

1 Peter Perkowski (SBN 199491)
peter@perkowskilegal.com
2 PERKOWSKI LEGAL, PC
515 S. Flower St., Suite 1800
3 Los Angeles, CA 90071
Tel: (213) 340-5796

4 RONALD M. DAIGNAULT*
(*pro hac vice* to be filed)
rdaignault@daignaultiyer.com
6 CHANDRAN B. IYER
(*pro hac vice* to be filed)
7 cbiyer@daignaultiyer.com
DAIGNAULT IYER LLP
8 8618 Westwood Center Drive,
Suite 150
9 Vienna, VA 22182
Phone: (917) 838-9795

10 Attorneys for Plaintiff
11 DKR CONSULTING, LLC

12
13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 DKR CONSULTING LLC,
16 *Plaintiff,*

17 v.

18 SHOPIFY, INC.,
19 *Defendant.*

Case No. 2:23-cv-6904

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

20
21 Plaintiff DKR Consulting, LLC (“DKR”) files this Complaint against
22 Shopify, Inc. (“Shopify”) for patent infringement of United States Patent
23 No. 10,846,785, No. 11,157,995, No. 11,455,678, and No. 11,488,237
24 (collectively the “patents-in-suit”) and alleges as follows:

25 **JURISDICTION**

26 1. This action arises under the patent laws of the United States, 35
27 U.S.C. §§ 1 *et seq.* This Court therefore has subject matter jurisdiction under
28 28 U.S.C. § 1331 (federal question) and § 1338(a) (patents).

1 **THE PARTIES**

2 2. Plaintiff DKR is a limited liability company organized under the
3 laws of the State of North Carolina with its principal place of business at
4 1101 Granville Road, Charlotte, North Carolina.

5 3. Plaintiff's principal, Mr. David K. Robb ("Mr. Robb") was the
6 CEO/Owner of DIY Media, Inc., which previously owned the patents-in-
7 suit.

8 4. DIY Media, Inc. had a business relationship with the Defendant,
9 which among other things included having DIY Media's Shoppost platform
10 integrated with Shopify's platform for a period of time.

11 5. On information and belief, Defendant Shopify is a Canadian
12 company with a principal address at 150 Elgin Street, 8th Floor, Ottawa, ON
13 K2P 1L4, Canada.

14 **PERSONAL JURISDICTION AND VENUE**

15 6. On information and belief, Shopify is subject to this Court's
16 personal jurisdiction, in accordance with due process and/or the California
17 Long Arm Statute because, in part, Shopify has committed, and continues to
18 commit, acts of infringement in the State of California, has conducted
19 business in the State of California, and/or has engaged in continuous and
20 systemic activities in the State of California.

21 7. On information and belief, Shopify makes, uses, offers to sell, or
22 sells a variety of products and services that rely, utilize, and/or employ in
23 whole or in part functionality relating to an e-commerce store including
24 without limitation, Shopify's E-commerce app, products and services
25 incorporating in whole or in part Shopify's Admin API,¹ products and
26 services incorporating in whole or in part Shopify's Storefront API,²

27 _____
28 ¹ See e.g., <https://shopify.dev/api/admin>.

² See e.g., <https://shopify.dev/api/storefront>.

1 products and services incorporating in whole or in part Shopify's Partner
2 API,³ products and services incorporating in whole or in part Shopify's
3 Payment Apps API,⁴ products and services incorporating in whole or in
4 part Shopify's Marketplaces API,⁵ Shopify's Buy-Button,⁶ Shop Pay,⁷ among
5 other Shopify products and service offerings that operate in a substantially
6 similar manner to the above referenced examples (hereinafter referred to
7 collectively and individually as the "Shopify e-commerce Products and
8 Services".)

9 8. On information and belief, the accused Shopify e-commerce
10 Products and Services infringe one or more claims of each of the patents-in
11 suit.

12 9. This Court has personal jurisdiction over Shopify because it
13 committed and continues to commit acts of infringement in this judicial
14 district in violation of 35 U.S.C. § 271(a) and (b). In particular, on
15 information and belief, Shopify has made, used, offered to sell and/or sold
16 infringing products, services and/or systems in this judicial district,
17 including the accused Shopify e-commerce Products and Services.

18 10. On information and belief, Shopify is subject to the Court's
19 jurisdiction because it regularly conducts and solicits business, or otherwise
20 engages in a persistent courses of conduct in this district, and/or derives
21 substantial revenue from the sale and distribution of goods and services
22 provided to individuals and businesses in this district.

23 11. This Court has personal jurisdiction over Shopify because, on
24 information and belief, Shopify: (1) has committed acts of patent
25

26 ³ See e.g., <https://shopify.dev/api/partner>.

27 ⁴ See e.g., <https://shopify.dev/api/payments-apps>.

28 ⁵ See e.g., <https://shopify.dev/api/marketplaces>.

⁶ See e.g., <https://www.shopify.com/buy-button>.

⁷ See e.g., <https://shop.app/shop-pay>.

1 infringement in this judicial district, (2) has substantial, continuous, and
 2 systematic contacts with this State and this judicial district; (3) owns,
 3 manages, and operates facilities in this State and this judicial district;
 4 (4) enjoys substantial income from its operations and sales in this State and
 5 this judicial district; (5) employs California residents in this State, and
 6 (6) solicits business and markets products, systems and/or services in this
 7 State and judicial district including, without limitation, the infringing
 8 Shopify e-commerce Products and Services.

9 12. Venue is also proper pursuant to 28 U.S.C. § 1391(b), (c)(3), or
 10 (d) and/or 28 U.S.C. § 1400(b) and the Federal Circuit's decision in *In re*
 11 *Monolithic Power Sys.*, 50 F.4th 157 (Fed. Cir. 2022), at least because, upon
 12 information and belief, Shopify has multiple employees based out of this
 13 district (see screenshot below of a search conducted on LinkedIn).



14
 15 **Talia N.** • 3rd+
 Associate General Counsel at Shopify
 Los Angeles Metropolitan Area


Message



16
 17 **Kelsey Trontz** • 3rd+
 Associate General Counsel, Regulatory at Shopify
 United States

Message



18
 19 **Jonathan Chen** • 3rd+ 
 VP, Product Acceleration at Shopify
 Los Angeles, CA

Message

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 21
 22 13. Venue is proper also because Shopify has transacted business in
 23 this district and has directly committed acts of patent infringement in this
 24 district, and because Shopify is a foreign corporation not residing in a
 25 United States judicial district, and, therefore, may be sued in any judicial
 26 district in accordance with 28 U.S.C. § 1391(c)(3).
 27
 28

SHOPIFY’S WILLFUL INFRINGEMENT

1
2 14. Before and/or during development of the infringing Shopify
3 technologies, (a) Shopify was in possession of DIY Media’s confidential
4 technical information, which is the subject of the patents-in-suit and (b) on
5 information and belief, Shopify had knowledge of DIY Media’s pending
6 patent applications and the asserted patents as they were issued.

7 15. Shopify obtained DIY Media’s confidential technical
8 information through meetings/discussions with DIY Media when the
9 parties were discussing potential technical and business collaborations from
10 around 2011 to 2015.

11 16. Meetings to discuss the ways to integrate Shopify with
12 Shoppost were conducted starting in or around 2011.

13 17. The parties met at SxSW in Austin in 2013 to further discuss the
14 potential relationship between the companies, as well as features for
15 upcoming releases.

16 18. The patent applications that were filed at the time DIY Media
17 and Shopify were having discussions, as well as their progeny, are the
18 patents-in-suit.

19 19. A Shopify/Shoppost partnership began in March 2014, and this
20 was Shopify’s first integration partner within an e-Commerce platform
21 ecosystem.

22 20. From July 9, 2014, to July 19, 2014, DIY Media’s Shoppost app
23 was promoted by Shopify and placed on the homepage of their app store.

24 21. In late 2016, Shopify created a feature that exactly mirrored the
25 functionality of Shoppost, knowing that this was DIY Media’s patented
26 technology.

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THE ASSERTED PATENTS

United States Patent No. 11,455,678

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3 22. On September 27, 2022, the United States Patent and Trademark
4 Office (“USPTO”) duly and legally issued United States Patent
5 No. 11,455,678 (“the ‘678 patent”) entitled “System and Method for
6 Distributable E-Commerce Product Listings” to inventors David Robb,
7 Grant Neerings, Cameron Patterson, Joseph Rodriguez, Quinton Richard
8 Harris, and Benjamin Cook.

9 23. The ‘678 patent is presumed valid under 35 U.S.C. § 282.

10 24. DKR owns all rights, title, and interest in the ‘678 patent.

11 25. DKR has not granted Shopify a license to the rights under the
12 ‘678 patent.

13 26. In the background section, the ‘678 patent notes that
14 “consumers are using the Internet to purchase electronic content such as
15 information products, music or to gain access to web sites that provide
16 news or entertainment stories.” The patent further recognizes that, at the
17 same time, “the Internet is being used to engage in a wide variety of social
18 networking between and among different individuals and online
19 communities.” *See* ‘678 patent at col. 1, ll. 25-45.

20 27. The patent refers to this trend as the viral distribution of content
21 with recommendations and referrals. *See id.* at col. 1, ll. 45-50.

