accordingly.”)); computer program code for rendering and examining at least one webpage of the
13 website so as to extract details of elements of the webpage, and store the details of the webpage in a
14 recorded script, such as recorded scripts generated through the testing component of the Site24x7
15 Infringing Products (for example, Site24x7 allows a user to create or record a test script and then play
16 it back by running it ([https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-](https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)
17 [monitoring-realbrowser.html](https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html) (“Install the Web Transaction (Browser) Recorder add-on, which
18 records all the user interaction in your web application in their exact sequence and notifies when any
19 error is detected. This monitoring feature will use an actual browser Firefox or Chrome to play-back
20 the captured web transaction.”); [https://www.site24x7.com/help/admin/adding-a-monitor/import-](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html)
21 [selenium-script-synthetic-monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html); [https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
22 [monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)) (“The Web Transaction (Browser) monitor records and
23 saves the user actions in a web script. These powerful scripts act as a means to measure the web
24 performance via a real browser simulation.”)); Site24x7 interrogates the DOM to identify and extract
25 relevant information regarding at least the page elements germane to the script, including each such
26 element’s index and value, and stores those details in the test script
27 (<https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html>;
28 <https://www.site24x7.com/help/admin/adding-a-monitor/website-defacement-monitoring.html> (“A

1 document object model (DOM) for a webpage lists each element that appears on the webpage,
2 including content, links, style specifications, scripts and more. The Website defacement monitor
3 fetches this document object model (DOM) for your website during the initial monitor setup
4 process.”); <https://www.site24x7.com/website-monitoring-comparison.html>; (“During poll the current
5 Document Object Model (DOM) of the website is compared with a baseline DOM to detect and
6 update the content modified threshold automatically.”); [https://www.site24x7.com/monitor-webpage-](https://www.site24x7.com/monitor-webpage-defacement.html)
7 [defacement.html](https://www.site24x7.com/monitor-webpage-defacement.html) (“Site24x7 compares the current DOM to previously recorded DOM.”)); Site24x7
8 uses explicit wait commands, such as a command to “Wait for an element to load” or “Wait for an
9 element to be visible”, and in order to perform such a validation, Site24x7 must necessarily store
10 facts about the webpage being rendered, i.e., the expected condition to be checked for during
11 validation ([https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
12 [editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)); Site24x7 locates these page elements based on their DOM indexes, which necessarily
13 requires it to use the DOM access methods included in Dynamic Linked Libraries associated with a
14 browser code library ([https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes)
15 [randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes)
16 [the-value-changes](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes) (“The Site24x7 Web Transaction (Browser) Recorder will capture all the attributes
17 of a particular HTML element (the text link in this case) such as ID, name, CSS, and XPath during
18 the initial recording itself. During monitoring, Site24x7 will use any one of the attributes to identify
19 the element.”); [https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-](https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-in-real-browser-monitor)
20 [supported-in-real-browser-monitor](https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-in-real-browser-monitor); [https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)
21 [monitor/webapplication-monitoring-realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html) (“The Intelligent Capture functionality in Web
22 Transaction (Browser) learns about changes made to any user interactive element in a web page and
23 updates the scripts accordingly.”)); computer program code for selecting a validation test to be
24 performed (for example, Site24x7 allows a user to create or record a test script and then play it back
25 by running it ([https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-](https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)
26 [realbrowser.html](https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html) (“Install the Web Transaction (Browser) Recorder add-on, which records all the
27 user interaction in your web application in their exact sequence and notifies when any error is
28 detected. This monitoring feature will use an actual browser Firefox or Chrome to play-back the

1 captured web transaction.”); [https://www.site24x7.com/help/admin/adding-a-monitor/import-](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html)
2 [selenium-script-synthetic-monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html); [https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
3 [monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)) (“The Web Transaction (Browser) monitor records and
4 saves the user actions in a web script. These powerful scripts act as a means to measure the web
5 performance via a real browser simulation.”)); and Site24x7 uses explicit wait commands, such as a
6 command to “Wait for an element to load” or “Wait for an element to be visible”, and in order to
7 perform such a validation, Site24x7 must necessarily store facts about the webpage being rendered,
8 i.e., the expected condition to be checked for during validation
9 (<https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html>); and
10 computer program code for performing the validation test using at least one of the DOM access
11 methods of the web browsing components, wherein during the validation test, the at least one
12 webpage is newly rendered and details of elements for the at least one webpage as newly rendered are
13 accessed via the at least one of the DOM access methods and compared to the stored details in the
14 recorded script (for example, Site24x7 allows a user to create or record a test script and then play it
15 back by running it ([https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-](https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)
16 [monitoring-realbrowser.html](https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html) (“Install the Web Transaction (Browser) Recorder add-on, which
17 records all the user interaction in your web application in their exact sequence and notifies when any
18 error is detected. This monitoring feature will use an actual browser Firefox or Chrome to play-back
19 the captured web transaction.”); [https://www.site24x7.com/help/admin/adding-a-monitor/import-](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html)
20 [selenium-script-synthetic-monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html); [https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
21 [monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)) (“The Web Transaction (Browser) monitor records and
22 saves the user actions in a web script. These powerful scripts act as a means to measure the web
23 performance via a real browser simulation.”)); Site24x7 interrogates the DOM to identify and extract
24 relevant information regarding at least the page elements germane to the script, including each such
25 element’s index and value, and stores those details in the test script
26 (<https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html>;
27 <https://www.site24x7.com/help/admin/adding-a-monitor/website-defacement-monitoring.html> (“A
28 document object model (DOM) for a webpage lists each element that appears on the webpage,

1 including content, links, style specifications, scripts and more. The Website defacement monitor
 2 fetches this document object model (DOM) for your website during the initial monitor setup
 3 process.”); <https://www.site24x7.com/website-monitoring-comparison.html>; (“During poll the current
 4 Document Object Model (DOM) of the website is compared with a baseline DOM to detect and
 5 update the content modified threshold automatically.”); [https://www.site24x7.com/monitor-webpage-](https://www.site24x7.com/monitor-webpage-defacement.html)
 6 [defacement.html](https://www.site24x7.com/monitor-webpage-defacement.html) (“Site24x7 compares the current DOM to previously recorded DOM.”)); Site24x7
 7 uses explicit wait commands, such as a command to “Wait for an element to load” or “Wait for an
 8 element to be visible”, and in order to perform such a validation, Site24x7 must necessarily store
 9 facts about the webpage being rendered, i.e., the expected condition to be checked for during
 10 validation ([https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
 11 [editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)); and Site24x7 locates these page elements based on their DOM indexes, which
 12 necessarily requires it to use the DOM access methods included in Dynamic Linked Libraries
 13 associated with a browser code library ([https://support.site24x7.com/portal/en/kb/articles/in-my-](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes)
 14 [website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes)
 15 [record-each-time-the-value-changes](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes) (“The Site24x7 Web Transaction (Browser) Recorder will
 16 capture all the attributes of a particular HTML element (the text link in this case) such as ID, name,
 17 CSS, and XPath during the initial recording itself. During monitoring, Site24x7 will use any one of
 18 the attributes to identify the element.”); [https://support.site24x7.com/portal/en/kb/articles/list-of-](https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-in-real-browser-monitor)
 19 [selenium-commands-supported-in-real-browser-monitor](https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-in-real-browser-monitor);
 20 [https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)
 21 [realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html) (“The Intelligent Capture functionality in Web Transaction (Browser) learns about
 22 changes made to any user interactive element in a web page and updates the scripts accordingly.”));
 23 as disclosed in the ’493 Patent.

24 113. Defendants will, on information and belief, continue to directly infringe the ’493
 25 Patent unless enjoined.

26 114. To the extent Defendants’ Site24x7 Infringing Products, without more, do not directly
 27 infringe at least claim 1 of the ’493 Patent, at least as of the filing of this Complaint, Defendants
 28 contribute to infringement of the same under 35 U.S.C. § 271(c) inasmuch as the Site24x7 Infringing

1 Products offered for sale and sold by Defendants are each a component of a patented machine or an
 2 apparatus used in practicing a patented process, constituting a material part of SRI's invention,
 3 knowing the same to be especially made or especially adapted for use in infringement of the '493
 4 Patent. For example, as set forth above, Site24x7, when used in its normal and intended usage
 5 (pursuant to the instructions set forth on Defendants' website) infringes claim 1 of the '493 Patent.
 6 *See supra*, ¶ 112.

7 115. Defendants will, on information and belief, continue to contribute to infringement of
 8 the '493 Patent unless enjoined.

9 116. Defendants actively encourage their customer to use Defendants' Site24x7 Infringing
 10 Products in an infringing manner. For example, Defendants' website is replete with written
 11 directions, screenshots, and videos instructing users on how to use the Site24x7 Infringing Products
 12 in an infringing manner. For example, as set forth above, Defendants' website regarding Site24x7
 13 specifically instructs users of the Site24x7 Infringing Products how to infringe claim 1 of the '493
 14 patent. *See supra*, ¶ 112. Defendants' website also touts the identities of customers who use the
 15 Site24x7 Infringing Products, each of whom is a direct infringer inasmuch as they use the Site24x7
 16 Infringing Products in the infringing manner as instructed by Defendants:

17 **Over 12,000 Customers use Site24x7**



22 117. Upon information and belief, and particularly by way of the detailed documentation
 23 instructing users on how to use the Site24x7 Infringing Products in an infringing manner (*see supra*,
 24 ¶¶ 112, 116), Defendants have encouraged this infringement with knowledge of the '493 Patent and
 25 with a specific intent to cause their customers and distributors to infringe.

26 118. Defendants' acts thus constitute active inducement of patent infringement in violation
 27 of 35 U.S.C. § 271(b).
 28

1 119. Defendants will, on information and belief, continue to induce infringement of the
2 '493 Patent unless enjoined.

3 120. Defendants' direct infringement, contributory infringement, and inducement of
4 infringement have irreparably harmed SRI.

5 121. Defendants will, on information and belief, continue to irreparably harm SRI unless
6 enjoined.

7 122. Pursuant to 35 U.S.C. § 284, SRI is entitled to damages adequate to compensate for
8 the infringement but in no event less than a reasonable royalty.

9 123. This case is "exceptional" within the meaning of 35 U.S.C. § 285, and SRI is entitled
10 to an award of attorneys' fees.

11 **COUNT VI – INFRINGEMENT OF THE '491 PATENT BY SITE24X7**

12 124. SRI re-alleges and incorporates the allegations of the preceding paragraphs of this
13 Complaint as if fully set forth herein.

14 125. SRI is the assignee and owner of all right, title, and interest in and to the '491 Patent,
15 which was issued on March 17, 2015. A true and correct copy of the '491 Patent is attached hereto as
16 Exhibit F.

17 126. The '491 Patent addresses an invention for testing websites. The disclosed innovation
18 tests many facets of the website's experience and operation, including by providing novel approaches
19 to creating, storing, and executing test scripts using website elements as opposed to the previously
20 disclosed use of recording test scripts based upon user actions only.

21 127. SRI has the exclusive right to make, use, sell, and offer to sell any product embodying
22 the '491 Patent throughout the United States, and to import any product embodying the '491 Patent
23 into the United States.

24 128. SRI has commercially exploited the '491 Patent by making, marketing, selling, and
25 using products covered by the '491 Patent, including its popular eValid™ software products. SRI
26 continues to commercially exploit the '491 Patent through the present, at least by continuing to
27 provide maintenance and support to users of its popular eValid™ software products.

1 129. Defendants have had knowledge of the '491 Patent, SRI, and SRI's products
2 embodying the inventions claimed in the Patents-in-Suit since at least as early as the filing of this
3 Complaint.

4 130. At all relevant times, SRI provided public notice of the '491 Patent by properly
5 marking its products and its website pursuant to 35 U.S.C. § 287(a).

6 131. Defendants have been, and are currently, directly infringing at least claim 1 of the
7 '491 Patent in violation of 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by
8 making, using, selling, offering for sale, and/or importing into the United States Defendants'
9 Site24x7 Infringing Products, which, as set forth in documentation available on Defendants' website,
10 comprise the non-transitory computer readable media disclosed in the '491 Patent—both as
11 maintained in Defendants' files and as made accessible to its users to whom Defendants offer and sell
12 the Site24x7 Infringing Products—including at least computer program code for testing capabilities
13 of a website hosted by a server and accessible to a computer via a network (for example, “Using
14 Site24x7's synthetic monitoring tool, you can continuously test the availability, performance, and
15 functionality for all critical components that help deliver your digital business to guarantee site
16 reliability and a better end-user experience.” (<https://www.site24x7.com/synthetic-monitoring.html>);
17 “Web Transaction (Browser) allows you to monitor the availability and performance of your web
18 transactions using an actual web browser. To check the end-user experience—a robust recorder tool is
19 used, which records the web transactions and then plays them back via a real browser like Firefox or
20 Chrome.” ([https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-
21 realbrowser.html](https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html))); “Use our browser extension to record critical business transactions, and check
22 them from multiple locations by simulating traffic. Record typical user paths or actions like a form
23 submission, add to shopping cart, or import Selenium IDE test scripts, and play them back at regular
24 intervals on a real browser like Chrome or Firefox to ensure an error-free experience for your users.”
25 (<https://www.site24x7.com/synthetic-monitoring.html>); “With Web Transaction (Browser) Monitor,
26 you can measure the actual availability and performance of multi-step web interactions, such as e-
27 payment gateways or online shopping carts using a real browser like Firefox/Chrome.”
28 (<https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring->

1 [realbrowser.html](#))); the website, necessarily including at least one webpage, necessarily resides on a
2 remote server and Site24x7 as used with a web browser, such as Firefox or Chrome, is a “test-enabled
3 web browser” (for example, “Simulate navigation paths—common actions like sign up or a complex
4 user journey from login to the payment gateway—on a real browser to identify and resolve potential
5 issues before they affect your customers.” ([https://www.site24x7.com/website-](https://www.site24x7.com/website-monitoring.html?utm_source=redirect)
6 [monitoring.html?utm_source=redirect](#)); “Web Transaction (Browser) allows you to monitor the
7 availability and performance of your web transactions using an actual web browser. To check the
8 end-user experience—a robust recorder tool is used, which records the web transactions and then plays
9 them back via a real browser like Firefox or Chrome.”
10 ([https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)
11 [realbrowser.html](#)); “Monitor availability and performance of your web application by periodically
12 simulating the scripted actions from geographically dispersed web traffic via a real browser like
13 Chrome or Firefox.” (<https://www.site24x7.com/selenium-monitoring.html>;
14 <https://www.site24x7.com/synthetic-monitoring.html>)); computer program code for providing web
15 browsing capabilities (for example, Site24x7 allows a user to browse the web via common web
16 browsing activities, such as mouse clicks, validations, and navigating to a web page
17 (<https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html>;
18 [https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-transaction-](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-transaction-recorder.html#record-new-transaction)
19 [recorder.html#record-new-transaction](#))); computer program code for testing capabilities of a website
20 hosted by a server and accessible to a computer via a network (for example, Site24x7 allows for the
21 creation of test scripts to test websites by recording a user’s interactions with the web page in
22 question and allowing the user to play back those test scripts
23 (<https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html>
24 (“Install the Web Transaction (Browser) Recorder add-on, which records all the user interaction in
25 your web application in their exact sequence and notifies when any error is detected. This monitoring
26 feature will use an actual browser Firefox or Chrome to play-back the captured web transaction.”);
27 <https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html>) (“The
28 Web Transaction (Browser) monitor records and saves the user actions in a web script. These

1 powerful scripts act as a means to measure the web performance via a real browser simulation.”);
2 <https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html>
3 (“Web Transaction (Browser) allows you to monitor the availability and performance of your web
4 transactions using an actual web browser. To check the end-user experience—a robust recorder tool is
5 used, which records the web transactions and then plays them back via a real browser like Firefox or
6 Chrome.”)); wherein the computer program code for testing capabilities of the website includes at
7 least computer program code configured to have a synchronization check in a test script for testing at
8 least one web page of the website, and to automatically synchronize playback of the test script using
9 at least the synchronization check to maintain the test enabled browser's state by means of the
10 synchronization check in the test script to a Document Object Model (DOM) associated with the at
11 least one web page of the website, (for example, Site24x7 allows a user to create or record a test
12 script and then play it back by running it ([https://app.site24x7.com/help/admin/adding-a-
13 monitor/webapplication-monitoring-realbrowser.html](https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html) (“Install the Web Transaction (Browser)
14 Recorder add-on, which records all the user interaction in your web application in their exact
15 sequence and notifies when any error is detected. This monitoring feature will use an actual browser
16 Firefox or Chrome to play-back the captured web transaction.”);
17 [https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-
18 monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html); [https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-
19 editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)) (“The Web Transaction (Browser) monitor records and saves the user actions in a web
20 script. These powerful scripts act as a means to measure the web performance via a real browser
21 simulation.”)); Site24x7 interrogates the DOM to identify and extract relevant information regarding
22 at least the page elements germane to the script, including each such element’s index and value, and
23 stores those details in the test script ([https://www.site24x7.com/help/admin/adding-a-
24 monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html); [https://www.site24x7.com/help/admin/adding-a-
25 monitor/website-defacement-monitoring.html](https://www.site24x7.com/help/admin/adding-a-monitor/website-defacement-monitoring.html) (“A document object model (DOM) for a webpage lists
26 each element that appears on the webpage, including content, links, style specifications, scripts and
27 more. The Website defacement monitor fetches this document object model (DOM) for your website
28 during the initial monitor setup process.”); [- 51 -](https://www.site24x7.com/website-monitoring-</p></div><div data-bbox=)

1 [comparison.html](#); (“During poll the current Document Object Model (DOM) of the website is
2 compared with a baseline DOM to detect and update the content modified threshold automatically.”);
3 <https://www.site24x7.com/monitor-webpage-defacement.html> (“Site24x7 compares the current DOM
4 to previously recorded DOM.”)); Site24x7 uses explicit wait commands, such as a command to “Wait
5 for an element to load” or “Wait for an element to be visible”, and in order to perform such a
6 validation, Site24x7 must necessarily store facts about the webpage being rendered, i.e., the expected
7 condition to be checked for during validation ([https://www.site24x7.com/help/admin/adding-a-
8 monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)); Site24x7 locates these page elements based on their
9 DOM indexes, which necessarily requires it to use the DOM access methods included in Dynamic
10 Linked Libraries associated with a browser code library
11 ([https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-
12 elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes)
13 (“The Site24x7 Web Transaction (Browser) Recorder will capture all the attributes of a particular
14 HTML element (the text link in this case) such as ID, name, CSS, and XPath during the initial
15 recording itself. During monitoring, Site24x7 will use any one of the attributes to identify the
16 element.”); [https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-
17 in-real-browser-monitor](https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-in-real-browser-monitor); [https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-
18 monitoring-realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html) (“The Intelligent Capture functionality in Web Transaction (Browser)
19 learns about changes made to any user interactive element in a web page and updates the scripts
20 accordingly.”)); and Site24x7 allows for the testing of content dynamically generated by AJAX
21 programming including using, upon information and belief, its various wait commands to
22 synchronize playback and allow for testing of content dynamically generated by AJAX programming
23 ([https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-
24 monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html) (“Typical user transactions like login checks, form filling, AJAX requests, search in a
25 page etc. can be captured and recorded.”); [https://www.site24x7.com/help/admin/adding-a-
26 monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html) (“Command:
27 wait_for_element_presence("identifier","identifier_value",timeout)");
28 <https://www.site24x7.com/real-user-monitoring.html> (“Identify and resolve Java Script errors,

1 monitor the performance of AJAX calls, and gain insights on user sessions.”)); wherein the
2 synchronization check operates, when executed, to: find a current index of at least one DOM element
3 of the at least one web page based on a specified property name and/or property value; determine
4 whether a property name and/or value is present in the at least one DOM element of the at least one
5 web page having the current index; and after the current index is found and the property name and/or
6 value is determined to be present, wait for the property name and/ or value in the at least one DOM
7 element of the at least one web page having the current index to be a particular name and/or value
8 (for example, Site24x7 allows for the creation of test scripts to test websites by recording a user’s
9 interactions with the web page in question and allowing the user to play back those test scripts
10 (<https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html>
11 (“Install the Web Transaction (Browser) Recorder add-on, which records all the user interaction in
12 your web application in their exact sequence and notifies when any error is detected. This monitoring
13 feature will use an actual browser Firefox or Chrome to play-back the captured web transaction.”);
14 <https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html>) (“The
15 Web Transaction (Browser) monitor records and saves the user actions in a web script. These
16 powerful scripts act as a means to measure the web performance via a real browser simulation.”);
17 <https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html>
18 (“Web Transaction (Browser) allows you to monitor the availability and performance of your web
19 transactions using an actual web browser. To check the end-user experience—a robust recorder tool is
20 used, which records the web transactions and then plays them back via a real browser like Firefox or
21 Chrome.”)); Site24x7 interrogates the DOM to identify and extract relevant information regarding at
22 least the page elements germane to the script, including each such element’s index and value, and
23 stores those details in the test script ([https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
24 [monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html); [https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/website-defacement-monitoring.html)
25 [monitor/website-defacement-monitoring.html](https://www.site24x7.com/help/admin/adding-a-monitor/website-defacement-monitoring.html)) (“A document object model (DOM) for a webpage lists
26 each element that appears on the webpage, including content, links, style specifications, scripts and
27 more. The Website defacement monitor fetches this document object model (DOM) for your website
28 during the initial monitor setup process.”); <https://www.site24x7.com/website-monitoring->

1 [comparison.html](#); (“During poll the current Document Object Model (DOM) of the website is
2 compared with a baseline DOM to detect and update the content modified threshold automatically.”);
3 <https://www.site24x7.com/monitor-webpage-defacement.html> (“Site24x7 compares the current DOM
4 to previously recorded DOM.”)); Site24x7 uses explicit wait commands, such as a command to “Wait
5 for an element to load” or “Wait for an element to be visible”, and in order to perform such a
6 validation, Site24x7 must necessarily store facts about the webpage being rendered, i.e., the expected
7 condition to be checked for during validation ([https://www.site24x7.com/help/admin/adding-a-
8 monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)); Site24x7 locates these page elements based on their
9 DOM indexes, which necessarily requires it to use the DOM access methods included in Dynamic
10 Linked Libraries associated with a browser code library
11 ([https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-
12 elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes)
13 (“The Site24x7 Web Transaction (Browser) Recorder will capture all the attributes of a particular
14 HTML element (the text link in this case) such as ID, name, CSS, and XPath during the initial
15 recording itself. During monitoring, Site24x7 will use any one of the attributes to identify the
16 element.”); [https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-
17 in-real-browser-monitor](https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-in-real-browser-monitor); [https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-
18 monitoring-realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html) (“The Intelligent Capture functionality in Web Transaction (Browser)
19 learns about changes made to any user interactive element in a web page and updates the scripts
20 accordingly.”)); Site24x7 allows for the testing of content dynamically generated by AJAX
21 programming including using, upon information and belief, its various wait commands to
22 synchronize playback and allow for testing of content dynamically generated by AJAX programming
23 ([https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-
24 monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html) (“Typical user transactions like login checks, form filling, AJAX requests, search in a
25 page etc. can be captured and recorded.”); [https://www.site24x7.com/help/admin/adding-a-
26 monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html) (“Command:
27 wait_for_element_presence("identifier","identifier_value",timeout)");
28 <https://www.site24x7.com/real-user-monitoring.html> (“Identify and resolve Java Script errors,

1 monitor the performance of AJAX calls, and gain insights on user sessions.”)); wherein the computer
2 program code configured to have the synchronization check is a separate programmatic process from
3 the at least one web page of the website being tested (for example, upon information and belief,
4 Site24x7 uses WebDriver to run synchronization processes run in a separate programmatic process
5 from the web page of the website being tested (which runs in the web browser)
6 ([https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html)
7 [monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html) (“Web Transaction (Browser) - Selenium WebDriver measures and provides real-time
8 end-user experience of a web application. Site24x7 uses a Web Transaction (Browser) Recorder to
9 record all user interactions in the exact sequence and stores them as webscripts.”));
10 [https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html)
11 [monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html); <https://www.selenium.dev/documentation/webdriver/waits/>;
12 <https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/>;
13 <https://www.softwaretestingmaterial.com/selenium-fluentwait/>), as disclosed in the ’491 Patent.

