

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

CloudofChange, LLC,

Plaintiff,

v.

Clover Network, Inc.,

Defendant.

Case No. 6:22-cv-634

**JURY TRIAL DEMANDED**

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff CloudofChange, LLC (“CloudofChange” or “COC” or “Plaintiff”) files this First Amended Complaint for Patent Infringement against Defendant Clover Network, Inc. (“Clover” or “Defendant”).

**NATURE OF THE ACTION**

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 101 *et seq.* This action involves U.S. Patent No. 9,400,640 (the “’640 Patent”), U.S. Patent No. 10,083,012 (the “’012 Patent”), and U.S. Patent No. 11,226,793 (the “’793 Patent”). *See* Ex. 1 (the ’640 Patent), Ex. 2 (the ’012 Patent), Ex. 3 (the ’793 Patent).

**PARTIES**

2. Plaintiff CloudofChange, LLC is a New York limited liability company having its principal place of business at 7 Mansion St., Suite 215, Poughkeepsie, New York 12601. Plaintiff CloudofChange, LLC is the owner by assignment of the ’640 Patent, the ’012 Patent, and the ’793 Patent.

3. Defendant Clover Network, Inc. is a California corporation having its principal place of business at 415 N Mathilda Ave Sunnyvale, CA, 94085.

## JURISDICTION

4. This Court has original subject matter jurisdiction over this action in accordance with 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. § 101, *et seq.*

5. On information and belief, the Court has specific personal jurisdiction over Defendant because Clover: (i) has purposefully directed activities to residents of the forum, (ii) the patent infringement claim arises out of or relates to those directed activities, and (iii) the assertion of personal jurisdiction is reasonable and fair. *See NCS Multistage v. TCO AS*, 2021 U.S. Dist. LEXIS 101261 \*3-4 (W.D. Tex., May 28, 2021) (citing *Nuance Commc'ns, Inc. v. Abby Software House*, 626 F.3d 1222, 1231 (Fed. Cir. 2010)).

6. Defendant Clover has directed activities to residents of the forum by making, using, importing, selling and/or offering for sale Accused Products to residents in the Western District of Texas, and as such, Plaintiff's patent infringement claim arises out of and/or relates to those activities.

7. The Accused Products (collectively, "Clover POS") include: (i) Clover Station Solo, (ii) Clover Station Duo (formerly Station Pro), (iii) Clover Mini, and (iv) Clover Dashboard.

8. For example, Defendant markets the Accused Products to customers in Texas via the following websites:

<b>Accused Products</b>	<b>Website</b>
Clover Station Solo	<a href="https://www.clover.com/shop">https://www.clover.com/shop</a> <a href="https://www.clover.com/station-solo">https://www.clover.com/station-solo</a>
Clover Station Duo	<a href="https://www.clover.com/shop">https://www.clover.com/shop</a> <a href="https://www.clover.com/station-duo">https://www.clover.com/station-duo</a>
Clover Mini	<a href="https://www.clover.com/shop">https://www.clover.com/shop</a> <a href="https://www.clover.com/mini">https://www.clover.com/mini</a>
Clover Dashboard	<a href="https://www.clover.com/shop">https://www.clover.com/shop</a>

9. Further, Defendant’s own marketing spotlights customers in the Western District of Texas, and Defendant’s retailers promote the Defendant’s Accused Products in the Western District of Texas:

Accused Products	Customers/Retailers	Address
Clover POS	Restaurant Depot	820 Blackson Ave, Austin, TX 78752
Clover POS	Sam’s Club <sup>1</sup>	2301 E. Waco Dr. Waco, TX 76705
Clover POS	PNC <sup>2</sup>	900 Washington Ave Waco, TX 76701
Clover POS	Wells Fargo <sup>3</sup>	300 Franklin Ave Waco, TX 76701

10. Plaintiff CloudfChange contends that Defendant’s websites, marketing, and retailers are indicative of (i) Clover’s intent to direct activities from which the patent infringement claims arise to residents of the forum; and (ii) Clover’s foresight that goods may end up in the forum state.

11. Indeed, Defendant’s marketing of their own customers in the Western District of Texas is indicative of not only Defendant’s intent to market to other customers in the Western District of Texas but also indicative of actual direct activities from which the patent infringement claims arise—selling Accused Products to customers that are part of Defendant’s marketing.

12. Further, Clover has job postings for employment positions in Texas. For example, Clover has the following employment opportunities in Austin, Texas: (i) Clover-Android Engineer and (ii) Clover- Cloud Engineer (API Development).<sup>4</sup>

<sup>1</sup> “See Clover in person at... Sam’s Club,” available at: <https://www.clover.com/contact> (last visited May 14, 2022)

<sup>2</sup> “Clover is sold by trusted partners including ...PNC” available at <https://www.clover.com/contact> (last visited May 14, 2022)

<sup>3</sup> “Clover is sold by trusted partners including ...Wells Fargo.” available at <https://www.clover.com/contact> (last visited May 14, 2022)

<sup>4</sup> Clover Job Postings, available at: [https://careers.clover.com/search-jobs?acm=18919,19667&alrpm=AL&ascf=\[%7B%22key%22:%22ALL%22,%22value%22:%22%22%7D](https://careers.clover.com/search-jobs?acm=18919,19667&alrpm=AL&ascf=[%7B%22key%22:%22ALL%22,%22value%22:%22%22%7D) (last visited on: May 14, 2022).

**VENUE**

13. Venue is proper in this judicial district under 28 U.S.C. § 1400(b).

**FACTUAL BACKGROUND**

14. This case involves technology for web-based building and configuration of a point of sale system. Ex. 1, '640 Patent, at Abstract. In particular, the technology includes a web-based POS builder that “can assist non-expert business operators in building, editing and testing a point of sale system to manage their businesses” which can “range from a single branch to a large chain of stores or branches.” *Id.*

15. Historically, “practice in the field of assembling point of sale systems includes manually coding front-of-screen information ... by a business expert with the help of a programmer or data expert.” *Id.* at 1:20-26. Further, POS systems assembled manually are prone to mistakes and difficult to change. *See id.* at 1:33-35. As such, prior to the Plaintiff’s patents, “store owners tend[ed] to retain older, inaccurate, out-of-date POS screens in order to avoid the POS screen editing process.” *Id.* at 1:35-38.

16. Plaintiff CloudfChange has U.S. patents directed to innovations in assembling POS systems including the '640 Patent, the '012 Patent, and the '793 Patent. The named inventors of the '640 Patent, the '012 Patent, and the '793 Patent are Wayne Baratta and Quentin Olson, who are the two founders of CloudfChange.

17. The '640 Patent generally describes and claims a web-based POS builder system that includes one or more point of sale terminals, an internet connection, one or more local or remote PC workstations, and point of sale builder software. The use of the web-based POS builder system described and claimed in the '640 Patent reduces the need for manually coding POS systems with the help of a programmer or a data expert.

18. On information and belief, Clover has begun making, using, importing, selling and/or offering for sale products in this district and elsewhere in the United States that infringe the '640 Patent literally, directly or indirectly, or under the doctrine of equivalents, including: (i) Clover Station Solo, (ii) Clover Station Duo (formerly Station Pro), (iii) Clover Mini, and (iv) Clover Dashboard.

19. The '012 Patent generally describes and claims a web-based POS builder system that includes a web server, one or more POS terminals, and a POS builder interface. The use of the web-based POS builder system described and claimed in the '012 Patent reduces the need for manually coding POS systems with the help of a programmer or a data expert.

20. On information and belief, Clover has begun making, using, importing, selling and/or offering for sale products in this district and elsewhere in the United States that infringe the '012 Patent literally, directly or indirectly, or under the doctrine of equivalents, including the Accused Products, as specifically discussed herein.

21. The '793 Patent generally describes and claims a web-based POS builder system that includes a server, one or more POS terminals, wherein the server is configured to communicate with the one or more POS terminals, and configure the one or more POS terminals. The use of the web-based POS builder system described and claimed in the '793 Patent reduces the need for manually coding POS systems with the help of a programmer or a data expert.

22. On information and belief, Clover has begun making, using, importing, selling and/or offering for sale products in this district and elsewhere in the United States that infringe the '793 Patent literally, directly or indirectly, or under the doctrine of equivalents, including the Accused Products, as specifically discussed herein.

23. Plaintiff CloudfChange, through its counsel, sent a Notice Letter to Clover Network, Inc. dated January 19, 2018 via USPS Certified Mail (Tracking #7015 0640 0007 3760 9593). Ex. 4. On information and belief, Defendant's infringement has been willful at least since at least receipt of the Notice Letter.

24. Additionally, Plaintiff has previously sought to protect the '640 Patent, '012 Patent, and '793 Patent through litigation in this Court. Plaintiff filed a patent infringement claim against NCR Corporation, and the Court entered judgment that NCR Corporation willfully infringed the valid claims of the '640 Patent, '012 Patent, and '793 Patent. *CloudfChange, LLC v. NCR Corporation*, 6-19-CV-00513-ADA, Dkt. 188 (W.D. Tex., Jul. 13, 2021).

**COUNT I**  
**(INFRINGEMENT OF U.S. PATENT NO. 9,400,640)**

25. Plaintiff incorporates herein all paragraphs above by reference.

26. Plaintiff CloudfChange, inventor Wayne Baratta, and inventor Quentin Olson have invested a substantial amount of time and money to develop improvements for the point of sale systems industry, including web-based point of sale builder systems.

27. As part of those efforts, on February 5, 2008, a non-provisional application was filed with the United States Patent and Trademark Office describing a web-based point of sale builder system. On July 26, 2016, the United States Patent and Trademark Office issued the '640 Patent, titled "Web-Based Point of Sale Builder." Plaintiff CloudfChange is the owner through assignment of the '640 Patent.

28. The '640 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

29. The claims of the '640 Patent are directed to a web-based point of sale (POS) builder system, which comprises patent-eligible subject matter. The claims of the '640 Patent are

not directed to an abstract idea, a law of nature, or a natural phenomenon. The claims are directed to a particular web-based point of sale builder system comprising a particular software architecture with particular hardware elements. For example, the web-based point of sale builder system includes one or more point of sale terminals that display POS screens, an internet connection from said one or more point of sale terminals to a web server, one or more local or remote PC workstations, and a point of sale builder software that runs on said web server. The claims of the '640 Patent, considered as a whole, at the time of the invention were neither routine, conventional, nor well known. The claims of the '640 Patent provide a technical solution to a technical problem. For example, as explained in the Specification, “[c]urrently in the prior art, a touch screen as shown in FIG. 1 is manually configured by a programmer who knows the specific proprietary point of sale system used by a store or business. ... In this invention, this product data and the touch key structure is stored in relational databases in the back office which is stored on the web servers 36 shown in FIG. 3.” Ex. 1 at 2:42-52.

30. Clover has committed acts of direct infringement of the '640 Patent under 35 U.S.C. § 271(a) at least by making, using, selling, offering to sell, and/or importing into the United States the Accused Products, as described herein.

31. In addition to direct infringement of the '640 Patent through making, using, selling, offering to sell, and/or importing into the United States the Accused Products, the use of the Accused Products by others, as intended by Clover and in accordance with the instructions provided by Clover, directly infringes the '640 Patent. In particular, Clover sells and/or leases the Accused Products to customers in the United States with the expectation and intent that such customers will use the Accused Products, thereby directly infringing the '640 Patent. As such, Clover has induced infringement of the '640 Patent under 35 U.S.C. § 271(b).

32. Further, since the Accused Products infringe the '640 Patent, any use or sale thereof infringes the '640 Patent. As such, Clover's sale and/or lease and offering for sale and/or lease of the Accused Products also constitutes contributory infringement of the '640 Patent under 35 U.S.C. § 271(c).

33. Clover has infringed and continues to infringe, literally, directly or indirectly, or under the doctrine of equivalents, one or more claims including at least Claim 1 of the '640 Patent by making, using, selling, offering to sell, and/or importing the Accused Products, which include a web-based point of sale (POS) builder system as described in the '640 Patent. Specifically, the Accused Products comprise one or more point of sale terminals, that display POS screens, an internet connection from said one or more point of sale terminals to a web server, one or more local or remote PC workstations, and point of sale builder software that runs on said web server, wherein said local or remote workstations are utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web as described in the '640 Patent. Further, the Accused Products include wherein said web servers are provided as a vendor subscription service wherein web server software resides and is hosted on said vendor's remote servers and wherein subscriber company's POS terminals access and repeatedly interact with said web server software from said vendor's remote servers, in order to perform the subscriber's desired terminal function, over a network, wherein the network comprises the Internet as described in the '640 Patent.

34. Clover has infringed and continues to infringe, literally, directly or indirectly, or under the doctrine of equivalents, one or more claims, including at least Claim 1 of the '640 Patent by making, using, selling, offering to sell, and/or importing the following Accused Products, which include "a web-based point of sale (POS) builder system":



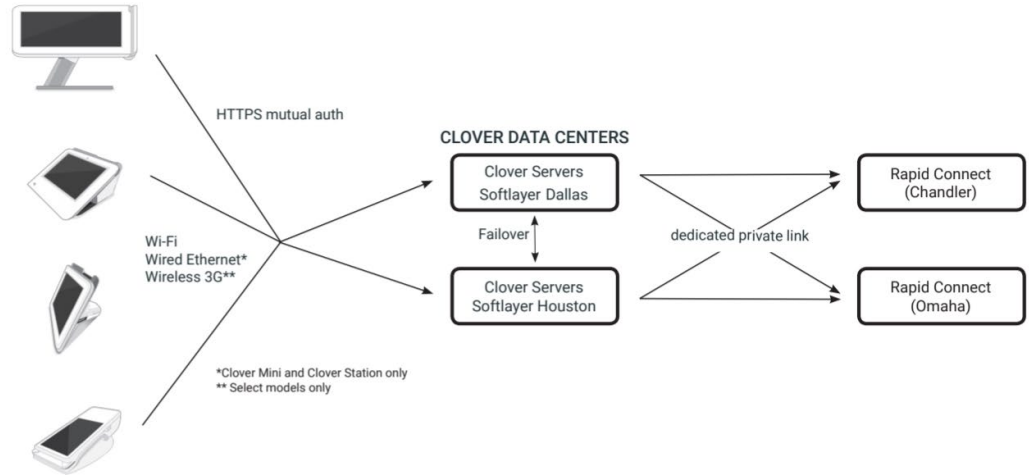
35. Clover POS includes a web-based point of sale (POS) builder system as described in Ex. 5, Clover POS System (“Clover’s point-of-sale software syncs with the cloud, so you can track your sales, refunds, deposits, and reports, wherever you are or need to be.”); Ex. 6, Clover

Home Web Dashboard Overview:



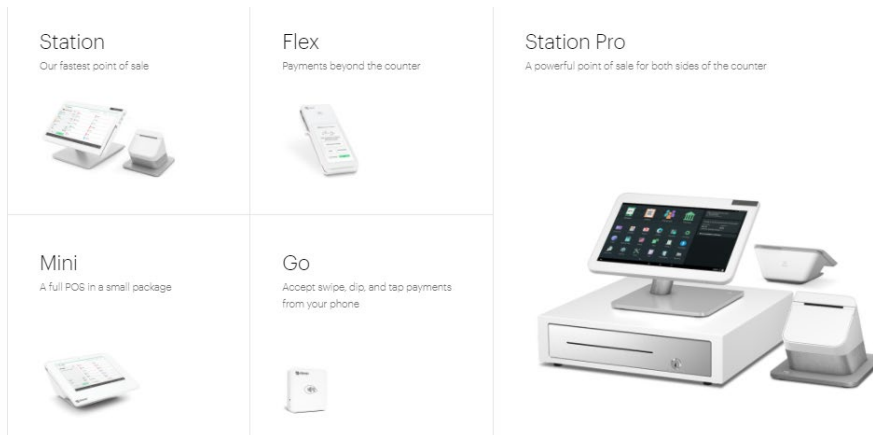
*See also* Ex. 7, Clover Enterprise Architecture (“Clover devices can connect to Clover’s servers via Wi-Fi, wired Ethernet, or 3G. Clover has 2 sets of redundant servers located at two separate Softlayer data centers in Texas. Both sets of servers have private direct connections to the Omaha and Chandler Rapid Connect gateways.”):

Network Layout



36. Clover has infringed and continues to infringe literally, directly or indirectly, or under the doctrine of equivalents, one or more claims, including at least Claim 1 of the '640 Patent by making, using, selling, offering to sell, and/or importing the following Accused Products, which includes “one or more point of sales terminals, that display POS screens”:

37. Clover POS includes one or more point of sales terminals, that display POS screens as illustrated in Ex. 8:



38. Clover has infringed and continues to infringe literally, directly or indirectly, or under the doctrine of equivalents, one or more claims, including at least Claim 1 of the '640 Patent by making, using, selling, offering to sell, and/or importing the following Accused Products, which includes “an internet connection from said one or more point of sale terminals to a web server”:

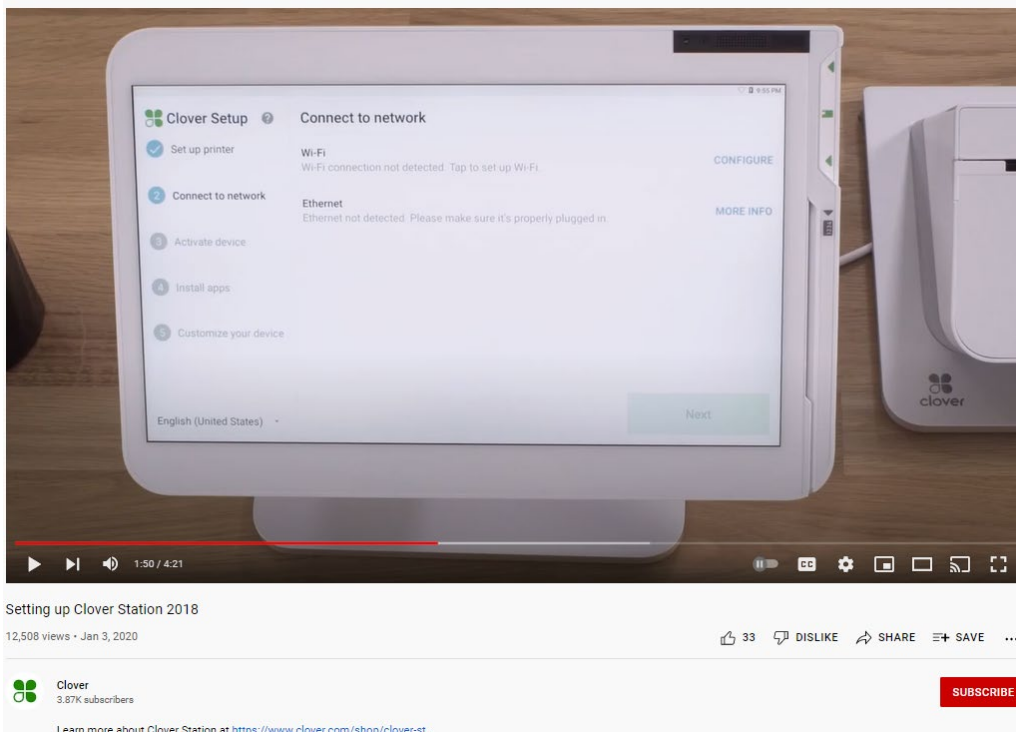
39. Clover POS includes an internet connection from said one or more point of sale terminals to a web server as described in Ex. 5:



ACCESSIBLE FROM ANYWHERE

Clover's point-of-sale software syncs with the cloud, so you can access your sales, refunds, deposits, and reports, wherever you are or need to be.

*See also Ex. 9, Set up your Clover Station 2018:*



*See also Ex. 10, Connect and activate your Station 2:*

## Connect your Clover device to a network


You need an internet connection to activate your device. After your device powers on, the Connect to Network screen helps get you connected.

### Connect to the network with an Ethernet cable

Because wireless can be unreliable or spotty (which is often out of your control), we recommend connecting your Clover devices to the internet via Ethernet. This method ensures that your Clover device is connected and online even when your wireless connection is not responding.

If your Ethernet cable is already plugged into the hub, your device automatically tries to connect to the internet. If your Ethernet is not connected, follow the instructions to plug in your Ethernet cable to your device.

If you have problems setting up your Ethernet, learn more in the troubleshooting guide to [fix your Ethernet connection problems](#).

 You can always connect to the Ethernet after exiting the Setup Wizard.

To connect your device via Ethernet:

- 1 Plug one end of your Ethernet cable into the device hub.
- 2 Plug the other end into your modem, router, or switch.  
Your device will automatically try to connect to the internet.  
You will see **Successfully Connected to Server** when connected.  
If your device does not automatically connect,
- 3 Tap **Check Connection**. If this fails, wait two minutes and tap **Check Connection** button again. If you receive an **Error connecting to the network** message:
  - Check that the router used is connected to the internet by plugging in your laptop or mobile device.
  - Check that the Ethernet cable is plugged all the way into the Printer.
  - Tap **Check Connection**.  
You will see **Successfully Connected to Server** when connected.

### Connect your Clover device to a Wi-Fi network

To connect to a Wi-Fi network:

- 1 Tap **Configure** next to the Wi-Fi option.
- 2 From the list of available wireless networks, tap the name of your wireless network. (If your network doesn't appear, tap **Add a New Network** and then tap the network by name.)
- 3 Enter the network password.
- 4 Tap **Done**.
- 5 Tap **Check Connection**.  
When the connection is successful, you will be taken through the activation process. If not, you'll be asked to select a different network or re-enter the Wi-Fi password.

*See also Ex. 11, Fix network connections:*

## Fix network connections

If your Clover device is having network connection problems, you can follow a series of simple tests to diagnose and fix them.

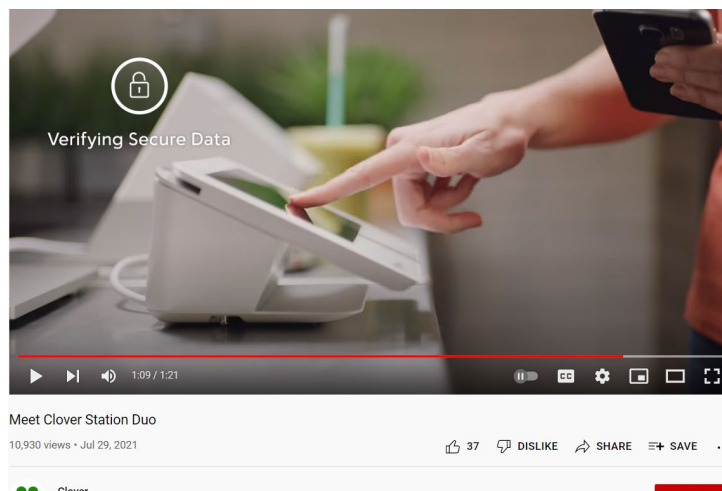
At any time, you can [contact Clover Support](#).

Clover devices can connect to the Internet in any one of these three ways:

- With a **3G** wireless connection, which uses 3G (third-generation wireless mobile) technology to connect.
- \* With a **Wi-Fi** wireless connection, which uses a router to distribute data to your devices without a cable.
- With an **Ethernet** cable that you have plugged in from a router to your Clover device.

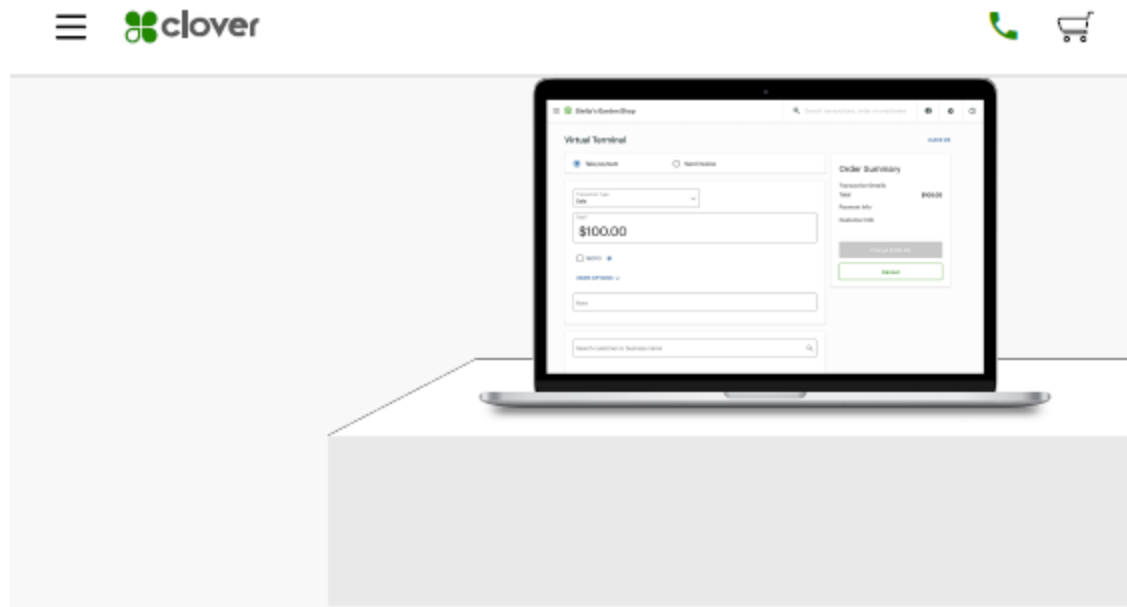
You can troubleshoot connection problems by following the steps for your network type.

*See also Ex. 12, Meet Clover Station Duo:*



40. Clover has infringed and continues to infringe literally, directly or indirectly, or under the doctrine of equivalents, one or more claims, including at least Claim 1 of the '640 Patent by making, using, selling, offering to sell, and/or importing the Accused Products, which includes “one or more local or remote PC workstations”:

41. Clover POS includes one or more local or remote PC workstations as described in Ex. 13, Clover’s Shop Webpage:



A dashboard with everything you need

Not sure what you need and when? Start with the Clover dashboard. Enjoy the benefits of our same robust POS system without committing to hardware. Take payments, track sales and inventory, sell in person, on the phone, and online—run your business from anywhere.

*See also* Ex. 14, Clover’s Business Tracking Report:

**Reporting - Sales**

Category	Value
Gross Sales	\$2,815.00
Net Sales	\$1,418.50
Amount Collected	\$2,182.26
Orders	11

Use Clover's powerful analytics tools to gain real-time insights into the sales trends and data that are driving your business, and track key metrics like revenue and performance.

[CONTACT SALES](#)

<https://www.clover.com/pos-systems/business-tracking-reporting>

**TRACK SALES**

Use our business tracking software to stay on top of your revenue stream with clear, at-a-glance sales reports.

**BREAK IT DOWN**

Filter your POS reports to see your busiest times and your best-selling items, as well as everything from monthly sales trends to the granular details.

**GET ACCESS ANYWHERE**

Track your business anywhere, at any time—directly from your dashboard or the Clover Go mobile app.

<https://www.clover.com/pos-systems/business-tracking-reporting>

See also Ex. 15, Table Service Restaurants:

Get insights into sales and competitive trends

- Track sales in real time with Clover's quick service POS — by period, order type, menu item and server
- Compare your sales performance with similar restaurants

[TRACKING & REPORTING](#)

**Reporting - Sales Overview**

**Sales Summary**

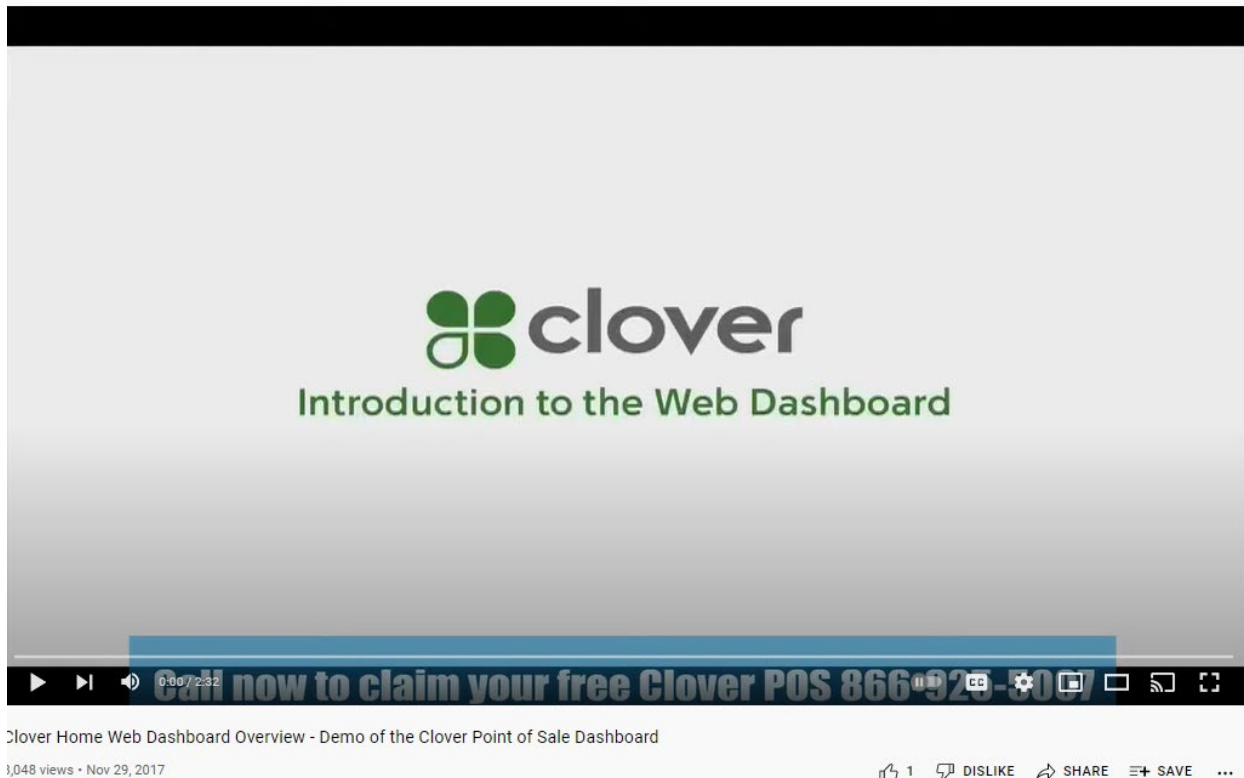
The amount collected is lower or higher due to cashless card orders.