22 28. The patent observed that at the time of the invention, viral
23 distribution of content focused on the use of electronic mail and there was a
24 need for “enhanced capabilities to distribute content in a more immediate
25 and engaging manner.”

26 29. The patent identified web widgets as a way to address the need
27 but decried the limited functionality of current web widgets. *Id.* at col. 2,
28 ll. 1-6.

1 30. For this reason, the patent noted that “there is a significant and
2 rapidly growing need for web widgets with enhanced capabilities that will
3 enable content owners to more effectively use viral distribution of
4 multimedia content and to exploit social media marketing trends to engage
5 in purchase transactions and other forms of electronic commerce directly
6 with current and prospective customers from web widgets over the Internet
7 and over the rapidly growing number of mobile networks and associated
8 mobile devices.” *Id.* at col. 2, ll. 7-17.

9 31. The claimed invention(s) of the '678 patent sought to solve
10 problems with, and improve upon, existing web widgets. For example, the
11 '678 patent states:

12 Notwithstanding their useful role in these types of applications,
13 current web widgets are not used as self-contained electronic
14 commerce platforms. Yet, there is a significant and rapidly
15 growing need for web widgets with enhanced capabilities that
16 will enable content owners to more effectively use viral
17 distribution of multimedia content and to exploit social media
18 marketing trends to engage in purchase transactions and other
19 forms of electronic commerce directly with current and
20 prospective customers from web widgets over the Internet and
21 over the rapidly growing number of mobile networks and
22 associated mobile devices.

23 See '678 patent at col. 2, ll. 7-18.

24 32. Accordingly, the '678 patent describes, among other things, the
25 creation, distribution, and use of an enhanced web widget to provide
26 multimedia content over a computer network.

27 33. The '678 patent describes as one implementation, among other
28 things, configuring the enhanced widget as an embeddable buy button to
complete a commercial transaction in an e-commerce store.

 34. The specification of the '678 patent and the invention(s) claimed
in the patent detail and solve *inter alia* various technological problems
inherent in the distribution of multimedia content over a computer
communications network by creating an enhanced widget that (1) allowed

1 for buying items over the Internet, (2) could be transported, shared or
2 embedded on essentially any social media platform, (3) allowed for
3 retrieval of content, (4) contained a transaction processing component
4 operative to execute and complete a commercial transaction in the
5 embedded electronic commerce store pertaining to the multimedia content
6 files, and (5) allowed merchants to track purchases as it generated a unique
7 URL every time it was shared.

8 **United States Patent No. 10,846,785**

9 35. On November 24, 2020, the USPTO duly and legally issued
10 United States Patent No. 10,846,785 (“the ‘785 patent”) entitled “System and
11 Method for Generating and Distributing Embeddable Buy Buttons” to
12 inventors David Robb, Grant Neerings, Cameron Patterson, Joseph
13 Rodriguez, Quinton Richard Harris, and Benjamin Cook.

14 36. The ‘785 patent is presumed valid under 35 U.S.C. § 282.

15 37. DKR owns all rights, title, and interest in the ‘785 patent.

16 38. DKR has not granted Shopify a license to the rights under the
17 ‘785 patent.

18 39. The ‘785 patent relates to, among other things, an embeddable
19 buy button to complete a commercial transaction in an e-commerce store.

20 40. The invention(s) claimed in the ‘785 patent is a continuation of
21 the ‘678 patent and solves the same technological challenges as the ‘678
22 patent.

23 **United States Patent No. 11,157,995**

24 41. On October 26, 2021, the USPTO duly and legally issued United
25 States Patent No. 11,157,995 (“the ‘995 patent”) entitled “System and
26 Method for Generating and Distributing Embeddable Electronic Commerce
27 Stores” to inventors David Robb, Grant Neerings, Cameron Patterson,
28 Joseph Rodrigues, Quinton Richard Harris, and Benjamin Cook.

1 42. The '995 patent is presumed valid under 35 U.S.C. § 282.

2 43. DKR owns all rights, title, and interest in the '995 patent.

3 44. DKR has not granted Shopify a license to the rights under the
4 '995 patent.

5 45. The '995 patent relates to, among other things, generating an
6 embeddable electronic commerce store.

7 46. The invention(s) claimed in the '995 patent is a continuation of
8 the '678 patent and solves the same technological challenges as the '678
9 patent.

10 **United States Patent No. 11,488,237**

11 47. On November 1, 2022, the USPTO duly and legally issued
12 United States Patent No. 11,488,237 ("the '237 patent") entitled "System and
13 Method for Facilitating Social Shopping" to inventors David Robb, Grant
14 Neerings, Cameron Patterson, Joseph Rodriguez, Quinton Richard Harris,
15 and Benjamin Cook.

16 48. The '237 patent is presumed valid under 35 U.S.C. § 282.

17 49. DKR owns all rights, title, and interest in the '237 patent.

18 50. DKR has not granted Shopify a license to the rights under the
19 '237 patent.

20 51. The '237 patent relates to, among other things, a portable web
21 widget for distribution of e-commerce content.

22 52. The invention(s) claimed in the '237 patent is a continuation of
23 the '678 patent and solves the same technological challenges as the '678
24 patent.

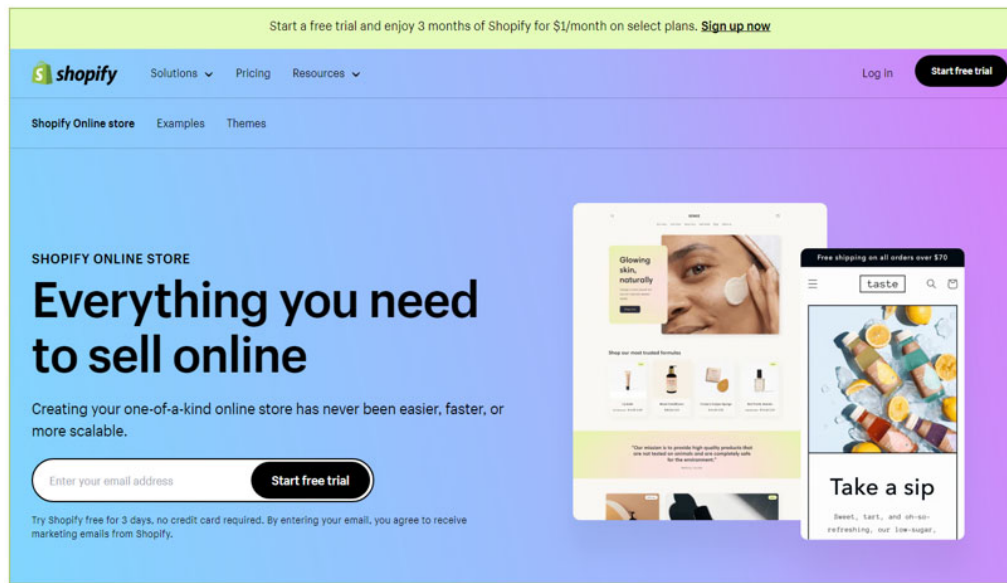
25 **CLAIMS FOR RELIEF**

26 **Count I Infringement of United States Patent No. 11,455,678**

27 53. DKR realleges and incorporates by reference, as if fully set forth
28 here, the allegations of the preceding paragraphs above.

1 54. On information and belief, Shopify infringes (literally and/or
2 under the doctrine of equivalents) at least claim 1 of the '678 patent because
3 it makes, uses, sells, imports and/or offers to sell the Shopify e-commerce
4 Products and Services in the United States.

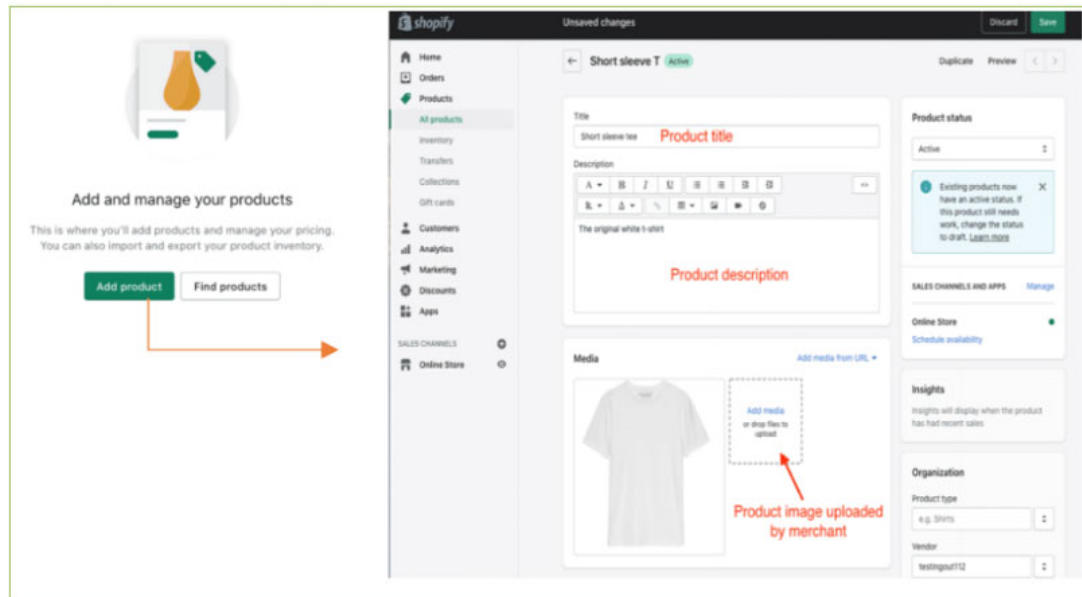
5 55. On information and belief, the Shopify e-commerce Products
6 and Services employ and provide a system for distributing multimedia
7 content over a network comprising a server configured to control a
8 transaction processing service.