14 132. Defendants will, on information and belief, continue to directly infringe the ’491
15 Patent unless enjoined.

16 133. To the extent Defendants’ Site24x7 Infringing Products, without more, do not directly
17 infringe at least claim 1 of the ’491 Patent, at least as of the filing of this Complaint, Defendants
18 contribute to infringement of the same under 35 U.S.C. § 271(c) inasmuch as the Site24x7 Infringing
19 Products offered for sale and sold by Defendants are each a component of a patented machine or an
20 apparatus used in practicing a patented process, constituting a material part of SRI’s invention,
21 knowing the same to be especially made or especially adapted for use in infringement of the ’491
22 Patent. For example, as set forth above, Site24x7, when used in its normal and intended usage
23 (pursuant to the instructions set forth on Defendants’ website), infringes claim 1 of the ’491 Patent.

24 *See supra*, ¶ 131.

25 134. Defendants will, on information and belief, continue to contribute to infringement of
26 the ’491 Patent unless enjoined.

1 135. Defendants actively encourage their customer to use Defendants' Site24x7 Infringing
 2 Products in an infringing manner. For example, Defendants' website is replete with written
 3 directions, screenshots, and videos instructing users on how to use the Site24x7 Infringing Products
 4 in an infringing manner. For example, as set forth above, Defendants' website regarding Site24x7
 5 specifically instructs users of the Site24x7 Infringing Products how to infringe claim 1 of the '491
 6 patent. *See supra*, ¶ 131. Defendants' website also touts the identities of customers who use the
 7 Infringing Products, each of whom is a direct infringer inasmuch as they use the Site24x7 Infringing
 8 Products in the infringing manner as instructed by Defendants:

9 **Over 12,000 Customers use Site24x7**



14 136. Upon information and belief, and particularly by way of the detailed documentation
 15 instructing users on how to use the Site24x7 Infringing Products in an infringing manner (*see supra*,
 16 ¶¶ 131, 135), Defendants have encouraged this infringement with knowledge of the '491 Patent and
 17 with a specific intent to cause their customers and distributors to infringe.

18 137. Defendants' acts thus constitute active inducement of patent infringement in violation
 19 of 35 U.S.C. § 271(b).

20 138. Defendants will, on information and belief, continue to induce infringement of the
 21 '491 Patent unless enjoined.

22 139. Defendants' direct infringement, contributory infringement, and inducement of
 23 infringement have irreparably harmed SRI.

24 140. Defendants will, on information and belief, continue to irreparably harm SRI unless
 25 enjoined.

26 141. Pursuant to 35 U.S.C. § 284, SRI is entitled to damages adequate to compensate for
 27 the infringement but in no event less than a reasonable royalty.

1 142. This case is “exceptional” within the meaning of 35 U.S.C. § 285, and SRI is entitled
2 to an award of attorneys’ fees.

3 **COUNT VII – INFRINGEMENT OF THE ’286 PATENT BY SITE24X7**

4 143. SRI re-alleges and incorporates the allegations of the preceding paragraphs of this
5 Complaint as if fully set forth herein.

6 144. SRI is the assignee and owner of all right, title, and interest in and to the ’286 Patent,
7 which was issued on November 26, 2019. A true and correct copy of the ’286 Patent is attached
8 hereto as Exhibit G.

9 145. The ’286 Patent addresses an invention for testing websites. The disclosed innovation
10 tests many facets of the website’s experience and operation, including by providing novel approaches
11 to creating, storing, and executing test scripts using website elements as opposed to the previously
12 disclosed use of recording test scripts based upon user actions only.

13 146. SRI has the exclusive right to make, use, sell, and offer to sell any product embodying
14 the ’286 Patent throughout the United States, and to import any product embodying the ’286 Patent
15 into the United States.

16 147. SRI has commercially exploited the ’286 Patent by making, marketing, selling, and
17 using products covered by the ’286 Patent, including its popular eValid™ software products. SRI
18 continues to commercially exploit the ’286 Patent through the present, at least by continuing to
19 provide maintenance and support to users of its popular eValid™ software products.

20 148. Defendants have had knowledge of the ’286 Patent, SRI, and SRI’s products
21 embodying the inventions claimed in the Patents-in-Suit since at least as early as the filing of this
22 Complaint.

23 149. At all relevant times, SRI provided public notice of the ’286 Patent by properly
24 marking its products and its website pursuant to 35 U.S.C. § 287(a).

25 150. Defendants have been, and are currently, directly infringing at least claim 1 of the
26 ’286 Patent in violation of 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by
27 making, using, selling, offering for sale, and/or importing into the United States Defendants’
28 Site24x7 Infringing Products, which, as set forth in documentation available on Defendants’ website,

1 comprise the computing device disclosed in the '286 Patent—both as maintained in Defendants' files
2 and as made accessible to its users to whom Defendants offer and sell the Site24x7 Infringing
3 Products—including at least a memory; web browser program code stored in the memory; and a
4 processor configured to perform the web browser program code (for example, “Using Site24x7's
5 synthetic monitoring tool, you can continuously test the availability, performance, and functionality
6 for all critical components that help deliver your digital business to guarantee site reliability and a
7 better end-user experience.” (<https://www.site24x7.com/synthetic-monitoring.html>); “Web
8 Transaction (Browser) allows you to monitor the availability and performance of your web
9 transactions using an actual web browser. To check the end-user experience—a robust recorder tool is
10 used, which records the web transactions and then plays them back via a real browser like Firefox or
11 Chrome.” ([https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-
12 realbrowser.html](https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html))); “Use our browser extension to record critical business transactions, and check
13 them from multiple locations by simulating traffic. Record typical user paths or actions like a form
14 submission, add to shopping cart, or import Selenium IDE test scripts, and play them back at regular
15 intervals on a real browser like Chrome or Firefox to ensure an error-free experience for your users.”
16 (<https://www.site24x7.com/synthetic-monitoring.html>); “With Web Transaction (Browser) Monitor,
17 you can measure the actual availability and performance of multi-step web interactions, such as e-
18 payment gateways or online shopping carts using a real browser like Firefox/Chrome.”
19 ([https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-
20 realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html))); wherein the web browser program code, when performed, provides a web
21 browser operating on the computing device (for example, Site24x7 allows a user to browse the web
22 via common web browsing activities, such as mouse clicks, validations, and navigating to a web page
23 (<https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html>;
24 [https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-transaction-
25 recorder.html#record-new-transaction](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-transaction-recorder.html#record-new-transaction))); wherein the web browser program code provides the web
26 browser with Document Object Model (DOM) access capabilities (for example, Site24x7 locates
27 these page elements based on their DOM indexes, which necessarily requires it to use the DOM
28 access methods included in Dynamic Linked Libraries associated with a browser code library

1 ([https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes)
2 [elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes](https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing-elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes)
3 (“The Site24x7 Web Transaction (Browser) Recorder will capture all the attributes of a particular
4 HTML element (the text link in this case) such as ID, name, CSS, and XPath during the initial
5 recording itself. During monitoring, Site24x7 will use any one of the attributes to identify the
6 element.”); [https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-](https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-in-real-browser-monitor)
7 [in-real-browser-monitor](https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-in-real-browser-monitor); [https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)
8 [monitoring-realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html) (“The Intelligent Capture functionality in Web Transaction (Browser)
9 learns about changes made to any user interactive element in a web page and updates the scripts
10 accordingly.”)); wherein the web browser program code, executable by the computing device,
11 includes at least: computer program code for testing and analysis of a web page as rendered by the
12 web browser (for example, Site24x7 allows a user to create or record a test script and then play it
13 back by running it ([https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-](https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)
14 [monitoring-realbrowser.html](https://app.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html) (“Install the Web Transaction (Browser) Recorder add-on, which
15 records all the user interaction in your web application in their exact sequence and notifies when any
16 error is detected. This monitoring feature will use an actual browser Firefox or Chrome to play-back
17 the captured web transaction.”); [https://www.site24x7.com/help/admin/adding-a-monitor/import-](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html)
18 [selenium-script-synthetic-monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html); [https://www.site24x7.com/help/admin/adding-a-](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)
19 [monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)) (“The Web Transaction (Browser) monitor records and
20 saves the user actions in a web script. These powerful scripts act as a means to measure the web
21 performance via a real browser simulation.”)); computer program code for accessing an attribute or
22 property value of an element of a DOM of the web page, wherein the computer program code for
23 accessing the attribute or property value of the element of the DOM of the web page accesses the
24 DOM of the web page using a browser programming interface that enables the web browser program
25 code to have access to the DOM (for example, Site24x7 locates these page elements based on their
26 DOM indexes, which necessarily requires it to use the DOM access methods included in Dynamic
27 Linked Libraries associated with a browser code library
28 (<https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing->

1 [elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes](#)
2 (“The Site24x7 Web Transaction (Browser) Recorder will capture all the attributes of a particular
3 HTML element (the text link in this case) such as ID, name, CSS, and XPath during the initial
4 recording itself. During monitoring, Site24x7 will use any one of the attributes to identify the
5 element.”); [https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-](https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-in-real-browser-monitor)
6 [in-real-browser-monitor](https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported-in-real-browser-monitor); [https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html)
7 [monitoring-realbrowser.html](https://www.site24x7.com/help/admin/adding-a-monitor/webapplication-monitoring-realbrowser.html) (“The Intelligent Capture functionality in Web Transaction (Browser)
8 learns about changes made to any user interactive element in a web page and updates the scripts
9 accordingly.”)); the browser programming interface is supported by an API underlying the web
10 browser program code for providing a plurality of library function calls or methods that are accessible
11 by the web browser program code (for example, Site24x7 includes a browser programming interface
12 capable of accessing WebDriver, which functions as is an underlying API
13 ([https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html)
14 [monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html) (“Web Transaction (Browser) - Selenium WebDriver measures and provides real-time
15 end-user experience of a web application. Site24x7 uses a Web Transaction (Browser) Recorder to
16 record all user interactions in the exact sequence and stores them as webscripts.”);
17 [https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html)
18 [monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html)); and wherein the computer program code for accessing the attribute or property value
19 of the element of the DOM of the web page accesses the attribute or property value of the element of
20 the DOM of the web page for purposes of the testing and analysis of the web page rendered in the
21 web browser (for example, Site24x7 interrogates the DOM to identify and extract relevant
22 information regarding at least the page elements germane to the script, including each such element’s
23 index and value, and stores those details in the test script
24 (<https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html>;
25 <https://www.site24x7.com/help/admin/adding-a-monitor/website-defacement-monitoring.html> (“A
26 document object model (DOM) for a webpage lists each element that appears on the webpage,
27 including content, links, style specifications, scripts and more. The Website defacement monitor
28 fetches this document object model (DOM) for your website during the initial monitor setup

1 process.”); <https://www.site24x7.com/website-monitoring-comparison.html>; (“During poll the current
2 Document Object Model (DOM) of the website is compared with a baseline DOM to detect and
3 update the content modified threshold automatically.”); [https://www.site24x7.com/monitor-webpage-
4 defacement.html](https://www.site24x7.com/monitor-webpage-defacement.html) (“Site24x7 compares the current DOM to previously recorded DOM.”)); Site24x7
5 uses explicit wait commands, such as a command to “Wait for an element to load” or “Wait for an
6 element to be visible”, and in order to perform such a validation, Site24x7 must necessarily store
7 facts about the webpage being rendered, i.e., the expected condition to be checked for during
8 validation ([https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-
9 editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html)); wherein the web browser program code supports at least one command, provided to the
10 web browser via the browser programming interface, to facilitate synchronized testing and analysis of
11 asynchronous processes of the web page rendered by the web browser using the underlying API (for
12 example, Site24x7 allows for the testing of content dynamically generated by AJAX programming
13 including using, upon information and belief, its various wait commands to synchronize playback and
14 allow for testing of content dynamically generated by AJAX programming
15 ([https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-
16 monitor.html](https://www.site24x7.com/help/admin/adding-a-monitor/import-selenium-script-synthetic-monitor.html) (“Typical user transactions like login checks, form filling, AJAX requests, search in a
17 page etc. can be captured and recorded.”); [https://www.site24x7.com/help/admin/adding-a-
18 monitor/advanced-web-script-editing.html](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-web-script-editing.html) (“Command:
19 wait_for_element_presence("identifier","identifier_value",timeout)”);
20 <https://www.site24x7.com/real-user-monitoring.html> (“Identify and resolve Java Script errors,
21 monitor the performance of AJAX calls, and gain insights on user sessions.”)); and wherein the at
22 least one command includes a DOM index value, a DOM property name and a DOM property value,
23 and causes examination of a name and a value of a property found in the DOM of the web page at the
24 DOM index value to determine whether the name and the value match the DOM property name and
25 the DOM property value, respectively (for example, to generate and subsequently perform validation
26 tests, Site24x7 interrogates the DOM to identify and extract relevant information regarding at least
27 the page elements germane to the script, including each such element’s index and value, and stores
28 those details in the test script ([- 61 -](https://www.site24x7.com/help/admin/adding-a-monitor/advanced-</p></div><div data-bbox=)

1 [web-script-editing.html](#); <https://www.site24x7.com/help/admin/adding-a-monitor/website->
2 [defacement-monitoring.html](#) (“A document object model (DOM) for a webpage lists each element
3 that appears on the webpage, including content, links, style specifications, scripts and more. The
4 Website defacement monitor fetches this document object model (DOM) for your website during the
5 initial monitor setup process.”); <https://www.site24x7.com/website-monitoring-comparison.html>;
6 (“During poll the current Document Object Model (DOM) of the website is compared with a baseline
7 DOM to detect and update the content modified threshold automatically.”);
8 <https://www.site24x7.com/monitor-webpage-defacement.html> (“Site24x7 compares the current DOM
9 to previously recorded DOM.”); Site24x7 uses explicit wait commands, such as a command to “Wait
10 for an element to load” or “Wait for an element to be visible”, and in order to perform such a
11 validation, Site24x7 must necessarily store facts about the webpage being rendered, i.e., the expected
12 condition to be checked for during validation (<https://www.site24x7.com/help/admin/adding-a->
13 [monitor/advanced-web-script-editing.html](#)); Site24x7 locates these page elements based on their
14 DOM indexes, which necessarily requires it to use the DOM access methods included in Dynamic
15 Linked Libraries associated with a browser code library
16 (<https://support.site24x7.com/portal/en/kb/articles/in-my-website-i-have-randomly-changing->
17 [elements-such-as-ticket-prices-and-stock-quotes-do-i-have-to-record-each-time-the-value-changes](#)
18 (“The Site24x7 Web Transaction (Browser) Recorder will capture all the attributes of a particular
19 HTML element (the text link in this case) such as ID, name, CSS, and XPath during the initial
20 recording itself. During monitoring, Site24x7 will use any one of the attributes to identify the
21 element.”); <https://support.site24x7.com/portal/en/kb/articles/list-of-selenium-commands-supported->
22 [in-real-browser-monitor](#); <https://www.site24x7.com/help/admin/adding-a-monitor/webapplication->
23 [monitoring-realbrowser.html](#) (“The Intelligent Capture functionality in Web Transaction (Browser)
24 learns about changes made to any user interactive element in a web page and updates the scripts
25 accordingly.”)); as disclosed in the ’286 Patent.

26 151. Defendants will, on information and belief, continue to directly infringe the ’286
27 Patent unless enjoined.

1 152. To the extent Defendants' Site24x7 Infringing Products, without more, do not directly
 2 infringe at least claim 1 of the '286 Patent, at least as of the filing of this Complaint, Defendants
 3 contribute to infringement of the same under 35 U.S.C. § 271(c) inasmuch as the Site24x7 Infringing
 4 Products offered for sale and sold by Defendants are each a component of a patented machine or an
 5 apparatus used in practicing a patented process, constituting a material part of SRI's invention,
 6 knowing the same to be especially made or especially adapted for use in infringement of the '286
 7 Patent. For example, as set forth above, Site24x7, when used in its normal and intended usage
 8 (pursuant to the instructions set forth on Defendants' website), infringes claim 1 of the '286 Patent.
 9 *See supra*, ¶ 150.

10 153. Defendants will, on information and belief, continue to contribute to infringement of
 11 the '286 Patent unless enjoined.

12 154. Defendants actively encourage their customer to use Defendants' Site24x7 Infringing
 13 Products in an infringing manner. For example, Defendants' website is replete with written
 14 directions, screenshots, and videos instructing users on how to use the Site24x7 Infringing Products
 15 in an infringing manner. For example, as set forth above, Defendants' website regarding Site24x7
 16 specifically instructs users of the Site24x7 Infringing Products how to infringe claim 1 of the '286
 17 patent. *See supra*, ¶ 150. Defendants' website also touts the identities of customers who use the
 18 Site24x7 Infringing Products, each of whom is a direct infringer inasmuch as they use the Site24x7
 19 Infringing Products in the infringing manner as instructed by Defendants:

20 **Over 12,000 Customers use Site24x7**



24

25 155. Upon information and belief, and particularly by way of the detailed documentation
 26 instructing users on how to use the Site24x7 Infringing Products in an infringing manner (*see supra*,
 27 ¶¶ 150, 154), Defendants have encouraged this infringement with knowledge of the '286 Patent and
 28 with a specific intent to cause their customers and distributors to infringe.

1 156. Defendants’ acts thus constitute active inducement of patent infringement in violation
2 of 35 U.S.C. § 271(b).

3 157. Defendants will, on information and belief, continue to induce infringement of the
4 ’286 Patent unless enjoined.

5 158. Defendants’ direct infringement, contributory infringement, and inducement of
6 infringement have irreparably harmed SRI.

7 159. Defendants will, on information and belief, continue to irreparably harm SRI unless
8 enjoined.

9 160. Pursuant to 35 U.S.C. § 284, SRI is entitled to damages adequate to compensate for
10 the infringement but in no event less than a reasonable royalty.

11 161. This case is “exceptional” within the meaning of 35 U.S.C. § 285, and SRI is entitled
12 to an award of attorneys’ fees.

13 **COUNT VIII – INFRINGEMENT OF THE ’175 PATENT BY APPLICATIONS MANAGER**

14 162. SRI re-alleges and incorporates the allegations of the preceding paragraphs of this
15 Complaint as if fully set forth herein.

16 163. SRI is the assignee and owner of all right, title, and interest in and to the ’175 Patent,
17 which was issued on July 13, 2010. A true and correct copy of the ’175 Patent is attached hereto as
18 Exhibit A.

19 164. The ’175 Patent addresses an invention for testing websites. This disclosed innovation
20 tests many facets of the website’s experience and operation, including by providing novel approaches
21 to creating, storing, and executing test scripts using website elements as opposed to the previously
22 disclosed use of recording test scripts based upon user actions only.

23 165. SRI has the exclusive right to make, use, sell, and offer to sell any product embodying
24 the ’175 Patent throughout the United States, and to import any product embodying the ’175 Patent
25 into the United States.

26 166. SRI has commercially exploited the ’175 Patent by making, marketing, selling, and
27 using products covered by the ’175 Patent, including its popular eValid™ software products. SRI
28

1 continues to commercially exploit the '175 Patent through the present, at least by continuing to
2 provide maintenance and support to users of its popular eValid™ software products.

3 167. Defendants have had knowledge of the '175 Patent, SRI, and SRI's products
4 embodying the inventions claimed in the Patents-in-Suit since at least as early as the filing of this
5 Complaint.

6 168. At all relevant times, SRI provided public notice of the '175 Patent at least by properly
7 marking its products and its website pursuant to 35 U.S.C. § 287(a).

8 169. Defendants have been, and are currently, directly infringing at least claim 11 of the
9 '175 Patent in violation of 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by
10 making, using, selling, offering for sale, and/or importing into the United States certain software,
11 including without limitation Defendants' cloud-based platform for testing websites and web-based
12 software applications titled, upon information and belief, Applications Manager and/or other related
13 software products and services offered by Defendants (Defendants' "Applications Manager
14 Infringing Products"), which, as set forth in documentation available on Defendants' websites,
15 comprise the non-transitory computer readable media disclosed in the '175 Patent—both as
16 maintained in Defendants' files and as made accessible to its users to whom Defendants offer and sell
17 the Applications Manager Infringing Products—including at least computer program code stored
18 therein for providing a test-enabled web browser for operation on a computing device to test a
19 website hosted by a remote server, the website having at least one webpage (for example, "Create
20 better customer experiences by testing the performance of critical user paths on your website 24x7."
21 (https://www.manageengine.com/products/applications_manager/); "Test critical user paths on your
22 website by simulating them via Selenium based scripting. The checks are run from real browsers such
23 as Chrome or Firefox." ([https://www.manageengine.com/products/applications_manager/website-
24 monitoring.html?prev=APMAB2](https://www.manageengine.com/products/applications_manager/website-monitoring.html?prev=APMAB2))); "For Real Browser Monitoring we use the Web Transaction
25 Recorder to record all user online transactions in their exact sequence. The Recorder is used to record
26 the transactions which get stored as webscripts. These transactions will then be replayed at regular
27 intervals of time and notifications will be sent when error is detected."
28 (https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-

1 [rbm.html?website-monitoring-tools](#)); “Unlike most web application performance monitoring tools in
2 the market, Applications Manager's RBM allows you to perform playback of recorded workflows in
3 different browsers - Mozilla Firefox, Google Chrome, and Microsoft Edge.”