Category	Value
Net Sales	\$4,997.00
Card vs cash	\$3,000.00
Card	\$2,997.00
Cash	\$2,000.00

**Top 5 Tender Types**

**Top 5 Revenue Classes**

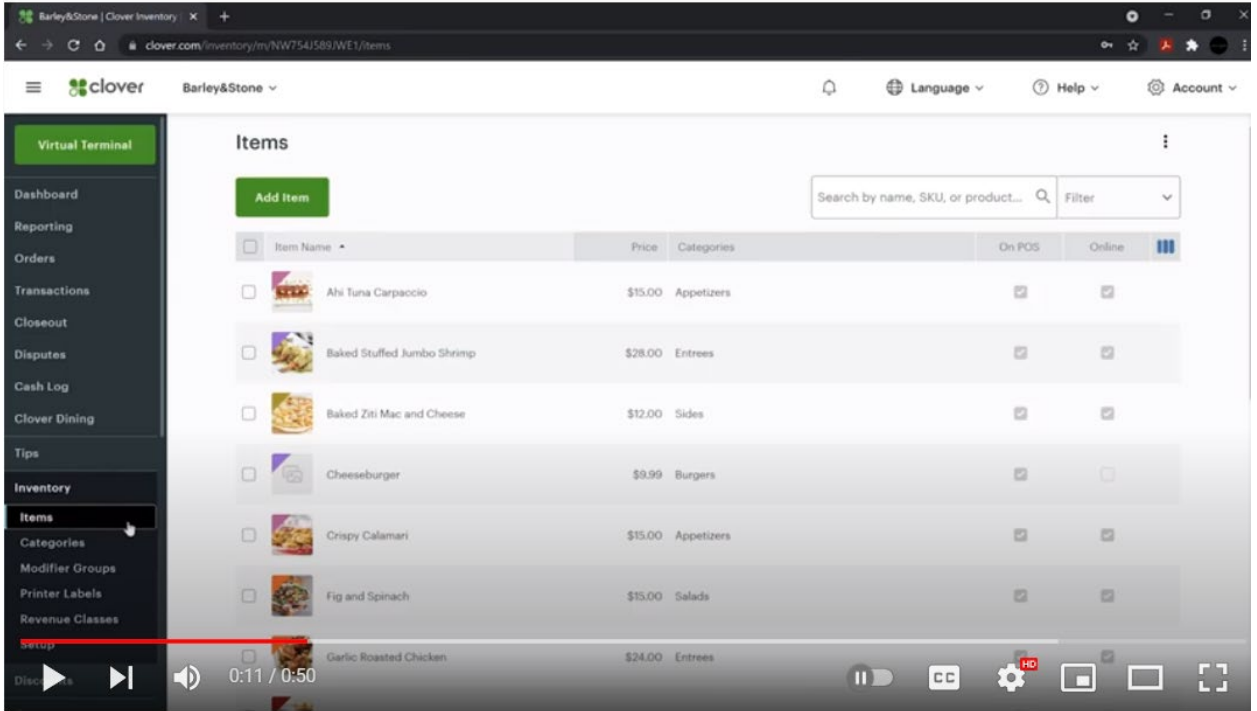
See also Ex. 6, Clover Home Web Dashboard Overview:



42. Clover has infringed and continues to infringe literally, directly or indirectly, or under the doctrine of equivalents, one or more claims, including at least Claim 1 of the '640 Patent by making, using, selling, offering to sell, and/or importing the Accused Products, which includes “point of sale builder software that runs on said web server, wherein said local or remote workstations are utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web”:

43. Clover POS includes point of sale builder software that runs on said web server, wherein said local or remote workstations are utilized to build or edit said POS terminals in real time, from anywhere in the world and over the worldwide web as described in Ex. 16.



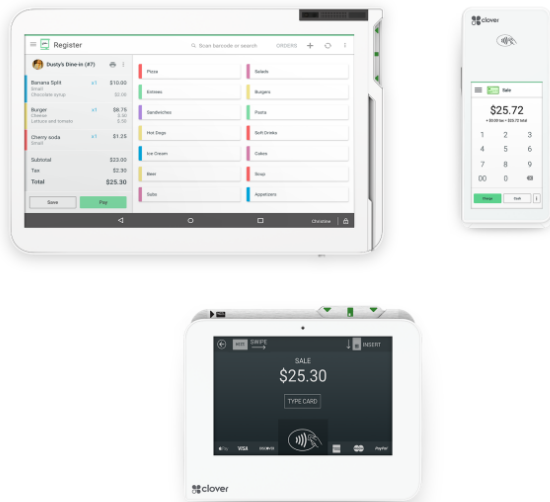


Add images to your online menu

1,371 views • Sep 1, 2021

5 DISLIKE SHARE SAVE ...

See also Ex. 17, Customize your system:



Customize your system

- The right mix of hardware

Select the stationary and portable devices that fulfill your needs.
- The right mix of software

Customize your POS system with the software features needed to run your business.
- Enhance with accessories and apps

Add Clover-approved accessories and third-party apps from our App Market that work with Clover to make your entire system more robust and efficient.

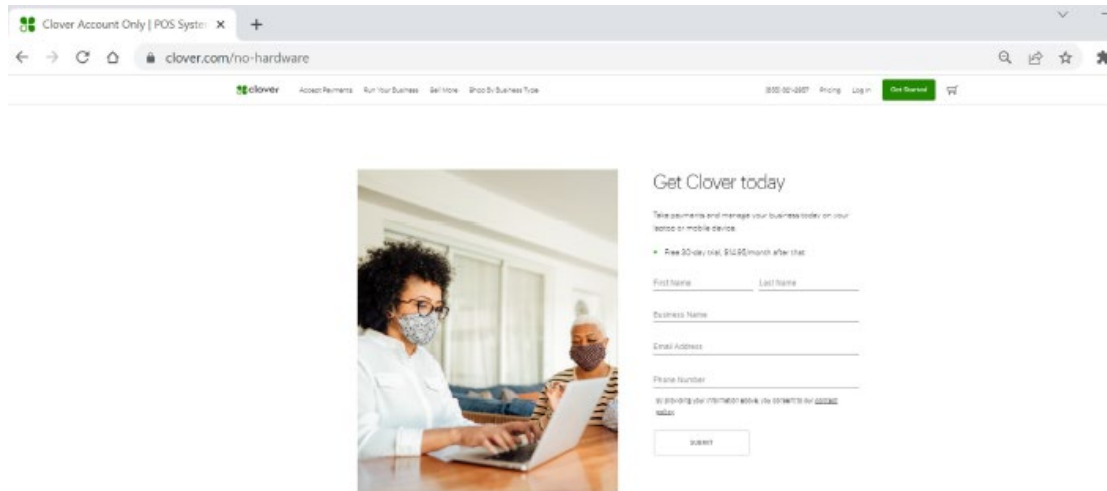
SHOP NOW

*See also* Ex. 18 Clover Retail Webinar: (Inventory on app and device: “We can adjust it on the device or we can do so online as well. . .” (25:15); sync “As soon as I change the price on here it’s going to sync to all my devices as well. . .” (25:44); Add Items with Variants (28:30)); *see also* Clover Table Service Restaurant Webinar (Real time, from anywhere: Re: restaurant floor plans, “Now likewise, I can do this from a computer. So say if I’m at home and they say ‘we need this section open and y’all didn’t open it, I can log into my Clover Web Dashboard on my computer or phone and edit the floor plan from my dashboard as well and it will just immediately update the systems at the restaurant.” (11:40); customization, on the main screen of the Clover device: “...accessible here, things like editing your menu can be done on site by clicking on the inventory app...” “...very simple to adjust...” (29:45); Customization, in the back office, on the Web Dashboard on a computer: “Whatever changes you make at the restaurant or from the computer, they will communicate with each other so what’s nice is they synchronize within a few seconds, making things easy to keep up to date and whether you’re working from home or the computer it makes it hopefully convenient.” “All the tools here are available and you can access it at any given time.” (38:20)); *see also* Clover Tour (0:15) (“Run your business from a Clover device or from virtually anywhere. Log into the web dashboard from any internet browser to manage everything from inventory to reports – its cloud-based. And syncs in real time with your Clover devices and apps.”); *see also* Meet the Merchant: Bagels & Brew (“The thing I really appreciate . . . about using Clover is that we can update our menu and our prices in an instant.” “Clover is so easy to use and we can update everything ourselves.”); *see also* Meet the Merchant: La Gelati (“We learned that making changes to our menu was much easier than we imagined, and we were immediately happy with it.”); *see also* Clover Restaurant Businesses Holiday 2020 Webinar (“Clover makes it super easy to create and to market an online ordering menu” (13:20);

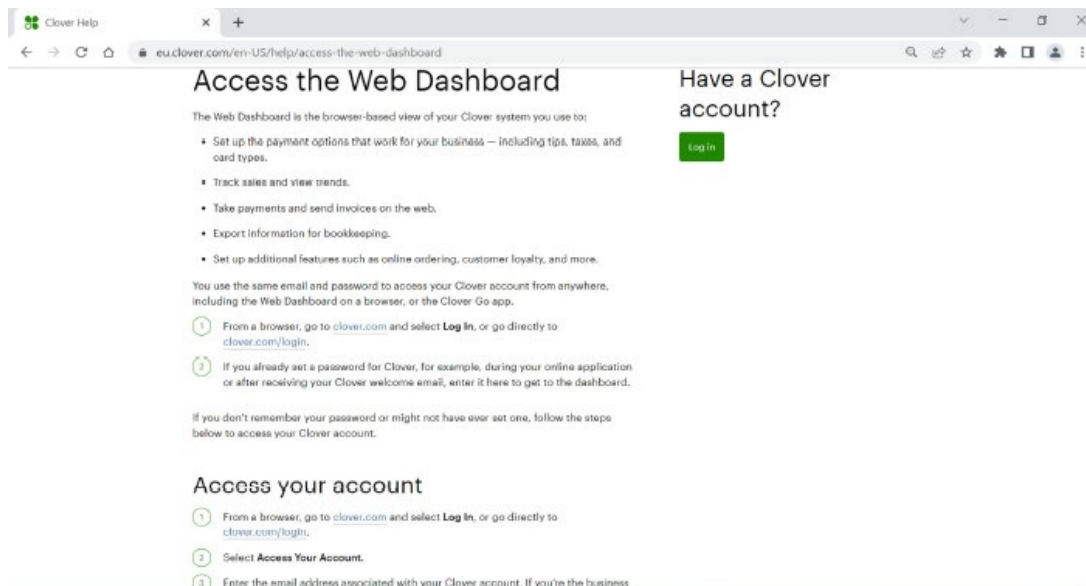
“Absolutely there are actually a few features [on registers] that you can customize online.” (29:29); Customize the look of the register (30:00); Adding menu items demo (32:00); No limitations to how many times or how often you can change your menu; no waiting time to have your menu updated on your system, “happens almost instantly” (35:09); Capability to change menu items remotely (35:48).

44. Clover has infringed and continues to infringe literally, directly or indirectly, or under the doctrine of equivalents, one or more claims, including at least Claim 1 of the '640 Patent by making, using, selling, offering to sell, and/or importing the Accused Products, which includes “wherein said web servers are provided as a vendor subscription service wherein web server software resides and is hosted on said vendor’s remote servers and wherein subscriber company’s POS terminals access and repeatedly interact with said web server software from said vendor’s remote servers, in order to perform the subscriber’s desired terminal function, over a network, wherein the network comprises the Internet.”

45. Clover POS includes wherein said web servers are provided as a vendor subscription service wherein web server software resides and is hosted on said vendor’s remote servers and wherein subscriber company’s POS terminals access and repeatedly interact with said web server software from said vendor’s remote servers, in order to perform the subscriber’s desired terminal function, over a network, wherein the network comprises the Internet as described in Ex. 19; *see also* Ex. 20, Clover No Hardware:



See also Ex. 21, Access the Web Dashboard:



**COUNT II**  
**(INFRINGEMENT OF U.S. PATENT NO. 10,083,012)**

46. Plaintiff incorporates herein all paragraphs above by reference.

47. On September 25, 2018, the United States Patent and Trademark Office issued the '012 Patent. The '012 Patent is a continuation of U.S. Patent Application No. 15/198,117, filed on June 30, 2016, now U.S. Patent No. 9,715,371, which is a continuation of U.S. Patent Application No. 12/012,666, filed on February 5, 2008, now the '640 Patent. CloudfChange is the owner through assignment of the '012 Patent.

48. The '012 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

49. The claims of the '012 Patent are directed to a web-based point of sale (POS) builder system, which comprises patent-eligible subject matter. The claims of the '012 Patent are not directed to an abstract idea, a law of nature, or a natural phenomenon. For example, the claims are directed to a particular web-based point of sale builder system comprising a particular software architecture with particular hardware elements. Specifically, the web-based point of sale builder system includes a web server including POS builder software installed thereon, one or more POS terminals generated by said POS builder software, and a POS builder interface. The claims of the '012 Patent, considered as a whole, at the time of the invention were neither routine, conventional, nor well known. The claims of the '012 Patent provide a technical solution to a technical problem. *See, e.g.,* Ex. 2 at 2:57-67.

50. Clover has committed acts of direct infringement of the '012 Patent under 35 U.S.C. § 271(a) at least by making, using, selling, offering to sell, and/or importing into the United States the Accused Products, as described herein.

51. In addition to direct infringement of the '012 Patent through making, using, selling, offering to sell, and/or importing into the United States the Accused Products, the use of the Accused Products by others, as intended by Clover and in accordance with the instructions provided by Clover, directly infringes the '012 Patent. In particular, Clover sells and/or leases the Accused Products to customers in the United States with the expectation and intent that such customers will use the Accused Products, thereby directly infringing the '012 Patent. As such, Clover has induced infringement of the '012 Patent under 35 U.S.C. § 271(b).

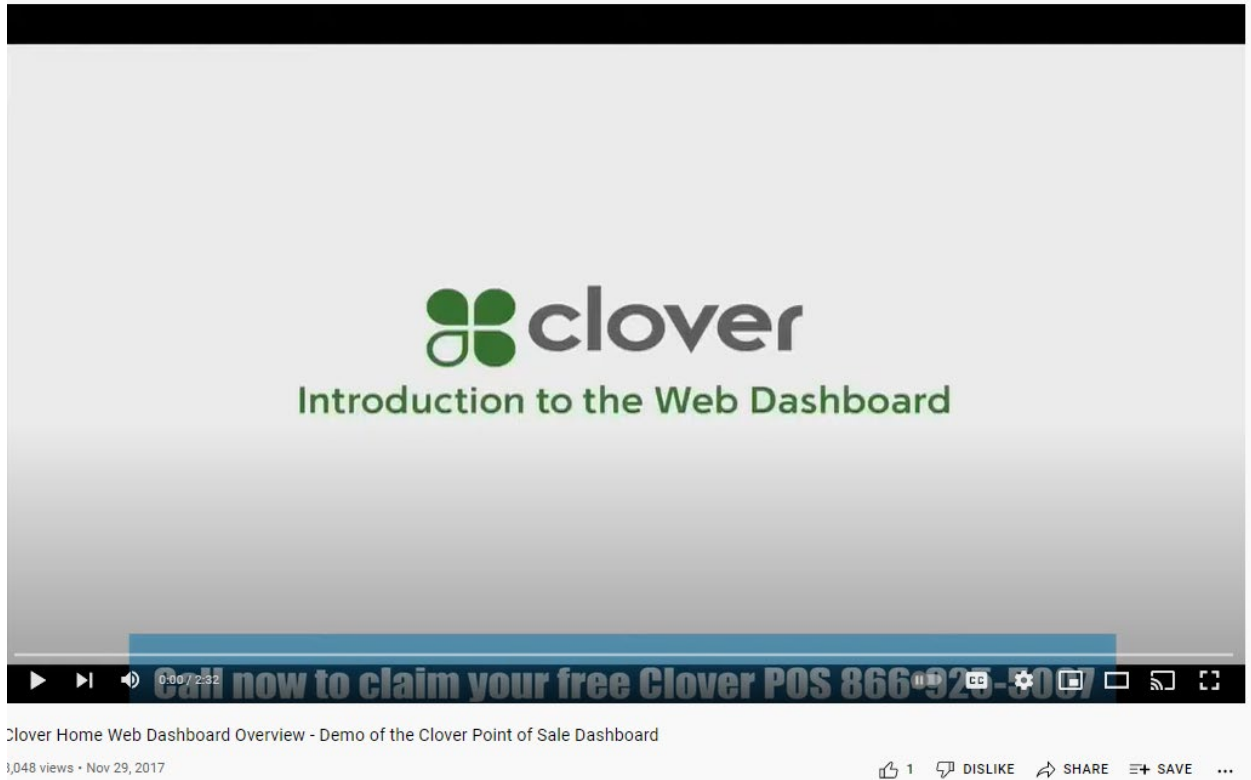
52. Further, since the Accused Products infringe the '012 Patent, any use or sale thereof infringes the '012 Patent. As such, Clover's sale and/or lease and offering for sale and/or lease of the Accused Products constitutes contributory infringement of the '012 Patent under 35 U.S.C. § 271(c).

53. Clover has infringed and continues to infringe, literally, directly or indirectly, or under the doctrine of equivalents, one or more claims, including at least Claim 1 of the '012 Patent by making, using, selling, offering to sell, and/or importing the Accused Products, which include a web-based point of sale (POS) builder system as described in the '012 Patent. Specifically, the Accused Products comprise a web server including POS builder software installed thereon; one or more POS terminals generated by said POS builder software and said one or more POS terminals configured to be accessible at one or more terminal devices, said POS terminals configured to accept POS transactions and collect corresponding transaction data; and a POS builder interface configured to be accessible via network communication with said web server over a communications network as described in the '012 Patent. Further, the Accused Products include functionality wherein said POS builder interface is configured to be utilized to access said POS builder software for programmatically creating or modifying said one or more POS terminals in

real time over the communications network. Further, the Accused Products include functionality wherein said POS builder software is configured to interact with said one or more POS terminals over the communications network in order for the web-based point of sale (POS) builder system to perform functions in accordance with instructions sent from the POS builder interface as described in the '012 Patent. Further, the Accused Products include functionality wherein said POS transactions and corresponding transaction data from said one or more POS terminals are configured to be transmitted to said web server via the communications network as described in the '012 Patent. Further, the Accused Products include functionality wherein each POS transaction is correlated with corresponding transaction data occurring at said one or more POS terminals as described in the '012 Patent.

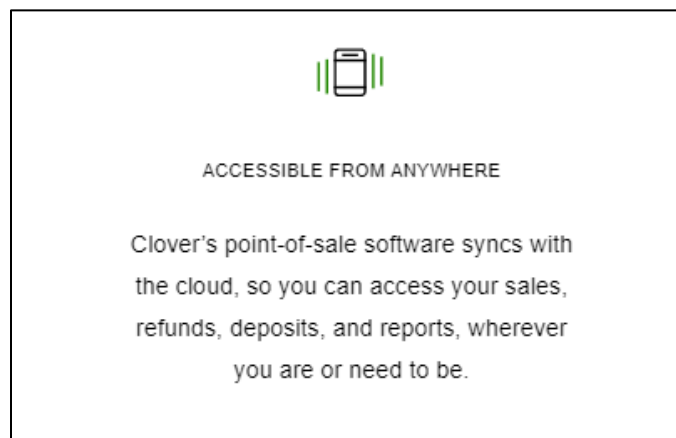
54. Clover has infringed and continues to infringe, literally, directly or indirectly, or under the doctrine of equivalents, one or more claims, including at least Claim 1 of the '012 Patent by making, using, selling, offering to sell, and/or importing the Accused Products, which includes “a web-based point of sale (POS) builder system”:

55. Clover POS includes a web-based point of sale (POS) builder system as described in Ex. 22 (“POS system should be tailored to your needs today and scale with your business. Build the system you need now, and expand as you grow with devices apps, and accessories.”); Ex. 5 Accessible From Anywhere (“Clover’s point-of-sale software syncs with the cloud, so you can access your sales, refunds, deposit, and reports, wherever you are or need to be.”); *see also* Ex. 6, Clover Home Web Dashboard Overview:



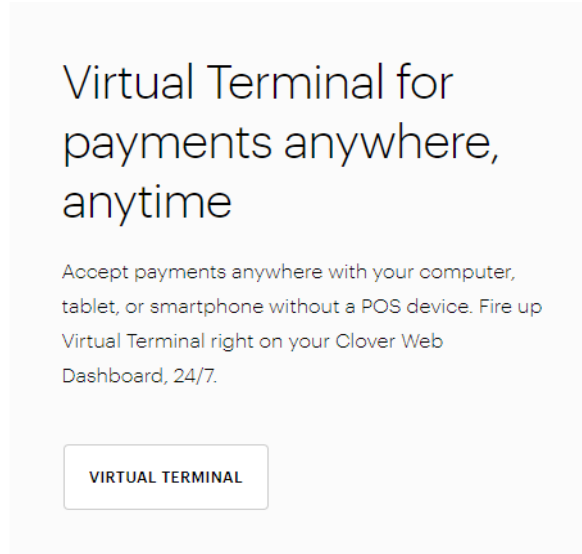
56. Clover has infringed and continues to infringe literally, directly or indirectly, or under the doctrine of equivalents, one or more claims, including at least Claim 1 of the '012 Patent by making, using, selling, offering to sell, and/or importing the Accused Products, which includes “a web server including POS builder software installed thereon”:

57. Clover POS includes a web server including POS builder software installed thereon as described in Ex. 5, A POS system designed to make things easy:

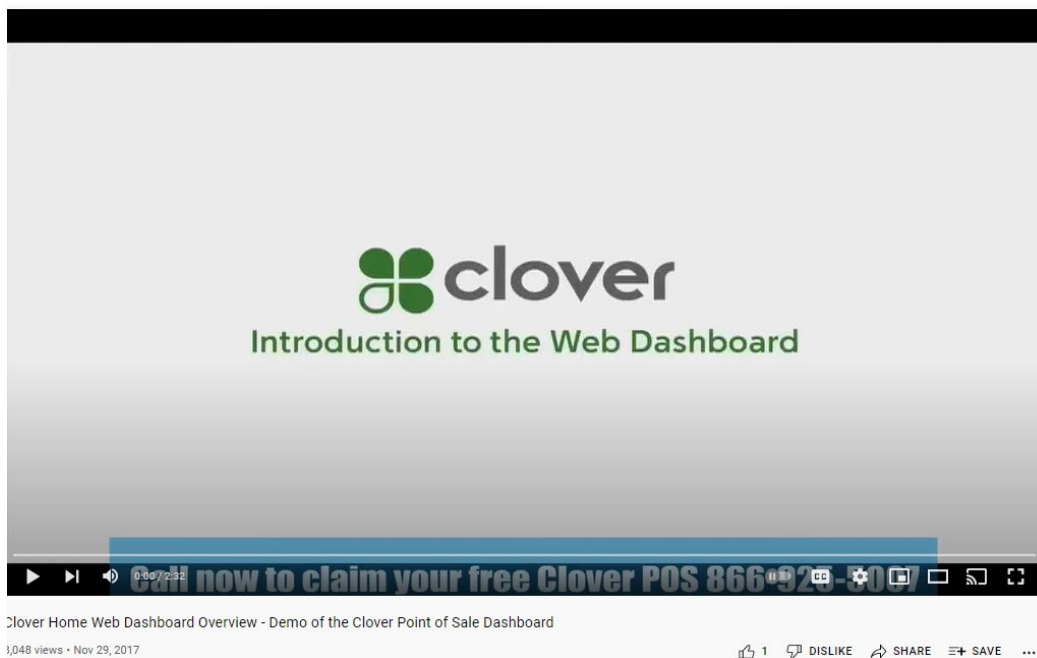




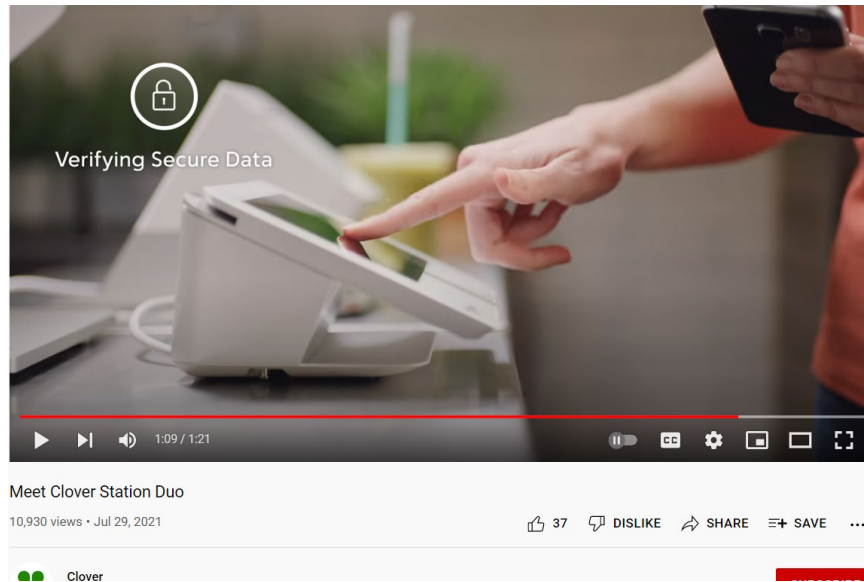
See also Ex. 23, Clover Web Dashboard at Clover Help Center:



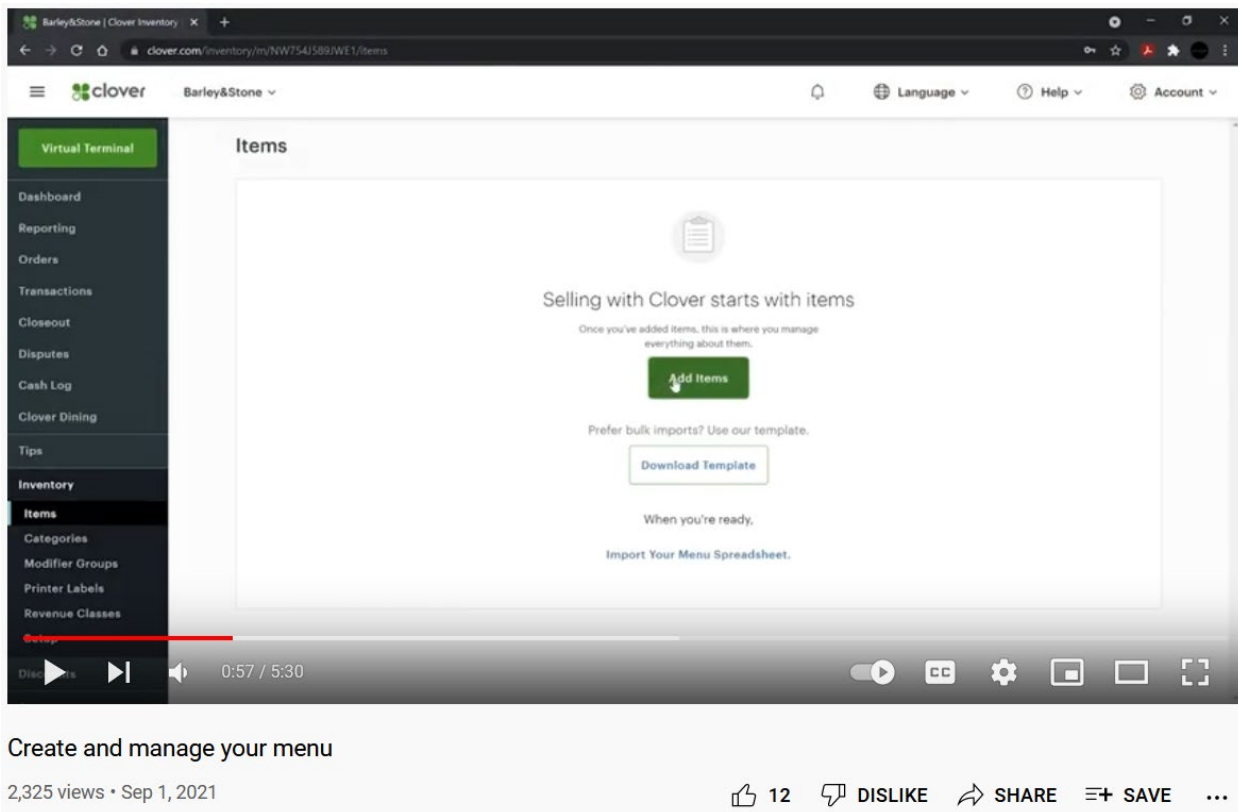
See also Ex. 6 Clover Home Web Dashboard Overview:

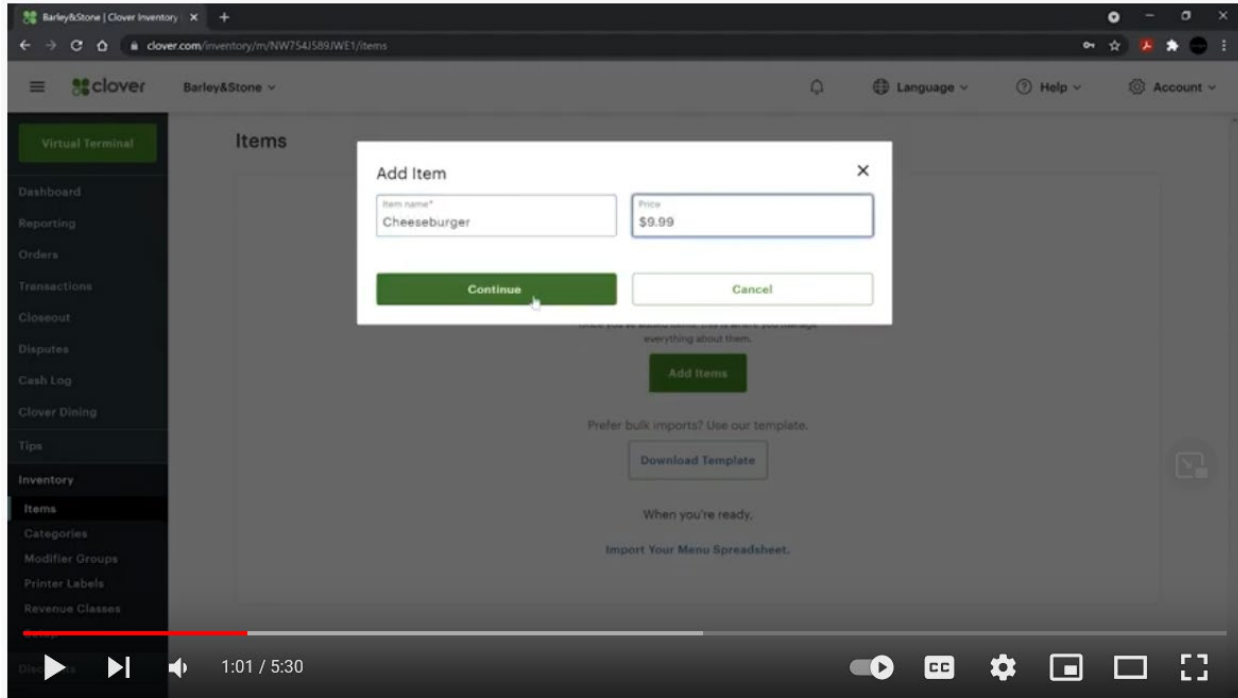


See also, Ex. 12, Meet Clover Station Duo:



See also Ex. 24, Create and manage your menu:

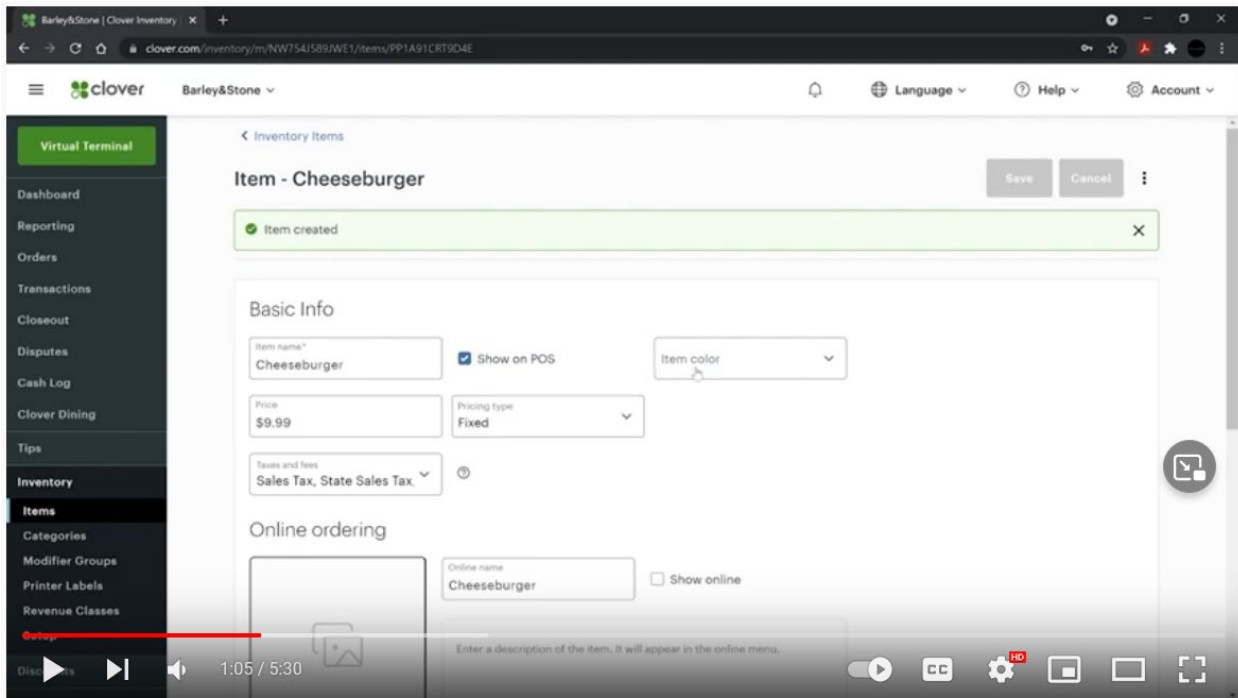




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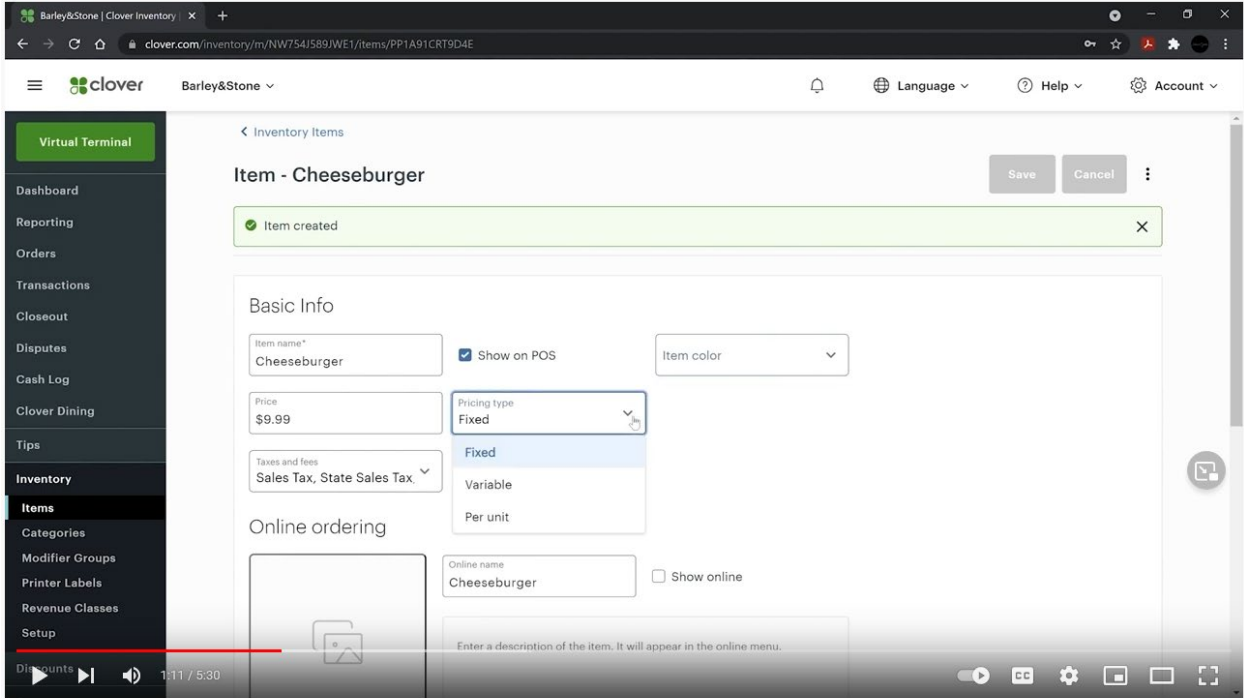
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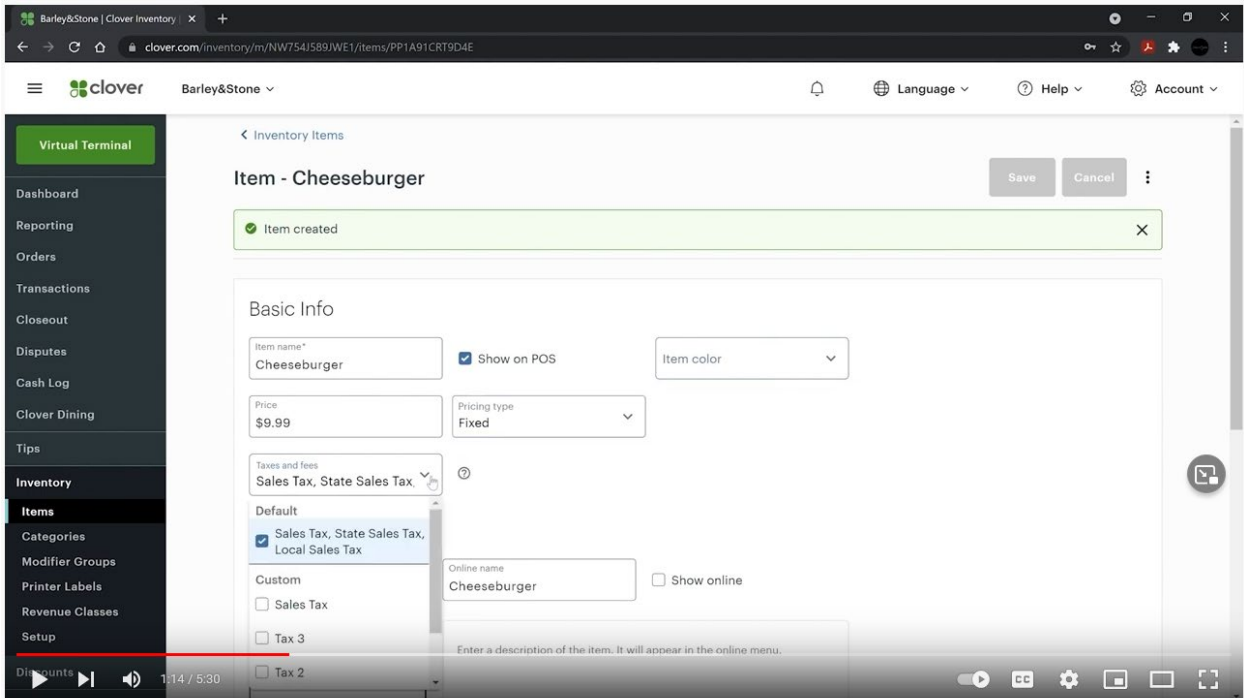
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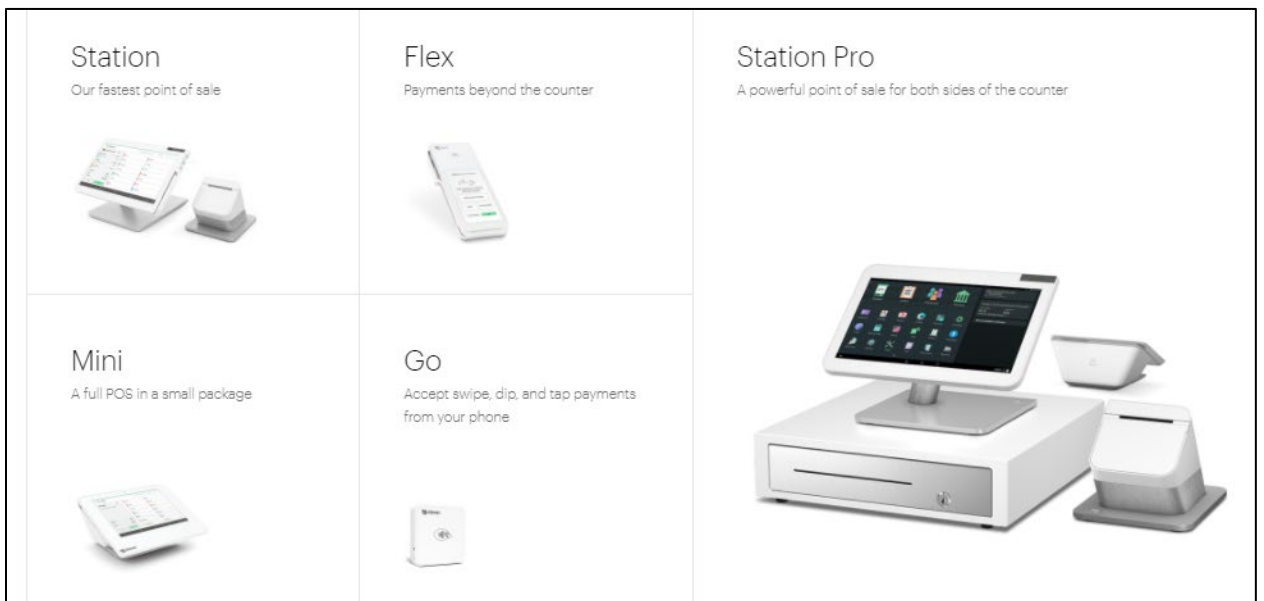
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58. Clover has infringed and continues to infringe, literally, directly or indirectly, or under the doctrine of equivalents, one or more claims, including at least Claim 1 of the '012 Patent by making, using, selling, offering to sell, and/or importing the Accused Products, which includes “one or more POS terminals generated by said POS builder software and said one or more POS terminals configured to be accessible at one or more terminal devices, said POS terminals configured to accept POS transactions and collect corresponding transaction data” :

59. Clover POS includes one or more POS terminals generated by said POS builder software and said one or more POS terminals configured to be accessible at one or more terminal devices, said POS terminals configured to accept POS transactions and collect corresponding transaction data as described and illustrated in Ex. 8:



*See also Ex. 25 Clover Service Business Holiday 2020 Webinar:*

**A Clover solution to fit and grow with your business**

- Start taking payments with a web browser, a mobile device, your website, or Clover POS device
- Additional software features and hardware devices can be added when needed

Clover Virtual Terminal	eCommerce Integration	Clover Go	Clover Flex	Clover Mini	Clover Station	Clover Station Pro
Key in card payments through a web browser.	Accept payments on your website.	Mobile app and card reader.	Small, portable terminal with a built-in printer.	Countertop terminal with a built-in printer.	An all-in-one POS system that comes with a cash drawer and receipt printer.	Our fastest, most powerful POS system with separate screens for you and your customer, a cash drawer and receipt printer.

MORE VIDEOS | 12:00 / 55:56 | Page 8 | clover 2022-10 YouTube

See also Ex. 26, Using Clover Virtual Terminal:

**Virtual Terminal**

Take payment (selected) | Send invoice

Transaction Type: Sale

Total: \$100.00

MOTO

MORE OPTIONS

Tip: \$0.00 | Convenience Fee: \$0.00

Sales Tax: 0% No Tax

Note: [Empty text box]

Order Summary

Transaction Details: Total \$100.00

Payment Info: Charge \$100.00

Customer Info: Cancel

Using Clover Virtual Terminal | 1:07 / 4:14 | Customer name or email

60. Clover has infringed and continues to infringe, literally, directly or indirectly, or under the doctrine of equivalents, one or more claims, including at least Claim 1 of the '012 Patent

by making, using, selling, offering to sell, and/or importing the Accused Products, which includes “a POS builder interface configured to be accessible via network communication with said web server over a communications network”:

61. Clover POS includes a POS builder interface configured to be accessible via network communication with said web server over a communications network as illustrated in Ex. 27, Follow best practice for your network:

## Use best practices for networks

To properly process transactions, your network must be stable and have sufficient bandwidth. Unstable networks can cause transactions to temporarily halt, which causes the network connection to timeout and disconnect. Poor connections can also prevent devices from synchronizing with each other.

### Have enough bandwidth: Use a Clover dedicated router

Increase bandwidth on your local network by limiting or reducing the number of non-Clover devices connected to the network. Your local network bandwidth varies based on the number of devices connected to the network and the volume of transactions they typically process.

### Set up an Ethernet connection such as DSL or cable, rather than a hotspot

Use a hard-wired (Ethernet cable) high-speed Internet connection for Clover Station, Clover Station 2, and Clover Mini. This is especially helpful if you plan to use more than one Clover device or any peripheral equipment such as a kitchen printer.

### Separate Wi-Fi for guest access

If you offer Wi-Fi access to your customers, set up two Wi-Fi networks: one for you and Clover devices, and one for guests. Having separate Wi-Fi for guests safeguards your devices and may boost device performance.

Your guest network can have separate hours of operation that can be turned off at any time without affecting your system. You can limit the bandwidth to prevent illegal downloads and create a different password for the guest network.

### Limit the use of hotspot network connections

Hotspots can limit the bandwidth required for normal Clover communication. If you plan to use a hotspot, it should be dedicated for Clover use. (Use another hotspot for other Internet needs).

### Don't use your neighbor's Wi-Fi

Whenever possible, use your own Internet Service Provider (ISP) rather than a shared network. If you're using your neighbor's Wi-Fi solution and their Wi-Fi goes down, you can't troubleshoot the issue directly. Your signal may also be weaker if you don't have an internet source in your business' vicinity.

### Use only WPA-WPA2 protocols to connect Clover to a Wi-Fi network

For added security, Clover devices are only compatible with WPA-WPA2 protocols. (They are not compatible with the WEP protocol, which is no longer supported.)



*See also* Ex. 28 Set up your Station Pro:



The LAN Ethernet cable connects the completed assembly to your internet network.

## Connect your Station Pro to a network

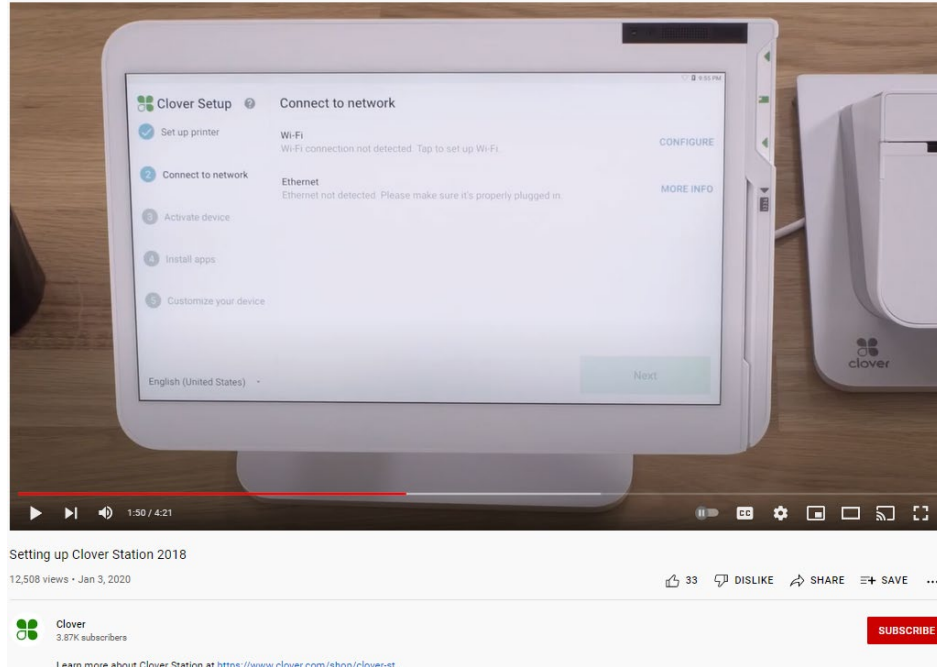
Connect your Station Pro to the network after you assemble it. There are three ways to connect your Station Pro to a network: Ethernet (recommended), Mobile (SIM) card, and Wi-Fi.

If you plan to connect to a network using Wi-Fi, check to make sure your router is set up, connected to the network, and has a security level of WPA or WPA2. Your network needs to be a closed, protected, secure network to process payment transactions. If you offer Wi-Fi access to your customers, follow the best practice and give them a different Wi-Fi network to use.

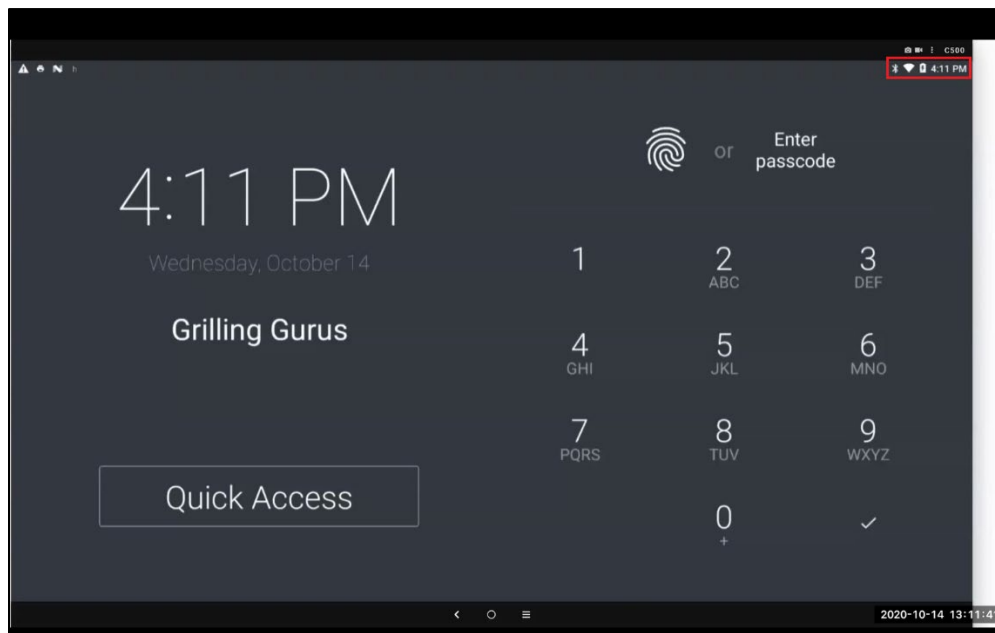
**To connect your Station Pro to a network:**

- 1 On the Welcome screen, select your preferred language and then tap Next.
- 2 On the Network screen, choose your network type and tap Continue:
  - Ethernet networks connect with the supplied Ethernet cable.
  - Mobile networks use the installed SIM card and its cellular network connection.
  - Wi-Fi networks connect wirelessly to a router you have previously set up.
- 3 Wait until you see the message that the device is successfully connected and then tap Next.

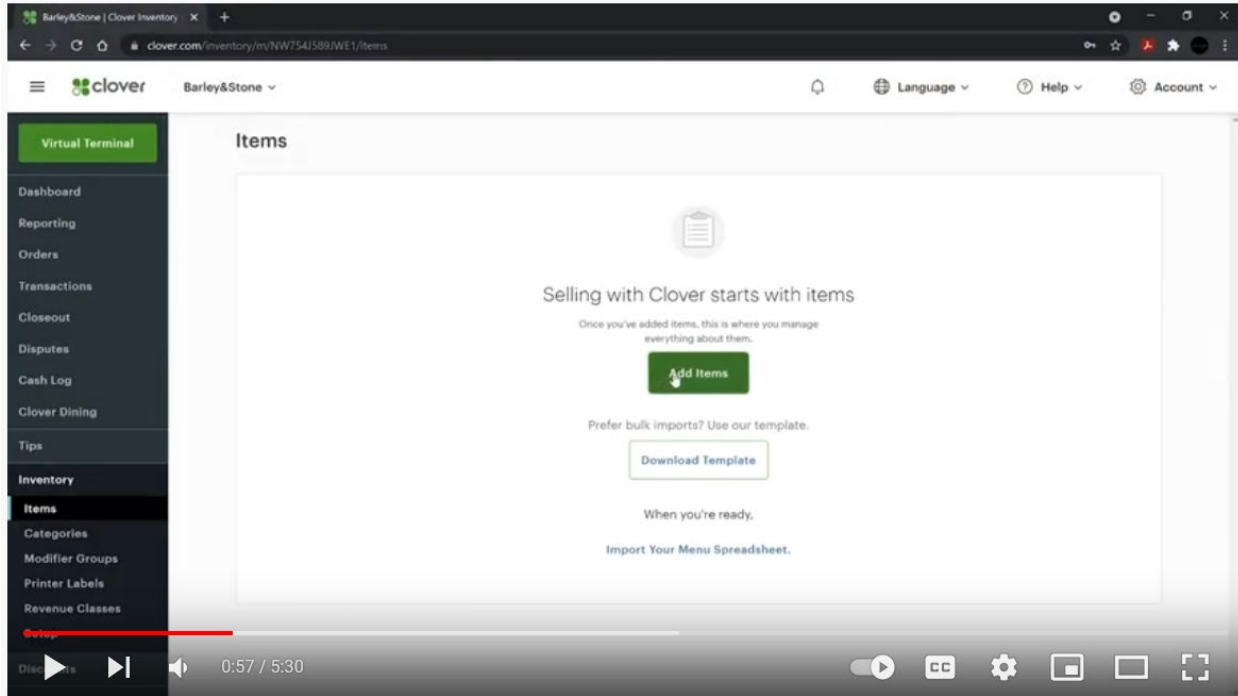
*See also* Ex. 9, Set up your Clover Station 2018:



*See also* Ex. 30 Clover Restaurant Businesses Holiday2020 Webinar (16:13):



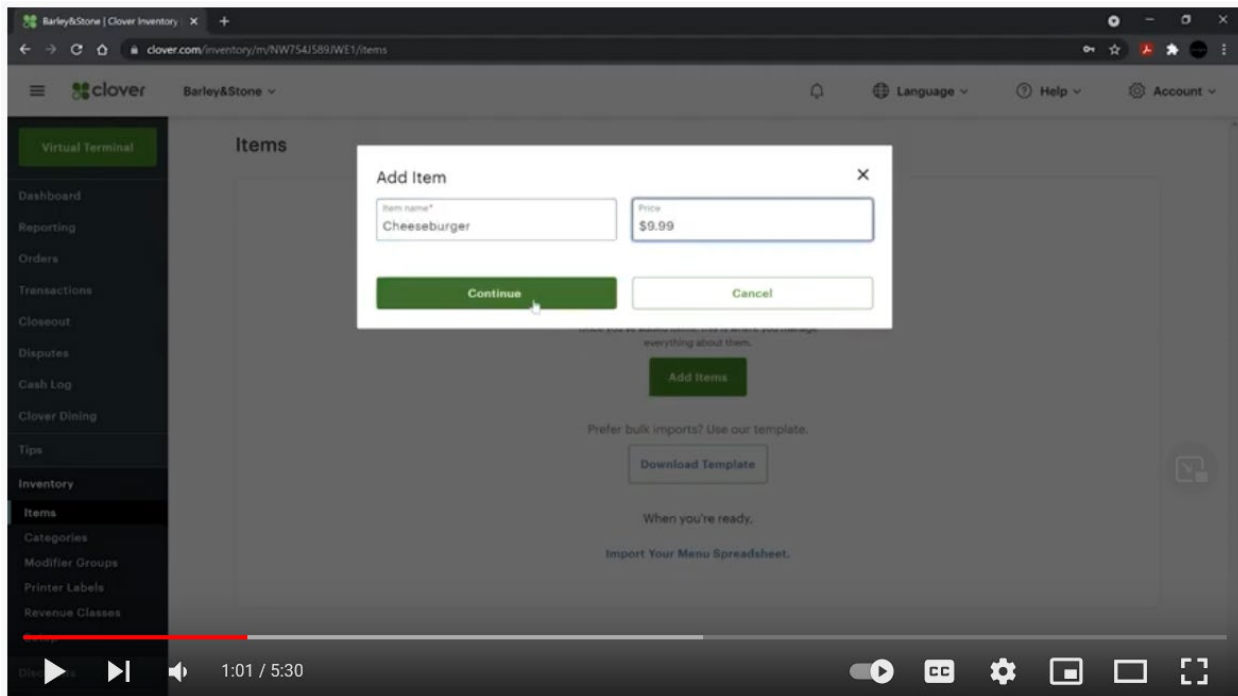
*See also* Ex. 24, Create and manage your menu:



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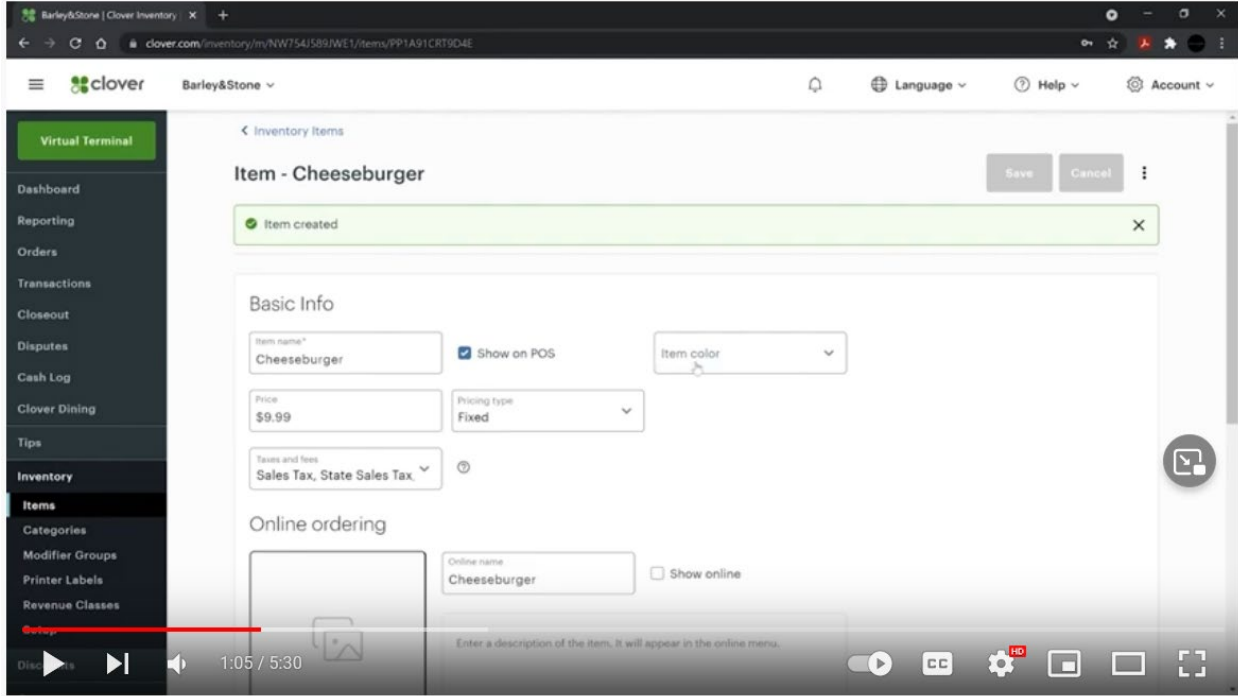
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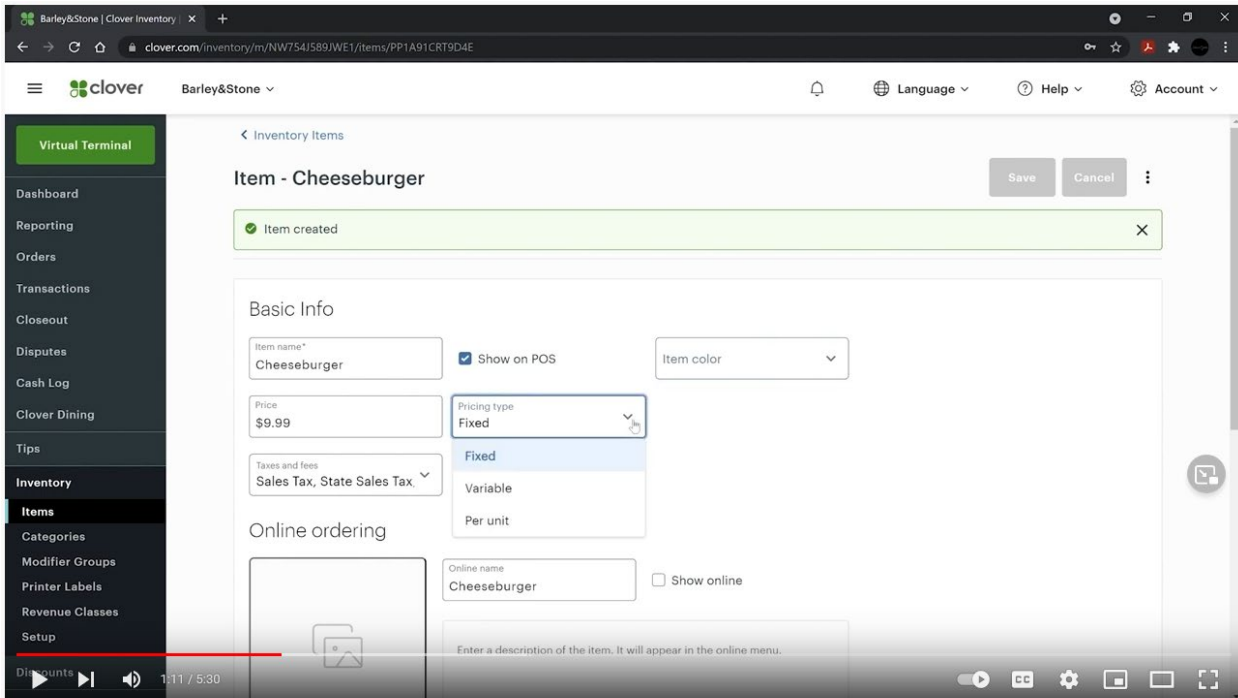
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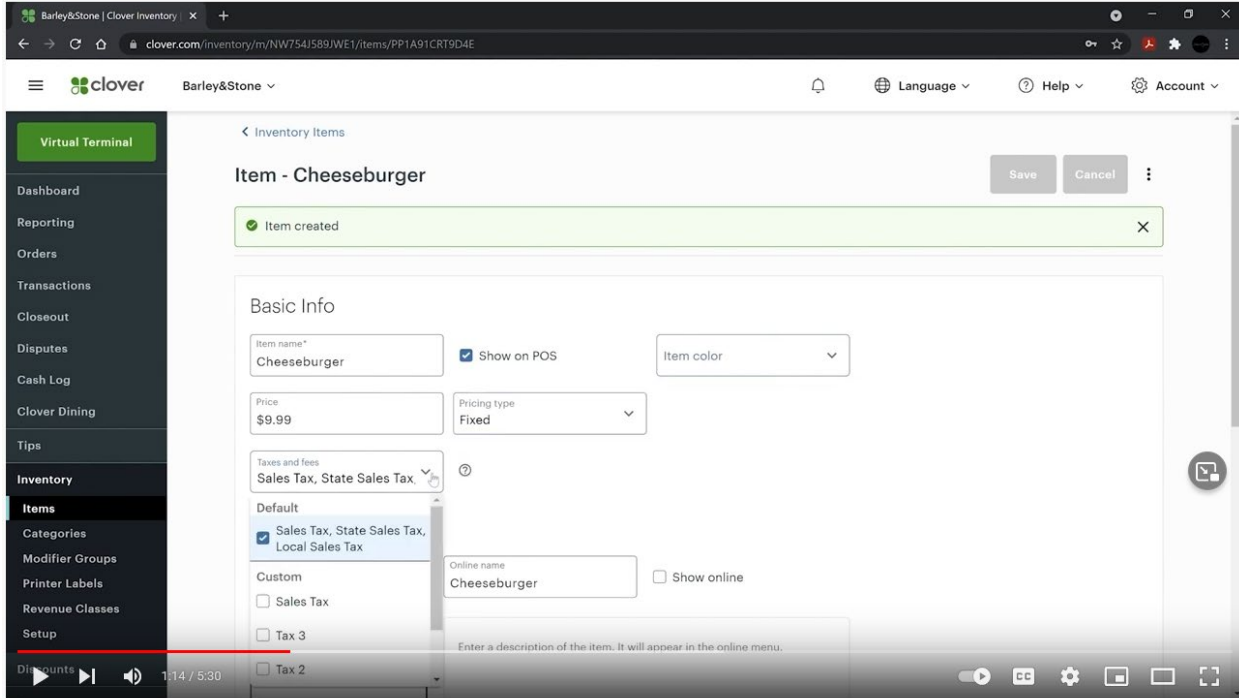
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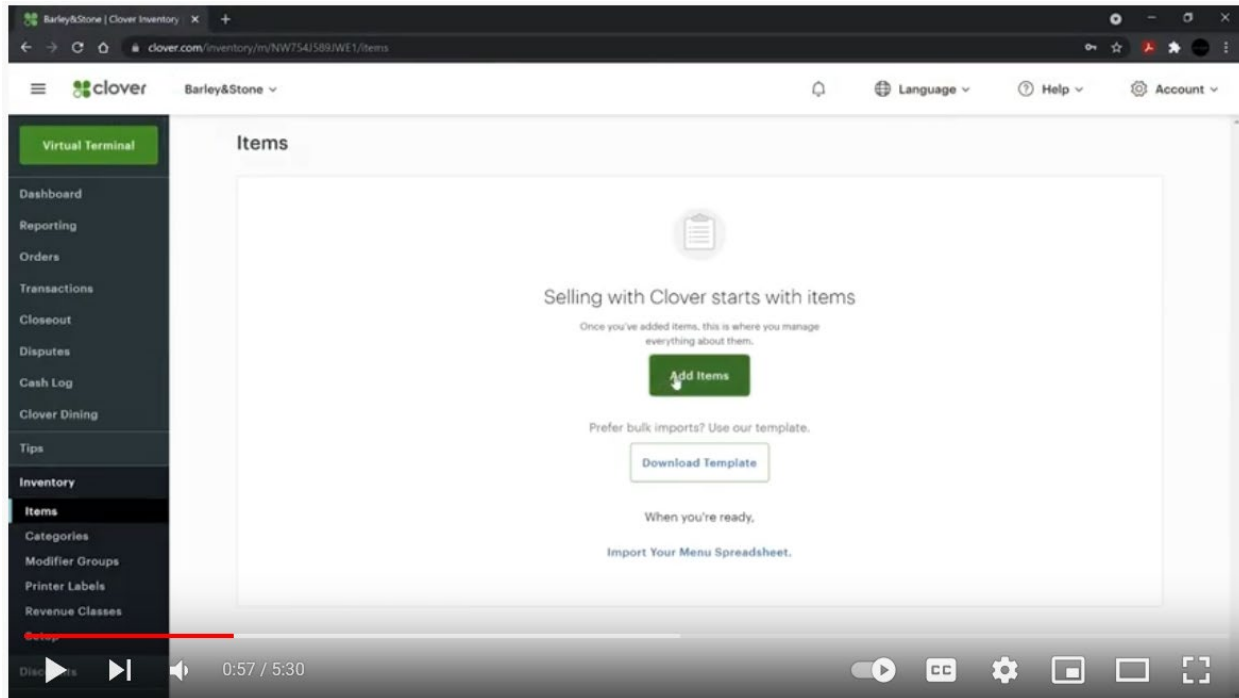
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62. Clover has infringed and continues to infringe, literally, directly or indirectly, or under the doctrine of equivalents, one or more claims, including at least Claim 1 of the '012 Patent by making, using, selling, offering to sell, and/or importing the Accused Products, which includes “wherein said POS builder interface is configured to be utilized to access said POS builder software for programmatically creating or modifying said one or more POS terminals in real time over the communications network, wherein said POS builder software is configured to interact with said one or more POS terminals over the communications network in order for the web-based point of sale (POS) builder system to perform functions in accordance with instructions sent from the POS builder interface”:

63. Clover POS includes wherein said POS builder interface is configured to be utilized to access said POS builder software for programmatically creating or modifying said one or more

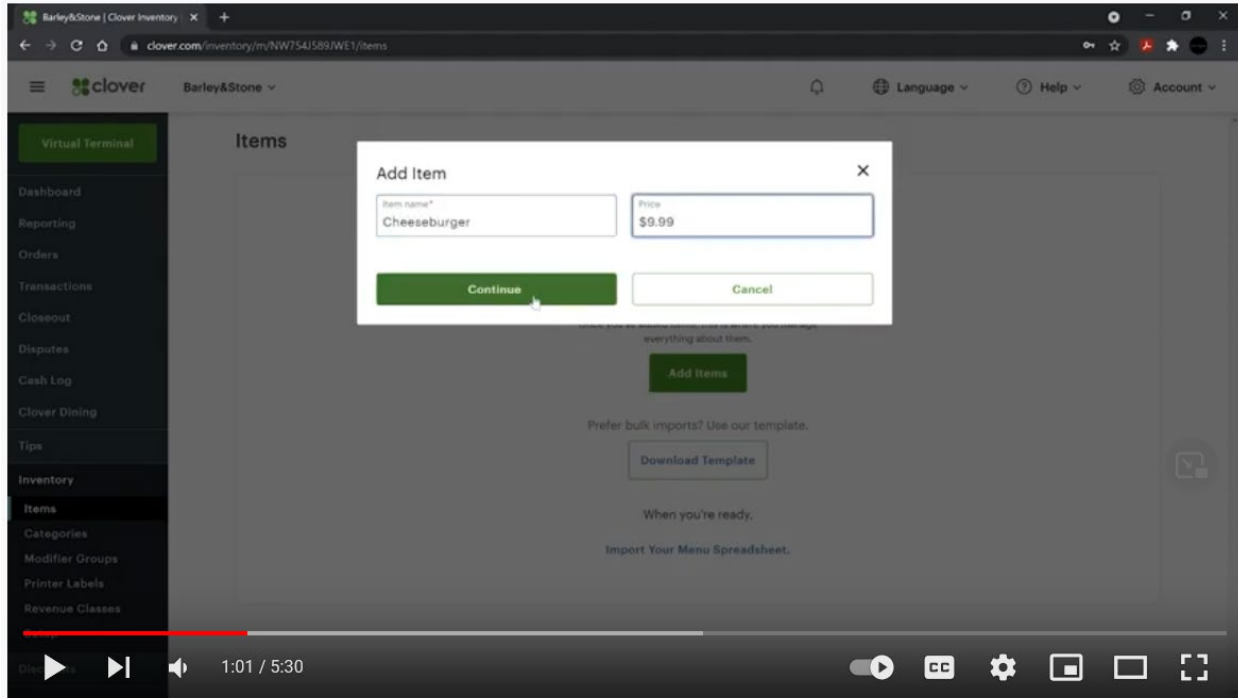
POS terminals in real time over the communications network, wherein said POS builder software is configured to interact with said one or more POS terminals over the communications network in order for the web-based point of sale (POS) builder system to perform functions in accordance with instructions sent from the POS builder interface as illustrated in Ex. 24, Create and manage your menu:



### Create and manage your menu

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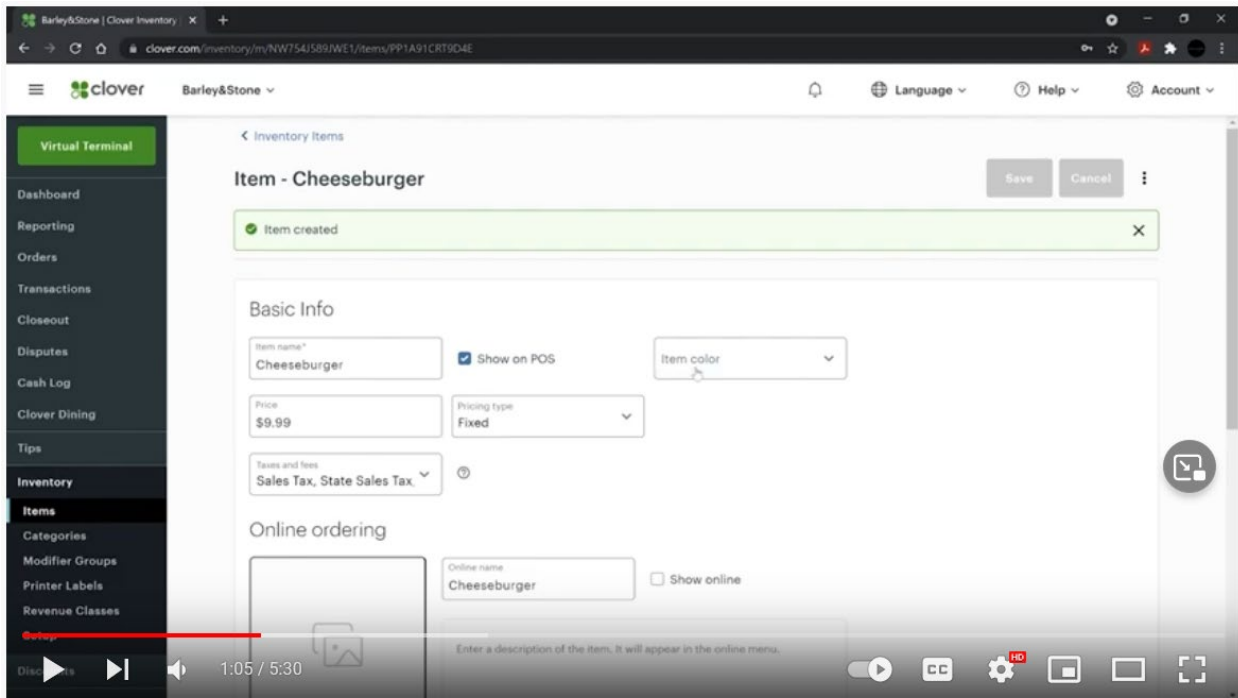
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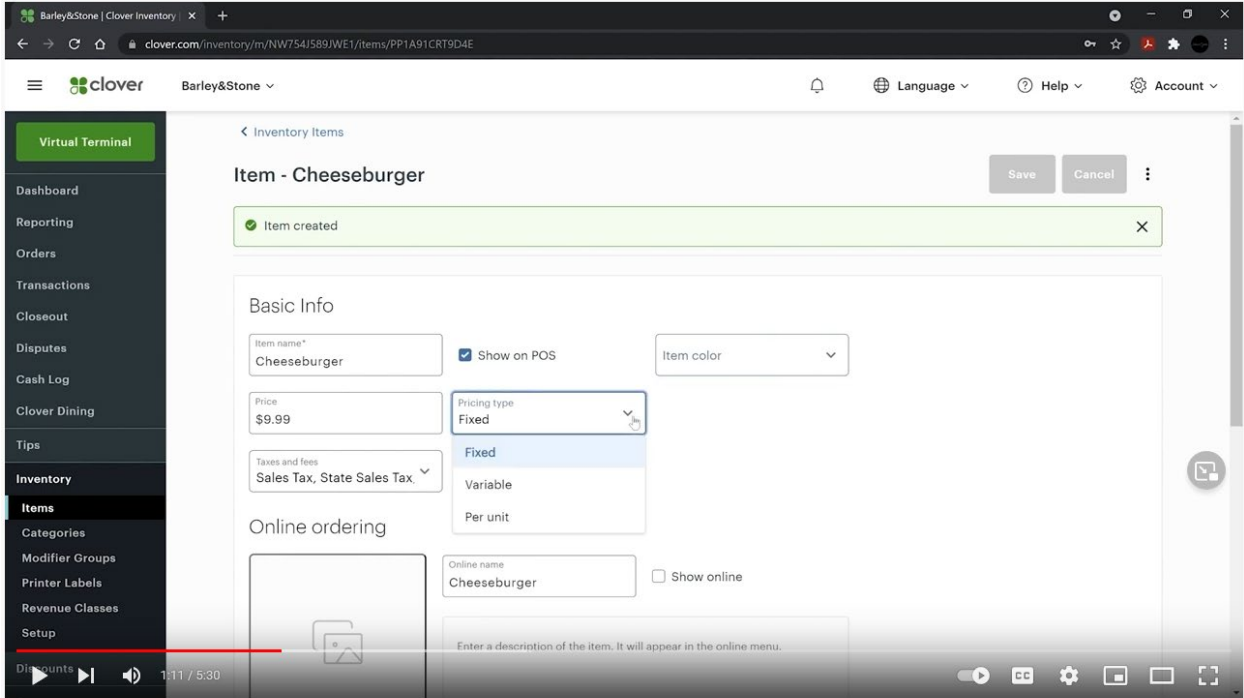
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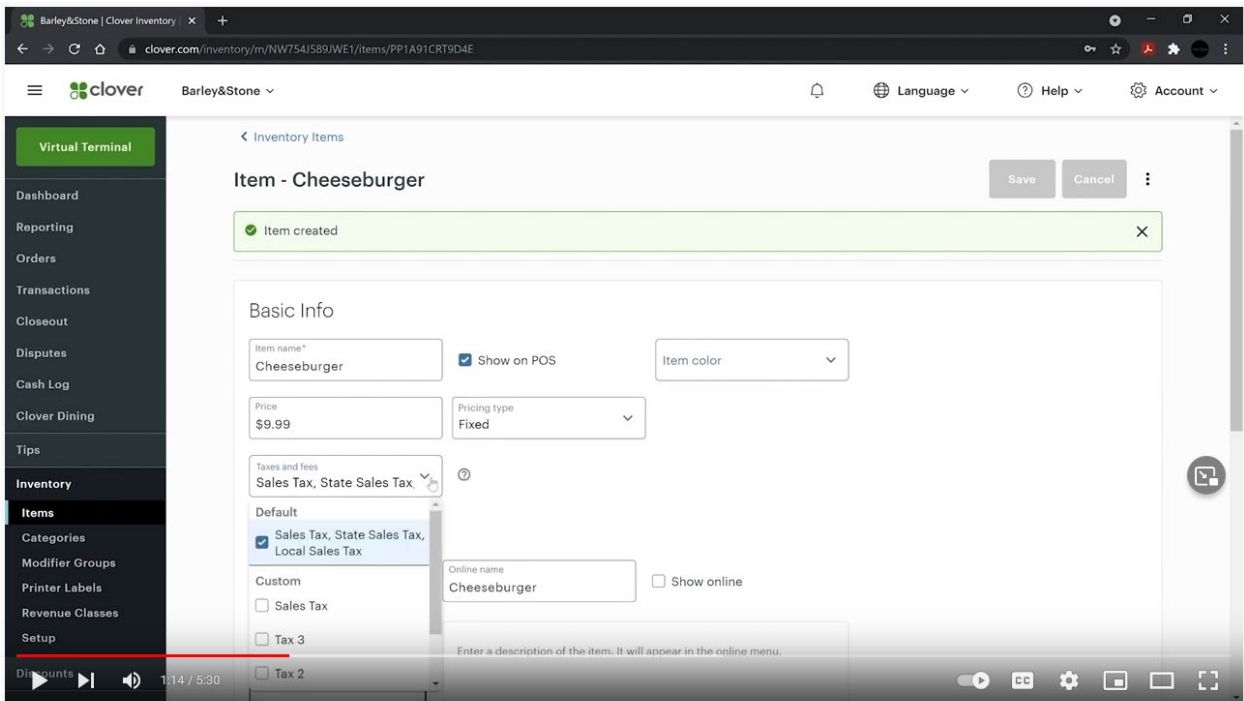
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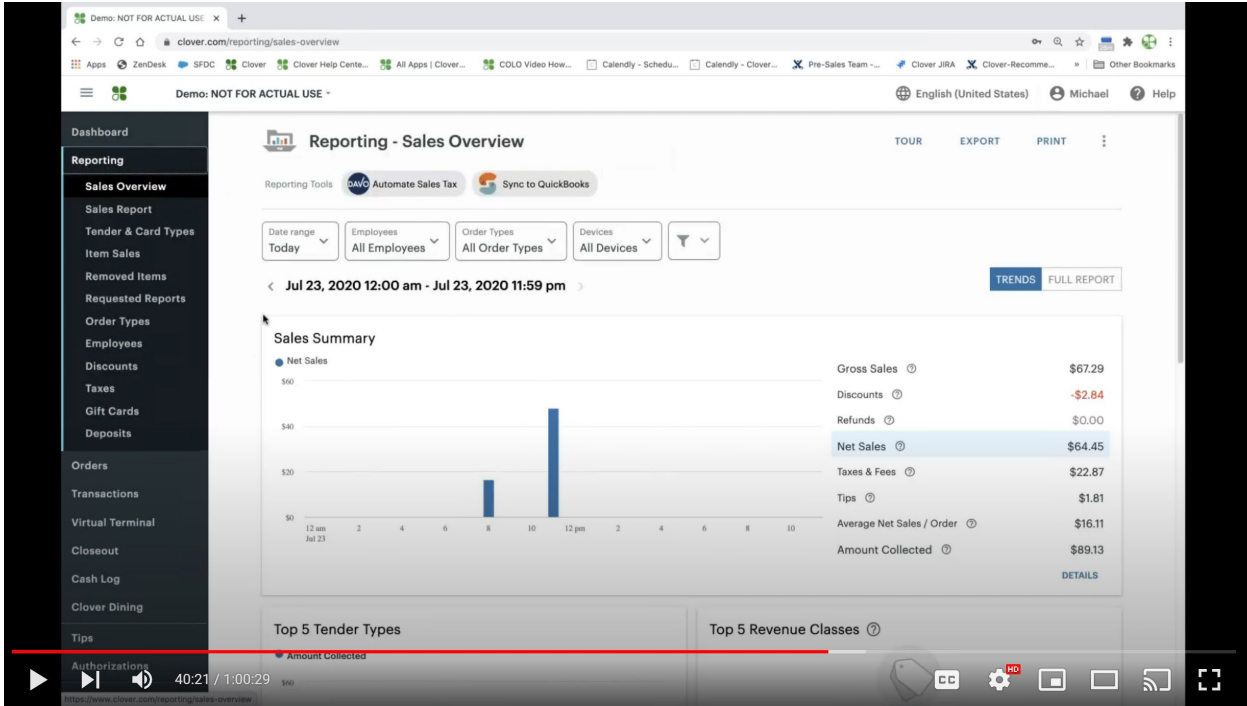
64. Clover has infringed and continues to infringe, literally, directly or indirectly, or under the doctrine of equivalents, one or more claims, including at least Claim 1 of the '012 Patent by making, using, selling, offering to sell, and/or importing the Accused Products, which includes “wherein said POS transactions and corresponding transaction data from said one or more POS terminals are configured to be transmitted to said web server via the communications network”:

65. Clover POS includes wherein said POS transactions and corresponding transaction data from said one or more POS terminals are configured to be transmitted to said web server via the communications network as described in Ex. 18 Clover Retail Webinar (Inventory on app and device: “We can adjust it on the device or we can do so online as well. . .” (25:15) and Sync: “As soon as I change the price on here it’s going to sync to all my devices as well. . .” (25:44)); *See also*, Clover Table Service Restaurant Webinar (Real time, from anywhere: Re: restaurant floor plans, “Now likewise, I can do this from a computer. So say if I’m at home and they say ‘we need this section open and y’all didn’t open it, I can log into my Clover Web Dashboard on my computer or phone and edit the floor plan from my dashboard as well and it will just immediately update the systems at the restaurant.” (11:40); Customization, on the main screen of the Clover device: “...accessible here, things like editing your menu can be done on site by clicking on the inventory app...” “...very simple to adjust...” (29:45); and Customization, in the back office, on the Web Dashboard on a computer: “Whatever changes you make at the restaurant or from the computer, they will communicate with each other so what’s nice is they synchronize within a few seconds, making things easy to keep up to date and whether you’re working from home or the computer it makes it hopefully convenient.” “All the tools here are available and you can access it at any given time.” (38:20)); *see also*, Clover Retail Businesses Holiday2020 Webinar (“...shows you how the devices can communicate with one another where I could start a sale on one device and pick it up

on the other and they all sync together.” (27:09); “So you can do that at home [add inventory] through the Clover Web Dashboard, but also we have the Clover App that you can download on your phone that you can adjust items there or add items from that App as well, so really from anywhere.” (33:35)).