19 See e.g., <https://www.shopify.com/online>.

20 56. On information and belief, the Shopify e-commerce Products
21 and Services employ and provide a system for distributing multimedia
22 content over a network comprising a storage resource communicatively
23 coupled to the server and configured to store an item, wherein the item
24 comprises an identifier, multimedia content, and metadata.

25 ///



See e.g., adding images, descriptions and metadata for each product.

57. On information and belief, the Shopify e-commerce Products and Services employ and provide a system where the server is configured to receive the item from the storage resource.

Setting up your online store

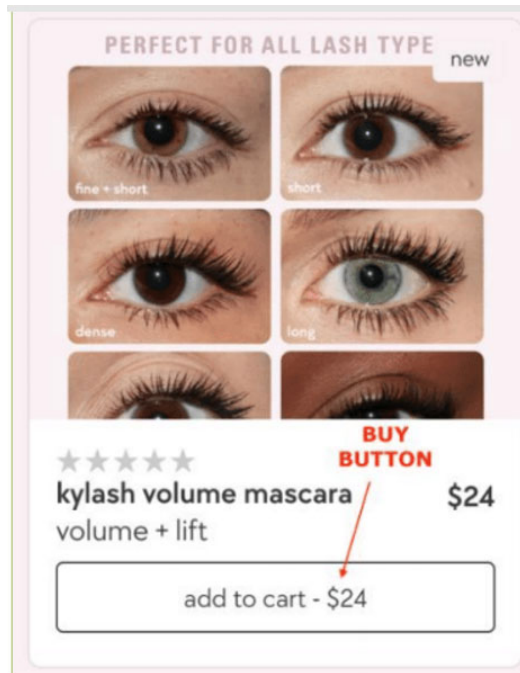
After you've [set up Shopify](#), most of the work is done.

- Your online store will automatically use your Shopify settings for checkout and order fulfillment.
- Your products will automatically appear on your online store.
- Your online store is automatically assigned a unique `.myshopify.com` domain name, or website address. Your domain name looks like `your-store-name.myshopify.com` and it's based on either the store name that you entered when you signed up or the domain name that was autogenerated if you did not enter a store name at that time. You can change your `.myshopify.com` domain name one time after you sign up for Shopify. [Learn more about changing your .myshopify.com domain name.](#)

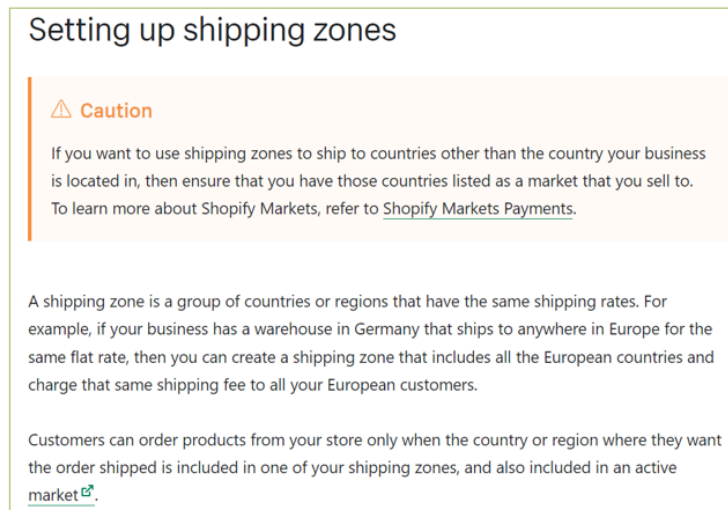
See e.g., <https://help.shopify.com/en/manual/online-store/setting-up#customize-and-launch-your-online-store>.

58. On information and belief, the Shopify e-commerce Products and Services employ and provide a system to execute a widget builder resource configured to generate a product listing, wherein the product

1 listing includes information associated with the item, a marketplace rule,
2 and a clickable buy button.



15 See e.g., of Kylie Cosmetics, powered by Shopify,
16 <https://kyliecosmetics.com/>.



26 See e.g., [https://help.shopify.com/en/manual/shipping/setting-up-and-](https://help.shopify.com/en/manual/shipping/setting-up-and-managing-your-shipping/setting-up-shipping-zones)
27 [managing-your-shipping/setting-up-shipping-zones.](https://help.shopify.com/en/manual/shipping/setting-up-and-managing-your-shipping/setting-up-shipping-zones)

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Discounts

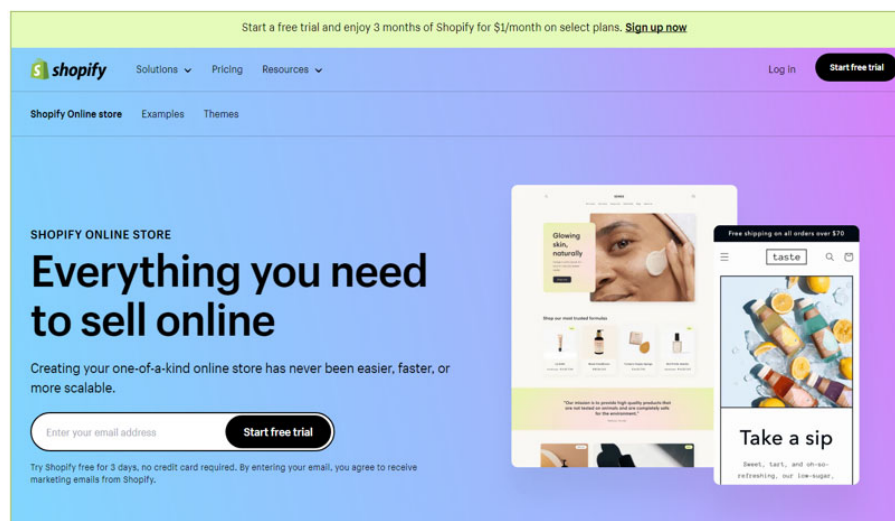
Offering discounts can be a marketing strategy that you use to drive sales in your Shopify store. To offer discounts, you can create discount codes, set up automatic discounts, or set sale prices for individual products.

You can create codes for a dollar value discount, a percentage discount, a buy X get Y discount, or a free shipping discount. Customers can enter discount codes online at checkout, or in person if you're using [Shopify POS](#).

You can update and manage existing discounts from the **Discounts** page in Shopify. Before you update a discount, check if another staff member might also be making changes to the same discount.

See e.g., <https://help.shopify.com/en/manual/discounts>.

59. On information and belief, the Shopify e-commerce Products and Services employ and provide a system to distribute the product listing to a web site or a distributed application, wherein the product listing is configured to be displayed on the web site or the distributed application based on a marketplace rule.



See e.g., <https://www.shopify.com/online>.

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Sales channels

You can use Shopify to sell your products on different online **sales channels**. Sales channels represent the different platforms where you sell your products. By connecting each sales channel to Shopify, you can keep track of your products, orders, and customers in one place.

After you add a sales channel, it will be listed under **Sales Channels** in Shopify.

Facebook

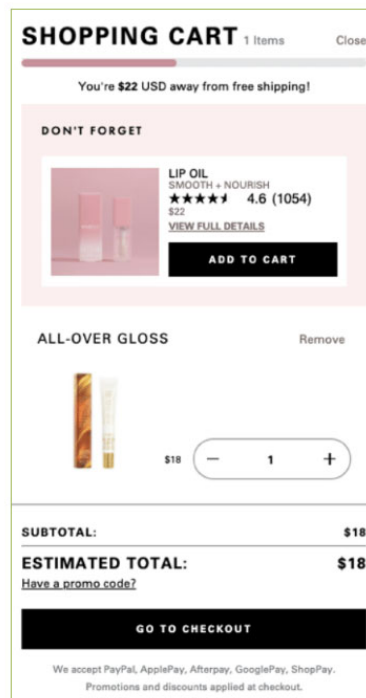
Post and sell your products directly from the **Shop** tab on your store's Facebook page.

Instagram

Sell your products on Instagram by tagging them when they appear in your Instagram posts.

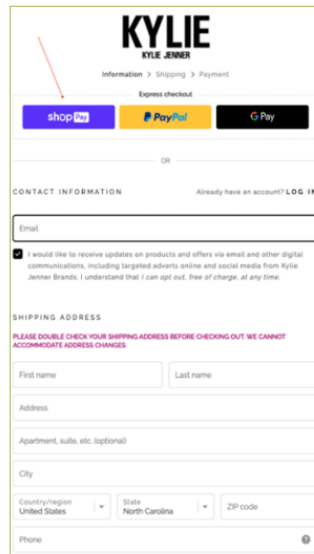
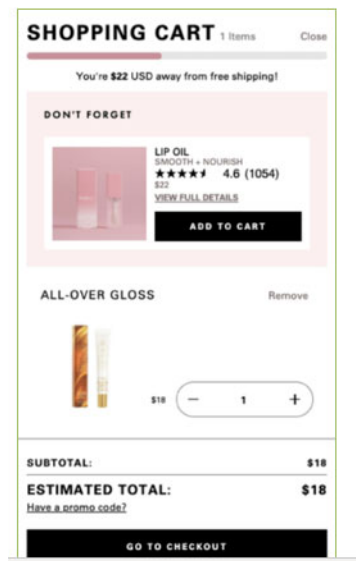
See e.g., <https://help.shopify.com/en/manual/online-sales-channels>.