4 (https://www.manageengine.com/products/applications_manager/web-application-monitoring.html);

5 “Do your customers complain about broken sign up forms or flaky shopping carts? Among our
6 website monitoring tools is the synthetic transaction monitor that can help you accurately simulate
7 user interactions with your website and ensure the correctness and performance of critical user
8 paths.” ([https://www.manageengine.com/products/applications_manager/website-monitoring-](https://www.manageengine.com/products/applications_manager/website-monitoring-tools.html)

9 [tools.html](#)); the website, necessarily including at least one webpage, necessarily resides on a remote
10 server and Applications Manager as used with a web browser, such as Firefox or Chrome, is a “test-
11 enabled web browser” (for example, “Test critical user paths on your website by simulating them via
12 Selenium based scripting. The checks are run from real browsers such as Chrome or Firefox.”

13 ([https://www.manageengine.com/products/applications_manager/website-](https://www.manageengine.com/products/applications_manager/website-monitoring.html?prev=APMAB2)

14 [monitoring.html?prev=APMAB2](#)); “Unlike most web application performance monitoring tools in
15 the market, Applications Manager's RBM allows you to perform playback of recorded workflows in
16 different browsers - Mozilla Firefox, Google Chrome, and Microsoft Edge.”

17 (https://www.manageengine.com/products/applications_manager/web-application-monitoring.html);

18 “What is Web Transaction Recorder Extension? It is a browser extension which will allow you to
19 record your actions on a website or a web application and monitor them using Real Browser

20 Monitor.” [https://www.manageengine.com/products/applications_manager/help/rbm-browser-](https://www.manageengine.com/products/applications_manager/help/rbm-browser-extension.html)
21 [extension.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#SeleniumIDE); [https://www.manageengine.com/products/applications_manager/help/real-browser-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#SeleniumIDE)

22 [monitor-rbm.html#SeleniumIDE](#)); web browsing components (for example, Applications Manager

23 allows a user to record actions on a website or web application using a web browser, the web browser
24 under test thus comprising web browsing components

25 (https://www.manageengine.com/products/applications_manager/help/rbm-browser-extension.html;

26 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools#newtrans)

27 [rbm.html?website-monitoring-tools#newtrans](#)); Applications Manager allows for creation of test

28 scripts to test websites by recording a user’s interactions with the web page in question and allowing

1 the user to play back those test scripts

2 (https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-

3 <rbm.html> (“For Real Browser Monitoring we use the Web Transaction Recorder to record all user

4 online transactions in their exact sequence. The Recorder is used to record the transactions which get

5 stored as webscripts. These transactions will then be replayed at regular intervals of time and

6 notifications will be sent when error is detected.”);

7 https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-

8 <rbm.html?website-monitoring-tools> (“Applications Manager uses behavioral scripts to describe the

9 path that would be taken by a end-user on the site.”);

10 https://www.manageengine.com/products/applications_manager/web-application-monitoring.html)

11 (“Use Applications Manager's in-house web transaction recorder to record the steps of critical

12 workflows in your web applications.”)); a page evaluation component that operates to read, extract,

13 and analyze and confirm the contents of page components, including Document Object Model

14 (DOM) elements with their associated at least one index and their values (for example, Applications

15 Manager allows for the creation of test scripts to test websites by recording a user’s interactions with

16 the web page in question and allowing the user to play back those test scripts

17 (https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-

18 <rbm.html> (“For Real Browser Monitoring we use the Web Transaction Recorder to record all user

19 online transactions in their exact sequence. The Recorder is used to record the transactions which get

20 stored as webscripts. These transactions will then be replayed at regular intervals of time and

21 notifications will be sent when error is detected.”);

22 https://www.manageengine.com/products/applications_manager/apm-product-flyer.pdf) (“Simulate

23 real user workflows. Selenium based scripting for multi-page end-user workflow simulation.”);

24 https://www.manageengine.com/products/applications_manager/meam_fact_sheet.pdf;

25 https://www.manageengine.com/products/applications_manager/web-application-monitoring.html)

26 (“Use Applications Manager's in-house web transaction recorder to record the steps of critical

27 workflows in your web applications.”)); Applications Manager interrogates the DOM to identify and

28 extract relevant information regarding at least the page elements germane to the script, including each

1 such element's index and value, and stores those details in the test script
2 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working)
3 [rbm.html#Working](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working) (“Real Browser monitor is created in Applications Manager server by recording
4 the web transaction and specifying the agent(s) where the playback should occur. Each EUM agent
5 will periodically check Applications Manager Server if RBM monitor has been configured for it and
6 replay the actions in the browser. Once the playback is complete, EUM agent will update the results
7 of the playback [response time, response code, etc] in Applications Manager”);
8 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans)
9 [rbm.html#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
10 [browser-monitor-rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools); (“In RBM, we render the webpage, build the
11 DOM and even execute the JavaScript in the web browser.”);
12 https://www.manageengine.com/products/applications_manager/issues.html (“In Real Browser
13 monitor, if the recorded script contained DOM value as the primary identifier, data collection was not
14 happening.”)); to locate page elements based on their DOM indexes, Applications Manager must
15 necessarily use the DOM access methods included in Dynamic Linked Libraries associated with a
16 browser code library ([https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
17 [browser-monitor-rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Actual rendering of a web page does not
18 occur in the traditional web monitoring. In RBM, we render the webpage, build the DOM and even
19 execute the JavaScript in the web browser.”);
20 [https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback)
21 [faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback)
22 [_playback](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback) (“How to correct ‘Unable to locate element’ error during datacollection? This error occurs
23 when a particular element specified in the script is missing or hidden. This can be corrected by
24 editing the script and changing the element locator or value.”);
25 [https://www.manageengine.com/products/applications_manager/website-performance-](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)
26 [monitoring.html?website-monitoring](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)); a test data component that operates to store facts about the at
27 least one webpage (for example, Applications Manager uses the WebDriver capabilities in standard
28 browsers, which incorporate search commands, such as findElements, and explicit wait commands,

1 such as FluentWait, and in order to execute such commands, Applications Manager must necessarily
 2 store facts about the webpage being rendered, i.e., the expected condition to be checked for during
 3 validation ([https://www.manageengine.com/products/applications_manager/help/installing-eum-](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings)
 4 [agent.html#WebDriverSettings](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings) (“WebDriver specified here will be used to perform playback during
 5 each data collection.”); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
 6 [browser-monitor-rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“Download the Microsoft Webdriver for the corresponding version of the
 7 Edge installed in the Windows server”); [https://www.softwaretestinghelp.com/selenium-webdriver-](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click)
 8 [commands-selenium-tutorial-17/#3_findElementBy_by_and_click](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click) (“The findElement(By, by)
 9 method searches and locates the first element on the current page, which matches the criteria given as
 10 a parameter. This method is usually used in commands to simulate user actions like click, submit,
 11 type etc.”); <https://www.softwaretestingmaterial.com/selenium-fluentwait/> (“We use FluentWait
 12 commands mainly when we have web elements which sometimes visible in few seconds and some
 13 times take more time than usual.”); and a graphical user interface to provide user access to at least
 14 said web browsing components and at least one of said page evaluation components and said test data
 15 component (for example, Applications Manager has a graphical user interface to provide user access
 16 to test details including dashboards and screenshots
 17 ([https://www.manageengine.com/products/applications_manager/synthetic-transaction-](https://www.manageengine.com/products/applications_manager/synthetic-transaction-monitoring.html?prev=APMAB2)
 18 [monitoring.html?prev=APMAB2](https://www.manageengine.com/products/applications_manager/synthetic-transaction-monitoring.html?prev=APMAB2) (“With the help of comprehensive reports and out of the box
 19 dashboards, get to know more about the health, availability, downtime and response time of the web
 20 application or website across all locations.”)) as disclosed in the ’175 Patent.

21 170. Defendants will, on information and belief, continue to directly infringe the ’175
 22 Patent unless enjoined.

23 171. To the extent Defendants’ Applications Manager Infringing Products, without more,
 24 do not directly infringe at least claim 11 of the ’175 Patent, at least as of the filing of this Complaint,
 25 Defendants contribute to infringement of the same under 35 U.S.C. § 271(c) inasmuch as the
 26 Applications Manager Infringing Products offered for sale and sold by Defendants are each a
 27 component of a patented machine or an apparatus used in practicing a patented process, constituting a
 28 material part of SRI’s invention, knowing the same to be especially made or especially adapted for

1 use in infringement of the '175 Patent. For example, as set forth above, Applications Manager, when
 2 used in its normal and intended usage (pursuant to the instructions set forth on Defendants' websites),
 3 infringes claim 11 of the '175 Patent. *See supra*, ¶ 169.

4 172. Defendants will, on information and belief, continue to contribute to infringement the
 5 '175 Patent unless enjoined.

6 173. Defendants actively encourage their customers to use Defendants' Applications
 7 Manager Infringing Products in an infringing manner. For example, Defendants' website is replete
 8 with written directions, screenshots, and videos instructing users on how to use the Applications
 9 Manager Infringing Products in an infringing manner. For example, as set forth above, Defendants'
 10 website regarding Applications Manager specifically instructs users of the Applications Manager
 11 Infringing Products how to infringe claim 11 of the '175 patent. *See supra*, ¶ 169. Defendants'
 12 website also touts the identities of customers who use the Applications Manager Infringing Products,
 13 each of whom is a direct infringer inasmuch as they use the Applications Manager Infringing
 14 Products in the infringing manner as instructed by Defendants:

15 **Trusted by the world's best organizations**



20 174. Upon information and belief, and particularly by way of the detailed documentation
 21 instructing users on how to use the Applications Manager Infringing Products in an infringing
 22 manner (*see supra*, ¶¶ 169, 173), Defendants have encouraged this infringement with knowledge of
 23 the '175 Patent and with a specific intent to cause their customers and distributors to infringe.

24 175. Defendants' acts thus constitute active inducement of patent infringement in violation
 25 of 35 U.S.C. § 271(b).

26 176. Defendants will, on information and belief, continue to induce infringement of the
 27 '175 Patent unless enjoined.

1 177. Defendants' direct infringement, contributory infringement, and inducement of
2 infringement have irreparably harmed SRI.

3 178. Defendants will, on information and belief, continue to irreparably harm SRI unless
4 enjoined.

5 179. Pursuant to 35 U.S.C. § 284, SRI is entitled to damages adequate to compensate for
6 the infringement but in no event less than a reasonable royalty.

7 180. This case is "exceptional" within the meaning of 35 U.S.C. § 285, and SRI is entitled
8 to an award of attorneys' fees.

9 **COUNT IX – INFRINGEMENT OF THE '271 PATENT BY APPLICATIONS MANAGER**

10 181. SRI re-alleges and incorporates the allegations of the preceding paragraphs of this
11 Complaint as if fully set forth herein.

12 182. SRI is the assignee and owner of all right, title, and interest in and to the '271 Patent,
13 which was issued on December 4, 2012. A true and correct copy of the '271 Patent is attached hereto
14 as Exhibit B.

15 183. The '271 Patent addresses an invention for testing websites. This disclosed innovation
16 tests many facets of the website's experience and operation, including by providing novel approaches
17 to creating, storing, and executing test scripts using website elements as opposed to the previously
18 disclosed use of recording test scripts based upon user actions only.

19 184. SRI has the exclusive right to make, use, sell, and offer to sell any product embodying
20 the '271 Patent throughout the United States, and to import any product embodying the '271 Patent
21 into the United States.

22 185. SRI has commercially exploited the '271 Patent by making, marketing, selling, and
23 using products covered by the '271 Patent, including its popular eValid™ software products. SRI
24 continues to commercially exploit the '271 Patent through the present, at least by continuing to
25 provide maintenance and support to users of its popular eValid™ software products.

26 186. Defendants have had knowledge of the '271 Patent, SRI, and SRI's products
27 embodying the inventions claimed in the Patents-in-Suit since at least as early as the filing of this
28 Complaint.

1 187. At all relevant times, SRI provided public notice of the '271 Patent at least by properly
2 marking its products and its website pursuant to 35 U.S.C. § 287(a).

3 188. Defendants have been, and are currently, directly infringing at least claim 1 of the
4 '271 Patent in violation of 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by
5 making, using, selling, offering for sale, and/or importing into the United States Defendants'
6 Applications Manager Infringing Products, which, as set forth in documentation available on
7 Defendants' website, comprise the non-transitory computer readable media disclosed in the '271
8 Patent—both as maintained in Defendants' files and as made accessible to its users to whom
9 Defendants offer and sell the Applications Manager Infringing Products—including at least computer
10 program code stored therein for providing a test-enabled web browser for testing a website residing
11 on a network (for example, “Create better customer experiences by testing the performance of critical
12 user paths on your website 24x7.” (https://www.manageengine.com/products/applications_manager/);
13 “Test critical user paths on your website by simulating them via Selenium based scripting. The
14 checks are run from real browsers such as Chrome or Firefox.”
15 ([https://www.manageengine.com/products/applications_manager/website-](https://www.manageengine.com/products/applications_manager/website-monitoring.html?prev=APMAB2)
16 [monitoring.html?prev=APMAB2](https://www.manageengine.com/products/applications_manager/website-monitoring.html?prev=APMAB2))); “For Real Browser Monitoring we use the Web Transaction
17 Recorder to record all user online transactions in their exact sequence. The Recorder is used to record
18 the transactions which get stored as webscripts. These transactions will then be replayed at regular
19 intervals of time and notifications will be sent when error is detected.”
20 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
21 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)); “Unlike most web application performance monitoring tools in
22 the market, Applications Manager's RBM allows you to perform playback of recorded workflows in
23 different browsers - Mozilla Firefox, Google Chrome, and Microsoft Edge.”
24 (https://www.manageengine.com/products/applications_manager/web-application-monitoring.html);
25 “Do your customers complain about broken sign up forms or flaky shopping carts? Among our
26 website monitoring tools is the synthetic transaction monitor that can help you accurately simulate
27 user interactions with your website and ensure the correctness and performance of critical user
28 paths.” (https://www.manageengine.com/products/applications_manager/website-monitoring-

1 [tools.html](#)); the website, necessarily including at least one webpage, necessarily resides on a remote
2 server and Site24x7 as used with a web browser, such as Firefox or Chrome, is a “test-enabled web
3 browser” (for example, “Test critical user paths on your website by simulating them via Selenium
4 based scripting. The checks are run from real browsers such as Chrome or Firefox.”
5 ([https://www.manageengine.com/products/applications_manager/website-
6 monitoring.html?prev=APMAB2](https://www.manageengine.com/products/applications_manager/website-monitoring.html?prev=APMAB2)); “Unlike most web application performance monitoring tools in
7 the market, Applications Manager's RBM allows you to perform playback of recorded workflows in
8 different browsers - Mozilla Firefox, Google Chrome, and Microsoft Edge.”
9 (https://www.manageengine.com/products/applications_manager/web-application-monitoring.html);
10 “What is Web Transaction Recorder Extension? It is a browser extension which will allow you to
11 record your actions on a website or a web application and monitor them using Real Browser
12 Monitor.” [https://www.manageengine.com/products/applications_manager/help/rbm-browser-
13 extension.html](https://www.manageengine.com/products/applications_manager/help/rbm-browser-extension.html); [https://www.manageengine.com/products/applications_manager/help/real-browser-
14 monitor-rbm.html#SeleniumIDE](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#SeleniumIDE)); computer program code for interfacing with web browsing
15 components, the web browsing components including DOM access methods of the web browsing
16 components (for example, Applications Manager allows a user to record actions on a website or web
17 application using a web browser, the web browser under test thus comprising web browsing
18 components ([https://www.manageengine.com/products/applications_manager/help/rbm-browser-
19 extension.html](https://www.manageengine.com/products/applications_manager/help/rbm-browser-extension.html); [https://www.manageengine.com/products/applications_manager/help/real-browser-
20 monitor-rbm.html?website-monitoring-tools#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools#newtrans))); Applications Manager interrogates the
21 DOM to identify and extract relevant information regarding at least the page elements germane to the
22 script, including each such element’s index and value, and stores those details in the test script
23 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-
24 rbm.html#Working](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working) (“Real Browser monitor is created in Applications Manager server by recording
25 the web transaction and specifying the agent(s) where the playback should occur. Each EUM agent
26 will periodically check Applications Manager Server if RBM monitor has been configured for it and
27 replay the actions in the browser. Once the playback is complete, EUM agent will update the results
28 of the playback [response time, response code, etc] in Applications Manager”);

1 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans)
2 [rbm.html#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
3 [browser-monitor-rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools); (“In RBM, we render the webpage, build the
4 DOM and even execute the JavaScript in the web browser.”);
5 https://www.manageengine.com/products/applications_manager/issues.html (“In Real Browser
6 monitor, if the recorded script contained DOM value as the primary identifier, data collection was not
7 happening.”)); computer program code for rendering and examining at least one webpage of the
8 website so as to at least extract details of organization and structure of elements of the webpage, and
9 store such details of the webpage in a recorded script, such as recorded scripts generated through the
10 testing component of Defendants’ Applications Manager Infringing Products (for example,
11 Applications Manager allows a user to create or record a test script and then play it back by running
12 it; to achieve such functionality, Applications Manager necessarily renders and examines the web
13 page for the creation of tests by recording a user’s interactions with the web page in question and
14 allowing the user to play back those test scripts
15 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
16 [rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“For Real Browser Monitoring we use the Web Transaction Recorder to record all user
17 online transactions in their exact sequence. The Recorder is used to record the transactions which get
18 stored as webscripts. These transactions will then be replayed at regular intervals of time and
19 notifications will be sent when error is detected.”));
20 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
21 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Applications Manager uses behavioral scripts to describe the
22 path that would be taken by a end-user on the site.”);
23 https://www.manageengine.com/products/applications_manager/web-application-monitoring.html)
24 (“Use Applications Manager's in-house web transaction recorder to record the steps of critical
25 workflows in your web applications.”)); Applications Manager interrogates the DOM to identify and
26 extract relevant information regarding at least the page elements germane to the script, including each
27 such element’s index and value, and stores those details in the test script
28 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)

1 [rbm.html#Working](#) (“Real Browser monitor is created in Applications Manager server by recording
2 the web transaction and specifying the agent(s) where the playback should occur. Each EUM agent
3 will periodically check Applications Manager Server if RBM monitor has been configured for it and
4 replay the actions in the browser. Once the playback is complete, EUM agent will update the results
5 of the playback [response time, response code, etc] in Applications Manager”);
6 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans)
7 [rbm.html#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
8 [browser-monitor-rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools); (“In RBM, we render the webpage, build the
9 DOM and even execute the JavaScript in the web browser.”);
10 https://www.manageengine.com/products/applications_manager/issues.html (“In Real Browser
11 monitor, if the recorded script contained DOM value as the primary identifier, data collection was not
12 happening.”); Applications Manager uses the WebDriver capabilities in standard browsers, which
13 incorporate search commands, such as `findElements`, and explicit wait commands, such as
14 `FluentWait`, and in order to execute such commands, Applications Manager must necessarily store
15 facts about the webpage being rendered, i.e., the expected condition to be checked for during
16 validation ([https://www.manageengine.com/products/applications_manager/help/installing-eum-](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings)
17 [agent.html#WebDriverSettings](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings) (“WebDriver specified here will be used to perform playback during
18 each data collection.”); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
19 [browser-monitor-rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“Download the Microsoft Webdriver for the corresponding version of the
20 Edge installed in the Windows server”); [https://www.softwaretestinghelp.com/selenium-webdriver-](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click)
21 [commands-selenium-tutorial-17/#3_findElementBy_by_and_click](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click) (“The `findElement(By, by)`
22 method searches and locates the first element on the current page, which matches the criteria given as
23 a parameter. This method is usually used in commands to simulate user actions like click, submit,
24 type etc.”); <https://www.softwaretestingmaterial.com/selenium-fluentwait/> (“We use `FluentWait`
25 commands mainly when we have web elements which sometimes visible in few seconds and some
26 times take more time than usual); Applications Manager locates these page elements based on their
27 DOM indexes, which necessarily requires it to use the DOM access methods included in Dynamic
28 Linked Libraries associated with a browser code library

1 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
2 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Actual rendering of a web page does not occur in the traditional
3 web monitoring. In RBM, we render the webpage, build the DOM and even execute the JavaScript in
4 the web browser.”); [https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback)
5 [faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback)
6 [_playback](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback) (“How to correct ‘Unable to locate element’ error during datacollection? This error occurs
7 when a particular element specified in the script is missing or hidden. This can be corrected by
8 editing the script and changing the element locator or value.”);
9 [https://www.manageengine.com/products/applications_manager/website-performance-](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)
10 [monitoring.html?website-monitoring](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)); computer program code for selecting a validation test to be
11 performed (for example, Applications Manager allows for the creation of test scripts to test websites
12 by recording a user’s interactions with the web page in question and allowing the user to play back
13 those test scripts ([https://www.manageengine.com/products/applications_manager/help/real-browser-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
14 [monitor-rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“For Real Browser Monitoring we use the Web Transaction Recorder to record all
15 user online transactions in their exact sequence. The Recorder is used to record the transactions
16 which get stored as webscripts. These transactions will then be replayed at regular intervals of time
17 and notifications will be sent when error is detected.”);
18 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
19 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Applications Manager uses behavioral scripts to describe the
20 path that would be taken by a end-user on the site.”);
21 https://www.manageengine.com/products/applications_manager/web-application-monitoring.html)
22 (“Use Applications Manager's in-house web transaction recorder to record the steps of critical
23 workflows in your web applications.”)); Applications Manager uses the WebDriver capabilities in
24 standard browsers, which incorporate search commands, such as findElements, and explicit wait
25 commands, such as FluentWait, and in order to execute such commands, Applications Manager must
26 necessarily store facts about the webpage being rendered, i.e., the expected condition to be checked
27 for during validation
28 (https://www.manageengine.com/products/applications_manager/help/installing-eum-