66. Clover has infringed and continues to infringe, literally, directly or indirectly, or under the doctrine of equivalents, one or more claims, including at least Claim 1 of the '012 Patent by making, using, selling, offering to sell, and/or importing the Accused Products, which includes “wherein each POS transaction is correlated with corresponding transaction data occurring at said one or more POS terminals”:

67. Clover POS includes wherein each POS transaction is correlated with corresponding transaction data occurring at said one or more POS terminals as described in Ex. 18, Retail Webinar (Item sales from all POS terminals in Dashboard (41:52); changes to inventory from Web Dashboard that update immediately to all devices (47:30)); *see also* Ex. 18 Table Service Restaurant Webinar



Category	12 am	1 am	2 am	3 am	4 am	Total
Gross Sales	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$67.29
Discounts	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	-\$2.84
Refunds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Net Sales</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$64.45</b>
Non-revenue Items	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Gift Card Activations	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Taxes & Fees	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$22.87
Tips	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1.81
Service Charges	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Amount Collected</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$89.13</b>

Credit Cards + Debit Cards	\$39.03
House Account - Vendor 001	\$31.94
Cash	\$18.16
<b>Amount Collected</b>	<b>\$89.13</b>

**COUNT III**  
**(INFRINGEMENT OF U.S. PATENT NO. 11,226,793)**

68. Plaintiff incorporates herein all paragraphs above by reference.

69. On January 18, 2022, the United States Patent and Trademark Office issued the '793 Patent. The '793 Patent is a continuation of U.S. Patent Application No. 15/635,097, filed on June 27, 2017, now the '793 Patent, which is a continuation of U.S. Patent Application No. 15/198,117, filed on June 30, 2016, now U.S. Patent No. 9,715,371, which is a continuation of U.S. Patent Application No. 12/012,666, filed on February 5, 2008, now the '640 Patent. CloudfChange is the owner through assignment of the '793 Patent.

70. The '793 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

71. The claims of the '793 Patent are directed to a web-based point of sale (POS) builder system, which comprises patent-eligible subject matter. The claims of the '793 Patent are not directed to an abstract idea, a law of nature, or a natural phenomenon. For example, the claims are directed to a particular web-based point of sale builder system comprising a particular software architecture with particular hardware elements. Specifically, the web-based point of sale builder system includes a server, one or more POS terminals, wherein the server is configured to communicate with the one or more POS terminals, and configure the one or more POS terminals. The claims of the '793 Patent, considered as a whole, at the time of the invention were neither routine, conventional, nor well known. The claims of the '793 Patent provide a technical solution to a technical problem. See, e.g., Ex. 3 at 2:60-3:3.

72. Clover has committed acts of direct infringement of the '793 Patent under 35 U.S.C. § 271(a) at least by making, using, selling, offering to sell, and/or importing into the United States the Accused Products, as described herein.

73. In addition to direct infringement of the '793 Patent through making, using, selling, offering to sell, and/or importing into the United States the Accused Products, the use of the Accused Products by others, as intended by Clover and in accordance with the instructions provided by Clover, directly infringes the '793 Patent. In particular, Clover sells and/or leases the Accused Products to customers in the United States with the expectation and intent that such customers will use the Accused Products, thereby directly infringing the '793 Patent. As such, Clover has induced infringement of the '793 Patent under 35 U.S.C. § 271(b).

74. Further, since the Accused Products infringe the '793 Patent, any use or sale thereof infringes the '793 Patent. As such, Clover's sale and/or lease and offering for sale and/or lease of the Accused Products constitutes contributory infringement of the '793 Patent under 35 U.S.C. § 271(c).

75. Clover has infringed and continues to infringe, literally, directly or indirectly, or under the doctrine of equivalents, one or more claims, including at least Claim 1 of the '793 Patent by making, using, selling, offering to sell, and/or importing the Accused Products, which include a web-based point of sale (POS) builder system as described in the '793 Patent. Specifically, the Accused Products comprise at least one server configured to communicate with one or more POS terminals over a network comprising the Internet, wherein the one or more POS terminals are configured to display one or more POS screens; receive, over the network from a POS builder interface, information used for creating or modifying the one or more POS screens including creating or modifying one or more display interfaces for display on the one or more POS screens, the one or more display interfaces being associated with one or more items; receive, from at least one of the one or more POS terminals over the network, further information regarding one or more POS transactions corresponding to the one or more items; configure the one or more POS terminals

with the information over the network to create or modify based on the further information regarding one or more POS transactions the one or more POS screens displayed on the one or more POS terminals. Further, the Accused Products include functionality wherein the further information regarding the one or more POS transactions, the information used for creating or modifying the one or more POS screens, or a combination thereof comprises one or more of employee clock information, customer add/update information, item add/update information, promotion information, loyalty point information, discount information, taxation information, item cost information, or inventory information. Further, the Accused Products include functionality wherein said further information regarding the one or more POS transactions relate to one or more transactions by corresponding customers respectively associated with at least one of said one or more POS terminals.

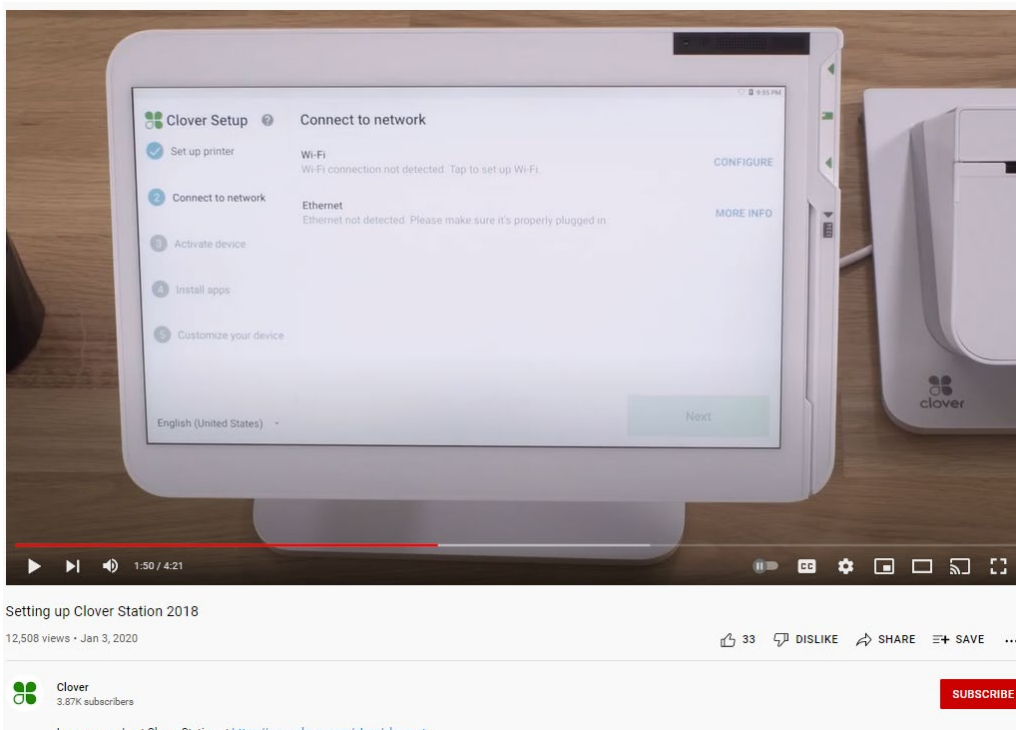
76. Clover has infringed and continues to infringe, literally, directly or indirectly, or under the doctrine of equivalents, one or more claims, including at least Claim 1 of the '793 Patent by making, using, selling, offering to sell, and/or importing the following Accused Products, which include “a web-based point of sale (POS) builder system”:

77. Clover POS includes a web-based point of sale (POS) builder system as described in Ex. 22 (“POS system should be tailored to your needs today and scale with your business. Build the system you need now, and expand as you grow with devices apps, and accessories.”); Ex. 5 (“Clover’s point-of-sale software sync with the cloud, so you can access your sales, refunds, deposit, and reports, wherever you are or need to be.”):

78. Clover has infringed and continues to infringe literally, directly or indirectly, or under the doctrine of equivalents, one or more claims, including at least Claim 1 of the '793 Patent by making, using, selling, offering to sell, and/or importing the following Accused Products, which

include “at least one server configured to communicate with one or more POS terminals over a network comprising the Internet, wherein the one or more POS terminals are configured to display one or more POS screens”:

79. Clover POS includes at least one server configured to communicate with one or more POS terminals over a network comprising the Internet, wherein the one or more POS terminals are configured to display one or more POS screens as illustrated in Ex. 9:



*See also Ex. 27:*

## Use best practices for networks

To properly process transactions, your network must be stable and have sufficient bandwidth. Unstable networks can cause transactions to temporarily halt, which causes the network connection to timeout and disconnect. Poor connections can also prevent devices from synchronizing with each other.

### Have enough bandwidth: Use a Clover dedicated router

Increase bandwidth on your local network by limiting or reducing the number of non-Clover devices connected to the network. Your local network bandwidth varies based on the number of devices connected to the network and the volume of transactions they typically process.

### Set up an Ethernet connection such as DSL or cable, rather than a hotspot

Use a hard-wired (Ethernet cable) high-speed Internet connection for Clover Station, Clover Station 2, and Clover Mini. This is especially helpful if you plan to use more than one Clover device or any peripheral equipment such as a kitchen printer.

### Separate Wi-Fi for guest access

If you offer Wi-Fi access to your customers, set up two Wi-Fi networks: one for you and Clover devices, and one for guests. Having separate Wi-Fi for guests safeguards your devices and may boost device performance.

Your guest network can have separate hours of operation that can be turned off at any time without affecting your system. You can limit the bandwidth to prevent illegal downloads and create a different password for the guest network.

### Limit the use of hotspot network connections

Hotspots can limit the bandwidth required for normal Clover communication. If you plan to use a hotspot, it should be dedicated for Clover use. (Use another hotspot for other Internet needs).

### Don't use your neighbor's Wi-Fi

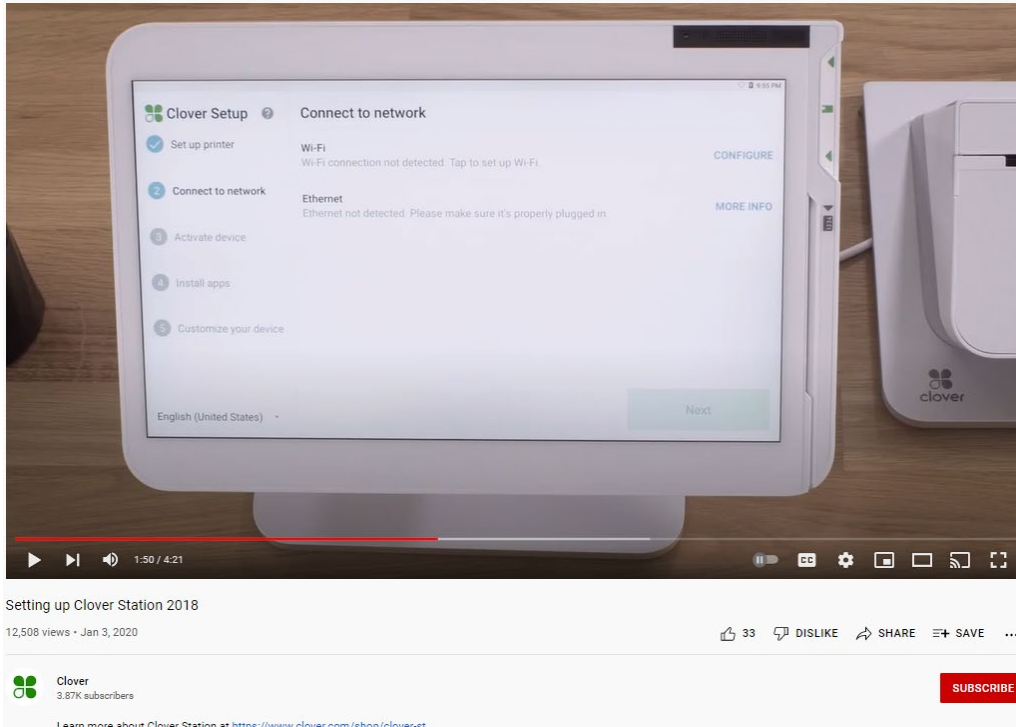
Whenever possible, use your own Internet Service Provider (ISP) rather than a shared network. If you're using your neighbor's Wi-Fi solution and their Wi-Fi goes down, you can't troubleshoot the issue directly. Your signal may also be weaker if you don't have an internet source in your business' vicinity.

### Use only WPA-WPA2 protocols to connect Clover to a Wi-Fi network

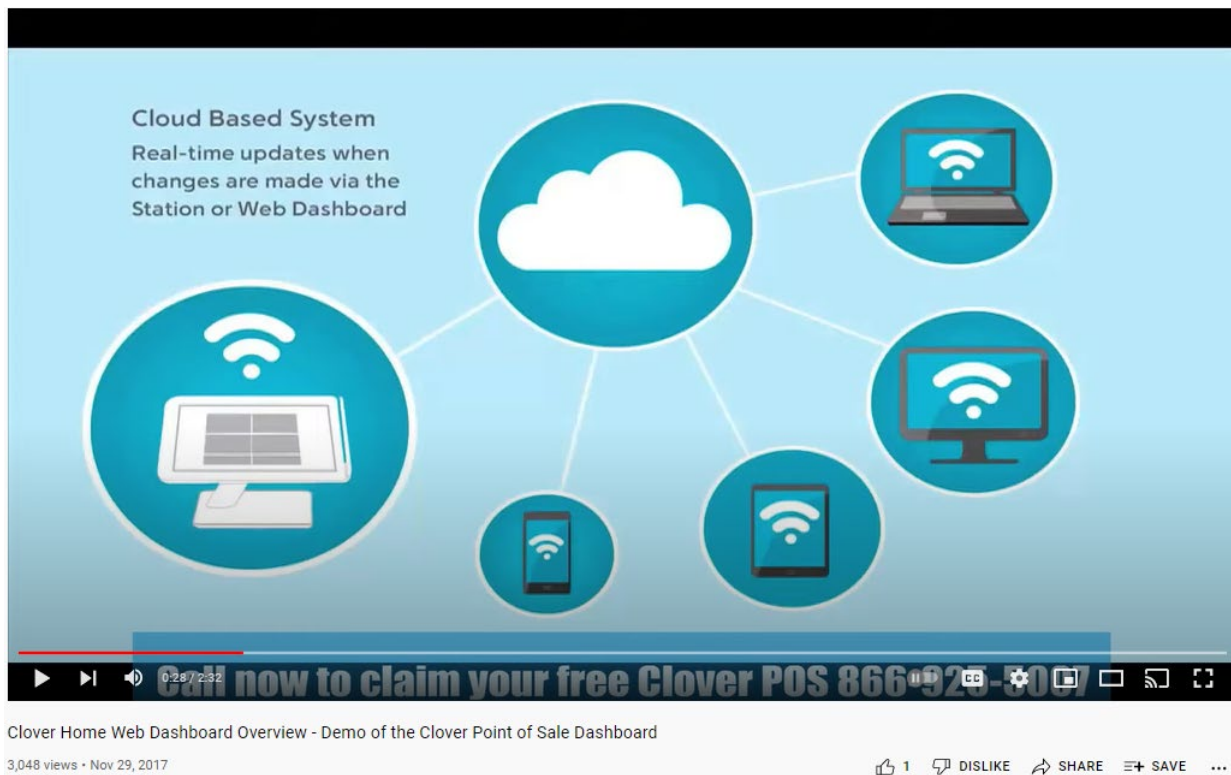
For added security, Clover devices are only compatible with WPA-WPA2 protocols. (They are not compatible with the WEP protocol, which is no longer supported.)

*See also Ex. 9:*

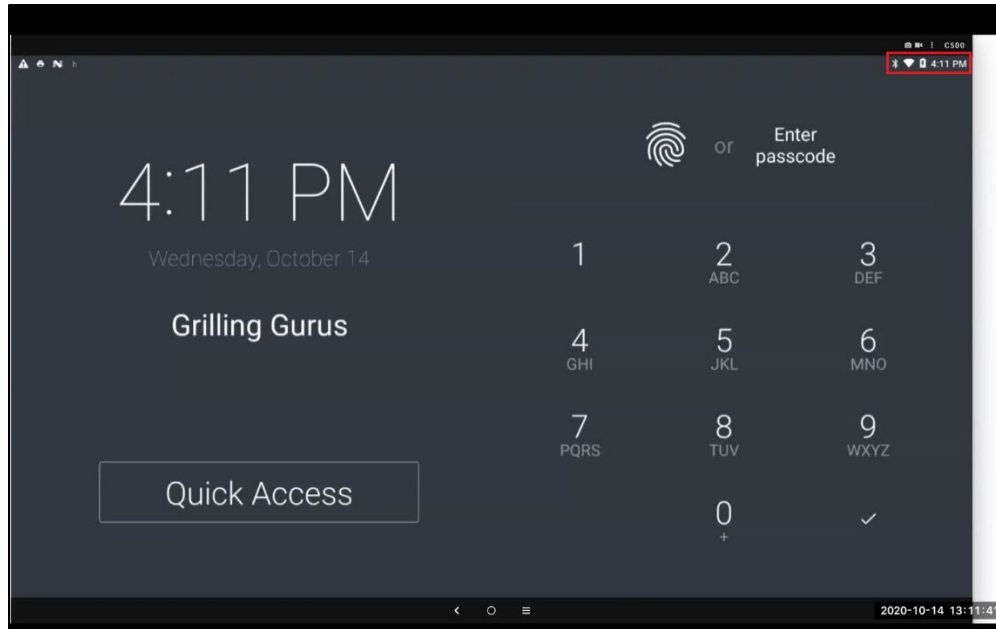




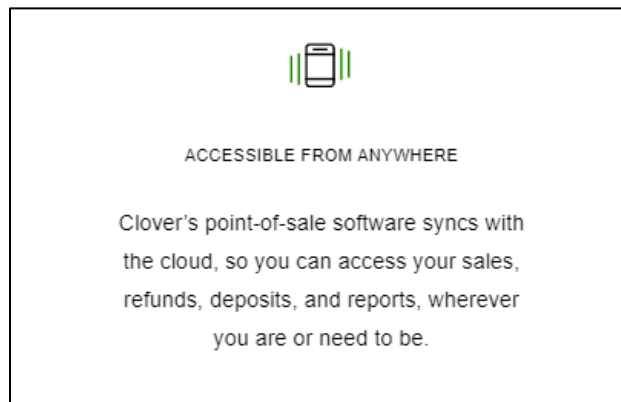
See also Ex. 29:



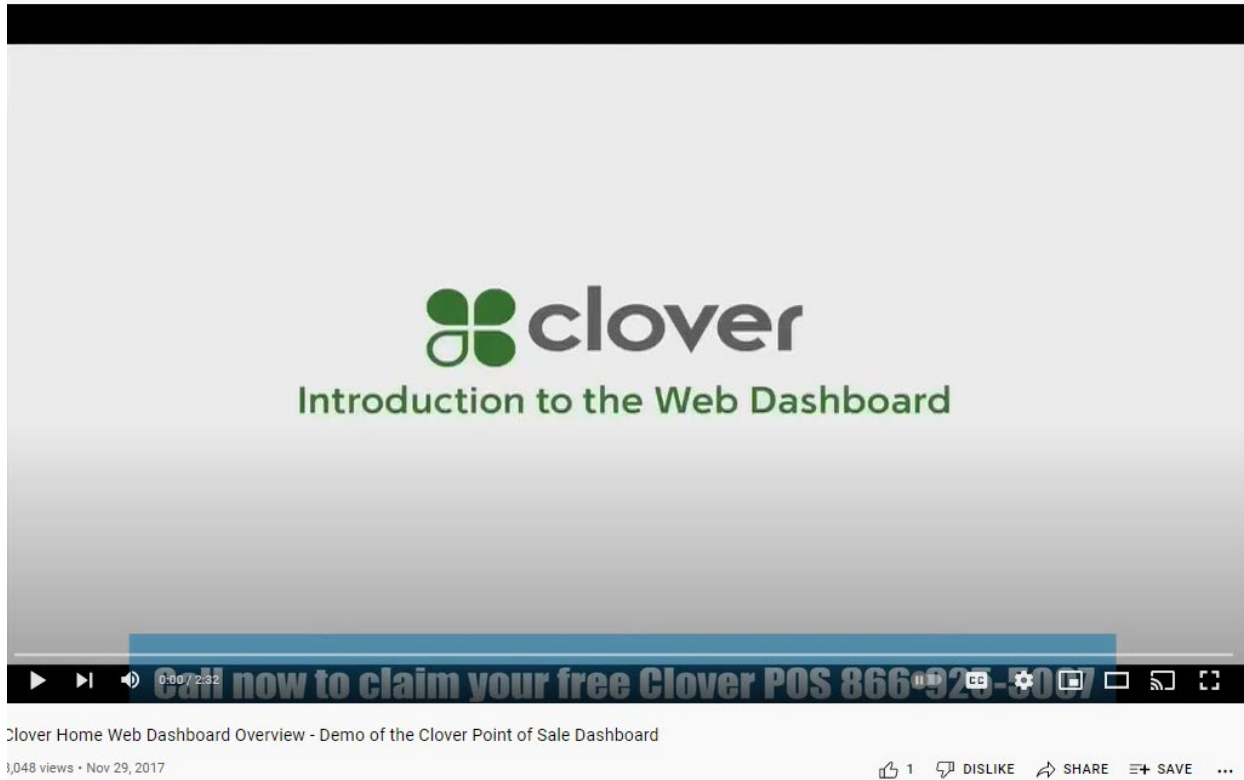
See also Ex. 30 Clover Restaurant Businesses Holiday2020 Webinar (16:13):



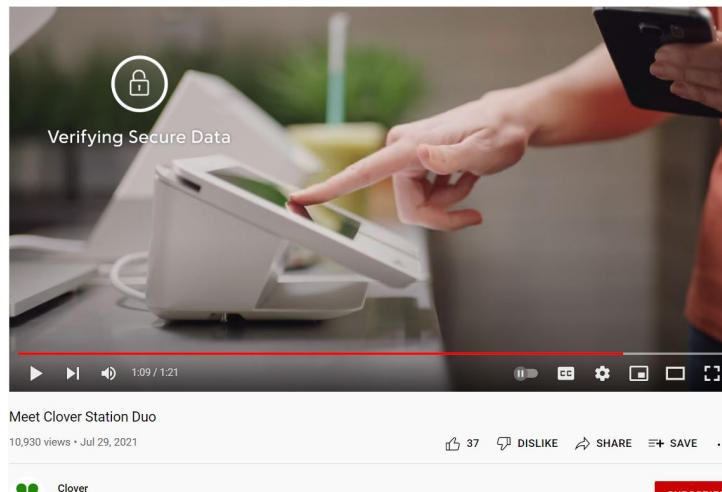
See also Ex. 5:



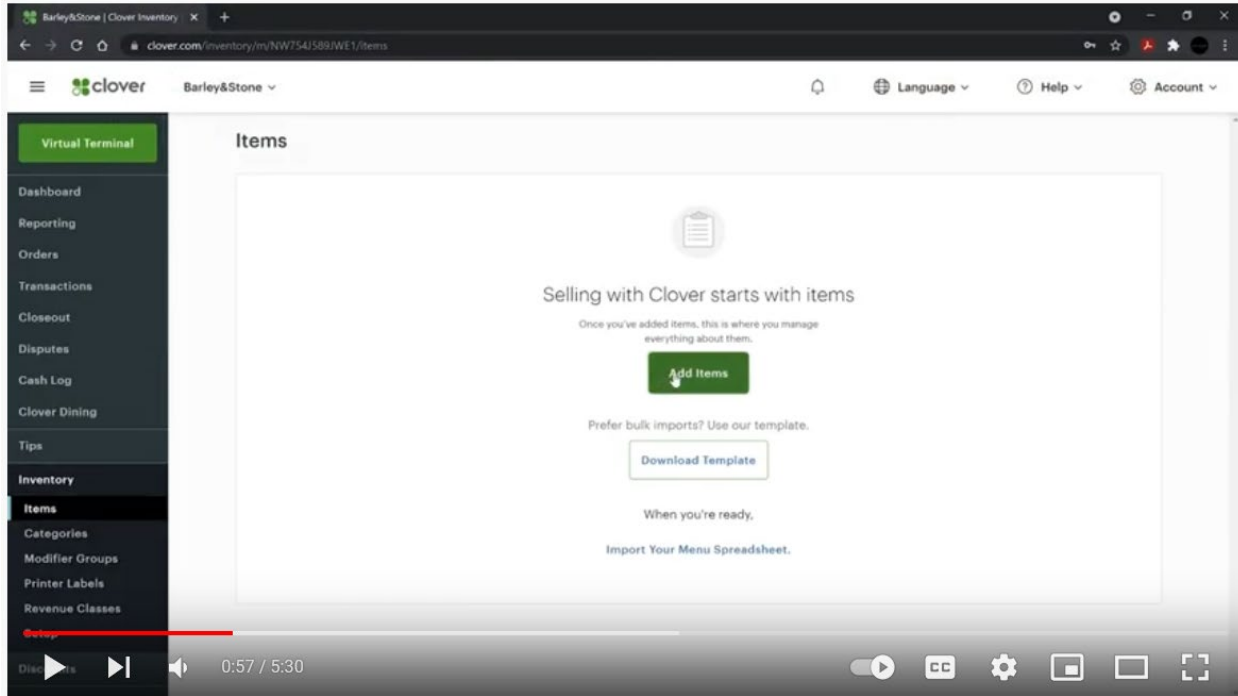
See also Ex. 6:



*See also Ex. 12:*



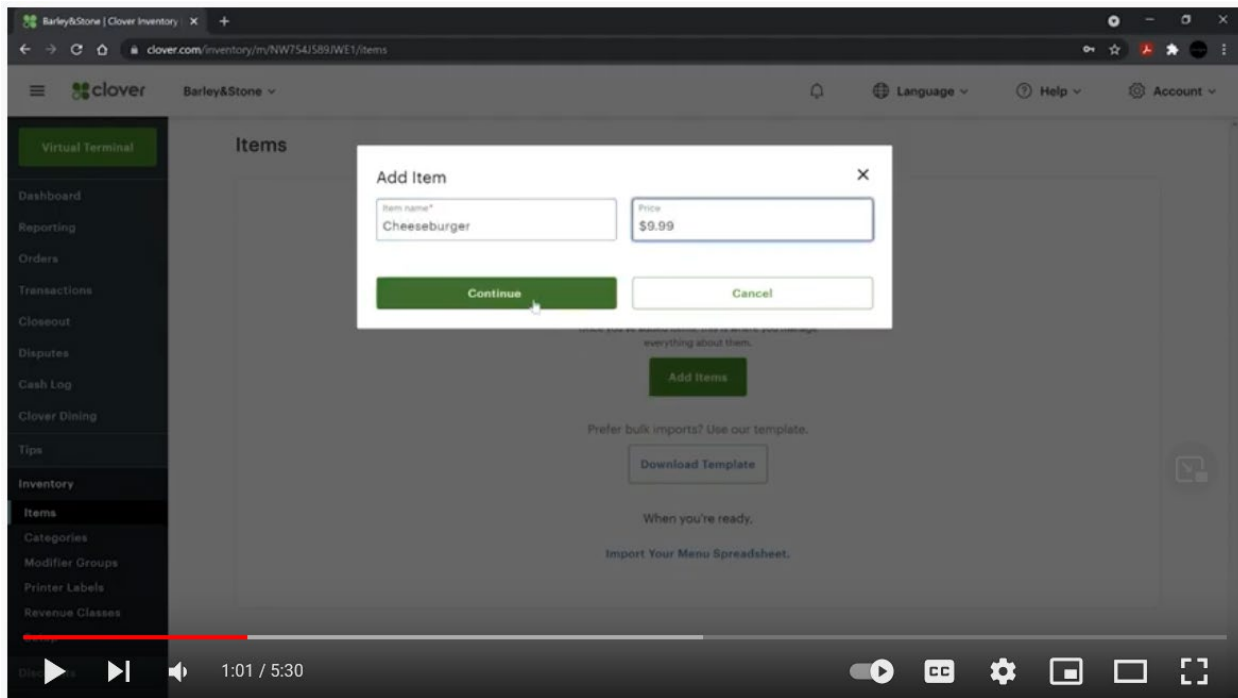
*See also Ex. 24, Create and manage your menu:*



### Create and manage your menu

2,325 views • Sep 1, 2021

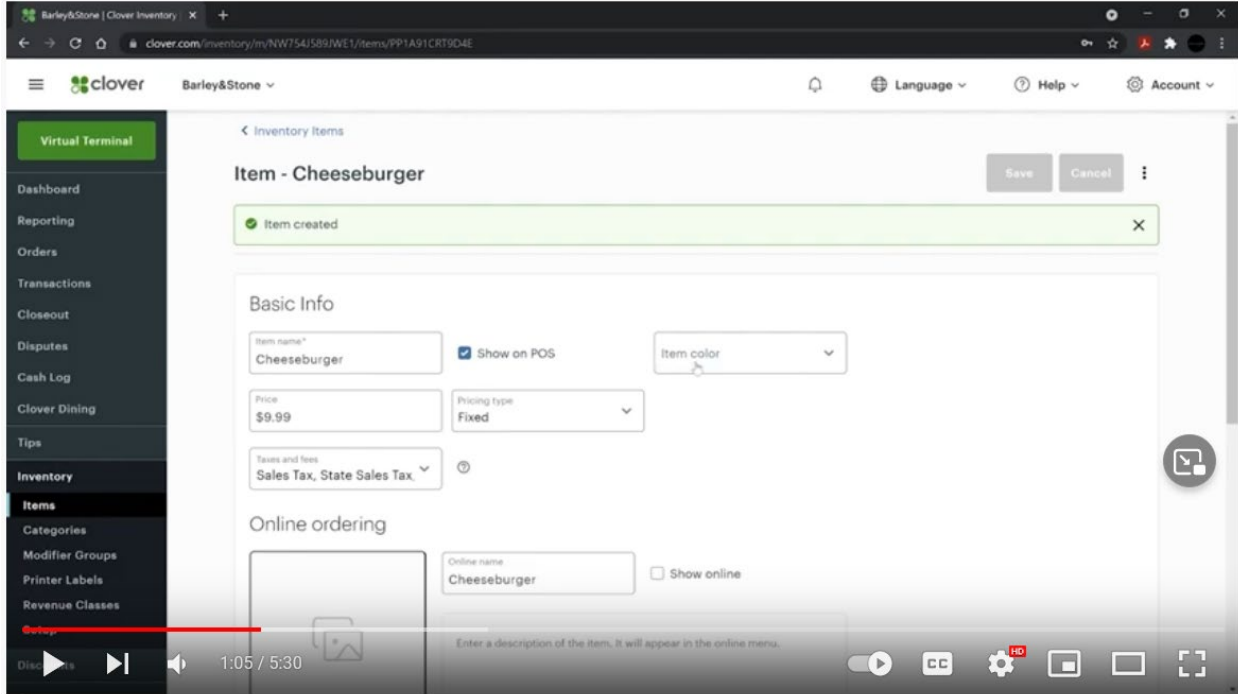
👍 12    💬 DISLIKE    ➦ SHARE    ≡+ SAVE    ...