60. On information and belief, the Shopify e-commerce Products and Services employ and provide a system to receive an indication that the clickable buy button has been selected by a remote computing device.



1 See, e.g., screenshots from Kylie Cosmetics' Instagram store, powered by
2 Shopify.

3 61. On information and belief, the Shopify e-commerce Products
4 and Services employ and provide a system to provide a checkout screen to
5 the remote computing device, wherein the transaction processing service is
6 configured to process a payment for a purchase of a product associated
7 with the product listing, the purchase initiated from the checkout screen
8 using the remote computing device.



1 See e.g., screenshots from Kylie Cosmetics' Instagram store, where items are
2 purchased through ShopPay, both of which are powered by Shopify.

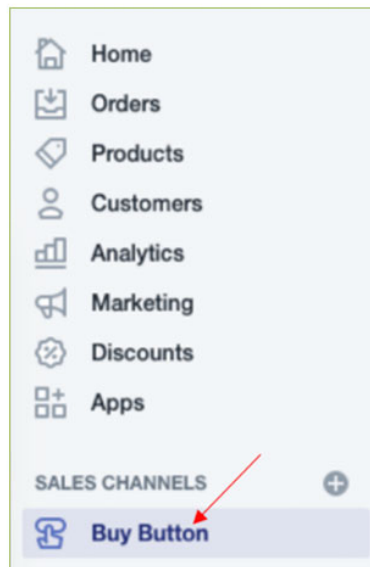
3 62. Shopify's direct infringement has damaged DKR and caused it
4 to suffer and continue to suffer irreparable harm and damages.

5 **Count II - Infringement of United States Patent No. 10,846,785**

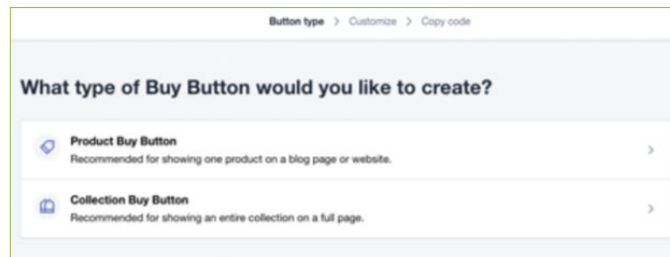
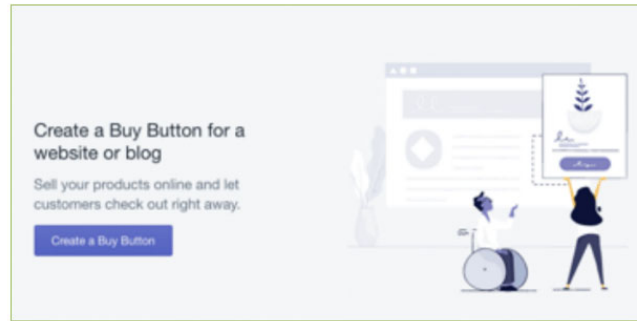
6 63. DKR realleges, and incorporates by reference, as if fully set forth
7 here, the allegations of the preceding paragraphs above.

8 64. On information and belief, Shopify infringe (literally and/or
9 under the doctrine of equivalents) at least claim 1 of the '785 patent because
10 it makes, uses, sells, imports and/or offers to sell the Shopify e-commerce
11 Products and Services in the United States.

12 65. On information and belief, the Shopify e-commerce Products
13 and Services employ and provide a method for embedding a buy button for
14 an electronic commerce store.

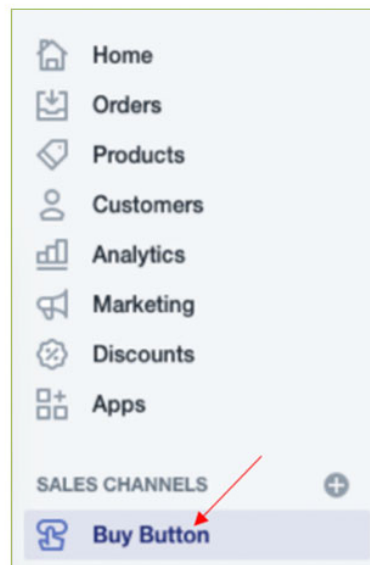


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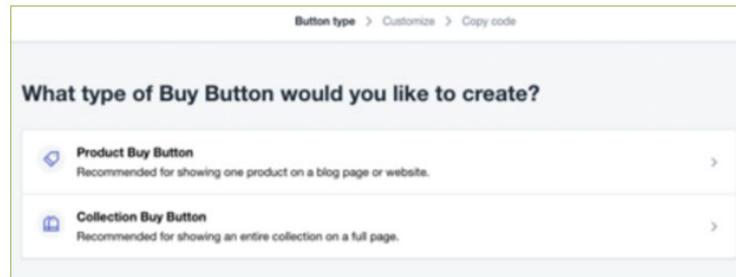
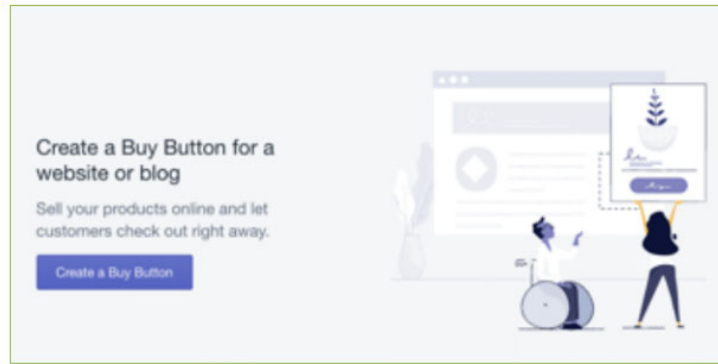


See e.g., <https://www.shopify.com/buy-button>.

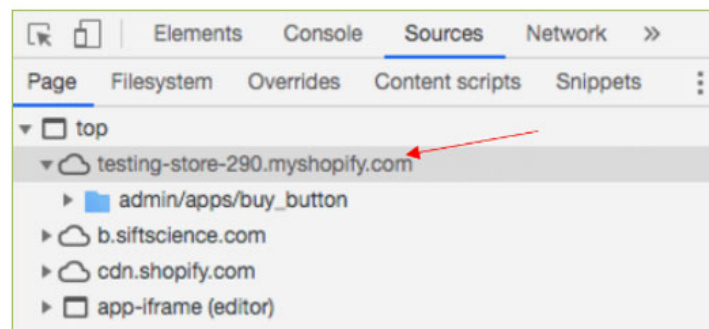
66. On information and belief, the Shopify e-commerce Products and Services employ and provide a method that comprises receiving, by an embeddable buy button builder execution on a first server operated by a buy button provider, a selection of an item from an item inventory and a representation of the item, wherein the item is to be listed for sale on the electronic commerce store.



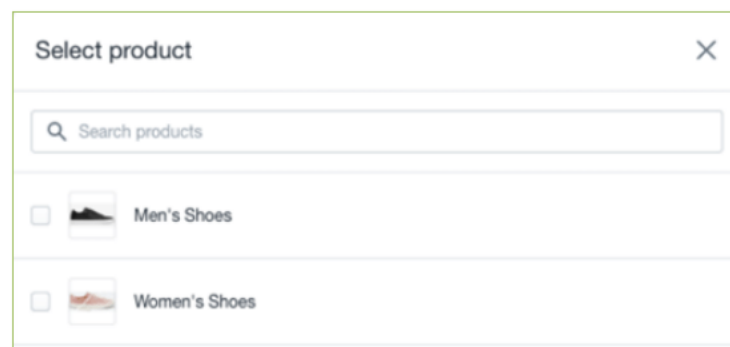
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See e.g., <https://www.shopify.com/buy-button>.

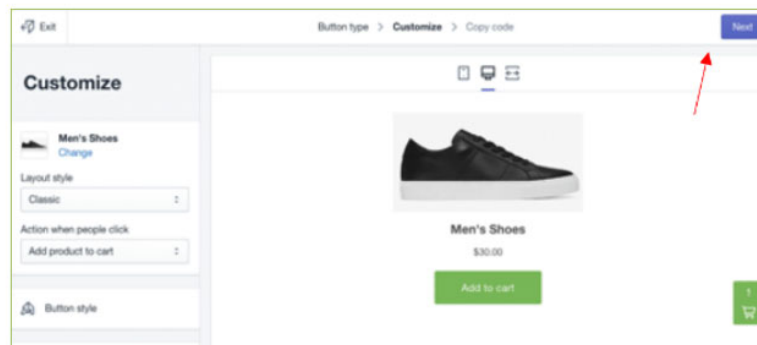
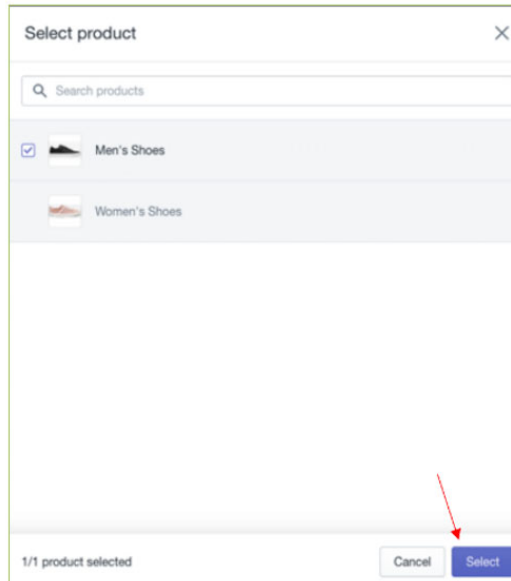


See e.g., server information from a source code inspector tool while accessing the Shopify Buy button builder.