1 [agent.html#WebDriverSettings](#) (“WebDriver specified here will be used to perform playback during
2 each data collection.”); [https://www.manageengine.com/products/applications_manager/help/real-
4 browser-monitor-rbm.html](https://www.manageengine.com/products/applications_manager/help/real-
3 browser-monitor-rbm.html) (“Download the Microsoft Webdriver for the corresponding version of the
5 Edge installed in the Windows server”); [https://www.softwaretestinghelp.com/selenium-webdriver-
7 commands-selenium-tutorial-17/#3_findElementBy_by_and_click](https://www.softwaretestinghelp.com/selenium-webdriver-
6 commands-selenium-tutorial-17/#3_findElementBy_by_and_click) (“The findElement(By, by)
8 method searches and locates the first element on the current page, which matches the criteria given as
9 a parameter. This method is usually used in commands to simulate user actions like click, submit,
10 type etc.”); <https://www.softwaretestingmaterial.com/selenium-fluentwait/> (“We use FluentWait
11 commands mainly when we have web elements which sometimes visible in few seconds and some
12 times take more time than usual); and computer program code for performing the validation test using
13 at least one of the DOM access methods of the web browsing components, wherein during the
14 validation test, the at least one webpage is newly rendered and details of organization and structure of
15 elements for the at least one webpage as newly rendered are accessed via the at least one of the DOM
16 access methods and compared to the stored details in the recorded script (for example, Applications
17 Manager allows a user to create or record a test and then play it back by running it
18 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-
20 rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-
19 rbm.html) (“For Real Browser Monitoring we use the Web Transaction Recorder to record all user
21 online transactions in their exact sequence. The Recorder is used to record the transactions which get
22 stored as webscripts. These transactions will then be replayed at regular intervals of time and
23 notifications will be sent when error is detected.”);
24 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-
26 rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-
25 rbm.html?website-monitoring-tools) (“Applications Manager uses behavioral scripts to describe the
27 path that would be taken by a end-user on the site.”);
28 https://www.manageengine.com/products/applications_manager/web-application-monitoring.html)
29 (“Use Applications Manager's in-house web transaction recorder to record the steps of critical
30 workflows in your web applications.”); Applications Manager interrogates the DOM to identify and
31 extract relevant information regarding at least the page elements germane to the script, including each
32 such element’s index and value, and stores those details in the test script

1 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working)
2 [rbm.html#Working](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working) (“Real Browser monitor is created in Applications Manager server by recording
3 the web transaction and specifying the agent(s) where the playback should occur. Each EUM agent
4 will periodically check Applications Manager Server if RBM monitor has been configured for it and
5 replay the actions in the browser. Once the playback is complete, EUM agent will update the results
6 of the playback [response time, response code, etc] in Applications Manager”);
7 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans)
8 [rbm.html#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
9 [browser-monitor-rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools); (“In RBM, we render the webpage, build the
10 DOM and even execute the JavaScript in the web browser.”);
11 https://www.manageengine.com/products/applications_manager/issues.html (“In Real Browser
12 monitor, if the recorded script contained DOM value as the primary identifier, data collection was not
13 happening.”); Applications Manager uses explicit wait commands to search for the expected
14 elements against which it validates the webpage being rendered
15 ([https://www.manageengine.com/products/applications_manager/help/installing-eum-](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings)
16 [agent.html#WebDriverSettings](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings); <https://www.softwaretestingmaterial.com/selenium-fluentwait/>); and
17 Applications Manager locates these page elements based on their DOM indexes, which necessarily
18 requires it to use the DOM access methods included in Dynamic Linked Libraries associated with a
19 browser code library ([https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
20 [browser-monitor-rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Actual rendering of a web page does not
21 occur in the traditional web monitoring. In RBM, we render the webpage, build the DOM and even
22 execute the JavaScript in the web browser.”);
23 [https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback)
24 [faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback)
25 [_playback](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback) (“How to correct ‘Unable to locate element’ error during datacollection? This error occurs
26 when a particular element specified in the script is missing or hidden. This can be corrected by
27 editing the script and changing the element locator or value.”);
28

1 [https://www.manageengine.com/products/applications_manager/website-performance-](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)
2 [monitoring.html?website-monitoring](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)); as disclosed in the '271 Patent.

3 189. Defendants will, on information and belief, continue to directly infringe the '271
4 Patent unless enjoined.

5 190. To the extent Defendants' Applications Manager Infringing Products, without more,
6 do not directly infringe at least claim 1 of the '271 Patent, at least as of the filing of this Complaint,
7 Defendants contribute to infringement of the same under 35 U.S.C. § 271(c) inasmuch as the
8 Applications Manager Infringing Products offered for sale and sold by Defendants are each a
9 component of a patented machine or an apparatus used in practicing a patented process, constituting a
10 material part of SRI's invention, knowing the same to be especially made or especially adapted for
11 use in infringement of the '271 Patent. For example, as set forth above, Applications Manager, when
12 used in its normal and intended usage (pursuant to the instructions set forth on Defendants' website),
13 infringes claim 1 of the '271 Patent. *See supra*, ¶ 188.

14 191. Defendants will, on information and belief, continue to contribute to infringement of
15 the '271 Patent unless enjoined.

16 192. Defendants actively encourage their customers to use Defendants' Applications
17 Manager Infringing Products in an infringing manner. For example, Defendants' website is replete
18 with written directions, screenshots, and videos instructing users on how to use the Applications
19 Manager Infringing Products in an infringing manner. For example, as set forth above, Defendants'
20 website regarding Applications Manager specifically instructs users of the Applications Manager
21 Infringing Products how to infringe claim 1 of the '271 patent. *See supra*, ¶ 188. Defendants'
22 website also touts the identities of customers who use the Applications Manager Infringing Products,
23
24
25
26
27
28

1 each of whom is a direct infringer inasmuch as they use the Applications Manager Infringing
 2 Products in the infringing manner as instructed by Defendants:

3 **Trusted by the world's best organizations**



8 193. Upon information and belief, and particularly by way of the detailed documentation
 9 instructing users on how to use the Applications Manager Infringing Products in an infringing
 10 manner (*see supra*, ¶¶ 188, 192), Defendants have encouraged this infringement with knowledge of
 11 the '271 Patent and with a specific intent to cause their customers and distributors to infringe.

12 194. Defendants' acts thus constitute active inducement of patent infringement in violation
 13 of 35 U.S.C. § 271(b).

14 195. Defendants will, on information and belief, continue to induce infringement of the
 15 '271 Patent unless enjoined.

16 196. Defendants' direct infringement, contributory infringement, and inducement of
 17 infringement have irreparably harmed SRI.

18 197. Defendants will, on information and belief, continue to irreparably harm SRI unless
 19 enjoined.

20 198. Pursuant to 35 U.S.C. § 284, SRI is entitled to damages adequate to compensate for
 21 the infringement but in no event less than a reasonable royalty.

22 199. This case is "exceptional" within the meaning of 35 U.S.C. § 285, and SRI is entitled
 23 to an award of attorneys' fees.

24 **COUNT X – INFRINGEMENT OF THE '890 PATENT BY APPLICATIONS MANAGER**

25 200. SRI re-alleges and incorporates the allegations of the preceding paragraphs of this
 26 Complaint as if fully set forth herein.

1 201. SRI is the assignee and owner of all right, title, and interest in and to the '890 Patent,
2 which was issued on March 5, 2013. A true and correct copy of the '890 Patent is attached hereto as
3 Exhibit C.

4 202. The '890 Patent addresses an invention for testing websites. The disclosed innovation
5 tests many facets of the website's experience and operation, including by providing novel approaches
6 to creating, storing, and executing test scripts capable of accurately testing Asynchronous Javascript
7 and XML ("AJAX") webpage elements.

8 203. SRI has the exclusive right to make, use, sell, and offer to sell any product embodying
9 the '890 Patent throughout the United States, and to import any product embodying the '890 Patent
10 into the United States.

11 204. SRI has commercially exploited the '890 Patent by making, marketing, selling, and
12 using products covered by the '890 Patent, including its popular eValid™ software products. SRI
13 continues to commercially exploit the '890 Patent through the present, at least by continuing to
14 provide maintenance and support to users of its popular eValid™ software products.

15 205. Defendants have had knowledge of the '890 Patent, SRI, and SRI's products
16 embodying the inventions claimed in the Patents-in-Suit since at least as early as the filing of this
17 Complaint.

18 206. At all relevant times, SRI provided public notice of the '890 Patent by properly
19 marking its products and its website pursuant to 35 U.S.C. § 287(a).

20 207. Defendants have been, and are currently, directly infringing at least claim 1 of the
21 '890 Patent in violation of 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by
22 making, using, selling, offering for sale, and/or importing into the United States Defendants'
23 Applications Manager Infringing Products, which, as set forth in documentation available on
24 Defendants' website, comprise the non-transitory computer readable media disclosed in the '890
25 Patent—both as maintained in Defendants' files and as made accessible to its users to whom
26 Defendants offer and sell the Applications Manager Infringing Products—including at least computer
27 program code stored therein for providing a test-enabled web browser, said medium comprising
28 computer program code for providing web browsing capabilities (for example, "Create better

1 customer experiences by testing the performance of critical user paths on your website 24x7.”
2 (https://www.manageengine.com/products/applications_manager/); “Test critical user paths on your
3 website by simulating them via Selenium based scripting. The checks are run from real browsers such
4 as Chrome or Firefox.” ([https://www.manageengine.com/products/applications_manager/website-
5 monitoring.html?prev=APMAB2](https://www.manageengine.com/products/applications_manager/website-monitoring.html?prev=APMAB2))); “For Real Browser Monitoring we use the Web Transaction
6 Recorder to record all user online transactions in their exact sequence. The Recorder is used to record
7 the transactions which get stored as webscripts. These transactions will then be replayed at regular
8 intervals of time and notifications will be sent when error is detected.”
9 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-
10 rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)); “Unlike most web application performance monitoring tools in
11 the market, Applications Manager's RBM allows you to perform playback of recorded workflows in
12 different browsers - Mozilla Firefox, Google Chrome, and Microsoft Edge.”
13 (https://www.manageengine.com/products/applications_manager/web-application-monitoring.html);
14 “Do your customers complain about broken sign up forms or flaky shopping carts? Among our
15 website monitoring tools is the synthetic transaction monitor that can help you accurately simulate
16 user interactions with your website and ensure the correctness and performance of critical user
17 paths.” ([https://www.manageengine.com/products/applications_manager/website-monitoring-
18 tools.html](https://www.manageengine.com/products/applications_manager/website-monitoring-tools.html))); the website, necessarily including at least one webpage, necessarily resides on a remote
19 server and Applications Manager as used with a web browser, such as Firefox or Chrome, is a “test-
20 enabled web browser” (for example, “Test critical user paths on your website by simulating them via
21 Selenium based scripting. The checks are run from real browsers such as Chrome or Firefox.”
22 ([https://www.manageengine.com/products/applications_manager/website-
23 monitoring.html?prev=APMAB2](https://www.manageengine.com/products/applications_manager/website-monitoring.html?prev=APMAB2))); “Unlike most web application performance monitoring tools in
24 the market, Applications Manager's RBM allows you to perform playback of recorded workflows in
25 different browsers - Mozilla Firefox, Google Chrome, and Microsoft Edge.”
26 (https://www.manageengine.com/products/applications_manager/web-application-monitoring.html);
27 “What is Web Transaction Recorder Extension? It is a browser extension which will allow you to
28 record your actions on a website or a web application and monitor them using Real Browser

1 Monitor.” [https://www.manageengine.com/products/applications_manager/help/rbm-browser-](https://www.manageengine.com/products/applications_manager/help/rbm-browser-extension.html)
2 [extension.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#SeleniumIDE); [https://www.manageengine.com/products/applications_manager/help/real-browser-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#SeleniumIDE)
3 [monitor-rbm.html#SeleniumIDE](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#SeleniumIDE)); web browsing components (for example, Applications Manager
4 allows a user to record actions on a website or web application using a web browser, the web browser
5 under test thus comprising web browsing components
6 (https://www.manageengine.com/products/applications_manager/help/rbm-browser-extension.html;
7 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools#newtrans)
8 [rbm.html?website-monitoring-tools#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools#newtrans))) and allows a user to record actions on a website or
9 web application using a web browser, the web browser under test thus comprises web browsing
10 capabilities ([https://www.manageengine.com/products/applications_manager/help/rbm-browser-](https://www.manageengine.com/products/applications_manager/help/rbm-browser-extension.html)
11 [extension.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools#newtrans); [https://www.manageengine.com/products/applications_manager/help/real-browser-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools#newtrans)
12 [monitor-rbm.html?website-monitoring-tools#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools#newtrans)); computer program code for testing
13 capabilities of a website hosted by a server and accessible to the computer via a network wherein the
14 computer program code for testing capabilities of the website includes at least computer program
15 code configured to receive a synchronization check from a user using the test enabled browser, to
16 insert the synchronization check into a test script for testing at least one webpage of the website (for
17 example, Applications Manager allows for the creation of test scripts to test websites by recording a
18 user’s interactions with the web page in question and allowing the user to play back those test scripts
19 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
20 [rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“For Real Browser Monitoring we use the Web Transaction Recorder to record all user
21 online transactions in their exact sequence. The Recorder is used to record the transactions which get
22 stored as webscripts. These transactions will then be replayed at regular intervals of time and
23 notifications will be sent when error is detected.”);
24 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
25 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Applications Manager uses behavioral scripts to describe the
26 path that would be taken by a end-user on the site.”);
27 https://www.manageengine.com/products/applications_manager/web-application-monitoring.html)
28 (“Use Applications Manager's in-house web transaction recorder to record the steps of critical

1 workflows in your web applications.”)); Applications Manager interrogates the DOM to identify and
2 extract relevant information regarding at least the page elements germane to the script, including each
3 such element’s index and value, and stores those details in the test script
4 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working)
5 [rbm.html#Working](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working) (“Real Browser monitor is created in Applications Manager server by recording
6 the web transaction and specifying the agent(s) where the playback should occur. Each EUM agent
7 will periodically check Applications Manager Server if RBM monitor has been configured for it and
8 replay the actions in the browser. Once the playback is complete, EUM agent will update the results
9 of the playback [response time, response code, etc] in Applications Manager”);
10 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans)
11 [rbm.html#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
12 [browser-monitor-rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools); (“In RBM, we render the webpage, build the
13 DOM and even execute the JavaScript in the web browser.”);
14 https://www.manageengine.com/products/applications_manager/issues.html (“In Real Browser
15 monitor, if the recorded script contained DOM value as the primary identifier, data collection was not
16 happening.”)); Applications Manager uses the WebDriver capabilities in standard browsers, which
17 incorporate search commands, such as findElements, and explicit wait commands, such as
18 FluentWait, and in order to execute such commands, Applications Manager must necessarily store
19 facts about the webpage being rendered, i.e., the expected condition to be checked for during
20 validation ([https://www.manageengine.com/products/applications_manager/help/installing-eum-](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings)
21 [agent.html#WebDriverSettings](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings) (“WebDriver specified here will be used to perform playback during
22 each data collection.”); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
23 [browser-monitor-rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“Download the Microsoft Webdriver for the corresponding version of the
24 Edge installed in the Windows server”); [https://www.softwaretestinghelp.com/selenium-webdriver-](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click)
25 [commands-selenium-tutorial-17/#3_findElementBy_by_and_click](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click) (“The findElement(By, by)
26 method searches and locates the first element on the current page, which matches the criteria given as
27 a parameter. This method is usually used in commands to simulate user actions like click, submit,
28 type etc.”); <https://www.softwaretestingmaterial.com/selenium-fluentwait/> (“We use FluentWait

1 commands mainly when we have web elements which sometimes visible in few seconds and some
2 times take more time than usual); Applications Manager locates these page elements based on their
3 DOM indexes, which necessarily requires it to use the DOM access methods included in Dynamic
4 Linked Libraries associated with a browser code library
5 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
6 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Actual rendering of a web page does not occur in the traditional
7 web monitoring. In RBM, we render the webpage, build the DOM and even execute the JavaScript in
8 the web browser.”); [https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback)
9 [faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback)
10 [_playback](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback) (“How to correct ‘Unable to locate element’ error during datacollection? This error occurs
11 when a particular element specified in the script is missing or hidden. This can be corrected by
12 editing the script and changing the element locator or value.”);
13 [https://www.manageengine.com/products/applications_manager/website-performance-](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)
14 [monitoring.html?website-monitoring](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)); and Applications Manager allows for the testing of content
15 dynamically generated by AJAX programming including using, upon information and belief, wait
16 commands to synchronize playback and allow for testing of content dynamically generated by AJAX
17 programming ([https://www.manageengine.com/products/applications_manager/website-](https://www.manageengine.com/products/applications_manager/website-monitoring.html)
18 [monitoring.html](https://www.manageengine.com/products/applications_manager/website-monitoring.html) (“Gain Insights into web transactions, user sessions, AJAX calls, Javascript errors,
19 etc.”); [https://www.manageengine.com/products/applications_manager/help/configuring-rum-](https://www.manageengine.com/products/applications_manager/help/configuring-rum-monitoring.html)
20 [monitoring.html](https://www.manageengine.com/products/applications_manager/help/configuring-rum-monitoring.html) (“Enable the Track cross-domain Ajax calls checkbox to monitor the performance of
21 Ajax calls to domains other than parent domain (external domains.”)); the test script being separate
22 from the at least one webpage being tested (for example, upon information and belief, Applications
23 Manager stores and accesses test scripts separately from the webpage itself
24 ([https://www.manageengine.com/products/applications_manager/help/installing-eum-](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings)
25 [agent.html#WebDriverSettings](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings) (“WebDriver specified here will be used to perform playback during
26 each data collection.”); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
27 [browser-monitor-rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html); <https://www.selenium.dev/documentation/webdriver/waits/>;
28 <https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/> (“To

1 handle cases where an element takes too much time to be visible on the software web page applying
2 implicit wait becomes tricky. In this case, we can write a comment to wait until the element appears
3 on the webpage.”); <https://www.softwaretestingmaterial.com/selenium-fluentwait/>)), the at least one
4 webpage being tested including AJAX programming, and to automatically synchronize playback of
5 the test script using at least the synchronization check to maintain the test enabled browser's state
6 with respect to the AJAX programming by means of the synchronization check in the test script to a
7 Document Object Model (DOM) associated with the at least one webpage of the website (for
8 example, Applications Manager allows a user to create or record a test script and then play it back by
9 running it ([https://www.manageengine.com/products/applications_manager/help/real-browser-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
10 [monitor-rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“For Real Browser Monitoring we use the Web Transaction Recorder to record all
11 user online transactions in their exact sequence. The Recorder is used to record the transactions
12 which get stored as webscripts. These transactions will then be replayed at regular intervals of time
13 and notifications will be sent when error is detected.”);
14 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
15 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Applications Manager uses behavioral scripts to describe the
16 path that would be taken by a end-user on the site.”);
17 https://www.manageengine.com/products/applications_manager/web-application-monitoring.html)
18 (“Use Applications Manager's in-house web transaction recorder to record the steps of critical
19 workflows in your web applications.”)); Applications Manager interrogates the DOM to identify and
20 extract relevant information regarding at least the page elements germane to the script, including each
21 such element’s index and value, and stores those details in the test script
22 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working)
23 [rbm.html#Working](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working) (“Real Browser monitor is created in Applications Manager server by recording
24 the web transaction and specifying the agent(s) where the playback should occur. Each EUM agent
25 will periodically check Applications Manager Server if RBM monitor has been configured for it and
26 replay the actions in the browser. Once the playback is complete, EUM agent will update the results
27 of the playback [response time, response code, etc] in Applications Manager”);
28 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working)

1 [rbm.html#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
2 [browser-monitor-rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools); (“In RBM, we render the webpage, build the
3 DOM and even execute the JavaScript in the web browser.”);
4 https://www.manageengine.com/products/applications_manager/issues.html (“In Real Browser
5 monitor, if the recorded script contained DOM value as the primary identifier, data collection was not
6 happening.”); Applications Manager uses the WebDriver capabilities in standard browsers, which
7 incorporate search commands, such as findElements, and explicit wait commands, such as
8 FluentWait, and in order to execute such commands, Applications Manager must necessarily store
9 facts about the webpage being rendered, i.e., the expected condition to be checked for during
10 validation ([https://www.manageengine.com/products/applications_manager/help/installing-eum-](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings)
11 [agent.html#WebDriverSettings](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings) (“WebDriver specified here will be used to perform playback during
12 each data collection.”); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
13 [browser-monitor-rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“Download the Microsoft Webdriver for the corresponding version of the
14 Edge installed in the Windows server”); [https://www.softwaretestinghelp.com/selenium-webdriver-](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click)
15 [commands-selenium-tutorial-17/#3_findElementBy_by_and_click](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click) (“The findElement(By, by)
16 method searches and locates the first element on the current page, which matches the criteria given as
17 a parameter. This method is usually used in commands to simulate user actions like click, submit,
18 type etc.”); <https://www.softwaretestingmaterial.com/selenium-fluentwait/> (“We use FluentWait
19 commands mainly when we have web elements which sometimes visible in few seconds and some
20 times take more time than usual); Applications Manager locates these page elements based on their
21 DOM indexes, which necessarily requires it to use the DOM access methods included in Dynamic
22 Linked Libraries associated with a browser code library
23 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
24 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Actual rendering of a web page does not occur in the traditional
25 web monitoring. In RBM, we render the webpage, build the DOM and even execute the JavaScript in
26 the web browser.”); [https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback)
27 [faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback)
28 [_playback](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback) (“How to correct ‘Unable to locate element’ error during datacollection? This error occurs

1 when a particular element specified in the script is missing or hidden. This can be corrected by
 2 editing the script and changing the element locator or value.”);
 3 [https://www.manageengine.com/products/applications_manager/website-performance-](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)
 4 [monitoring.html?website-monitoring](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)); and Applications Manager allows for the testing of content
 5 dynamically generated by AJAX programming including using, upon information and belief, wait
 6 commands to synchronize playback and allow for testing of content dynamically generated by AJAX
 7 programming ([https://www.manageengine.com/products/applications_manager/website-](https://www.manageengine.com/products/applications_manager/website-monitoring.html)
 8 [monitoring.html](https://www.manageengine.com/products/applications_manager/website-monitoring.html) (“Gain Insights into web transactions, user sessions, AJAX calls, Javascript errors,
 9 etc.”); [https://www.manageengine.com/products/applications_manager/help/configuring-rum-](https://www.manageengine.com/products/applications_manager/help/configuring-rum-monitoring.html)
 10 [monitoring.html](https://www.manageengine.com/products/applications_manager/help/configuring-rum-monitoring.html) (“Enable the Track cross-domain Ajax calls checkbox to monitor the performance of
 11 Ajax calls to domains other than parent domain (external domains.”)); wherein the synchronization
 12 check in the test script and web browsing activities provided by the web browsing capabilities are
 13 able to separately access the DOM associated with the at least one webpage of the website (for
 14 example, upon information and belief, Applications Manager stores and accesses test scripts
 15 separately from the webpage itself
 16 ([https://www.manageengine.com/products/applications_manager/help/installing-eum-](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings)
 17 [agent.html#WebDriverSettings](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings) (“WebDriver specified here will be used to perform playback during
 18 each data collection.”); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
 19 [browser-monitor-rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html); <https://www.selenium.dev/documentation/webdriver/ Waits/>;
 20 <https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/> (“To
 21 handle cases where an element takes too much time to be visible on the software web page applying
 22 implicit wait becomes tricky. In this case, we can write a comment to wait until the element appears
 23 on the webpage.”); <https://www.softwaretestingmaterial.com/selenium-fluentwait/>)), wherein the
 24 synchronization check is inserted into the test script as at least one command, and the at least one
 25 command operates, when executed, to: find a current index of at least one DOM element of the at
 26 least one webpage based on a specified property name and/or property value; and (i) submit a named
 27 event to the at least one DOM element of the at least one webpage having the current index, or (ii)
 28 insert or verify a value in the at least one DOM element of the at least one webpage having the