### Create and manage your menu

2,325 views • Sep 1, 2021

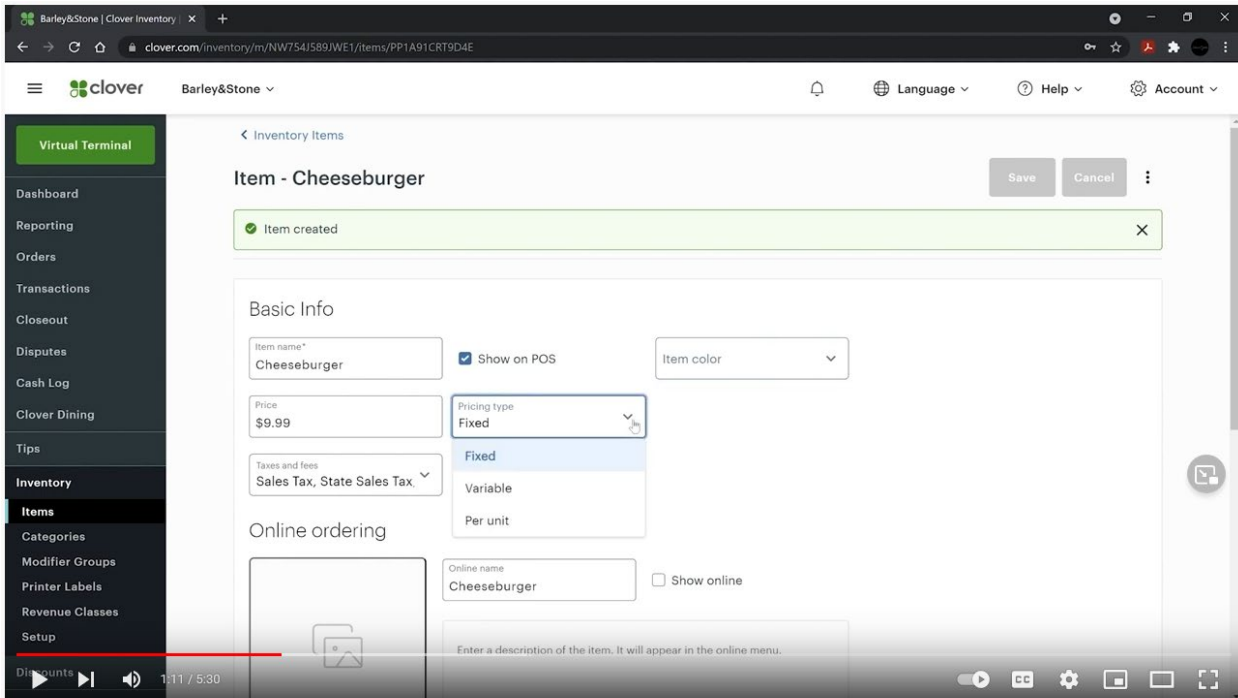
👍 12    💬 DISLIKE    ➦ SHARE    ≡+ SAVE    ...



Create and manage your menu

2,325 views • Sep 1, 2021

12 DISLIKE SHARE SAVE ...

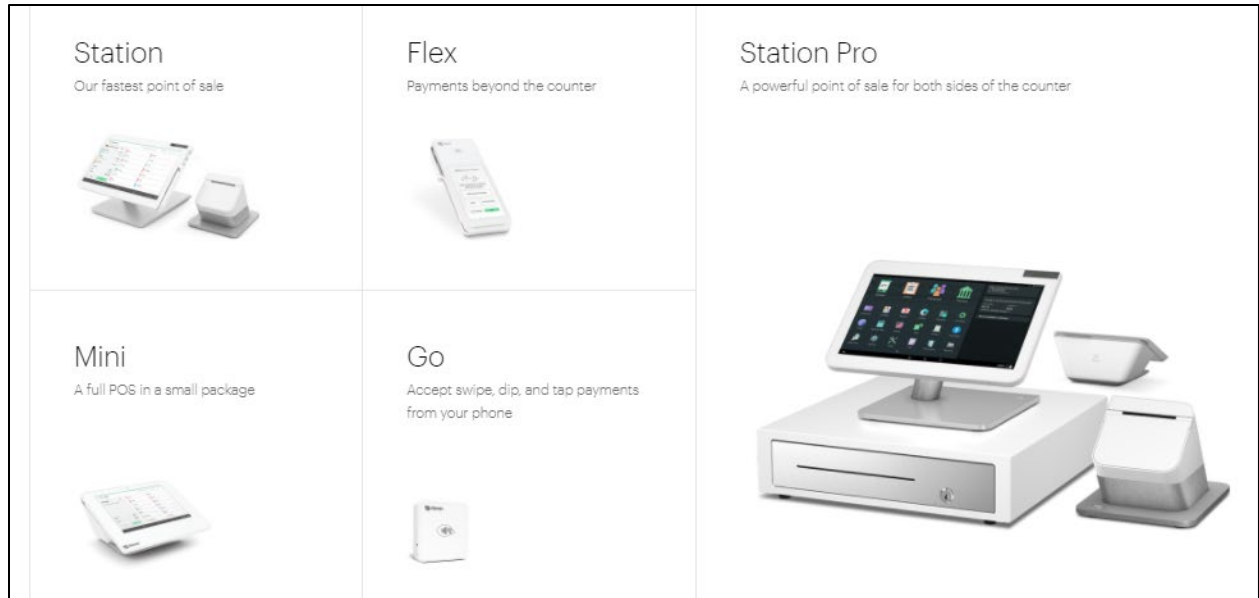


Create and manage your menu

2,325 views • Sep 1, 2021

12 DISLIKE SHARE SAVE ...

See also Ex. 8:


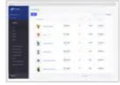







See also Ex. 25 Clover Service Business Holiday 2020 Webinar:



Clover ServiceBusiness Holiday2020 webinar Watch later Share

## A Clover solution to fit and grow with your business

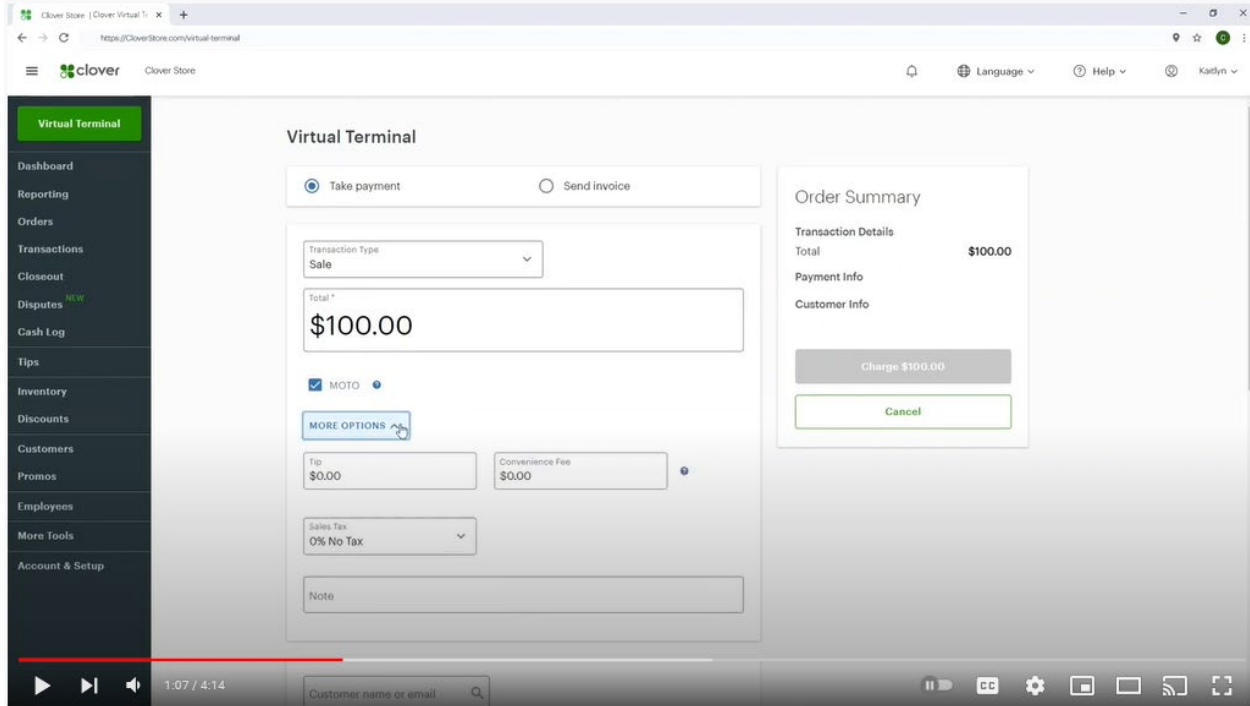
- Start taking payments with a web browser, a mobile device, your website, or Clover POS device
- Additional software features and hardware devices can be added when needed

						
<b>Clover Virtual Terminal</b>	<b>eCommerce Integration</b>	<b>Clover Go</b>	<b>Clover Flex</b>	<b>Clover Mini</b>	<b>Clover Station</b>	<b>Clover Station Pro</b>
Key in card payments through a web browser.	Accept payments on your website.	Mobile app and card reader.	Small, portable terminal with a built-in printer.	Countertop terminal with a built-in printer.	An all-in-one POS system that comes with a cash drawer and receipt printer.	Our fastest, most powerful POS system with separate screens for you and your customer, a cash drawer and receipt printer.

MORE VIDEOS

12:00 / 55:56 Page 8  

See also Ex. 26:



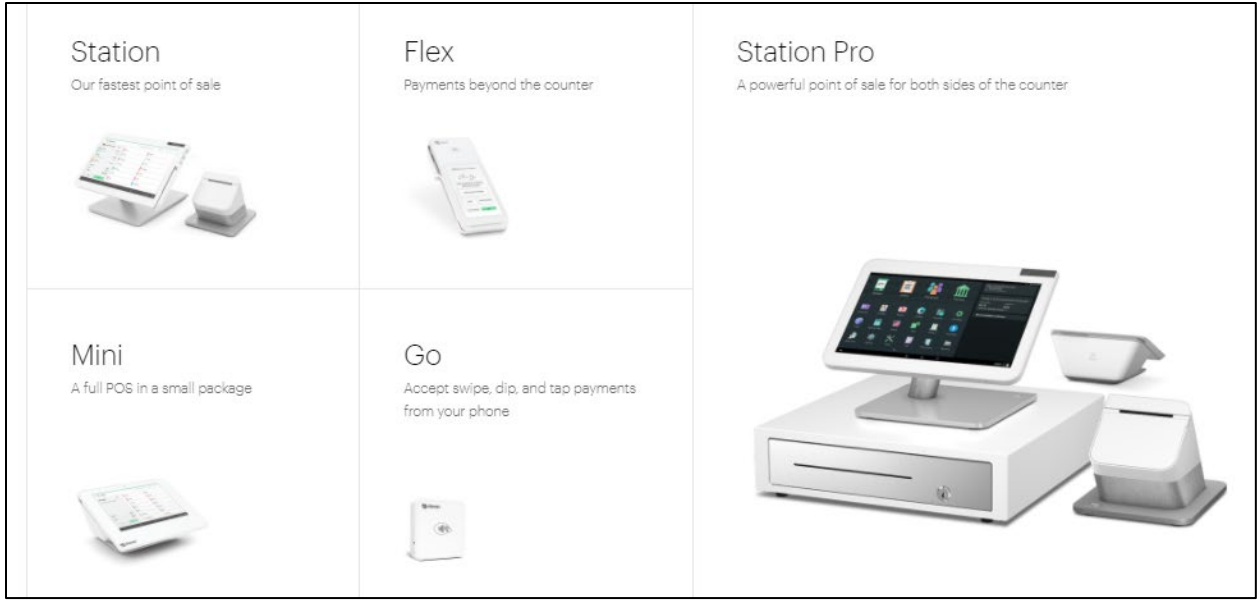
Using Clover Virtual Terminal

8847 views • Dec 11, 2020

27 DISLIKE SHARE SAVE

80. Clover has infringed and continues to infringe literally, directly or indirectly, or under the doctrine of equivalents, one or more claims, including at least Claim 1 of the '793 Patent by making, using, selling, offering to sell, and/or importing the following Accused Products, which include "at least one server configured to communicate with one or more POS terminals over a network comprising the Internet, wherein the one or more POS terminals are configured to display one or more POS screens":

81. On information and belief, Clover POS includes at least one server configured to communicate with one or more POS terminals over a network comprising the Internet, wherein the one or more POS terminals are configured to display one or more POS screens as illustrated in Ex. 8:



See also Ex. 25 Clover Service Business Holiday 2020 Webinar:

Clover ServiceBusiness Holiday2020 webinar

Watch Later Share

## A Clover solution to fit and grow with your business

- Start taking payments with a web browser, a mobile device, your website, or Clover POS device
- Additional software features and hardware devices can be added when needed

<b>Clover Virtual Terminal</b>	<b>eCommerce Integration</b>	<b>Clover Go</b>	<b>Clover Flex</b>	<b>Clover Mini</b>	<b>Clover Station</b>	<b>Clover Station Pro</b>
Key in card payments through a web browser.	Accept payments on your website.	Mobile app and card reader.	Small, portable terminal with a built-in printer.	Countertop terminal with a built-in printer.	An all-in-one POS system that comes with a cash drawer and receipt printer.	Our fastest, most powerful POS system with separate screens for you and your customer, a cash drawer and receipt printer.

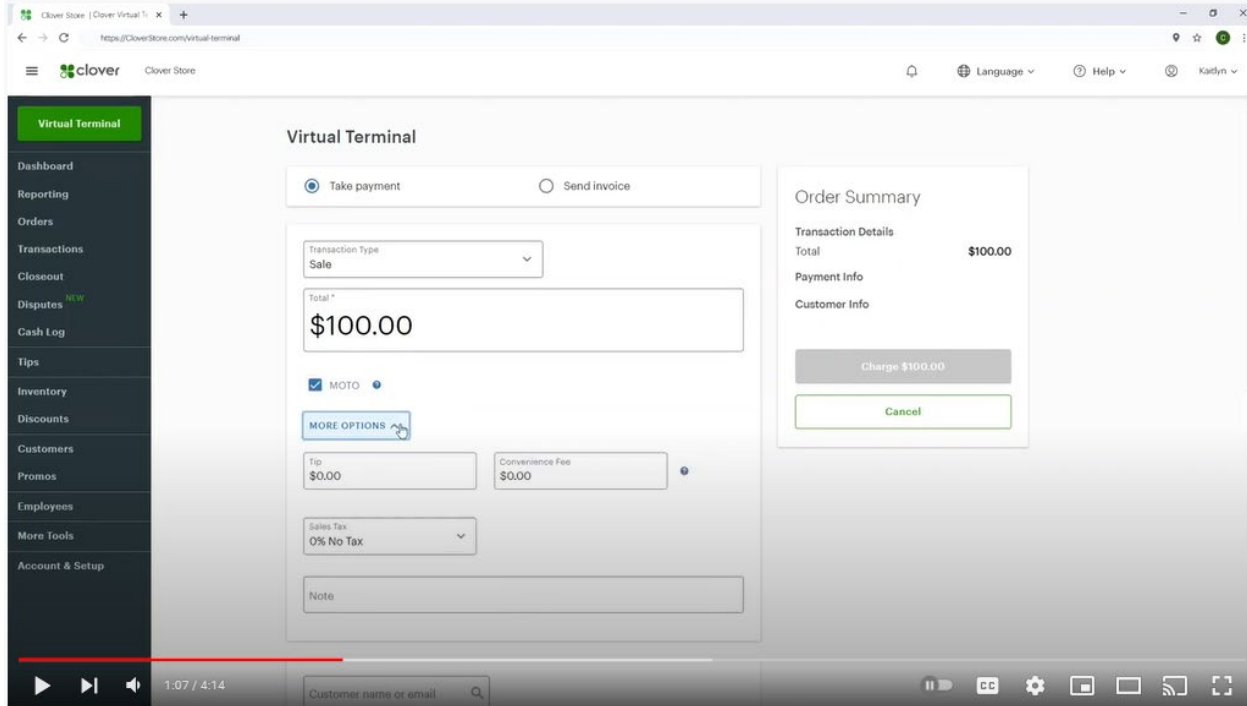
MORE VIDEOS

12:00 / 55:56 Page 8

CC BY-NC-SA YouTube

See also Ex. 26:





Using Clover Virtual Terminal

8847 views • Dec 11, 2020

82. Clover has infringed and continues to infringe literally, directly or indirectly, or under the doctrine of equivalents, one or more claims, including at least Claim 1 of the '793 Patent by making, using, selling, offering to sell, and/or importing the following Accused Products, which include the “at least one server configured to receive, over the network from a POS builder interface, information used for creating or modifying the one or more POS screens including creating or modifying one or more display interfaces for display on the one or more POS screens, the one or more display interfaces being associated with one or more items”:

83. Clover POS includes the at least one server configured to receive, over the network from a POS builder interface, information used for creating or modifying the one or more POS screens including creating or modifying one or more display interfaces for display on the one or more POS screens, the one or more display interfaces being associated with one or more items as illustrated in Ex. 18 Retail Webinar:

**Reporting - Revenue Item Sales**

Date range: Today | Revenue or Non Revenue: Revenue Items | Employees: All Employees

View by: Categories | Categories: All Categories

Jul 23, 2020 12:00 am - Jul 23, 2020 11:59 pm

	Gross Sales	Net Sales	COGS	Gross Profit	Gross Profit Margin
	\$67.29	\$64.45	\$2.00	\$43.45	67.42%

COLLAPSE ALL | DISPLAY

Name	Sold	Refunded	Gross Sales	Discounts	Refunds	Net Sales	% Net S
<b>Energy Drinks</b>							
RED BULL SUGAR FREE 20 OZ	5	0	\$22.45	\$0.00	\$0.00	\$22.45	
RED BULL RED 12 OZ	4	0	\$12.36	-\$1.24	\$0.00	\$11.12	
<b>Total</b>	<b>9</b>	<b>0</b>	<b>\$34.81</b>	<b>-\$1.24</b>	<b>\$0.00</b>	<b>\$33.57</b>	
<b>Uncategorized</b>							
Item 1	1	0	\$10.00	\$0.00	\$0.00	\$10.00	
Test Item	1	0	\$10.00	-\$1.00	\$0.00	\$9.00	
Garden Salad	1	0	\$3.49	\$0.00	\$0.00	\$3.49	
French Fries	1	0	\$1.99	\$0.00	\$0.00	\$1.99	

**Inventory**

Add New Item

Search

Search items

Filter By

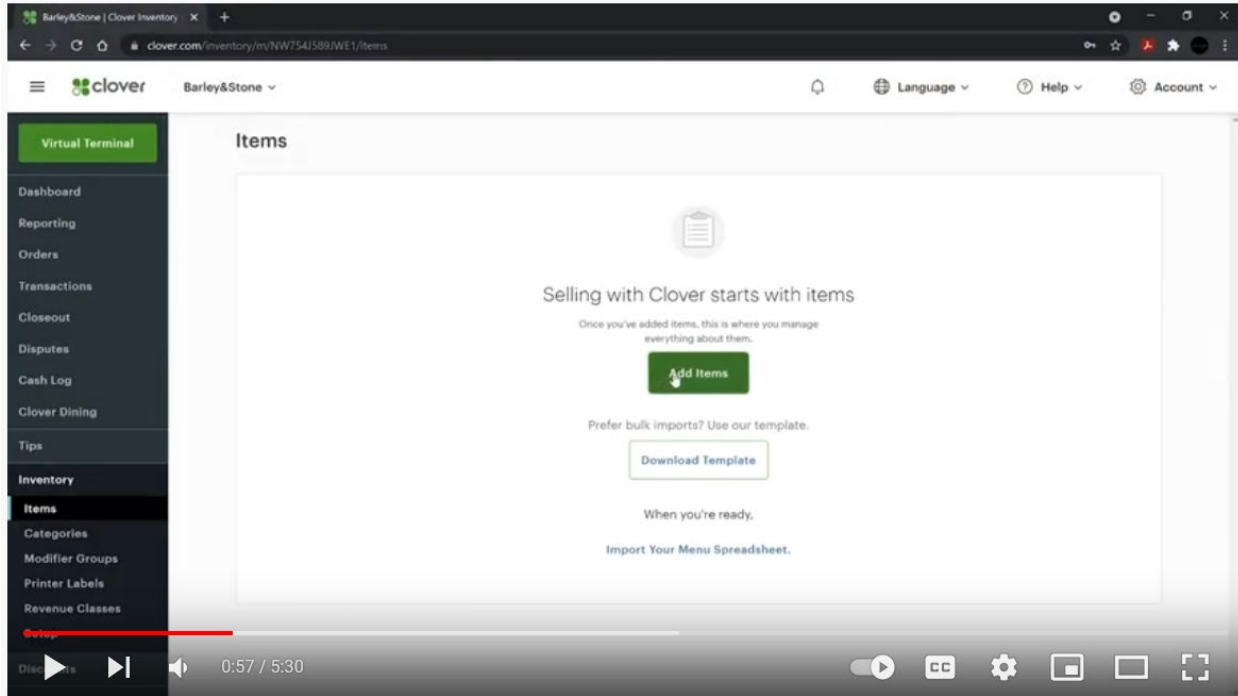
Category: All Categories

Select All

50 results per page | Back Next

Name	Price	Tax	Product Code	Categories	Modifier Groups	Labels
ARIZONA FRUIT PUNCH 24/23Z	\$0.99	Default	061300871	Drinks		
Stock Quantity: 100	Cost: \$0.00		8763			
ID: 20201PB68JUVY			SKU: 061300871B			
			763			

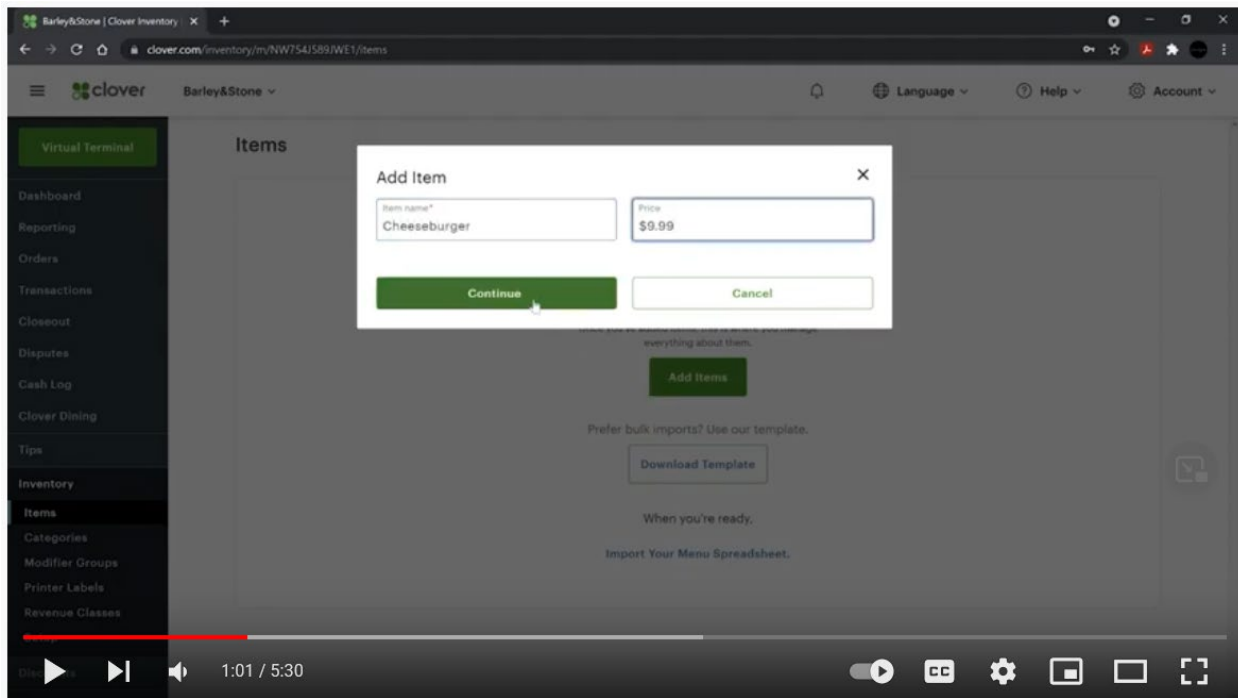
See also Ex. 24, Create and manage your menu:



### Create and manage your menu

2,325 views • Sep 1, 2021

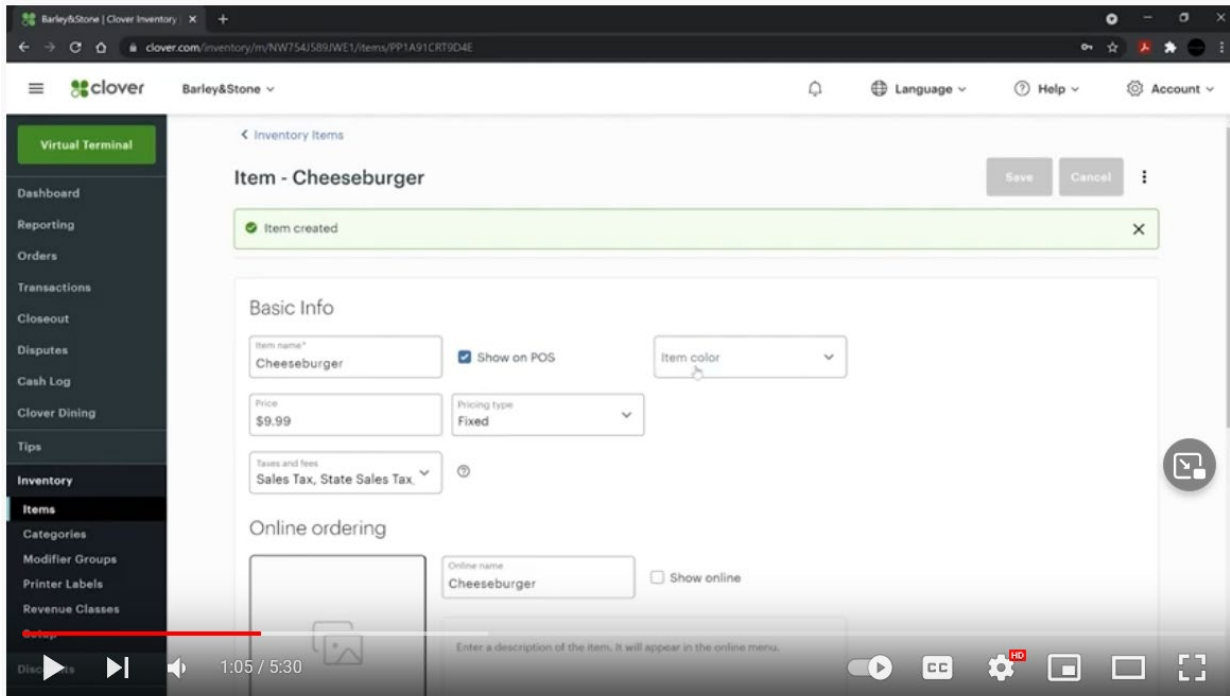
👍 12    💬 DISLIKE    ➦ SHARE    ≡+ SAVE    ...