See e.g., inventory selection of an item from the Shopify Product Buy Button.

1 67. On information and belief, the Shopify e-commerce Products
2 and Services employ and provide a method that generates, by the first
3 server, the embeddable buy button, wherein the embeddable buy button is
4 configured to display the representation of the item, and a hyperlink.



26 See e.g., dialog boxes from Shopify's Buy Button builder that are used to
27 generate Buy Button embedded code.

28

1 68. On information and belief, the Shopify e-commerce Products
 2 and Services employ and provide a method that embeds, by the buy button
 3 provider, the embeddable buy button into a web site, wherein the web site
 4 is executed by a second server not operated by the buy button provider.

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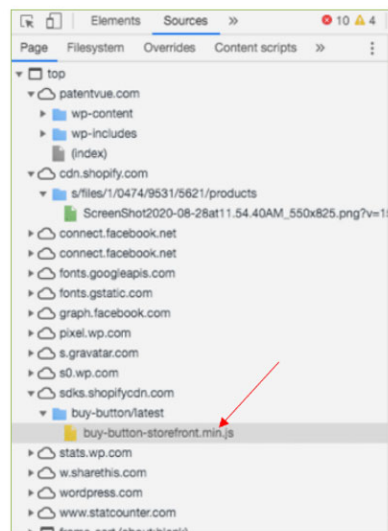
5
6 <script data-shopify-buy-ui>
  var scriptURL = 'https://sdfs.shopifycdn.com/buy-
  button/latest/buy-button-storefront.min.js';
  if (window.ShopifyBuy && window.ShopifyBuy.UI) {
    ShopifyBuyInit();
  } else {
    var script = document.createElement('script');
    script.async = true;
    script.src = scriptURL;
    (document.getElementsByTagName('head')[0] ||
    document.getElementsByTagName('body')[0]).appendChild(script);
    script.onload = ShopifyBuyInit;
  }

  function ShopifyBuyInit() {
    var client = ShopifyBuy.buildClient({
      domain: 'testing-store-298.myshopify.com',
      storefrontAccessToken: '0a1977566039b9a647b6db514f55b01d'
    });

    ShopifyBuy.UI.onReady(client).then(function (ui) {
      ui.createComponent('product', {
        id: 12345,
        options: {
          product: {
            buttonDestination: 'cart',
            contents: {
              description: true
            }
          }
        }
      });
    });
  }

```

15 See e.g., source code from Shopify Buy Button in an externally hosted
 16 website.



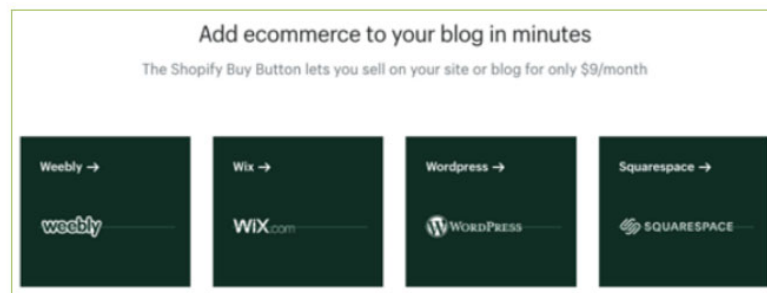
26 See e.g., server information from a source code inspector tool while
 27 accessing the Shopify Buy button builder.

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Q = new W(window), G = 18e5, H = 62208e6, J = "shopify", K = ".shopify.com", Y =
".myshopify.com", X = ".oberlo.com", $ = {
  parse: function(t) {
    for (var e = {}, n = t.split(/ *;/), a = 0; a < n.length; a++) {
      var i = n[a].split("=");
      try {
        e[decodeURIComponent(i[0])] = decodeURIComponent(i[1] || "")
      } catch (t) {}
    }
    return e
  }
}

```

7 See e.g., the JavaScript file code showing the server associated with the
8 origin domain.



15 See e.g., <https://www.shopify.com/buy-button>.

16 69. On information and belief, the Shopify e-commerce Products
17 and Services employ and provide a method where the electronic commerce
18 store is displayed within the web site upon selection of the hyperlink, the
19 electronic commerce store configured to facilitate payment processing
20 related to a purchase of the item, and wherein the electronic commerce
21 store is operated by the buy button provider.

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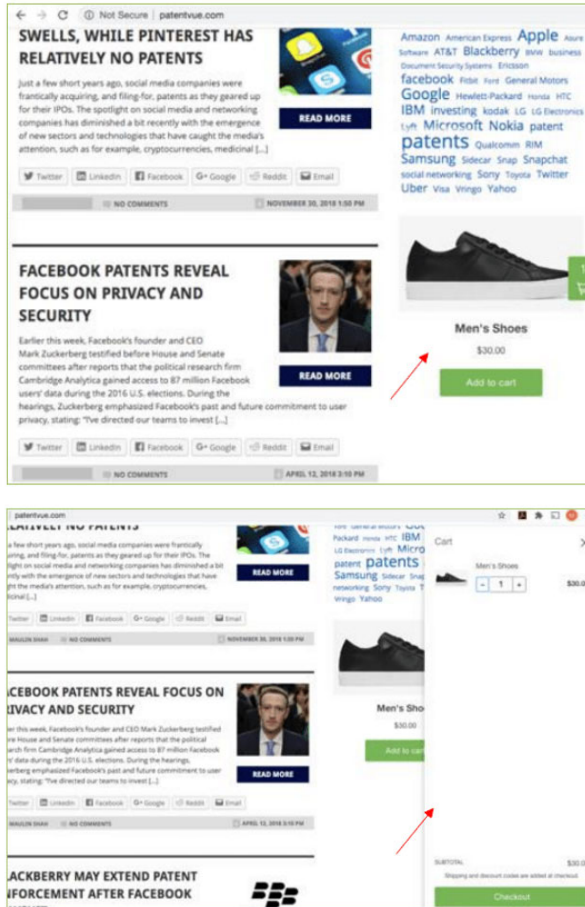
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See e.g., a Wordpress blog displaying the Shopify Buy Button, on a blog hosted by Wordpress.org.

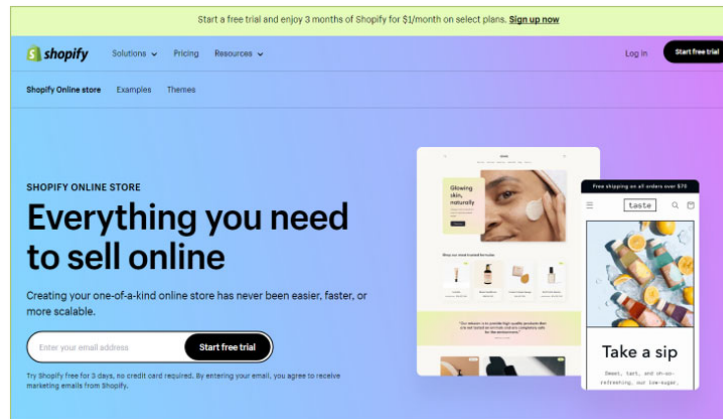
70. Shopify’s direct infringement has damaged DKR and caused it to suffer and continue to suffer irreparable harm and damages.

Count III - Infringement of United States Patent No. 11,157,995

71. DKR realleges and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

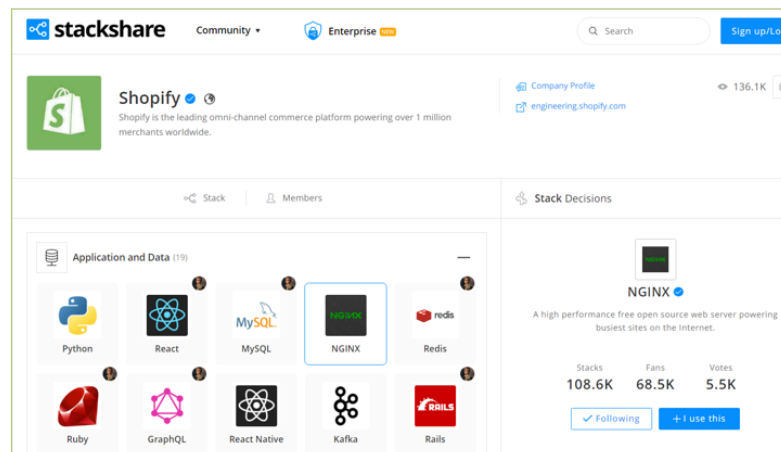
72. On information and belief, Shopify infringes (literally and/or under the doctrine of equivalents) at least claim 1 of the ‘995 patent because it makes, uses, sells, imports and/or offers to sell the Shopify e-commerce Products and Services in the United States.