1 current index (for example, Applications Manager allows a user to create or record a test script and
2 then play it back by running it
3 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
4 [rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“For Real Browser Monitoring we use the Web Transaction Recorder to record all user
5 online transactions in their exact sequence. The Recorder is used to record the transactions which get
6 stored as webscripts. These transactions will then be replayed at regular intervals of time and
7 notifications will be sent when error is detected.”);
8 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
9 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Applications Manager uses behavioral scripts to describe the
10 path that would be taken by a end-user on the site.”);
11 https://www.manageengine.com/products/applications_manager/web-application-monitoring.html)
12 (“Use Applications Manager's in-house web transaction recorder to record the steps of critical
13 workflows in your web applications.”)); Applications Manager interrogates the DOM to identify and
14 extract relevant information regarding at least the page elements germane to the script, including each
15 such element’s index and value, and stores those details in the test script
16 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working)
17 [rbm.html#Working](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working) (“Real Browser monitor is created in Applications Manager server by recording
18 the web transaction and specifying the agent(s) where the playback should occur. Each EUM agent
19 will periodically check Applications Manager Server if RBM monitor has been configured for it and
20 replay the actions in the browser. Once the playback is complete, EUM agent will update the results
21 of the playback [response time, response code, etc] in Applications Manager”);
22 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans)
23 [rbm.html#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
24 [browser-monitor-rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools); (“In RBM, we render the webpage, build the
25 DOM and even execute the JavaScript in the web browser.”);
26 https://www.manageengine.com/products/applications_manager/issues.html (“In Real Browser
27 monitor, if the recorded script contained DOM value as the primary identifier, data collection was not
28 happening.”)); Applications Manager uses the WebDriver capabilities in standard browsers, which

1 incorporate search commands, such as findElements, and explicit wait commands, such as
2 FluentWait, and in order to execute such commands, Applications Manager must necessarily store
3 facts about the webpage being rendered, i.e., the expected condition to be checked for during
4 validation ([https://www.manageengine.com/products/applications_manager/help/installing-eum-](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings)
5 [agent.html#WebDriverSettings](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings) (“WebDriver specified here will be used to perform playback during
6 each data collection.”); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
7 [browser-monitor-rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“Download the Microsoft Webdriver for the corresponding version of the
8 Edge installed in the Windows server”); [https://www.softwaretestinghelp.com/selenium-webdriver-](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click)
9 [commands-selenium-tutorial-17/#3_findElementBy_by_and_click](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click) (“The findElement(By, by)
10 method searches and locates the first element on the current page, which matches the criteria given as
11 a parameter. This method is usually used in commands to simulate user actions like click, submit,
12 type etc.”); <https://www.softwaretestingmaterial.com/selenium-fluentwait/> (“We use FluentWait
13 commands mainly when we have web elements which sometimes visible in few seconds and some
14 times take more time than usual); Applications Manager locates these page elements based on their
15 DOM indexes, which necessarily requires it to use the DOM access methods included in Dynamic
16 Linked Libraries associated with a browser code library
17 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
18 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Actual rendering of a web page does not occur in the traditional
19 web monitoring. In RBM, we render the webpage, build the DOM and even execute the JavaScript in
20 the web browser.”); [https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback)
21 [faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback)
22 [_playback](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback) (“How to correct ‘Unable to locate element’ error during datacollection? This error occurs
23 when a particular element specified in the script is missing or hidden. This can be corrected by
24 editing the script and changing the element locator or value.”);
25 [https://www.manageengine.com/products/applications_manager/website-performance-](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)
26 [monitoring.html?website-monitoring](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)); and Applications Manager allows for the testing of content
27 dynamically generated by AJAX programming including using, upon information and belief, wait
28 commands to synchronize playback and allow for testing of content dynamically generated by AJAX

1 programming ([https://www.manageengine.com/products/applications_manager/website-](https://www.manageengine.com/products/applications_manager/website-monitoring.html)
2 [monitoring.html](https://www.manageengine.com/products/applications_manager/website-monitoring.html) (“Gain Insights into web transactions, user sessions, AJAX calls, Javascript errors,
3 etc.”); [https://www.manageengine.com/products/applications_manager/help/configuring-rum-](https://www.manageengine.com/products/applications_manager/help/configuring-rum-monitoring.html)
4 [monitoring.html](https://www.manageengine.com/products/applications_manager/help/configuring-rum-monitoring.html) (“Enable the Track cross-domain Ajax calls checkbox to monitor the performance of
5 Ajax calls to domains other than parent domain (external domains.)”), as disclosed in the ‘890
6 Patent.

7 208. Defendants will, on information and belief, continue to directly infringe the ‘890
8 Patent unless enjoined.

9 209. To the extent Defendants’ Applications Manager Infringing Products, without more,
10 do not directly infringe at least claim 1 of the ‘890 Patent, at least as of the filing of this Complaint,
11 Defendants contribute to infringement of the same under 35 U.S.C. § 271(c) inasmuch as the
12 Applications Manager Infringing Products offered for sale and sold by Defendants are each a
13 component of a patented machine or an apparatus used in practicing a patented process, constituting a
14 material part of SRI’s invention, knowing the same to be especially made or especially adapted for
15 use in infringement of the ‘890 Patent. For example, Applications Manager, when used in its normal
16 and intended usage (pursuant to the instructions set forth on Defendants’ website) infringes claim 1 of
17 the ‘890 Patent. *See supra*, ¶ 207.

18 210. Defendants will, on information and belief, continue to contribute to infringement of
19 the ‘890 Patent unless enjoined.

20 211. Defendants actively encourage their customer to use Defendants’ Applications
21 Manager Infringing Products in an infringing manner. For example, Defendants’ website is replete
22 with written directions, screenshots, and videos instructing users on how to use the Applications
23 Manager Infringing Products in an infringing manner. For example, as set forth above, Defendants’
24 website regarding Applications Manager specifically instructs users of the Applications Manager
25 Infringing Products how to infringe claim 1 of the ‘890 patent. *See supra*, ¶ 207. Defendants’
26 website also touts the identities of customers who use the Applications Manager Infringing Products,
27
28

1 each of whom is a direct infringer inasmuch as they use the Applications Manager Infringing
 2 Products in the infringing manner as instructed by Defendants:

3 **Trusted by the world's best organizations**



8 212. Upon information and belief, and particularly by way of the detailed documentation
 9 instructing users on how to use the Applications Manager Infringing Products in an infringing
 10 manner (*see supra*, ¶¶ 207, 211), Defendants have encouraged this infringement with knowledge of
 11 the '890 Patent and with a specific intent to cause their customers and distributors to infringe.

12 213. Defendants' acts thus constitute active inducement of patent infringement in violation
 13 of 35 U.S.C. § 271(b).

14 214. Defendants will, on information and belief, continue to induce infringement of the
 15 '890 Patent unless enjoined.

16 215. Defendants' direct infringement, contributory infringement, and inducement of
 17 infringement have irreparably harmed SRI.

18 216. Defendants will, on information and belief, continue to irreparably harm SRI unless
 19 enjoined.

20 217. Pursuant to 35 U.S.C. § 284, SRI is entitled to damages adequate to compensate for
 21 the infringement but in no event less than a reasonable royalty.

22 218. This case is "exceptional" within the meaning of 35 U.S.C. § 285, and SRI is entitled
 23 to an award of attorneys' fees.

24 **COUNT XI – INFRINGEMENT OF THE '585 PATENT BY APPLICATIONS MANAGER**

25 219. SRI re-alleges and incorporates the allegations of the preceding paragraphs of this
 26 Complaint as if fully set forth herein.

1 220. SRI is the assignee and owner of all right, title, and interest in and to the '585 Patent,
2 which was issued on July 23, 2013. A true and correct copy of the '585 Patent is attached hereto as
3 Exhibit D.

4 221. The '585 Patent addresses an invention for testing websites. The disclosed innovation
5 tests many facets of the website's experience and operation, including by providing novel approaches
6 to creating, storing, and executing test scripts capable of accurately testing AJAX webpage elements.

7 222. SRI has the exclusive right to make, use, sell, and offer to sell any product embodying
8 the '585 Patent throughout the United States, and to import any product embodying the '585 Patent
9 into the United States.

10 223. SRI has commercially exploited the '585 Patent by making, marketing, selling, and
11 using products covered by the '585 Patent, including its popular eValid™ software products. SRI
12 continues to commercially exploit the '585 Patent through the present, at least by continuing to
13 provide maintenance and support to users of its popular eValid™ software products.

14 224. Defendants have had knowledge of the '585 Patent, SRI, and SRI's products
15 embodying the inventions claimed in the Patents-in-Suit since at least as early as the filing of this
16 Complaint.

17 225. At all relevant times, SRI provided public notice of the '585 Patent by properly
18 marking its products and its website pursuant to 35 U.S.C. § 287(a).

19 226. Defendants have been, and are currently, directly infringing at least claim 1 of the
20 '585 Patent in violation of 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by
21 making, using, selling, offering for sale, and/or importing into the United States Defendants'
22 Applications Manager Infringing Products, which, as set forth in documentation available on
23 Defendants' website, comprise the non-transitory computer readable media disclosed in the '585
24 Patent—both as maintained in Defendants' files and as made accessible to its users to whom
25 Defendants offer and sell the Applications Manager Infringing Products—including at least
26 computer program code for providing a test enabled web browser, said medium comprising computer
27 program code for providing web browsing capabilities (for example, "Create better customer
28 experiences by testing the performance of critical user paths on your website 24x7."

1 (https://www.manageengine.com/products/applications_manager/); “Test critical user paths on your
2 website by simulating them via Selenium based scripting. The checks are run from real browsers such
3 as Chrome or Firefox.” ([https://www.manageengine.com/products/applications_manager/website-
4 monitoring.html?prev=APMAB2](https://www.manageengine.com/products/applications_manager/website-monitoring.html?prev=APMAB2))); “For Real Browser Monitoring we use the Web Transaction
5 Recorder to record all user online transactions in their exact sequence. The Recorder is used to record
6 the transactions which get stored as webscripts. These transactions will then be replayed at regular
7 intervals of time and notifications will be sent when error is detected.”

8 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-
9 rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)); “Unlike most web application performance monitoring tools in
10 the market, Applications Manager's RBM allows you to perform playback of recorded workflows in
11 different browsers - Mozilla Firefox, Google Chrome, and Microsoft Edge.”

12 (https://www.manageengine.com/products/applications_manager/web-application-monitoring.html);

13 “Do your customers complain about broken sign up forms or flaky shopping carts? Among our
14 website monitoring tools is the synthetic transaction monitor that can help you accurately simulate
15 user interactions with your website and ensure the correctness and performance of critical user
16 paths.” ([https://www.manageengine.com/products/applications_manager/website-monitoring-
17 tools.html](https://www.manageengine.com/products/applications_manager/website-monitoring-tools.html))); the website, necessarily including at least one webpage, necessarily resides on a remote
18 server and Applications Manager as used with a web browser, such as Firefox or Chrome, is a “test-
19 enabled web browser” (for example, “Test critical user paths on your website by simulating them via
20 Selenium based scripting. The checks are run from real browsers such as Chrome or Firefox.”

21 ([https://www.manageengine.com/products/applications_manager/website-
22 monitoring.html?prev=APMAB2](https://www.manageengine.com/products/applications_manager/website-monitoring.html?prev=APMAB2)); “Unlike most web application performance monitoring tools in
23 the market, Applications Manager's RBM allows you to perform playback of recorded workflows in
24 different browsers - Mozilla Firefox, Google Chrome, and Microsoft Edge.”

25 (https://www.manageengine.com/products/applications_manager/web-application-monitoring.html);

26 “What is Web Transaction Recorder Extension? It is a browser extension which will allow you to
27 record your actions on a website or a web application and monitor them using Real Browser
28 Monitor.” https://www.manageengine.com/products/applications_manager/help/rbm-browser-

1 [extension.html](https://www.manageengine.com/products/applications_manager/help/real-browser-extension.html); [https://www.manageengine.com/products/applications_manager/help/real-browser-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#SeleniumIDE)
2 [monitor-rbm.html#SeleniumIDE](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#SeleniumIDE)); web browsing components (for example, Applications Manager
3 allows a user to record actions on a website or web application using a web browser, the web browser
4 under test thus comprising web browsing components
5 (https://www.manageengine.com/products/applications_manager/help/rbm-browser-extension.html;
6 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools#newtrans)
7 [rbm.html?website-monitoring-tools#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools#newtrans))) and allows a user to record actions on a website or
8 web application using a web browser
9 (https://www.manageengine.com/products/applications_manager/help/rbm-browser-extension.html;
10 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools#newtrans)
11 [rbm.html?website-monitoring-tools#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools#newtrans)); computer program code for testing capabilities of a
12 website hosted by a server and accessible to a computer via a network wherein the computer program
13 code for testing capabilities of the website includes computer program code configured to receive a
14 synchronization check from a user using the test enabled web browser, to insert the synchronization
15 check into a test script for testing at least one webpage of the website (for example, Applications
16 Manager allows a user to create or record a test script and then play it back by running it
17 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
18 [rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“For Real Browser Monitoring we use the Web Transaction Recorder to record all user
19 online transactions in their exact sequence. The Recorder is used to record the transactions which get
20 stored as webscripts. These transactions will then be replayed at regular intervals of time and
21 notifications will be sent when error is detected.”));
22 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
23 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Applications Manager uses behavioral scripts to describe the
24 path that would be taken by a end-user on the site.”));
25 https://www.manageengine.com/products/applications_manager/web-application-monitoring.html)
26 (“Use Applications Manager's in-house web transaction recorder to record the steps of critical
27 workflows in your web applications.”)); Applications Manager interrogates the DOM to identify and
28 extract relevant information regarding at least the page elements germane to the script, including each

1 such element's index and value, and stores those details in the test script
2 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working)
3 [rbm.html#Working](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working) (“Real Browser monitor is created in Applications Manager server by recording
4 the web transaction and specifying the agent(s) where the playback should occur. Each EUM agent
5 will periodically check Applications Manager Server if RBM monitor has been configured for it and
6 replay the actions in the browser. Once the playback is complete, EUM agent will update the results
7 of the playback [response time, response code, etc] in Applications Manager”);
8 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans)
9 [rbm.html#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
10 [browser-monitor-rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools); (“In RBM, we render the webpage, build the
11 DOM and even execute the JavaScript in the web browser.”);
12 https://www.manageengine.com/products/applications_manager/issues.html (“In Real Browser
13 monitor, if the recorded script contained DOM value as the primary identifier, data collection was not
14 happening.”); Applications Manager uses the WebDriver capabilities in standard browsers, which
15 incorporate search commands, such as findElements, and explicit wait commands, such as
16 FluentWait, and in order to execute such commands, Applications Manager must necessarily store
17 facts about the webpage being rendered, i.e., the expected condition to be checked for during
18 validation ([https://www.manageengine.com/products/applications_manager/help/installing-eum-](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings)
19 [agent.html#WebDriverSettings](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings) (“WebDriver specified here will be used to perform playback during
20 each data collection.”); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
21 [browser-monitor-rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“Download the Microsoft Webdriver for the corresponding version of the
22 Edge installed in the Windows server”); [https://www.softwaretestinghelp.com/selenium-webdriver-](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click)
23 [commands-selenium-tutorial-17/#3_findElementBy_by_and_click](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click) (“The findElement(By, by)
24 method searches and locates the first element on the current page, which matches the criteria given as
25 a parameter. This method is usually used in commands to simulate user actions like click, submit,
26 type etc.”); <https://www.softwaretestingmaterial.com/selenium-fluentwait/> (“We use FluentWait
27 commands mainly when we have web elements which sometimes visible in few seconds and some
28 times take more time than usual); Applications Manager locates these page elements based on their

1 DOM indexes, which necessarily requires it to use the DOM access methods included in Dynamic
 2 Linked Libraries associated with a browser code library
 3 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
 4 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Actual rendering of a web page does not occur in the traditional
 5 web monitoring. In RBM, we render the webpage, build the DOM and even execute the JavaScript in
 6 the web browser.”); [https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback)
 7 [faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback)
 8 [_playback](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback) (“How to correct ‘Unable to locate element’ error during datacollection? This error occurs
 9 when a particular element specified in the script is missing or hidden. This can be corrected by
 10 editing the script and changing the element locator or value.”);
 11 [https://www.manageengine.com/products/applications_manager/website-performance-](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)
 12 [monitoring.html?website-monitoring](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)); Applications Manager allows for the testing of content
 13 dynamically generated by AJAX programming including using, upon information and belief, wait
 14 commands to synchronize playback and allow for testing of content dynamically generated by AJAX
 15 programming ([https://www.manageengine.com/products/applications_manager/website-](https://www.manageengine.com/products/applications_manager/website-monitoring.html)
 16 [monitoring.html](https://www.manageengine.com/products/applications_manager/website-monitoring.html) (“Gain Insights into web transactions, user sessions, AJAX calls, Javascript errors,
 17 etc.”); [https://www.manageengine.com/products/applications_manager/help/configuring-rum-](https://www.manageengine.com/products/applications_manager/help/configuring-rum-monitoring.html)
 18 [monitoring.html](https://www.manageengine.com/products/applications_manager/help/configuring-rum-monitoring.html) (“Enable the Track cross-domain Ajax calls checkbox to monitor the performance of
 19 Ajax calls to domains other than parent domain (external domains.)”); the test script being separate
 20 from the at least one webpage being tested (for example, upon information and belief, Applications
 21 Manager stores and accesses test scripts separately from the webpage itself
 22 ([https://www.manageengine.com/products/applications_manager/help/installing-eum-](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings)
 23 [agent.html#WebDriverSettings](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings) (“WebDriver specified here will be used to perform playback during
 24 each data collection.”); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
 25 [browser-monitor-rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html); <https://www.selenium.dev/documentation/webdriver/waits/>;
 26 <https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/> (“To
 27 handle cases where an element takes too much time to be visible on the software web page applying
 28 implicit wait becomes tricky. In this case, we can write a comment to wait until the element appears

1 on the webpage.”); <https://www.softwaretestingmaterial.com/selenium-fluentwait/>); the at least one
2 webpage being tested including AJAX programming, and to automatically synchronize playback of
3 the test script using at least the synchronization check to maintain the test enabled browser’s state
4 with respect to the AJAX programming by means of the synchronization check in the test script to a
5 DOM associated with the website (for example, Applications Manager allows a user to create or
6 record a test script and then play it back by running it; to achieve such functionality, Applications
7 Manager necessarily renders and examines the web page for the creation of tests by recording a
8 user’s interactions with the web page in question and allowing the user to play back those test scripts
9 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
10 [rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“For Real Browser Monitoring we use the Web Transaction Recorder to record all user
11 online transactions in their exact sequence. The Recorder is used to record the transactions which get
12 stored as webscripts. These transactions will then be replayed at regular intervals of time and
13 notifications will be sent when error is detected.”);
14 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
15 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Applications Manager uses behavioral scripts to describe the
16 path that would be taken by a end-user on the site.”);
17 https://www.manageengine.com/products/applications_manager/web-application-monitoring.html)
18 (“Use Applications Manager's in-house web transaction recorder to record the steps of critical
19 workflows in your web applications)); Applications Manager interrogates the DOM to identify and
20 extract relevant information regarding at least the page elements germane to the script, including each
21 such element’s index and value, and stores those details in the test script
22 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working)
23 [rbm.html#Working](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working) (“Real Browser monitor is created in Applications Manager server by recording
24 the web transaction and specifying the agent(s) where the playback should occur. Each EUM agent
25 will periodically check Applications Manager Server if RBM monitor has been configured for it and
26 replay the actions in the browser. Once the playback is complete, EUM agent will update the results
27 of the playback [response time, response code, etc] in Applications Manager”);
28 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)

1 [rbm.html#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
2 [browser-monitor-rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools); (“In RBM, we render the webpage, build the
3 DOM and even execute the JavaScript in the web browser.”);
4 https://www.manageengine.com/products/applications_manager/issues.html (“In Real Browser
5 monitor, if the recorded script contained DOM value as the primary identifier, data collection was not
6 happening.”); Applications Manager uses the WebDriver capabilities in standard browsers, which
7 incorporate search commands, such as findElements, and explicit wait commands, such as
8 FluentWait, and in order to execute such commands, Applications Manager must necessarily store
9 facts about the webpage being rendered, i.e., the expected condition to be checked for during
10 validation ([https://www.manageengine.com/products/applications_manager/help/installing-eum-](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings)
11 [agent.html#WebDriverSettings](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings) (“WebDriver specified here will be used to perform playback during
12 each data collection.”); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
13 [browser-monitor-rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“Download the Microsoft Webdriver for the corresponding version of the
14 Edge installed in the Windows server”); [https://www.softwaretestinghelp.com/selenium-webdriver-](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click)
15 [commands-selenium-tutorial-17/#3_findElementBy_by_and_click](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click) (“The findElement(By, by)
16 method searches and locates the first element on the current page, which matches the criteria given as
17 a parameter. This method is usually used in commands to simulate user actions like click, submit,
18 type etc.”); <https://www.softwaretestingmaterial.com/selenium-fluentwait/> (“We use FluentWait
19 commands mainly when we have web elements which sometimes visible in few seconds and some
20 times take more time than usual); Applications Manager locates these page elements based on their
21 DOM indexes, which necessarily requires it to use the DOM access methods included in Dynamic
22 Linked Libraries associated with a browser code library
23 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
24 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Actual rendering of a web page does not occur in the traditional
25 web monitoring. In RBM, we render the webpage, build the DOM and even execute the JavaScript in
26 the web browser.”); [https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback)
27 [faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback)
28 [_playback](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback) (“How to correct ‘Unable to locate element’ error during datacollection? This error occurs