### Create and manage your menu

2,325 views • Sep 1, 2021

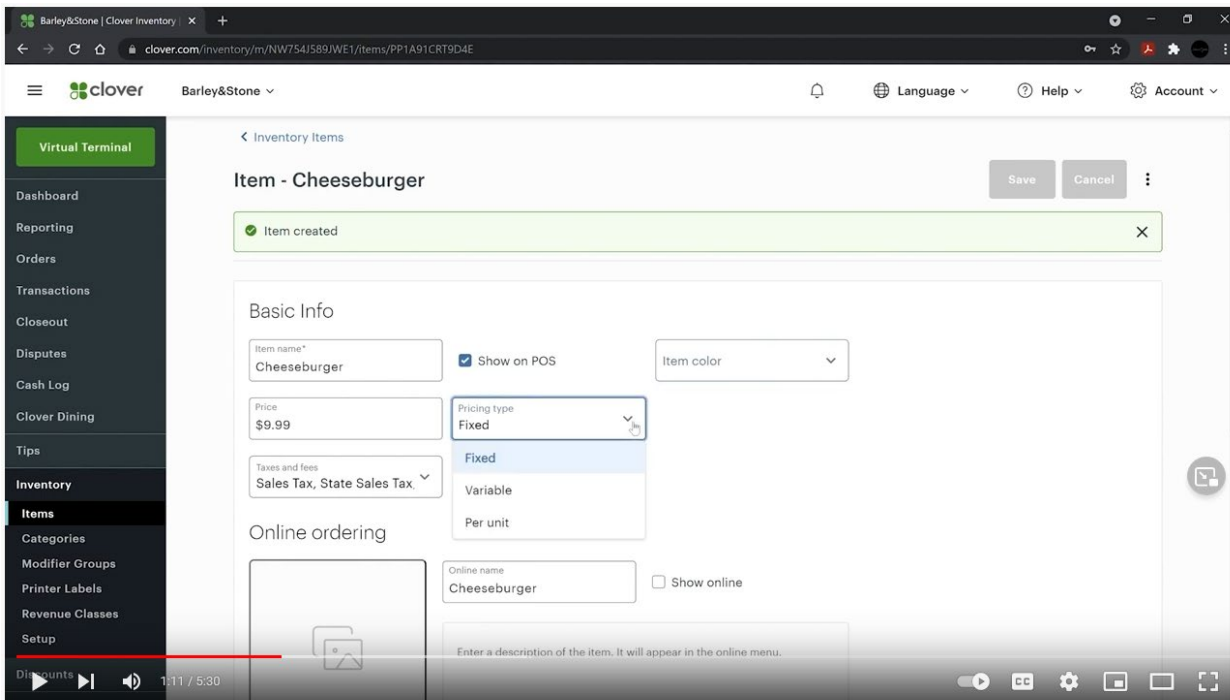
👍 12    💬 DISLIKE    ➦ SHARE    ≡+ SAVE    ...



### Create and manage your menu

2,325 views • Sep 1, 2021

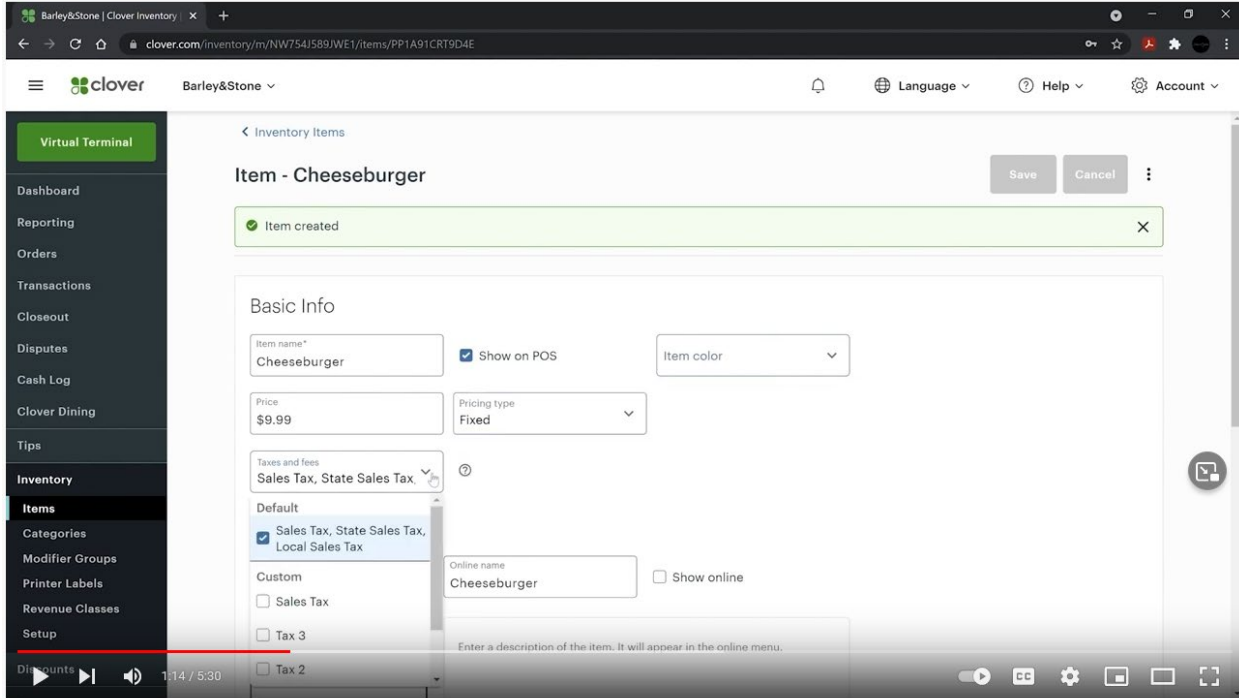
👍 12    🗨️ DISLIKE    ➦ SHARE    ⌵ SAVE    ⋮



### Create and manage your menu

2,325 views • Sep 1, 2021

👍 12    🗨️ DISLIKE    ➦ SHARE    ⌵ SAVE    ⋮

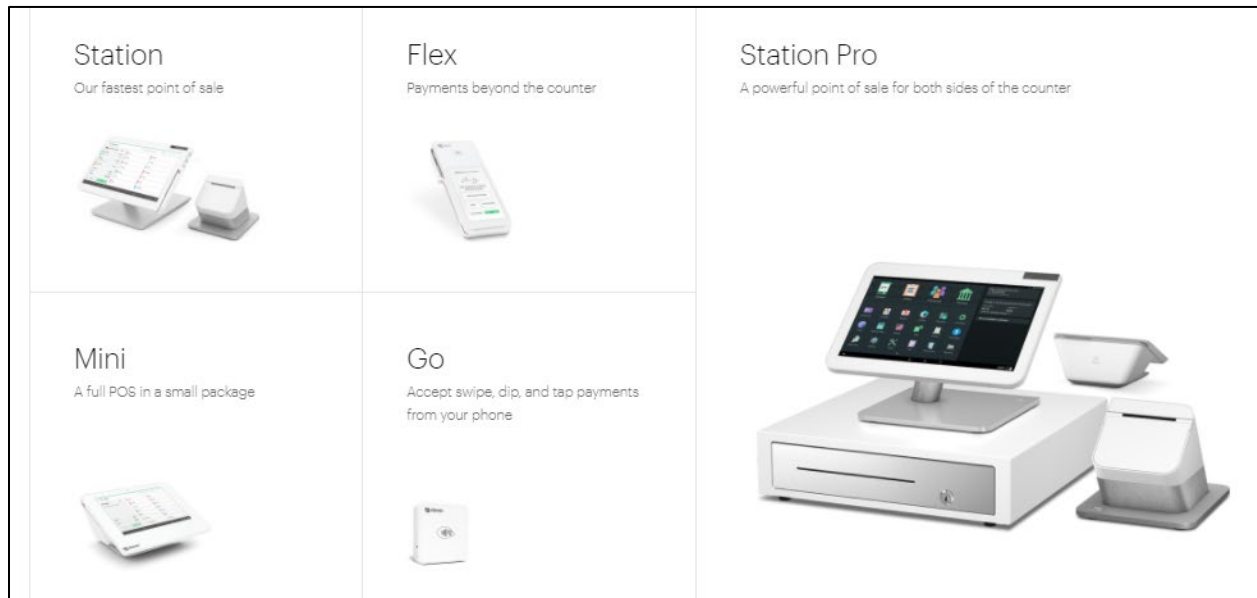


Create and manage your menu




2,325 views • Sep 1, 2021

👍 12 🗑️ DISLIKE ➦ SHARE ➦ SAVE ...

See also Ex. 8:










See also Ex. 25 Clover Service Business Holiday 2020 Webinar:


 Clover ServiceBusiness Holiday2020 webinar
 





## A Clover solution to fit and grow with your business

- Start taking payments with a web browser, a mobile device, your website, or Clover POS device
- Additional software features and hardware devices can be added when needed

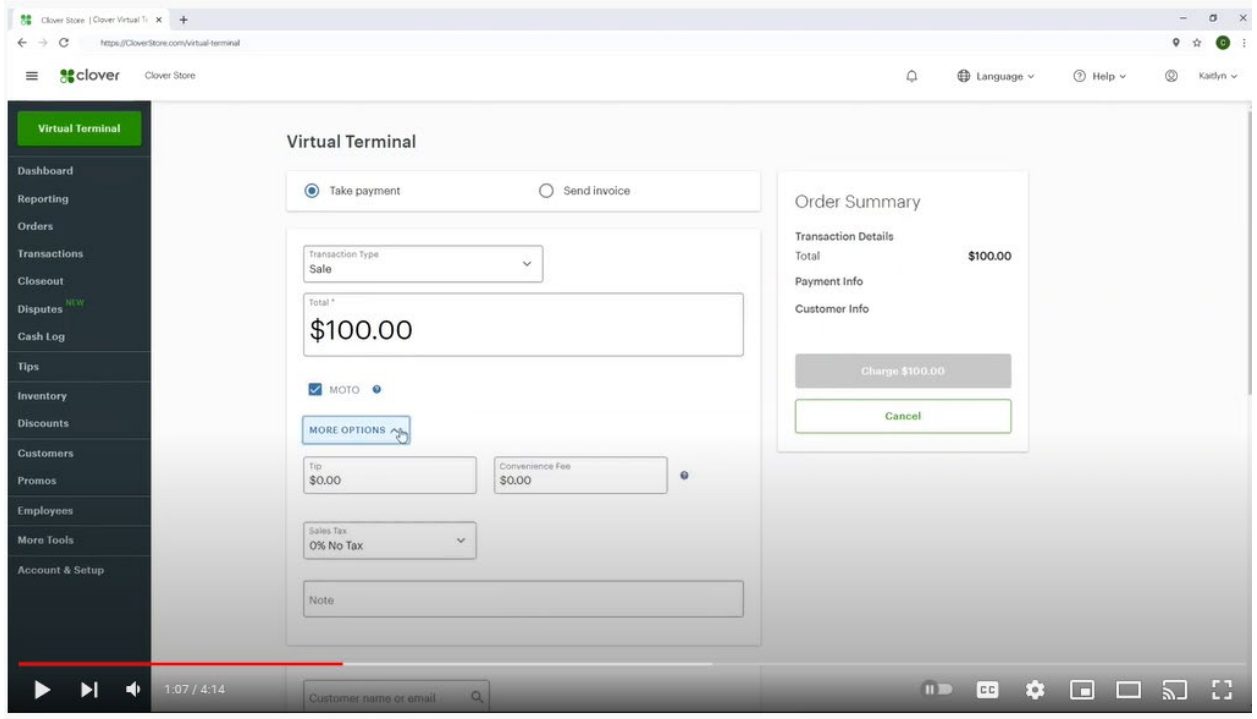
Clover Virtual Terminal	eCommerce Integration	Clover Go	Clover Flex	Clover Mini	Clover Station	Clover Station Pro
Key in card payments through a web browser.	Accept payments on your website.	Mobile app and card reader.	Small, portable terminal with a built-in printer.	Countertop terminal with a built-in printer.	An all-in-one POS system that comes with a cash drawer and receipt printer.	Our fastest, most powerful POS system with separate screens for you and your customer, a cash drawer and receipt printer.

MORE VIDEOS

▶ 🔊 12:00 / 55:56
Page 8

See also Ex. 26:



The screenshot shows the Clover Virtual Terminal interface in a web browser. The main area is titled "Virtual Terminal" and has two radio buttons: "Take payment" (selected) and "Send invoice". Below this, there is a "Transaction Type" dropdown menu set to "Sale". A large box displays the "Total" amount as "\$100.00". There is a checked "MOTO" option. A "MORE OPTIONS" button is visible. Below that are input fields for "Tip" (\$0.00) and "Convenience Fee" (\$0.00). A "Sales Tax" dropdown is set to "0% No Tax". A "Note" field is at the bottom. On the right side, an "Order Summary" box shows "Transaction Details" with a "Total" of "\$100.00", and sections for "Payment Info" and "Customer Info". At the bottom of the summary box are "Charge \$100.00" and "Cancel" buttons. A sidebar on the left contains navigation links like Dashboard, Reporting, Orders, Transactions, etc. The video player controls at the bottom show a progress bar at 1:07 / 4:14.

Using Clover Virtual Terminal

8,847 views • Dec 11, 2020

84. Clover has infringed and continues to infringe literally, directly or indirectly, or under the doctrine of equivalents, one or more claims, including at least Claim 1 of the '793 Patent by making, using, selling, offering to sell, and/or importing the following Accused Products, which include the “at least one server configured to receive, from at least one of the one or more POS terminals over the network, further information regarding one or more POS transactions corresponding to the one or more items”:

85. Clover POS includes the at least one server configured to receive, from at least one of the one or more POS terminals over the network, further information regarding one or more POS transactions corresponding to the one or more items as described in Ex. 22 (“POS system should be tailored to your needs today and scale with your business. Build the system you need now, and expand as you grow with devices apps, and accessories.”); *see also* Ex. 5 Accessible From Anywhere (“Clover’s point-of-sale software sync with the cloud, so you can access your sales, refunds, deposit, and reports, wherever you are or need to be.”); *see also* Ex. 29:

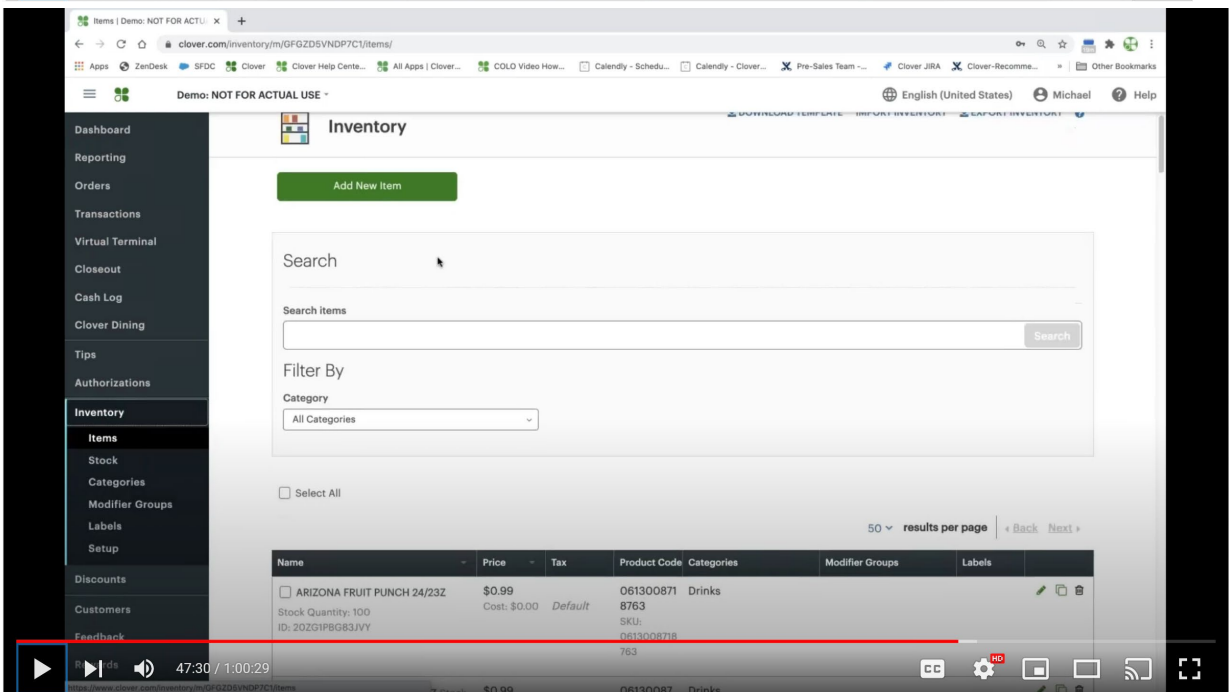
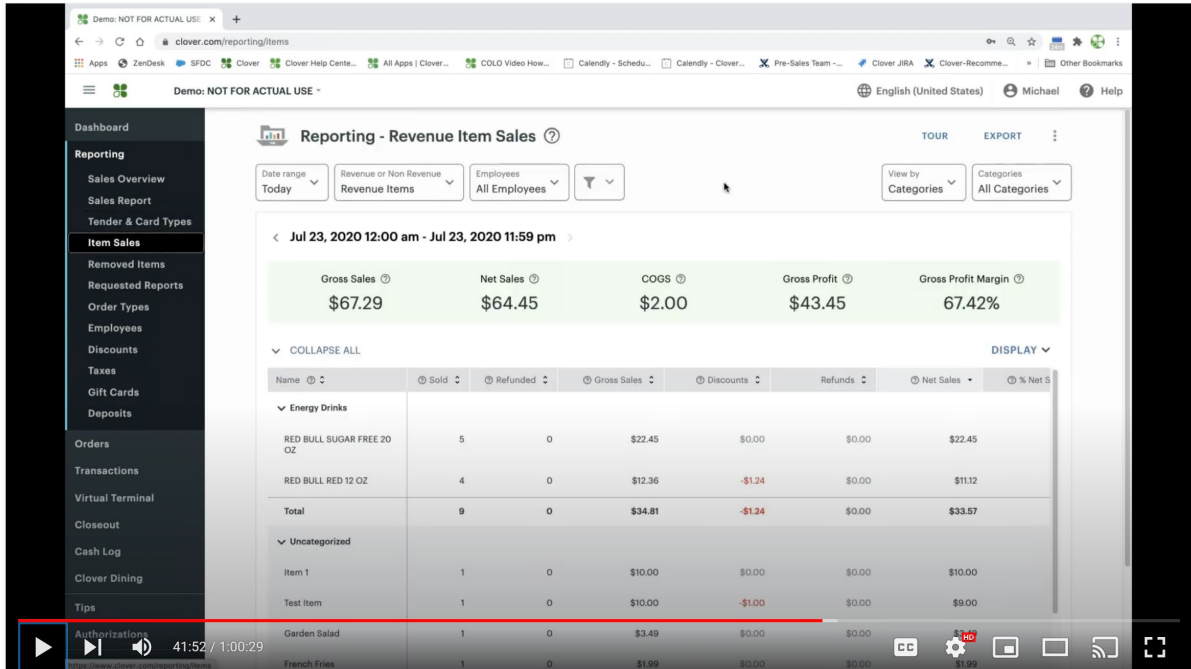


Clover Home Web Dashboard Overview - Demo of the Clover Point of Sale Dashboard

3,048 views • Nov 29, 2017

👍 1 🗨️ DISLIKE ➦ SHARE ⚙️ ⏪ ⏩ ⏸️

See also Ex. 18 Retail Webinar:

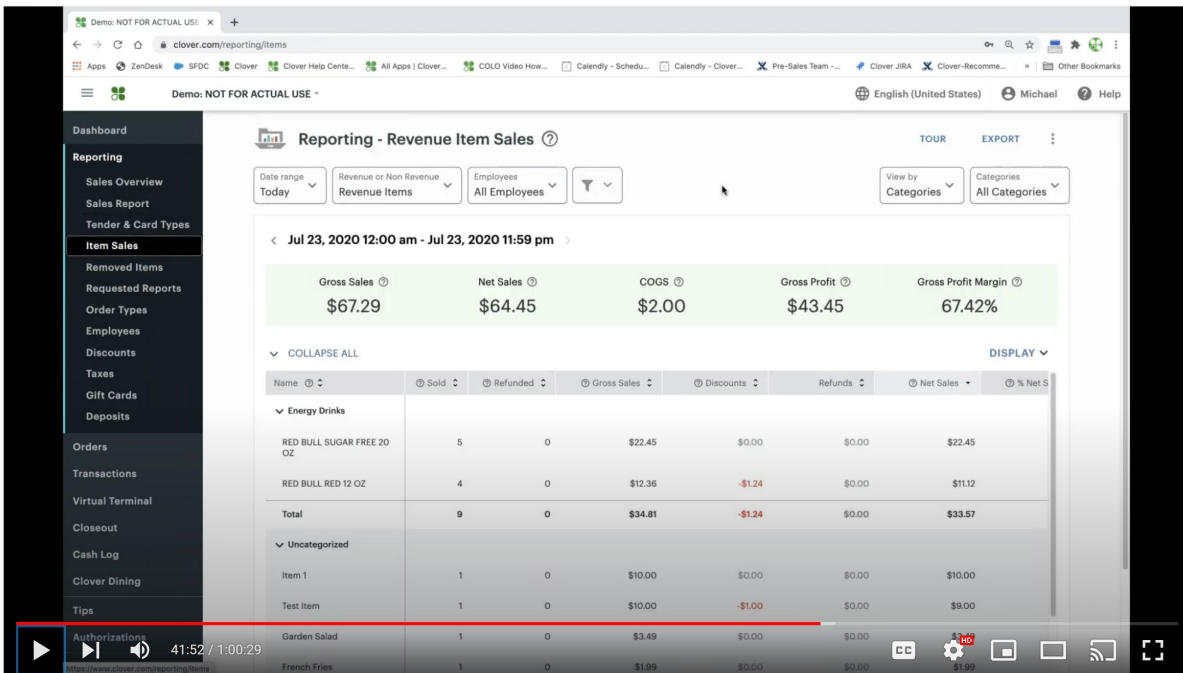


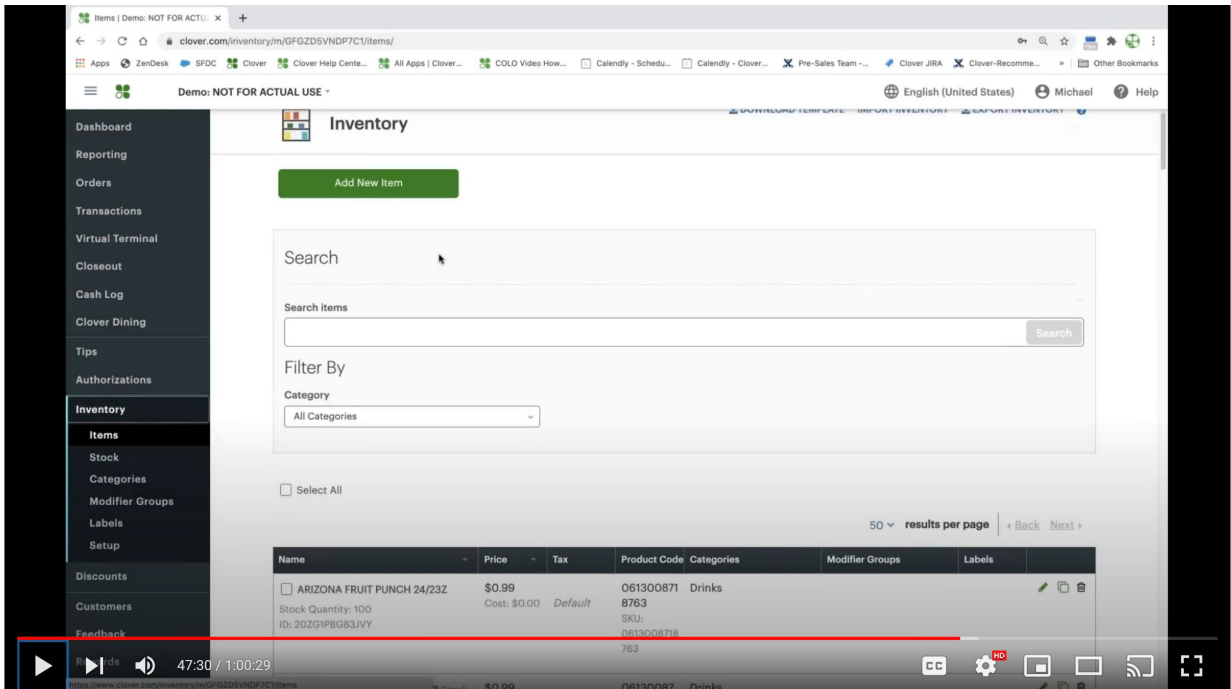
86. Clover has infringed and continues to infringe literally, directly or indirectly, or under the doctrine of equivalents, one or more claims, including at least Claim 1 of the '793 Patent by making, using, selling, offering to sell, and/or importing the following Accused Products, which include the “at least one server configured to configure the one or more POS terminals with the



information over the network to create or modify based on the further information regarding one or more POS transactions the one or more POS screens displayed on the one or more POS terminals”:

87. Clover POS includes the at least one server configured to configure the one or more POS terminals with the information over the network to create or modify based on the further information regarding one or more POS transactions the one or more POS screens displayed on the one or more POS terminals as illustrated in Ex. 18 Retail Webinar:





See also Ex. 31 Clover Station Brochure, p. 4:

## Professional-grade tools free you to focus on what matters.

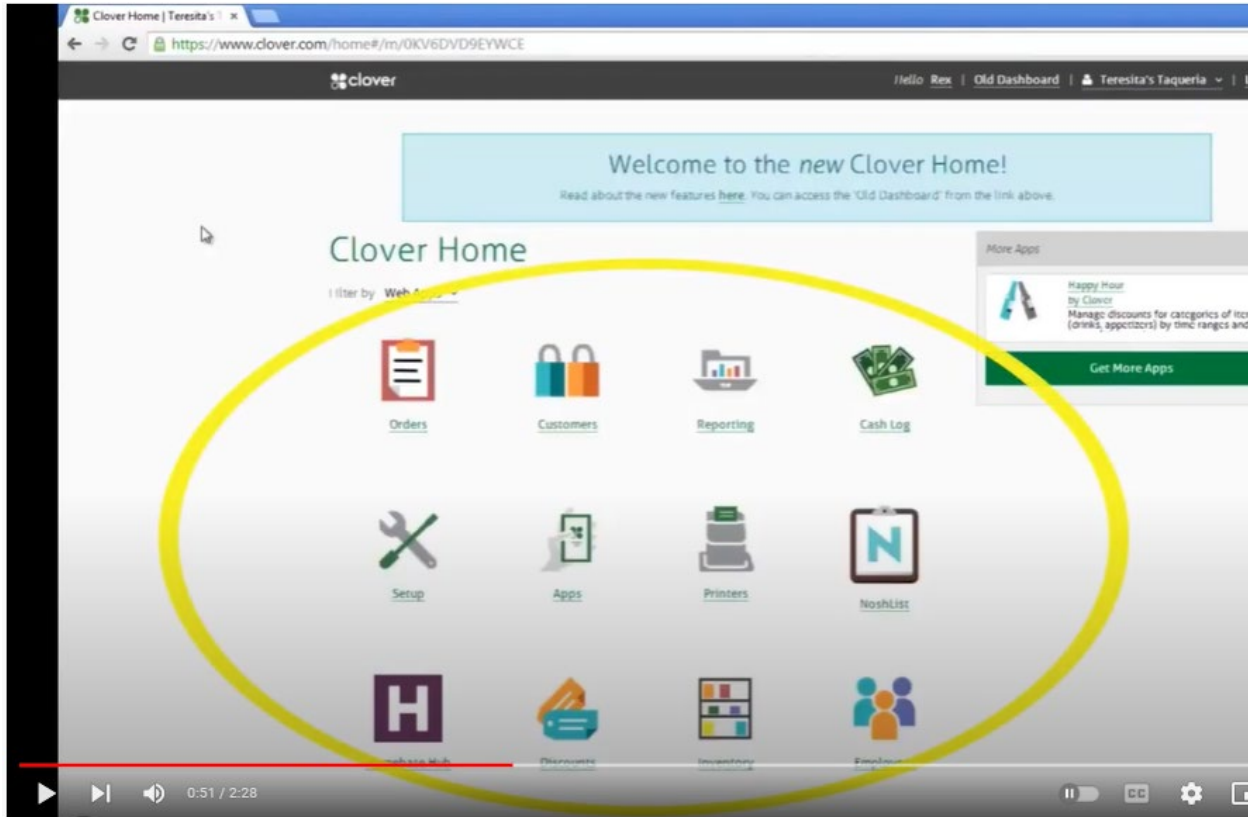
Clover™ Station arrives pre-loaded with everything you need to accept payments and run your business more efficiently. Its cloud-based software enables you to manage your inventory, track revenues, and generate reports—empowering you to see inside your operations and work smarter.