1 73. On information and belief, the Shopify e-commerce Products
2 and Services employ and provide a method of generating an electronic
3 commerce store.



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12 See e.g., <https://www.shopify.com/online>.

13 74. On information and belief, the Shopify e-commerce Products
14 and Services employ and provide a method of controlling a transaction
15 processing service.



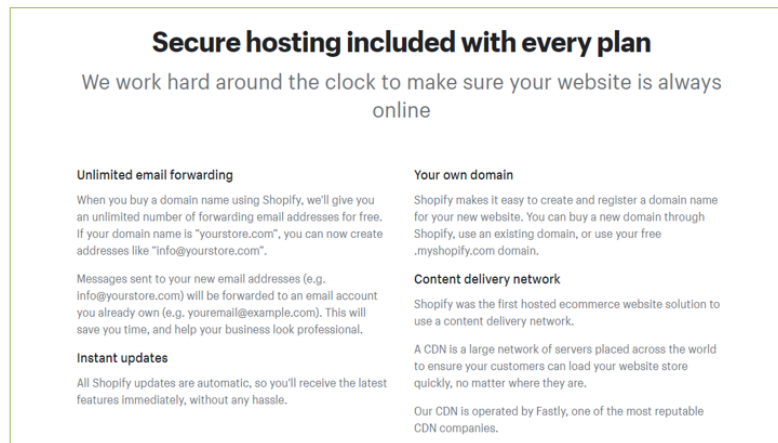
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24 See e.g., <https://stackshare.io/shopify/shopify>, for Shopify's utilization of
25 NGINX web servers.

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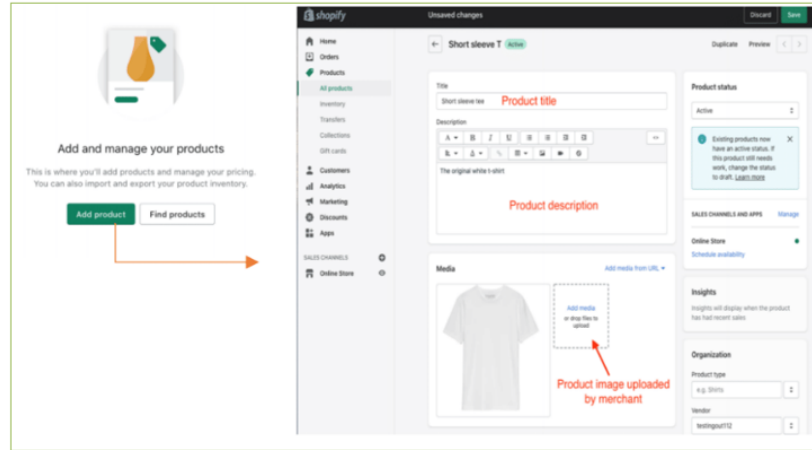
See e.g., <https://shop.app/shop-pay>.

75. On information and belief, the Shopify e-commerce Products and Services employ and provide a method of a storage resource communicatively coupled to the application server, the storage resource storing an image and metadata related to a product.



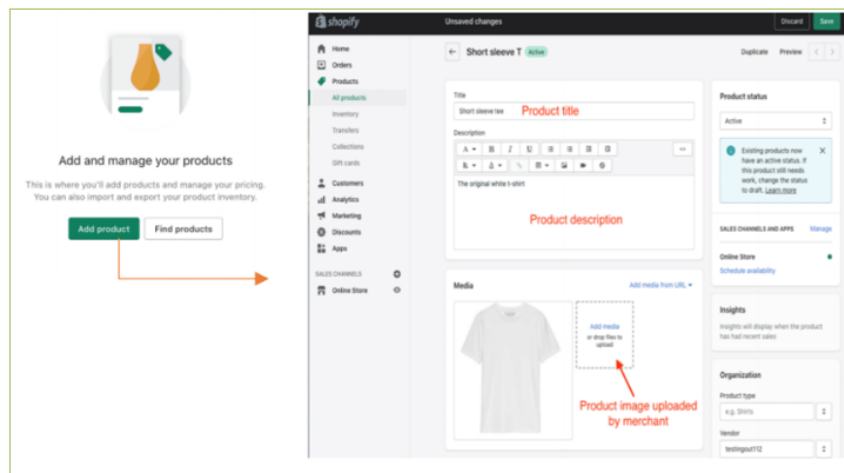
See e.g., <https://www.shopify.com/website/hosting>.

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See e.g., adding images, descriptions, and metadata for each product.

76. On information and belief, the Shopify e-commerce Products and Services employ and provide a method of a widget builder resource executing on the application server, the widget builder resource configured to receive the image and metadata from the storage resource.



See e.g., adding images, descriptions, and metadata for each product.

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Setting up your online store

After you've set up Shopify, most of the work is done.

- Your online store will automatically use your Shopify settings for checkout and order fulfillment.
- Your products will automatically appear on your online store.
- Your online store is automatically assigned a unique `.myshopify.com` domain name, or website address. Your domain name looks like `your-store-name.myshopify.com` and it's based on either the store name that you entered when you signed up or the domain name that was autogenerated if you did not enter a store name at that time. You can change your `.myshopify.com` domain name one time after you sign up for Shopify. Learn more about changing your `.myshopify.com` domain name.

See e.g., <https://help.shopify.com/en/manual/online-store/setting-up/customize-and-launch-your-online-store>.

77. On information and belief, the Shopify e-commerce Products and Services employ and provide a method of a widget builder resource executing on the application server, the widget builder resource configured to generate a product listing, wherein the product listing includes the image, the metadata and a clickable link, wherein the clickable link is a buy button and includes a preview of the product.

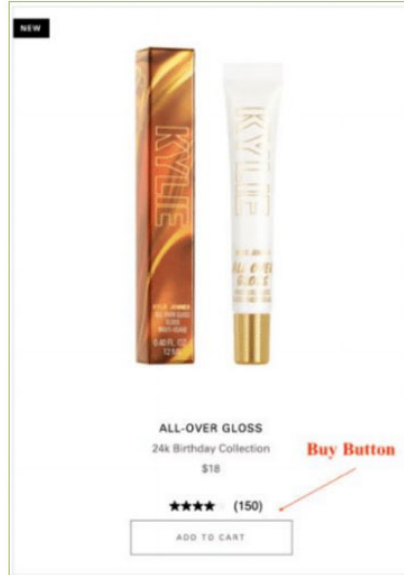
Setting up your online store

After you've set up Shopify, most of the work is done.

- Your online store will automatically use your Shopify settings for checkout and order fulfillment.
- Your products will automatically appear on your online store.
- Your online store is automatically assigned a unique `.myshopify.com` domain name, or website address. Your domain name looks like `your-store-name.myshopify.com` and it's based on either the store name that you entered when you signed up or the domain name that was autogenerated if you did not enter a store name at that time. You can change your `.myshopify.com` domain name one time after you sign up for Shopify. Learn more about changing your `.myshopify.com` domain name.

See e.g., <https://help.shopify.com/en/manual/online-store/setting-up/customize-and-launch-your-online-store>.

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11 See e.g., <https://kyliecosmetics.com/>.

12 78. On information and belief, the Shopify e-commerce Products
13 and Services employ and provide a method of a widget builder resource
14 executing on the application server, where the application server is
15 configured to embed the product listing into a web site, and into a social
16 media network.

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Sales channels

You can use Shopify to sell your products on different online **sales channels**. Sales channels represent the different platforms where you sell your products. By connecting each sales channel to Shopify, you can keep track of your products, orders, and customers in one place.

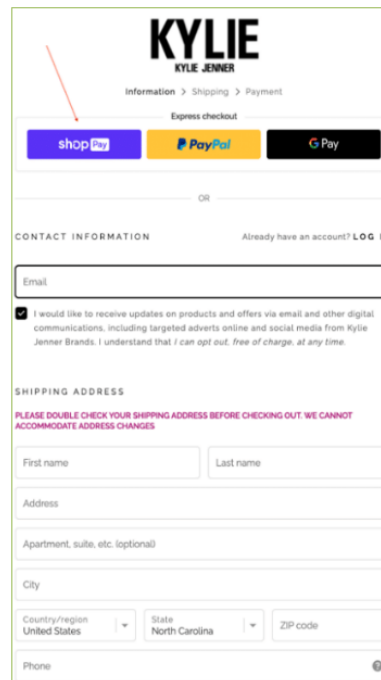
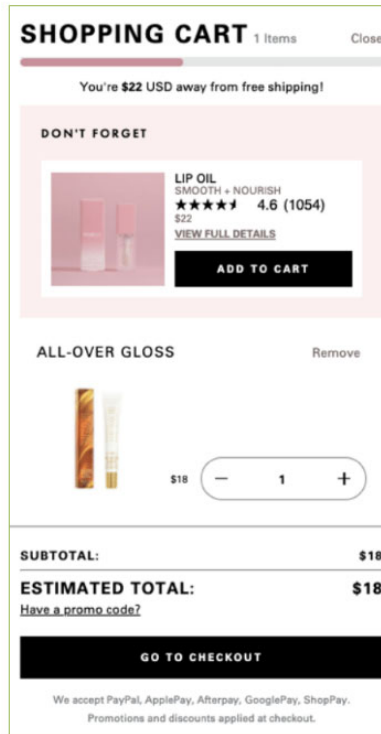
After you add a sales channel, it will be listed under **Sales Channels** in Shopify.