1 when a particular element specified in the script is missing or hidden. This can be corrected by
2 editing the script and changing the element locator or value.”);
3 [https://www.manageengine.com/products/applications_manager/website-performance-](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)
4 [monitoring.html?website-monitoring](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)); Applications Manager allows for the testing of content
5 dynamically generated by AJAX programming including using, upon information and belief, wait
6 commands to synchronize playback and allow for testing of content dynamically generated by AJAX
7 programming ([https://www.manageengine.com/products/applications_manager/website-](https://www.manageengine.com/products/applications_manager/website-monitoring.html)
8 [monitoring.html](https://www.manageengine.com/products/applications_manager/website-monitoring.html) (“Gain Insights into web transactions, user sessions, AJAX calls, Javascript errors,
9 etc.”); [https://www.manageengine.com/products/applications_manager/help/configuring-rum-](https://www.manageengine.com/products/applications_manager/help/configuring-rum-monitoring.html)
10 [monitoring.html](https://www.manageengine.com/products/applications_manager/help/configuring-rum-monitoring.html) (“Enable the Track cross-domain Ajax calls checkbox to monitor the performance of
11 Ajax calls to domains other than parent domain (external domains.”)); wherein the synchronization
12 check in the test script and web browsing activities provided by the web browsing capabilities are
13 able to separately access the DOM associated with the at least one webpage of the website (for
14 example, upon information and belief, Applications Manager stores and accesses test scripts
15 separately from the webpage itself
16 ([https://www.manageengine.com/products/applications_manager/help/installing-eum-](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings)
17 [agent.html#WebDriverSettings](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings) (“WebDriver specified here will be used to perform playback during
18 each data collection.”); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
19 [browser-monitor-rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html); <https://www.selenium.dev/documentation/webdriver/ Waits/>;
20 <https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/> (“To
21 handle cases where an element takes too much time to be visible on the software web page applying
22 implicit wait becomes tricky. In this case, we can write a comment to wait until the element appears
23 on the webpage.”); <https://www.softwaretestingmaterial.com/selenium-fluentwait/>)), and wherein the
24 synchronization check is inserted into the test script as at least one command, and the at least one
25 command operates, when executed, to find a current index of at least one DOM element of the at
26 least one webpage based on a specified property name and/or property value, and (i) submit a named
27 event to the at least one DOM element of the at least one webpage having the current index, or (ii)
28 insert or verify a value in the at least one DOM element of the at least one webpage having the

1 current index (for example, Applications Manager allows a user to create or record a test script and
2 then play it back by running it
3 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
4 [rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“For Real Browser Monitoring we use the Web Transaction Recorder to record all user
5 online transactions in their exact sequence. The Recorder is used to record the transactions which get
6 stored as webscripts. These transactions will then be replayed at regular intervals of time and
7 notifications will be sent when error is detected.”);
8 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
9 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Applications Manager uses behavioral scripts to describe the
10 path that would be taken by a end-user on the site.”);
11 https://www.manageengine.com/products/applications_manager/web-application-monitoring.html)
12 (“Use Applications Manager's in-house web transaction recorder to record the steps of critical
13 workflows in your web applications.”)); Applications Manager interrogates the DOM to identify and
14 extract relevant information regarding at least the page elements germane to the script, including each
15 such element’s index and value, and stores those details in the test script
16 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working)
17 [rbm.html#Working](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working) (“Real Browser monitor is created in Applications Manager server by recording
18 the web transaction and specifying the agent(s) where the playback should occur. Each EUM agent
19 will periodically check Applications Manager Server if RBM monitor has been configured for it and
20 replay the actions in the browser. Once the playback is complete, EUM agent will update the results
21 of the playback [response time, response code, etc] in Applications Manager”);
22 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans)
23 [rbm.html#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
24 [browser-monitor-rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools); (“In RBM, we render the webpage, build the
25 DOM and even execute the JavaScript in the web browser.”);
26 https://www.manageengine.com/products/applications_manager/issues.html (“In Real Browser
27 monitor, if the recorded script contained DOM value as the primary identifier, data collection was not
28 happening.”)); Applications Manager uses the WebDriver capabilities in standard browsers, which

1 incorporate search commands, such as findElements, and explicit wait commands, such as
2 FluentWait, and in order to execute such commands, Applications Manager must necessarily store
3 facts about the webpage being rendered, i.e., the expected condition to be checked for during
4 validation ([https://www.manageengine.com/products/applications_manager/help/installing-eum-](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings)
5 [agent.html#WebDriverSettings](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings) (“WebDriver specified here will be used to perform playback during
6 each data collection.”); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
7 [browser-monitor-rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“Download the Microsoft Webdriver for the corresponding version of the
8 Edge installed in the Windows server”); [https://www.softwaretestinghelp.com/selenium-webdriver-](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click)
9 [commands-selenium-tutorial-17/#3_findElementBy_by_and_click](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click) (“The findElement(By, by)
10 method searches and locates the first element on the current page, which matches the criteria given as
11 a parameter. This method is usually used in commands to simulate user actions like click, submit,
12 type etc.”); <https://www.softwaretestingmaterial.com/selenium-fluentwait/> (“We use FluentWait
13 commands mainly when we have web elements which sometimes visible in few seconds and some
14 times take more time than usual); Applications Manager locates these page elements based on their
15 DOM indexes, which necessarily requires it to use the DOM access methods included in Dynamic
16 Linked Libraries associated with a browser code library
17 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
18 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Actual rendering of a web page does not occur in the traditional
19 web monitoring. In RBM, we render the webpage, build the DOM and even execute the JavaScript in
20 the web browser.”); [https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback)
21 [faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback)
22 [_playback](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback) (“How to correct ‘Unable to locate element’ error during datacollection? This error occurs
23 when a particular element specified in the script is missing or hidden. This can be corrected by
24 editing the script and changing the element locator or value.”);
25 [https://www.manageengine.com/products/applications_manager/website-performance-](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)
26 [monitoring.html?website-monitoring](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)); and Applications Manager allows for the testing of content
27 dynamically generated by AJAX programming including using, upon information and belief, wait
28 commands to synchronize playback and allow for testing of content dynamically generated by AJAX

1 programming ([https://www.manageengine.com/products/applications_manager/website-](https://www.manageengine.com/products/applications_manager/website-monitoring.html)
2 [monitoring.html](https://www.manageengine.com/products/applications_manager/website-monitoring.html) (“Gain Insights into web transactions, user sessions, AJAX calls, Javascript errors,
3 etc.”); [https://www.manageengine.com/products/applications_manager/help/configuring-rum-](https://www.manageengine.com/products/applications_manager/help/configuring-rum-monitoring.html)
4 [monitoring.html](https://www.manageengine.com/products/applications_manager/help/configuring-rum-monitoring.html) (“Enable the Track cross-domain Ajax calls checkbox to monitor the performance of
5 Ajax calls to domains other than parent domain (external domains.)”), as disclosed in the ’585
6 Patent.

7 227. Defendants will, on information and belief, continue to directly infringe the ’585
8 Patent unless enjoined.

9 228. To the extent Defendants’ Applications Manager Infringing Products, without more,
10 do not directly infringe at least claim 1 of the ’585 Patent, at least as of the filing of this Complaint,
11 Defendants contribute to infringement of the same under 35 U.S.C. § 271(c) inasmuch as the
12 Applications Manager Infringing Products offered for sale and sold by Defendants are each a
13 component of a patented machine or an apparatus used in practicing a patented process, constituting a
14 material part of SRI’s invention, knowing the same to be especially made or especially adapted for
15 use in infringement of the ’585 Patent. For example, as set forth above, Applications Manager, when
16 used in its normal and intended usage (pursuant to the instructions set forth on Defendants’ website)
17 infringes claim 1 of the ’585 Patent. *See supra*, ¶ 226.

18 229. Defendants will, on information and belief, continue to contribute to infringement of
19 the ’585 Patent unless enjoined.

20 230. Defendants actively encourage their customer to use Defendants’ Applications
21 Manager Infringing Products in an infringing manner. For example, Defendants’ website is replete
22 with written directions, screenshots, and videos instructing users on how to use the Applications
23 Manager Infringing Products in an infringing manner. For example, as set forth above, Defendants’
24 website regarding Applications Manager specifically instructs users of the Applications Manager
25 Infringing Products how to infringe claim 1 of the ’585 patent. *See supra*, ¶ 226. Defendants’
26 website also touts the identities of customers who use the Applications Manager Infringing Products,
27
28

1 each of whom is a direct infringer inasmuch as they use the Applications Manager Infringing
 2 Products in the infringing manner as instructed by Defendants:

3 **Trusted by the world's best organizations**



8 231. Upon information and belief, and particularly by way of the detailed documentation
 9 instructing users on how to use the Applications Manager Infringing Products in an infringing
 10 manner (*see supra*, ¶¶ 226, 230), Defendants have encouraged this infringement with knowledge of
 11 the '585 Patent and with a specific intent to cause their customers and distributors to infringe.

12 232. Defendants' acts thus constitute active inducement of patent infringement in violation
 13 of 35 U.S.C. § 271(b).

14 233. Defendants will, on information and belief, continue to induce infringement of the
 15 '585 Patent unless enjoined.

16 234. Defendants' direct infringement, contributory infringement, and inducement of
 17 infringement have irreparably harmed SRI.

18 235. Defendants will, on information and belief, continue to irreparably harm SRI unless
 19 enjoined.

20 236. Pursuant to 35 U.S.C. § 284, SRI is entitled to damages adequate to compensate for
 21 the infringement but in no event less than a reasonable royalty.

22 237. This case is "exceptional" within the meaning of 35 U.S.C. § 285, and SRI is entitled
 23 to an award of attorneys' fees.

24 **COUNT XII – INFRINGEMENT OF THE '493 PATENT BY APPLICATIONS MANAGER**

25 238. SRI re-alleges and incorporates the allegations of the preceding paragraphs of this
 26 Complaint as if fully set forth herein.
 27
 28

1 239. SRI is the assignee and owner of all right, title, and interest in and to the '493 Patent,
2 which was issued on February 11, 2014. A true and correct copy of the '493 Patent is attached hereto
3 as Exhibit E.

4 240. The '493 Patent addresses an invention for testing websites. The disclosed innovation
5 tests many facets of the website's experience and operation, including by providing novel approaches
6 to creating, storing, and executing test scripts using website elements as opposed to the previously
7 disclosed use of recording test scripts based upon user actions only.

8 241. SRI has the exclusive right to make, use, sell, and offer to sell any product embodying
9 the '493 Patent throughout the United States, and to import any product embodying the '493 Patent
10 into the United States.

11 242. SRI has commercially exploited the '493 Patent by making, marketing, selling, and
12 using products covered by the '493 Patent, including its popular eValid™ software products. SRI
13 continues to commercially exploit the '493 Patent through the present, at least by continuing to
14 provide maintenance and support to users of its popular eValid™ software products.

15 243. Defendants have had knowledge of the '493 Patent, SRI, and SRI's products
16 embodying the inventions claimed in the Patents-in-Suit since at least as early as the filing of this
17 Complaint.

18 244. At all relevant times, SRI provided public notice of the '493 Patent by properly
19 marking its products and its website under 35 U.S.C. § 287(a).

20 245. Defendants have been, and are currently, directly infringing at least claim 1 of the
21 '493 Patent in violation of 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by
22 making, using, selling, offering for sale, and/or importing into the United States Defendants'
23 Applications Manager Infringing Products, which, as set forth in documentation available on
24 Defendants' website, comprise the non-transitory computer readable media disclosed in the '493
25 Patent—both as maintained in Defendants' files and as made accessible to its users to whom
26 Defendants offer and sell the Applications Manager Infringing Products—including at least
27 computer program code stored therein for providing a test-enabled browser for testing a website
28 residing on a network (for example, "Create better customer experiences by testing the performance

1 of critical user paths on your website 24x7.”

2 (https://www.manageengine.com/products/applications_manager/); “Test critical user paths on your
3 website by simulating them via Selenium based scripting. The checks are run from real browsers such
4 as Chrome or Firefox.” ([https://www.manageengine.com/products/applications_manager/website-
5 monitoring.html?prev=APMAB2](https://www.manageengine.com/products/applications_manager/website-monitoring.html?prev=APMAB2))); “For Real Browser Monitoring we use the Web Transaction
6 Recorder to record all user online transactions in their exact sequence. The Recorder is used to record
7 the transactions which get stored as webscripts. These transactions will then be replayed at regular
8 intervals of time and notifications will be sent when error is detected.”

9 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-
10 rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)); “Unlike most web application performance monitoring tools in
11 the market, Applications Manager's RBM allows you to perform playback of recorded workflows in
12 different browsers - Mozilla Firefox, Google Chrome, and Microsoft Edge.”

13 (https://www.manageengine.com/products/applications_manager/web-application-monitoring.html);

14 “Do your customers complain about broken sign up forms or flaky shopping carts? Among our
15 website monitoring tools is the synthetic transaction monitor that can help you accurately simulate
16 user interactions with your website and ensure the correctness and performance of critical user
17 paths.” ([https://www.manageengine.com/products/applications_manager/website-monitoring-
18 tools.html](https://www.manageengine.com/products/applications_manager/website-monitoring-tools.html))); the website, necessarily including at least one webpage, necessarily resides on a remote
19 server and Applications Manager as used with a web browser, such as Firefox or Chrome, is a “test-
20 enabled web browser” (for example, “Test critical user paths on your website by simulating them via
21 Selenium based scripting. The checks are run from real browsers such as Chrome or Firefox.”

22 ([https://www.manageengine.com/products/applications_manager/website-
23 monitoring.html?prev=APMAB2](https://www.manageengine.com/products/applications_manager/website-monitoring.html?prev=APMAB2)); “Unlike most web application performance monitoring tools in
24 the market, Applications Manager's RBM allows you to perform playback of recorded workflows in
25 different browsers - Mozilla Firefox, Google Chrome, and Microsoft Edge.”

26 (https://www.manageengine.com/products/applications_manager/web-application-monitoring.html);

27 “What is Web Transaction Recorder Extension? It is a browser extension which will allow you to
28 record your actions on a website or a web application and monitor them using Real Browser

1 Monitor.” [https://www.manageengine.com/products/applications_manager/help/rbm-browser-](https://www.manageengine.com/products/applications_manager/help/rbm-browser-extension.html)
2 [extension.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#SeleniumIDE); [https://www.manageengine.com/products/applications_manager/help/real-browser-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#SeleniumIDE)
3 [monitor-rbm.html#SeleniumIDE](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#SeleniumIDE)); web browsing components (for example, Applications Manager
4 allows a user to record actions on a website or web application using a web browser, the web browser
5 under test thus comprising web browsing components
6 (https://www.manageengine.com/products/applications_manager/help/rbm-browser-extension.html;
7 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools#newtrans)
8 [rbm.html?website-monitoring-tools#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools#newtrans))); said medium comprising computer program code for
9 interfacing with web browsing components, the web browsing components including DOM access
10 methods, computer program code for accessing a website to be tested (for example, Applications
11 Manager allows a user to record actions on a website or web application using a web browser, the
12 web browser under test thus comprising web browsing components
13 (https://www.manageengine.com/products/applications_manager/help/rbm-browser-extension.html;
14 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools#newtrans)
15 [rbm.html?website-monitoring-tools#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools#newtrans))); Applications Manager interrogates the DOM to
16 identify and extract relevant information regarding at least the page elements germane to the script,
17 including each such element’s index and value, and stores those details in the test script
18 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working)
19 [rbm.html#Working](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working) (“Real Browser monitor is created in Applications Manager server by recording
20 the web transaction and specifying the agent(s) where the playback should occur. Each EUM agent
21 will periodically check Applications Manager Server if RBM monitor has been configured for it and
22 replay the actions in the browser. Once the playback is complete, EUM agent will update the results
23 of the playback [response time, response code, etc] in Applications Manager”);
24 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans)
25 [rbm.html#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
26 [browser-monitor-rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools); (“In RBM, we render the webpage, build the
27 DOM and even execute the JavaScript in the web browser.”);
28 https://www.manageengine.com/products/applications_manager/issues.html (“In Real Browser

1 monitor, if the recorded script contained DOM value as the primary identifier, data collection was not
2 happening.”); Applications Manager locates these page elements based on their DOM indexes,
3 which necessarily requires it to use the DOM access methods included in Dynamic Linked Libraries
4 associated with a browser code library
5 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-
6 rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Actual rendering of a web page does not occur in the traditional
7 web monitoring. In RBM, we render the webpage, build the DOM and even execute the JavaScript in
8 the web browser.”); [https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-
9 faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test
10 _playback](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback) (“How to correct ‘Unable to locate element’ error during datacollection? This error occurs
11 when a particular element specified in the script is missing or hidden. This can be corrected by
12 editing the script and changing the element locator or value.”);
13 [https://www.manageengine.com/products/applications_manager/website-performance-
14 monitoring.html?website-monitoring](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)); computer program code for rendering and examining at least
15 one webpage of the website so as to extract details of elements of the webpage, and store the details
16 of the webpage in a recorded script, such as recorded scripts generated through the testing component
17 of the Applications Manager Infringing Products (for example, Applications Manager allows a user
18 to create or record a test script and then play it back by running it
19 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-
20 rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“For Real Browser Monitoring we use the Web Transaction Recorder to record all user
21 online transactions in their exact sequence. The Recorder is used to record the transactions which get
22 stored as webscripts. These transactions will then be replayed at regular intervals of time and
23 notifications will be sent when error is detected.”);
24 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-
25 rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Applications Manager uses behavioral scripts to describe the
26 path that would be taken by a end-user on the site.”);
27 https://www.manageengine.com/products/applications_manager/web-application-monitoring.html)
28 (“Use Applications Manager's in-house web transaction recorder to record the steps of critical

1 workflows in your web applications.”)); Applications Manager interrogates the DOM to identify and
2 extract relevant information regarding at least the page elements germane to the script, including each
3 such element’s index and value, and stores those details in the test script
4 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working)
5 [rbm.html#Working](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working) (“Real Browser monitor is created in Applications Manager server by recording
6 the web transaction and specifying the agent(s) where the playback should occur. Each EUM agent
7 will periodically check Applications Manager Server if RBM monitor has been configured for it and
8 replay the actions in the browser. Once the playback is complete, EUM agent will update the results
9 of the playback [response time, response code, etc] in Applications Manager”);
10 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans)
11 [rbm.html#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
12 [browser-monitor-rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools); (“In RBM, we render the webpage, build the
13 DOM and even execute the JavaScript in the web browser.”);
14 https://www.manageengine.com/products/applications_manager/issues.html (“In Real Browser
15 monitor, if the recorded script contained DOM value as the primary identifier, data collection was not
16 happening.”)); Applications Manager uses the WebDriver capabilities in standard browsers, which
17 incorporate search commands, such as findElements, and explicit wait commands, such as
18 FluentWait, and in order to execute such commands, Applications Manager must necessarily store
19 facts about the webpage being rendered, i.e., the expected condition to be checked for during
20 validation ([https://www.manageengine.com/products/applications_manager/help/installing-eum-](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings)
21 [agent.html#WebDriverSettings](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings) (“WebDriver specified here will be used to perform playback during
22 each data collection.”); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
23 [browser-monitor-rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“Download the Microsoft Webdriver for the corresponding version of the
24 Edge installed in the Windows server”); [https://www.softwaretestinghelp.com/selenium-webdriver-](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click)
25 [commands-selenium-tutorial-17/#3_findElementBy_by_and_click](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click) (“The findElement(By, by)
26 method searches and locates the first element on the current page, which matches the criteria given as
27 a parameter. This method is usually used in commands to simulate user actions like click, submit,
28 type etc.”); <https://www.softwaretestingmaterial.com/selenium-fluentwait/> (“We use FluentWait

1 commands mainly when we have web elements which sometimes visible in few seconds and some
2 times take more time than usual); Applications Manager locates these page elements based on their
3 DOM indexes, which necessarily requires it to use the DOM access methods included in Dynamic
4 Linked Libraries associated with a browser code library
5 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
6 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Actual rendering of a web page does not occur in the traditional
7 web monitoring. In RBM, we render the webpage, build the DOM and even execute the JavaScript in
8 the web browser.”); [https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback)
9 [faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback)
10 [_playback](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback) (“How to correct ‘Unable to locate element’ error during datacollection? This error occurs
11 when a particular element specified in the script is missing or hidden. This can be corrected by
12 editing the script and changing the element locator or value.”);
13 [https://www.manageengine.com/products/applications_manager/website-performance-](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)
14 [monitoring.html?website-monitoring](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)); computer program code for selecting a validation test to be
15 performed (for example, Applications Manager allows a user to create or record a test script and then
16 play it back by running it ([https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
17 [browser-monitor-rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“For Real Browser Monitoring we use the Web Transaction Recorder to
18 record all user online transactions in their exact sequence. The Recorder is used to record the
19 transactions which get stored as webscripts. These transactions will then be replayed at regular
20 intervals of time and notifications will be sent when error is detected.”);
21 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
22 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Applications Manager uses behavioral scripts to describe the
23 path that would be taken by a end-user on the site.”);
24 https://www.manageengine.com/products/applications_manager/web-application-monitoring.html)
25 (“Use Applications Manager's in-house web transaction recorder to record the steps of critical
26 workflows in your web applications.”)); and Applications Manager uses the WebDriver capabilities
27 in standard browsers, which incorporate search commands, such as findElements, and explicit wait
28 commands, such as FluentWait, and in order to execute such commands, Applications Manager must

1 necessarily store facts about the webpage being rendered, i.e., the expected condition to be checked
2 for during validation
3 ([https://www.manageengine.com/products/applications_manager/help/installing-eum-](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings)
4 [agent.html#WebDriverSettings](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings) (“WebDriver specified here will be used to perform playback during
5 each data collection.”); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
6 [browser-monitor-rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“Download the Microsoft Webdriver for the corresponding version of the
7 Edge installed in the Windows server”); [https://www.softwaretestinghelp.com/selenium-webdriver-](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click)
8 [commands-selenium-tutorial-17/#3_findElementBy_by_and_click](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click) (“The findElement(By, by)
9 method searches and locates the first element on the current page, which matches the criteria given as
10 a parameter. This method is usually used in commands to simulate user actions like click, submit,
11 type etc.”); <https://www.softwaretestingmaterial.com/selenium-fluentwait/> (“We use FluentWait
12 commands mainly when we have web elements which sometimes visible in few seconds and some
13 times take more time than usual); and computer program code for performing the validation test using
14 at least one of the DOM access methods of the web browsing components, wherein during the
15 validation test, the at least one webpage is newly rendered and details of elements for the at least one
16 webpage as newly rendered are accessed via the at least one of the DOM access methods and
17 compared to the stored details in the recorded script (for example, Applications Manager allows a
18 user to create or record a test script and then play it back by running it
19 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
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22 stored as webscripts. These transactions will then be replayed at regular intervals of time and
23 notifications will be sent when error is detected.”);
24 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
25 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Applications Manager uses behavioral scripts to describe the
26 path that would be taken by a end-user on the site.”);
27 https://www.manageengine.com/products/applications_manager/web-application-monitoring.html)
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9 of the playback [response time, response code, etc] in Applications Manager”);
10 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans)
11 [rbm.html#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
12 [browser-monitor-rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools); (“In RBM, we render the webpage, build the
13 DOM and even execute the JavaScript in the web browser.”);
14 https://www.manageengine.com/products/applications_manager/issues.html (“In Real Browser
15 monitor, if the recorded script contained DOM value as the primary identifier, data collection was not
16 happening.”)); Applications Manager uses the WebDriver capabilities in standard browsers, which
17 incorporate search commands, such as findElements, and explicit wait commands, such as
18 FluentWait, and in order to execute such commands, Applications Manager must necessarily store
19 facts about the webpage being rendered, i.e., the expected condition to be checked for during
20 validation ([https://www.manageengine.com/products/applications_manager/help/installing-eum-](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings)
21 [agent.html#WebDriverSettings](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings) (“WebDriver specified here will be used to perform playback during
22 each data collection.”); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
23 [browser-monitor-rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“Download the Microsoft Webdriver for the corresponding version of the
24 Edge installed in the Windows server”); [https://www.softwaretestinghelp.com/selenium-webdriver-](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click)
25 [commands-selenium-tutorial-17/#3_findElementBy_by_and_click](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click) (“The findElement(By, by)
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4 Dynamic Linked Libraries associated with a browser code library
5 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
6 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Actual rendering of a web page does not occur in the traditional
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9 [faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback)
10 [_playback](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback) (“How to correct ‘Unable to locate element’ error during datacollection? This error occurs
11 when a particular element specified in the script is missing or hidden. This can be corrected by
12 editing the script and changing the element locator or value.”);
13 [https://www.manageengine.com/products/applications_manager/website-performance-](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)
14 [monitoring.html?website-monitoring](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)); as disclosed in the ’493 Patent.