### PRODUCTIVITY AT THE POINT OF SALE.

With every sale, Clover Station automatically tracks inventory and builds a transaction record. And customers can opt-in to loyalty programs so that you can start building lasting relationships and drive repeat business.

See also Ex. 32:



Using the Clover Web Dashboard - For Clover Station, Mini, Mobile, Flex

3,057 views · Mar 20, 2018

3 DISLIKE SI

**Alternate Name**

Alternate item names are useful for employees who speak a different language. The system prints the alternate name you enter here on order receipts. To ask the system to show alternate names instead of item names, go to **Setup app > Order Receipts** and choose to **Use alternate inventory names**.

**Category Name**

Select each category you want to contain this item by clicking and choosing from the list.

**Cost**

Enter your wholesale cost for this item.

**Name**

Enter a unique name for this item within this inventory. Every item must have a name. You can enter up to 127 characters here, including letters, numbers, and spaces.

**Non-revenue item**

Check this box to identify this item as one that you sell for others. Examples of non-revenue items include passthrough sales on behalf of other vendors.

**Price**

Enter the price to charge the customer. If you plan to use variable pricing, leave this blank. In regions where value-added (VAT) taxes apply, enter a price for this item that includes the VAT tax.

**Labels**

Select your choice of labels for this item by clicking and choosing from the list.

**Modifier Groups**

Select your choice of modifier groups for this item by clicking and choosing from the list.

**Product Code**

Enter the universal product code (UPC) that identifies this item. On merchandise, this code is a string of numbers and letters that appears in a line of text below the barcode image.

**Show in Register**

Leave this box checked to show the item in the Register app. Uncheck it to hide the item. It's useful, for example, to hide seasonal items that are not available all year.

**SKU**

Enter the stock keeping unit (SKU) code you define.

**Stock Quantity**

Enter the number of this item now in stock. By default, Clover tracks stock quantities for you. You can switch this off by [adjusting stock quantity tracking](#).

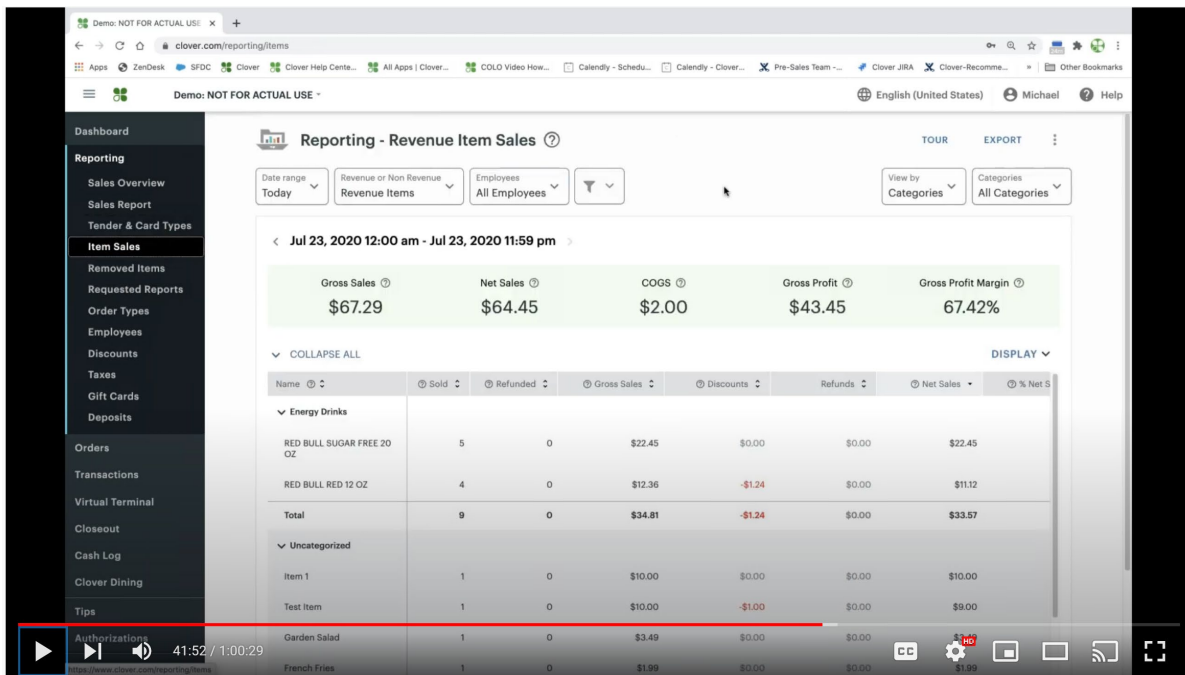
**Taxes**

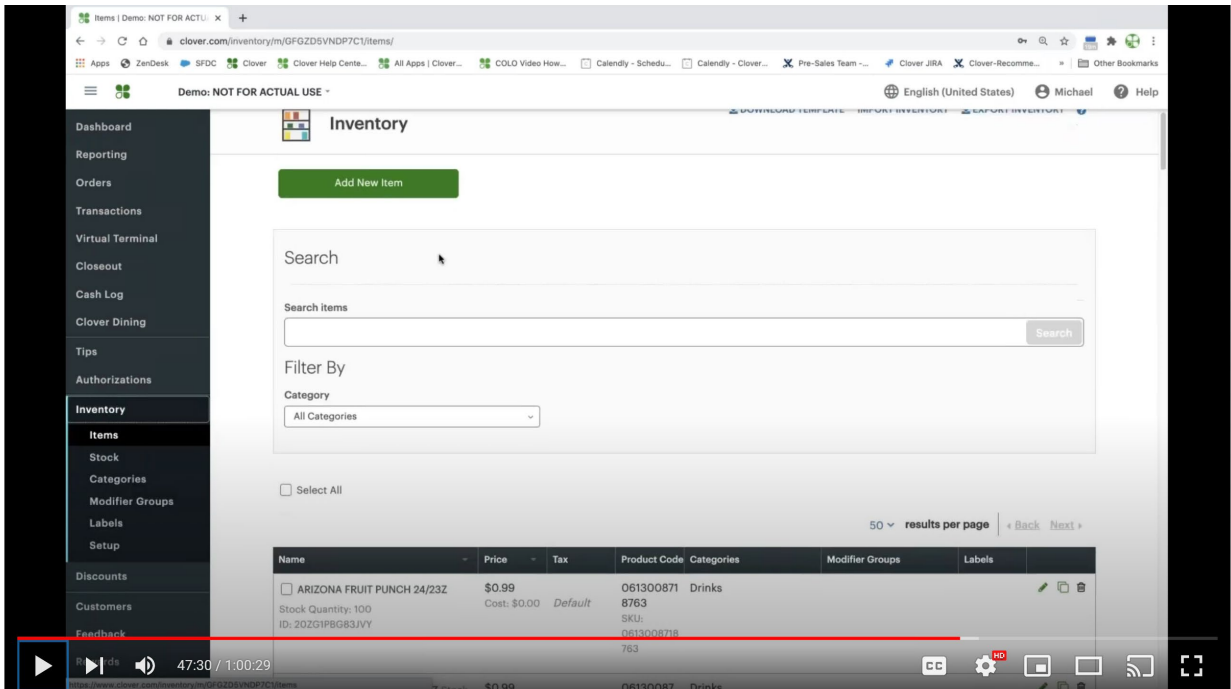
Select your choice of tax rates by checking the boxes. Only one default tax is allowed. Argentina merchants can add only one VAT or internal tax to an item.

88. Clover has infringed and continues to infringe literally, directly or indirectly, or under the doctrine of equivalents, one or more claims, including at least Claim 1 of the '793 Patent by making, using, selling, offering to sell, and/or importing the following Accused Products, which include functionality “wherein the further information regarding the one or more POS transactions, the information used for creating or modifying the one or more POS screens, or a combination thereof comprises one or more of employee clock information, customer add/update information,

item add/update information, promotion information, loyalty point information, discount information, taxation information, item cost information, or inventory information”:

89. Clover POS includes functionality wherein the further information regarding the one or more POS transactions, the information used for creating or modifying the one or more POS screens, or a combination thereof comprises one or more of employee clock information, customer add/update information, item add/update information, promotion information, loyalty point information, discount information, taxation information, item cost information, or inventory information as illustrated in Ex. 18 Retail Webinar:





See also Ex. 31 Clover Station Brochure, p. 4, 6:

## Professional-grade tools free you to focus on what matters.

Clover™ Station arrives pre-loaded with everything you need to accept payments and run your business more efficiently. Its cloud-based software enables you to manage your inventory, track revenues, and generate reports—empowering you to see inside your operations and work smarter.



### PRODUCTIVITY AT THE POINT OF SALE.

With every sale, Clover Station automatically tracks inventory and builds a transaction record. And customers can opt-in to loyalty programs so that you can start building lasting relationships and drive repeat business.

**UNLIMITED CUSTOMIZATION.  
INFINITE POSSIBILITIES.**

Explore the App Market and download apps designed for businesses just like yours. We're continually adding new apps for your every need, including:



Shifts



Perka



Discounts



Happy Hour



Tables



Insightics



Card  
Transactions



Orders



Customers

*See also* Ex. 33 Point of Sale Reporting and Sales Tracking, p. 6:

4/6/22, 1:09 PM

Point of Sale Reporting and Sales Tracking | Clover



### TRACK SALES IN REAL TIME

- **Your revenue, in 360**  
Keep track of total overall and hourly revenue, top-selling items, refund and discount volume, open orders, and more.
- **Sales across locations**  
Get aggregated sales across all your locations - including online and in-store.
- **Anywhere anytime access**  
See sales as they come in, wherever you are. Just pull up your dashboard on your mobile phone or laptop.

See also Ex. 34 POS Systems & Software pp. 8, 9

POS (Point of Sale) Systems & Software | Clover

BUSINESS TYPES ▾ RESOURCES ▾

View customer birthdays and order histories, and automatically generate profiles with contact info.

- **Capture feedback privately**  
Communicate with your customers privately and get feedback on their experience.
- **Reward them**  
Keep your customers coming back with loyalty programs that you can set up and manage directly through our customer engagement app.



POS (Point of Sale) Systems & Software | Clover

BUSINESS TYPES ▾ RESOURCES ▾

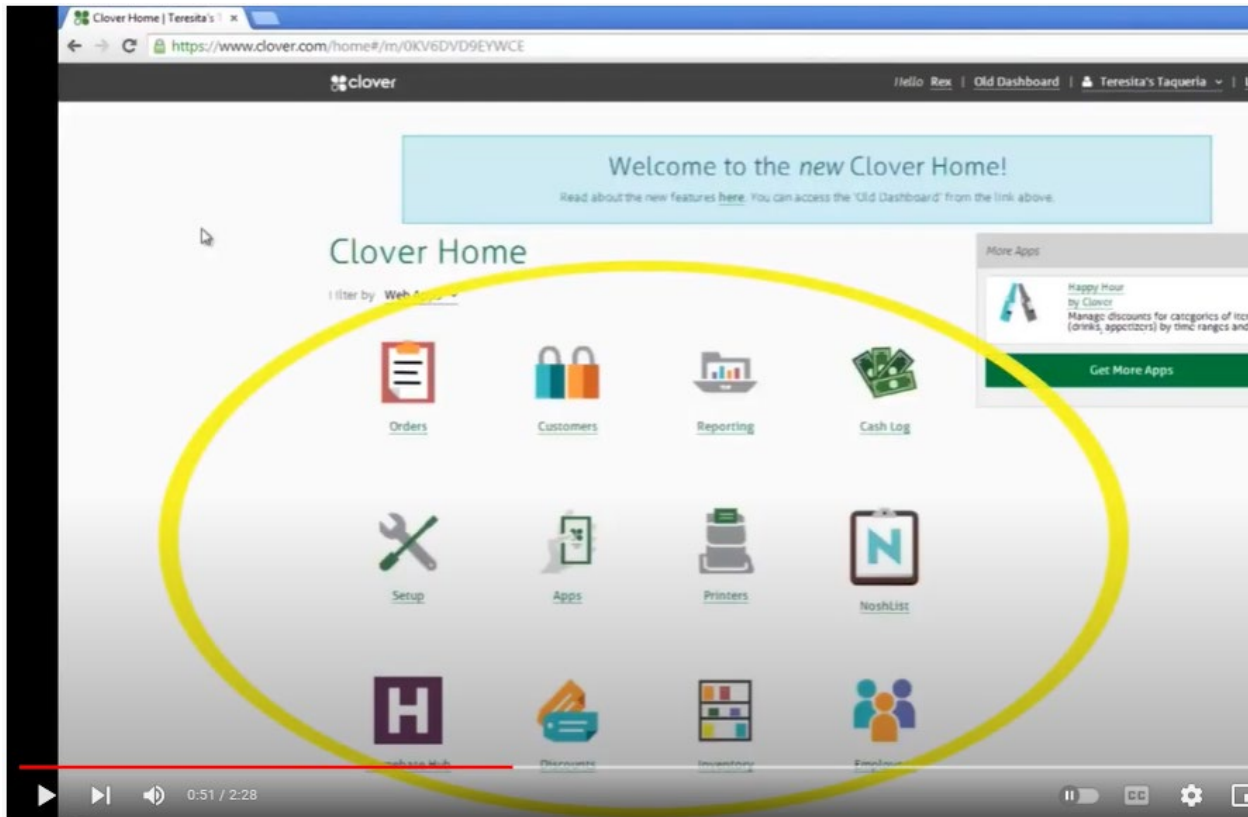
- No orders too complicated

Open tabs, split bills, and combine multiple orders easier.

- Drill down into the details

Ring up and track item level sales, discounts, taxes, and more.

See also Ex. 32:



Using the Clover Web Dashboard - For Clover Station, Mini, Mobile, Flex

3,057 views • Mar 20, 2018

3 DISLIKE SI

**Alternate Name**

Alternate item names are useful for employees who speak a different language. The system prints the alternate name you enter here on order receipts. To ask the system to show alternate names instead of item names, go to **Setup app > Order Receipts** and choose to **Use alternate inventory names**.

**Category Name**

Select each category you want to contain this item by clicking and choosing from the list.

**Cost**

Enter your wholesale cost for this item.

**Name**

Enter a unique name for this item within this inventory. Every item must have a name. You can enter up to 127 characters here, including letters, numbers, and spaces.

**Non-revenue item**

Check this box to identify this item as one that you sell for others. Examples of non-revenue items include passthrough sales on behalf of other vendors.

**Price**

Enter the price to charge the customer. If you plan to use variable pricing, leave this blank. In regions where value-added (VAT) taxes apply, enter a price for this item that includes the VAT tax.

**Labels**

Select your choice of labels for this item by clicking and choosing from the list.

**Modifier Groups**

Select your choice of modifier groups for this item by clicking and choosing from the list.

**Product Code**

Enter the universal product code (UPC) that identifies this item. On merchandise, this code is a string of numbers and letters that appears in a line of text below the barcode image.

**Show in Register**

Leave this box checked to show the item in the Register app. Uncheck it to hide the item. It's useful, for example, to hide seasonal items that are not available all year.

**SKU**

Enter the stock keeping unit (SKU) code you define.

**Stock Quantity**

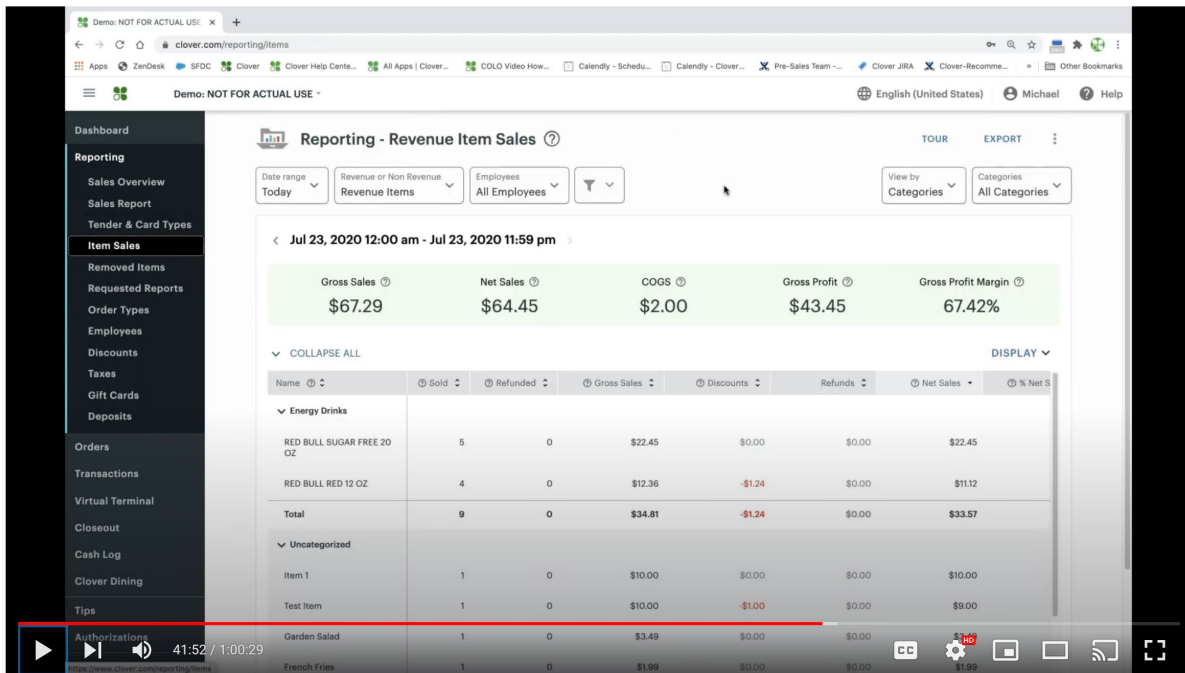
Enter the number of this item now in stock. By default, Clover tracks stock quantities for you. You can switch this off by [adjusting stock quantity tracking](#).

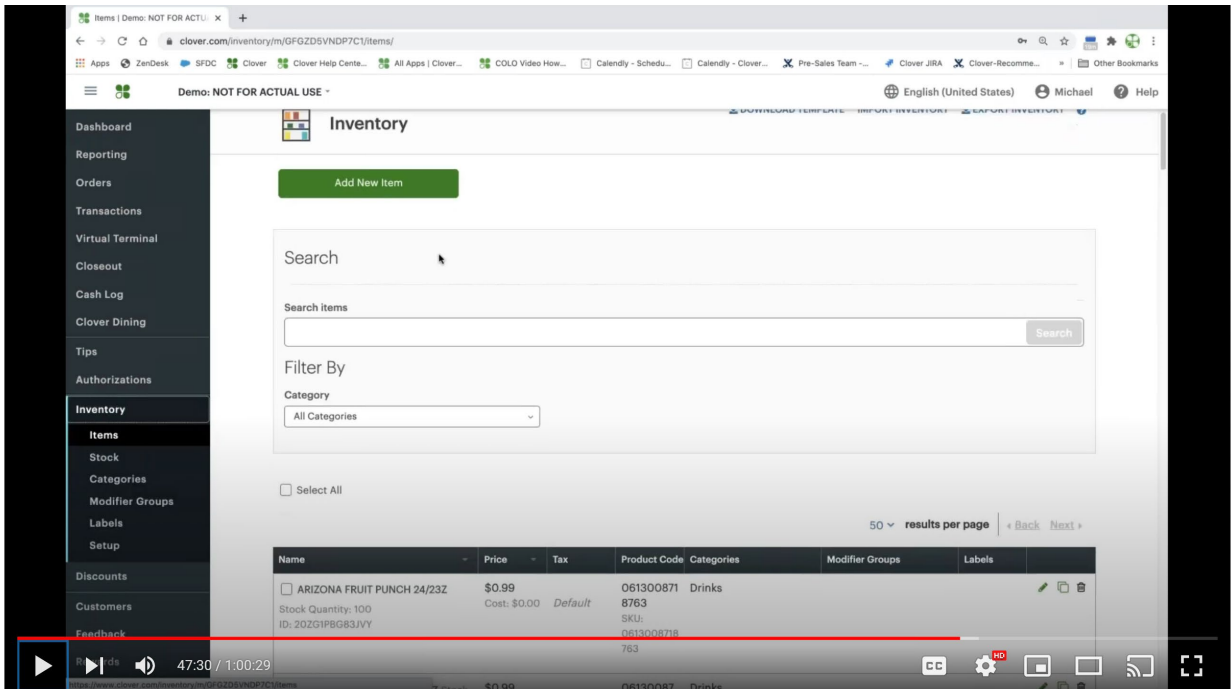
**Taxes**

Select your choice of tax rates by checking the boxes. Only one default tax is allowed. Argentina merchants can add only one VAT or internal tax to an item.

90. Clover has infringed and continues to infringe literally, directly or indirectly, or under the doctrine of equivalents, one or more claims, including at least Claim 1 of the '793 Patent by making, using, selling, offering to sell, and/or importing the following Accused Products, which include functionality “wherein said further information regarding the one or more POS transactions relate to one or more transactions by corresponding customers respectively associated with at least one of said one or more POS terminals”:

91. Clover POS includes functionality wherein said further information regarding the one or more POS transactions relate to one or more transactions by corresponding customers respectively associated with at least one of said one or more POS terminals as illustrated in Ex. 18 Retail Webinar:





See also Ex. 31 Clover Station Brochure, p. 4, 6

## Professional-grade tools free you to focus on what matters.

Clover™ Station arrives pre-loaded with everything you need to accept payments and run your business more efficiently. Its cloud-based software enables you to manage your inventory, track revenues, and generate reports—empowering you to see inside your operations and work smarter.



### PRODUCTIVITY AT THE POINT OF SALE.

With every sale, Clover Station automatically tracks inventory and builds a transaction record. And customers can opt-in to loyalty programs so that you can start building lasting relationships and drive repeat business.

**UNLIMITED CUSTOMIZATION.  
INFINITE POSSIBILITIES.**

Explore the App Market and download apps designed for businesses just like yours. We're continually adding new apps for your every need, including:



Shifts



Perka



Discounts



Happy Hour



Tables



Insightics



Card  
Transactions



Orders



Customers

*See also* Ex. 33 Point of Sale Reporting and Sales Tracking, p. 6:

4/6/22, 1:09 PM

Point of Sale Reporting and Sales Tracking | Clover



### TRACK SALES IN REAL TIME

- **Your revenue, in 360**  
Keep track of total overall and hourly revenue, top-selling items, refund and discount volume, open orders, and more.
- **Sales across locations**  
Get aggregated sales across all your locations - including online and in-store.
- **Anywhere anytime access**  
See sales as they come in, wherever you are. Just pull up your dashboard on your mobile phone or laptop.

See also Ex. 34 POS Systems & Software pp. 8, 9

POS (Point of Sale) Systems & Software | Clover

BUSINESS TYPES ▾ RESOURCES ▾

View customer birthdays and order histories, and automatically generate profiles with contact info.

- **Capture feedback privately**  
Communicate with your customers privately and get feedback on their experience.
- **Reward them**  
Keep your customers coming back with loyalty programs that you can set up and manage directly through our customer engagement app.

POS (Point of Sale) Systems & Software | Clover

BUSINESS TYPES ▾ RESOURCES ▾

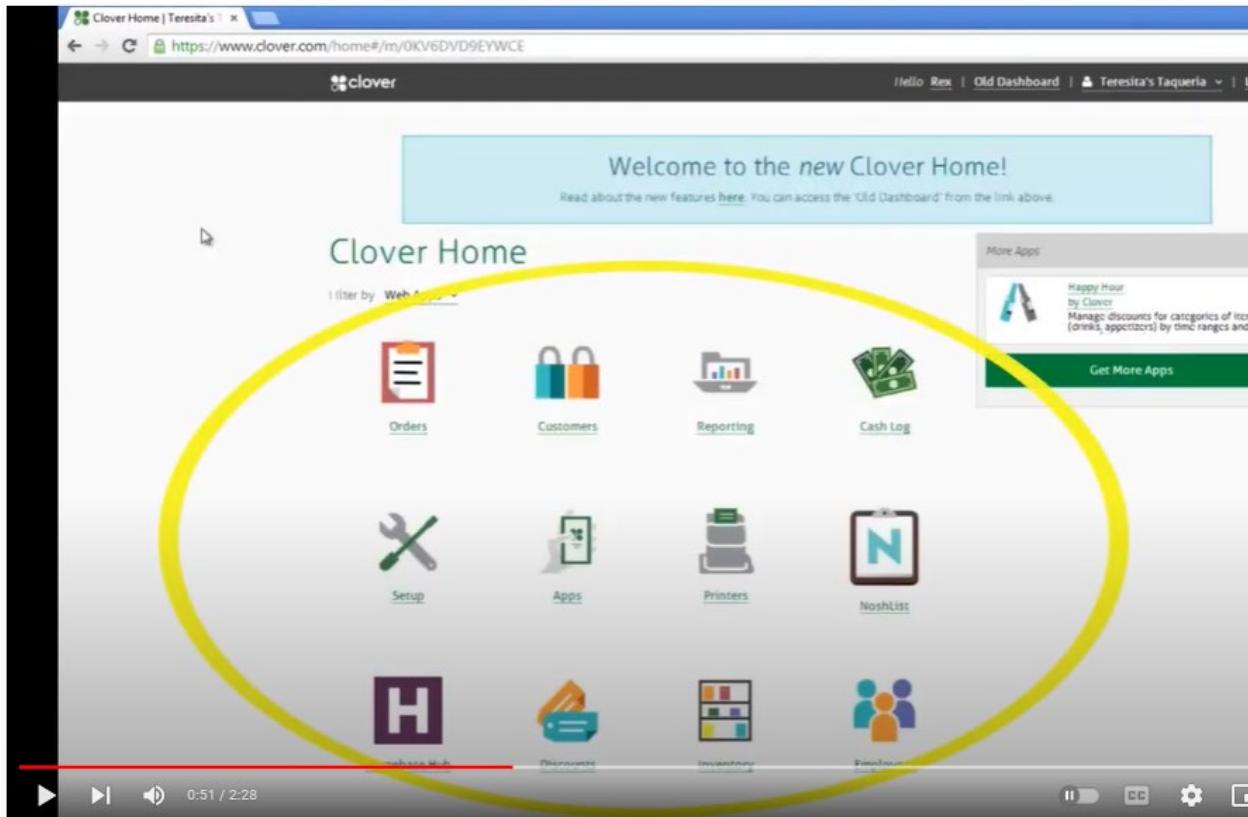
- No orders too complicated

Open tabs, split bills, and combine multiple orders easier.

- Drill down into the details

Ring up and track item level sales, discounts, taxes, and more.

See also Ex. 32:



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**JURY DEMAND**

Plaintiff hereby requests a trial by jury on issues so triable by right.

**PRAYER FOR RELIEF**

WHEREFORE, CloudfChange LLC respectfully requests the following relief:

A. Enter judgment that Clover Network, Inc. has willfully infringed the '640 Patent, the '012 Patent, the '793 Patent;

B. Enter an Order enjoining Clover Network, Inc., its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Clover Network, Inc., who receive notice of the order from further infringement of the '640 Patent, the '012 Patent, and the '793 Patent;

C. Award CloudfChange LLC damages in an amount sufficient to compensate it for Clover Network, Inc.'s infringement of the '640 Patent, the '012 Patent, and the '793 Patent including enhanced damages, together with pre-judgment and post-judgment interest and costs in accordance with 35 U.S.C. § 284;

D. Award CloudfChange LLC an accounting for acts of infringement not presented at trial and an award by the Court of additional damages for any such acts of infringement;

E. Declare this case to be "exceptional" under 35 U.S.C. § 285 and award CloudfChange LLC its attorneys' fees, expenses, and costs incurred in this action; and

F. Award CloudfChange such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: June 17, 2022

Respectfully submitted,

By: /s/ John A. Yates

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