Facebook	Post and sell your products directly from the Shop tab on your store's Facebook page.
Instagram	Sell your products on Instagram by tagging them when they appear in your Instagram posts.

26 See e.g., <https://help.shopify.com/en/manual/online-sales-channels>.

27 79. On information and belief, the Shopify e-commerce Products
28 and Services employ and provide a method wherein when the application

1 server receives an indication that the clickable link has been activated by a
2 client device in Internet communication with the web site, the client device,
3 wherein the transaction processing service process a payment transaction
4 for a purchase of the product initiated from the checkout screen using the
5 client device.



1 See e.g., screenshots from Kylie Cosmetics' Instagram store, powered by
2 Shopify.

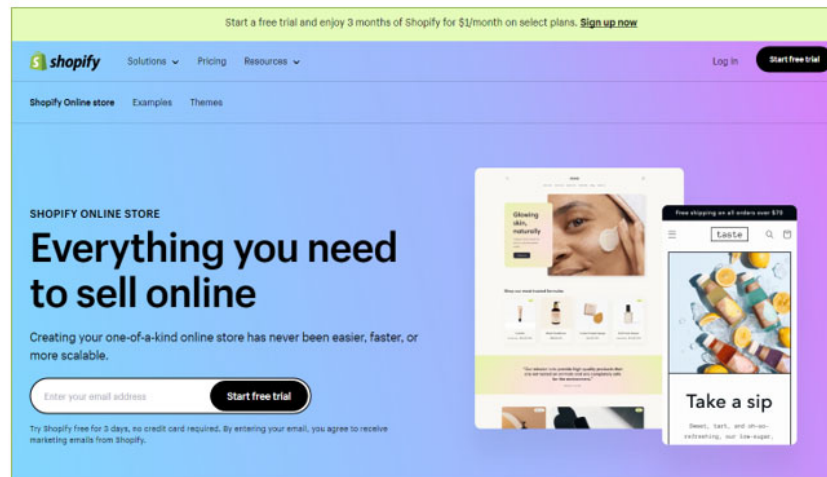
3 80. Shopify's direct infringement has damaged DKR and caused it
4 to suffer and continue to suffer irreparable harm and damages.

5 **Count IV - Infringement of United States Patent No. 11,488,237**

6 81. DKR realleges and incorporates by reference, as if fully set forth
7 here, the allegations of the preceding paragraphs above.

8 82. On information and belief, Shopify infringes (literally and/or
9 under the doctrine of equivalents) at least claim 1 of the '237 patent because
10 it makes, uses, sells, imports and/or offers to sell the Shopify e-commerce
11 Products and Services in the United States.

12 83. On information and belief, the Shopify e-commerce Products
13 and Services employ and provide a system for generating an electronic
14 commerce store comprising an application server configured to control a
15 transaction processing service.



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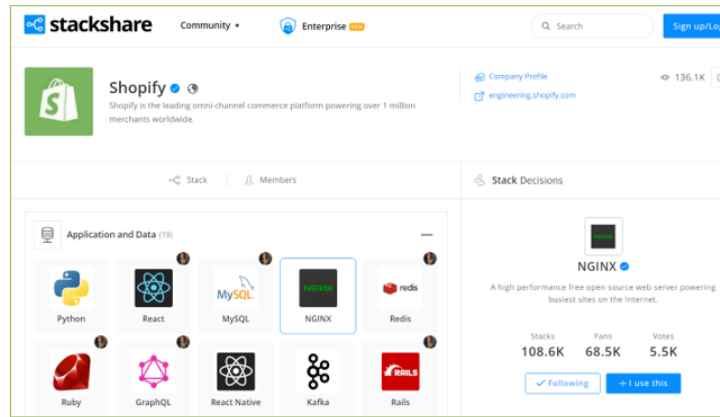
25 See e.g., <https://www.shopify.com/online>.

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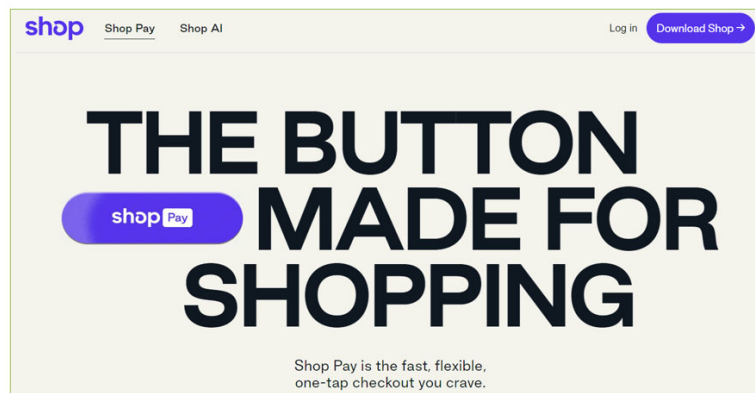
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See e.g., <https://stackshare.io/shopify/shopify/shopify>, for Shopify's utilization of NGINX web servers.



See e.g., <https://shop.app/shop-pay>.

84. On information and belief, the Shopify e-commerce Products and Services employ and provide a system for generating an electronic commerce store comprising a storage resource communicatively coupled to the application server, the storage resource storing information related to a product, the information comprising, multimedia content associated with the product and metadata associated with the product.

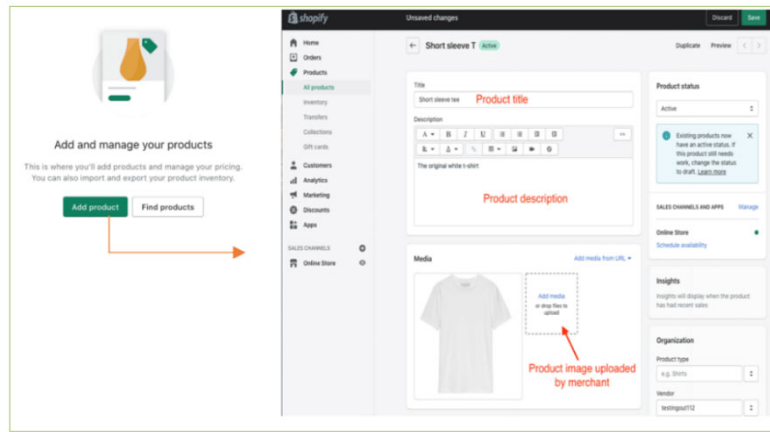
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Secure hosting included with every plan

We work hard around the clock to make sure your website is always online

<p>Unlimited email forwarding</p> <p>When you buy a domain name using Shopify, we'll give you an unlimited number of forwarding email addresses for free. If your domain name is "yourstore.com", you can now create addresses like "info@yourstore.com".</p> <p>Messages sent to your new email addresses (e.g. info@yourstore.com) will be forwarded to an email account you already own (e.g. youremail@example.com). This will save you time, and help your business look professional.</p> <p>Instant updates</p> <p>All Shopify updates are automatic, so you'll receive the latest features immediately, without any hassle.</p>	<p>Your own domain</p> <p>Shopify makes it easy to create and register a domain name for your new website. You can buy a new domain through Shopify, use an existing domain, or use your free .myshopify.com domain.</p> <p>Content delivery network</p> <p>Shopify was the first hosted ecommerce website solution to use a content delivery network.</p> <p>A CDN is a large network of servers placed across the world to ensure your customers can load your website store quickly, no matter where they are.</p> <p>Our CDN is operated by Fastly, one of the most reputable CDN companies.</p>
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See e.g., <https://www.shopify.com/website/hosting>.



See e.g., adding images, descriptions and metadata for each product.

85. On information and belief, the Shopify e-commerce Products and Services employ and provide a system where the application server is configured to receive information from the storage resource.

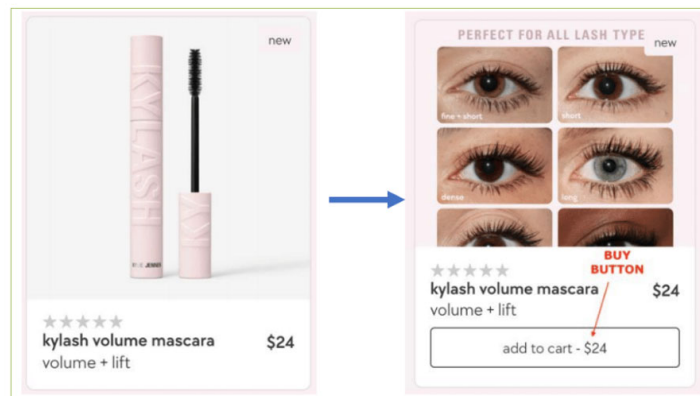
Setting up your online store

After you've [set up Shopify](#), most of the work is done.

- Your online store will automatically use your Shopify settings for checkout and order fulfillment.
- Your products will automatically appear on your online store.
- Your online store is automatically assigned a unique `.myshopify.com` domain name, or website address. Your domain name looks like `your-store-name.myshopify.com` and it's based on either the store name that you entered when you signed up or the domain name that was autogenerated if you did not enter a store name at that time. You can change your `.myshopify.com` domain name one time after you sign up for Shopify. Learn more about [changing your .myshopify.com domain name](#).