15 246. Defendants will, on information and belief, continue to directly infringe the ’493
16 Patent unless enjoined.

17 247. To the extent Defendants’ Applications Manager Infringing Products, without more,
18 do not directly infringe at least claim 1 of the ’493 Patent, at least as of the filing of this Complaint,
19 Defendants contribute to infringement of the same under 35 U.S.C. § 271(c) inasmuch as the
20 Applications Manager Infringing Products offered for sale and sold by Defendants are each a
21 component of a patented machine or an apparatus used in practicing a patented process, constituting a
22 material part of SRI’s invention, knowing the same to be especially made or especially adapted for
23 use in infringement of the ’493 Patent. For example, as set forth above, Applications Manager, when
24 used in its normal and intended usage (pursuant to the instructions set forth on Defendants’ website)
25 infringes claim 1 of the ’493 Patent. *See supra*, ¶ 245.

26 248. Defendants will, on information and belief, continue to contribute to infringement of
27 the ’493 Patent unless enjoined.

1 256. This case is “exceptional” within the meaning of 35 U.S.C. § 285, and SRI is entitled
2 to an award of attorneys’ fees.

3 **COUNT XIII – INFRINGEMENT OF THE ’491 PATENT BY APPLICATIONS MANAGER**

4 257. SRI re-alleges and incorporates the allegations of the preceding paragraphs of this
5 Complaint as if fully set forth herein.

6 258. SRI is the assignee and owner of all right, title, and interest in and to the ’491 Patent,
7 which was issued on March 17, 2015. A true and correct copy of the ’491 Patent is attached hereto as
8 Exhibit F.

9 259. The ’491 Patent addresses an invention for testing websites. The disclosed innovation
10 tests many facets of the website’s experience and operation, including by providing novel approaches
11 to creating, storing, and executing test scripts using website elements as opposed to the previously
12 disclosed use of recording test scripts based upon user actions only.

13 260. SRI has the exclusive right to make, use, sell, and offer to sell any product embodying
14 the ’491 Patent throughout the United States, and to import any product embodying the ’491 Patent
15 into the United States.

16 261. SRI has commercially exploited the ’491 Patent by making, marketing, selling, and
17 using products covered by the ’491 Patent, including its popular eValid™ software products. SRI
18 continues to commercially exploit the ’491 Patent through the present, at least by continuing to
19 provide maintenance and support to users of its popular eValid™ software products.

20 262. Defendants have had knowledge of the ’491 Patent, SRI, and SRI’s products
21 embodying the inventions claimed in the Patents-in-Suit since at least as early as the filing of this
22 Complaint.

23 263. At all relevant times, SRI provided public notice of the ’491 Patent by properly
24 marking its products and its website pursuant to 35 U.S.C. § 287(a).

25 264. Defendants have been, and are currently, directly infringing at least claim 1 of the
26 ’491 Patent in violation of 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by
27 making, using, selling, offering for sale, and/or importing into the United States Defendants’
28 Applications Manager Infringing Products, which, as set forth in documentation available on

1 Defendants' website, comprise the non-transitory computer readable media disclosed in the '491
2 Patent—both as maintained in Defendants' files and as made accessible to its users to whom
3 Defendants offer and sell the Applications Manager Infringing Products—including at least
4 computer program code for testing capabilities of a website hosted by a server and accessible to a
5 computer via a network (for example, “Create better customer experiences by testing the performance
6 of critical user paths on your website 24x7.”
7 (https://www.manageengine.com/products/applications_manager/); “Test critical user paths on your
8 website by simulating them via Selenium based scripting. The checks are run from real browsers such
9 as Chrome or Firefox.” ([https://www.manageengine.com/products/applications_manager/website-
10 monitoring.html?prev=APMAB2](https://www.manageengine.com/products/applications_manager/website-monitoring.html?prev=APMAB2))); “For Real Browser Monitoring we use the Web Transaction
11 Recorder to record all user online transactions in their exact sequence. The Recorder is used to record
12 the transactions which get stored as webscripts. These transactions will then be replayed at regular
13 intervals of time and notifications will be sent when error is detected.”
14 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-
15 rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)); “Unlike most web application performance monitoring tools in
16 the market, Applications Manager's RBM allows you to perform playback of recorded workflows in
17 different browsers - Mozilla Firefox, Google Chrome, and Microsoft Edge.”
18 (https://www.manageengine.com/products/applications_manager/web-application-monitoring.html);
19 “Do your customers complain about broken sign up forms or flaky shopping carts? Among our
20 website monitoring tools is the synthetic transaction monitor that can help you accurately simulate
21 user interactions with your website and ensure the correctness and performance of critical user
22 paths.” ([https://www.manageengine.com/products/applications_manager/website-monitoring-
23 tools.html](https://www.manageengine.com/products/applications_manager/website-monitoring-tools.html))); the website, necessarily including at least one webpage, necessarily resides on a remote
24 server and Applications Manager as used with a web browser, such as Firefox or Chrome, is a “test-
25 enabled web browser” (for example, “Test critical user paths on your website by simulating them via
26 Selenium based scripting. The checks are run from real browsers such as Chrome or Firefox.”
27 ([https://www.manageengine.com/products/applications_manager/website-
28 monitoring.html?prev=APMAB2](https://www.manageengine.com/products/applications_manager/website-monitoring.html?prev=APMAB2)); “Unlike most web application performance monitoring tools in

1 the market, Applications Manager's RBM allows you to perform playback of recorded workflows in
2 different browsers - Mozilla Firefox, Google Chrome, and Microsoft Edge.”
3 (https://www.manageengine.com/products/applications_manager/web-application-monitoring.html);
4 “What is Web Transaction Recorder Extension? It is a browser extension which will allow you to
5 record your actions on a website or a web application and monitor them using Real Browser
6 Monitor.” [https://www.manageengine.com/products/applications_manager/help/rbm-browser-](https://www.manageengine.com/products/applications_manager/help/rbm-browser-extension.html)
7 [extension.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#SeleniumIDE); [https://www.manageengine.com/products/applications_manager/help/real-browser-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#SeleniumIDE)
8 [monitor-rbm.html#SeleniumIDE](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#SeleniumIDE)); web browsing components (for example, Applications Manager
9 allows a user to record actions on a website or web application using a web browser, the web browser
10 under test thus comprising web browsing components
11 (https://www.manageengine.com/products/applications_manager/help/rbm-browser-extension.html;
12 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools#newtrans)
13 [rbm.html?website-monitoring-tools#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools#newtrans))); computer program code for providing web browsing
14 capabilities (for example, Applications Manager allows a user to record actions on a website or web
15 application using a web browser, the web browser under test thus comprising web browsing
16 components ([https://www.manageengine.com/products/applications_manager/help/rbm-browser-](https://www.manageengine.com/products/applications_manager/help/rbm-browser-extension.html)
17 [extension.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools#newtrans); [https://www.manageengine.com/products/applications_manager/help/real-browser-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools#newtrans)
18 [monitor-rbm.html?website-monitoring-tools#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools#newtrans))); computer program code for testing
19 capabilities of a website hosted by a server and accessible to a computer via a network (for example,
20 Applications Manager allows for the creation of test scripts to test websites by recording a user’s
21 interactions with the web page in question and allowing the user to play back those test scripts
22 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
23 [rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“For Real Browser Monitoring we use the Web Transaction Recorder to record all user
24 online transactions in their exact sequence. The Recorder is used to record the transactions which get
25 stored as webscripts. These transactions will then be replayed at regular intervals of time and
26 notifications will be sent when error is detected.”);
27 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
28 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Applications Manager uses behavioral scripts to describe the

1 path that would be taken by a end-user on the site.”);
2 https://www.manageengine.com/products/applications_manager/web-application-monitoring.html
3 (“Use Applications Manager's in-house web transaction recorder to record the steps of critical
4 workflows in your web applications.”)); wherein the computer program code for testing capabilities
5 of the website includes at least computer program code configured to have a synchronization check in
6 a test script for testing at least one web page of the website, and to automatically synchronize
7 playback of the test script using at least the synchronization check to maintain the test enabled
8 browser's state by means of the synchronization check in the test script to a Document Object Model
9 (DOM) associated with the at least one web page of the website, (for example, Applications Manager
10 allows a user to create or record a test script and then play it back by running it
11 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
12 [rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“For Real Browser Monitoring we use the Web Transaction Recorder to record all user
13 online transactions in their exact sequence. The Recorder is used to record the transactions which get
14 stored as webscripts. These transactions will then be replayed at regular intervals of time and
15 notifications will be sent when error is detected.”));
16 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
17 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Applications Manager uses behavioral scripts to describe the
18 path that would be taken by a end-user on the site.”);
19 https://www.manageengine.com/products/applications_manager/web-application-monitoring.html
20 (“Use Applications Manager's in-house web transaction recorder to record the steps of critical
21 workflows in your web applications.”)); Applications Manager interrogates the DOM to identify and
22 extract relevant information regarding at least the page elements germane to the script, including each
23 such element’s index and value, and stores those details in the test script
24 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working)
25 [rbm.html#Working](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working) (“Real Browser monitor is created in Applications Manager server by recording
26 the web transaction and specifying the agent(s) where the playback should occur. Each EUM agent
27 will periodically check Applications Manager Server if RBM monitor has been configured for it and
28 replay the actions in the browser. Once the playback is complete, EUM agent will update the results

1 of the playback [response time, response code, etc] in Applications Manager”);
2 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans)
3 [rbm.html#newtrans; https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
4 [browser-monitor-rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools); (“In RBM, we render the webpage, build the
5 DOM and even execute the JavaScript in the web browser.”);
6 https://www.manageengine.com/products/applications_manager/issues.html (“In Real Browser
7 monitor, if the recorded script contained DOM value as the primary identifier, data collection was not
8 happening.”); Applications Manager uses the WebDriver capabilities in standard browsers, which
9 incorporate search commands, such as findElements, and explicit wait commands, such as
10 FluentWait, and in order to execute such commands, Applications Manager must necessarily store
11 facts about the webpage being rendered, i.e., the expected condition to be checked for during
12 validation ([https://www.manageengine.com/products/applications_manager/help/installing-eum-](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings)
13 [agent.html#WebDriverSettings](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings) (“WebDriver specified here will be used to perform playback during
14 each data collection.”); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
15 [browser-monitor-rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“Download the Microsoft Webdriver for the corresponding version of the
16 Edge installed in the Windows server”); [https://www.softwaretestinghelp.com/selenium-webdriver-](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click)
17 [commands-selenium-tutorial-17/#3_findElementBy_by_and_click](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click) (“The findElement(By, by)
18 method searches and locates the first element on the current page, which matches the criteria given as
19 a parameter. This method is usually used in commands to simulate user actions like click, submit,
20 type etc.”); <https://www.softwaretestingmaterial.com/selenium-fluentwait/> (“We use FluentWait
21 commands mainly when we have web elements which sometimes visible in few seconds and some
22 times take more time than usual); Applications Manager locates these page elements based on their
23 DOM indexes, which necessarily requires it to use the DOM access methods included in Dynamic
24 Linked Libraries associated with a browser code library
25 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
26 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Actual rendering of a web page does not occur in the traditional
27 web monitoring. In RBM, we render the webpage, build the DOM and even execute the JavaScript in
28 the web browser.”); [- 119 -](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-</p></div><div data-bbox=)

1 [faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test](#)
2 [_playback](#) (“How to correct ‘Unable to locate element’ error during datacollection? This error occurs
3 when a particular element specified in the script is missing or hidden. This can be corrected by
4 editing the script and changing the element locator or value.”);
5 [https://www.manageengine.com/products/applications_manager/website-performance-](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)
6 [monitoring.html?website-monitoring](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)); and Applications Manager allows for the testing of content
7 dynamically generated by AJAX programming including using, upon information and belief, wait
8 commands to synchronize playback and allow for testing of content dynamically generated by AJAX
9 programming ([https://www.manageengine.com/products/applications_manager/website-](https://www.manageengine.com/products/applications_manager/website-monitoring.html)
10 [monitoring.html](https://www.manageengine.com/products/applications_manager/website-monitoring.html) (“Gain Insights into web transactions, user sessions, AJAX calls, Javascript errors,
11 etc.”); [https://www.manageengine.com/products/applications_manager/help/configuring-rum-](https://www.manageengine.com/products/applications_manager/help/configuring-rum-monitoring.html)
12 [monitoring.html](https://www.manageengine.com/products/applications_manager/help/configuring-rum-monitoring.html) (“Enable the Track cross-domain Ajax calls checkbox to monitor the performance of
13 Ajax calls to domains other than parent domain (external domains.)”)); wherein the synchronization
14 check operates, when executed, to: find a current index of at least one DOM element of the at least
15 one web page based on a specified property name and/or property value; determine whether a
16 property name and/or value is present in the at least one DOM element of the at least one web page
17 having the current index; and after the current index is found and the property name and/or value is
18 determined to be present, wait for the property name and/ or value in the at least one DOM element
19 of the at least one web page having the current index to be a particular name and/or value (for
20 example, Applications Manager allows for the creation of test scripts to test websites by recording a
21 user’s interactions with the web page in question and allowing the user to play back those test scripts
22 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
23 [rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“For Real Browser Monitoring we use the Web Transaction Recorder to record all user
24 online transactions in their exact sequence. The Recorder is used to record the transactions which get
25 stored as webscripts. These transactions will then be replayed at regular intervals of time and
26 notifications will be sent when error is detected.”);
27 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
28 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Applications Manager uses behavioral scripts to describe the

1 path that would be taken by a end-user on the site.”);

2 https://www.manageengine.com/products/applications_manager/web-application-monitoring.html)

3 (“Use Applications Manager's in-house web transaction recorder to record the steps of critical
4 workflows in your web applications.”)); Applications Manager interrogates the DOM to identify and
5 extract relevant information regarding at least the page elements germane to the script, including each
6 such element’s index and value, and stores those details in the test script

7 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working)

8 [rbm.html#Working](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working) (“Real Browser monitor is created in Applications Manager server by recording
9 the web transaction and specifying the agent(s) where the playback should occur. Each EUM agent
10 will periodically check Applications Manager Server if RBM monitor has been configured for it and
11 replay the actions in the browser. Once the playback is complete, EUM agent will update the results
12 of the playback [response time, response code, etc] in Applications Manager”);

13 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans)

14 [rbm.html#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)

15 [browser-monitor-rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools); (“In RBM, we render the webpage, build the
16 DOM and even execute the JavaScript in the web browser.”);

17 https://www.manageengine.com/products/applications_manager/issues.html (“In Real Browser

18 monitor, if the recorded script contained DOM value as the primary identifier, data collection was not
19 happening.”)); Applications Manager uses the WebDriver capabilities in standard browsers, which
20 incorporate search commands, such as findElements, and explicit wait commands, such as

21 FluentWait, and in order to execute such commands, Applications Manager must necessarily store

22 facts about the webpage being rendered, i.e., the expected condition to be checked for during

23 validation ([https://www.manageengine.com/products/applications_manager/help/installing-eum-](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings)

24 [agent.html#WebDriverSettings](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings) (“WebDriver specified here will be used to perform playback during

25 each data collection.”); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)

26 [browser-monitor-rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“Download the Microsoft Webdriver for the corresponding version of the

27 Edge installed in the Windows server”); [https://www.softwaretestinghelp.com/selenium-webdriver-](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click)

28 [commands-selenium-tutorial-17/#3_findElementBy_by_and_click](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click) (“The findElement(By, by)

1 method searches and locates the first element on the current page, which matches the criteria given as
2 a parameter. This method is usually used in commands to simulate user actions like click, submit,
3 type etc.”); <https://www.softwaretestingmaterial.com/selenium-fluentwait/> (“We use FluentWait
4 commands mainly when we have web elements which sometimes visible in few seconds and some
5 times take more time than usual); Applications Manager locates these page elements based on their
6 DOM indexes, which necessarily requires it to use the DOM access methods included in Dynamic
7 Linked Libraries associated with a browser code library
8 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-
9 rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Actual rendering of a web page does not occur in the traditional
10 web monitoring. In RBM, we render the webpage, build the DOM and even execute the JavaScript in
11 the web browser.”); [https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-
12 faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_
13 _playback](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback) (“How to correct ‘Unable to locate element’ error during datacollection? This error occurs
14 when a particular element specified in the script is missing or hidden. This can be corrected by
15 editing the script and changing the element locator or value.”);
16 [https://www.manageengine.com/products/applications_manager/website-performance-
17 monitoring.html?website-monitoring](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)); Applications Manager allows for the testing of content
18 dynamically generated by AJAX programming including using, upon information and belief, wait
19 commands to synchronize playback and allow for testing of content dynamically generated by AJAX
20 programming ([https://www.manageengine.com/products/applications_manager/website-
21 monitoring.html](https://www.manageengine.com/products/applications_manager/website-monitoring.html) (“Gain Insights into web transactions, user sessions, AJAX calls, Javascript errors,
22 etc.”); [https://www.manageengine.com/products/applications_manager/help/configuring-rum-
23 monitoring.html](https://www.manageengine.com/products/applications_manager/help/configuring-rum-monitoring.html) (“Enable the Track cross-domain Ajax calls checkbox to monitor the performance of
24 Ajax calls to domains other than parent domain (external domains.”)); wherein the computer
25 program code configured to have the synchronization check is a separate programmatic process from
26 the at least one web page of the website being tested (for example, upon information and belief,
27 Applications Manager uses WebDriver to run synchronization processes run in a separate
28 programmatic process from the web page of the website being tested (which runs in the web browser)

1 ([https://www.manageengine.com/products/applications_manager/help/installing-eum-](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings)
2 [agent.html#WebDriverSettings](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings) (“WebDriver specified here will be used to perform playback during
3 each data collection.”); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
4 [browser-monitor-rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html); <https://www.selenium.dev/documentation/webdriver/waits/>;
5 <https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/> (“To
6 handle cases where an element takes too much time to be visible on the software web page applying
7 implicit wait becomes tricky. In this case, we can write a comment to wait until the element appears
8 on the webpage.”); <https://www.softwaretestingmaterial.com/selenium-fluentwait/>), as disclosed in
9 the ’491 Patent.

10 265. Defendants will, on information and belief, continue to directly infringe the ’491
11 Patent unless enjoined.

12 266. To the extent Defendants’ Applications Manager Infringing Products, without more,
13 do not directly infringe at least claim 1 of the ’491 Patent, at least as of the filing of this Complaint,
14 Defendants contribute to infringement of the same under 35 U.S.C. § 271(c) inasmuch as the
15 Applications Manager Infringing Products offered for sale and sold by Defendants are each a
16 component of a patented machine or an apparatus used in practicing a patented process, constituting a
17 material part of SRI’s invention, knowing the same to be especially made or especially adapted for
18 use in infringement of the ’491 Patent. For example, as set forth above, Applications Manager, when
19 used in its normal and intended usage (pursuant to the instructions set forth on Defendants’ website),
20 infringes claim 1 of the ’491 Patent. *See supra*, ¶ 264.

21 267. Defendants will, on information and belief, continue to contribute to infringement of
22 the ’491 Patent unless enjoined.

23 268. Defendants actively encourage their customer to use Defendants’ Applications
24 Manager Infringing Products in an infringing manner. For example, Defendants’ website is replete
25 with written directions, screenshots, and videos instructing users on how to use the Applications
26 Manager Infringing Products in an infringing manner. For example, as set forth above, Defendants’
27 website regarding Applications Manager specifically instructs users of the Applications Manager
28 Infringing Products how to infringe claim 1 of the ’491 patent. *See supra*, ¶ 264. Defendants’

1 website also touts the identities of customers who use the Infringing Products, each of whom is a
 2 direct infringer inasmuch as they use the Applications Manager Infringing Products in the infringing
 3 manner as instructed by Defendants:

4 **Trusted by the world's best organizations**



9 269. Upon information and belief, and particularly by way of the detailed documentation
 10 instructing users on how to use the Applications Manager Infringing Products in an infringing
 11 manner (*see supra*, ¶¶ 264, 268), Defendants have encouraged this infringement with knowledge of
 12 the '491 Patent and with a specific intent to cause their customers and distributors to infringe.

13 270. Defendants' acts thus constitute active inducement of patent infringement in violation
 14 of 35 U.S.C. § 271(b).

15 271. Defendants will, on information and belief, continue to induce infringement of the
 16 '491 Patent unless enjoined.

17 272. Defendants' direct infringement, contributory infringement, and inducement of
 18 infringement have irreparably harmed SRI.

19 273. Defendants will, on information and belief, continue to irreparably harm SRI unless
 20 enjoined.

21 274. Pursuant to 35 U.S.C. § 284, SRI is entitled to damages adequate to compensate for
 22 the infringement but in no event less than a reasonable royalty.