1 See e.g., [https://help.shopify.com/en/manual/online-store/setting-](https://help.shopify.com/en/manual/online-store/setting-up/customize-and-launch-your-online-store)
2 [up#customize-and-launch-your-online-store](https://help.shopify.com/en/manual/online-store/setting-up/customize-and-launch-your-online-store).

3 86. On information and belief, the Shopify e-commerce Products
4 and Services employ and provide a system that executes a widget builder
5 resource configured to generate a product listing, wherein the product
6 listing includes a preview of the product based on the information from the
7 storage resource, and a clickable link wherein the clickable link comprises a
8 buy button.

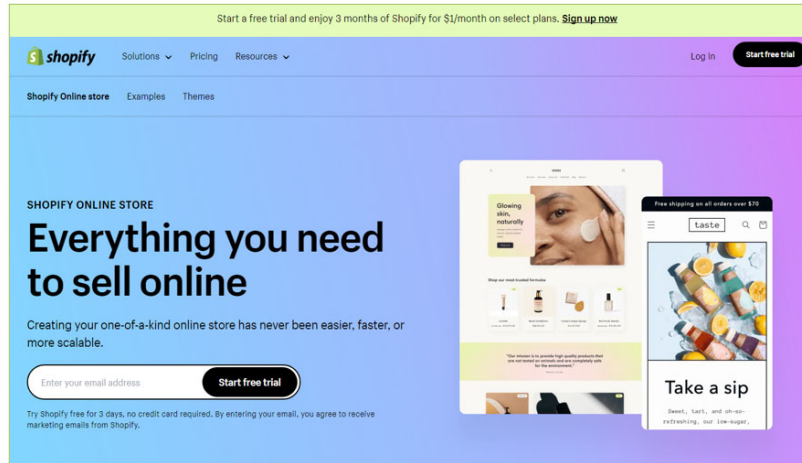


16 See e.g., screenshots from <https://kyliecosmetics.com/en-us> of a product
17 listing including a preview, and a clickable link which comprises a buy
18 button.

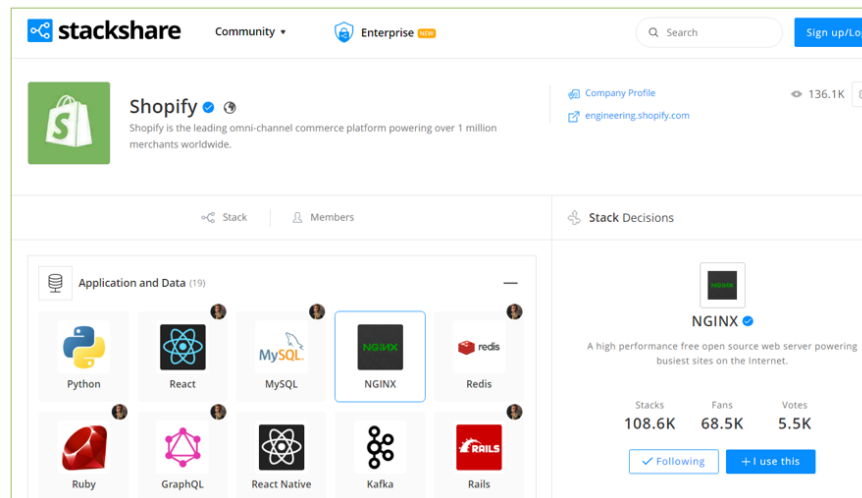
19 87. On information and belief, the Shopify e-commerce Products
20 and Services employ and provide a system to distribute the product listing
21 to a web site or a distributed application, wherein the product listing is
22 configured to be displayed on the web site or the distributed application.

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See e.g., <https://www.shopify.com/online>.



See e.g., <https://stackshare.io/shopify/shopify>, for Shopify’s utilization of NGINX web servers.

Sales channels

You can use Shopify to sell your products on different online **sales channels**. Sales channels represent the different platforms where you sell your products. By connecting each sales channel to Shopify, you can keep track of your products, orders, and customers in one place.

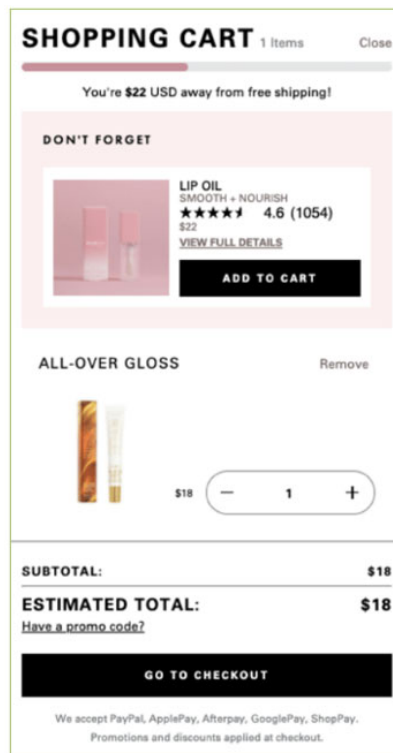
After you add a sales channel, it will be listed under **Sales Channels** in Shopify.

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Facebook	Post and sell your products directly from the Shop tab on your store's Facebook page.
Instagram	Sell your products on Instagram by tagging them when they appear in your Instagram posts.

See e.g., <https://help.shopify.com/en/manual/online-sales-channels>.

88. On information and belief, the Shopify e-commerce Products and Services employ and provide a system that receives an indication that the clickable link has been selected by a remote computing device.



See e.g., screenshots from Kylie Cosmetics' Instagram store powered by Shopify.

89. On information and belief, the Shopify e-commerce Products and Services employ and provide a system that provides a checkout screen to the remote computing device, wherein the transaction processing service is configured to process a payment for a purchase of the product initiated from the checkout screen using the remote computing device.

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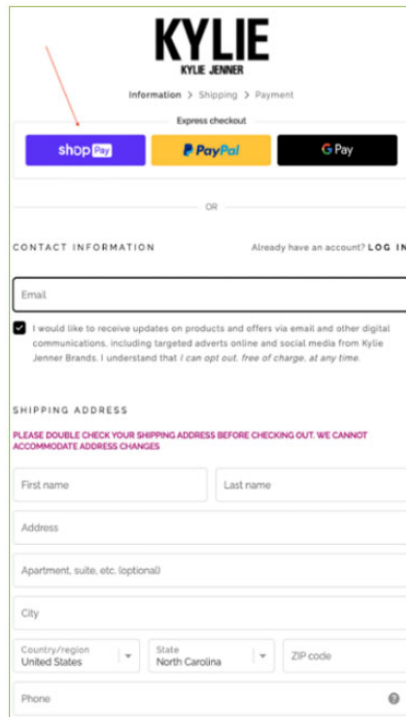
Shop Pay

[Shop Pay](#) is an accelerated checkout that lets customers save their email address, credit card, and shipping and billing information. This can save your customers time when they check out, especially if they've already opted in to Shop Pay on any Shopify store. If your store offers a [local pickup or delivery](#) option, then customers can choose that option during checkout with Shop Pay.

A customer needs to enter an email address at checkout in order to save their payment information. Customers who only enter a phone number in the contact field aren't prompted to save their information. Learn more about [accelerated checkouts](#).

The customer's shipping and billing information is securely stored on [Shopify's PCI compliant servers](#) and is only shared with your store if an order is placed. If your customers have questions about how Shop Pay works, or how their data is stored, then you can refer them to the [Shop Pay Help Center](#) page.

See e.g., <https://help.shopify.com/en/manual/payments/shop-pay>.



See e.g., screenshots from Kylie Cosmetics' Instagram store, where items are purchased through ShopPay, both of which are powered by Shopify.

90. Shopify's direct infringement has damaged DKR and caused it to suffer and continue to suffer irreparable harm and damages.

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PRAYER FOR RELIEF

DKR respectfully requests this Court to enter judgment in DKR’s favor and against Shopify as follows:

- A. finding that Shopify has infringed one or more claims of the ’785 patent under 35 U.S.C. § 271(a) and/or (b);
- B. finding that Shopify has infringed one or more claims of the ’995 patent under 35 U.S.C. § 271(a) and/or (b);
- C. finding that Shopify has infringed one or more claims of the ’678 patent under 35 U.S.C. § 271(a) and/or (b);
- D. finding that Shopify has infringed one or more claims of the ’237 patent under 35 U.S.C. § 271(a) and/or (b);
- E. awarding DKR damages under 35 U.S.C. § 284, or otherwise permitted by law, including supplemental damages for any continued post-verdict infringement;
- F. awarding DKR pre-judgment and post-judgment interest on the damages award and costs;
- G. awarding cost of this action (including all disbursements) and attorney fees pursuant to 35 U.S.C. § 285, or as otherwise permitted by the law; and
- H. awarding such other costs and further relief that the Court determines to be just and equitable.

JURY DEMANDED

Under Federal Rule of Civil Procedure 38(b), DKR hereby requests a trial by jury on all issues so triable.

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Dated: August 22, 2023

PERKOWSKI LEGAL, PC
DAIGNAULT IYER LLP

By: /s/ Peter Perkowski
Peter E. Perkowski
Attorneys for Plaintiff
DKR CONSULTING, LLC