23 275. This case is "exceptional" within the meaning of 35 U.S.C. § 285, and SRI is entitled
 24 to an award of attorneys' fees.

25 **COUNT XIV – INFRINGEMENT OF THE '286 PATENT BY APPLICATIONS MANAGER**

26 276. SRI re-alleges and incorporates the allegations of the preceding paragraphs of this
 27 Complaint as if fully set forth herein.

1 277. SRI is the assignee and owner of all right, title, and interest in and to the '286 Patent,
2 which was issued on November 26, 2019. A true and correct copy of the '286 Patent is attached
3 hereto as Exhibit G.

4 278. The '286 Patent addresses an invention for testing websites. The disclosed innovation
5 tests many facets of the website's experience and operation, including by providing novel approaches
6 to creating, storing, and executing test scripts using website elements as opposed to the previously
7 disclosed use of recording test scripts based upon user actions only.

8 279. SRI has the exclusive right to make, use, sell, and offer to sell any product embodying
9 the '286 Patent throughout the United States, and to import any product embodying the '286 Patent
10 into the United States.

11 280. SRI has commercially exploited the '286 Patent by making, marketing, selling, and
12 using products covered by the '286 Patent, including its popular eValid™ software products. SRI
13 continues to commercially exploit the '286 Patent through the present, at least by continuing to
14 provide maintenance and support to users of its popular eValid™ software products.

15 281. Defendants have had knowledge of the '286 Patent, SRI, and SRI's products
16 embodying the inventions claimed in the Patents-in-Suit since at least as early as the filing of this
17 Complaint.

18 282. At all relevant times, SRI provided public notice of the '286 Patent by properly
19 marking its products and its website pursuant to 35 U.S.C. § 287(a).

20 283. Defendants have been, and are currently, directly infringing at least claim 1 of the
21 '286 Patent in violation of 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by
22 making, using, selling, offering for sale, and/or importing into the United States Defendants'
23 Applications Manager Infringing Products, which, as set forth in documentation available on
24 Defendants' website, comprise the computing device disclosed in the '286 Patent—both as
25 maintained in Defendants' files and as made accessible to its users to whom Defendants offer and sell
26 the Applications Manager Infringing Products—including at least a memory; web browser program
27 code stored in the memory; and a processor configured to perform the web browser program code
28 (for example, "Create better customer experiences by testing the performance of critical user paths on

1 your website 24x7.” (https://www.manageengine.com/products/applications_manager/); “Test critical
2 user paths on your website by simulating them via Selenium based scripting. The checks are run from
3 real browsers such as Chrome or Firefox.”

4 ([https://www.manageengine.com/products/applications_manager/website-
5 monitoring.html?prev=APMAB2](https://www.manageengine.com/products/applications_manager/website-monitoring.html?prev=APMAB2))); “For Real Browser Monitoring we use the Web Transaction
6 Recorder to record all user online transactions in their exact sequence. The Recorder is used to record
7 the transactions which get stored as webscripts. These transactions will then be replayed at regular
8 intervals of time and notifications will be sent when error is detected.”

9 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-
10 rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)); “Unlike most web application performance monitoring tools in
11 the market, Applications Manager's RBM allows you to perform playback of recorded workflows in
12 different browsers - Mozilla Firefox, Google Chrome, and Microsoft Edge.”

13 (https://www.manageengine.com/products/applications_manager/web-application-monitoring.html);

14 “Do your customers complain about broken sign up forms or flaky shopping carts? Among our
15 website monitoring tools is the synthetic transaction monitor that can help you accurately simulate
16 user interactions with your website and ensure the correctness and performance of critical user
17 paths.” ([https://www.manageengine.com/products/applications_manager/website-monitoring-
18 tools.html](https://www.manageengine.com/products/applications_manager/website-monitoring-tools.html))); wherein the web browser program code, when performed, provides a web browser

19 operating on the computing device (for example, Applications Manager allows a user to record
20 actions on a website or web application using a web browser, the web browser under test thus
21 comprising web browsing components

22 (https://www.manageengine.com/products/applications_manager/help/rbm-browser-extension.html;

23 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-
24 rbm.html?website-monitoring-tools#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools#newtrans))); wherein the web browser program code provides the

25 web browser with Document Object Model (DOM) access capabilities (for example, Applications
26 Manager locates these page elements based on their DOM indexes, which necessarily requires it to
27 use the DOM access methods included in Dynamic Linked Libraries associated with a browser code
28 library (https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-

1 [rbm.html?website-monitoring-tools](#) (“Actual rendering of a web page does not occur in the traditional
2 web monitoring. In RBM, we render the webpage, build the DOM and even execute the JavaScript in
3 the web browser.”); [https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-
4 faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test
5 _playback](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback) (“How to correct ‘Unable to locate element’ error during datacollection? This error occurs
6 when a particular element specified in the script is missing or hidden. This can be corrected by
7 editing the script and changing the element locator or value.”);
8 [https://www.manageengine.com/products/applications_manager/website-performance-
9 monitoring.html?website-monitoring](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring))); wherein the web browser program code, executable by the
10 computing device, includes at least: computer program code for testing and analysis of a web page as
11 rendered by the web browser (for example, Applications Manager allows a user to create or record a
12 test script and then play it back by running it
13 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-
14 rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“For Real Browser Monitoring we use the Web Transaction Recorder to record all user
15 online transactions in their exact sequence. The Recorder is used to record the transactions which get
16 stored as webscripts. These transactions will then be replayed at regular intervals of time and
17 notifications will be sent when error is detected.”));
18 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-
19 rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Applications Manager uses behavioral scripts to describe the
20 path that would be taken by a end-user on the site.”);
21 https://www.manageengine.com/products/applications_manager/web-application-monitoring.html)
22 (“Use Applications Manager's in-house web transaction recorder to record the steps of critical
23 workflows in your web applications.”)); computer program code for accessing an attribute or
24 property value of an element of a DOM of the web page, wherein the computer program code for
25 accessing the attribute or property value of the element of the DOM of the web page accesses the
26 DOM of the web page using a browser programming interface that enables the web browser program
27 code to have access to the DOM (for example, Applications Manager locates these page elements
28 based on their DOM indexes, which necessarily requires it to use the DOM access methods included

1 in Dynamic Linked Libraries associated with a browser code library
2 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
3 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Actual rendering of a web page does not occur in the traditional
4 web monitoring. In RBM, we render the webpage, build the DOM and even execute the JavaScript in
5 the web browser.”); [https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback)
6 [faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback)
7 [_playback](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback) (“How to correct ‘Unable to locate element’ error during datacollection? This error occurs
8 when a particular element specified in the script is missing or hidden. This can be corrected by
9 editing the script and changing the element locator or value.”);
10 [https://www.manageengine.com/products/applications_manager/website-performance-](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)
11 [monitoring.html?website-monitoring](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring))); the browser programming interface is supported by an API
12 underlying the web browser program code for providing a plurality of library function calls or
13 methods that are accessible by the web browser program code (for example, Applications Manager
14 includes a browser programming interface capable of accessing WebDriver, which functions as is an
15 underlying API ([https://www.manageengine.com/products/applications_manager/help/installing-](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings)
16 [eum-agent.html#WebDriverSettings](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings) (“WebDriver specified here will be used to perform playback
17 during each data collection.”);
18 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
19 [rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)); and wherein the computer program code for accessing the attribute or property value of
20 the element of the DOM of the web page accesses the attribute or property value of the element of the
21 DOM of the web page for purposes of the testing and analysis of the web page rendered in the web
22 browser (for example, Applications Manager interrogates the DOM to identify and extract relevant
23 information regarding at least the page elements germane to the script, including each such element’s
24 index and value, and stores those details in the test script
25 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working)
26 [rbm.html#Working](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working) (“Real Browser monitor is created in Applications Manager server by recording
27 the web transaction and specifying the agent(s) where the playback should occur. Each EUM agent
28 will periodically check Applications Manager Server if RBM monitor has been configured for it and

1 replay the actions in the browser. Once the playback is complete, EUM agent will update the results
2 of the playback [response time, response code, etc] in Applications Manager”);
3 [https://www.manageengine.com/products/applications_manager/help/real-
5 browser-monitor-rbm.html#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-
4 rbm.html#newtrans); [https://www.manageengine.com/products/applications_manager/help/real-
7 browser-monitor-rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-
6 browser-monitor-rbm.html?website-monitoring-tools); (“In RBM, we render the webpage, build the
8 DOM and even execute the JavaScript in the web browser.”);
9 https://www.manageengine.com/products/applications_manager/issues.html (“In Real Browser
10 monitor, if the recorded script contained DOM value as the primary identifier, data collection was not
11 happening.”); Applications Manager uses the WebDriver capabilities in standard browsers, which
12 incorporate search commands, such as findElements, and explicit wait commands, such as
13 FluentWait, and in order to execute such commands, Applications Manager must necessarily store
14 facts about the webpage being rendered, i.e., the expected condition to be checked for during
15 validation ([https://www.manageengine.com/products/applications_manager/help/installing-eum-
17 agent.html#WebDriverSettings](https://www.manageengine.com/products/applications_manager/help/installing-eum-
16 agent.html#WebDriverSettings) (“WebDriver specified here will be used to perform playback during
18 each data collection.”); [https://www.manageengine.com/products/applications_manager/help/real-
20 browser-monitor-rbm.html](https://www.manageengine.com/products/applications_manager/help/real-
19 browser-monitor-rbm.html) (“Download the Microsoft Webdriver for the corresponding version of the
21 Edge installed in the Windows server”); [https://www.softwaretestinghelp.com/selenium-webdriver-
23 commands-selenium-tutorial-17/#3_findElementBy_by_and_click](https://www.softwaretestinghelp.com/selenium-webdriver-
22 commands-selenium-tutorial-17/#3_findElementBy_by_and_click) (“The findElement(By, by)
24 method searches and locates the first element on the current page, which matches the criteria given as
25 a parameter. This method is usually used in commands to simulate user actions like click, submit,
26 type etc.”); <https://www.softwaretestingmaterial.com/selenium-fluentwait/> (“We use FluentWait
27 commands mainly when we have web elements which sometimes visible in few seconds and some
28 times take more time than usual); wherein the web browser program code supports at least one
29 command, provided to the web browser via the browser programming interface, to facilitate
30 synchronized testing and analysis of asynchronous processes of the web page rendered by the web
31 browser using the underlying API (for example, Applications Manager allows for the testing of
32 content dynamically generated by AJAX programming including using, upon information and belief,
33 wait commands to synchronize playback and allow for testing of content dynamically generated by

1 AJAX programming ([https://www.manageengine.com/products/applications_manager/website-](https://www.manageengine.com/products/applications_manager/website-monitoring.html)
2 [monitoring.html](https://www.manageengine.com/products/applications_manager/website-monitoring.html) (“Gain Insights into web transactions, user sessions, AJAX calls, Javascript errors,
3 etc.”); [https://www.manageengine.com/products/applications_manager/help/configuring-rum-](https://www.manageengine.com/products/applications_manager/help/configuring-rum-monitoring.html)
4 [monitoring.html](https://www.manageengine.com/products/applications_manager/help/configuring-rum-monitoring.html) (“Enable the Track cross-domain Ajax calls checkbox to monitor the performance of
5 Ajax calls to domains other than parent domain (external domains.)”)); and wherein the at least one
6 command includes a DOM index value, a DOM property name and a DOM property value, and
7 causes examination of a name and a value of a property found in the DOM of the web page at the
8 DOM index value to determine whether the name and the value match the DOM property name and
9 the DOM property value, respectively (for example, to generate and subsequently perform validation
10 tests, Applications Manager interrogates the DOM to identify and extract relevant information
11 regarding at least the page elements germane to the script, including each such element’s index and
12 value, and stores those details in the test script
13 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working)
14 [rbm.html#Working](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#Working) (“Real Browser monitor is created in Applications Manager server by recording
15 the web transaction and specifying the agent(s) where the playback should occur. Each EUM agent
16 will periodically check Applications Manager Server if RBM monitor has been configured for it and
17 replay the actions in the browser. Once the playback is complete, EUM agent will update the results
18 of the playback [response time, response code, etc] in Applications Manager”);
19 [https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans)
20 [rbm.html#newtrans](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html#newtrans); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
21 [browser-monitor-rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools); (“In RBM, we render the webpage, build the
22 DOM and even execute the JavaScript in the web browser.”);
23 https://www.manageengine.com/products/applications_manager/issues.html (“In Real Browser
24 monitor, if the recorded script contained DOM value as the primary identifier, data collection was not
25 happening.”)); Applications Manager uses the WebDriver capabilities in standard browsers, which
26 incorporate search commands, such as findElements, and explicit wait commands, such as
27 FluentWait, and in order to execute such commands, Applications Manager must necessarily store
28 facts about the webpage being rendered, i.e., the expected condition to be checked for during

1 validation ([https://www.manageengine.com/products/applications_manager/help/installing-eum-](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings)
2 [agent.html#WebDriverSettings](https://www.manageengine.com/products/applications_manager/help/installing-eum-agent.html#WebDriverSettings) (“WebDriver specified here will be used to perform playback during
3 each data collection.”); [https://www.manageengine.com/products/applications_manager/help/real-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html)
4 [browser-monitor-rbm.html](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html) (“Download the Microsoft Webdriver for the corresponding version of the
5 Edge installed in the Windows server”); [https://www.softwaretestinghelp.com/selenium-webdriver-](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click)
6 [commands-selenium-tutorial-17/#3_findElementBy_by_and_click](https://www.softwaretestinghelp.com/selenium-webdriver-commands-selenium-tutorial-17/#3_findElementBy_by_and_click) (“The findElement(By, by)
7 method searches and locates the first element on the current page, which matches the criteria given as
8 a parameter. This method is usually used in commands to simulate user actions like click, submit,
9 type etc.”); <https://www.softwaretestingmaterial.com/selenium-fluentwait/> (“We use FluentWait
10 commands mainly when we have web elements which sometimes visible in few seconds and some
11 times take more time than usual); Applications Manager locates these page elements based on their
12 DOM indexes, which necessarily requires it to use the DOM access methods included in Dynamic
13 Linked Libraries associated with a browser code library
14 ([https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools)
15 [rbm.html?website-monitoring-tools](https://www.manageengine.com/products/applications_manager/help/real-browser-monitor-rbm.html?website-monitoring-tools) (“Actual rendering of a web page does not occur in the traditional
16 web monitoring. In RBM, we render the webpage, build the DOM and even execute the JavaScript in
17 the web browser.”); [https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback)
18 [faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback)
19 [_playback](https://pitstop.manageengine.com/portal/en/kb/articles/rbm-firefox-faqs#2_How_to_avoid_No_response_from_Server_or_Script_playback_timed_out_error_during_test_playback) (“How to correct ‘Unable to locate element’ error during datacollection? This error occurs
20 when a particular element specified in the script is missing or hidden. This can be corrected by
21 editing the script and changing the element locator or value.”);
22 [https://www.manageengine.com/products/applications_manager/website-performance-](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)
23 [monitoring.html?website-monitoring](https://www.manageengine.com/products/applications_manager/website-performance-monitoring.html?website-monitoring)); as disclosed in the ’286 Patent.

24 284. Defendants will, on information and belief, continue to directly infringe the ’286
25 Patent unless enjoined.

26 285. To the extent Defendants’ Applications Manager Infringing Products, without more,
27 do not directly infringe at least claim 1 of the ’286 Patent, at least as of the filing of this Complaint,
28 Defendants contribute to infringement of the same under 35 U.S.C. § 271(c) inasmuch as the

1 Applications Manager Infringing Products offered for sale and sold by Defendants are each a
 2 component of a patented machine or an apparatus used in practicing a patented process, constituting a
 3 material part of SRI’s invention, knowing the same to be especially made or especially adapted for
 4 use in infringement of the ’286 Patent. For example, as set forth above, Applications Manager, when
 5 used in its normal and intended usage (pursuant to the instructions set forth on Defendants’ website),
 6 infringes claim 1 of the ’286 Patent. *See supra*, ¶ 283.

7 286. Defendants will, on information and belief, continue to contribute to infringement of
 8 the ’286 Patent unless enjoined.

9 287. Defendants actively encourage their customer to use Defendants’ Applications
 10 Manager Infringing Products in an infringing manner. For example, Defendants’ website is replete
 11 with written directions, screenshots, and videos instructing users on how to use the Applications
 12 Manager Infringing Products in an infringing manner. For example, as set forth above, Defendants’
 13 website regarding Applications Manager specifically instructs users of the Applications Manager
 14 Infringing Products how to infringe claim 1 of the ’286 patent. *See supra*, ¶ 283. Defendants’
 15 website also touts the identities of customers who use the Applications Manager Infringing Products,
 16 each of whom is a direct infringer inasmuch as they use the Applications Manager Infringing
 17 Products in the infringing manner as instructed by Defendants:

18 **Trusted by the world's best organizations**



23 288. Upon information and belief, and particularly by way of the detailed documentation
 24 instructing users on how to use the Applications Manager Infringing Products in an infringing
 25 manner (*see supra*, ¶¶ 283, 287), Defendants have encouraged this infringement with knowledge of
 26 the ’286 Patent and with a specific intent to cause their customers and distributors to infringe.

27 289. Defendants’ acts thus constitute active inducement of patent infringement in violation
 28 of 35 U.S.C. § 271(b).

1 290. Defendants will, on information and belief, continue to induce infringement of the
2 '286 Patent unless enjoined.

3 291. Defendants' direct infringement, contributory infringement, and inducement of
4 infringement have irreparably harmed SRI.

5 292. Defendants will, on information and belief, continue to irreparably harm SRI unless
6 enjoined.

7 293. Pursuant to 35 U.S.C. § 284, SRI is entitled to damages adequate to compensate for
8 the infringement but in no event less than a reasonable royalty.

9 294. This case is "exceptional" within the meaning of 35 U.S.C. § 285, and SRI is entitled
10 to an award of attorneys' fees.

11 **DEMAND FOR JURY TRIAL**

12 SRI hereby demands a trial by jury of all issues so triable under Federal Rule of Civil
13 Procedure 38(b).

14 **PRAYER FOR RELIEF**

15 WHEREFORE, SRI respectfully requests that this Court:

16 A. Find that United States Patent No. 7,757,175 is valid and enforceable against
17 Defendants;

18 B. Find that Defendants have infringed and are infringing United States Patent No.
19 7,757,175;

20 C. Permanently enjoin Defendants, their officers, agents, servants, employees, and those
21 persons acting in active concert or in participation therewith from infringing United States Patent No.
22 7,757,175;

23 D. Award SRI damages sufficient to compensate it for Defendants' past and future
24 infringement of United States Patent No. 7,757,175, together with costs and prejudgment interest,
25 pursuant to 35 U.S.C. § 284;

26 E. Find that United States Patent No. 8,327,271 is valid and enforceable against
27 Defendants;

28 F. Find that Defendants have infringed and are infringing United States Patent No.

1 8,327,271;

2 G. Permanently enjoin Defendants, their officers, agents, servants, employees, and those
3 persons acting in active concert or in participation therewith from infringing United States Patent No.

4 8,327,271;

5 H. Award SRI damages sufficient to compensate it for Defendants' past and future
6 infringement of United States Patent No. 8,327,271, together with costs and prejudgment interest,
7 pursuant to 35 U.S.C. § 284;

8 I. Find that United States Patent No. 8,392,890 is valid and enforceable against
9 Defendants;

10 J. Find that Defendants have infringed and are infringing United States Patent No.
11 8,392,890;

12 K. Permanently enjoin Defendants, their officers, agents, servants, employees, and those
13 persons acting in active concert or in participation therewith from infringing United States Patent No.
14 8,392,890;

15 L. Award SRI damages sufficient to compensate it for Defendants' past and future
16 infringement of United States Patent No. 8,392,890, together with costs and prejudgment interest,
17 pursuant to 35 U.S.C. § 284;

18 M. Find that United States Patent No. 8,495,585 is valid and enforceable against
19 Defendants;

20 N. Find that Defendants have infringed and are infringing United States Patent No.
21 8,495,585;

22 O. Permanently enjoin Defendants, their officers, agents, servants, employees, and those
23 persons acting in active concert or in participation therewith from infringing United States Patent No.
24 8,495,585;

25 P. Award SRI damages sufficient to compensate it for Defendants' past and future
26 infringement of United States Patent No. 8,495,585, together with costs and prejudgment interest,
27 pursuant to 35 U.S.C. § 284;

28 Q. Find that United States Patent No. 8,650,493 is valid and enforceable against

1 Defendants;

2 R. Find that Defendants have infringed and are infringing United States Patent No.
3 8,650,493;

4 S. Permanently enjoin Defendants, their officers, agents, servants, employees, and those
5 persons acting in active concert or in participation therewith from infringing United States Patent No.
6 8,650,493;

7 T. Award SRI damages sufficient to compensate it for Defendants' past and future
8 infringement of United States Patent No. 8,650,493, together with costs and prejudgment interest,
9 pursuant to 35 U.S.C. § 284;

10 U. Find that United States Patent No. 8,984,491 is valid and enforceable against
11 Defendants;

12 V. Find that Defendants have infringed and are infringing United States Patent No.
13 8,984,491;

14 W. Permanently enjoin Defendants, their officers, agents, servants, employees, and those
15 persons acting in active concert or in participation therewith from infringing United States Patent No.
16 8,984,491;

17 X. Award SRI damages sufficient to compensate it for Defendants' past and future
18 infringement of United States Patent No. 8,984,491, together with costs and prejudgment interest,
19 pursuant to 35 U.S.C. § 284;

20 Y. Find that United States Patent No. 10,489,286 is valid and enforceable against
21 Defendants;

22 Z. Find that Defendants have infringed and are infringing United States Patent No.
23 10,489,286;

24 AA. Permanently enjoin Defendants, their officers, agents, servants, employees, and those
25 persons acting in active concert or in participation therewith from infringing United States Patent No.
26 10,489,286;

27 BB. Award SRI damages sufficient to compensate it for Defendants' past and future
28 infringement of United States Patent No. 10,489,286, together with costs and prejudgment interest,

1 pursuant to 35 U.S.C. § 284;

2 CC. Order an accounting of damages from Defendants' infringement;

3 DD. Award SRI its reasonable attorney fees and costs of suit pursuant to 35 U.S.C. § 285
4 due to the exceptional nature of this case, or as otherwise permitted by law;

5 EE. Award SRI post-judgment interest pursuant to 28 U.S.C. § 1961; and

6 FF. Award SRI such other or additional relief as the Court deems just and proper.


7

8 Date: October 7, 2022

Respectfully submitted,
SINGER CASHMAN LLP

9

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By:  _____

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Benjamin L. Singer

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Evan Budaj

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Attorneys for Plaintiff Software Research, Inc.

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